



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Bill Spragg

Councillors	Ward
Councillor Ron Nelson Councillor Jan-Claire Wisdom	Manoah
Councillor Ian Bailey Councillor Jan Loveday	Marble Hill
Councillor Kirrilee Boyd Councillor Nathan Daniell Councillor John Kemp	Mt Lofty
Councillor Lynton Vonow Councillor Andrew Stratford	Onkaparinga Valley
Councillor Linda Green Councillor Malcolm Herrmann	Torrens Valley

Notice is hereby given pursuant to the provisions under Section 83 of the *Local Government Act 1999* that the next meeting of the Council will be held on:

Tuesday 27 March 2018
6.30pm
63 Mt Barker Road Stirling

A copy of the Agenda for this meeting is supplied under Section 83 of the Act.

Meetings of the Council are open to the public and members of the community are welcome to attend. Public notice of the Agenda for this meeting is supplied under Section 84 of the Act.

Andrew Aitken
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 27 March 2018
6.30pm
63 Mt Barker Road Stirling

ORDER OF BUSINESS

Council Vision

Nurturing our unique place and people

Council Mission

Delivering activities and services which build a resilient community, sustain our built and natural environment and promote a vibrant economy

1. COMMENCEMENT

2. OPENING STATEMENT

“Council acknowledges that we meet on the traditional lands of the Peramangk and Kaurna people and we recognise their connection with the land.

We understand that we do not inherit the land from our ancestors but borrow it from our children and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children’s ability to live on this land.”

3. APOLOGIES/LEAVE OF ABSENCE

3.1. Apology
Apologies were received from

3.2. Leave of Absence

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 27 February 2018

That the minutes of the ordinary meeting held on 27 February 2018 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Special Council Meeting – 13 March 2018

That the minutes of the special meeting held on 13 March 2018 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

6. PRESIDING MEMBER'S OPENING REMARKS

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1. Questions Adjourned

7.2. Questions Lying on the Table

8. PETITIONS / DEPUTATIONS / PUBLIC FORUM

8.1. Petitions
Nil

8.2. Deputations
Nil

8.3. Public Forum

9. PRESENTATIONS (by exception)

9.1. Paul Thompson & Greg Marshall Dept of Premier & Cabinet re Mining Lease Bird in Hand Gold Mine Project

9.2. Martin Janes, CEO, Terramin re Bird In Hand Gold Mine Project

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

11.1. Memorial for Cr Val Hall

That in view of the service the late Cr Val Hall rendered to both the Council and the various community groups, Council erects a memorial seat in Federation Park, Gumeracha, with financial support from the community groups with which she was associated.

- 11.2. Speed Limit, Milan Terrace, Stirling
Council submits a proposal to the Department of Planning, Transport & Infrastructure to reduce the speed limit on Milan Terrace to 25kph between the intersections of Druid Avenue and Johnston Street, Stirling as shown in Figure 1.

12. OFFICER REPORTS – DECISION ITEMS

- 12.1. Dog Registration Fees & DACO Introduction
- 1. That the report be received and noted.*
 - 2. That the following schedule of dog registration fees and concession charges for 2018/19 be adopted and forwarded to the Dog and Cat Management Board.*
- 12.2. Revocation of Community Land – Lobethal Retirement Village
- 1. That the report be received and noted.*
 - 2. To commence the process to revoke the community land classification of the land located at 3 Jeffrey Street Lobethal contained in Certificate of Title Volume 6017 Folio 705 (Appendix 1) by undertaking community consultation.*
 - 3. To report back to Council following completion of the community consultation process.*
- 12.3. Milan Terrace Pedestrian Safety
- 1. That the report be received and noted*
 - 2. That a Traffic Plan concept be developed for a wombat crossing pedestrian facility*
 - 3. That Council undertakes consultation with the community, Stirling Hospital and other relevant stakeholders on the concept plan for a wombat crossing*
 - 4. That a report be brought back to Council to determine whether future budget considerations are applicable.*
- 12.4. Play Space Policy
- 1. That the report be received and noted.*
 - 2. With an effective date of 2 July, 2018, to adopt the Play Space Policy in Appendix 1.*
- 12.5. Waste and Resource Recovery Service Policy
- 1. That the report be received and noted.*
 - 2. With an effective date of 10 April 2018, to adopt the Waste & Resource Recovery Service Policy, as contained in Appendix 1.*
 - 3. With an effective date of 10 April 2018 to revoke the Kerbside Green Organics Service Implementation Policy and the Community Groups Access to Waste Disposal Sites Policy.*
 - 4. The Fees and Charges Register be amended, for the remaining 2017/18 financial year, to include the following charges for a commercial or industrial premises for a kerbside green organics service:*
 - a. Annual service fee - \$60.00 (per bin)*
 - b. Application fee (once off) – Abolished*

5. *Consideration be given to allocating an additional \$20,000 to the recurrent Waste Management Budget for a kerbside green organics collection service to Inglewood and Houghton as part of setting and adopting the 2018/19 operating budget.*

12.6. Council Member Training & Development

1. *That the report be received and noted*
2. *With an effective date of 10 April 2018, to revoke the 8 September 2015 Council Member Training & Development Policy and adopt the revised Council Member Training & Development Policy, as contained in App 1.*

12.7. Complaint Handling Policy Amendment

1. *That the report be received and noted.*
2. *With an effective date of 2 April 2018, to revoke the 13 June 2017 Complaint Handling Policy and adopt Complaint Handling Policy as contained in Appendix 1.*

12.8. Delegations Review March 2018

See Agenda Item

12.9. Status Report – Council Resolutions Update

See Agenda Item

13. OFFICER REPORTS – INFORMATION ITEMS

- 13.1. Biodiversity Strategy
- 13.2. Old Balhannah Railway Station
- 13.3. Risk Management Update

14. MISCELLANEOUS ITEMS

15. QUESTIONS WITHOUT NOTICE

16. MOTIONS WITHOUT NOTICE

17. REPORTS

- 17.1. Council Member Reports
- 17.2. Reports of Members as Council/Committee Representatives on External Organisations
- 17.3. CEO Report

18. REPORTS OF COMMITTEES

- 18.1. Council Assessment Panel – 14 March 2018
That the minutes of the CAP meeting held on 14 March 2018 as supplied, be received and noted.

- 18.2. Strategic Planning & Development Policy Committee
Nil

- 18.3. Audit Committee
Nil

- 18.4. CEO Performance Review Panel
Nil

19. CONFIDENTIAL ITEMS

- 19.1. AHRWMA Hooklift Truck

20. NEXT MEETING

Tuesday 24 April 2018, 6.30pm, 63 Mt Barker Road, Stirling

21. CLOSE MEETING



Council Meeting/Workshop Venues 2018

DATE	TYPE	LOCATION	MINUTE TAKER
APRIL 2018			
Thurs 12 April	CEO PRP	Stirling	TBA
Tues 10 April	Workshop	Woodside	N/A
Wed 11 April	Council Assessment Panel	TBA	Karen Savage
Tues 17 April	Professional Development	Stirling	N/A
Tues 24 April	Council	Stirling	Pam Williams
Mon 30 April	Audit Committee	Stirling	TBA
MAY 2018			
Tues 8 May	Workshop	Woodside	N/A
Wed 9 May	Council Assessment Panel	TBA	Karen Savage
Tues 15 May	Professional Development	Stirling	N/A
Tues 22 May	Council	Stirling	Pam Williams
JUNE 2018			
Tues 12 June	Workshop	Woodside	N/A
Wed 13 June	Council Assessment Panel	TBA	Karen Savage
Tues 19 June	Professional Development	Stirling	N/A
Tues 26 June	Council	Stirling	Pam Williams

Meetings are subject to change, please check agendas for times and venues. All meetings (except Elected Member Professional Development) are open to the public.

Community Forums 2018

6.00 for 6.30pm

(dates and venues to be confirmed)

DATE	LOCATION
Wednesday 28 March 2018	Kersbrook Soldiers Memorial Park
Tuesday 8 May 2018	Bradbury/Longwood
Tuesday 14 August 2018	Montacute

8. DEPUTATIONS

For full details, see Code of Practice for Meeting Procedures on www.ahc.sa.gov.au

1. A request to make a deputation should be made by submitting a Deputation Request Form, (available on Council's website and at Service and Community Centres) to the CEO seven clear days prior to the Council meeting for inclusion in the agenda.
2. Each deputation is to be no longer than ten (10) minutes in duration, excluding questions from Members.
3. Deputations will be limited to a maximum of two per meeting.
4. In determining whether a deputation is allowed the following considerations will be taken into account:
 - the subject matter of the proposed deputation;
 - whether it is within the powers of the Council;
 - relevance to the Council agenda nominated – and if not, relevance to the Council's powers or purpose;
 - the integrity of the request; and
 - the size and extent of the agenda for the particular meeting.

8.3 PUBLIC FORUM

For full details, see Code of Practice for Meeting Procedures on www.ahc.sa.gov.au

1. The public may be permitted to address or ask questions of the Council on a relevant and/or timely topic.
2. The Presiding Member will determine if an answer is to be provided.
3. People wishing to speak in the public forum must advise the Presiding Member of their intention at the beginning of this section of the meeting.
4. Each presentation in the Public Forum is to be no longer than five (5) minutes (including questions), except with leave from the Council.
5. The total time allocation for the Public Forum will be ten (10) minutes, except with leave from the Council.
6. If a large number of presentations have been requested, with leave from the Council, the time allocation of five (5) minutes may be reduced.
7. Any comments that may amount to a criticism of individual Council Members or staff must not be made. As identified in the Deputation Conduct section above, the normal laws of defamation will apply to statements made during the Public Forum.
8. Members may ask questions of all persons appearing relating to the subject of their presentation.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
TUESDAY 27 MARCH 2018
AGENDA BUSINESS ITEM**

Item: 11.1 Motion on Notice

Originating from: Cr Malcolm Herrmann

Subject: Memorial for late Cr Val Hall

1. MOTION

I move:

That in view of the service the late Cr Val Hall rendered to both the Council and the various community groups, Council erects a memorial seat in Federation Park, Gumeracha, with financial support from the community groups with which she was associated.

2. BACKGROUND

Much has been said privately and publicly about the tremendous community service undertaken by the late Cr Val Hall during her membership of both the former Gumeracha Council and the Adelaide Hills Council until her untimely decease in February 2018.

I am advised that the cost of an installed memorial seat would be in the order of \$1500, plus the cost of a suitable plaque.

The following groups have been approached to provide financial assistance:

- Torrens Valley Lions Club
- Gumeracha and District RSL
- Gumeracha Community Association
- Lobethal Hall Committee
- Lights of Lobethal Committee
- Birdwood Park and Sports Association
- Gumeracha Hall Committee
- Gumeracha Medieval Fair

At the time of preparing this motion, positive feedback has been received but some replies are still awaited.

It is envisaged that council staff would install the seat after consultation with the Hall family and the Community groups.

The Hall family would deem the installation of a memorial seat an honour to her.

3. OFFICER'S RESPONSE – Peter Bice, Director Engineering & Assets

The cost of a seat suitable for the location at Federation Park, Gumeracha, is \$1,890 plus GST.

Council Staff will liaise with the Hall family and the community groups on an appropriate location and wording of a plaque. Staff will install the seat and any appropriate landscaping associated with it, which may include a short section of path or the planting of a tree.

Here are some examples of suitable seats:



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
27 March 2018
AGENDA BUSINESS ITEM**

Item: 11.2 Motion on Notice

Originating from: Cr John Kemp

Subject: Speed Limit Reduction on Milan Terrace, Stirling

1. MOTION

I move that Council submits a proposal to the Department of Planning, Transport & Infrastructure to reduce the speed limit on Milan Terrace to 25kph between the intersections of Druid Avenue and Johnston Street, Stirling as shown in Figure 1.

2. BACKGROUND

Council received a petition with 60 signatories at its January 2018 meeting which stated:

“We, the undersigned, wish to express the immediate need for a safe pedestrian crossing on Milan Terrace adjacent to the Stirling Hospital. This road is becoming increasingly dangerous for pedestrians who wish to access the Hospital from the carpark opposite and for residents who live in the vicinity and need to cross Milan Terrace”.

The staff response to this petition included the following observation:

“The installation of a Zebra Crossing (painted on road surface with vehicles required to give way to pedestrians) may not be the appropriate installation as the approach speeds are reasonably high, especially from the west (mean speeds should be below 30km/h for these installations)”.

At the time of preparing this Motion on Notice I was not aware of the full content of the Report included in this Agenda regarding this petition from our community. However from my observations and site inspections of this section of Milan Terrace, I believe a speed limit reduction is a definite requirement. Especially when considering the goals expressed in Council’s current Strategic Plan and the aspirations expressed in the Age Friendly Community Strategic Plan.

3. OBSERVATIONS AND SITE INSPECTIONS

There are a total of eight angle and four 90° parking spaces adjacent the hospital. One of which is a disabled car park. All of these parks require drivers to reverse directly into Milan Terrace as there is very little or no separation distance from the narrow traffic lane. This can potentially block the lane completely.

On Milan Terrace between the intersections of Druid Avenue and Johnston Street, there is the entrance to and exit from the carpark opposite the hospital. A vehicle entrance (including Ambulance) to the hospital 5metres from the Stonehenge Avenue intersection.

There are two pedestrian crossing points; one between the hospital and the carpark opposite and the other at the Druid and Stonehenge Avenue intersection. Neither requires motorists to give way to pedestrians. Bilney Road and Stonehenge Avenue are access roads to the Pinoak Tiers Retirement Village. All of these access points to Milan Terrace are within a distance of 140 metres. There is considerable volume of traffic entering Milan Terrace from Druid Avenue and Johnston Street from the two nearby supermarkets. A speed limit of 25km/h in this precinct would address the concern expressed in the staff response to the petition relating to a mean speed below 30km/h for the installation of a Zebra Crossing.

There are restricted sight lines when entering Milan Terrace from Stonehenge Avenue. The approach to this intersection from the north west (Ayers Hill Road), is downhill (Appendix 2) and has been the subject of a speed detection zone in the past. The sign is still present on this section of Ayers Hill Road.

The approach to Johnston Street from the south east is on a crest and the Hospital warning sign (on the corner of Bilney Road) is not visible until a motorist has driven over the crest (Appendices 3 &4).

4. OFFICER'S RESPONSE – Peter Bice, Director Engineering & Assets

The Department for Planning, Transport and Infrastructure has prepared a guideline, Speed Limit Guidelines in South Australia, to assist traffic-engineering practitioners to ensure that the application of speed limits is consistent across the State and in line with the relevant Australia Standards.

In South Australia, 25km/h speed limits apply at school crossings and school zones and are temporary in nature. The zone only is applicable when lights are flashing or there are children present adjacent the road within the zone. 25km/h speed limits can also apply at roadwork sites.

The Speed Limit Guideline or Australian Standards provide no basis that allows a 25km/h speed limit on a length of local road such as Milan Terrace associated with a pedestrian crossing. However, a speed limit reduction can be considered, along with other traffic management treatments, on this section of Milan Terrace.

The Council Report 12.4, Milan Terrace Pedestrian Safety, as part of this agenda discusses the initial investigations of a pedestrian crossing at this location on Milan Terrace.

5. APPENDICES

1. Map of Milan Terrace & proposed speed limit area
2. Approach to Ayers Hill Road
3. Approach to Johnston Street
4. View of Milan Terrace looking towards Druid Avenue

Appendix 1

*Map of Milan Terrace showing proposed speed limit
area*



Appendix 2

Approach to Ayers Hill Road



Figure 2

Appendix 3

Approach to Johnston Street



Figure 3

Appendix 4

View of Milan Terrace looking towards Druid Avenue



Figure 4

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 March 2018
AGENDA BUSINESS ITEM**

Item: 12.1

Originating Officer: Dennis Rainsford, Team Leader Regulatory Services

Responsible Director: Marc Salver, Director Strategy and Development

Subject: Dog Registration Fees for 2018/19

For: Decision

SUMMARY

The *Dog and Cat Management Act 1995* requires councils throughout South Australia to set fees for dog registration each year.

From 1 July 2018, dog owners will be able to pay their dog registration fees through the new Dogs and Cats Online (DACO) system. The introduction of the DACO system has impacted the way in which Councils set their fees.

With the implementation of DACO from 1 July 2018, the Dog and Cat Management Board (DCMB) have proposed 28 May 2018 as the go live date. The DCMB therefore require these fees to be adopted by Council and uploaded to the DACO system as soon as possible to allow trials with the system to be completed prior to the go live date of 28 May. Hence this report being presented to Council before the setting of the fees and charges for the 2018/19 Financial Year which will occur in the next couple of months.

The DCMB propose that dog registration fees for the 2019/2020 year may be approved after June 2019 which will allow councils to approve their dog registrations fees as part of their normal budget preparation process.

This report will identify and explain the ramifications for Council with the introduction of DACO and will provide Council with a suggested fee structure for the 2018/19 financial year. The suggested fees will form part of the 2018/19 budget which will be presented to Council in the next couple of months as part of the budget preparation process.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
2. That the following schedule of dog registration fees and concession charges for 2018/19 be adopted and forwarded to the Dog and Cat Management Board.

Proposed Registration Category	Fee
Standard Dog	\$45.00
Concession Standard Dog	\$22.50
Non-standard Dog	\$90.00
Concession Non-standard Dog	\$45.00
Puppy dogs under six months of age	\$35.00
Guide, Hearing or Assistance Dog	\$0.00
Working Dogs	\$35.00
Fee free – other (e.g. SES Search & Rescue Dogs, Military Dogs)	\$0.00
Business involving dogs – all animals at full fee	\$90.00
Late registration payment fee	\$17.50
Transfer of dog with paid registration in another South Australian Council area	\$0.00
Replacement registration disc	\$0.00

- Proposed Concessions
 - DVA “Gold” Card
 - DVA “White” Card
 - Pensioner Card
 - Senior Health Card
 - Health Card

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal 3 Places for People and Nature
Strategy 3.1 We will work with our community to encourage sustainable living and commercial practices.

The setting of dog registration fees has a direct link to the Dog and Cat Animal Management Plan (DCAMP) goal of providing facilities for dog walkers to engage with others. This will lead to providing a good place for people to meet, connect and participate.

Goal 4 Explore
Strategy 4.1 We will explore the opportunities that emerging technologies present to people living, working, visiting or doing business in our district.

The introduction and acceptance of DACO will ensure Council achieves goal 6.1.1 of the objectives within DCAMP ensuring Council systems will accommodate the new requirements.

➤ **Legal Implications**

The approval of the 2018/19 Dog Registration fees schedule will ensure Council fulfils its obligations under Section 26 (2) of the *Dog and Cat Management Act 1995*, “money received by a council under this Act must be expended in the administration or enforcement of the provisions of this Act relating to dogs and cats”.

➤ **Risk Management Implications**

Dog registration fees are required to be set to a level commensurate to ensure Council meets its obligations under the *Dog and Cat Management Act 1995*.

The consideration and setting of dog registration fees at appropriate levels will assist in mitigating the risk of:

Council failing to meet its legislative responsibilities under the Dog and Cat Management Act 1995, leading to potential ministerial intervention along with public criticism.

Inherent Risk	Residual Risk	Target Risk
Medium (2C)	Low (2D)	Low

➤ **Financial and Resource Implications**

Setting dog registration fees at appropriate levels will ensure sufficient resources are maintained and provided to manage dogs and cats within the community.

➤ **Customer Service and Community/Cultural Implications**

The fees suggested within this report will enable Council to maintain a proficient level of service to the community in regards to dog management.

➤ **Environmental Implications**

Setting dog registration fees to provide adequate resources to manage dogs and cats within the community will allow council to address its Strategic Plan Goal 3.6 ‘We will reduce the impact of cats on native flora and fauna’.

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

No community engagement is required with the fee setting structure of this report. The fees and charges approved within this report will form part of the annual budget which will require community engagement.

<i>Council Committees:</i>	Not Applicable
<i>Council Workshops:</i>	Not Applicable
<i>Advisory Groups:</i>	Not Applicable
<i>Administration:</i>	Director Corporate Services, Manager Financial Services
<i>Community:</i>	Not Applicable

2. BACKGROUND

Councils are responsible for setting dog registration fees, a requirement under the *Dog and Cat Management Act 1995*.

As a result of amendments to the *Dog and Cat Management Act 1995* councils were required to amend their fee structure. There has been a staged implementation of these changes, some commenced 1 July 2017. Further changes are being introduced from 1 July 2018.

Councils now have complete discretion to set dog registration fees, the discounts they offer and what evidence is required before a discount is given. Councils no longer require approval from the Minister.

Prior to 1 July 2017 the Dog and Cat Management Board (DCMB) required councils to offer two mandatory registration fee categories:

- **Standard (desexed & microchipped)** - this is a mandatory legislated rebate. All Councils are required to provide a mandatory rebate off the “non-standard” fee, for a “standard dog” registration. The DCMB recommended Councils set a 50% rebate for “standard dog” for the 2017/18 registration period, however Councils had the discretion to determine the percentage rebate offered.
- **Non-Standard (full fee)** - this applies to all other kinds of dogs, even if they are exempt from the requirement to desex or microchip.

Council has the discretion to offer additional non-mandatory fee rebates if they choose to (e.g. for concession card holders, working livestock dogs, microchip only, desexed only, training etc), which provides flexibility for councils to tailor registration fees to their local community.

As a result of these changes to the *Dog and Cat Management Act 1995*, Council resolved the following fee structure for 2017/18 at the 26 April 2017 Council meeting:

14.2. Dog Registration Fees for 2017/18

Moved Cr Ian Bailey
S/- Cr Ron Nelson

85/17

Council resolves:

1. That the report be received and noted.
2. That the following schedule of dog registration fees for 2017/18 be accepted and forwarded to the Dog and Cat Management Board:

Proposed Registration category	Fee
Standard dog	\$45.00
Concession Standard dog	\$22.50
Non-standard dog	\$90.00
Concession Non-standard dog	\$45.00
Guide, Hearing or Assistance Dog	\$0.00
Fee free – other (e.g. SES Search & Rescue Dogs, Military Dogs)	\$0.00
Business involving dogs – all animals at full fee	\$90.00
Late registration payment fee	\$17.50
Transfer of dog with paid registration in another South Australian Council area	\$7.50
Replacement registration disc	\$5.00

At the 27 June 2017 Council meeting Cr Herrmann proposed the following:

12. MOTIONS ON NOTICE

Cr Jan Loveday declared a Material Conflict of Interest at Agenda Item 12.1 Working Livestock Dogs Registration Fees.

7.37pm Cr Jan Loveday left the Chamber.

12.1. Working Livestock Dogs Registration Fees

Moved Cr Malcolm Herrmann
S/- Cr Val Hall

124/17

That:

1. a Registration Category of Working Livestock Dog be introduced to take effect from 1 July 2017, and
2. the annual fee for a Working Livestock Dog for 2017/18 be \$35, upon presentation of satisfactory evidence to the Chief Executive Officer that the dog meets the Working Livestock Dog definition as defined in the *Dog and Cat Management (Miscellaneous) Amendment Bill 2016*.
3. if administering the Working Livestock Dog category results in material resource implications, the Chief Executive Officer provide a report to the December 2017 Council meeting analysing the effectiveness of the process of registering a Working Livestock Dog.

Carried Unanimously

There was no material resource implications and hence no report was required for the December 2017 Council meeting. The Working Livestock Dog category was included in the list of fees for 2017/18.

Registration Definitions

Standard Dog desexed and microchipped

Non-Standard all other dogs not desexed or microchipped

Concession DVA , pensioner card holders, senior health card, and health card

Working Dog a dog used primarily for the droving protecting, tending or working stock, on rural land by a person who is a primary producer or engaged or employed by a primary producer.

Puppy dogs under 6 months of age

Business involving dogs this is where registration is for kennels as opposed to individual dogs where dogs are replaced throughout the year, i.e. greyhound trainers

This report identifies and explains the ramifications for Council with the introduction of DACO and provide Council with a suggested fee structure for the 2018/19 financial year.

3. ANALYSIS

Each year DACO will enable Council to set their fee categories, to set the fee for each category and to determine what discounts it offers to dog and cat owners. DACO will also enable councils to decide when late fees apply.

However, in designing and building the DACO system, the DCMB has had to make decisions requiring a consistent approach throughout the state. In these areas, councils can still elect to take a divergent approach. If Council decided to charge a fee that DACO is not able to automatically manage, Council will need to manage these transactions at the front counter. These issues are set out below.

Setting Fees through DACO

DACO includes a check box for the entire dog registration fee and discount categories currently in use in South Australia. This includes the following:

- **Training**
- **Concession**
- **Microchip**
- **Desexing**
- **Working Dog**
- **Greyhound Racing**
- **Dog Business**
- **Immunisation**
- **Assistance**

Once a year, Council will be prompted to determine:

- Which fee categories will be offered
- To set a dollar amount for each category
- To decide the percentage discounts
- To set other fees contemplated by the *Act* (e.g. late fees, impounding fees)

Councils are not required to set a fee in each possible category. The only dog registration categories that must be offered are:

- Non-standard Dog (entire, un-microchipped dogs)
- Standard Dog (desexed and microchipped)
- Dog Kennel or Breeder Business
- Assistance Dogs (must be free)

Discounts for Centrelink and Concession Card Holders

Most councils throughout South Australia offer dog registration fee discounts for concession card holders. The DCMB estimate that 20-30% of dog owners are concession card holders.

Currently, no council in South Australia operates a dog registration system that enables such concession card holders to pay their registration fees online. Therefore most payments for new dog registrations, where the owner is a concession card holder, are made at customer service centres.

DACO will enable concession card holders to verify their status instantly online. Once verified, DACO will then charge the owner the relevant discounted registration fee. This should result in significant reductions in front counter transactions.

DACO will not retain information from Centrelink. DACO, through the interface with Centrelink, will merely verify that on the date of the transaction the owner was entitled to a concession. Centrelink will verify if the dog owner is entitled to the following concessions:

- 1) DVA "Gold" Card
- 2) DVA "White" Card
- 3) Pensioner Card
- 4) Senior Health Card
- 5) Health Card

Council can choose which concessions they wish to offer from this list. Councils are entitled under the *Act*, to offer additional discounts. If Council chooses to consider additional discounts it will need to consider the resourcing issues particularly those surrounding front counter staff.

If Council decides to offer additional concessions, DACO will not be able to process these without the assistance of Council staff. Applicants will be required to speak with Council staff about their eligibility for any other concession categories offered by Council and have their registrations processed with the assistance of Council staff.

Council officers will have the power to indicate on DACO that they have granted a particular dog owner concession status.

All concession statuses will be permanent for that owner, except the “Health Card” (which is used by most unemployed people), which will require the owner to re-validate the details each year in order to keep the discount.

The DCMB recommends that each Council offer the Centrelink concessions set out above.

Adelaide Hills Council currently accepts DVA and pensioner concession card holders. For consistency it is proposed that Council accept the concessions listed above.

Fees for transferring a dog to a new Council area

Currently most councils set a fee to transfer dog owners or to enable an owner to transfer their registration from one Council area to another. Council’s current fee is set at \$7.50. These fees recognise the administrative work required by Council staff to affect the process, as well as the costs associated with providing dog owners with a new registration disc.

Once DACO commences, owners will be able to update most information online themselves. Dog owners will record a change of address and if they sell or give away a dog they will record the details of the new owners on DACO. DACO will send the new owners an email requesting they log in and provide the details required. This system has provided the opportunity to introduce lifetime dog registration **DISC** numbers. This enables a dog registered in one council to retain the same dog disc and number when they move to another council. This will eliminate the need to issue a new disc upon moving to a new council area.

Therefore dog owners, through DACO, will self-manage transfer processes and as such DACO will not charge a transfer fee. By making this process free and as easy as possible, it will maximise the number of people who keep their records up to date, making DACO a more useful tool for Animal Management Officers in the field.

Under the *Act* councils are still entitled to set (or retain) a transfer fee. However DACO will not collect transfer fees.

Remitting Fees Process

The new Dog and Cat Regulations provide that if a council collects any dog registration fees they must remit 12% (24% for metropolitan councils) to the DCMB. If the DCMB through DACO collects registration fees, it must remit 88 % (76% for metropolitan councils) to the relevant Council.

These Regulations reflect that there will still be a small proportion of dog owners who still wish to pay their fee at a front counter of Council. This proportion will reduce over time as people become more comfortable with online transactions and more aware of DACO's functionality.

From 1 July 2018, DACO will become the dog register for each council and the official record of all transactions.

Several council Finance Managers expressed concern that if councils continue to collect a pool of registration money, councils will no longer have their own register to reconcile payment against. The Local Government Financial Managers Group proposed an alternative simpler system:

- Council staff will still assist customers who visit council offices to make dog registration payments
- Council staff will enter data directly into DACO and officers will assist customers to make payment directly into DACO via online payments (e.g. by credit card, Bpay etc)
- If the dog owner pays by cash or cheque, councils will accept the payment as the agent of the DCMB which will be indicated in DACO
- Councils will then transfer 100% of dog registration payments received to the DCMB
- On a regular basis, the DCMB will remit to each council their statutory percentage of:
 - payments made by owners directly into DACO; plus
 - payments collected at Council offices and subsequently sent to the DCMB.

Payment of Dog Registration fees to councils will be made five times a year; monthly for the first quarter of the dog registration year (July, August and September) and then after quarter 2 (December) and after quarter 4 (June).

The DCMB supports this approach.

Forecast expenditure for the 2017/18 year in regards to Animal Management is \$375,550. Initial budget estimates for dog registration for 2017/18 was \$367,000. To date, dog registration income is sitting above the predicted budget estimate. Council currently has an income of \$370,565 leaving a deficit of \$4,985.

Based on current data, estimated dog registration income predicted on current fee schedule for 2018/19 is \$373,400 with an estimated expenditure being \$373,708. A requirement of the *Dog and Cat Management Act 1995* requires all fees collected for dog registration to be expended in the administration or enforcement of the provisions of the *Act* relating to dogs and cats.

Taking into account estimated dog registration income and expenditure for 2018/19, along with new requirements on pet owners to ensure that all dogs and cats are microchipped, all dogs and cats born after 1 July 2018 must be desexed. The following fees are proposed for Council's consideration:

Proposed option 1 Registration category	Fee
Standard Dog	\$45.00
Concession Standard Dog	\$22.50
Non-standard Dog	\$90.00
Concession Non-standard Dog	\$45.00
Puppy dogs under six months of age	\$45.00
Guide, Hearing or Assistance Dog	\$0.00
Working Dogs	\$35.00
Fee free – other (e.g. SES Search & Rescue Dogs, Military Dogs)	\$0.00
Business involving dogs – all animals at full fee	\$90.00
Late registration payment fee	\$17.50
Transfer of dog with paid registration in another South Australian Council area	\$0.00
Replacement registration disc	\$0.00

Proposed Option 2 Registration category	Fee
Standard Dog	\$50.00
Concession Standard Dog	\$25.00
Non-standard Dog	\$100.00
Concession Non-standard Dog	\$50.00
Puppy dogs under six months of age	\$50.00
Guide, Hearing or Assistance Dog	\$0.00
Working Dogs	\$35.00
Fee free – other (e.g. SES Search & Rescue Dogs, Military Dogs)	\$0.00
Business involving dogs – all animals at full fee	\$100.00
Late registration payment fee	\$17.50
Transfer of dog with paid registration in another South Australian Council area	\$7.50
Replacement registration disc	\$5.00

The fees proposed are not being increased due to the cost implications to owners as a result of the introduction from 1 July 2018 of mandatory microchipping of all dogs and cats and mandatory desexing of all new dogs and cats born after 1 July 2018. It is noted that all fees collected through dog registration can only be expended in the administration or enforcement of the provisions of the Act relating to dogs and cats and any surplus in a given year is carried forward for this purpose and does not form part of general revenue.

With the implementation of DACO from 1 July 2018, the DCMB have proposed 28 May 2018 as the go live date. The DCMB therefore require these fees to be adopted by Council and uploaded to the DACO system as soon as possible to allow trials with the system to be completed prior to the go live date of 28 May. Hence this report being presented to Council before the setting of the fees and charges for the 2018/19 Financial Year which will occur in the next couple of months.

The DCMB propose that dog registration fees for the 2019/2020 year may be approved after June 2019 which will allow councils to approve their dog registrations fees as part of their normal budget preparation process.

4. OPTIONS

Council has the following options:

- I. Maintain dog registration fees at the current level of \$90.00 for a Non-standard Dog (Option 1 above), resulting in potential registration income of \$373,400 for the 2018/19 financial year which on current budget forecast will allow for a near breakeven result, and adopt the recommended concessions as proposed by the Dog and Cat Management Board (Recommended)
- II. Increase dog registration fees for Non-standard dog to \$100, keep existing transfer and replacement disc fees along with existing concession requirements, resulting in potential dog registration income of \$411,980 (Not Recommended)

It is recommended that dog registration fees remain at the current level (\$90.00, Option 1 above), along with the concession requirements to ensure a smooth and efficient transition to the DACO system. An increase in fees may place extra burden on dog owners who are experiencing substantial costs regarding microchipping and desexing of their pets.

5. APPENDIX

- (1) Dog registration fee breakdown

Appendix 1

Dog Registration Fee Breakdown

DOG REGISTRATION FEE BREAKDOWN

Option 1 Dog Registration Categories		Suggested fee for 2018/19	Year to date
Standard dog (Desexed & Microchipped)	4980	\$45.00	\$224100.00
Concession standard dog	832	\$22.50	\$18720.00
Working Livestock Dog	118	\$35.00	\$4130.00
Assistance Dog	9	\$0.00	\$0.00
Non-standard dog (not desexed or not microchipped)	1231	\$90.00	\$110700.00
Concession non standard dog	287	\$45.00	\$12915.00
Total to date 02/03/2018			\$370,565.00

Option 2 Dog Registration Categories		Fee Increase	Year to date
Standard dog (Desexed & Microchipped)	4980	\$50.00	\$249,000.00
Concession standard dog	832	\$25.00	\$20,800.00
Working Livestock Dog	118	\$35.00	\$4130.00
Assistance Dog	9	\$0.00	\$0.00
Non-standard dog (not desexed or not microchipped)	1231	\$100.00	\$123,700.00
Concession non standard dog	287	\$50.00	\$14,350.00
Total to date 02/03/2018			\$411,980.00

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 March 2018
AGENDA BUSINESS ITEM**

Item: 12.2

Originating Officer: Natalie Westover, Manager Property Services

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Revocation of Community Land – Lobethal Retirement Village

For: Decision

SUMMARY

The purpose of this report is to seek a resolution of Council to commence a process to revoke the community land classification for the land located at 3 Jeffrey Street Lobethal on which the Lobethal Retirement Village is located.

The review of the Council's retirement village operations discovered that the Lobethal Retirement Village is the only one of Council's 6 retirement villages that is on the Community Land Register.

Due to the various provisions of the *Local Government Act 1999* and the *Retirement Villages Act 2016*, it is incompatible to have retirement villages classified as community land.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. To commence the process to revoke the community land classification of the land located at 3 Jeffrey Street Lobethal contained in Certificate of Title Volume 6017 Folio 705 (*Appendix 1*) by undertaking community consultation.
 3. To report back to Council following completion of the community consultation process.
-

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal	Organisational Sustainability
Strategy	Legal compliance

The incompatibility of the provisions of the *Local Government Act 1999* and the *Retirement Villages Act 2016* mean that Council currently breaches the requirements of section 202 of the *Local Government Act 1999* when granting an occupation agreement under the *Retirement Villages Act 1999*.

Consultation will be undertaken in accordance with the Council's *Public Consultation Policy*.

➤ **Legal Implications**

Under Section 202 of the *Local Government Act 1999*, Council cannot lease community land for a term exceeding 21 years which is inconsistent with the *Retirement Villages Act 2016* which grants lifetime security of tenure to residents.

Also under Section 202 Council cannot lease community land for a term of greater than 5 years without first undertaking a public consultation process.

Occupation agreements issued pursuant to the *Retirement Villages Act 2016* are for a non-defined term which can be greater than 5 and 21 years at the option of the tenant.

The issuing of occupation agreements for a retirement village unit for a term greater than 21 years and without conducting public consultation for terms greater than 5 years may result in the occupation agreement being invalid. Whilst we do not expect that this presents any immediate concerns, it is a less than ideal position for both the Council and the residents.

Undertaking a public consultation process in relation to a retirement village unit requires the disclosure of information in relation to the proposed lease which creates difficulties in maintaining the privacy of the proposed tenant.

Revocation of community land is undertaken in accordance with section 194 of the *Local Government Act 1999* and the Council's Public Consultation Policy.

➤ **Risk Management Implications**

The revocation of community land will assist in mitigating the risk of:

Non-compliance with legislation leading to possible invalidity of occupation agreements.

Inherent Risk	Residual Risk	Target Risk
Extreme (3A)	Low (1E)	Low (1E)

The mitigation action is specific to this circumstance as all other retirement villages owned by Council were excluded as community land in 2002.

➤ **Financial and Resource Implications**

Undertaking a public consultation process in relation to a retirement village unit incurs a cost to Council for advertising which will be managed within existing resources. The costs to undertake the public notification advertising are estimated at \$1000.

➤ **Customer Service and Community/Cultural Implications**

Not applicable

➤ **Environmental Implications**

Not applicable

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Director Corporate Services

Community: Not Applicable

2. BACKGROUND

With the commencement of the *Local Government Act 1999*, councils were required to make an assessment of all of their land holdings to determine what was to be included on the newly required Community Land Register.

Council's had until 31 December 2002 to exclude specific parcels of land from their Community Land Register, with all remaining parcels of land in council ownership or under their care, control and management deemed to be community land.

On 20 June 2000, Council resolved:

16.5.5. Community Land Register – Aged Accommodation & Residential Properties
5/14/003 Don Rabbah

	Moved Cr Stan Evans S/- Cr Val Hall	Carried (294)
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That in accordance with the Local Government Act 1999, Council initiate proceedings to allow land under Council's residential properties and aged accommodation to be removed from Council's Community Land Register.

On 13 September 2000, Council wrote to the South Australian Housing Trust ("SAHT"), as the leaseholder of 6 units, seeking their consent to exclude the Lobethal Retirement Village as community land. SAHT confirmed their consent by letter dated 6 October 2000.

Council wrote to the Local Government Association and the Office for Local Government on 25 July 2001 expressing their concerns of the inclusion of retirement villages as community land and sought an exemption for retirement villages. An exemption was not provided or included in the Regulations which created an issue for all councils who own retirement villages. This did not occur.

Legal advice received on 27 October 2000 indicated that the existence of the joint venture agreement with SAHT had the effect of the Lobethal land being one of the few exclusions to the definition of community land, however this agreement did not specify if that exemption applied to the whole of the land in the title, or just the 6 units subject to the joint venture arrangement.

At that time, Council proceeded to exclude the other retirement villages as community land but not Lobethal. The result was that the Lobethal Retirement Village was automatically included on the Community Land Register given it was not 'excluded'.

Council obtained legal advice in 2010 which recommended that the Council revoke the community land classification of the Lobethal Retirement Village to deal with the above difficulties and to ensure that occupation agreements issued to residents were valid. This has not been progressed to date.

3. ANALYSIS

Following the recent realisation that the Lobethal Retirement Village has remained on the Community Land Register, Council staff have undertaken a review of the following:

- the Community Land Register and associated Community Land Management Plans
- the various Council decisions since 2000
- legal advice obtained since 1999, and
- obtained new advice to confirm whether or not the 6 units subject to the agreement with SAHT are exempt as community land.

The analysis of all of the above indicates that the appropriate course of action for Council to ensure that occupation agreements issued to residents of the Lobethal Retirement Village pursuant to the *Retirement Villages Act 2016* (and superseded Acts) are valid and secure, is to revoke the community land classification of the land located at 3 Jeffrey Street Lobethal.

4. OPTIONS

Council has the following options:

- I. Resolve to commence the revocation of community land classification of the land at 3 Jeffrey Street Lobethal (Recommended)
- II. Not resolve to commence the revocation of community land classification of the land at 3 Jeffrey Street Lobethal which will result in additional costs to Council for public notification prior to an occupation agreement being granted to a resident and may result in occupation agreements being deemed invalid (Not Recommended)

5. APPENDIX

- (1) Certificate of Title Volume 6017 Folio 705

Appendix 1

Certificate of Title Volume 6017 Folio 705

REAL PROPERTY ACT, 1885



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6017 Folio 705

Parent Title(s)	CT 6004/799		
Creating Dealing(s)	VE 10987360		
Title Issued	04/09/2008	Edition 1	Edition Issued 04/09/2008

Estate Type

FEE SIMPLE

Registered Proprietor

ADELAIDE HILLS COUNCIL
OF PO BOX 44 WOODSIDE SA 5244

Description of Land

ALLOTMENT 202 DEPOSITED PLAN 75850
IN THE AREA NAMED LOBETHAL
HUNDRED OF ONKAPARINGA

Easements

SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED B

Schedule of Dealings

Dealing Number	Description
6175416	CAVEAT BY SOUTH AUSTRALIAN HOUSING TRUST OVER PORTION
6419965	APPLICATION PURSUANT TO RETIREMENT VILLAGES ACT, 1987 THE LAND IS USED AS A RETIREMENT VILLAGE

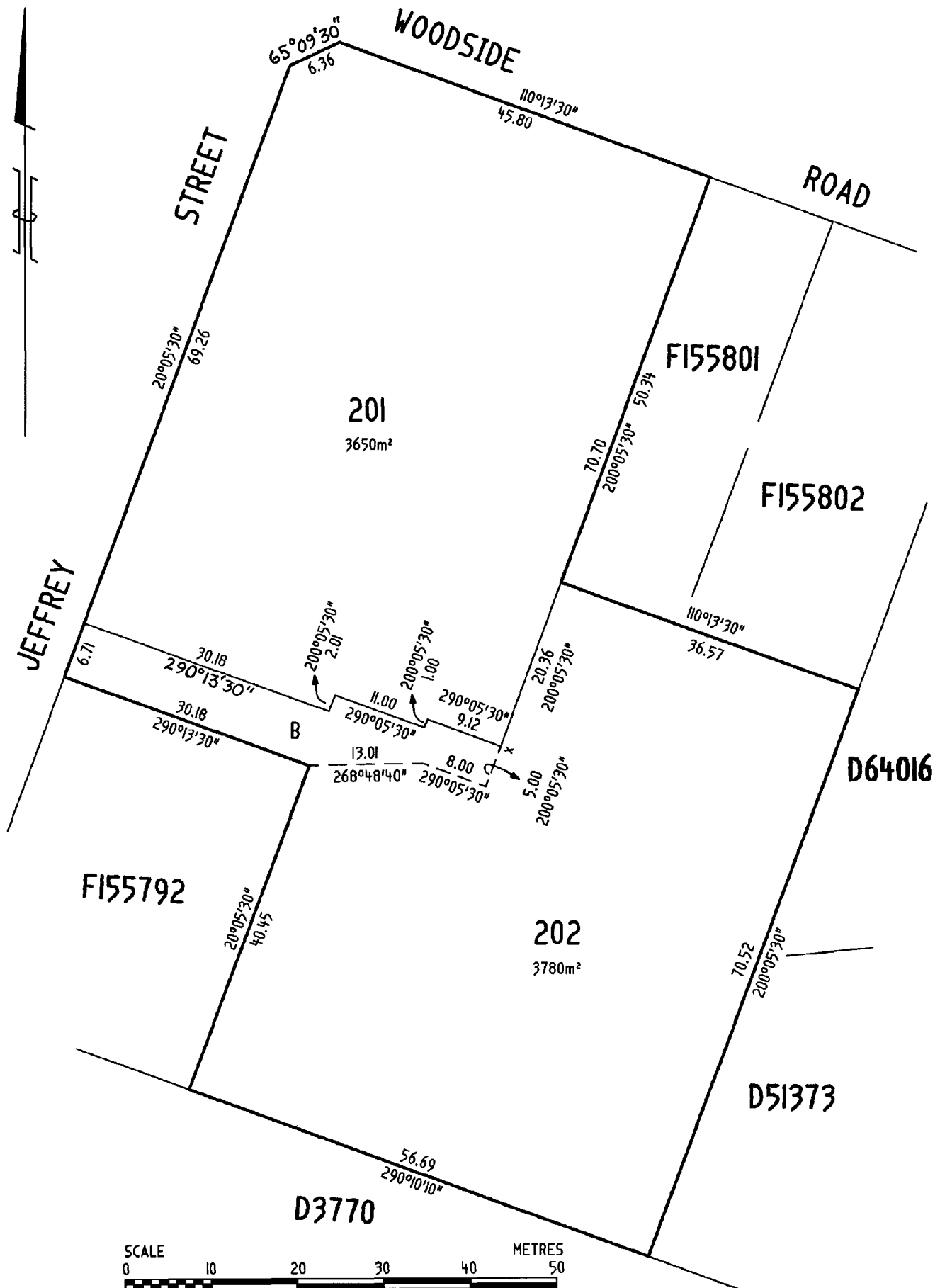
Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL

Registrar-General's Notes

PLAN FOR LEASE PURPOSES VIDE G52/1985

Administrative Interests	NIL
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**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 March 2018
AGENDA BUSINESS ITEM**

Item: 12.3

Originating Officer: David Collins, Manager Sustainable Assets

Responsible Director: Peter Bice, Director Engineering and Assets

Subject: Milan Terrace Safety Assessment

For: Decision

SUMMARY

At its meeting of 23 January 2018, Council received a petition signed by 60 signatories regarding the request for a pedestrian facility on Milan Terrace near the Stirling Hospital. Council Members subsequently at that meeting moved a motion to investigate a zebra pedestrian crossing on Milan Terrace.

The Stirling Hospital generates pedestrian activity on this section of Milan Terrace. There is car parking located on the northern side of Milan Terrace that requires patients and visitors to cross Milan Terrace. There is a full range of pedestrian types from the young to the elderly accessing the hospital facility and crossing Milan Terrace. Council officers engaged a traffic-engineering consultant to review the section of road and to provide traffic and pedestrian count information associated with pedestrian crossing warrants

A zebra crossing is not considered appropriate at this location given the requirement for these traffic control devices to be within areas that currently have a mean speed of less than 30km/h. The Operational Instruction 10.6 On-street Zebra Crossing issued by the Department for Planning, Transport and Infrastructure provides traffic-engineering practitioners with clear guidance on the requirements to meet The Code. However, a Wombat Crossing (Zebra Crossing on a raised platform) may be more appropriate.

The installation of a Wombat Crossing at this location will require the detailed consideration of the subsequent modifications to the adjacent infrastructure. Most likely, this will require the removal of a least one but possibly two angled car parking spaces adjacent the hospital. In addition, modification to the existing kerb and gutter and new footpath construction may be required to meet DDA compliance.

This additional detailed consideration will include initial high level concept estimates to assist in understanding the costs associated with the installation of a pedestrian facility, including any adjacent infrastructure modifications.

A preparation of a detailed plan of a wombat crossing will identify subsequent infrastructure impacts and allow community and stakeholder consultation to occur.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. That a Traffic Plan concept be developed for a wombat crossing pedestrian facility
 3. That Council undertakes consultation with the community, Stirling Hospital and other relevant stakeholders on the concept plan for a wombat crossing
 4. That a report be brought back to Council to determine whether future budget considerations are applicable.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal 1 People and business prosper
Strategy 1.13 We will work with other levels of government to improve safety for road users (including pedestrians and cyclists)

Public Consultation Policy

➤ Legal Implications

The Minister of Transport has delegated authority via an Instrument of General Approval or Instrument of Authorisation and Delegation to the Council to undertake the installation of traffic control devices under *Section 12, Road Traffic Act 1961*. Under the requirements of this authorisation, the traffic control devices installed by Council shall in accordance with The Code of Technical Requirements that form part 2 of the authorisation.

The facility will need to consider *Disability Discrimination Act 1992* implications on associated infrastructure attached to the use of this pedestrian crossing device.

➤ Risk Management Implications

The development of a detailed Traffic Plan concept for consultation will assist in mitigating the risk of:

Stakeholder knowledge not being considered in the decision leading to new infrastructure that does not provide an overall benefit all the users of the site

Inherent Risk	Residual Risk	Target Risk
High (3B)	Low (2D)	Low (2D)

Council's current project management framework identifies the consideration of community consultation as part of the development of a proposal. Council has developed various consultation mediums and processes to engage with our community.

➤ **Financial and Resource Implications**

Currently the project is not in the long-term financial plan and hence the project would need additional capital expenditure in a future budget. This is likely to be around \$46,000 \$6,000 for Concept and Design work, with an estimated \$40,000 construction cost.

➤ **Customer Service and Community/Cultural Implications**

Not Applicable

➤ **Environmental Implications**

Not Applicable

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Administration Peter Bice, Director, Engineering and Assets

2. BACKGROUND

Council received a petition with 60 signatures at its Ordinary Council Meeting 23 January 2018. The petition stated:

We, the undersigned, wish to express the immediate need for a safe pedestrian crossing on Milan Terrace adjacent to the Stirling Hospital. This road is becoming increasingly dangerous for pedestrians who wish to access the Hospital from the carpark opposite and for residents who live in the vicinity and need to cross Milan Terrace.

The meeting received and noted the petition.

8.1.1. Pedestrian Crossing Milan Terrace Stirling

Moved Cr Jan-Claire Wisdom
S/- Cr Ian Bailey

2/18

Council resolves that the petition with 60 signatories requesting a pedestrian crossing on Milan Terrace Stirling adjacent to the Stirling Hospital, be received and noted.

Carried Unanimously

In addition, at the Ordinary Meeting 23 January 2018 the following Motion Without Notice was Carried Unanimously:

16.1. Pedestrian Crossing, Milan Terrace Stirling

Moved Cr John Kemp
S/- Cr Jan Loveday

16/18

That Council resolves that an assessment be undertaken and a report back to the March 2018 Council meeting on the feasibility of installing a zebra crossing on Milan Terrace Stirling, adjacent to the Stirling Hospital and reducing the speed limit in this precinct.

Carried unanimously

This report is responding to the Motion Without Notice with some initial advice regarding the assessment to provide a pedestrian crossing on Milan Terrace. The assessment is based on recent data collected at the site by a traffic-engineering consultant engaged to assist in the data collection and assessment.

3. ANALYSIS

The installation of a pedestrian facility such as a Zebra Crossing or a Wombat Crossing (raised platform zebra crossing) is a traffic control device. As a traffic control device, Council has obligations that it must ensure are present before it can install these traffic control devices under Delegation from the Minister of Transport.



Wombat Crossing (typical)

The Code of Technical Requirements, (The Code), provides Council with guidance on the requirements that must exist to meet these obligations. Officers of Council must undertake an investigation and collate the relevant information to assess compliance or otherwise with The Code.

In relation to pedestrian crossing facilities, The Code and subsequent referenced guidelines and standards provide warrants based on pedestrian numbers and traffic volumes as a key determining factors as to the appropriateness of a crossing at that location. Council shall not install devices that do not meet the minimum requirements of The Code.

A zebra crossing is not considered appropriate at this location given the requirement for these traffic control devices to be within areas that currently have a mean speed of less than 30km/h. The Operational Instruction 10.6 On-street zebra crossing issued by the Department for Planning, Transport and Infrastructure provide traffic-engineering practitioners with clear guidance on the requirements to meet The Code.

Where the Zebra Crossing requirements cannot be met the Operational Instruction indicates that a wombat crossing may be a suitable alternative.

Additionally, Council staff will look at speed limits in the area to determine if there are appropriate changes which could be made. If investigations highlighted the potential for speed limit changes as per the Speed Limit Guideline for South Australia Document prepared by the Department for Planning, Transport and Infrastructure (DPTI), staff would seek Council endorsement for any change and subsequently seek an assessment by DPTI. DPTI are responsible for approving the speed limits on Council roads.

To assist Council in determining if other pedestrian facilities, such as a wombat crossing, can be installed at the site on Milan Terrace, GTA Traffic-Engineering Consultants were engaged to collect up-to-date traffic data and provide an opinion about a wombat crossing at this location taking into account The Code.

The traffic count was undertaken on Thursday 15 February 2018 for an 8 hour period between 9am and 5pm. This count determined the number of pedestrians that crossed the road and the number of vehicles that used Milan Terrace during this 8 hour period. Pedestrian traffic counts are broken into 30m zones, and in this situation, 3 adjacent zones (Zone a, B and C) were surveyed during the count period.

The 8 hour count and the 30m zone is the requirement of The Code, standards and guidelines.

Based on the above traffic counts , under the current situation, Zone A (in the vicinity of the existing crossing area) having 120 pedestrian movements would just fall short of the identified 160 crossing movements with the traffic volumes exceeding 1,600 in 8 hours.

However, in the consultant's opinion, it could be argued that there would readily be a latent or potential demand of pedestrians using the facility. If the number of pedestrian movements within Zones B and Zone A were considered plus the westbound movements within Zone C, the potential number of pedestrian movements would result in 177 crossing movements. Accordingly, this would satisfy the guiding warrant of The Code.

Under this situation above, it is noted that to ensure that the pedestrian utilise any new facility provided it may be necessary to provide a footpath and fencing to guide the pedestrians from the car park area on the northern side of Milan Terrace to the new facility.

In addition, note that of the total number of recorded pedestrians, approximately 1/3 of pedestrians crossing Milan Terrace are elderly.

To date only an initial assessment has been undertaken to determine if a pedestrian facility would meet the requirements of the Code. The next step would be to undertake a Traffic Plan Concept that will identify the impact of a wombat crossing on the adjacent infrastructure. The additional information will allow Council officers to undertake consultation with the community and relevant stakeholders such as the Stirling Hospital. The additional information and concept plan will also allow Council officer to determine an initial high-level concept estimate to undertake the construction works.

4. OPTIONS

Council has the following options:

- I. Undertake a more detailed investigation and development of a concept plan for the installation of a wombat crossing at the Milan Terrace site. The more detailed investigation and concept plan will allow for community and stakeholder input. This will ensure that any decision to install a new pedestrian wombat crossing has considered all users of the site. The detailed investigation will ensure that any final proposal will meet Council's requirements under The Code of Technical Requirements and any associated additional infrastructure works that are required to facilitate any new pedestrian crossing. (Recommended)
- II. Prepare final detailed plans; however do so without consultation with the Community. (Not Recommended)
- III. Not progress any detailed investigation and monitor the site (Not Recommended)

5. APPENDIX

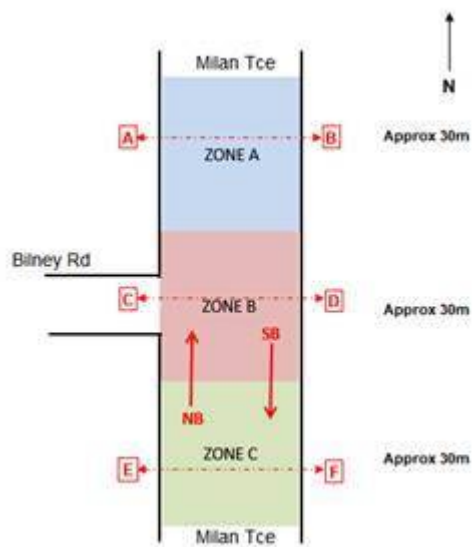
- (1) Traffic/ Pedestrian Survey and Pedestrian Facility Warrant (Code of Technical Requirements)

Appendix 1

*Traffic/ Pedestrian Survey and Pedestrian Facility
Warrant (Code of Technical Requirements)*

Surveys were undertaken on Thursday 15 February 2018 for an **8 hour period** between 9am and 5pm.

Survey layout is illustrated as follows:



Survey Results:

	Movement	Children	Adult	Elderly	People With a Disability	TOTAL
Zone A	A-B	0	42	20	0	62
	B-A	0	33	10	0	43
Zone B	C-D	0	1	7	0	8
	D-C	1	11	11	1	24
Zone C	E-F	1	6	3	0	10
	F-E	0	8	13	0	21
	Total	2	101	64	1	168

Factored Pedestrian Numbers (factor by 2 for children and people with a disability and 1.5 for elderly)

	Movement	Children	Adult	Elderly	People With a Disability	TOTAL
Zone A	A-B	0	42	30	0	72
	B-A	0	33	15	0	48
Zone B	C-D	0	1	11	0	12
	D-C	2	11	17	2	32
Zone C	E-F	2	6	5	0	13
	F-E	0	8	20	0	28
	Total	4	101	98	2	205

Zone Breakdown of Crossing Movements

Zone	Factored Value
Zone A	120
Zone B	44
Zone C	41

Potential Crossing Users

Movement	Factored Value
A-B	72
B-A	48
C-D	12
D-C	32
E-F	13
Total	177

Recorded Traffic Volumes

Direction	Vehicles
Northbound	1,125
Southbound	1,193
Total	2,318

The Department of Planning Transport and Infrastructure's Code of Technical Requirements identifies as a guiding warrant for wombat crossings as the following:

D2. Wombat crossing (Raised pedestrian crossing)

An on-street wombat crossing may be provided on a local street where a pedestrian survey undertaken according to Appendix E shows that:

- (a) In two separate one hour periods of any day (including Saturday and Sunday):
 - (i) 40 or more pedestrians per hour actually cross the road and could reasonably be expected to use the crossing; and
 - (ii) 200 or more vehicles per hour pass the site where the pedestrians cross during the same two hours;
- or
- (b) During eight hours of any day:
 - (i) An average of 20 or more pedestrians per hour, cross the road (a total of 160 or more in eight hours) and could be reasonably be expected to use the crossing; and
 - (ii) An average of 200 or more vehicles per hour pass the site during the same eight hours (a total of 1600 or more in eight hours).

Based on the above, under the current situation, Zone A having 120 pedestrian movements would just fall short of the identified 160 crossing movements with the traffic volumes exceeding 1,600 in 8 hours.

However, it could be argued that there would readily be a latent or potential demand of pedestrians using the facility. If the number of pedestrian movements within Zones B and Zone A were considered plus the westbound movements within Zone C, the potential number of pedestrian movements would result in 177 crossing movements. Accordingly, this would satisfy the guiding warrant of The Code.

It should also be noted that of the total number of recorded pedestrians, approximately 1/3 of pedestrians crossing Milan Terrace are elderly.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 March, 2018
AGENDA BUSINESS ITEM**

Item: 12.4

Originating Officer: Renee O'Connor, Sport & Recreation Planner

Responsible Director: Peter Bice, Director Engineering & Assets

Subject: Play Space Policy

For: Decision

SUMMARY

At its 28th November 2017 meeting, Council approved the draft *Play Space Policy* to be released for public consultation for a period of nine weeks. The consultation period has now closed and the comments received have been reviewed, with a revised Policy being presented for adoption.

The revised/draft Adelaide Hills *Council Play Space Policy* (refer to **Appendix 1**) will form part of a broader Play Space Framework document, and has been developed as a result of Council's *Sport & Recreation Strategy*.

This report outlines the minor changes made to the document as a result of the consultation, and seeks endorsement of the *Play Space Policy*.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. With an effective date of 2 July, 2018, to adopt the Play Space Policy in Appendix 1.
-

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal 1 People and business prosper

Strategy 1.11 We will embrace nature play concepts in play space developments

Goal 3 Places for people and nature

Strategy 3.5 We will take a proactive approach, and a long-term view, to infrastructure maintenance and renewal

Council's *Sport and Recreation Strategy* states the following:

"We should *undertake* a comprehensive review of ownership and services provided, with a particular focus on risk and asset replacement. New service levels, transparent guidelines for management and maintenance, and appropriate agreements with land owners (if relevant) should be the outcome of this review."

➤ **Legal Implications**

Not applicable

➤ **Risk Management Implications**

This Policy and its principles will help Council and the community understand priorities, allocate resources and encourage a new way of working to ensure transparency and sustainability for the future.

There are some play spaces throughout the Council region, owned by the community where maintenance obligations and processes are unclear. The endorsement and implementation of this Policy will alleviate this risk.

Council has obligations to have policies in place to guide decision-making and meet legislative requirements. The development of a Policy for Play Spaces provides clear direction as to the appropriate focus and level of Asset Management practice expected for these sites and their associated facilities.

The adoption of this Policy will assist in mitigating the risk of:

Unsustainable practices that impact on the ability of Council to provide appropriate levels of service expected by our community from its assets.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Medium (3D)	Low (2D)

➤ **Financial and Resource Implications**

There are no financial and resource implications through the adoption of this policy. Financial and resource implications will be detailed and then implemented through the adoption of the anticipated Play Space Framework; and through the annual budget deliberation process.

➤ **Customer Service and Community/Cultural Implications**

Opportunities for recreation can contribute to communities in many ways, and the benefits for participants are significant. Improved health and wellbeing through physical activity and social connections are just some of the ways that increased recreation participation benefits the community.

Council recognises that to ensure sustainable use of recreational sites and improved community wellbeing, it is important to do more than just manage well: positive and measurable improvements must be achieved.

➤ **Environmental Implications**

Not applicable.

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Council Committees: Council Members have had several workshop opportunities to discuss this Policy and its implications throughout 2017.

Advisory Groups: *The Sport and Recreation Advisory Group had several opportunities to discuss potential play space policy positions at their meetings throughout 2016.*

Administration: *The following staff have been involved in the development of this policy:*

- Director Engineering & Assets
- Director Corporate Services
- Manager Finance
- Manager Open Space
- Manager Property Services
- Manager Sustainable Assets
- Sport & Recreation Planner
- Parks & Reserves Supervisor
- Parks & Reserves Field Staff

Community: *Council undertook significant consultation with the community, relevant stakeholders through the development of the Sport and Recreation Strategy. This information has been considered in the development of this policy.*

The following is an extract from Council's *Sport and Recreation Strategy*:

"When asked about play spaces, the community indicated that our play spaces are well maintained, safe, clean, close to their homes and other community facilities, and that they are surrounded with trees. However, the majority of respondents to the survey indicated that the current equipment is static and boring, and is not suitable for the current local demographic. The community have overwhelmingly indicated that they want the following included in any upgrades or redevelopments to local play spaces:

- Interactive, modern equipment
- Equipment for climbing and spinning
- Equipment for an appropriate age and ability range
- Nature play and sensory elements
- Landscaping
- Shade and shelter
- Seating
- Bins, lighting, fences"

Additional, informal consultation has occurred with representatives of community owned play spaces throughout the development phase of this Policy. Implications of this document and its associated Framework have been discussed with these organisations and their feedback considered.

On the 21th November 2017, Council approved the draft *Play Space Policy* to be released for public consultation for a period of nine weeks. The community consultation process was advertised by various means, including local newspapers, Council's website and social media sites. Feedback was invited through written submissions.

The community consultation process received four submissions; however, it is important to note that the 'Have Your Say' webpage received 156 visits, with 42 people taking the time to download the draft Policy document. Further information on the responses received is provided in the Analysis section of this report.

Feedback gained through the above engagement has been considered and where appropriate, incorporated within the final Policy document.

2. BACKGROUND

This policy has been developed as a result of research and strategic actions from Council's *Sport and Recreation Strategy*. The Strategy document states the following:

"We should undertake a comprehensive review of ownership and services provided, with a particular focus on risk and asset replacement. New service levels, transparent guidelines for management and maintenance, and appropriate agreements with land owners (if relevant) should be the outcome of this review."

Council Members have had several workshop discussions throughout 2017 regarding the future of play spaces in our Council region. Discussions have focused on service levels and their associated costs, asset life and community ownership. Members have been given the opportunity to provide comments and feedback over this period. Feedback has been considered and incorporated into the policy document where appropriate. The endorsement of this draft policy is the first step in addressing the issues that have arisen from these discussions.

On 21 November 2017, Council approved the draft *Play Space Policy* to be released for public consultation for a period of nine weeks.

3. ANALYSIS

While these details were always the Policy's intention, changes to and more emphasis has been given to the following as a result of the consultation:

- The acknowledgement of 'Accessibility' in addition to 'participation from a wide variety of users'.
- The consideration of 'Cultural' elements as well as art elements in a regionally classified play space.
- Site stakeholders to be included in the consultation phase of a play space upgrade as well as the general community.

- More emphasis to the fact that a ‘Play Space’ encompasses more than just traditional playground equipment and can include elements like skate and bike facilities, fitness equipment, hard courts and nature play elements.

The *Play Space Policy* document has been prepared, based on significant research of related documents, analysis of Council play space facilities, review of current Council practices and procedures related to play spaces and consultation with the community.

The Policy will provide Council and its Administration with principles and guidelines for how play spaces will be planned, developed and managed throughout the Adelaide Hills Council. The policy will assist Council to make strategic, sustainable and equitable decisions regarding play space provision in our region.

This Policy document will form part of an anticipated Play Space Framework. The Policy should be read in conjunction with the other Framework components once they are endorsed. The Play Space Framework will include the following:

- Play Space Policy
- Play Space Service Levels
- Project Methodology and Upgrade Approach
- Upgrade Program (The upgrade program is a working document that will be updated regularly, based on asset data and usage.).

While Council does not own several of the play spaces within the Council boundary, Council relies on these community owned facilities to service the demand from a portion of our population. This Policy addresses the management of play spaces throughout our region, despite ownership.

4. OPTIONS

Council has the following options:

- I. Approve the Adelaide Hills Council *Play Space Policy* as presented in Appendix 1. (Recommended)
- II. Approve the Adelaide Hills Council’s *Play Space Policy* as presented in Appendix 1, with any amendments made by the Council. (Not Recommended)
- III. Don’t approve at this time


5. APPENDIX

- (1) Play Space Policy (Draft)

Appendix 1

*Play Space Policy
(Draft)*

COUNCIL POLICY

 Adelaide Hills COUNCIL	PLAY SPACE
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Policy Number:	COM-10
Responsible Department(s):	Engineering and Assets
Other Relevant Policies:	Asset Management Policy
Relevant Procedure(s):	
Relevant Legislation:	<i>Local Government Act 1999</i>
Policies and Procedures Superseded by this policy on its Adoption:	
Adoption Authority:	Council
Date of Adoption:	<i>To be entered administratively</i>
Effective From:	<i>To be entered administratively</i>
Minute Reference for Adoption:	<i>To be entered administratively</i>
Next Review:	No later than Jan 2021 or as required by legislation or changed circumstances

PLAY SPACE POLICY

1. INTRODUCTION

The Policy provides Council and its administration with principles and guidelines for how Council will plan, develop and manage play spaces throughout the Adelaide Hills Council. The policy will assist Council to make strategic, sustainable and equitable decisions regarding play space provision in our region, which will ensure that opportunities for participation broadly across the Adelaide Hills Council are enhanced as are the benefits achieved.

This Policy document forms part of a Play Space Framework. The Policy should be read in conjunction with the other Framework components. The Play Space Framework includes the following:

- Play Space Policy
- Play Space Service Levels
- Project Methodology and Upgrade Approach
- Upgrade Program (The upgrade program is a working document that will be updated regularly, based on asset data and usage.)

While Council does not own several of the play spaces within the Council boundary, we rely on these community owned facilities to service the demand from a portion of our population. This Policy addresses the management of play spaces throughout our region, despite ownership.

2. OBJECTIVES

The objective of this policy is to ensure that play spaces in the Council area are appropriately planned, developed and managed, and valued by our community. The following statements will support this to occur:

- Play spaces should be thoroughly planned, balanced, functional, and sustainable. Planning should be in consultation with the community, ensure diverse opportunities, accessibility and facilitate participation from a wide variety of users.
- Ensure we have a hierarchy of quality destinations spread across the Council region. Spaces should provide an appropriate level of recreational opportunity and amenity, according to sites classification and reflecting the needs of the community.
- Resourcing and funding for play spaces must be delivered with equity and transparency, based on asset management data and contribute to sustainability. Resourcing and funding processes must be clear and transparent, and focus given to worthwhile partnerships and collaboration.
- The asset management and maintenance of all sites must be planned and programmed, with obligations reflected in management agreements, leases or licences where applicable. There must transparency in resource allocation, and support for those groups managing facilities. Spaces should be developed so they can be managed by Council in an appropriate manner.
- Spaces should be attractive, well-maintained, inviting spaces that the community are connected too and feel proud of.

3. DEFINITIONS

“Play space” refers to a space that can be utilised for the purposes of formal, informal, active and passive play as well as the provision of any associated facilities and amenities.

“Nature Play” provides opportunities for unstructured, open ended and self-directed play. Freedom to roam, seeking adventure and exploration which encourages creativity and imagination, inspired by nature.

“Classification” and “Hierarchy” categorises open spaces from local to state levels to indicate user catchments, guide equitable distribution and standards for the provision of facilities such as play spaces, public amenities, pathways, public toilets, etc.

“Community owned” refers to land and assets on said land that is not owned by Council.

“Council owned” refers to land and assets on said land that is owned or under the care and control and management of Council. This land may also be under a lease / licence arrangement.

4. POLICY STATEMENT

The Policy provides principles that guide the Adelaide Hills Council’s planning, development and management of play spaces in our Council region. Fulfilment of the outlined principles will contribute to the Council delivering a hierarchy of quality destinations throughout the region.

A Play Space in the Adelaide Hills Council is a space that can be utilised for the purposes of formal, informal, active and passive play as well as the provision of any associated facilities and amenities. The space could include elements like skate and bike facilities, fitness equipment, hard courts and nature play elements, as well as traditional playground equipment. Linkages to a community or sport facility, bike path or walking trail should also be considered.

The overarching Framework approach ensures that planning, budgeting, design, procurement and maintenance processes are aligned with Council’s Strategic Objectives and that the community and relevant stakeholders are engaged in the process along the way.

Play Space Classification

To assist in the planning of our play spaces, it is common practice to define the reserves under a play space classification hierarchy. This practice is particularly important when assessing service levels for each class of play space; it also identifies the recommended equipment and associated facilities within a space. This approach ensures diversity of play spaces and experiences throughout the region, assists with allocation of resources and can be used as a tool when reviewing the locations of play spaces to ensure that there is an appropriate provision.

The table below outlines the minimum provisions and design considerations for each classification. Further detail regarding service levels for each classification can be found in the Framework document.

Classification	Definition	General Characteristics
Regional	<ul style="list-style-type: none"> • A large, well developed space with a diversity of play opportunities. The space should be large enough to enable different activities and users to occur simultaneously. • Attracts users from a substantial part of the Council area and beyond. • Located central to the catchment to maximise accessibility, in a location that has a natural, social or cultural feature. • A destination where visits are usually planned in advance and users stay for a long period of time. • The site should consider accessibility for all. • Be responsive to natural site features and assist to preserve local biodiversity and natural area values. • Be serviced by public transport routes. • The catchment zone of a regional play space site in the Adelaide Hills Council should be based on a radius of approximately 20 kilometres. Considering that radius and the large scale size of the play space, it is likely that there would only be three regionally classified play spaces in the Council region. 	<p><i>All characteristics from a local and neighbourhood play space plus:</i></p> <ul style="list-style-type: none"> • Car parking • Toilet • BBQ • Art & cultural elements • Hard court surface and associated equipment if space permits
Neighbourhood	<ul style="list-style-type: none"> • Extensive play opportunities with a number of play elements. • Visited by people from a larger town catchment. • A site where users can stay for a median length of time. • Potentially linked to an adjacent sport, recreation, community or cultural facility. • The catchment zone of a neighbourhood play space site in the Adelaide Hills Council should be based upon a radius of approximately 10-15 kilometres. Considering the radius, and the medium scale size of the play space, it is likely that there would be five neighbourhood classified play spaces in the Council region. 	<p><i>All characteristics from a local play space plus:</i></p> <ul style="list-style-type: none"> • Existing toilet and BBQ • Shelter • Picnic settings • Drinking water • Mounded grass • Bike racks
Local	<ul style="list-style-type: none"> • Area intended for local play, often equipment based • Visited by people who live nearby, sometimes by foot, for a short period of time. • The catchment zone of a local play space site in the Adelaide Hills Council should be based upon a radius of approximately 5-10 kilometres. Considering the radius and the smaller scale size of the play space, it is likely that there would be a local play space in most medium sized towns in the Council region. 	<ul style="list-style-type: none"> • Play equipment • Shade • Lighting • Seating • Paved path • Rubbish bin • Grassed open space • Vegetation/planting • Accessible, safe pedestrian and cycling connections • Support good passive surveillance

Play Space Management and Responsibilities

Council will assume the responsibility, management, maintenance, upgrade and cost of any associated insurances of all Community owned play spaces. Land owners will be responsible for the day-to day maintenance of the site, and for keeping the site tidy and free from rubbish. Council will enter into a licence agreement with each land owner to enter land and carry out works on the play space.

Council will maintain and contribute to upgrade cost to the value of a locally classified play space on Community owned land.

New play spaces on Community owned land constructed after the endorsement of this policy are not entitled to the above conditions, unless endorsed by Council.

For play spaces located on Council owned land that is under a lease or licence arrangement with a community group, Council will be responsible for the insurances, maintenance, management and upgrade of the play space. Lessee groups will be responsible for day-to day maintenance of the play space, and for keeping the area tidy and free from rubbish.

These conditions do not apply to play spaces on Department for Education and Child Development sites, independent or other education sites, sites owned by other levels of Government, or play spaces that are part of land developments prior to Council assuming responsibility.

Play Space Upgrades

Play space upgrades must plan to meet the changing demographics within an area, and provide sufficient variation in play space provision between sites. Principles outlined in this policy must be considered in upgrade planning phase.

Sites for play space upgrades will be selected based upon asset management data and usage. When considering the specific sites in the upgrade program and schedule, thought will also be given to amalgamation, consolidation or a new site (based on consultation and demographic data, available locations, Council strategic plans, etc.). Please refer to the Play space Framework document for the current upgrade schedule and further detail in how upgrades will be undertaken.

Other play elements (skate and bike facilities, fitness equipment, hard court, nature play elements, etc.) can all be considered at the time of consultation, if appropriate for the site.

Community consultation and engagement plays a significant role in play space development and is crucial in understanding the local community's needs and expectations. Involving the community helps ensure Adelaide Hills play spaces are well used and take pride of place within our community.

Play Space Maintenance and Management

Play spaces will be designed and maintained to achieve or exceed relevant Australian Standards. Sites will be audited by an independent, qualified auditor on installation and bi-annually.

Council inspection and maintenance will be carried out in accordance with the classification and subsequent service level assigned to each individual space. More information on service levels can be found in the Play Space Framework document.

Play Space Principles

The following principles are based upon information included in Council's Sport and Recreation Strategy.

Best practice in play space design says that the following types of play should be incorporated into play space developments.

- **Active Play** - Using fixed play equipment for swinging, sliding, jumping, stepping, balancing and hanging.
- **Imaginative and Creative Play** - Making up games or role playing.
- **Social Play** - Communicating and interacting with other children, practicing cooperation and the use of language.
- **Exploratory and Natural Play** - Using things like rocks, trees, plants and sand to explore. These elements stimulate a child's imagination and provide various shapes, colours, textures and scents to explore. These environments can also encourage bugs, birds and other wildlife, adding to the diversity of the experience.
- **Quiet Play** - Includes reading, talking or participating in a sit down game.
- **Free Play** - Open grass spaces or slopes that can provide an opportunity for activities such as rolling, running, informal ball games, somersaults, handstands or cartwheels. Free play is different to active play as it enables non-prescribed movement in open space.
- **Risk** - Play spaces will be designed with a focus on eliminating hazards rather than risks. Calculated and graduated risks in play spaces are essential for physical and mental development.

Fencing

Fencing should be provided only where absolutely necessary and for safety purposes. A fence could be included when a play space is:

- next to busy roads or carparks
- near water bodies
- there is a need to separate the play space from other activities e.g. sports field
- in close proximity to other physical hazards

Natural barriers, like appropriate plantings can provide a sense of enclosure and containment and should be explored during the planning and design stages. Open Space Management and Dog Management by-laws and documents should also be considered when considering the installation of a fence around a play space.

Shade

Natural (tree) shade is preferred over built shade as it also provides natural cooling, is not as subject to vandalism, and contributes to the overall character and appeal of the open space. Where possible, locating play spaces in the proximity of existing, suitable mature shade trees is preferred. In some instances, large play spaces which experience high use and have little natural shade may require additional built shade. Built shade structures should be robust and designed to complement the character of the open space.

This Policy and associated Framework document should be used as a guide for land developers, so their developments are consistent with our approach to play space provision. This Policy excludes dog parks and general open space.

5. DELEGATION

The Chief Executive Officer has the delegation to:

- Approve, amend and review any procedures that shall be consistent with this Policy; and
- Make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

6. AVAILABILITY OF THE POLICY

This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website www.ahc.sa.gov.au. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 March 2018
AGENDA BUSINESS ITEM**

Item: 12.5

Originating Officer: Aliza Fuller, Waste Management Coordinator

Responsible Director: Marc Salver, Director Strategy and Development

Subject: Waste & Resource Recovery Service Policy

For: Decision

SUMMARY

In December 2017 Council received a draft *Waste & Resource Recovery Service Policy* that outlined proposed and existing waste and recycling management services provided by Council. Council considered the report and resolved to seek community feedback on the draft Policy.

Community engagement on the draft *Waste & Resource Recovery Service Policy* was undertaken in February 2018 for a period of 21 clear days. The feedback received from the community engagement undertaken has been considered and a final draft Policy for Council's consideration and adoption has been prepared.

The Administration is recommending that Council revoke the *Kerbside Green Organics Service Implementation Policy* and the *Community Groups Access to Waste Disposal Sites Policy*, and adopt the *Waste & Resource Recovery Service Policy*, as contained in **Appendix 1** effective from 10 April 2018. Further, that the Fees and Charges Register be amended for the remaining 2017/18 financial year to include a \$60 per bin annual charge for a commercial or industrial premises for a kerbside green organics service.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
2. With an effective date of 10 April 2018, to adopt the *Waste & Resource Recovery Service Policy*, as contained in Appendix 1.
3. With an effective date of 10 April 2018 to revoke the *Kerbside Green Organics Service Implementation Policy* and the *Community Groups Access to Waste Disposal Sites Policy*.
4. The Fees and Charges Register be amended, for the remaining 2017/18 financial year, to include the following charges for a commercial or industrial premises for a kerbside green organics service:
 - a. Annual service fee - \$60.00 (per bin)
 - b. Application fee (once off) – Abolished

5. Consideration be given to allocating an additional \$20,000 to the recurrent Waste Management Budget for a kerbside green organics collection service to Inglewood and Houghton as part of setting and adopting the 2018/19 operating budget.

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal 3 Places for people and nature
Strategy 3.7 We will drive further reduction in waste consigned to landfill

Adopting a *Waste & Resource Recovery Service Policy* that updates and consolidates a number of existing policies with a focus on maximising recycling will assist to reduce the volume of material consigned to landfill. In addition, providing a kerbside green organic service to the township areas of Inglewood and Houghton will reduce the amount of recyclable product that is currently going to landfill.

➤ **Legal Implications**

Section 10(2) of the *Environment Protection (Waste to Resources) Policy 2010* requires metropolitan councils to provide a weekly general kerbside collection service. When a Council, such as Adelaide Hills Council, has both metropolitan and non-metropolitan areas the whole Council is taken to be metropolitan for the purposes of the *Environment Protection (Waste to Resources) Policy 2010*.

Section 7(b) of the *Local Government Act 1999* describes waste collection as a function of a council.

➤ **Risk Management Implications**

Adopting the draft *Waste & Resource Recovery Service Policy* will assist with the risk of:

Not having a Waste & Resource Recovery Service Policy in place leading to increased waste to landfill, minimised recycling and inequitable service provisions across the Council District.

Inherent Risk	Residual Risk	Target Risk
Extreme (3A)	High (3B)	Low

Resolving to extend the kerbside green organics collection service will assist with the risk of:

Not providing a kerbside Green Organics Collection Service to Inglewood and Houghton leading to ongoing disposal of a recyclable product to landfill.

Inherent Risk	Residual Risk	Target Risk
High (2A)	High (2A)	Low

Undertaking the recommendations as proposed by this report will result in new mitigation actions to alleviate the above mentioned risks.

➤ **Financial and Resource Implications**

Commercial and Industrial Green Organics Service

As reported to Council in December 2017 it was determined at the commencement of the green bin service in 2012 that commercial properties would not be entitled to a green organics bin. These properties could however apply for a service and pay a fee. The current fee for commercial premises to access a kerbside green organics bin is \$82 annually and a once off application fee of \$83. Currently there are five commercial premises paying for a green organics bin.

The draft *Waste & Resource Recovery Service Policy* provides for commercial and industrial properties to access a green organics bin. Feedback received outside of the recent community engagement undertaken has identified the current application fee prohibits commercial premises from partaking in a green organics service. To encourage the recycling of 'domestic' quantities of green organics from commercial and industrial premises, and given the small number currently accessing this service, the cessation of the application fee will not have a financial impact for Council. It is therefore proposed the following changes occur to Council's current Fees and Charges Register for 2017/18:

- Annual service fee - Current - \$82, Proposed - \$60 (per bin)
- Application fee (once off) – Current \$83, proposed - Abolished

The proposed annual service fee of \$60 aligns with the cost payable for additional residential green organic bins and will be rolled over into 2018/19 as part of the setting of the annual fees and charges process. The cost of the proposed service would be closely monitored and service levels and fees charged would be adjusted through the annual budget development process. The application of the annual fee for commercial properties, currently proposed to be \$60, will be adjusted over time to continue to recover costs for this service provision.

Inglewood and Houghton Green Organics Service

Previous reports to Council on this matter discussed and proposed for future consideration a green organic bin collection for the township areas of Inglewood and Houghton. As previously reported to Council in December 2017, the cost to fund the initial 'bulk' rollout to a select number of properties is \$15,000 with a once off bin rollout cost of \$5,000. Over time, as more and more properties opt in, the green bin service for Inglewood and Houghton could cost up to \$24,000 per annum.

In considering the above, it is important to ensure the funding of this proposed additional service is considered in context with other financial considerations and priorities of Council. Accordingly, it is recommended that consideration be given to allocating an additional \$20,000 for a kerbside green organics collection service to Inglewood and Houghton as part of setting and adopting the 2018/19 operating budget. This amount has been included in the draft 2018/19 Long Term Financial Plan which is currently out for public consultation.

➤ **Customer Service and Community/Cultural Implications**

The adoption of the final draft Policy will enable Council to ensure that a consistent approach to waste management is provided to the community. The Policy has been created

largely in response to community feedback and is expected to provide equitable services to residents and positive impacts on the environment through improved service provisions. The provision of a green organic service to Inglewood and Houghton would ensure equity in service provision across properties that have similar urban residential characteristics within the Council area.

➤ **Environmental Implications**

Adoption of the Waste & Resource Recovery Service Policy proposed by this report will assist with the reduction of the environmental footprint by minimising waste to landfill and assist the community to maximise recycling practices.

➤ **Engagement/Consultation conducted with the Community**

Council Committees: Not applicable

Council Workshops: A Council workshop was held in relation to this matter in September 2017 that provided an overview of the draft Policy and sought feedback from Council Members.

Advisory Groups: Not applicable.

Administration: Director Strategy and Development
Manager Financial Services
Manager Waste, Health and Regulatory Services

Subsidiary: Discussions have been held with Council's regional subsidiary East Waste in regard to service implications. Advice and input has also been obtained from the Adelaide Hills Region Waste Management Authority.

Community: The draft Waste & Resource Recovery Service Policy was provided to the community for consultation for a period of 21 clear days during February 2018. In total 156 visits were made to Council's online engagement site resulting in 17 written responses.

2. BACKGROUND

In December 2017 a report and draft *Waste & Resource Recovery Service Policy* was presented to Council. The report presented to Council recommended that the *draft Waste & Resource Recovery Service Policy* be released for community consultation. As a result of this report Council resolved the following:

12.2. Draft Waste & Resource Recovery Service Policy

Moved Cr Malcolm Herrmann
S/- Cr Jan Loveday

299/17

Council resolves:

1. That the report be received and noted.
2. To approve the draft *Waste and Resource Recovery Service Policy* at Appendix 1 for public consultation in accordance with the provisions of *Council's Public Consultation Policy*.
3. That the CEO be authorised to make any formatting, nomenclature or other minor changes to the policy prior to being released for public consultation.
4. Following community consultation, a follow up report be provided to Council for consideration and adoption of a final *Waste and Resource Recovery Service Policy*.

Carried Unanimously

In accordance with the above resolution, Council's public consultation on the draft *Waste & Resource Recovery Service Policy* was undertaken in February 2018. This report provides an outline of the feedback received from the consultation and recommends a final draft policy for adoption. The report to Council in December 2017 also raised the possibility of a kerbside green organics service to Inglewood and Houghton for further consideration.

3. ANALYSIS

In response to the community consultation undertaken on the draft Policy, 17 responses were received from members of the public. The feedback received is summarised below with the full responses provided in **Appendix 2**.

- Provision of kerbside green organic bins
- Fortnightly waste collection
- Weekly recycling
- Weekly green organics
- Availability of compostable caddy bags
- Waste education
- Confidence of recycling practices
- Positive feedback
- Green Organic Drop Off Days

In response to the written feedback received the following information is provided:

Fortnightly Waste and Weekly Green Organics Collection

The general feedback indicated a desire for weekly organic collections and fortnightly general waste collections. As outlined in the Legal Implications section of this report it is a legislative requirement that Council provides a weekly general waste collection. Therefore, at this point in time Council cannot adjust its waste collection frequency.

However, Council's Waste and Resources Management Strategy includes the following strategies relating to kerbside waste collection:

- 5.7.2.10 Explore the benefits or otherwise of implementing fortnightly kerbside waste collection taking into consideration community views and the experiences of others

- 5.7.2.11 Subject to the identification of material benefits in strategy 5.7.2.10 advocate for legislative change to occur to provide the option for metropolitan Adelaide Hills Councils to provide fortnightly kerbside waste collection services

The aforementioned strategies are scheduled to commence in the second half of 2018. Concurrently with the review of a fortnightly waste collection, a weekly green organics kerbside service will be explored with Council's regional subsidiary, East Waste.

Fortnightly Recycling Collection

In response to feedback received regarding recycling, Council currently undertakes waste education and bin tagging as a key mechanism to educate and improve recycling quantities and quality. Council's waste and recycling collection regional subsidiary, East Waste, has assured Council that all material collected is recycled appropriately. Looking forward, a number of strategies will be included in the 2018/19 Annual Business Plan specifically to looking at improving the quality of current recycling practices.

Compostable Bags

Feedback was received highlighting difficulties with accessing and the expense of compostable bags for use within kitchen caddies. Council staff recognised this concern some years ago and to ensure that this important recycling initiative continued to succeed, compostable bags were made available, at cost, from all Council Service Centres for residents.

Free Green Organic Drop Off Days

Although not part of the Waste & Resource Recovery Service Policy feedback was received in relation to the free green organic drop off days provided by Council. Specifically, concerns were raised regarding the need to line up in long queues on weekends to utilise this service. It was suggested these free drop off days be provided as a weekly block every quarter.

In response to similar concerns raised in late 2016, Council has increased the number of drop off opportunities from nine per year to twenty nine per year including both weekend and weekday opportunities. At this stage the current service provision is considered adequate. However, in accordance with Strategy 5.9.2.1 of Council's Waste and Resources Management Strategy demand for this service will continue to be monitored.

Waste Education

A number of responses were received in relation to providing waste education resources and material. Council currently provides waste education via a number of methods, including:

- A comprehensive A-Z guide to waste reduction on Council's website
- KESAB are currently educating in schools and providing education programs on Council's behalf
- Community group education sessions held upon request
- Pop up waste education sessions at service centres
- "Why Waste it" campaign via East Waste and Council's website
- Recycling education provided to café owners
- Placement of stickers on bins found contaminated advising of alternative disposal options

- Recycling and waste disposal information available at all service centres in the form of flyers and bin/kitchen caddy stickers

Council's Waste and Resources Management Strategy 2016-2021 reflects Council's commitment to waste education through the following objective and strategy:

- Objective - 5.14.1.1 To educate our community regarding waste reduction and recycling
- Strategy - 5.14.1.2 To educate the community with a direct approach

Positive feedback was received in relation to Council providing waste information on the website which recognised the current recycling and waste disposal information already provided by Council and options for recycling waste. The feedback received also acknowledged the availability of free kitchen caddy starter kits and green organic waste vouchers and drop off days.

Noting the feedback received in **Appendix 2** and summarised above, no alterations to the Policy were considered necessary following the consultation process. However, a number of administrative changes have been made following internal feedback as follows.

The provision for alternative arrangements for waste disposal may be considered if a kerbside collection is not practical or reasonable from a certain location. To facilitate this change the following clause has been added to Section 4.1 of the proposed Policy:

"Where it is deemed that a kerbside service is not practical or reasonable, an alternative service provision may be considered in consultation with affected properties".

Other minor amendments made to the Policy include the adding of 'Cemeteries' to the definition of 'Property or Properties' and in Clause 4.4 'Up to' was added to 'Each oval clubroom is entitled to'. These changes were made to ensure cemeteries throughout the Council area received a kerbside service. In regard to the latter, 'Up to' was added to indicate five bins was not an automatic entitlement.

In the definitions, 'Resident is a ratepayer within the Adelaide Hills Council' has been altered to 'Property Owner is a person who owns the property' and 'Occupant is the person who resides at the property'. This change was made as the 'Resident' may not be the owner of the property. Therefore it was deemed appropriate to add 'Property Owner' and 'Occupant' as separate definitions.

The changes outlined above are shown in Appendix 1 using track changes.

Green Organic Collection in Houghton/ Inglewood/Paracombe

Currently green organic material from the Houghton/Inglewood area is potentially going to landfill in the blue bin as residents have limited opportunities for alternative disposal of this waste. Previous reports to Council on this matter discussed and proposed for future consideration a green organic bin collection for the township areas of Inglewood and Houghton. Requests for this service were also received as part of the recent community engagement undertaken on the draft Waste & Resource Recovery Service Policy.

As outlined in the Financial and Resource Implication section of this report, it is recommended that consideration be given to allocating additional funds for a kerbside green organics collection service to Inglewood and Houghton as part of the 2018/19 budget preparation process.

The Policy does not contain any significant changes to the current green bin service area (other than those discussed above for Inglewood and Houghton) and maintains that those residents on any collection service route may apply for a green bin service, which will be reviewed on a case by case basis. Applications for a green organics service outside of the current service areas, including Paracombe, will only be approved if the collection truck is actively collecting on route in that area and there is minimal extension to the route or other material cost flow on effects.

The draft Waste & Resource Recovery Service Policy contained within **Appendix 1** defines Council's kerbside and other waste resource service provisions. The proposed Policy also consolidates the current Green Organics Policy and the Community Groups Access to Waste Disposal Sites Policy. Both of these policies are recommended to be rescinded with the adoption of the Waste & Resource Recovery Service Policy.

4. OPTIONS

Council has the following options:

- I. To adopt the Waste & Resource Recovery Service Policy as presented in **Appendix 1** and to consider allocating funds for the provision of a green organics service to Inglewood and Houghton as part of 2018/19 budget deliberations. This option is recommended as it will ensure consistent and equitable service provision and assist to minimise waste to landfill.
- II. To not adopt the Waste & Resource Service Policy as presented in **Appendix 1** and to not consider allocating funds for the provision of green organics service to Inglewood and Houghton. This option is not recommended as it may result in inconsistent service provision and increased waste to landfill.

Should Council identify the need for substantial amendments to the proposed policy, it is recommended that they be referred to staff for review to allow for analysis of the implications of the amendments, prior to the matter being brought back to Council for further consideration.

5. APPENDICES

- (1) Final draft Waste & Resource Recovery Service Policy
- (2) Feedback received

Appendix 1

Final draft Waste & Resource Recovery Service Policy

DRAFT COUNCIL POLICY

	WASTE & RESOURCE RECOVERY SERVICE POLICY
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Policy Number:	ENV-05
Responsible Department(s):	Waste Health & Regulatory Services
Other Relevant Policies:	Nil
Relevant Procedure(s):	Nil
Relevant Legislation:	<i>Local Government Act, 1999</i> <i>Environment Protection Act 1993</i> <i>Environment Protection Regulations 2009</i> <i>Environment Protection (Waste to Resources) Policy 2010</i>
Policies and Procedures Superseded by this policy on its Adoption:	Kerbside Green Organics Service Implementation. Policy number: ENV-02 (23 May 2017, Item 14.3, 110/17) Community Groups Access to Waste Disposal Sites. Policy number: COM-03 (10 June 2014, Item 12.4, 37)
Adoption Authority:	Council
Date of Adoption:	<u><i>To be updated administratively</i></u>
Effective From:	<u><i>To be updated administratively</i></u>
Minute Reference for Adoption:	<u><i>To be updated administratively</i></u>
Next Review:	<u><i>To be updated administratively</i></u>

Waste & Resource Recovery Service Policy

1. INTRODUCTION

The Adelaide Hills Council provides numerous waste and recycling services to the community. These services aim to reduce the volume of material consigned to landfill by maximising recycling and reuse. The Waste and Resource Recovery Service Policy will assist to meet this aim and also provide for the provision of cost effective, sustainable and efficient waste management services for the community.

2. OBJECTIVES

The objective of the Waste and Resource Recovery Service Policy is to define Council's level of service provision and entitlements for waste and recycling services including:

- Kerbside waste, recycling and green organics
- Street litter bins
- Community groups
- Event waste collection services

The Waste and Resource Recovery Service Policy outlines the requirements for both Council and the community in providing these services. The kerbside service defined within this policy applies to each occupied rateable assessment within the Adelaide Hills Council area, excluding properties that have been assessed as vacant land.

This policy relates to domestic waste and recycling, event waste, community groups, sporting facilities, street litter waste bins and not for profit community/opportunity shops. The Policy does not include waste management services provided through the Heathfield Resource Recovery Centre and the free green organic days provided by Council.

3. DEFINITIONS

For the purposes of this policy:

MGB is a Mobile Garbage Bin, either 140L or 240L.

Religious / Public Worship Site is land containing a church or other building used for public worship (and any grounds), or land solely used for religious purposes.

* **'solely'** means the religious purpose must be the only and exclusive use.

Council is the Adelaide Hills Council.

Council owned is properties owned by Adelaide Hills Council.

~~**Resident** is a ratepayer within the Adelaide Hills Council.~~
Property Owner is a person who owns the property.

[Occupant is the person who resides at the property.](#)

Property or Properties is occupied residential, commercial, industrial, primary production (must have occupied residence), or other property (other property includes Churches, Schools, Kindergartens, Sporting clubs, [Cemeteries](#) and Local Government).

Occupied/residential is any property that has a home that is not vacant.

Kerbside waste/recycling collection is a bin presented on the verge for collection of waste by Council's waste management contractors.

Kitchen Caddy is a small container for collection of green organics material.

Designated collection area is the area defined by Council for green organics [service collection area](#).

Community shop is a retail facility e.g. 'not for profit/opportunity shop' or similar, operated by a community group to raise funds for the betterment of the Adelaide Hills Council community.

Community group means a not-for-profit community based organisation with objectives relating primarily to the social, economic, environmental and cultural needs of the Adelaide Hills community.

4. POLICY STATEMENT

4.1 KERBSIDE WASTE & RECYCLING COLLECTION SERVICE

Each property is entitled to:

- One weekly 140L blue lidded MGB kerbside waste collection.
- One fortnightly 240L yellow lidded MGB kerbside recycling collection.

Council is required under the *Environment Protection (Waste Resources) Policy 2010* to provide a weekly general waste collection service to residential properties.

Bins will be collected from the kerbside verge area unless specified by Council.

In addition to the above, each occupied property within the designated green organics service collection area is entitled to the above-mentioned service plus one fortnightly 240L lime green lidded MGB kerbside green organics collection. A property may request a green organics service using the green organics request form, which will only be approved if they are on route and the truck is collecting from the street and neighbouring properties. Green bins will not be approved or provided where it is deemed by Council administration that an extension of service area is required.

Where it is deemed that a kerbside service is not practical or reasonable, an alternative service provision may be considered in consultation with affected properties.

4.2 COMMERCIAL AND INDUSTRIAL PROPERTY KERBSIDE WASTE & RECYCLING COLLECTION SERVICE

Each commercial, industrial and primary production property is entitled to:

- One weekly 140L blue lidded MGB kerbside waste collection.
- One fortnightly 240L yellow lidded MGB kerbside recycling collection.

It is not Council's responsibility to collect waste generated by the activities of industrial or commercial businesses. Kerbside services are provided within this policy to encourage correct disposal and recycling of domestic quantities of waste and recycling material.

Where it is deemed that a kerbside service is not practical or reasonable, an alternative service provision may be considered in consultation with affected properties.

Commercial or industrial businesses may access the fortnightly 240L MGB lime green lidded organics service for a fee as outlined in Council's Fees and Charges register if they are within the designated collection service area. The service will only be provided upon written request and subject to demonstrated need using the request form.

[Where Council deems that a kerbside or alternative service is not appropriate, commercial or industrial properties will be required to provide their own waste and recycling collection and disposal method.](#)

4.3 COUNCIL OWNED PROPERTY KERBSIDE WASTE & RECYCLING COLLECTION SERVICE (Excluding ovals and sporting facilities)

Unless otherwise specified in a lease, licence, management agreement or any other agreement with Council, Council owned properties are entitled to:

- One weekly 140L blue lidded MGB kerbside waste collection
- One fortnightly 240L MGB yellow lidded kerbside recycling collection

In addition to the above, each Council owned property within the designated service collection area may access one fortnightly 240L lime green lidded MGB kerbside green organics collection service. This service will only be provided upon written request, using the request form, and is subject to demonstrated need.

4.4 SPORTS FACILITIES WASTE & RECYCLING COLLECTION SERVICE

MGB's at sporting facilities are of various sizes and lid colours. They are positioned around the sporting areas in a variety of ways e.g. on stands, stand alone, in sheds etc. Progressively, they will be replaced with 140L red lidded MGB's on lockable stands or locked with a cable and locks. This policy intends to bring the number of bins at sporting facilities into line with provisions of this policy progressively over time.

Each oval is entitled to the following, subject to resources:

- Up to 10, 140L red lidded MGB's to be located around the oval perimeter attached to security poles or secured with a cable and locks
- Additional MGB's may be applied for in writing for special occasions such as sporting finals
- Collection of additional red and orange lidded MGB's will be on the first business day after the special occasion, from a prior agreed designated area

Each oval clubroom is entitled to:

- [Up to five](#) weekly 140L blue lidded MGB's kerbside waste collections. Bins must be presented at the kerbside for collection
- [Up to five](#) fortnightly 240L yellow lidded MGB's kerbside recycling collections. Bins must be presented at the kerbside for collection
- Additional blue lidded waste and yellow lidded recycling MGB's may be applied for. An annual service fee, per bin, will apply as per Council's Register of Fees and Charges

Other sporting facilities:

- Assessment of the waste requirements to be made for each individual facility
- Recycling of waste encouraged at all times
- Requests for additional services must be made in writing using the request form

4.5 SCHOOLS/KINDERGARTENS AND CHILD CARE FACILITIES KERBSIDE WASTE & RECYCLING COLLECTION SERVICE

Each school/kindergarten and child care facility is entitled to:

- One weekly 140L blue lidded MGB kerbside waste collection
- One fortnightly 240L yellow lidded MGB recycling collection
- One fortnightly 240L lime green lidded MGB green organics collection, upon request if within the designated green organics collection area
- Requests for additional services must be made in writing using the request form. An annual service fee, per bin, will apply as per Council's Register of Fees and Charges

4.6 RELIGIOUS / PUBLIC WORSHIP SITE KERBSIDE WASTE & RECYCLING COLLECTION SERVICE

Each Religious / Public Worship Site is entitled to:

- One weekly 140L blue lidded MGB kerbside waste collection
- One fortnightly 240L yellow lidded MGB kerbside recycling collection
- One fortnightly 240L lime green lidded MGB green organics collection, upon request, if within the designated green organics collection area
- Requests for additional services must be made in writing using the request form. An annual service fee, per bin, will apply as per Council's Register of Fees and Charges

4.7 EVENT WASTE AND RECYCLING COLLECTION SERVICE

Requests for event bins are to be made in writing using the Event Application form. The Adelaide Hills Council Event Coordinator, in consultation with the Waste Management Coordinator, will assess the application and inform the applicant of the outcome.

4.8 BIN PROVISION INCLUDING NEW AND ADDITIONAL SERVICES

All MGB's are the property of Adelaide Hills Council and shall remain with the premises at which the bin(s) is issued should a change of occupancy or ownership occur.

Additional service:

- Where a service already exists a ~~resident~~ [Property Owner or Occupant](#) may receive additional bins. Additional bins must be applied for using the request form. An annual service fee, per bin, will apply as per Council's Register of Fees and Charges
- Additional waste, recycling and green organics MGB's will only be issued if the [Property Owner/Agent](#) of the property applies for the service using the request form

Cancelling an additional service:

- Requests for the cancellation of an additional MGB must be completed in writing
- The MGB must be presented on the verge area, empty of waste, for Council to collect

New service:

- [Property Owners](#) ~~Residents~~ may apply for a new waste, recycling or green organics service using the request form
- MGB's will only be provided to new homes or businesses two weeks prior to occupancy
- Approval for a green organics service will be dependent on the designated collection area

4.9 GREEN ORGANIC DISPOSAL VOUCHERS

Occupied residential properties that are not eligible to receive a fortnightly 240L lime green lidded MGB organics service will be provided with up to two disposal vouchers per financial year upon request.

Each voucher entitles the ~~resident~~ [Property Owner or Occupant](#) to take one caged 7x5 trailer load of domestic green organics to the Heathfield Resource Recovery Centre free of charge. Loads larger than this will incur additional fees, to be paid by the voucher holder. Vouchers may be requested through Council's Customer Relationship Management System, by mail, or verbally.

Based on application, commercial or industrial businesses outside of the green organics collection area may be entitled to green organics vouchers. The vouchers will be only provided where it is demonstrated that a domestic need for green organic disposal is shown. Commercial operations providing green organic services will not be eligible for vouchers.

4.10 NOT FOR PROFIT COMMUNITY / OPPORTUNITY SHOP VOUCHERS

Upon written request, a maximum of twelve (12) waste disposal vouchers may be provided per financial year.

Vouchers will be issued if the following criteria are met:

- Waste disposal arises out of operating a Community Shop and the group is a not-for-profit entity which provides some service or benefit to the Adelaide Hills Council community
- Loads must be equivalent to or less than a 7x5, [\(2.1m x 1.5m\)](#), caged trailer of hard waste. Loads above this size will incur additional fees
- Vouchers will only be redeemable at the Heathfield Resource Recovery Centre

4.11 KITCHEN CADDIES

[Residents-Property Owners or Occupants](#) who currently have access to a lime green lidded MGB organics service may access one kitchen caddy starter kit per property free of charge. Kitchen caddy starter kits can be collected from Council's Service Centres. Additional compostable bags or replacement caddies may be purchased at Council's Service Centres as per Council's Register of Fees and Charges.

Properties that do not have access to a lime green lidded MGB organics service may obtain a kitchen caddy starter kit for free for use with home composting.

4.12 TOW BALL HITCHES

Tow ball hitches assist [Property Owners or Occupants residents](#) to tow bins to the verge area. They are available at all Council Service Centres for a fee as per Council's Register of Fees and Charges.

4.13 STREET LITTER AND BUS STOP BINS

Before a street litter or bus stop bin will be installed, an evaluation will be undertaken considering the following criteria:

- Number of installed street litter bins currently in the area
- Distance to other street litter bins
- Visible litter in the area over a period of time
- General location in relation to businesses and high foot traffic areas
- Number of requests for the bin
- Consideration of installation and ongoing costs

If it is determined the need for a bin is not sufficient, the area will be monitored monthly for four to six months to determine the amount of waste build up, if any.

At Council's discretion, street litter or bus stop bins may be removed.

4.14 BIN REPLACEMENT – LOST, STOLEN OR DAMAGED BINS

Council will be responsible for repair and maintenance of MGB's (e.g. replacement of wheels and lids).

Damaged bins:

- Damaged MGB's will be repaired and/or replaced by Council at no cost to the ratepayer, unless it is deemed by Council to be deliberate damage or misuse. A fee for each bin will then apply, as per Council's Register of Fees and Charges

- Damaged MGB's must be left on the verge area for repairs where normal waste collection occurs
- Where a bin is unsuitable for repairs and must be replaced, the damaged bin must be presented on the verge, empty of waste, for the contractor to collect

Stolen bins:

- Stolen MGB's will be replaced by Council at no charge to the [Property Owner or Occupant resident](#)
- Requests for replacement of stolen MGB's must be in writing using Council's request form. At Council's discretion satisfactory evidence of bin theft may be requested

5. FEES AND CHARGES

Where relevant, fees for services described by the Waste and Resource Recovery Service Policy will be determined by Council and declared in Council's Register of Fees and Charges annually.

6. SERVICE REQUIREMENTS

~~These~~ [Property Owners or Occupants](#) receiving a kerbside waste, recycling or green organics collection service from Council will be responsible for the following:

- Placement of the MGB on the kerbside the night before the bin is scheduled to be collected or by 6am on the day of collection with the lid opening facing towards the street
- Placement of the MGB where the contractor's collection vehicle can gain access to it
- Ensuring a clearance of at least 50cm around each MGB, one metre between MGB's and parked cars, trees, stobie poles, letter boxes or other obstacles to the collection vehicle
- Pedestrian access must be maintained at all times
- Ensure MGB lids are fully closed
- Placement of correct material in each MGB
- Total weight of the MGB does not exceed 50kg
- Removing the MGB from the kerbside within 24 hours of it being emptied
- Storing the MGB in a safe location on the property to which they are distributed
- Maintaining the MGB in a clean condition so as not to impact on public health or amenity
- All MGB's are owned by Adelaide Hills Council and must remain at the property [to which they were allocated](#)

Where the collection vehicle is unable to access a MGB from a verge area, a suitable collection point will be organised at the discretion of Council and contractors. Unless otherwise specified in an agreement between the parties, MGB's will not be collected from within private property.

Bins will not be collected from other than a kerbside location unless prior arrangements have been made, including a signed agreement, indemnifying Council and the collection contractor against any claims for damages from the property owner or occupier.

7. REFUSAL OF SERVICE

Collection of a MGB may be refused to properties that:

- Fail to use the approved waste collection container, the MGB must have the Adelaide Hills Council logo hot stamp
- Are late in placing their MGB out for collection
- Place prohibited waste out for collection
- Place an MGB out that weighs more than 50kg
- Overfill an MGB so that the lid does not close
- Place an MGB in a location that cannot be reached by the collection vehicle
- Place an MGB incorrectly with handles towards the road
- Fail to use a MGB correctly, leading to contamination of recyclables or organics
- Present additional bins over and above the levels stipulated in this policy

If the contents of an MGB are not emptied for any of the reasons listed within this section, a notice may be placed on the affected bin indicating the reasons for refusal. Disposal of the waste will then be the responsibility of the resident.

Council reserves the right to cease a collection service when there is repeated misuse of an MGB, including continually leaving an MGB on the kerbside after collection (excluding MGB bin banks), unnecessarily interfering with other MGB's presented for collection or continually placing an MGB so they are inaccessible to the contractor's collection vehicles or contamination of recyclables.

In regards to any property, Council may deem that additional kerbside services are not appropriate, and properties/facilities would need to arrange their own commercial or alternative services.

Council reserves the right to refuse service where it is impractical to collect, store or present bins or where, as part of planning approval conditions, responsibility for waste management is passed to the owner/occupier.

8. DELEGATION

The Chief Executive Officer has the delegation to

- Approve, amend and review any procedures that shall be consistent with this Policy; and
- Make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

9. AVAILABILITY OF THE POLICY

This Policy will be available for inspection at Council's Offices during ordinary business hours and via the Council's website www.ahc.sa.gov.au. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

Appendix 2

Feedback Received

1. I recently moved to North East Road, Houghton. I am shocked and disappointed that we do not receive a green waste bin. We are on the outskirts of the council area and I wonder if we get forgotten, or maybe there is simply a lack of care. It is a highly populated area, in a fire danger zone. We are not in some hard to reach or hard to access location. We are on a main road! We should have regular, easy access to green waste disposal; especially in fire season when we can't burn off. Yes, we get access to dumping on certain dates, but this is not suitable for several reasons. 1- our location to the nearest depot. It's kilometres away, and not in any place people who live this side of the hills will regularly travel to. It's just not convenient. 2- trees generate leaves and waste regularly and we need continual ways to remove waste safely. 3- not everyone can access a trailer or car with towing abilities to actually use the free dumping offer.

2. In order to reduce the volume of waste going into land fill the garbage / blue bin should be collected fortnightly and green waste and or recycling collected weekly. Collecting the garbage / blue bin fortnightly would force people to divert their rubbish to more appropriate waste disposal services e.g. green waste, recycling, e-waste, hard waste. In recent years residents have been encouraged to dispose of kitchen scraps through the green organics bin. However the current collection cycle means that food can be rotting in the bin for up to two weeks or worse being diverted to the garbage / blue bin. More education is also needed. While I go to great length to sort my waste into the appropriate bins I am often horrified by what I see spilling out of my neighbours bins when I drive down the street.

3. Weekly collection of green bins to reduce fuel loads
Weekly collection of blue bin otherwise they stink and are a hazard to health
Fortnightly collection of yellow bin is fine as they don't stink

4. Like [REDACTED] we take great care to reuse what we can and sort, wash and, recycle as much as possible. It is frustrating to see how mixed up other's bins can be. Recycling in the blue bin, rubbish in the yellow bin - just because it fits in and folks just want it to go away. Education is good of course, but the idea of what is recyclable is not new, people DO know the difference in many cases. A notice slapped on repeat offenders bins with suggestions of ways to reduce/recycle could help.
Confidence that the recycling is actually going to be recycled and not dumped would make people take more care. There is a great belief that it doesn't matter because none of it gets recycled anyway. The War on Waste program may not have assisted in this aspect. Information documenting what happens to OUR recycling may make people care more.
Thank you.

5. The collection interval for recyclables is too long so many residents are being forced to put recyclables in their general waste bin (blue lid).
Unfortunately there is an increasing amount of packaging being used by manufacturers and retailers these days and, while a consumer can opt for products with as little packaging as possible, a family living in a household will still easily fill the recyclables bin well before the two week mark.
Most decomposable material (that will end up stinking) can be placed in the green waste bin so there should be a weekly collection of both green waste and recyclables with general refuse being collected fortnightly.

6. I totally agree with [REDACTED] suggestions. Actually I suggested to the Council a few years ago that the garbage / blue bin and yellow bin could be collected fortnightly and green waste bin collected weekly. Unfortunately my suggestion was not taken by the council.

I agree with [REDACTED] opinion that collecting the garbage/blue bin fortnightly would encourage people to put their green waste into the green bin and recycling waste into yellow bin. As far as I am aware, currently, many people just do not bother to sort their garbage and dispose them into appropriate bins. They just throw most of their garbage into the blue bin because it is collected weekly at the moment.

The more serious problem for collecting the green bin fortnightly is that kitchen scraps become rotten in the green bin after two weeks especially in summer. They attract insects and become very smelly. Once I even saw a large mouse in my green bin! Therefore many of my friends never throw their kitchen waste into their green bins because of the hygiene problems.

Collecting the green bin weekly and the other two bins fortnightly will not increase garbage workers' workloads significantly because they will still collect two kinds of bins each week.

As far as I know, another reason why many people do not bother to throw their kitchen waste into their green bins is that the compostable bags are much more expensive than plastic bags and they are not very easy to find. The Burnside Council gives each house one roll of compostable bags (which is enough for a year of use) for free (Maybe the cost has already been added on their council rate). Why can't our council do the same? That will encourage people to use the green bin more often too.

7. I would also like to see recyclables collected weekly and blue bins collected; I agree this would encourage people to recycle more.

I also believe simple, clear communication on what can and can't be recycled would help improve recycling amounts. I would definitely support easy to follow brochures and/or stickers on bins, particularly if they answer questions about those items that are frequently confusing.

In addition, it would be great to have better info about items that the council collects, and how to deposit, e.g. paint cans, batteries, light bulbs, mobile phones, electrical equipment etc. If the council does not collect these to recycle, I would be very supportive of this being set up, and believe Council should look into options with a variety of providers; eg a Planet Ark container for mobile phones at the library. verandah.

8. Interesting reading. I rarely use my green bin because I live on an acre covered in Stringybarks and can't keep up with gathering the leaves or cutting the fallen branches to fit the bin - partly because I'm in my 70s now, and have a dodgy back. I depend on hiring someone once a year to gather up the debris and stack it somewhere where it is safe to burn off - now I need a permit of course. I agree we need weekly yellow bin collections as mine is usually full and I have items piling up for the next collection in a box on the back verandah. I also don't have a trailer or a car equipped to tow one (or any experience towing a trailer), and so taking either excess recyclables or a load of green waste to the depot myself is not viable.

9. I completely agree with [REDACTED] and many others, in that people put food scraps into the blue bin to as it is removed weekly & thus less smelly. Collecting Blue & yellow fortnightly will encourage people to use the green bin properly and thus this should be collected weekly. Weekly green bin collection will also help with keeping our properties bush fire safe.

I do also agree that new products come with too much packaging, perhaps rather than increasing the yellow collections you offer a free drop off for this type of material.

Agree on the comments about the compostable bags, people cannot always get to the council office, you either need to do as Burnside or make it easier to get them (local shops).

Swapping the cycle around is a sign of the times and would leave the number of collections the same, and should also reduce the amount going to landfill. How about some recycling tips each month something as simple as just showing an item and which bin it should go in, people can relate more to this than looking at symbols.

10. FYI everyone. Free kitchen caddy and a roll of green bags is available to AHC residents

with a green bin. 2 free green waste vouchers per financial year if (like me) you don't have a green bin. An excellent A - Z guide on the web site as to which bin for what item. Free green waste drop off days for the next 4 months - just check the AHC web site! I'd love more recycling and less general waste collection but need to work towards bringing the majority of the populous on board first.

11. As I am not "entitled" to a green bin I have a real problem with green waste. I have not got a trailer and am not comfortable using one. Has the Council given any thought to older residents in the Adelaide Hills Council area who may not be able to use the vouchers for trailers?

12. I regularly run out of yellow recycling bin space and only half fill my blue waste bin. Collection of recycling weekly and blue two weekly would encourage people to recycle in order to have enough bin space for waste. In addition, in the UK, green was collected separately from food waste so you could have that collected weekly to avoid smells and infestation. Green varied according to season.

13. I would like to see more information about what can be put in the recycle bin. Now I have heard that we can put lids in the bin loose and they don't have to be altogether inside a bottle container. This sort of information could be given to schools too to education the students.

14. There is no green bin in the scott creek area. We would like to be included, instead of having to burn it and release carbon into the atmosphere.

15. I once lived in another suburb where the council tried to do fortnightly pick up of the 'blue' bin and it didn't work. The smell was awful and the bins were overflowing. I do agree with weekly recycling pick up. I notice that my yellow bin is often full before the end of the fortnight and that is with only 2 occupants. Side note about green waste: It would be really useful to provide a week of free greens delivery to the Waste Depot every quarter so that the residents have a chance to drop off outside of work hours and not have to line up on the road all weekend. Especially with the new burning by-laws.

16. Would like green bins for everyone (none at Forest Range still) plus the kitchen caddy that some people also get. Then I would be happy to move to two weekly collection of blue bin. Like that this will force people to use their waste creatively, ie worm farms etc. and would be a massive cost saving. Could spend some of those savings on prettying up places other than Stirling roundabouts!

17. Agree with the general sentiment here. Our yellow top bin (recycling) is full by the end of each week but our blue top (general waste) is not. Food scraps go into the composter...Perhaps it would be better to collect the blue fortnightly and the yellow weekly. However its worth noting that if people are still putting food into the blue bin during the summer the blue may have to be done weekly to prevent smells/rats etc...Oh and pretty up the Crafers roundabouts please ()

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 March 2018
AGENDA BUSINESS ITEM**

Item: 12.6

Originating Officer: Lachlan Miller, Executive Manager Governance & Performance

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Council Member Training & Development Policy Review

For: Decision

SUMMARY

Council has had a Council Member Training & Development Policy (the Policy) in place since 2006 to facilitate the fulfilment of its obligations under s80A of the *Local Government Act 1999* (the Act) to assist Council Members in the performance and discharge of their functions and duties.

The current version of the Policy was adopted in September 2015 to incorporate legislative changes that came about from amendments to the Act and the *Local Government (General) Regulations 2013*.

In this review, minor amendments to this Policy are proposed for Council's consideration.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. With an effective date of 10 April 2018, to revoke the 8 September 2015 *Council Member Training & Development Policy* and adopt the revised *Council Member Training & Development Policy*, as contained in Appendix 1.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal Organisational Sustainability
Strategy Governance

Council's Policy Framework is a key component of the wider Governance Framework.

➤ Legal Implications

Section 80A of the Act requires council to prepare and adopt a training and development policy for its members. The policy must be aimed at assisting Council Members in the performance and discharge of their functions and duties. The council may, from time to time, alter its policy, or substitute a new policy.

Regulation 8AA of the *Local Government (General) Regulations 2013* requires that a council must ensure that its training and development policy provides that Members must undertake regular training in accordance with the policy and that it complies with the LGA Training Standards.

The *Training Standards for Council Members* (the Training Standards) were developed by the LGA and approved by the Minister in November 2014. The Standards contain the minimum training requirements for Council Members. These requirements are mandatory and every Council Member must complete them within the first 12 months of their four year term.

➤ Risk Management Implications

The adoption and implementation of the Training & Development Policy will assist in mitigating the risk of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Medium (3D)	Medium (3D)

Note: There are many other controls that assist in mitigating this risk and the revision of the Policy will not bring about a reduction in the risk rating from Residual to Target.

➤ Financial and Resource Implications

The budget for Council Members Training and Development is set each year as part of the Annual Business Plan and Budget process.

The resources required to implement the Policy are provided for by the Governance Team.

➤ Customer Service and Community/Cultural Implications

There is a reasonable community expectation that Council Members receive appropriate training and development to enable them to discharge their roles and obligations under the *Local Government Act 1999* and associated legislation.

➤ **Environmental Implications**

Not applicable.

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Governance and Performance Project Officer
Executive Assistant CEO & Mayor

Community: Not Applicable

2. BACKGROUND

Council first adopted an Elected Member Training and Development Policy in June 2006 and the Policy has been updated since that time with the most recent review in September 2015.

The Policy has been based on a template developed by the Local Government Association (LGA), amended to suit the Adelaide Hills Council operating environment.

As highlighted in the Legal Implications section above, the Training Standards were developed in November 2014, the key modules and content are as follows:

Module 1: Introduction to Local Government

- The Australian System of Government
 - The three spheres of government and their functions
 - Relationships between the three spheres of government
- Roles and Functions of Local Government
 - Role, functions and objectives of Local Government
 - Composition and structure of Councils
 - Community engagement and consultation
 - Strategic Planning
- Elected/Staff Structures
 - Role of Council Members
 - Role of Staff
- Services Provided by Councils
 - Mandatory
 - Discretionary

Module 2: Legal Responsibilities

- Role of a Council Member
- Delegations
- General Duties
- Code of Conduct for Council Members
- Conflict of Interest
- Register of Interests
- Responsibilities concerning the provision of support and resources
- Legal Protections for Council Members
- External Oversight
 - Ombudsman SA
 - Independent Commissioner Against Corruption
 - Minister for Local Government
 - District Court

Module 3: Council & Committee Meetings

- Overview
- Council Meetings
- Committee Meetings
- Public Access to Council and Committee Meetings
- Informal Gatherings
- Agendas
- Motions and Voting
- Minutes
- Public Access to documents
- Chairing meetings

Module 4: Financial Management & Reporting

- Overview of financial governance responsibilities of individual elected members and the elected body.
- Long term financial planning
- Long term asset management planning
- Audit Committees
- Rating
- Budgets and Annual business plans

Following the 2014 election, the Adelaide Hills Council adopted a mixed approach to educating both new and returning Council Members on the requirements of the training standards. A legal firm was engaged to conduct face-to-face training over a series of professional development workshops and the LGA's on-line modules were used for Council Members who were not able to attend all of the face-to-face sessions.

Throughout the current council term, training and development activities have been scheduled for the whole elected body where a matter is of common interest (e.g. changes to the conflict of interest provisions) and individually for specific training needs (i.e. Audit Committee training).

3. ANALYSIS

The Training Standards have not yet been updated for the 2018 Local Government Election, however should an update occur, it is not expected that there will be significant change.

The Policy has been reviewed and as a result a small number of changes have been made. The revised Policy is at **Appendix 1** and the changes have been shown in mark-up form.

Consultation on the contents of the Training & Development Plan, as referred to in the Policy, will be undertaken with all Council Members closer to the election.

An important element of the Training & Development Plan (in addition to the mandatory training) will be to induct the 'class of 2018' to the key AHC plans strategies, policies, budget and projects.

4. OPTIONS

Council has the following options:

1. To approve the revised *Council Member Training & Development Policy*, with or without amendment (Recommended).
2. To determine not to approve the revised *Council Member Training & Development Policy* at this time, potentially to make further changes.

Should Council identify the need for substantial amendments to the revised Policy, it is recommended that they be referred to staff for review, so as to allow for analysis of the implications of the amendments, prior to being brought back to Council for consideration.


5. APPENDIX

- (1) Council Member Training & Development Policy (draft)

Appendix 1

Council Member Training & Development Policy (draft)

COUNCIL POLICY

	COUNCIL MEMBER TRAINING & DEVELOPMENT
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Policy Number:	CM-05
Responsible Department(s):	Governance & <u>Performance</u>
Relevant Delegations:	None
Other Relevant Policies:	Council Member Allowances and Benefits <u>Council Member Conduct</u>
Relevant Procedure(s):	None
Relevant Legislation	<i>Local Government Act 1999</i> <i>Local Government (General) Regulations 2013</i>
Policies and Procedures Superseded by this policy on its Adoption:	<u>8 September 2015, Item 12.1, 43</u>
Adoption Authority:	<u>Council</u>
Date of Adoption:	<u>To be updated administratively</u>
Effective From:	<u>To be updated administratively</u>
Minute Reference for Adoption:	<u>To be updated administratively</u>
Review Date:	No later than <u>March 2021</u> or as required by legislation

COUNCIL MEMBER TRAINING & DEVELOPMENT

1. INTRODUCTION

The Adelaide Hills Council is committed to providing training and development activities for its Council Members, including the mandatory training requirements under the LGA Training Standards, and recognises its responsibility to develop and adopt a policy for this purpose under Section 80A of the *Local Government Act 1999* (the Act).

2. POLICY OBJECTIVE

To ensure Council Members are offered opportunities to undertake the required training in accordance with the *LGA Training Standards* and any other appropriate training and development activities relevant to their roles and functions.

3. SCOPE

This Policy applies to all Council Members, who each have an obligation to abide by this Policy.

4. TRAINING & DEVELOPMENT PLAN

Council will develop and adopt a Training & Development Plan so as to ensure that activities available to all Council Members contribute to the personal development of the individual and the achievement of the strategic and good governance objectives of Council.

For the purposes of this Policy, attendance at meetings as a representative of Council (i.e. ALGA National Assembly, LGASA General Meetings) is not a Training and Development activity although it is acknowledged that there is a development element in attendance at these fora.

Particular emphasis will be given in the Training & Development Plan to the participation of all Council Members in the development of a new team following a general election as well as the orientation of first time Council Members.

In preparing its Training & Development Plan the Council will utilise a range of strategies to identify the needs of Council and match these needs against its strategic and good governance objectives. This may include, but not be limited to:

- Annual assessment of the needs of Council Members
- Annual assessment of Council and/or committee performance
- Survey/questionnaire
- Interviews
- Workshops

Council recognises that in order to carry out their roles and responsibilities to the community Council Members will need specific training and refresher courses about their legislative and governance roles and functions such as, but not limited to:

- The requirements of the *Local Government Act 1999* and associated regulations
- Role of Council Members
- Role of CEO and Officers
- Council Governance responsibilities
- Decision-making & problem solving
- Ethics and relationship with staff
- Strategic management planning
- Financial management
- Rating
- Role of Audit Committee
- Legal and Risk Management
- Asset Management
- Community Engagement
- Role of Development Assessment Panel including land-use planning and development assessment
- Section 41 Committees
- Advisory Groups
- Subsidiaries
- Community Wastewater Management Schemes
- Waste Management
- Whistleblowers Protection
- Fraud & Corruption Prevention

At the minimum, Council recognises that its Members must fulfil the requirements of Regulation 8AA of the *Local Government (General) Regulations 2013* regarding compliance with the LGA training standards approved by the Minister. The modules developed to meet these standards are:

- Module 1 - Introduction to Local Government - Role and function of Council Members
- Module 2 - Legal Responsibilities
- Module 3 - Council and committee meetings
- Module 4 - Financial Management and Reporting

Other training issues will emerge that are directly related to specific service areas and other community issues and address environmental, social and economic challenges facing the community.

Council recognises that a range of delivery methods will be required to support the training needs of Council Members, including:

- In-house workshops, seminars and briefing sessions conducted by the Council with appropriate staff, trainers and guest speakers;
- Attendance at workshops, seminars and conferences offered by training providers and industry bodies including the Local Government Association of SA, Local Government Managers Australia, other industry bodies and/or private providers offering courses for Members to gain new skills and knowledge and to network with other Council Members;
- Printed material, including training booklets and discussion papers, that may be distributed for information;
- Proficiency in using the Council provided tablet device/s
- On-line self-paced learning; and
- CD Rom/DVD information.

Council's Training & Development Plan will include the agreed delivery method to respond to the needs of Council Members identified during the development of the training plan.

3. SPECIFIC TRAINING FOR COUNCIL MEMBERS

Council recognises that some of the training needs of Council Members will be specific to their legislative and governance roles and functions (e.g. Audit Committee) and preference will be given to Council Members when it relates to their role on Council. However, if appropriate and sufficient interest is shown, internal sessions can be conducted for all Council Members.

4. ANNUAL BUDGET ALLOCATION

A budget allocation will be provided to support the training and development activities undertaken by Council Members.

Unless the seminar is aimed at a specific group of members (eg newly elected), numbers attending should be restricted to ensure efficient use of budgeted funds, thus enabling attendance at a range of seminars over the budget year and giving Council access to greater information.

5. ATTENDANCE AT TRAINING PROGRAMS/ACTIVITIES

Council Members are encouraged to attend at least one professional development activity, seminar or conference each year.

In the first instance, courses to be attended will focus on development of basic skills to undertake their role as a Council Member.

The Training Plan will determine the nature of training to be made available, however, access to training programs not directly conducted by the Council will require approval upon application and must link to the training plan unless otherwise agreed by the Council ~~or the Strategic Planning & Development Policy Committee~~.

Council Members who wish to attend a conference or seminar must make application by completing a ~~T~~training and ~~D~~development ~~A~~application ~~F~~form (**Appendix 1**) detailing the content, relevance and costs involved to attend. All applications shall be forwarded to the Mayor for approval and, once approved, to the CEO in reasonable time to meet the conference registration deadline.

Where a Council Member has attended a conference, seminar or other training/development activity without an approved Training and Development Application Form, Council will not reimburse the costs associated with the activity retrospectively.

Where Council Members are representing Council in an official capacity (e.g. National General Assembly & LGA meetings), the Mayor is authorised to approve the attendance by Council Members at intrastate, interstate or overseas conferences and seminars, subject to:

- The cost to Council (including travel, meals, accommodation etc & cost of conference/seminar) not exceeding \$1,500
- Budgeted funds being available

Where the Mayor is the applicant, authority for approval of the application will pass to the Deputy Mayor.

Council Member requests to attend a conference/seminar that do not satisfy the above criteria, or are above the \$1,500 limit, shall be the subject of a report to Council for consideration.

Refusal of an application (by the Mayor or Deputy Mayor) will be reported to Council.

Council Members who have attended a conference or seminar will provide a summary written report at the next Council meeting (to be included as an information item in the Councillor Reports section of the agenda), outlining the nature of the training program/activity and the benefits gained through attendance along with feedback on ideas to enhance the program/activity.

If a recommendation for action is being made, a formal report in the Council Agenda will be required.

Council Members who have attended a professional development activity may give a verbal report.

The CEO will keep a record of all training attended, but particularly the mandatory training requirements. Failure to complete the mandatory training requirements in the relevant time frame amounts to a breach of the Council Members [Conduct Policy \(specifically the Code of Conduct for Council Members\)](#).

6. PAYMENTS/REIMBURSEMENTS

Where approval has been granted by the Mayor or Council for attendance at a training program/activity, a Member may seek reimbursement of expenses in accordance with the relevant provisions of the Act and Regulations, as detailed in the *Council Member Allowances and Benefits Policy*, which should be read in conjunction with this policy.

Registration and accommodation expenses will normally be arranged and paid for by Council prior to the event, unless otherwise requested.

Expenses will normally be restricted to:

- Registration – course/seminar/conference registration fees.
- Travel – economy class air fares or vehicular travel expenses, by the shortest practicable route, depending on convenience and cost. The rate per kilometre is as prescribed through the Local Government Association Circular in relation to Council Member Vehicle Reimbursement (in accordance with the Australian Taxation Office), as the basis for reimbursement of travelling expenses.
- Accommodation – if required, will be provided in the hotel where the conference is held, or a hotel nearby of a similar suitable standard.
- Meals – the cost of main meals where not provided as part of the course/conference.
- Other costs - incidental costs, specifically related to attendance at the course etc (i.e. taxis, fares, parking) but not infringement notices, bar costs, bar fridge costs, tips or laundry/dry cleaning service costs.

7. CLAIMS FOR REIMBURSEMENT

The claim form detailed in the Council Member Allowances and Benefits Policy must be used to claim for reimbursement of expenses not already paid by Council.

Reimbursement of incidental costs will be provided on the basis of receipts for actual expenditure on return from the event. Receipts are required within 7 working days of returning from the course/seminar/conference.

8. REGISTER OF ALLOWANCES AND BENEFITS

All training and expenses incurred by Council Members as a result of attending a conference, seminar or course, as well as any other benefits paid or provided for the benefit of a Council Member by the Council, will be recorded in the Council's Allowances and Benefits Register, which will be updated as required by Section 79 of the *Local Government Act 1999*.

9. ANNUAL REPORTING

Council's Annual Report will include a segment regarding the operation of this Policy, the nature of matters raised in the training plan, attendances by Members and expenditure allocated and used for training of Council Members.

9. DELEGATION

The Chief Executive Officer has the delegation to

- Approve, amend and review any procedures that shall be consistent with this Policy; and
- Make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

10. AVAILABILITY OF THE POLICY

This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website www.ahc.sa.gov.au. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

COUNCIL MEMBER TRAINING & DEVELOPMENT APPROVAL FORM

Name:		Date:	
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Course/Program *(If applicable, please attach copy of completed registration form)*

Title:			
Date(s)			
Time:	Start:	Finish:	
Provider (eg. LGTA):			
Location (address):			
Contact Phone Number:			

Course Content:
Relevance <i>(including link to Strategic Management Plan, Functional Strategy or Council Policy)</i>
Learning Outcomes or Objectives: <i>(key topics, outcomes that can be applied to Council)</i>

Investment *(Can be authorised by Mayor up to \$1500, report provided to Council if above)*

Description	\$	Account Number <i>(office use only)</i>
Registration:		
Travel Cost:		
Accommodation:		
Expenses:		
Other (specify):		
Total:		

Flights (if required): *Flights will be Economy class and the most cost effective available*

Preferred Flight time:	Depart:	Return:
Any other information:		

Accommodation (if required): *Accommodation will be provided in the hotel where the conference is held, or a hotel nearby of a similar suitable standard*

Preferred Accommodation:	
Address:	

Approval

Signed by Council Member:	Sign:	Date:
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Authorised by Mayor:	Sign:	Date:
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Office Use Only

Registration Form submitted

☐

Registration Confirmed

☐

Accommodation Booked

☐

Flights Booked

☐

Accommodation Details

Flight Details

Council Member provided with Itinerary

☐

Date Completed:

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 March 2018
AGENDA BUSINESS ITEM**

Item: 12.7

Originating Officer: Director Community and Customer Service

Responsible Director: Director Community and Customer Service

Subject: Complaint Handling Policy Amendment

For: Decision

SUMMARY

The purpose of this report is to seek a resolution from the Council to amend the Council's Complaint Handling Policy to include provisions arising from a new Council Employee Code of Conduct which comes into effect on 2 April 2018.

The proposed amendment is a relatively straightforward one, which amends the Policy to provide that complaints about employee conduct under the Code of Conduct are dealt with by the Chief Executive Officer according to existing industrial processes and human resource policies. It is based on model wording provided by the Local Government Association of South Australia (LGA).

A copy of the proposed amended Complaint Handling Policy is contained in **Appendix 1** (amendments highlighted).

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
2. With an effective date of 2 April 2018, to revoke the 13 June 2017 Complaint Handling Policy and adopt Complaint Handling Policy as contained in Appendix 1.

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal 5	Organisational Sustainability
Strategy	Governance

Under this area of the Strategic Plan, it is stated that:

“The Council is committed to open, participative and transparent decision making and administrative processes. We diligently adhere to legislative requirements to ensure public accountability and exceed these requirements where possible.”

By updating the Council’s Complaint Handling Policy at the same time as the new Code of Conduct, the Council is acting responsibly to ensure compliance with legislation.

➤ **Legal Implications**

Effective from 2 April 2018, the *Local Government (General) Regulations 2013* have been amended to incorporate a new Council Employee Code of Conduct. The details of the new Code are discussed later. The regulations include the following provisions (in Schedule 2A):

2—Complaints

(1) A complaint alleging that an employee of a council has contravened or failed to comply with the code set out in this Schedule must be dealt with in accordance with a policy prepared and maintained by the council relating to complaints against employees.

(2) The policy referred to in subclause (1) must nominate a person or persons to whom complaints are to be given and, in the case of a complaint against the chief executive officer of the council, must provide for the complaint to be given to the principal member of the council, except in circumstances where it would be inappropriate to do so (for example, if the matter to which the complaint relates must be kept confidential under an Act or law).

As a consequence of the above mentioned provisions, it is necessary for the Council to amend its Complaint Handling Policy.

More broadly in terms of the conduct of employees, s107 of the *Local Government Act 1999* (the Act) requires that the Chief Executive Officer must ensure that sound principles of human resource management are applied to employment in the administration of the council.

➤ **Risk Management Implications**

Amending the Complaint Handling Policy to include the proposed provisions will assist in mitigating the risk of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Medium (3D)	Medium

Considering and acting on the proposed amendments is consistent with the existing control measures for this risk area.

➤ **Financial and Resource Implications**

Nil.

➤ **Customer Service and Community/Cultural Implications**

Including the proposed provisions in the Complaint Handling Policy will enhance community confidence in the Council.

➤ **Environmental Implications**

Not applicable.

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

The changes to the Regulations, which come into effect on 2 April 2018, were only published in the *South Australian Government Gazette* on 13 February 2018, with subsequent advice provided by the LGA on 20 February 2018. In any event, it is not considered necessary to undertake community consultation on the proposed amendment as it does not affect the intent and principles of the Policy. Rather, the change essentially provides a procedural mechanism for dealing with a certain type of complaint.

Council Committees: Not applicable.

Council Workshops: Nil.

Advisory Groups: Not applicable.

Administration: Executive Manager, Organisational Development
Executive Manager, Governance and Performance

Community: Nil.

2. BACKGROUND

The Council's current Complaint Handling Policy was adopted in June 2017 and is not scheduled for review until June 2020. While the Policy does identify that complaints about the conduct of employees under the Code of Conduct are dealt with using special provisions, it does not strictly satisfy the requirements of the new Code, which require the Council to have a policy in place which deals with the handling of these types of complaints and nominates an officer who will handle them.

3. ANALYSIS

On 13 February 2018, the Governor made Regulations to vary the *Local Government (General) Regulations 2013*, to establish a new Code of Conduct for local government employees. The provisions are mandatory and apply to all Council employees. The new Code, enshrined in the Regulations, replaces the *Code of Conduct for Council Employees* published by the Minister for Planning.

Although not the subject of the decision being contemplated in this report, it is relevant to note the provisions of the new Code.

The new Code is focussed solely on the acceptance of gifts and benefits. Whereas the existing Code contains specific guidance on the circumstances in which gifts and benefits can be accepted (for instance, that gifts cannot be accepted from a party in, or seeking to be in, a contractual arrangement with the Council, but with exceptions for certain situations), the new Code reduces the criteria down to a single test of reasonableness around whether the acceptance of a gift or benefit is intended to or likely to create a sense of obligation or influence.

The relevant provisions from the revised Regulations are contained in **Appendix 2**.

In accordance with his obligations under s107 (as set out in the legal Implications section) the Chief Executive Officer is developing an Adelaide Hills Council specific Employee Code of Conduct to cover other matters which will no longer be mandated through legislation, such as employees acting in a way which generates community trust in the Council, ensuring that personal interests do not interfere with the performance of an employee's role and the effective use of Council resources by employees.

The matter before Council now, however, is the need to satisfy the requirements outlined in the Legal Implications section of the report. That is, the Council must have a policy position which sets out how complaints relating to the Code are dealt with and that an officer be nominated to deal with them.

The Administration considers that this is best done through amending the existing Complaint Handling Policy. The proposed amendment is to add the following wording, which is based on a model provided by the LGA, in Section 4 after the examples given under the 'special provisions' heading:

Employee code of conduct complaints

Where a person alleges —

- *an employee (or a relative of an employee) has sought or received a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation on the part of the employee to a person or to influence the employee in the performance or discharge of the employees functions or duties; or*
- *an employee has failed to record, or correctly record, details of a gift or benefit received by the employee (or a relative of an employee) on the gift and benefits register; or*
- *the Chief Executive Officer has not appropriately maintained a register for gifts and benefits received by employees of the Council,*

they may submit a complaint alleging that an employee of council has contravened or failed to comply with the Code of Conduct for Council Employees, as prescribed in Schedule 2A of the Local Government (General) Regulations 2013.

A complaint of this nature must be given to the Chief Executive Officer. It will be investigated and resolved according to the industrial and human resource procedures of the Council.

In the case of a complaint against the Chief Executive Officer, a complaint must be given to the principal member of the Council, except in circumstances where it would be inappropriate to do so (such as where legislation requires the matter to which the complaint relates to remain confidential).

This includes the nomination of the Chief Executive Officer as the person to whom complaints should be raised. Of course, in the case of a complaint against the Chief Executive Officer, the complaint should be raised with the principal member of the Council, i.e. the Mayor.

4. OPTIONS

Council has the following options:

- I. Adopt an amended Complaint Handling Policy as per the recommendation (Recommended)

This option is recommended as it aligns with the advice provided by the LGA, which was consulted by the State Government during the formulation of the new Code, and has considered the matter on behalf of the Local Government sector.

- II. Not amend the Complaint Handling Policy (Not Recommended)

Should the Council not resolve in line with the recommendation, it will need to determine how it will deal with the requirements outlined in the Legal Implications section of this report.


5. APPENDICES

- (1) Complaint Handling Policy (existing)
- (2) Extract from South Australian Government Gazette

Appendix 1

*Draft Amended Complaint Handling Policy
(proposed amendments highlighted)*

COUNCIL POLICY

 Adelaide Hills COUNCIL	COMPLAINT HANDLING
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Policy Number:	GOV-04
Responsible Department(s):	Community and Customer Service
Other Relevant Policies:	Internal Review of Council Decisions Policy Request for Services Policy
Relevant Procedure(s):	Complaint Handling Procedure
Relevant Legislation:	Local Government Act 1999, Section 270 Local Government (General) Regulations 2013, Schedule 2A
Policies and Procedures Superseded by this policy on its Adoption:	Complaint Handling Policy 13 June 2017
Adoption Authority:	Council
Date of Adoption:	<i>To be entered administratively once adopted.</i>
Effective From:	<i>To be entered administratively once adopted.</i>
Minute Reference for Adoption:	<i>To be entered administratively once adopted.</i>
Next Review:	June 2020

COMPLAINT HANDLING POLICY

1. INTRODUCTION

This Policy sets out the principles and guidelines to be used when addressing complaints made about the actions of the Council, employees of the Council, or other people acting on behalf of the Council.

This Policy is to be read in conjunction with other relevant Council policies, especially in making the distinction between a complaint and request for a review of a Council decision.

2. OBJECTIVES

The objectives of this policy are:

- To demonstrate the Council's commitment to addressing complaints in a timely, effective and fair way
- To demonstrate the Council's commitment to using information gained from the community to improve its services and operations

3. DEFINITIONS

"Complaint" means an expression of dissatisfaction with a product or service delivered by the Council or its representatives that has failed to reach the standard stated, implied or expected. This includes complaints about a service that has been, or should have been delivered. A complaint may be made in any form, including verbal, written or electronic means.

A request for a formal **"review of a decision"** is distinguished from a complaint by virtue of the person clearly and purposefully asking for the decision to be reviewed so as to achieve a different outcome.

"Vexatious complaints" are those complaints which are made without sufficient grounds and are submitted only to cause disruption, delay or annoyance.

"Frivolous complaints" are those complaints which lack seriousness, sense or are made without an apparent purpose.

"Feedback" means those comments, which are sometimes framed as complaints, where the intent is clearly for the matter to be noted, but where there is no implied or expressed expectation of follow up, review or action.

4. POLICY STATEMENT

Principles

The following principles will be applied to the handling of complaints:

- The community should be aware of, and have access to, complaint making channels and the process to lodge a complaint. The process for handling the complaint should be communicated to the complainant.
- Each complaint will be considered on its merits. Complainants will be treated fairly, with impartiality, confidentiality and transparency being applied to the extent possible.

- Complaints will be taken seriously and sufficient resourcing will be allocated to handle complaints in a professional and timely manner.
- The outcome of a complaint should be used to improve the way the Council operates.
- The manner in which a complaint is handled, and by whom, will depend on the level of complexity and seriousness of the complaint. At all times, complaints should be handled by people competent to manage the process and communicate the outcomes.
- It is not a reasonable use of the Council's, i.e. the community's, resources to allocate time and money to investigating vexatious or frivolous complaints.
- Complainants should be informed of the outcome of any complaint requiring investigation.

Policy position

The following reflects the Council's position in respect to applying the above principles:

- The Council welcomes complaints as a way of improving its services and programs as well as providing an opportunity to improve services and operations or simply to 'put things right'.
- This policy will be made widely accessible to ensure that the Council's community, customers, stakeholders and partners are fully aware of their right to complain. Procedures associated with this policy, including information about how to lodge a complaint and how it will be handled, will be made available on the Council's website.
- Complaints will broadly be dealt with according to a three step approach, with complaints being dealt with at the first point of contact wherever possible:

Step 1 - Immediate response to resolve the complaint

All staff are empowered to handle complaints in the first instance and it is preferable that they are dealt with promptly at the initial point of contact and at the appropriate officer level.

Step 2 - Complaint escalated to a more senior officer

A complaint will be directed to a more senior officer in the Council, where circumstances indicate that the complaint would be more appropriately handled at a higher level. This may occur, for example, where an officer has been involved in the matter that is the subject of the complaint, where the complaint is about an issue that requires a decision to be made at a more senior level, or where a complaint concerns a matter that ranges across more than one Council work area.

Step 3 - Internal review of a Council decision by statutory process

Internal review of a Council decision is available under section 270 of the *Local Government Act 1999*. This is a process established by legislation that enables a Council to reconsider all the evidence relied on to make a decision, including new evidence if relevant. This process is generally a last resort in the complaint handling process, but may also be used in situations which are not able to be resolved by other means, such as a complaint about a decision of the CEO.

- Procedures will be developed which contain, as a minimum:
 - a. An approach to acknowledging the complaint.
 - b. The method to assess the nature, complexity and level of seriousness of the complaint, including whether there are specific statutory procedures or other agencies responsible for the type of complaint.
 - c. Criteria to determine the best approach according to the three tiers, including selection of an appropriate person to handle the complaint, being cognisant of the principle of impartiality.
 - d. Processes for undertaking investigations, which will vary depending on the nature and complexity of the complaint.
 - e. The process for communicating the outcome to the complainant.
 - f. Guidelines for advising the complainant of further avenues of complaint if they are not satisfied with the outcome.
 - g. Performance measures for the complaint handling procedures.
- No distinction will be made between the method of making the complaint, i.e. complaints will be given the same regard whether they are made remotely or in person. Complaints made through any form of media will be accepted, but depending on the seriousness and complexity of the complaint, the complainant may be requested to provide further information in a defined form.
- All complaints will be recorded in Council's records management system in such a way that the information can also be analysed for service improvement opportunities.
- Complainants will be advised of the likely timeframe required to investigate and resolve a complaint and regularly updated as to progress where necessary.
- Employees will be trained to manage complaints efficiently and effectively, and provided with a level of delegated authority appropriate for the nature of complaints they are expected to resolve.
- Complaints deemed to be vexatious or frivolous will be responded to in a manner appropriate to the case, but generally without resources being allocated to undertake further investigation. The complainant should, where practicable, be advised that the complaint will not be progressed and why.
- Feedback which does not constitute a complaint (see definitions) will be acknowledged and the feedback will be directed to the appropriate functional area, but in most cases, a formal investigation will not occur.
- Complaints which constitute a request for a review of a Council decision will be treated according to the provisions of the Internal Review of Council Decision Policy.
- Where complaints are found to be justified the Council will, where practicable, remedy the situation in a manner which is consistent and fair for both Council and complainants. The solution chosen will be proportionate and appropriate to the circumstances. As a general principle the complainant should, so far as possible, be put in the position he or she would have been in, had things not gone wrong. This may mean providing the desired service or changing a decision. Sometimes, however, it may only be possible to offer an apology.

- Where complainants make assertions that financial compensation is expected, the matter will need to be referred to the Local Government Association Mutual Liability Scheme for case management. The rules of the Scheme will be observed and this will be communicated to the complainant.

Special provisions

There are specific procedures which apply to particular types of complaints. If the complaint would be more properly dealt with by another process, this will be explained to the complainant at the outset. For example:

- Complaints against a Councillor, the Chief Executive Officer or employee staff under the applicable Code of Conduct
- Freedom of Information applications
- Claims for financial compensation, e.g. 'insurance claims'
- Persons claiming protection under whistle-blower protection legislation
- Decisions made under legislation other than the Local Government Act, such as the Development Act 1993 or Expiation of Offences Act 1996.

Employee code of conduct complaints

Where a person alleges —

- an employee (or a relative of an employee) has sought or received a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation on the part of the employee to a person or to influence the employee in the performance or discharge of the employees functions or duties; or
- an employee has failed to record, or correctly record, details of a gift or benefit received by the employee (or a relative of an employee) on the gift and benefits register; or
- the Chief Executive Officer has not appropriately maintained a register for gifts and benefits received by employees of the Council.

they may submit a complaint alleging that an employee of council has contravened or failed to comply with the Code of Conduct for Council Employees, as prescribed in Schedule 2A of the Local Government (General) Regulations 2013.

A complaint of this nature must be given to the Chief Executive Officer. It will be investigated and resolved according to the industrial and human resource procedures of the Council.

In the case of a complaint against the Chief Executive Officer, a complaint must be given to the principal member of the Council, except in circumstances where it would be inappropriate to do so (such as where legislation requires the matter to which the complaint relates to remain confidential).

5. DELEGATION

The Chief Executive Officer has the delegation to approve, amend and review any procedures that shall be consistent with this Policy.

6. AVAILABILITY OF THE POLICY

This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website www.ahc.sa.gov.au. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

DRAFT

Appendix 2

Extract from South Australian Government Gazette

South Australia

Local Government (General) (Employee Code of Conduct) Variation Regulations 2018

under the *Local Government Act 1999*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Local Government (General) Regulations 2013*

- 4 Variation of regulation 8A—Code of conduct for employees
 - 5 Insertion of Schedule 2A
- Schedule 2A—Code of conduct for employees
- 1 Gifts and benefits
 - 2 Complaints
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Local Government (General) (Employee Code of Conduct) Variation Regulations 2018*.

2—Commencement

These regulations will come into operation on 2 April 2018.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Local Government (General) Regulations 2013*

4—Variation of regulation 8A—Code of conduct for employees

Regulation 8A—delete "published by the Minister in the Gazette on the day on which this regulation is made (and as in force on that day) is adopted as a code of conduct to be observed by the employees of all councils" and substitute:

set out in Schedule 2A is prescribed

5—Insertion of Schedule 2A

After Schedule 2 insert:

Schedule 2A—Code of conduct for employees

1—Gifts and benefits

- (1) An employee of a council must not seek out or receive a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation on the part of the employee to a person or influence the employee in the performance or discharge of the employee's functions or duties.
- (2) If an employee of a council receives a gift or benefit of an amount greater than the amount determined by the Minister (from time to time), by notice published in the Gazette, the employee must provide details of the gift or benefit to the chief executive officer of the council in accordance with any requirements of the chief executive officer.
- (3) The chief executive officer of a council must maintain a register of gifts and benefits received by employees of the council and must ensure that the details of each gift and benefit provided under this clause are included in the register.
- (4) A register maintained under this clause must be—
 - (a) made available for inspection at the principal office of the council during ordinary office hours without charge; and
 - (b) published on a website determined by the chief executive officer.
- (5) A register maintained under this clause—
 - (a) need not include information available in another register published by, or available for inspection at, the council or otherwise available under the Act; and
 - (b) may include information by reference to another register or document, provided the register or document is published by, or available for inspection at, the council and the register maintained under this clause identifies that other register or document.
- (6) For the purposes of this clause, a gift or benefit received by a person related to an employee of a council will be treated as a gift or benefit (as the case requires) received by the employee.
- (7) Unless the contrary intention appears, terms and expressions used in this clause and in Schedule 3 of the Act have the same respective meanings in this clause as they have in that Schedule, provided that a reference in Schedule 3 to a *member* will be taken, for the purposes of this clause, to be a reference to an *employee*.

Note—

The Act requires that certain gifts and benefits must be disclosed by employees and recorded on the Register of Interests relating to employees.

2—Complaints

- (1) A complaint alleging that an employee of a council has contravened or failed to comply with the code set out in this Schedule must be dealt with in accordance with a policy prepared and maintained by the council relating to complaints against employees.
- (2) The policy referred to in subclause (1) must nominate a person or persons to whom complaints are to be given and, in the case of a complaint against the chief executive officer of the council, must provide for the complaint to be given to the principal member of the council, except in circumstances where it would be inappropriate to do so (for example, if the matter to which the complaint relates must be kept confidential under an Act or law).

Note—

- 1 Chapter 13 Part 2 of the Act requires a council to develop and maintain policies, practices and procedures for dealing with (among other things) complaints about the actions of employees of the council.
- 2 The code set out in this Schedule is in addition to and does not—
 - (a) limit the operation of the *Fair Work Act 1994*; or
 - (b) operate to lessen any rights or obligations on employees or employers under the *Fair Work Act 1994* or any award, industrial agreement or contract of employment; or
 - (c) affect the jurisdiction of the South Australian Employment Tribunal conferred under the *Fair Work Act 1994*.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

following consultation with the Local Government Association of South Australia and as further required under section 110 of the Act and with the advice and consent of the Executive Council on 13 February 2018

No 43 of 2018

15LG07CS

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 March 2018
AGENDA BUSINESS ITEM**

Item: 12.8

Originating Officer: Kylie Hopkins, Governance & Performance Project Officer

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Delegations Review – March 2018

For: Decision

SUMMARY

Council's Register of Delegations is required to be reviewed in accordance with Section 44 (6) of the *Local Government Act 1999* at least once in every financial year. At Adelaide Hills Council, a review occurs quarterly covering a proportion of the Register examining delegations under a number of Acts. This manages the annual review of each delegation in four manageable segments and allows changes in legislation to be enacted in a timely fashion.

This report addresses delegations under the following Acts:

- *Burial & Cremation Act 2013 and the Burial and Cremation Regulations 2014*
- *Development Act 1993 and Development Regulations 2008*
- *Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 1994*
- *Expiation of Offences Act 1996*
- *Food Act 2001*
- *Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017*
- *Safe Drinking Water Act 2011*
- *Supported Residential Facilities Act 1992*
- *Unclaimed Goods Act 1987*
- *Water Industry Act 2012 and Water Industry Regulations 2012*

Council currently has delegations operating for all of the above Acts. Council must now determine if it will continue to delegate some or all of the powers and functions contained in the attached Instruments.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
2. That, having conducted its quarterly review of Council's Delegations Register, in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

2.1 Revocation

Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts:

- 2.1.1 *Burial & Cremation Act 2013 and the Burial and Cremation Regulations 2014*
- 2.1.2 *Development Act 1993 and Development Regulations 2008*
- 2.1.3 *Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 1994*
- 2.1.4 *Expiation of Offences Act 1996*
- 2.1.5 *Food Act 2001*
- 2.1.6 *Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017*
- 2.1.7 *Safe Drinking Water Act 2011*
- 2.1.8 *Supported Residential Facilities Act 1992*
- 2.1.9 *Unclaimed Goods Act 1987*
- 2.1.10 *Water Industry Act 2012 and Water Industry Regulations 2012*

2.2 Delegations made under the *Local Government Act 1999*

2.2.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 3, 5, 6, 8, 9, 10, 11 and 12 (each of which is individually identified as indicated below) are hereby delegated this 27th day of March 2018 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- *Burial & Cremation Act 2013 and the Burial and Cremation Regulations 2014 (appendix 3)*
- *Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 1994 (appendix 5)*
- *Expiation of Offences Act 1996 (appendix 6)*
- *Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017 (appendix 8)*
- *Safe Drinking Water Act 2011 (appendix 9)*
- *Supported Residential Facilities Act 1992 (appendix 10)*
- *Unclaimed Goods Act 1987 (appendix 11)*
- *Water Industry Act 2012 and Water Industry Regulations 2012 (appendix 12)*

- 2.2.2** Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

2.3 Delegations made under the *Development Act 1993*

- 2.3.1** In exercise of the power contained in Section 20 and 34(23) of the *Development Act 1993*, the powers and functions under the *Development Act 1993* and the *Development Regulations 2008* and specified in the proposed Instrument of Delegation contained in Appendix 4 are hereby delegated this 27th day of March 2018 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation under the *Development Act 1993*.
- 2.3.2** Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*.
- 2.3.3** In exercise of the powers contained in Section 20 and 34(23) of the *Development Act 1993* the powers and functions under the *Development Act 1993* and the *Development Regulations 2008* and specified in the proposed Instrument of Delegation contained in Appendix 4, are hereby delegated on this 27th day of March 2018 to the Council's Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*:

2.4 Delegations made under *Food Act 2001*

- 2.4.1** In exercise of the powers contained in Section 91 of the *Food Act 2001*, the powers and functions under the *Food Act 2001* and specified in the proposed Instrument of Delegation contained in Appendix 7 are hereby delegated this 27th day of March 2018 to the person occupying the office of Chief Executive Officer ("the head of the enforcement agency" for the purposes of the *Food Act 2001*), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Food Act 2001*.
- 2.4.2** Such powers and functions may be further delegated by the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Food Act 2001*.

2.5 Delegations under *Safe Drinking Water Act 2011* (of enforcement agency)

2.5.1 In exercise of the power contained in Section 43 of the *Safe Drinking Water Act 2011* the powers and functions of the Council as a relevant authority under the *Safe Drinking Water Act 2011* and specified in the proposed Instrument of Delegation contained in Appendix 9 are hereby delegated this 27th day of March 2018 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Safe Drinking Water Act 2011*.

2.5.2 Such powers and functions may be further delegated by the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Safe Drinking Water Act 2011*.

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal	Organisational Sustainability
Strategy	Governance

The review of Delegations is an important element of Council's commitment to open and transparent decision-making which facilitates public accountability.

➤ Legal Implications

An annual review of the legislation and delegations to staff is required under Section 44(6) of the *Local Government Act 1999*.

➤ Risk Management Implications

The maintenance of a robust legislative delegation regime is an important control in managing the risk of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Medium (3D)	Medium (3D)

Note: there are many other controls that also assist in mitigating this risk.

➤ Financial and Resource Implications

Not directly applicable

➤ **Customer Service and Community/Cultural Implications**

Delegations allow Council's legislative obligations to be discharged in an effective and efficient manner and enable the administration to provide more timely service.

➤ **Environmental Implications**

Not directly applicable

➤ **Engagement/Consultation with Committee, Regional Subsidiary, Advisory Group and Community**

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: The following were consulted and provided input into the report:

- Director Corporate Services
- Director Strategy & Development
- Executive Manager Governance & Performance
- Manager Property Services
- Manager Development Services
- Manager Waste Health & Regulatory Services
- Director Community & Customer Services
- Director Engineering & Assets
- Manager Civil Services
- Manager Library & Customer Services
- Manager Financial Services
- Manager Information Systems
- Manager Sustainable Assets
- Manager Open Space

Community: Not Applicable

2. **BACKGROUND**

Legislation is constantly changing and a review is required to ensure Council and staff are working with the updated legislation and have the appropriate delegations to carry out the various legislative functions. Model Delegations are prepared by Norman Waterhouse Lawyers on behalf of the Local Government Association (LGA) and have been used as a basis for this review.

Delegations can be revoked by the Council at any time and Council retains the right to act on any matter even if it has been delegated.

A schedule of reviews (**Appendix 1**) has been developed by Council's Administration to ensure delegations under all Acts/Regulations are reviewed over the course of the year.

3. ANALYSIS

This report incorporates the updates identified in the 'Table of Updates' (**Appendix 2**), dated 31 December 2017, provided by the Local Government Association in Circular 6.11 .

As per the table of updates and Council's schedule of reviews, the following Acts and Regulations are being reviewed this quarter:

- *Burial & Cremation Act 2013 and the Burial and Cremation Regulations 2014*
- *Development Act 1993 and Development Regulations 2008*
- *Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 1994*
- *Expiation of Offences Act 1996*
- *Food Act 2001*
- *Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017*
- *Safe Drinking Water Act 2011*
- *Supported Residential Facilities Act 1992*
- *Unclaimed Goods Act 1987*
- *Water Industry Act 2012 and Water Industry Regulations 2012*

The Acts/Regulations with amendments in this review are:

- *Development Act 1993 and Development Regulations 2008*
- *Food Act 2001*
- *Safe Drinking Water Act 2011*

All changes have been tracked on the attached instruments.

3.1 Development Act 1993 and Development Regulations 2008

A number of legislative changes have been proposed relating to Section 96A, 97.2 and 97.2A. In addition, the direct delegation from Council to the CEO has been reviewed and some amendments are proposed. These amendments have been tracked on the attached instrument.

3.2 Food Act 2001

Minor legislative amendments relating to Section 51(1) and 52(4) have been made to this Act.

3.3 Safe Drinking Water Act 2011

Minor legislative amendments relating to Section 10(1) and 14(4) have been made to this Act.

There have been no changes to the other delegations in this review.

If the powers contained in the attached instruments were not delegated all decisions must come to Council for its consideration and the Chief Executive Officer will not be empowered to act in relation to such matters.

As with all Council delegations, delegating a power under these Acts does not transfer that power from the Council to the delegate, it merely replicates it. As such, where the situation requires, matters will be brought to Council for decision.

4. OPTIONS

It is a matter for Council to determine whether it will delegate to the Chief Executive Officer some or all of the powers and functions contained in the appendices. The previous delegations must be revoked and replaced with the new delegations.

5. APPENDICES

- (1) Delegations Review Schedule
- (2) Table of updates dated 31 December 2017
- (3) Instrument of Delegation under the *Burial & Cremation Act 2013* and the *Burial and Cremation Regulations 2014*
- (4) Instrument of Delegation under the *Development Act 1993* and *Development Regulations 2008*
- (5) Instrument of Delegation under the *Environment Protection Act 1993* and *Environment Protection (Waste Management) Policy 1994*
- (6) Instrument of Delegation under the *Expiation of Offences Act 1996*
- (7) Instrument of Delegation under the *Food Act 2001*
- (8) Instrument of Delegation under the *Local Nuisance and Litter Control Act 2016* and *Local Nuisance and Litter Control Regulations 2017*
- (9) Instrument of Delegation under the *Safe Drinking Water Act 2011*
- (10) Instrument of Delegation under the *Supported Residential Facilities Act 1992*
- (11) Instrument of Delegation under the *Unclaimed Goods Act 1987*
- (12) Instrument of Delegation under the *Water Industry Act 2012* and *Water Industry Regulations 2012*

Appendix 1

Delegations Review Schedule

DELEGATIONS REVIEW SCHEDULE

Act	Mar-18	Jun-18	Sep-18	Dec-18
LGA Circular Number	6.11			
Burial & Cremation Act 2013 and the Burial and Cremation Regulations 2014	27-Mar			
Community Titles Act 1996				
Crown Land Management Act 2009				
Development Act 1993 and Development Regulations 2008	27-Mar			
Dog & Cat Management Act 1995				
Electronic Conveyancing National Law (SA) Act				
Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 1994	27-Mar			
Expiation of Offences Act 1996	27-Mar			
Fences Act 1975				
Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005				
Food Act 2001	27-Mar			
Freedom of Information Act 1991 & Freedom of Information (Fees & Charges) Regulations 2003				
Heavy Vehicle National Law (South Australia) Act 2013				
Land & Business (Sale and Conveyancing) Act 1994				
Liquor Licensing Act 1997				
Local Government Act 1999				
Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017	27-Mar			
Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005				
Planning, Development and Infrastructure Act 2016				
Private Parking Areas Act 1986				
Real Property Act 1886				
Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014				
Roads (Opening & Closing) Act 1991				
Safe Drinking Water Act 2011	27-Mar			
South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013				
Strata Titles Act 1999				
Supported Residential Facilities Act 1992	27-Mar			
Unclaimed Goods Act 1987	27-Mar			
Water Industry Act 2012 and Water Industry Regulations 2012	27-Mar			
Work Health Safety Act 2012				

Appendix 2

Table of updates 31 December 2017

LOCAL GOVERNMENT ASSOCIATION
UPDATES OF DELEGATION TEMPLATES ON WEBSITE

(Note: Paragraph references below refer to updated version – As at 31 December 2017)

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Webpage entitled – 'Delegations – Introduction'						
Webpage entitled – 'General Information'						
Instrument of Delegation under the Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014						
Instrument of Delegation under the Community Titles Act						
Instrument of Delegation under the Development Act, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008	96A	Regulation 80(1a)	Addition	Legislative amendment	31 December 2017	Adopt updated Instrument as soon as possible.
	97.2	Regulation 82(4)	Amendment	Legislative amendment		
	97.2A	Regulation 82(4a)	Addition	Legislative amendment		
Instrument of Delegation under the Dog & Cat Management Act						
Instrument of Delegation under the Electronic Conveyancing National Law (South Australia) Act 2013						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Environment Protection Act						
Instrument of Delegation under the Expiation of Offences Act						
Instrument of Delegation under the Fences Act						
Instrument of Delegation under the Fire & Emergency Services Act						
Instrument of Delegation under the Food Act	2.1	51(1)	Amendment	Legislative Amendment	31 December 2017	Adopt updated Instrument as soon as possible.
	3.3	52(4)	Amendment	Legislative Amendment		
Instrument of Delegation under the Freedom of Information Act						
Instrument of Delegation under the Heavy Vehicle National Law Act						
Instrument of Delegation under the Land & Business (Sale & Conveyancing) Act						
Instrument of Delegation under the Liquor Licensing Act						
Instrument of Delegation under the Local Government Act 1999						
Instrument of Delegation under the Local Nuisance and Litter Control Act 2016 and						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Local Nuisance and Litter Control Regulations 2017						
Instrument of Delegation under the Natural Resources Management Act						
Instrument of Delegation under the Planning, Development and Infrastructure Act 2016						
Instrument of Delegation under the Public & Environmental Health Act 1987, the Public & Environmental Health (Waste Control) Regulations 2010 and the Public & Environmental Health (Legionella) Regulations 2008						
Instrument of Delegation under the Real Property Act						
Instrument of Delegation under the Roads (Opening & Closing) Act						
Instrument of Delegation under the Road Traffic Act 1961, Road Traffic (Miscellaneous_ Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014						
Subdelegations to Chief Executive Officer under the Road Traffic Act 1961						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Authorisations under Road Traffic Act 1961						
Instrument of Delegation under the Safe Drinking Water Act 2011	10(1)	10(1)	Amendment	Legislative amendment	31 December 2017	Adopt updated Instrument as soon as possible.
	14(4)	14(4)	Amendment	Legislative amendment		
Instrument of Delegation under the South Australian Public Health Act 2011						
Instrument of Delegation under the South Australian Public Health (Legionella) Regulations 2013						
Instrument of Delegation under the South Australian Public Health (Wastewater) Regulations 2013						
Instrument of Delegation under the Strata Titles Act 1988						
Instrument of Delegation under the Supported Residential Facilities Act						
Instrument of Delegation under the Water Industry Act 2012 and Water Industry Regulations 2012						
Instrument of Delegation under the Work Health Safety Act 2012						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Unclaimed Goods Act 1987						
Webpage entitled – 'Guide for use – Template Resolutions'						
Draft Resolutions for the making of Delegations	9	-	Addition	Legislative Amendment	31 December 2017	Adopt updated Instrument as soon as possible.
Webpage entitled – 'Documents for Making Subdelegations'						
Template Instrument of Subdelegation						
Notification of Subdelegations for Council Officers						
Notification of delegations to Officers who are 'acting' in a position						
Webpage entitled – 'Legislative Requirements'						
Webpage entitled – 'Best Practice Recommendations'						

Appendix 3

*Instrument of Delegation under the
Burial & Cremation Act 2013 and the Burial and
Cremation Regulations 2014*

		Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE BURIAL AND CREMATION ACT 2013			
1. Offence to Dispose of Bodily Remains Except in Cemetery or Natural Burial Ground			
1.1	The power pursuant to Section 8(2) of the Burial and Cremation Act 2013 (the Act) to grant approval to a person to inter bodily remains in a prescribed area on land within the Council's area outside a cemetery or natural burial ground.	CEO	NIL
2. Opening of Interment Sites, Exhumation and Re-interment			
2.1	The power pursuant to Section 13(6) of the Act to consult with the Attorney-General in relation to an approval for the purposes of Section 13(1) of the Act where the Council is the relevant authority for the cemetery or natural burial ground.	CEO	NIL
3. Disposal of Unclaimed Cremated Human Remains			
3.1	The power pursuant to Section 18(2) of the Act, to, if the cremated remains of a deceased person processed at a crematorium are not claimed within 6 months, to dispose of them as the delegate thinks fit where the Council is the relevant authority for the crematorium.		
4. Establishment of Cemeteries, Natural Burial Grounds and Crematoria			
4.1	Subject to the Act, the power pursuant to Section 19 of the Act, to establish a cemetery, natural burial ground or crematorium.		
5. Power of Councils to Establish and Manage Public Mortuaries			
5.1	The power pursuant to Section 20 of the Act, to establish and manage public mortuaries for the temporary repose of bodily remains prior to their disposal.		
6. Establishment of Mausolea Within Cemeteries			
6.1	The power pursuant to Section 21 of the Act, to, on the delegate's own initiative or on application by any person, establish mausolea within the cemetery for which the Council is the relevant authority.		
7. Designation of Natural Burial Grounds Within Cemeteries			
7.1	The power pursuant to Section 22 of the Act to set apart any part of a cemetery as a natural burial ground where the Council is the relevant authority for the cemetery.		
8. Power to Set Apart Part of Cemetery or Natural Burial Ground for Particular Religions			
8.1	The power pursuant to Section 23 of the Act, to set apart any part of a cemetery or natural burial ground for the interment of human remains in accordance with the customs and practices of a particular religion where the Council is the relevant authority for the cemetery or natural burial ground.		
9. Closure of Cemeteries and Natural Burial Grounds			
9.1	Subject to Section 24 of the Act, the power pursuant to Section 24(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to close the cemetery or natural burial ground if:		
9.1.1	the cemetery or natural burial ground is or has become unsuitable for the disposal of human remains; or		

		Direct Delegation from Council	Conditions/ Limitations
9.1.2	50 or more years have elapsed since human remains were last interred in the cemetery or natural burial ground.		
9.2	The power pursuant to Section 24(8) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are unexercised interment rights in force in relation to the cemetery or natural burial ground, to, by agreement with the holder of such an interment right:	CEO	NIL
9.2.1	discharge the interment right and give the former holder a refund equal to the current fee payable for an interment right of the same kind; or		
9.2.2	discharge the interment right and issue to the former holder, free of charge:		
9.2.2.1	a new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or		
9.2.2.2	if the closure relates only to part of the cemetery or natural burial ground - a new interment right in relation to another part of the cemetery or natural burial ground.		
9.3	The power pursuant to Section 24(9) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are interment rights in force in relation to the cemetery or natural burial ground pursuant to which human remains have been interred, to, by agreement with the holder of such an interment right:	CEO	NIL
9.3.1	discharge the interment right and issue to the former holder, free of charge:		
9.3.1.1	a new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or		
9.3.1.2	if the closure relates only to part of the cemetery or natural burial ground - a new interment right in relation to another part of the cemetery or natural burial ground; and		
9.3.2	remove any human remains interred at the original interment site and re-inter the remains pursuant to the new interment right; and		
9.3.3	remove any memorial erected at the original interment site and re-position the memorial at the new interment site.		
9.4	The power pursuant to Section 24(10) of the Act, if the Council as the relevant authority and the holder of an interment right cannot reach an agreement to discharge the interment right, to refer the matter to an independent party for mediation in accordance with guidelines approved by the Minister subject to Section 24(11) of the Act.	CEO	NIL
9.5	The power pursuant to Section 24(12) of the Act, to, if a cemetery or natural burial ground closed under Section 24 of the Act has been lawfully consecrated according to the rites or practices of a particular religious or ethnic group and the Council is the owner of the land, offer the closed cemetery or natural burial ground as a gift to that group.		
10. Dedication of Closed Council Cemeteries as Park Lands			

		Direct Delegation from Council	Conditions/ Limitations
10.1	Subject to Sections 24 and 25(7) of the Act, the power pursuant to Section 25(4) of the Act, if a closed cemetery for which the Council is the relevant authority is dedicated as park lands, to do any of the following:		
10.1.1	remove memorials to deceased persons;		
10.1.2	relocate memorials to deceased persons in the park lands;		
10.1.3	replace memorials to deceased persons with some other form of memorial in the park lands.		
11. Conversion of Closed Cemeteries into Public Parks or Gardens			
11.1	The power pursuant to Section 26(2) of the Act, subject to Sections 26(1), (3), (4) and (8) of the Act, where the Council is the relevant authority for a closed cemetery, to convert the cemetery into a public park or garden.		
11.2	Subject to Sections 24 and 26(8) of the Act, the power pursuant to Section 26(6) of the Act, if a closed cemetery for which the Council is the relevant authority, is converted into a public park or garden to:	CEO	NIL
11.2.1	remove memorials to deceased persons;		
11.2.2	relocate memorials to deceased persons in the park or garden;		
11.2.3	replace memorials to deceased persons with some other form of memorial in the park or garden.		
12. Powers of Relevant Authorities in Relation to Closed Cemeteries			
12.1	The power pursuant to Section 27(1) of the Act, where the Council is the relevant authority for a closed cemetery to, for the purpose of converting the cemetery into park lands or a public park or garden:		
12.1.1	construct roads and pathways on the land; and	CEO	NIL
12.1.2	erect or construct buildings or structures on the land; and	CEO	NIL
12.1.3	construct on or under the land any vault or other structure as a repository for human remains that are not to be removed from the cemetery for interment elsewhere; and	CEO	NIL
12.1.4	erect lighting, seating and any other infrastructure or public amenity; and	CEO	NIL
12.1.5	take such other action as the delegate thinks fit for laying out the land as park lands or a public place or garden.	CEO	NIL
13. Issue of Interment Rights			
13.1	Subject to Section 30 of the Act, the power pursuant to Section 30(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to agree to the interment of human remains in the cemetery or natural burial ground, and issue an interment right that:	CEO	NIL
13.1.1	identifies the person to whom the interment right is issued; and		
13.1.2	identifies the person or persons whose remains may be interred pursuant to the interment right or provides that a specified person or person of a specified class may, at some future time, nominate the person or persons whose remains may be interred pursuant to the interment right; and		
13.1.3	identifies the site at which remains may be interred pursuant to the interment right or provides for determination, in a manner set out in the interment right, of the site at which the remains may be		

		Direct Delegation from Council	Conditions/ Limitations
	interred pursuant to the interment right; and		
13.1.4	specifies the period for which the interment right is granted; and		
13.1.5	sets out the rights to renewal of the interment right; and		
13.1.6	specifies whether the interment right may be cancelled or transferred and sets out the conditions (if any) governing its cancellation or transfer.		
13.2	The power pursuant to Section 30(3) of the Act to make provision in an interment right for the interment of such number of deceased persons at the site in which remains are to be interred pursuant to the interment right as the delegate considers to be within the capacity of the site to hold.	CEO	NIL
13.3	Subject to the Act, the power pursuant to Section 30(4) of the Act, to, in relation to an interment right, permit a memorial to the deceased person to be erected at the site.	CEO	NIL
13.4	The power pursuant to Section 30(5) of the Act where the Council is the relevant authority to, at the request of the holder of an interment right, carry out a lift and deepen procedure at the site to which the interment right relates for the purpose of interring additional human remains there.	CEO	NIL
14. Duration of Interment Rights			
14.1	The power pursuant to Section 31 of the Act where the Council is the relevant authority to issue an interment right:	CEO	NIL
14.1.1	for the period specified in the interment right; or		
14.1.2	in perpetuity.		
15. Renewal of Interment Rights			
15.1	The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to, on application by the holder of an interment right and payment of the renewal fee fixed by the Council as the relevant authority, renew the interment right for a period of not less than 5 years.	CEO	NIL
15.2	The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to fix a renewal fee.		
16. Transfer of Interment Rights			
16.1	The power pursuant to Section 33(1) of the Act to transfer an interment right.	CEO	NIL
17. Re-use of Internment Sites			
17.1	Subject to the Act, the power pursuant to Section 38(1) of the Act, if an interment right expires, to, where the Council is the relevant authority:	CEO	NIL
17.1.1	re-use the internment site to which the interment right related; and		
17.1.2	remove any memorial to a deceased person erected on or at the site.		
18. Ownership of Memorial			
18.1	The power pursuant to Section 39(2) of the Act, to, where the Council is the relevant authority for a cemetery or natural burial ground in which a memorial is situated, deal with and dispose of the memorial in accordance with the Act.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
19. Duty to Maintain Memorial			
19.1	The power pursuant to Section 40 of the Act to enter into an agreement with the holder of an interment right in respect of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority for the maintenance of a memorial at that site.	CEO	NIL
20. Power to Require Repair, Removal or Reinstatement of Memorial			
20.1	The power pursuant to Section 41(1) of the Act, if a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe, to, by notice in a form approved by the Minister given personally or by post to the owner of the memorial, require repair, removal or reinstatement of the memorial within the period specified in the notice	CEO	NIL
20.2	The power pursuant to Section 41(2) of the Act, if the required work is not carried out within the time allowed in the notice, to have the work carried out and recover the cost of doing so as a debt from the owner of the memorial.	CEO	NIL
20.3	The power pursuant to Section 41(3) of the Act, subject to Sections 41(4) and (5) of the Act, if:	CEO	NIL
20.3.1	a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe; and		
20.3.2	urgent action to repair, remove or reinstate the memorial is considered necessary by the delegate,		
	to, instead of giving a notice under Section 42(1) of the Act, have the work carried out and recover the cost of doing so as a debt from the owner of the memorial.		
21. Power of Relevant Authority to Dispose of Unclaimed Memorial			
21.1	The power pursuant to Section 42(1) of the Act, if:	CEO	NIL
21.1.1	2 years or more have elapsed:		
	21.1.1.1 since an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, has expired; or		
	21.1.1.2 since a cemetery for which the Council is the relevant authority was dedicated as park lands or converted into a public park or garden; and		
21.1.2	a memorial to a deceased person interred in the cemetery or natural burial ground is situated at the interment site or elsewhere in the cemetery or natural burial ground; and		
21.1.3	the Council as the relevant authority for the cemetery or natural burial ground has given notice of its intention to remove and dispose of the memorial:		
	21.1.3.1 by public advertisement in a newspaper circulating throughout the State; and		
	21.1.3.2 by written notice affixed to the memorial; and		
21.1.4	the Council as the relevant authority has taken reasonable steps to give written notice to the owner of the memorial of its intention to remove and dispose of the memorial; and		
21.1.5	6 months have elapsed since the cemetery authority gave notice under this subsection and no person has claimed the memorial within that period,		

		Direct Delegation from Council	Conditions/ Limitations
	to remove the memorial from the cemetery or natural burial ground and dispose of it as the delegate thinks fit.		
22. General Powers of Relevant Authority			
22.1	The power pursuant to Section 43 of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium to:		
22.1.1	enlarge the cemetery, natural burial ground or crematorium; and	CEO	NIL
22.1.2	improve or embellish the cemetery, natural burial ground or crematorium; and	CEO	NIL
22.1.3	restrict interments in any part of the cemetery or natural burial ground, except as may be required by interment rights granted before the commencement of the Act; and	CEO	NIL
22.1.4	take any other action that the delegate considers necessary or desirable for the proper management and maintenance of the cemetery, natural burial ground or crematorium.	CEO	NIL
23. Power to Restrict Interments in any Part of Cemetery or Natural Burial Ground			
23.1	The power pursuant to Section 45(1) of the Act, subject to Section 45(2) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground to restrict interments in any part of the cemetery or natural burial ground.	CEO	NIL
24. Neglected Cemeteries and Natural Burial Grounds			
24.1	The power pursuant to Section 46(1) of the Act, subject to Section 46(2) of the Act, if:	CEO	NIL
24.1.1	the delegate is of the opinion that a cemetery or natural burial ground within its area:		
24.1.1.1	is in a neglected condition; or		
24.1.1.2	fails in any manner to comply with the requirements of this Act;		
	to by notice in writing to the relevant authority, require the relevant authority to carry out specified work for the purpose of remedying the condition of neglect or complying with that requirement.		
24.2	The power pursuant to Section 46(3) of the Act, if:	CEO	NIL
24.2.1	the work required by a notice under Section 46(1) of the Act is not carried out within the time specified in the notice; and		
24.2.2	no application for review of the decision to give the notice is made within 14 days after the notice is given,		
	to have the work carried out.		
24.3	The power pursuant to Section 46(4) of the Act, if:	CEO	NIL
24.3.1	the work required by a notice under Section 46(1) of the Act is not carried out within the time specified in the notice; and		
24.3.2	an application for review of the decision to give the notice is determined in favour of the Council		
	to, within 14 days after the determination of the review, have the work carried out.		
24.4	The power pursuant to Section 46(5) of the Act to recover the costs incurred by the Council in carrying out works required by a notice given under Section 46 of the Act as a debt from the relevant authority to whom	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
the notice was given.		
25. Right of Review		
25.1 The power pursuant to Section 47(1) of the Act where the Council is the relevant authority to which a notice is given under Section 46 of the Act, to within 14 days after receipt of the notice, apply to the District Court for a review of the decision of the council or designated Minister (as the case may be) to give the notice to the relevant authority.	CEO	NIL
26. Power of Councils to Accept Conveyance of Cemetery or Natural Burial Ground Land from Trustees		
26.1 The power pursuant to Section 48(1) of the Act, subject to Section 48(4) of the Act, to accept a trust from the trustees of land in the Council's area held on trust for a cemetery or natural burial ground.		
27. Power of Councils to Assume Administration of Cemeteries and Natural Burial Grounds		
27.1 Subject to Section 49 of the Act, the power pursuant to Section 49(1) of the Act to assume the administration of a cemetery or natural burial ground within the Council's area if:		
27.1.1 there is no existing relevant authority for the cemetery or natural burial ground; or		
27.1.2 the relevant authority for the cemetery or natural burial ground is unknown and is not reasonably ascertainable; or		
27.1.3 the relevant authority for the cemetery or natural burial ground agrees to transfer it to the Council.		
28. Public Access to Cemeteries, Natural Burial Grounds and Crematoria		
28.1 The power pursuant to Section 50(2) of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium, to, if the delegate has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery, natural burial ground or crematorium, require the person to leave the cemetery, natural burial ground or crematorium.	CEO	NIL
29. Disposal of Surplus Cemetery Land, etc		
29.1 Subject to Section 51(2) of the Act, the power pursuant to Section 51(1) of the Act to deal with land that comprises or forms part of a cemetery or natural burial ground that has not been used for the interment of human remains in the ordinary course of commerce.		
30. Disposal of Land After Closure of Cemetery Etc		
30.1 The power pursuant to Section 52(1) of the Act, if:		
30.1.1 a cemetery or natural burial ground has been closed in accordance with this Act; and		
30.1.2 all human remains interred in the cemetery or natural burial ground, and all memorials to deceased persons erected in the cemetery or natural burial ground, have been removed from the cemetery or natural burial ground,		
to deal with the land comprising that cemetery or natural burial ground in the ordinary course of commerce.		
31. Power of Public Trustee to Act on Behalf of Holder of Interment Right etc		
31.1 The power pursuant to Section 56(1) of the Act, if reasonable attempts by the Council as the relevant authority for a cemetery or natural burial ground to ascertain or locate:	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
31.1.1	the holder of an interment right in relation to the cemetery or natural burial ground; or		
31.1.2	the owner of a memorial erected in a cemetery or natural burial ground,		
	fail, to request the Public Trustee act on behalf of the holder or owner.		
32. Authorised Officers			
32.1	The power pursuant to Section 58(2) of the Act to appoint as an authorised officer a specified officer or employee of the Council, or an officer or employee of the Council of a specified class.	CEO	NIL
32.2	The power pursuant to Section 58(3) of the Act to make an appointment under Section 58 of the Act subject to conditions limiting the period during which, the area within which or the purposes for which the appointee may exercise the powers of an authorised officer.	CEO	NIL
32.3	The power pursuant to Section 58(7) of the Act to, at any time, revoke an appointment made under Section 58 of the Act, to vary or revoke a condition of such an appointment or impose a further such condition.	CEO	NIL
INSTRUMENT OF DELEGATION UNDER THE BURIAL AND CREMATION REGULATIONS 2014			
33. Filling of Sunken Interment Sites			
33.1	The power pursuant to Regulation 16 of the Burial and Cremation Regulations 2014 (the Regulations), if the surface of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, sinks below the level of the natural surface of the ground, to cause the site to be filled up to that level.	CEO	NIL
34. Powers of Relevant Authority in Relation to Mausolea and Vaults			
34.1	The power pursuant to Regulation 19(1) of the Regulations, where the Council is the relevant authority for a cemetery to, if the delegate suspects on reasonable grounds that:	CEO	NIL
34.1.1	a mausoleum or vault in the cemetery does not comply with the Regulations; or		
34.1.2	offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault in the cemetery,		
	open the mausoleum or vault and inspect it.		
34.2	The power pursuant to Regulation 19(2) of the Regulations, if, after inspecting a mausoleum or vault, the delegate is satisfied that:	CEO	NIL
34.2.1	the mausoleum or vault does not comply with the Regulations; or		
34.2.2	offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault,		
	to, by notice in writing to a person who holds an interment right in force in relation to that mausoleum or vault or who is, under such an interment right, entitled to have his or her remains interred in that mausoleum or vault, require the person to take specified remedial action within a reasonable period specified in the notice.		
34.3	The power pursuant to Regulation 19(3) of the Regulations to, if a person refuses or fails to comply with a notice under Regulation 19(2) of the Regulations, cause the work to be carried out and recover the costs as	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
a debt from the person.			
35. Removal and Disposal of Name Plate etc from Coffin Before Cremation			
35.1	The power pursuant to Regulation 21 of the Regulations, subject to Regulation 21(2) of the Regulations, where the Council is the relevant authority for a crematorium to dispose of:	CEO	NIL
35.1.1	a name plate, metal or plastic fitting or any other object removed before cremation from the exterior of a coffin containing the bodily remains of a deceased person; or		
35.1.2	any other thing that comes into the possession of the Council as a result of a cremation.		
36. Power of Relevant Authority in Relation to Things on Interment Sites			
36.1	The power pursuant to Regulation 26 of the Regulations where the Council is the relevant authority for a cemetery or natural burial ground to:	CEO	NIL
36.1.1	cause to be removed from an interment site in the cemetery or natural burial ground any unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers; and		
36.1.2	cause to be pruned, cut down or removed any plant on an interment site in the cemetery or natural burial ground that is, in the opinion of the delegate, unsightly or overgrown.		
37. Power of Relevant Authority to Require Persons to Leave Cemetery or Natural Burial Ground.			
37.1	The power pursuant to Regulation 27(1) of the Regulations, where the Council is the relevant authority for a cemetery or natural burial ground to, if the delegate has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery or natural burial ground, require the person to leave the cemetery or natural burial ground.	CEO	NIL

Appendix 4

*Instrument of Delegation under the
Development Act 1993 and Development
Regulations 2008*

		Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006 AND DEVELOPMENT REGULATIONS 2008			To be read in conjunction with CAP Delegation Policy
1. Concept of Change in the Use of Land			
1.1	The power pursuant to Section 6(3) of the Development Act 1993 ('the Act') and in circumstances where a particular use of land has been discontinued for a period of six months or more:	CEO/Council's Assessment Panel (CAP)	NIL
1.1.1	to form the opinion that the revival of that use would be inconsistent with the Development Plan and have an adverse effect on the locality in which the land is situated; and		
1.1.2	to serve written notice on the owner and occupier of the land declaring that a revival of the use will be treated for the purposes of the Act as a change in the use of land.		
2. Appointment of Authorised Officers			
2.1	The power pursuant to Section 18(1) of the Act to appoint a person to be an authorised officer for the purposes of the Development Act 1993.	CEO	NIL
2.2	The power pursuant to Section 18(2) of the Act to impose conditions on the appointment of an authorised officer.	CEO	NIL
2.3	The duty, pursuant to Section 18(3) of the Act to issue an authorised officer with an identity card.	CEO	NIL
2.4	The power pursuant to Section 18(5) of the Act to at any time, revoke an appointment which the Delegate or the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.	CEO	NIL
3. Delegations			
3.1	The duty pursuant to Section 20(8) of the Act to ensure that notice of a delegation under Section 20 of the Act is, in prescribed circumstances, given in the Gazette.	CEO	NIL
4. Council or Minister May Amend a Development Plan			
4.1	Where an amendment relates to the area, or part of the area, of a council, the power pursuant to Section 24(1)(a)(i) of the Act to prepare an amendment to a Development Plan.	CEO	Subject to sign-off by SPDPC
4.2	Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(i) to consult with the Minister.	CEO	NIL
4.3	Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(ii) of the Act to prepare an amendment to a Development Plan at the request or with the approval of the Minister.	CEO	NIL
4.4	The power pursuant to Section 24(1a) of the Act and in accordance with subdivision 2 of Division 2 Part 3 of the Act to act jointly with one or more councils in preparing amendments to 1 or more Development Plans under sub Section (1)(a)(i) or (1)(b)(ii) of the Act.	CEO	NIL
4.5	The power pursuant to section 24(1)(a)(iva) of the Act, where the Council or the Delegate has, after	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	commencing the processes associated with making an amendment as set out in Section 25 of the Act, to subsequently decide not to proceed with the amendment after all.		
4.6	The power pursuant to Section 24(1b) of the Act to make submissions in relation to the matter within the period specified by the Minister.	CEO	NIL
4.7	The power pursuant to Section 24(2a) of the Act to make submissions (within a period specified in the notice) in relation to a matter.	CEO	NIL
5. Amendments by a Council			
5.1	The power pursuant to Section 25(1) of the Act to prepare a 'Statement of Intent' in accordance with the Regulations.	CEO	Subject to sign-off by SPDPC
5.2	The power pursuant to Section 25(1) of the Act to reach agreement with the Minister on a 'Statement of Intent' prepared by the Council.	CEO	Subject to sign-off by SPDPC
5.3	Subject to Sections 25(4) and 25(5) of the Act the power pursuant to Section 25(3) of the Act to prepare a proposal, to be called a 'Development Plan Amendment' (or DPA) that complies with the following requirements:	CEO	Subject to sign-off by SPDPC
5.3.1	the DPA must be based on the outcome of investigations initiated by the Council or the Delegate in accordance with the terms of the Statement of Intent and such other investigations (if any) as the Council or the Delegate thinks fit;		
5.3.2	the DPA must include an assessment of the extent to which the proposed amendment:		
5.3.2.1	accords with the Planning Strategy; and		
5.3.2.2	accords with the Statement of Intent; and		
5.3.2.3	accords with other parts of the Development Plan; and		
5.3.2.4	complements the policies in the Development Plans for adjoining areas; and		
5.3.2.5	satisfies the matters prescribed in the Regulations;		
5.3.3	the DPA must include:		
5.3.3.1	an explanation of the intent of the proposed amendments, the relationship between that intent and the policy of the Statement of Intent, and a summary of the major policy changes (if any) that are proposed; and		
5.3.3.2	a summary of the conclusions drawn from the investigations and assessments referred to above; and		
5.3.3.3	a draft of the amendment, or a draft of the relevant section of the Development Plan as amended (with the amendments shown in a distinctive manner);		
5.3.4	the DPA must include an assessment of the extent to which the proposed amendment accords with relevant infrastructure planning (with respect to both physical and social infrastructure) identified by the Council through strategic planning or other processes undertaken by the Council under the Act or the Local Government Act 1999 or identified by a Minister, or any other relevant government agency, in accordance with any scheme set		

		Direct Delegation from Council	Conditions/ Limitations
out in the Regulations, in connection with the preparation of the DPA under the Act;			
5.3.5	the DPA must include any other matter prescribed by the Regulations.		
5.4	The power pursuant to Section 25(3)(a) of the Act to initiate investigations in accordance with the terms of the Statement of Intent and such other investigations as the Delegate thinks fit.	CEO	NIL
5.5	The duty, pursuant to Section 25(4) of the Act to prepare a DPA only after the Delegate has considered the advice of a person with prescribed qualifications.	CEO	NIL
5.6	The power pursuant to Section 25(5) of the Act to not, except as authorised by the Minister, propose an amendment to a part of a Development Plan that has been declared by the Minister by notice in the Gazette as being part of a set of standard policy modules for the purposes of the Act.	CEO	Subject to sign-off by SPDPC
5.7	The duty pursuant to Section 25(6) of the Act to deal with a DPA in accordance with process A, B or C as described by the Act, depending on an agreement reached between the Council or the Delegate and the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.	CEO	NIL
5.8	The power pursuant to Section 25(6) of the Act to reach an agreement with the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.	CEO	NIL
5.9	<u>Process A</u>	CEO	NIL
5.9.1	The duty pursuant to Section 25(7)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent, for comment within the period prescribed by the Regulations.		
5.9.2	The power pursuant to Section 25(7)(b) of the Act, if a response is not received within the period that applies under Section 25(7)(a) of the Act, to assume that the particular Department, agency or other body does not desire to provide any comment.		
5.9.3	The power pursuant to Section 25(7)(c) of the Act to consult with the Minister.		
5.9.4	The duty pursuant to Section 25(7)(c)(i) of the Act to comply with the requirement of the Minister to make an alteration to the DPA.		
5.9.5	Subject to Section 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(7)(d) of the Act to release the DPA for public consultation in accordance with the Regulations), over a period of at least 8 weeks.		
5.10	<u>Process B</u>	CEO	NIL
5.10.1	The duty pursuant to Section 25(8)(a) of the Act, if required by the Minister, to first refer the DPA to the Minister for consideration.		
5.10.2	The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister.		
5.10.3	The duty pursuant to Section 25(8)(a)(i) of the Act to comply with a requirement of the Minister to make an alteration to the DPA.		
5.10.4	Subject to complying with Section 25(8)(a) of the Act, (if relevant) the duty and power pursuant to Section 25(8)(b)(i) of the Act to refer the DPA to any government Department		

		Direct Delegation from Council	Conditions/ Limitations
	or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 8 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.		
5.10.5	Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act the duty pursuant to Section 25(8)(b)(ii) of the Act to release the DPA for public consultation in accordance with the Regulations over a period that is at least concurrent with the period that applies under Section 25(8)(b)(i) of the Act.		
5.11	<u>Process C</u>	CEO	NIL
5.11.1	The duty and power pursuant to Section 25(9)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 4 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.		
5.11.2	Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(9)(b) of the Act to release the DPA for public consultation in accordance with the Regulations, over a period that is at least concurrent with the period that applies under Section 25(9)(a) of the Act.		
5.11.3	The duty pursuant to Section 25(9)(c) of the Act, at the time that the DPA is released for public consultation, to give:		
	5.11.3.1 an owner or occupier of any land that is directly subject to the operation of the proposed amendment; and		
	5.11.3.2 an owner or occupier of each piece of adjacent land to land that is directly subject to the operation of the proposed amendment, a written notice in accordance with the Regulations.		
5.12	The duty pursuant to Section 25(10) of the Act to not release a DPA for public consultation unless or until the Chief Executive Officer of the Council has, on behalf of the Council, issued a certificate in the prescribed form relating to the extent to which the proposed amendment:	CEO	NIL
5.12.1	accords with the Planning Strategy; and		
5.12.2	accords with the Statement of Intent; and		
5.12.3	accords with other parts of the Development Plan; and		
5.12.4	complements the policies in the Development Plans for adjoining areas; and		
5.12.5	satisfies the matters prescribed in the Regulations.		
5.13	In addition to any requirement prescribed by the Regulations, the duty pursuant to Section 25(11) of the Act for the purposes of undertaking the public consultation, to:	CEO	NIL
5.13.1	allow interested persons to make representations in writing in relation to the matter over		

		Direct Delegation from Council	Conditions/ Limitations
	the period that applies for the purposes of the public consultation; and		
5.13.2	subject to Section 25(11)(b) of the Act and in accordance with the Regulations, hold within the area of the Council at least 1 meeting where members of the public may attend and make representations in relation to the matter,		
5.13.3	appoint a committee (which may, but need not, include members of the Council) to consider any representations made under Sections 25(11)(a) or 25(11)(b) of the Act and to provide advice in relation to those representations.		
5.14	If a proposed amendment designates a place as a place of local heritage value, the duty pursuant to Section 25(12) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land constituting a place proposed as a place of local heritage value a written notice:	CEO	NIL
5.14.1	informing the owner of the proposed amendment, and		
5.14.2	inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.		
5.15	If a proposed amendment declares a tree to be a significant tree or a stand of trees to be significant trees, the duty pursuant to Section 25(12a) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land where the tree or trees are located a written notice:	CEO	NIL
5.15.1	informing the owner of the proposed amendment; and		
5.15.2	inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.		
5.16	The duty pursuant to Section 25(13)(a) of the Act, after complying with the requirements of Sections 25(1)-(12a) of the Act, to, in accordance with the Regulations prepare a report on the matters raised during the consultation period, on the reasons for any failure to comply with any time set for any step under Sections 25(1)-(12a) of the Act, and on any recommended alterations to the proposed amendment.	CEO	NIL
5.17	The power pursuant to Section 25(13)(b) of the Act, if the Delegate thinks fit, by notice in writing to the Minister, to decline to proceed any further with an amendment.	CEO	Subject to sign-off by SPDPC
5.18	The duty to send to the Minister:	CEO	NIL
5.18.1	a copy of a report under Section 25(13)(a); and		
5.18.2	a certificate from the Chief Executive Officer;		
	pursuant to and in accordance with Section 25(14) of the Act and the Regulations.		
5.19	The power pursuant to Sections 25(15)(d) and 25(15)(f) of the Act to consult with the Minister.	CEO	Subject to sign-off by SPDPC
5.20	The power pursuant to and in accordance with Section 25(21) of the Act to consult with, and make submissions to the Minister.	CEO	Subject to sign-off by SPDPC

		Direct Delegation from Council	Conditions/ Limitations
5.21	The power pursuant to Section 25(23) of the Act to consult with the Minister.	CEO	Subject to sign-off by SPDPC
6.	Amendments by the Minister		
6.1	The power pursuant to Section 26(5)(d)(i) of the Act, in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.	CEO	Subject to sign-off by SPDPC
6.2	The power pursuant to Section 26(5a)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.	CEO	Subject to sign-off by SPDPC
6.3	The power pursuant to Section 26(5b)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 4 weeks.	CEO	Subject to sign-off by SPDPC
6.4	The power pursuant to Section 26(12) of the Act, to make comment to the Minister within a period determined by the Minister in relation to a proposal to act under Section 26(11) of the Act.	CEO	Subject to sign-off by SPDPC
6.5	The power pursuant to, Section 26(12) of the Act to, by notice in writing, object to the Minister's proposed action.	CEO	Subject to sign-off by SPDPC
7.	Parliamentary Scrutiny		
7.1	The power pursuant to Section 27(6) of the Act to consult with the Minister.	CEO	Subject to sign-off by SPDPC
8.	Strategic Directions Reports		
8.1	The duty pursuant to Section 30(1) of the Act, to, from time to time, in accordance with the requirements of Section 30 of the Act, prepare a report under Section 30 of the Act (a Strategic Directions Report) that:	CEO	Subject to sign-off by SPDPC
8.1.1	addresses the strategic planning issues within the area of the Council, with particular reference to:		
8.1.1.1	the Planning Strategy; and		
8.1.1.2	any other policy or document prescribed by the regulations; and		
8.1.2	addresses appropriate amendments to any Development Plan that applies within the area of the Council; and		
8.1.3	sets out the Council's priorities for:		
8.1.3.1	achieving orderly and efficient development through the implementation of planning policies; and		
8.1.3.2	the integration of transport and land-use planning within its area; and		
8.1.3.3	implementing any relevant targets set out in the Planning Strategy; and		
8.1.3.4	implementing affordable housing policies set out in the Planning Strategy within its area; and		
8.1.3.5	infrastructure planning (with respect to both physical and social infrastructure), taking into account any advice provided by a Minister, or any other relevant government agency, in accordance with a scheme set out in the regulations, and		

		Direct Delegation from Council	Conditions/ Limitations
	any of the Council's proposals with respect to infrastructure; and		
	8.1.3.6 other projects or initiatives considered to be relevant by the Council; and		
8.1.4	contains such other material as may be:		
	8.1.4.1 prescribed by the regulations; or		
	8.1.4.2 required by the Minister.		
8.2	The duty pursuant to Section 30(2) of the Act to prepare and complete a report under Section 30 of the Act:	CEO	Subject to sign-off by SPDPC
8.2.1	within 12 months after an alteration is made to the Planning Strategy, or within such longer period as the Minister may allow, if:		
	8.2.1.1 the Minister declares, by notice in the Gazette, that the alteration is considered to be a significant alteration that should trigger a review of Development Plans, or specified Development Plans, under Section 30 of the Act in relation to issues specified by the Minister; and		
	8.2.1.2 the Development Plan that applies in relation to the Council's area (or a part of its area) falls within the ambit of the declaration; and		
8.2.2	in any event, within 5 years after the completion of the last report under Section 30 of the Act.		
8.3	The duty, pursuant to Section 30(3) of the Act, in connection with the preparation of a report under Section 30 of the Act, to:	CEO	Subject to sign-off by SPDPC
8.3.1	by public advertisement, invite interested persons to make written submissions to the Council within 2 months of the date of the advertisement or such longer period as may be allowed by the advertisement; and		
8.3.2	consult with any prescribed authority or body in the manner specified by the regulations.		
8.4	The duty, pursuant to Section 30(4) of the Act, in connection with the operation of Section 30(3) of the Act, to prepare and make available the documentation prescribed by the regulations.	CEO	
8.5	The duty pursuant to Section 30(5) of the Act to give a person who makes a written response to an invitation under Section 30(3)(a) of the Act an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions.	CEO	
8.6	The duty pursuant to Section 30(6) of the Act, in preparing a report under Section 30 of the Act, to:	CEO	Subject to sign-off by SPDPC
8.6.1	reach agreement with the Minister on a Statement of Intent with respect to any proposed amendments to a Development Plan that applies within the area of the Council; and		
8.6.2	if relevant, prepare a DPA that is suitable for consideration under Section 25(3) of the Act.		
8.7	The duty pursuant to Section 30(7) of the Act to furnish a report under Section 30 of the Act to the Minister.	CEO	

		Direct Delegation from Council	Conditions/ Limitations
8.8	The duty pursuant to Section 30(8) of the Act to, then, in accordance with any reasonable request of the Minister, enter into an agreement with the Minister on the steps that the Council will take as a result of the matters contained in the report (and the report will not be taken to have been completed unless or until such an agreement is reached with the Minister).	CEO	Subject to sign-off by SPDPC
8.9	The power pursuant to Section 30(9) of the Act to request the Minister to exempt the Council:	CEO	Subject to sign-off by SPDPC
8.9.1	from a requirement to prepare a particular report under Section 30 of the Act; or		
8.9.2	from a particular requirement with respect to a report under Section 30 of the Act.		
8.10	The duty pursuant to Section 30(12) of the Act to make copies of a report prepared under Section 30 of the Act available for inspection (without charge) by the public at the principal office of the Council.	CEO	
8.11	The duty pursuant to Section 30(13) of the Act, if a report proposes amendments to a Development Plan that applies within the area of the Council, to ensure that it releases a DPA for public consultation under Section 25 within the period prescribed by the regulations.	CEO	Subject to sign-off by SPDPC
8.12	The power pursuant to Section 30(14) of the Act, to request in accordance with the regulations a Minister identified by the regulations for the purposes of this provision to furnish to the Council within the prescribed period a statement of the nature and extent of any infrastructure that, according to the Minister's assessment, should be taken into account in connection with the preparation of a report under Section 30 of the Act.	CEO	Subject to sign-off by SPDPC
8.13	The power pursuant to Section 30(15) of the Act to act jointly with two or more councils under Section 30 of the Act and to act on behalf of, and with the agreement of, the other council or councils in undertaking any process or procedure under Section 30 of the Act.	CEO	Subject to sign-off by SPDPC
9.	Copies of Plans to be Made Available to the Public		
9.1	The duty pursuant to Section 31(3) of the Act to make copies of a Development Plan published under Section 31(1) of the Act that applies in relation to the area of the Council available for inspection (without charge) and purchase by the public at an office of the Council.	CEO	NIL
10.	Matters Against Which Development Must be Assessed		
10.1	The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):	CEO/CAP	NIL
10.1.1	the provisions of the appropriate Development Plan;	CEO/CAP	Except: 1. new dwellings outside of townships which must be have the delegate report

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		<p>countersigned by another Statutory Planner prior to decision being issued.</p> <p>1.2. Licensed premises which must have the delegate report countersigned by another Statutory Planner prior to the decision being issued</p> <p>2.3. refusals which must be countersigned by either the Director Strategy & Development or Manager Development Services prior to decision being issued.</p> <p>3.4. non-complying applications determined as minor (only in accordance with Clause 3 of Schedule 9 of the Development Regulations 2008 and not where CAP</p>

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		<u>delegation</u>) – but delegate report must be <u>written</u> <u>countersigned by</u> another Statutory Planner prior to <u>decision being</u> <u>issued prior to</u> <u>DAGSCAP</u> concurrence being sought
10.1.2 the provisions of the Building Rules;	CEO	Except: 1. <u>refusals</u> which must be countersigned by either the Director Strategy & Development or Manager Development Services prior to decision being issued
10.1.3 in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;	CEO/CAP	With the exception of minor boundary realignments involving two allotments, <u>file delegate report</u> to be countersigned by either the Director Strategy & Development or Manager Development Services, or

		Direct Delegation from Council	Conditions/ Limitations
			Team Leader Statutory Planning prior to decision being issued
10.1.4	in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;	CEO/CAP	With the exception of minor boundary realignments involving two allotments, filedelegate report to be countersigned by either the Director Strategy & Development or Manager Development Services, or Team Leader Statutory Planning prior to decision being issued
10.1.5	the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner; and	CEO/CAP	NIL
10.1.6	such other matters as may be prescribed.	CEO/CAP	NIL
10.2	The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.	CEO/CAP	FileDelegate report to be countersigned by either the Director Strategy & Development or Manager Development Services, or Team Leader Statutory Planning prior to decision being issued
10.3	If:	CEO	NIL

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10.3.1	a development only requires an assessment under paragraph (b) of Section 33(1) of the Act; and		
10.3.2	the Council:		
10.3.2.1	is the relevant authority; and		
10.3.2.2	is to make the assessment under that paragraph; and		
10.3.3	the Council determines to grant consent under that paragraph,		
	the duty, pursuant to Section 33(4b) of the Act as the relevant authority, to issue the relevant development approval with the consent.		
11.	Determination of Relevant Authority		
11.1	The power pursuant to Section 34(1)(b)(iii) of the Act to request the Minister to declare the State Commission Assessment Panel to be the relevant authority for a proposed development.	CEO/CAP	NIL
11.2	The power pursuant to Section 34(1a) of the Act, where the Minister has made a declaration under Section 34(1)(b)(vi) of the Act, to provide the State Commission Assessment Panel with a report, relating to the application for development authorisation, within the time prescribed by the Regulations.	CEO/CAP	NIL
11.3	The power pursuant to Section 34(8a) of the Act to, in conjunction with the Councils for the areas in relation to which a regional development assessment panel has been constituted, remove a member from the panel for a failure to comply with the requirements of Section 34(6a) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.		
11.4	The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel		
11.5	The duty pursuant to Section 34(27)(a) of the Act to establish a policy relating to the basis upon which the Council will make the various delegations required by Section 34(23) of the Act.	CEO	NIL
11.6	The duty pursuant to Section 34(27)(b) of the Act to ensure that a copy of the policy established by the Council under Section 34(27)(a) of the Act is available for inspection at the principal office of the council during ordinary office hours and for inspection on the internet.	CEO	NIL
12.	Special Provisions Relating to Assessment Against Development Plans		
12.1	The duty pursuant to Section 35(1) of the Act to grant a development plan consent if the Regulations or the relevant Development Plan describes any proposed development as a complying development (subject to such conditions or exceptions as may be prescribed by the Regulations or the relevant Development Plan and subject to any other provision made by the Act or applying under the Regulations).	CEO	NIL
12.2	The power pursuant to Section 35(1b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development.	CEO	NIL
12.3	Subject to Sections 35 (1d) and (1e) of the Act, if a proposed development meets all but 1 criteria	CEO	NIL

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	necessary for the development to be complying development, the duty, pursuant to Section 35(1c) of the Act to regard the aspect or aspects of the development that are consistent with the development being complying development accordingly and to assess the balance of the development as merit development.		
12.4	The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan.	CEO/CAP	NIL
12.5	The power pursuant to Section 35(3)(a) of the Act in appropriate cases, to concur in the granting of consent to a development described as a non-complying development.	CEO/CAP	<u>only non-complying</u> applications determined as minor or as Category 3 providing there were no representations in opposition in accordance with Clause 3 of Schedule 9 of the Development Regulations 2008 may be concurred with by staff. Where concurrence is <u>not supported</u> or where a development is a non-complying category 3 with opposing representations development the matter must be reported to CAP
12.6	Subject to the Act, the power and duty pursuant to Section 35(6) of the Act, to accept that a proposed development complies with the provisions of the appropriate development plan to the extent that such compliance is certified by a private certifier.	CEO	NIL
13.	Special Provisions Relating to Assessment Against the Building Rules		
13.1	The duty pursuant to Section 36(1) of the Act to grant a building rules consent if the Regulations provide that any proposed building work complies with the Building Rules.	CEO	NIL
13.2	The power pursuant to and in accordance with Section 36(2) of the Act:		

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13.2.1	to assess whether a development is at variance with the Building Rules;	CEO	NIL
13.2.2	to determine whether to grant building rules consent where the variance is with the performance requirements of the Building Code and the Building Rules Assessment Commission concurs in the granting of consent;	CEO	NIL
13.2.3	to determine whether to grant building rules consent where the variance is with a part of the Building Rules other than the Building Code and to determine that it is appropriate to grant the consent despite the variance on the basis that the Delegate is satisfied that:		
13.2.3.1	the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building fails to conform with the Building Rules only in minor respects and the variance is justifiable having regard to the objects of the Development Plan or the performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than if the variance were not to be allowed; or	CEO	NIL
13.2.3.2	in circumstances where the development has already occurred the variance is justifiable in the circumstances of the particular case.	CEO	NIL
13.3	The duty pursuant to Section 36(3) of the Act to modify the application of the Building Rules to avoid an inconsistency between the Building Rules and the Development Plan in relation to a State heritage place or a local heritage place.	CEO	NIL
13.4	The duty pursuant to Section 36(3a) of the Act to seek and consider the advice of the Building Rules Assessment Commission before imposing or agreeing to a requirement under Section 36(3) of the Act that would be at variance with the performance requirements of the Building Code.	CEO	NIL
13.5	The duty pursuant to Section 36(4)(a) and (b) of the Act to accept that proposed building work complies with the Building Rules to the extent that:	CEO	NIL
13.5.1	such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the Regulations; or		
13.5.2	such compliance is certified by a private certifier.		
13.6	The power pursuant to Section 36(6) of the 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.	CEO	File Delegate report to be countersigned by either the Director Strategy & Development or Manager Development Services prior to the decision being issued
14.	Consultation With Other Authorities or Agencies		

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14.1	Subject to Section 37AA of the Act, the duty pursuant to Section 37(1)(a) and (b) of the Act where an assessment is required of an application for the consent or approval of a proposed development of a prescribed class to:		
14.1.1	refer the application, together with a copy of any relevant information provided by the applicant to a body prescribed by the Regulations and including the State Commission Assessment Panel, and	CEO/CAP	NIL
14.1.2	not make a decision until a response has been received from the prescribed body in relation to the matter or matters for which the referral was made or the presumption is made that the body does not desire to make a response or concur (as the case requires).		
14.2	The duty pursuant to Section 37(5)(a) of the Act where an application has been refused or conditions imposed in respect of a development authorisation by direction of a prescribed body, to notify the applicant that the application was refused, or the conditions imposed, by direction under Section 37 of the Act.	CEO/CAP	NIL
14.3	If a relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the Act, the power, pursuant to Section 37(6) of the Act to make application for the relevant authority to be joined as a party to the proceedings.	CEO	NIL
15.	Preliminary Advice and Agreement		
15.1	The power pursuant to and in accordance with Section 37AA(2)(e) of the Act to be satisfied that an application accords with an agreement indicated by a prescribed body in accordance with Section 37AA(2)(c) of the Act.	CEO/CAP	NIL
15.2	The power pursuant to and in accordance with Section 37AA(4) of the Act to determine that an agreement under Section 37AA of the Act is no longer appropriate due to the operation of Section 53 of the Act.	CEO/CAP	NIL
16.	Proposed Development Involving Creation of Fortifications		
16.1	The duty pursuant to Section 37A(1) of the Act where the Delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police ('the Commissioner').	CEO/CAP	NIL
16.2	The power pursuant to Section 37A(2)(b) of the Act to receive the Commissioner's written determination under Section 37A(2)(a) of the Act.	CEO/CAP	NIL
16.3	The duty pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development involves the creation of fortifications to:		
16.3.1	if the proposed development consists only of the creation of fortifications – refuse the application; or	CEO/CAP	File Delegate report to be countersigned by either the Director Strategy & Development or Manager

		Direct Delegation from Council	Conditions/ Limitations
			Development Services prior to the decision being issued
16.3.2	in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications.	CEO/CAP	NIL
16.4	The duty pursuant to Section 37A(6) of the Act, if the Delegate acting on the basis of a determination of the Commissioner under subsection 37A(2) refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 37A of the Act.	CEO/CAP	NIL
17. Public Notice and Consultation			
17.1	The duty, pursuant to Section 38(3) of the Act, where a person applies for a consent in respect of the Development Plan for a Category 1 development, to not on the Delegate's own initiative seek the views of the owners or occupiers of adjacent or other land in relation to the granting or refusal of development plan consent.	CEO	NIL
17.2	Where a person applies for a consent in respect of the Development Plan for a Category 2A development, -	CEO	NIL
17.2.1	the duty pursuant to Section 38(3a)(a) of the Act to:		
17.2.1.1	subject to any exclusion or qualification prescribed by the Regulations – give an owner or occupier of each piece of adjoining land; and		
17.2.1.2	give any other person of a prescribed class,		
	notice of the application; and		
17.2.2	the duty pursuant to Section 38(3a)(b) of the Act, to:		
17.2.2.1	give consideration to any representations in writing made in accordance with the Regulations by a person who is entitled to be given notice under paragraph (a) of Section 38(3a) of the Act; and		
17.2.2.2	forward to the applicant a copy of any representations that the relevant authority must consider under subparagraph (i) of Section 38(3a)(b) of the Act and allow the applicant an opportunity to respond in writing, to those representations within the period prescribed by the Regulations; and		
17.2.3	if a representation is received under paragraph (b) of Section 38(3a) of the Act within the prescribed number of days, the power pursuant to Section 38(3a)(c) of the Act to, in the Delegate's absolute discretion, allow the person who made the representation to appear personally or by representative before it to be heard in support of the representation.	CEO/CAP	NIL
17.3	The duty pursuant to Section 38(4) of the Act to give notice of a proposal for a Category 2	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	development.		
17.4	The duty pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development.	CEO	NIL
17.5	The duty pursuant to Section 38(8) of the Act to forward to an applicant a copy of any representation made regarding the proposed development, and to allow the applicant to respond in writing to those representations.	CEO	NIL
17.6	The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate.	CEO/CAP	NIL
17.7	The duty pursuant to Section 38(10)(b) of the Act, in respect of a Category 3 development, to allow a person who made a representation and who as part of that representation indicated an interest in appearing before the Delegate, a reasonable opportunity to appear personally or by representative to be heard in support of the representation.	CEO/CAP	NIL
17.8	The duty pursuant to Section 38(11) of the Act to allow an applicant to appear personally or by representative before the Delegate or the Council CAP in order to respond to any relevant matter.	CEO/CAP	NIL
17.9	The duty pursuant to Section 38(12) of the Act, where representations have been made under Section 38 of the Act, to give notice of the decision on the application to each person who made a representation and in respect of a Category 3 development of the person's appeal rights under the Act, and give notice to the Court.	CEO	NIL
17.10	The power, pursuant to subsection 38(17) of the Act, where a relevant authority is acting under Section 38 of the Act in relation to a Category 2A or Category 2 development, to not take into account under Section 38 of the Act a representation made by a person who is not entitled to be given notice of the relevant application under Section 38 of the Act.	CEO/CAP	Subject to delegate report sign off by Team Leader Statutory Planning Senior Statutory Planner, Manager Development Services or Director Strategy & Development
17.11	The power, pursuant to subsection 38(18) of the Act, to not take into account under Section 38 of the Act, a representation that is not made in accordance with any requirement prescribed by the Regulations for the purposes of Section 38.	CEO/CAP	Subject to delegate report sign off by Team Leader Statutory Planning Senior Statutory Planner, Manager

		Direct Delegation from Council	Conditions/ Limitations
			Development Services or Director Strategy & Development
18. Application and Provision of Information			
18.1	The power pursuant to Section 39(2) of the Act to request an applicant to:	CEO/CAP	NIL
18.1.1	provide such additional documents or information to enable assessment of the application;		
18.1.2	remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;		
18.1.3	consult with an authority or body prescribed by the Regulations;		
18.1.4	(where required by the Regulations) prepare a statement of effect in relation to non-complying development; and	CEO/CAP	NIL
18.1.5	comply with any other requirement prescribed by the Regulations.	CEO/CAP	NIL
18.2	If:	CEO	NIL
18.2.1	a development is of a kind that is complying development; and		
18.2.2	the development falls within a class of development prescribed by the Regulations for the purpose of Section 39(2a)(b) of the Act; and		
18.2.3	the applicant has complied with the requirements of Section 39(1)(a), (c) and (d),		
	the duty, pursuant to Section 39(2a) of the Act, to, in making an assessment as to development plan consent, assess the application without requesting the applicant to provide additional documents or information.		
18.3	If:	CEO	NIL
18.3.1	a development falls within a class of development prescribed by the Regulations for the purposes of Section 39(2b)(b) of the Act; and		
18.3.2	the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act, the power and duty pursuant to Section 39(2b)(c) of the Act, to;		
18.3.3	in making an assessment as to development plan consent, request the applicant to provide additional documents or information in relation to the application on 1 occasion only; and		
	the duty pursuant to Section 39(2b)(d) of the Act, to;		
18.3.4	make that request within a period prescribed by the Regulations.		
18.4	Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power pursuant to Section 39(3)(b) of the Act to:	CEO/CAP	File Delegate report to be countersigned by Director Strategy & Development, Manager Development

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		Services Team Leader Statutory Planning
18.4.1 subject to Section 39(3)(b)(ii) of the Act, refuse the application; and		
18.4.2 refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).		
18.5 The duty, pursuant to Section 39(3a) of the Act, in dealing with an application that relates to a regulated tree, to seek to make any assessment as to whether the tree is a significant tree without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.	CEO/CAP	Refer to special circumstances policy
18.6 The duty, pursuant to Section 39(3b) of the Act, in dealing with an application that relates to a regulated tree that is not a significant tree, to seek to assess the application without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.	CEO/CAP	Refer to special circumstances policy
18.7 The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application.	CEO/CAP	NIL
18.8 The power pursuant to Section 39(4)(b) and Section 39(5) of the Act to permit an applicant to lodge an application without the provision of any information or document required by the Regulations.	CEO	NIL
18.9 The power pursuant to Section 39(4)(c) and Section 39(5) of the Act to waive payment of whole or part of the application fee or refund an application fee (to the extent that such fees are payable to the Council).	CEO	In accordance with Council Fee Waiver Policy
18.10 The power pursuant to Section 39(4)(d) of the Act and Regulation 17(3)(a) of the regulations to refuse an application that relates to a development of the kind that is described as a non-complying development under the Development Plan without proceeding to make an assessment of the application.	CEO/CAP	File Delegate report to be countersigned by either the Director Strategy & Development or Manager Development Services prior to the decision being issued
18.11 The power pursuant to Section 39(4)(e) of the Act, if there is an inconsistency between any documents lodged with the Council for the purposes of Division 1 of Part 4 of the Act, or between any such document and a development authorisation that has already been given that is relevant in the circumstances, to return or forward any document to the applicant or to any other person and to	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
determine not to finalise the matter until any specified matter is resolved, rectified or addressed.		
18.12 The power pursuant to Section 39(7) of the Act to approve an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative.	CEO/CAP	NIL Refer to CAP Delegations Policy for exceptions where staff must refer to CAP
18.13 The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development.	CEO/CAP	NIL
18.14 The power, pursuant to section 39(7)(d) of the Act, to approve the seeking of a variation to extend the period for which the relevant authorisation remains operative.	CEO/CAP	NIL
18.15 Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7a), to make specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation.	CEO/CAP	Refer to CAP Delegations Policy for exceptions where staff must refer to CAP NIL
18.16 The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages.	CEO/CAP	NIL
18.17 The power pursuant to Section 39(9) of the Act to determine that the applicant is entitled to a refund of the application fee in the event that an application is withdrawn.	CEO/	In accordance with Council's Development Application Fee Refund Policy
19. Determination of Application		
19.1 The duty pursuant to Section 40(1) of the Act to give notice of a decision in accordance with the Regulations (and in the case of a refusal, the duty to include the reasons for the refusal and any appeal rights that exist under the Act.)	CEO/CAP	NIL
19.2 The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative.	CEO/CAP	NIL
20. Time Within Which Decision Must be Made		
20.1 The duty, pursuant to Section 41(1) of the Act to deal with an application as expeditiously as possible and within the time prescribed by the Regulations.	CEO/CAP	NIL
20.2 If:	CEO	NIL
20.2.1 the relevant authority does not decide an application that relates to development that is a complying development within the time prescribed under Section 41(1) of the Act; and		

		Direct Delegation from Council	Conditions/ Limitations
20.2.2	the applicant gives the relevant authority a notice in accordance with the Regulations on the basis that the decision on the application has not been made,		
	the duty pursuant to Section 41(5)(d) of the Act, subject to any exclusion or qualification prescribed by the Regulations, to refund the fee received by the relevant authority under Section 39(1)(d) in relation to the application.		
21. Conditions			
21.1	The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.	CEO/CAP	NIL
21.2	The duty, pursuant to Section 42(4) of the Act, in accordance with Section 42(5) of the Act and subject to Sections 42(6) and (8) of the 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).	CEO/CAP	NIL
21.3	The power, pursuant to Section 42(6) of the Act, on the application of the applicant, to determine that a payment of an amount calculated in accordance with the Regulations be made into the relevant fund in lieu of planting one or more replacement trees under Section 42(4) of the Act.	CEO/CAP	Subject to sign off by Team Leader Statutory Planning, Manager Development Services or Director Strategy & Development
21.4	The power, pursuant to Section 42(8)(b) of the Act, after taking into account any criteria prescribed by the Regulations and if the Minister concurs, to determine that it is appropriate to grant an exemption under Section 42 of the Act in a particular case.	CEO/CAP	NIL
22. Cancellation by a Relevant Authority			
22.1	The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate.	CEO/CAP	NIL
23. Investigation of Development Assessment Performance			
23.1	The power pursuant to Section 45A(2) of the Act to explain the Council's actions and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action) to the Minister within a period (being at least 28 days) specified by the Minister.	CEO/CAP	NIL
23.2	The duty pursuant to Section 45A(14) of the Act to comply with a direction under Section 45A(11) or (13) of the Act.	CEO/CAP	NIL

		Direct Delegation from Council	Conditions/ Limitations
23.3	The power pursuant to Section 45A(12) of the Act to make submissions to the Minister on the report on which the action under Section 45A(11) of the Act is based within a period (being at least 28 days) specified by the Minister.	CEO/CAP	NIL
24. Crown Development and Public Infrastructure			
24.1	The power pursuant to Section 49(4a) of the Act to receive notice from the State Commission Assessment Panel containing the prescribed particulars of the development in accordance with the Regulations.	CEO/CAP	NIL
24.2	The power pursuant to Section 49(5) of the Act to report to the State Commission Assessment Panel on any matters contained in a notice from the State Commission Assessment Panel under Section 49(4a) of the Act.	CEO/CAP	NIL
24.3	The power pursuant to Section 49(9) of the Act to withdraw opposition to a State agency proposed development.	CEO/CAP	NIL
25. Electricity Infrastructure Development			
25.1	The power pursuant to Section 49A(4a) of the Act to receive notice from the State Commission Assessment Panel containing the prescribed particulars of the development in accordance with the Regulations.	CEO/CAP	NIL
25.2	The power pursuant to Section 49A(5) of the Act, where notice of a proposal to undertake development for the purposes of the provision of electricity infrastructure has been given to the Council pursuant to Section 49A(4a) of the Act, to report to the State Commission Assessment Panel on any matters contained in the said notice.	CEO/CAP	NIL
25.3	The power pursuant to Section 49A(9) of the Act, in circumstances where the Council's report to the State Commission Assessment Panel under Section 49A(5) of the Act expressed opposition to the proposed development, to withdraw that opposition.	CEO/CAP	NIL
26. Open Space Contribution System			
26.1	The power pursuant to Section 50(1) of the Act, with respect to an application for the division of land into more than 20 allotments where one or more allotments is less than one hectare in area, to require:	CEO/CAP	NIL
26.1.1	that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or	CEO/CAP	Subject to receipt of advice-agreement from Council Engineering Department Manager Open Space and Director Engineering & Assets prior to the Development Plan

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		Consent being issued
26.1.2 that the applicant make the contribution prescribed by the regulations in accordance with the requirements of by Section 50 of the Act; or	CEO/CAP	NIL
26.1.3 that the land be vested in the Council and that the applicant make a contribution determined in accordance with Section 50(7) of the Act, according to the determination and specification of the Council or Delegate.	CEO/CAP	Subject to receipt of agreement from Manager Open Space and Director Engineering & Assets advice from Council Engineering Department prior to the Development Plan Consent being issued
26.2 The power pursuant to Section 50(1) of the Act, when proposing to take any action that is at variance with the Council's Development Plan to seek the concurrence of the State Commission Assessment Panel.	CEO/CAP	
26.3 The power pursuant to Section 50(3) and 50(2)(d) of the Act to enter into an agreement on behalf of the Council with the State Commission Assessment Panel and the applicant under which certain land described by the relevant plan of division will be vested in the Council.	CEO/CAP	Subject to receipt of agreement from Manager Open Space and Director Engineering & Assets advice from Council Engineering Department prior to the Development Plan Consent being issued
26.4 The power pursuant to Section 50(3a) of the Act to concur on behalf of the Council to the vesting of land in the Council pursuant to a requirement of the State Commission Assessment Panel that an area of the site of the development be kept as open space or in some other form that allows for active or passive recreation under Section 50(3a)(a) of the Act.	CEO/CAP	Subject to receipt of agreement from Manager Open Space and Director Engineering & Assets advice from Council Engineering Department prior to

		Direct Delegation from Council	Conditions/ Limitations
			the Development Plan Consent being issued
26.5	The power pursuant to Section 50(10) of the Act to receive payment of monies from an applicant under Section 50(1) of the Act and the duty to immediately pay that money into a special fund established for the purposes of Section 50 and to apply that money for the purpose of acquiring or developing land as open space.	CEO/	NIL
26.6	The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the extent that an earlier application in respect of the same development has addressed the requirements of Section 50 of the Act in respect of the area of land as a whole.	CEO/CAP	NIL
27. Carparking Fund			
27.1	The power pursuant to Section 50A(1) of the Act to establish a car parking fund.	CEO	NIL
27.2	The duty pursuant to Section 50A(1) of the Act to publish a notice in the Gazette in accordance with Section 50A(2) of the Act where the approval of the Minister has been obtained.	CEO	NIL
27.3	The power pursuant to Section 50A(5)(c) of the Act to determine that a proposal does not provide for sufficient spaces for the parking of cars at the site of a development.	CEO/CAP	NIL
27.4	The power pursuant to Section 50A(5)(d) of the Act to agree with an applicant that a contribution calculated in accordance with a determination of the Council or the Delegate can be made by the applicant to a car parking fund in lieu of providing a certain number of spaces for the parking of cars at the site of a development.	CEO/CAP	NIL
27.5	The power pursuant to Section 50A(5) of the Act to make a determination for the purpose of calculating amounts to be paid into a carparking fund.	CEO/CAP	Subject to DPA being adopted by Strategic Planning & Development Policy Committee & Minister
27.6	The duty pursuant to and in accordance with Section 50A(6) of the Act to publish a determination for the purpose of calculating amounts to be paid into a carparking fund and any variations from time to time in the Gazette.	CEO	NIL
27.7	The power pursuant to and in accordance with Section 50A(7) of the Act to invest any money in a carparking fund and to pay any resultant income into the fund.	CEO	NIL
27.8	The power pursuant to and in accordance with Section 50A(8) of the Act to apply money standing to the credit of the car parking fund.	CEO	NIL
28. Urban Trees Fund			

		Direct Delegation from Council	Conditions/ Limitations
28.1	The power, pursuant to Section 50B(1) of the Act, with the approval of the Minister, to establish an urban trees fund for an area designated by the Delegate (a designated area).	CEO	Subject to SPDPC approval
28.2	The duty, pursuant to Section 50B(2) of the Act, to effect establishment of the fund by notice in the Gazette.	CEO	NIL
28.3	The duty, pursuant to Section 50B(3) of the Act, to define a designated area by reference to an area established by the relevant Development Plan.	CEO	Subject to SPDPC approval
28.4	The power, pursuant to Section 50B(5) of the Act, to invest any money in an urban trees fund that is not for the time being required for the purpose of the fund and the duty to pay any resultant income into the fund.	CEO	Subject to concurrence by Director Strategy & Development and Director Corporate Services
28.5	The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to:		
	28.5.1 maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act; or	CEO	NIL
	28.5.2 purchase land within the designated area in order to maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act.	NIL	NIL
28.6	The duty, pursuant to Section 50B(7) of the Act, if the Council subsequently sells land purchased under Section 50B(6)(b) of the Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 50B of the Act subject to the following qualifications as prescribed by Sections 50B(7)(a) and (b) of the Act:	NIL	NIL
	28.6.1 if an urban trees fund is no longer maintained by the Council, the proceeds must be applied for a purpose or purpose consistent with Section 50B(6)(a) or (b) of the Act;	CEO	Subject to concurrence by Director Strategy & Development and Director Corporate Services
	28.6.2 if money from an urban trees fund only constituted a proportion of the purchase price of the land (the designated proportion), the money that is subject to these requirements is the designated proportion of the proceeds of sale.	NIL	NIL
29.	Certificate in Respect of the Division of Land		
29.1	The duty pursuant to Section 51(2) of the Act to provide appropriate information to the State Commission Assessment Panel (upon request by the State Commission Assessment Panel) before it issues a certificate in respect of the division of land.	CEO	NIL
30.	Saving Provisions		
30.1	The power pursuant to Section 52(4) of the Act to extend the limitation period referred to in Section	CEO/CAP	NIL

		Direct Delegation from Council	Conditions/ Limitations
52(2) of the Act in order to avoid or reduce hardship.			
31. Avoidance of Duplication of Procedures Etc			
31.1	The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (and defined in Section 52A(9) of the Act, as a 'Commonwealth Act document') as an application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act.	CEO/CAP	NIL
31.2	The power pursuant to Section 52A(2)(b) of the Act where a document has been accepted for the purposes of the Act, to direct that a procedure taken under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 in relation to the said document will be taken to have fulfilled the requirements for a procedure in relation to the relevant document under the Act, if the requirements of the Act in relation to the procedure have been complied with under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	CEO/CAP	NIL
31.3	The power pursuant to Section 52A(2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement, assessment or other document of the same kind or not) used or to be used for the purposes of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of the Act.	CEO/CAP	NIL
31.4	The power pursuant to Section 52A(5) of the Act where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity or includes an activity for which a development authorisation is required under the Act to, when considering an application for a development authorisation or for the variation of a development authorisation, for the activity, use information and other material provided to the Commonwealth Minister under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	CEO/CAP	NIL
31.5	Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act:	CEO/CAP	NIL
31.5.1	in circumstances where:		
31.5.1.1	the Commonwealth Minister has given his or her approval to the controlled action; and		
31.5.1.2	the applicant for the development authorisation or the Commonwealth Minister has informed the relevant authority of that fact;		
	the duty pursuant to Section 52A(6)(a) of the Act to consider whether the conditions (if any)		

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to be attached to the development authorisation should be consistent with the conditions (if any) attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999; and		
31.5.2 the power pursuant to Section 52A(6)(b) of the Act to attach a condition to the development authorisation that requires compliance with all or some of the conditions attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.		
32. Requirement to Upgrade Building in Certain Cases		
32.1 Where an application is made for building rules consent for building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of subsection 53A(1) of the Act, the power pursuant to Section 53A(1) of the Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition and therefore require as a condition of consent 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.	CEO	NIL
32.2 Where an application is made for building rules consent for building work in the nature of an alteration of a class prescribed by the Regulations the power pursuant to Section 53A(2) and subject to Section 53A(3) of the Act, to form the opinion that the affected part of the building does not comply with the performance requirements of the Building Code in relation to access to buildings and facilities and services within buildings, for people with disabilities and therefore require as a condition of consent 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.	CEO	NIL
33. Urgent Building Work		
33.1 The power pursuant to Section 54(2)(d) of the Act to issue any directions and specify a period of time with respect to building work performed as a matter of urgency.	CEO	NIL
34. Action if Development Not Substantially Completed		
34.1 The power pursuant to Section 55(1) of the Act to apply to the Court for an order under Section 55(3) of the Act where the development to which an approval relates has been commenced but not substantially completed within the period prescribed by the Regulations for the lapse of the approval.	CEO/CAP	NIL
34.2 The power pursuant to Section 55(5) of the Act where the Court makes an order under Section 55(3)(a), (b) or (ca) of the Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out and to recover the cost of that work as a debt from the person.	CEO/CAP	NIL
34.3 The power pursuant to Section 55(6) of the Act where an amount is recoverable from a person under Section 55(5) of the Act, by notice in writing to the person, fix a period being not less than 28	CEO	NIL

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days from the date of the notice within which the amount must be paid.			
35. Completion of Work			
35.1	The power pursuant to Section 56(1) of the Act to issue a notice in writing requiring an owner of land to complete a development on the land within a period specified in the notice.	CEO/CAP	NIL
35.2	The power pursuant to the Section 56(2) of the Act to cause the necessary work to be carried out where an owner has failed to carry out work as required by a notice under Section 56(1) of the Act.	CEO/CAP	NIL
35.3	The power pursuant to Section 56(3) of the Act to recover the reasonable costs and expenses incurred by the Council or any person acting on behalf of the Council under Section 56 of the Act as a debt due from the owner.	CEO	NIL
35.4	The power pursuant to Section 56(4) of the Act to, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice, within which the amount must be paid by the person where an amount is recoverable from the person under Section 56(3) of the Act.	CEO	NIL
36. Council to Establish Development Assessment Panels			
36.1	The duty pursuant to Section 56A(3) of the Act to appoint a presiding member to the council development assessment panel in accordance with the requirements set out in Section 56A(3)(b) of the Act.	CEO	Subject to Council approval
36.2	The duty pursuant to Section 56A(3) of the Act to appoint the remaining members of the council development assessment panel in accordance with the requirements set out in Section 56A(3)(c) of the Act.	CEO	Subject to Council approval
36.3	The duty pursuant to section 56A(3)(d) of the Act to ensure that, unless granted an exemption by the Minister, at least 1 member of the panel is a woman and at least 1 is a man and to ensure that insofar as is reasonably practicable, the panel consists of equal numbers of men and women.	CEO	Subject to Council approval
36.4	The duty pursuant to Section 56A(3)(e) to determine the term of office for a member of the council development assessment panel, which period cannot exceed 2 years.	CEO	Subject to Council approval
36.5	The duty pursuant to Section 56A(3)(f) of the Act to determine any other conditions of appointment of the members of the council development assessment panel.	CEO	Subject to Council approval
36.6	The power pursuant to Section 56A(3)(g) of the Act to remove a member of the council development assessment panel from office for:		
36.6.1	breach of, or failure to comply with, the conditions of appointment; or	CEO	Subject to Council approval
36.6.2	misconduct; or	CEO	Subject to Council approval
36.6.3	neglect of duty; or	CEO	Subject to Council approval
36.6.4	incapacity to carry out satisfactorily the duty of his or her office; or	CEO	Subject to Council approval

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36.6.5	failure to carry out satisfactorily the duty of his or her office; or	CEO	Subject to Council approval
36.6.6	failure to comply with a requirement under Section 34(6) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.	CEO	Subject to Council approval
36.7	The duty pursuant to and in accordance with Section 56A(5) of the Act to give notice of an appointment.	CEO	NIL
36.8	The duty pursuant to Section 56A(15)(b) of the Act and in accordance with Section 56A(17) of the Act to make minutes of meetings of a council development assessment available for reasonable access by members of the public.	CEO	NIL
36.9	The duty pursuant to and in accordance with Section 56A(20) of the Act to provide information to the Minister where requested by the Minister.	CEO/CAP	NIL
36.10	The duty pursuant to Section 56A(22) of the Act to appoint a public officer (who must not be a member of the council development assessment panel).	CEO	NIL
36.11	The duty pursuant to Section 56A(23) of the Act to ensure that notice of the appointment of a public officer (including the public officer's name and contact details) is published in the Gazette.	CEO	NIL
36.12	The power pursuant to Section 56A(27) of the Act to make an application to the Minister to exempt the Council from the requirement to establish a council development assessment panel under Section 56A of the Act.	CEO	Subject to Council approval
36.13	The power pursuant to Section 56A(28) of the Act to consult with the Minister in relation to revoking an exemption under Section 56A(27) of the Act.	CEO	Subject to Council approval
37.	Building Rules Assessment Audits		
37.1	The duty pursuant to Section 56B(2) to have its building assessment auditor audit the Council's activities in relation to the undertaking of assessments of proposed developments against the provisions of the Building Rules in accordance with the requirements of Section 56B.	CEO	NIL
37.2	The duty pursuant to Section 56B(5) to ensure that after the expiration of the periods prescribed in Section 56B(4) an audit under Section 56B is completed at least once in every prescribed period.	CEO	NIL
37.3	The power pursuant to Section 56B(10) to respond to a report prepared by a building assessment auditor prepared in relation to the Council under Section 56B.	CEO	Report to be provided to Council
37.4	The power pursuant to Section 56B(14) to make submissions to the Minister in relation to a matter concerning the possible exercise of the Minister's powers under Section 56B(12).	CEO	NIL
37.5	The duty pursuant to Section 56B(16) to comply with a direction given to the Council under Sections 56B(12) or 56B(15).	CEO	NIL
37A.	Development Plan Assessment Audits		
37A.1	The power and duty pursuant to Section 56C(2) of the Act to have the Council's activities in relation to Development Plan assessments audited by a development assessment auditor in accordance with the requirements of Section 56C of the Act.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
37A.2	The power pursuant to Section 56C(10) of the Act to provide a response to an auditor with a view to correcting any error or fact.	CEO	NIL
37A.3	The power pursuant to Section 56C(14) of the Act to make submissions in relation to the matter to the Minister.	CEO	NIL
37A.4	The power pursuant to Section 56C(15) of the Act to, if		
37A.4.1	the Minister makes a recommendation to the Council under Section 56C(12)(a) of the Act; and	CEO	NIL
37A.4.2	the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation,	CEO	NIL
	consult with the Minister.		
38.	Land Management Agreements		
38.1	The power pursuant to Sections 57(2) and 57(2a) of the Act to enter into an agreement relating to the development, management, preservation or conservation of land within the area of the Council with the owner of the land.	CEO/CAP	1. Waiver of agreement terms for agreements previously resolved by Council may be agreed by planning staff in relation to trees that are not protected by legislation any longer 2. Not to be sub-delegated below Manager level
38.2	The duty pursuant to and in accordance with Section 57(2c) of the Act and Regulation 98A of the Regulations to establish and keep a register available for public inspection (without charge).	CEO	NIL
38.3	The duty pursuant to Section 57(2e) of the Act, in relation to the granting of development plan consent with respect to a Category 2A, Category 2 or Category 3 development, to note the existence of the agreement (or the proposal to enter the agreement), and the availability of copies of the agreement for public inspection on the notice of the relevant authority's decision.	CEO/CAP	NIL
38.4	The power pursuant to Section 57(3) of the Act to carry out on private land any work for which provision is made by agreement under Section 57 of the Act.	CEO	NIL
38.5	The power pursuant to Section 57(5) of the Act, to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	CEO	NIL

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38.6	The power pursuant to Section 57(8) of the Act to apply to the Registrar-General where an agreement in relation to which a note has been made under Section 57 of the Act has been rescinded or amended, to enter a note of the rescission or amendment made against the instrument of title or against the land.	CEO	NIL
38.7	The power pursuant to Section 57(11) of the Act to consent to the remission of rates payable to the Council provided for in an agreement entered into by the Minister.	CEO	NIL
39.	Land Management Agreements – Development Applications		
39.1	The power pursuant to and subject to Section 57A(1) of the Act to enter into an agreement under Section 57A of the Act with a person who is applying for a development authorisation under the Act.	CEO/CAP	Waiver of agreement terms for agreements previously resolved by Council may be agreed by planning staff in relation to trees that are not protected by legislation any longer
39.2	The duty pursuant to Section 57A(3) of the Act to have regard to:		
39.2.1	the provisions of the appropriate Development Plan.	CEO/CAP	NIL
39.2.2	the principle that the entering into of an agreement under Section 57A by the Council should not be used as a substitute to proceeding with an amendment to a Development Plan under the Act.	CEO/CAP	NIL
39.3	The duty pursuant to Section 57A(5) of the Act to register agreements entered into under Section 57A in accordance with the Regulations.	CEO	NIL
39.4	The duty pursuant to Section 57A(6) of the Act to keep a register available for public inspection (without charge) in accordance with the Regulations.	CEO	NIL
39.5	The power pursuant to Section 57A(7) of the Act to provide a person, on payment of the prescribed fee, a copy of an agreement registered under Section 57A(5) of the Act.	CEO	NIL
39.6	The duty, pursuant to Section 57A(8) of the Act, where an agreement is entered into under Section 57A of the Act, in connection with an application for a development authorisation with respect to a Category 2A, Category 2 or Category 3 development, to include a note of the existence of the agreement on the notice of the relevant authority's decision under the Act.	CEO/CAP	NIL
39.7	The power pursuant to Section 57A(14) of the Act to apply to the Registrar-General to note the agreement against the relevant instrument of title, or in the case of land not under the provisions of the Real Property Act 1886, against the land.	CEO	NIL
39.8	The power pursuant to Section 57A(16) of the Act to apply to the Registrar-General where an	CEO	NIL

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	agreement under Section 57A has been rescinded or amended to enter a note of the rescission or amendment against the instrument of title, or against the land.		
39.9	The power pursuant to Section 57A (18) of the Act where an agreement under Section 57A does not have effect under Section 57A within the prescribed period, to, by notice given in accordance with the regulations, lapse the relevant development approval (and the agreement will then be rescinded by force of Section 57A(18) of the Act).	CEO/CAP	NIL
40.	Notification During Building		
40.1	The power pursuant to Section 59(3) of the Act to direct that building work stop when a mandatory notification stage has been reached.	CEO	NIL
41.	Classification of Buildings		
41.1	The power pursuant to Section 66(2) of the Act to assign to any building a classification that conforms with the Regulations and the duty pursuant to Section 66(4) of the Act to give notice in writing to the owner of the building to which the classification has been assigned.	CEO	NIL
42.	Certificates of Occupancy		
42.1	The duty pursuant to and in accordance with the requirements of Sections 67(2), (3), (4), (5) and (6) of the Act to give a certificate of occupancy.	CEO	NIL
42.2	The power pursuant to Section 67(3)(a) of the Act to require information from an applicant for a certificate of occupancy.	CEO	NIL
42.3	The duty pursuant to Section 67(10) of the Act to give written notice to an applicant of the refusal of the certificate of occupancy.	CEO	File Delegate report to be countersigned by either the Director Strategy & Development or Manager Development Services prior to the notice being issued
42.4	The power pursuant to Section 67(13) of the Act to revoke a certificate of occupancy in prescribed circumstances.	CEO	File Delegate report to be countersigned by either the Director Strategy & Development or Manager Development Services prior to the

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			revocation of the certificate
43. Temporary Occupation			
43.1	The power pursuant to Sections 68(1) and (2) of the Act to approve the occupation of a building on a temporary basis without a certificate of occupancy and subject to such conditions as the Delegate thinks fit to impose.	CEO	NIL
43.2	The duty pursuant to and in accordance with Section 68(3) of the Act to give written notice to an applicant of the refusal of approval for temporary occupation of a building.	CEO	File Delegate report to be countersigned by either the Director Strategy & Development or Manager Development Services prior to the notice being issued
44. Emergency Orders			
44.1	Where an owner of land fails to comply with the requirements of an emergency order issued under Section 69(1) of the Act:	CEO	NIL
44.1.1	the power pursuant to Section 69(4) of the Act to cause the required work to be carried out; and		
44.1.2	the power pursuant to and in accordance with Sections 69(5) and 69(6) of the Act to recover the reasonable costs and expense of that work from the owner as a debt.		
44A Fire Safety			
44A.1	The power pursuant to Sections 71(18) and (19) of the Act to establish and designate a body as an appropriate authority.	CEO	NIL
44A.2	The power pursuant to Section 71(19)(a)(i) of the Act to appoint a person who holds prescribed qualifications in building surveying to the appropriate authority.	CEO	NIL
44A.3	The power pursuant to Section 71(19)(a)(ii) of the Act to determine if a person is to be nominated to the appropriate authority by the Chief Officer of the South Australian Metropolitan Fire Service or the Chief Officer of the South Australian Country Fire Service (after taking into account the nature of the Council or Council's area(s)).	CEO	NIL
44A.4	The power pursuant to Section 71(19)(a)(iii) of the Act to appoint a person with expertise in the area	CEO	NIL

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of fire safety to the appropriate authority.		
44A.5 The power pursuant to Section 71(19)(a)(iv) of the Act to determine and select a person to be appointed to the appropriate authority.	CEO	NIL
44A.6 The power pursuant to Section 71(19)(b) of the Act to determine the term of the office not exceeding three years of a member of the appropriate authority.	CEO	NIL
44A.7 The power pursuant to Section 71(19)(d) of the Act to appoint deputy members to the appropriate authority.	CEO	NIL
44A.8 The power pursuant to Section 71(19)(e) of the Act to determine the procedures of an appropriate authority.	CEO	NIL
45. Building Inspection Policies		
45.1 The duty pursuant to and in accordance with Section 71A of the Act to prepare and from time to time alter a building inspection policy.	CEO	Subject to Council endorsement except where a change is of a minor nature
46. Advertisements		
46.1 The power pursuant to and in accordance with Section 74(1) of the Act to:	CEO	NIL
46.1.1 form the opinion that an advertisement or advertising hoarding disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality or is contrary to a character desired for a locality under the relevant Development Plan; and		
46.1.2 serve notice in writing requiring the removal or obliteration of the advertisement or the removal of the advertising hoarding (or both).		
46.2 The power pursuant to Section 74(3) of the Act where a person has failed to comply with a notice under Section 74(1) of the Act, to enter on land, carry out the terms of the notice and recover the costs of doing so as a debt from the person on whom the notice was served.	CEO	NIL
47. Enforcement Notices		
47.1 The power pursuant to and in accordance with Section 84(2) of the Act to issue an enforcement notice where the Delegate has reason to believe on reasonable grounds that a person has breached the Act or a repealed Act.	CEO	File Delegate report to be countersigned by either the Director Strategy & Development or Manager Development

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			Services Team Leader Statutory Planning Team Leader Building prior to the notice being issued
47.2	The power pursuant to Section 84(3) of the Act to determine that a direction under Section 84(2) of the Act is urgently required and can be orally given by an authorised officer.	CEO	NIL
47.3	Where a person has failed to comply with a direction contained in a notice issued pursuant to Section 84(2)(b) of the Act:	CEO	NIL
47.3.1	the power pursuant to Section 84(6) of the Act to cause the necessary action to be undertaken; and		
47.3.2	pursuant to and in accordance with Sections 84(7) and 84(8) of the Act to recover the costs of doing so as a debt from the person whose failure gave rise to the action.		
48.	Applications to Court		
48.1	The power pursuant to Section 85(1) of the Act to apply to the Court for an order to remedy or restrain a breach of the Act, or a repealed Act.	CEO	NIL
48.2	Where the Court has made an order under Section 85(6)(d) of the Act and a person has failed to comply with the order, the power pursuant to and in accordance with Section 85(12) and Section 85(13) of the Act, to cause any work contemplated by the order to be carried out and to recover the costs of doing so as a debt from the person.	CEO	NIL
49.	General Right to Apply to Court		
49.1	Where the Council is a party to a dispute referred to in Section 86(1)(e) of the Act, the power pursuant to Section 86(1)(e) of the Act to apply to the Court for determination of the dispute.	CEO	NIL
50.	Authority to be Advised of Certain Matters		
50.1	The power pursuant to Section 93(1)(b)(iii) of the Act to require from a private certifier who is making a decision of a prescribed kind in relation to any aspect of building work such other information or documentation as the Delegate or the Council may require.	CEO	NIL
51.	Referrals		
51.1	The power pursuant to and in accordance with Section 94 of the Act to consent to the referral by a private certifier to the Council or Delegate of any function under the Act.	CEO	NIL
52.	Professional Advice to be Obtained in Relation to Certain Matters		
52.1	The power pursuant to Section 101(1) of the Act, in the exercise of a prescribed function, to rely on a certificate of a person with prescribed qualifications.	CEO	NIL
52.2	The duty pursuant to Section 101(2) of the Act to seek and consider the advice of a person with	CEO/CAP	NIL

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prescribed qualifications or person approved by the Minister in relation to a matter prescribed by the Regulations.		
DELEGATIONS UNDER THE DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006		
53. Transitional Provisions		
53.1 The power pursuant to and in accordance with Clause 5(1) of Schedule 1 to the Development (Development Plans) Amendment Act 2006 ('the DPA Act'), if the Council or the Delegate has, before the commencement of Clause 5 of Schedule 1 to the DPA Act reached an agreement with the Minister on a Statement of Intent with respect to an amendment to a Development Plan, or taken steps to prepare a Plan Amendment Report on the basis of such a Statement of Intent subject to Clause 5(2) of Schedule 1 to the DPA Act, to continue with the process as set out in Section 25 of the Act (as in force immediately before the commencement of Clause 5 of Schedule 1 to the DPA Act) as if the DPA Act had not been enacted until the relevant amendment is approved (with or without alteration) or otherwise dealt with by the Minister under Section 25(15) of the Act, subject to the qualification that the relevant Plan Amendment Report may be referred to as a Development Plan Amendment.	CEO	Subject to sign-off by SPDPC
53.2 The power pursuant to Clause 5(2) of Schedule 1 to the DPA Act to agree on a Statement of Intent that is to supersede a Statement of Intent agreed between the Council or the Delegate and the Minister before commencement of Clause 5 of Schedule 1 to the DPA Act.	CEO	Subject to sign-off by SPDPC
DELEGATIONS UNDER THE DEVELOPMENT REGULATIONS 2008		
53A. Complying Development – Development Plan Consent		
53A.1 The power pursuant to Regulation 8A(1)(a) of the Development Regulations 2008 ('the Regulations'), for the purposes of Sections 33(1) and 35 of the Act (subject to Regulation 8A(2)) of the Regulations to:	CEO	NIL
53A.1.1 in the case of a proposed development lodged for assessment as residential code development – assess the development as being in a form described in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C); and		
53A.1.2 in any other case – to assess the development as being in a form described in Schedule 4 Part 1 (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 Part 1).		
53A.2 The power pursuant to Regulation 8A(1)(b) of the Regulations, for the purposes of Section 35(1b) of the Act, to:	CEO	NIL
53A.2.1 form the opinion that a variation from <i>complying</i> development (including <i>complying</i> development as declared under Regulation 8A(1)(a) of the Regulations) is minor; and		
53A.2.2 determine that 2 or more minor variations, when taken together, constitute a 'minor variation from <i>complying</i> development'.		

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53B. Complying Building Work – Building Rules		
53B.1 The power pursuant to Regulation 8B(1) of the Regulations, for the purposes of Section 36(1) of the Act to, subject to Regulation 8B(2) of the Regulations, assess building work as being in a form specified in Schedule 4 Part 2 (including a form specified or provided for in the <i>Building Code</i> referred to in Schedule 4 Part 2).	CEO	NIL
54. Infrastructure Planning		
The power pursuant to Regulation 9A(1) to, in preparing the DPA, to the extent (if any) required by the Statement of Intent, seek, in accordance with Regulation 9A(2), the advice of a Minister and any other government agency, specified by the Minister as part of the agreement on the Statement of Intent.	CEO	NIL
55. Consultation with Government Departments or Agencies		
55.1 The duty pursuant to Regulation 10A(1) of the Regulations if the Council is subject to a requirement under Section 25(7)(a) of the Act to ensure that a copy of any written report received from a Department or agency is furnished to the Minister for the purposes of considering the matter under Section 25(7)(b) of the Act.	CEO	NIL
56. Public Consultation – Section 25 & 26		
56.1 Subject to Regulations 11A(3) and 11A(6) of the Regulations, for the purposes of Sections 25 and 26 of the Act, the duty pursuant to Regulation 11A(1) of the Regulations to give public notice of a DPA by publication in the designated manner of a notice:	CEO	NIL
56.1.1 advising the time and places at which the DPA is available for inspection (without charge) and purchase by the public; and		
56.1.2 inviting any interested person to make written submissions on the amendment to the council within the relevant period specified in the notice; and		
56.1.3 stating that the submissions will be available for inspection by any interested person at a place specified in the notice from the expiration of the period specified under Regulation 11A(1)(b) of the Regulations until the conclusion of any public meeting held for the purposes of Section 25(11)(b) or 26(5c)(b) of the Act (or, if no such meeting is to be held, until the decision is made not to hold the meeting); and		
56.1.4 providing information about when and where any public meeting is proposed to be held for the purposes of Sections 25(11)(b) or 26(5c)(b) of the Act (subject to a decision being made under the relevant section not to hold a meeting).		
56.2 If one or more written submissions are made in response to a notice published under Regulation 11A(1) of the Regulations, the duty pursuant to Regulation 11A(3) of the Regulations to make a copy of each submission available for inspection in accordance with the statement included under Regulation 11A(1)(c).	CEO	NIL
56.3 For the purposes of Sections 25(9)(c) and 26(5b)(c) of the Act, the duty pursuant to Regulation	CEO	NIL

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	11A(4) of the Regulations to include in the written notice the same information as required for a notice under Regulation 11A(1) of the Regulations.		
56.4	The duty pursuant to Regulation 11A(5) of the Regulations, to ensure that a copy of any DPA released for public consultation under Section 25 of the Act is provided to the Minister within 2 business days after that release.	CEO	NIL
57. Public Meeting			
57.1	The duty pursuant to and in accordance with Regulation 12 of the Regulations to hold a public meeting if an amendment has been prepared by the Council or the Delegate.	CEO	NIL
57.2	The power pursuant to Regulation 12(4) of the Regulations to adjourn a public meeting from time to time, and place to place if necessary or appropriate.	CEO	NIL
58. Application to Relevant Authority			
58.1	The power pursuant to Regulation 15(1)(c) of the Regulations to require an additional or lesser number of copies of plans, drawings, specifications and other documents and information relating to a proposed development than the number prescribed in Regulation 15(1)(c) of the Regulations.	CEO	NIL
58.2	The duty pursuant to and in accordance with Regulation 15(4) of the Regulations, if an application is lodged with the Council but a regional development assessment panel is the relevant authority, to retain a copy of the application and other accompanying information and to forward the application on to the appropriate person acting on behalf of the regional development assessment panel.	CEO	NIL
58.3	The duty pursuant to and in accordance with Regulation 15(5) of the Regulations, when an application is lodged with the Council but the State Commission Assessment Panel is the relevant authority, to forward all but one copy of the application and the accompanying information, as well as a written acknowledgment that the appropriate fees have been paid, including details of each fee component paid, to the State Commission Assessment Panel.	CEO	NIL
58.4	The power pursuant to Regulation 15(7)(b) of the Regulations to indicate, in such manner as may be determined by the State Commission Assessment Panel, that the Delegate wishes to receive written documentation instead of electronic access to the relevant documents and information via the Internet.	CEO	NIL
58.4A	The power and duty pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application form under Regulation 15(7a) of the Regulations, furnish to the private certifier:	CEO	NIL
	58.4A.1 the Development Assessment number assigned to the development proposed under the application; and		
	58.4A.2 if the private certifier, at the time of forwarding a copy of an application under Regulation 15(7a) of the Regulations, requests advice on the matters set out in subparagraphs (i) and (ii), and if such advice is relevant:		
	58.4A.2.1 advice about any site contamination that is believed to exist at the site where the development would be undertaken; and		

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58.4A.2.2	advice about the likely need for approval to alter a public road under section 221 of the Local Government Act 1999 in order to establish a new access point.		
58.4A.2.3	advice about whether the relevant development plan specifies any requirements relating to finished floor levels (expressed by reference to AHD or ARI) in relation to the site where the development would be undertaken.		
58.5	The power pursuant to Regulation 15(8) of the Regulations to extend the period prescribed in Regulation 15(8) for the lodging of an application for the appropriate development authorisation as required by Section 54(2)(c).	CEO	NIL
58.6	[City of Tea Tree Gully only] If an application relates to a proposed development that involves the division of land in the Golden Grove Development Area which is complying development in respect of the Development Plan, the duty pursuant to Regulation 15(10)(c) to forward to the State Commission Assessment Panel within 5 business days after receipt of the application:	N/A	N/A
58.6.1	a copy of the application; and	N/A	N/A
58.6.2	a copy of the plans, drawings, specification and other documents or information accompanying the application.	N/A	N/A
58.7	The power pursuant to Regulation 15(11) of the Regulations, to modify the requirements of Schedule 5 in relation to a particular application, subject to the following qualifications:	CEO	NIL
58.7.1	in the case of an application that is lodged with the Council for assessment as <i>residential code</i> development – the requirements of Schedule 5 may not be modified in any way by the delegate assessing the application (whether so as to require more or less information), except on authority of the Minister under Section 39(1)(a) of the Act;		
58.7.2	in any other case, the delegate must not, when requiring plans, drawings, specifications and other documents in relation to the application, require the applicant to provide more information than that specified under Schedule 5 (subject to Section 39 of the Act).		
58.8	The power pursuant to Regulation 15(12) of the Regulations to, in exercising the discretion under Section 39(4)(b) of the Act, dispense with the requirements of Schedule 5 in relation to a particular application.	CEO	NIL
59. Nature of Development			
59.1	The duty pursuant to Regulation 16(1) of the Regulations, where an application requires the assessment of a proposed development against the provisions of the Development Plan, to determine the nature of the development applied for.	CEO	NIL

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59.2	The power pursuant to Regulation 16(2) of the Regulations to form the opinion that a development is non-complying, and the duty if the Delegate is of the opinion that an application relates to a kind of development that is non-complying and the applicant has not identified the development as such, by notice in writing to inform the applicant of that fact.	CEO	NIL
59.3	The power pursuant to Regulation 16(3) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development, form the opinion that the development is residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact.	CEO	NIL
59.4	The power pursuant to Regulation 16(4) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development, form the opinion that the development is not residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact and the reasons for the Delegate's opinion.	CEO	NIL
60.	Non-Complying Development		
60.1	The power pursuant to Regulation 17(3) of the Regulations, after receipt of an application which relates to a kind of development that is described as non-complying development to:		
60.1.1	refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or	CEO/CAP	Sign off by Director Strategy & Development Manager Development Services
60.1.2	resolve to proceed with an assessment of the application.	CEO/CAP	Sign off by Director Strategy & Development Manager Development Services Team Leader Statutory Planning
60.2	The duty pursuant to Regulation 17(4) of the Regulations, in situations where the Delegate has resolved to proceed with the assessment of an application for non-complying development, to require the applicant to provide a statement of effect.	CEO/CAP	NIL
60.3	The power pursuant to Regulation 17(6) of the Regulations to determine that a proposed development is of a minor nature for the purposes of exemption from the requirements to provide a	CEO/CAP	A template filedelegate report

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statement of effect.		note is prepared detailing reasons for sign off by Director Planning Manager Development Services Team Leader Statutory Planning
61. Notification of Application for Tree-Damaging Activity to Owner of Land		
61.1 Where the 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, the duty pursuant to and in accordance with Regulation 18 of the Regulations:	CEO	NIL
61.1.1 to give the owner of land notice of the application; and		
61.1.2 to give due consideration, in the assessment of the application, to any submission made by the owner within a reasonable time after the giving of notice of the application.		
62. Amended Applications		
62.1 The power pursuant to Regulation 20(4) of the Regulations to form the opinion that variations to an application are not substantial and that repeating of the referral process under Part 5 of the Regulations, or the giving of notice under Part 6 of the Regulations is not required.	CEO/CAP	NIL
62.2 The power pursuant to Regulation 20(5) of the Regulations, where a variation to an application changes the essential nature of a proposed development to (by agreement with the applicant) proceed with the variation on the basis that the application will be treated as a new application.	CEO/CAP	NIL
63. Withdrawing/Lapsing Application		
63.1 The duty pursuant to Regulation 22(1) of the Regulations, where an applicant withdraws an application, to notify any agency to which an application was referred under Part 5 of the Regulations and any person who made a representation in relation to the application under Part 6 of the Regulations of the withdrawal.	CEO	NIL
63.2 Where at least two years have passed since the date on which an application for development authorisation under Part 4 of the Act was lodged with the Council the power, pursuant to Regulation 22(2) of the Regulations to lapse the said application.	CEO	NIL
63.3 Before taking action to lapse a development application under Regulation 22(2) of the Regulations the duty, pursuant to and in accordance with Regulation 22(3) of the Regulations to:	CEO	NIL
63.3.1 take reasonable steps to notify the applicant of the action under consideration; and		
63.3.2 allow the applicant a reasonable opportunity to make submissions to the Council or the Delegate about the proposed course of action, and the power to determine the manner and		

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form of those submissions.			
64. Contravening Development			
64.1	The power pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline to proceed with an application until proceedings under the Act have been concluded.	CEO/CAP	NIL
65. Referrals			
65.1	The duty pursuant to Regulation 24(1) of the Regulations to refer an application of a prescribed kind together with a copy of any relevant information provided by the applicant to the relevant body prescribed by Schedule 8 of the Regulations and to not make a decision on the application until a response has been received from the referral body or the time period for receipt of a response has lapsed.	CEO	NIL
66. Procedure Where Concurrence Required			
66.1	The duty pursuant to Regulation 25 of the Regulations, if concurrence must be sought from another body prior to issuing a consent or approval to forward to the other body whose concurrence must be sought that information required by Regulation 25(b) of the Regulations.	CEO/CAP	NIL
67. Additional Information or Amended Plans			
67.1	The duty pursuant to Regulation 27(1) of the Regulations, where an application has been referred to a prescribed body under Part 5 of the Regulations and additional information is received which is materially relevant to the referral, to repeat the referral process where the Delegate is of the opinion that the additional information or amendment is significant and the power to repeat the referral process in all other instances.	CEO/CAP	NIL
68. Special Provisions – Referrals			
68.1	The duty pursuant to and in accordance with Regulation 28(3) of the Regulations to refer an application for building rules consent to the relevant fire authority for comment and report where the Delegate considers that:	CEO	NIL
68.1.1	a proposed alternative solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or		
68.1.2	the proposed development is at variance with a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or		
68.1.3	special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,		
	and the duty pursuant to Regulation 28(5) of the Regulations to have regard to any report received from the fire authority under Regulation 28.		
68.2	The power pursuant to Regulation 28(4) of the Regulations, when a report from a fire authority pursuant to Regulation 28(3) is not received by the Council within 20 business days, to presume that the fire authority does not desire to make a report.	CEO	NIL

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68.3	If, in respect of an application referred to a fire authority under Regulation 28, the fire authority:	CEO	NIL
68.3.1	recommends against the granting of building rules consent; or		
68.3.2	concurs in the granting of consent on conditions specified in its report,		
	but the Delegate:		
68.3.3	proposes to grant building rules consent despite a recommendation referred to in Regulation 28(5a)(a) of the Regulations; or		
68.3.4	does not propose to impose the conditions referred to in Regulation 28(5a)(b) of the Regulations, or proposes to impose the conditions in varied form, on the grant of consent,		
	the duty pursuant to Regulation 28(5a) of the Regulations to:		
68.3.5	refer the application to the Building Rules Assessment Commission; and		
68.3.6	not grant consent unless the Building Rules Assessment Commission concurs in the granting of consent.		
68.4	The duty pursuant to Regulation 28(6) of the Regulations to provide to the Building Rules Assessment Commission a copy of any report received from a fire authority under Regulation 28(1) that relates to an application referred to the Building Rules Assessment Commission under the Act.	CEO	NIL
68.5	The duty pursuant to Regulation 28(7) of the Regulations, where building work comprises or includes the construction or installation of a private bushfire shelter, not to grant a building rules consent unless the Building Rules Assessment Commission concurs in the granting of the consent.	CEO	NIL
69.	Land Division Applications		
69.1	The duty pursuant to Regulation 29(1) of the Regulations, subject to the provisions in Regulation 29(2) of the Regulations, to withhold making a decision on an application which relates to a proposed development that involves the division of land until a report has been received from the State Commission Assessment Panel.	CEO	NIL
69.2	The power pursuant to Regulation 29(2) of the Regulations, when a report from the State Commission Assessment Panel pursuant to Regulation 29(1) of the Regulations is not received by the Council within eight weeks or within such longer period as the State Commission Assessment Panel may require by notice in writing to the Council, to presume that the State Commission Assessment Panel does not desire to make a report.	CEO/CAP	NIL
70.	Underground Mains Area		
70.1	The power pursuant to Regulation 30(1) of the Regulations to seek a report from the relevant electricity authority where the Delegate considers that an area should be declared an underground mains area.	CEO/CAP	NIL
70.2	The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.	CEO	NIL
70.3	The power pursuant to Regulation 30(4) of the Regulations, where a development includes the division of land within or partly within an underground mains area, to require, as a condition of the	CEO/CAP	NIL

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decision, that any electricity mains be placed underground.			
71. Preliminary Advice and Agreement - Section 37AA			
71.1	The power pursuant to Regulation 31A(6)(b) of the Regulations to determine that an application no longer accords with an agreement indicated by the prescribed body.	CEO/CAP	Subject to sign-off by Director Strategy & Development, Manager Development Services, Team Leader Statutory Planning Senior Statutory Planner,
71.2	The power pursuant to Regulation 31A(6) of the Regulations if:	CEO/CAP	NIL
71.2.1	a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and		
71.2.2	the relevant authority determines that the application no longer accords with the agreement indicated by the prescribed body, to refer the application (unless withdrawn) to the prescribed body:		
71.2.3	to obtain a variation to the agreement under Section 37AA of the Act; or		
71.2.4	to obtain a response from the prescribed body for the purposes of Section 37 of the Act.		
71.3	The power pursuant to Regulation 31A(7) of the Regulations if:	CEO/CAP	NIL
71.3.1	an application is withdrawn by the Applicant; and		
71.3.2	the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application, to notify the relevant prescribed body of the withdrawal of an application.		
71.4	The power pursuant to Regulation 31A(8) of the Regulations if:	CEO/CAP	NIL
71.4.1	an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and		
71.4.2	the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application, to notify the relevant prescribed body of the lapsing of an application.		
71.5	The power pursuant to Regulation 31A(9) of the Regulations if:	CEO/CAP	NIL
71.5.1	an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and		
71.5.2	a notice of decision is issued by the relevant authority under Regulation 42 of the Regulations,		

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to send a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 42 of the Regulations.	CEO/CAP	NIL
71A. Public Notice Categories		
71A.1 The power pursuant to Regulation 32(2)(5) of the Regulations to determine that a form of development comprises 2 or more elements.	CEO	NIL
72. Public Inspection of Certain Applications		
72.1 The duty pursuant to and in accordance with Regulation 34(1) of the Regulations, subject to Regulation 34(4) of the Regulations to ensure that copies of documents referred to in Regulation 34(1) concerning an application are reasonably available for inspection by the public (without charge).	CEO	NIL
72.2 The duty pursuant to Regulation 34(2) of the Regulations, subject to Regulation 34(4) of the Regulations, where a request is made within the time period that applies under Regulation 34(1) of the Regulations and on payment of a fee fixed by Council to provide to a member of the public a copy of any document of information available for inspection under Regulation 34(1) of the Regulations.	CEO	NIL
72.3 The power pursuant to Regulation 34(3) of the Regulations to require that a person who has made a request under Regulation 34(2) of the Regulations verify his or her name, address and contact details in such manner as the Delegate thinks fit.	CEO	NIL
72.4 The power pursuant to Regulation 34(4) of the Regulations to form the opinion that the present or future security of a building would be jeopardised if plans, drawings, specifications or other documents or information relating to the assessment of a proposed development against the Building Rules were to be made available for inspection.	CEO	NIL
73. Response by Applicant		
73.1 The power pursuant to Regulation 36 of the Regulations to extend the time within which an applicant may respond to any representation	CEO	NIL
74. Determination of Commission as Relevant Authority		
74.1 Where the State Commission Assessment Panel is the relevant authority under Section 34(1)(b) of the Act:		
74.1.1 in a case where the Minister has made a declaration under Section 34(1)(b)(iii) or 34(1)(b)(vi) of the Act, the duty pursuant to and in accordance with Regulation 38(2)(a)(i) of the Regulations to forward to the State Commission Assessment Panel any application received by the Council under the Act and the Regulations in relation to the matter together with accompanying documentation or information and, as appropriate, fees; and	CEO	NIL
74.1.2 in any case, the power pursuant to and in accordance with Regulation 38(2)(b) to provide a report on matters under Section 33(1) (as relevant).	CEO	NIL
74.2 Where the State Commission Assessment Panel is the relevant authority under Section 34(1)(b)(iv)	CEO	NIL

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of the Act and the proposed development is to be undertaken within one kilometre of a boundary with the Council, the power, pursuant to Regulation 38(4) of the Regulations, to provide the State Commission Assessment Panel with comments on the proposed development.		
75. Assessment in Respect of Building Rules Referred to the Council		
75.1 The duty pursuant to and in accordance with Regulation 39 of the Regulations, where the Council is the relevant authority pursuant to Section 34(2) of the Act, not to give any decision in respect of the assessment against the Building Rules until the State Commission Assessment Panel or the regional development assessment panel (as the case may be) has made its decision.	CEO	NIL
76. Notification of Decision to Applicant (Including Conditions)		
76.1 The duty pursuant to and in accordance with Regulation 42 of the Regulations to give notice of a decision on an application under Division 1 of Part 4 of the Act including, but not limited to, the power to endorse approved plans and documentation under Regulation 42(4).	CEO	NIL
77. Notification of Decision to a Prescribed Body		
77.1 The duty pursuant to and in accordance with Regulation 43 of the Development Regulations, to send a copy of the notice of decision issued under Regulation 42 of the Regulations to any prescribed body to which the application had been referred.	CEO	NIL
77.2 The duty pursuant to and in accordance with Regulation 43(3) of the Regulations to send a copy of a notice of a decision on an application, if or when a development authorisation is issued in relation to a proposed division of land, to the State Commission Assessment Panel.	CEO	NIL
78. Notification of Decision to Owner of Land		
78.1 The duty pursuant to and in accordance with Regulation 44 of the Regulations to send a copy of any notice issued under Regulation 42 of the Regulations to the owner of land to which a decision on the application relates where the owner is not a party to the application.	CEO	NIL
79. Scheme Description – Community Titles		
79.1 The duty pursuant to Regulation 45(2) of the Regulations to endorse a scheme description under Section 3 of the Community Titles Act 1996 in the following terms:	CEO	NIL
79.1.1 All the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the relevant plan of community division under the Community Titles Act 1996 have been granted. OR No consent or approval is required under the Development Act 1993 in relation to the division of land (or a change in the use of the land) in accordance with this scheme description. This endorsement does not limit a relevant authority's right to refuse, or to place conditions on, development authorisation under the Development Act 1993 in relation to any other		

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development envisaged by this scheme description. Signed: Dated:			
79.2	The power pursuant to Regulation 45(2) of the Regulations to include in an endorsement of a scheme description under Section 3 of the Community Titles Act 1996, notes concerning conditions on any consent or approval, and notes concerning additional approvals that may be required in the future and to sign and date the endorsement.		
80. Special Provisions Relating to Staged Consents			
80.1	The duty pursuant to and in accordance with Regulation 46(1) of the Regulations, and in a case where the development is within the ambit of Schedule 1A, subject to, in accordance with Regulations 46(4) and (5) of the Regulations, any step that the Delegate, as the relevant authority considers it needs to take under Section 42 of the Act, to issue a Notice of Approval in the circumstances prescribed by Regulation 46 of the Regulations.	CEO	NIL
81. Endorsed Plans			
81.1	The duty pursuant to Regulation 47 of the Regulations to return to a successful applicant, a copy of the plans, drawings, specifications and other documents and information lodged by the applicant duly endorsed with the building rules consent.	CEO	NIL
81A. Minor Variation of Development Authorisation			
81A.1	The power pursuant to Regulation 47A(1) of the Regulations, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion that the variation is minor in nature and, if the delegate is satisfied that the variation is minor in nature, to approve the variation.	CEO	NIL
82. Lapse of Consent or Approval			
82.1	The power pursuant to Regulation 48(2) of the Regulations to extend the time when any consent or approval under Part 4 of the Act will lapse.	CEO	NIL
83. Width of Roads and Thoroughfares			
83.1	The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulation 51(1) and (3) dealing with the width of any proposed road or thoroughfare where the Delegate is of the opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued
83.2	The power pursuant to Regulation 51(6) of the Regulations to dispense with the requirements of	CEO/CAP	Subject to receipt of

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Regulation 51(5) dealing with the width of a road at the head of every cul-de-sac where it appears that the cul-de-sac is likely to become a through road.			advice from Council's Engineering Department prior to the Development Plan Consent being issued
84. Road Widening			
84.1	The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued
85. Requirement as to Forming of Roads			
85.1	The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued
85.2	The power pursuant to Regulation 53(4) of the Regulations to dispense with the requirements of Regulation 53(3) of the Regulations that adequate provision be made for the turning of vehicles at the head of a cul-de-sac where the Delegate is of the opinion that the cul-de-sac is likely to become a through road.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued
85.3	The power pursuant to Regulation 53(6) of the Regulations to dispense with the requirements of Regulation 53(5) dealing with the forming of footpaths, water-tables, kerbing, culverts and drains on proposed roads.	CEO/CAP	Subject to receipt of advice from Council's Engineering

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			Department prior to the Development Plan Consent being issued
86.	Construction of Roads, Bridges, Drains and Services		
86.1	The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued
87.	Supplementary Provisions		
87.1	The duty pursuant to Regulation 55(1) of the Regulations to consider and if appropriate approve a road location and grading plan for the forming of any proposed road, including every footpath, water-table, kerbing, culvert and drain.	CEO	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued or work commencing.
87.2	The duty pursuant to Regulation 55(2) of the Regulations to consider, and if appropriate approve, detailed construction plans and specifications signed by a professional engineer or licensed surveyor for all work referred to in Regulations 53 and 54 of the Regulations.	CEO	Subject to receipt of advice from Council's Engineering Department prior to work commencing.
87.3	The duty pursuant to Regulation 55(4) of the Regulations to consider, and if appropriate accept, that all connections for water supply and sewerage services to any allotment delineated on a plan of division have been laid under the surface of a proposed road before the roadway is sealed.	CEO	Subject to receipt of advice from Council's Engineering Department prior to work commencing.
88.	General Land Division		
88.1	The power pursuant to and in accordance with Regulation 58(1) of the Regulations to enter into a	CEO	NIL

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	binding arrangement with an applicant for land division for the satisfaction of outstanding requirements.		
88.2	The power pursuant to and in accordance with Regulation 58(2) of the Regulations to advise the State Commission Assessment Panel that an applicant has entered into appropriate binding arrangements pursuant to Section 51(1) of the Act.	CEO	NIL
89.	Division of Land by Strata Title		
89.1	The power pursuant to Regulation 59(1) of the Regulations to advise the State Commission Assessment Panel that an applicant has entered into a binding arrangement with the Council for the satisfaction of the requirements of Section 33(1)(d) of the Act and that the arrangement is supported by adequate security.	CEO	NIL
90.	General Provisions		
90.1	The power pursuant to and in accordance with Regulation 60(1) of the Regulations to enter into a form of arrangement with an applicant to the satisfaction of the State Commission Assessment Panel for the purposes of Section 51(1) of the Act.	CEO/CAP	Subject to receipt of advice from the Director Engineering & Assets
90.2	The power pursuant to Regulation 60(7) of the Regulations, for the purposes of Section 51(4) of the Act, to request (in such a manner as may be determined by the State Commission Assessment Panel) that a copy of a certificate or plan (or certificates and plans) referred to in Regulation 30(4) of the Regulations be furnished to the Council by sending a written copy to the Council.	CEO	NIL
90.3	The power pursuant to Regulation 60(9) of the Regulations to consult with the State Commission Assessment Panel before it grants an extension of the period prescribed by Regulation 60(8) of the Regulations.	CEO	NIL
91.	Declaration by The Minister - Section 46		
91.1	The duty pursuant to and in accordance with Regulation 61(2) of the Regulations, to transmit to the Minister any relevant documentation (including the application and any accompanying documentation or information lodged by the proponent with the Council under Division 1 of Part 4 of the Act) within 10 business days after the receipt of a copy of a notice required by Regulation 61(1) of the Regulations.	CEO	Subject to any covering letter being signed by the CEO
91.2	At the same time that documents are transmitted to the Minister under Regulation 61(2) of the Regulations, the duty pursuant to Regulation 61(3) of the Regulations to also transmit to the Minister any fees that have been paid by the proponent under Schedule 6 (less any amount that the Minister determines should be retained by the Council).	CEO	NIL
91.3	Where an application lodged with the Minister under Section 46 of the Act requires an assessment against the Building Rules and the assessment against the Building Rules is to be referred to the Council, the power pursuant to Regulation 61(5)(d) of the Regulations, to require from the applicant additional copies of the plans, drawings, specifications and other documents and information	CEO	NIL

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required by Regulation 61(4) of the Regulations.		
92. Referral of Assessment of Building Work		
92.1 Where a development application which is subject to the operation of Section 48 of the Act is referred to the Council for assessment in respect of the Building Rules the duty pursuant to and in accordance with Regulation 64(2) of the Regulations, to ensure that the assessment is consistent with any development plan consent previously given under Section 48 of the Act.	CEO	NIL
92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:		
92.2.1 provide the certification in the form set out in Schedule 12A; and	CEO	NIL
92.2.2 to the extent that may be relevant and appropriate:	CEO	NIL
92.2.2.1 issue a schedule of essential safety provisions under Division 4 of Part 12 of the Act; and	CEO	NIL
92.2.2.2 assign a classification to the building under the Regulations; and	CEO	NIL
92.2.2.3 ensure that the appropriate levy has been paid under the <i>Construction Industry Training Fund Act 1993</i> .	CEO	NIL
92.3 Where the Council issues a certificate in the form set out in Schedule 12A of the Regulations as required by Regulation 64(3)(a) of the Regulations, the duty pursuant to Regulation 64(4) of the Regulations to furnish to the Minister a copy of the certificate together with a copy of any schedule of essential safety provisions.	CEO	NIL
93. Notifications During Building Work		
93.1 The power pursuant to Regulation 74(1)(b) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.	CEO	NIL
93.2 The power pursuant to Regulation 74(1)(c) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.	CEO	NIL
93.3 The duty pursuant to Regulation 74(4) of the Regulations to make a note on the relevant building file/delegate report of any notice given in accordance with Regulation 74(3)(d) by a person by telephone.	CEO	NIL
94. Essential Safety Provisions		
94.1 The duty pursuant to Regulation 76(4) of the Regulations, on either the granting of a building rules consent or on application by the owner of a building, to issue a schedule in the form set out in Schedule 16 specifying the essential safety provisions for buildings and the standards and requirements for maintenance and testing in respect of those provisions.	CEO	NIL

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94.2 The power pursuant to Regulation 76(10) of the Regulations to require compliance with Regulation 76(7) despite Regulation 76(9) of the Regulations if the essential safety provisions were installed under a modification of the Building Rules under Section 36(2) of the Act or the building has been the subject of a notice under Section 71 of the Act.	CEO	NIL
94A Swimming Pool Safety		
94A.1 The power pursuant to Regulation 76D(4a) of the Regulations to, for the purposes of Section 71AA(7) of the Act, subject to Regulation 76(D)(4b) of the Regulations, establish a swimming pool inspection policy.	CEO	NIL
95. Building Rules: Bushfire Prone Areas		
95.1 Where:	CEO	NIL
95.1.1 application is made for building rules consent for building work in the nature of an alteration to a class 1, 2 or 3 building under the Building Code; and		
95.1.2 the building is in a bushfire prone area under Regulation 78(1) of the Regulations; and		
95.1.3 the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction),		
the power, pursuant to Regulation 78(2) of the Regulations, to require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of the Building Rules for bushfire protection.		
96. Construction Industry Training Fund		
96.1 The duty pursuant to Regulation 79(2) of the Regulations to withhold issuing a building rules consent until satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or that no such levy is payable.	CEO	NIL
96.2 The power pursuant to Regulation 79(4) of the Regulations to form an opinion whether the appropriate levy under the Construction Industry Training Fund Act 1993 has or has not been paid, or is or is not payable, and notify the applicant that a building rules consent cannot be issued until the Delegate is satisfied that the levy has been paid or is not payable.	CEO	NIL
96.3 The power pursuant to and in accordance with Regulation 79(5)(b) of the Regulations to determine that the application has lapsed.	CEO	NIL
96A Requirement to Up-grade Building in Certain Cases		
<u>96.4 96A.1 The power pursuant to Regulation 80(1a) of the Regulations, if an application for a building rules consent relates to building work in the nature of an alteration to a class 2 to class 9 building constructed before 1 January 2002, to form the opinion that the building is unsafe, structurally</u>		

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<u>unsound or in an unhealthy condition, and to require, as a condition of consent:</u>			
96.5	<u>96A.1.1 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; or</u>		
96.6	<u>96A.1.2 that the building work comply with Minister's Specification SA: Upgrading health and safety in existing buildings (to the extent reasonably applicable to the building and its condition).</u>		
97. Classification of Buildings			
97.1	The power pursuant to Regulation 82(3)(b)(i) of the Regulations to require such details, particulars, plans, drawings, specifications, certificates and other documents as may reasonably be required to determine a building's classification upon application by an owner of a building under Regulation 82(1) or (2) of the Regulations.	CEO	NIL
97.2	The duty pursuant to Regulation 82(4) of the Regulations to assign the appropriate classification under the Building Code to a building upon being satisfied that the building possesses the attributes appropriate to its present or intended use. <u>The power pursuant to Regulation 82(4) of the Regulations and subject to Regulation 82(4a) of the Regulations, to assign the appropriate classification under the Building Code to a building upon being satisfied on the basis of the owner's application and accompanying documents that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.</u>	CEO	NIL
97.2A	<u>The power pursuant to Regulation 82(4a) of the Regulations, if an application under Regulation 82 of the Regulations is made in respect of an existing class 2 to class 9 building, to require the applicant to satisfy the delegate that Minister's Specification SA: Upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).</u>		
97.3	The power pursuant to Regulation 82(5) of the Regulations, on assigning a classification to a building (or part of a building), to, if relevant, determine and specify in the notice to the owner under Section 66(4) of the Act – 97.3.1 the maximum number of persons who may occupy the building (or part of the building); and 97.3.2 If the building has more than one classification – the part or parts of the building to which each classification relates and the classification currently assigned to the other parts of the building.	CEO	NIL
98. Certificates of Occupancy			
98.1	The power pursuant to Regulation 83(2)(c) of the Regulations to require from an applicant for a certificate of occupancy reasonable evidence that conditions attached to a development approval have been satisfied.	CEO	NIL
98.2	The power pursuant to Regulation 83(2)(d) of the Regulations where an application relates to the construction or alteration of part of a building and further building work is envisaged in respect of	CEO	NIL

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	the remainder of the building, to require from an applicant for a certificate of occupancy reasonable evidence that in the case of a building of more than 1 storey, the requirements of Minister's Specification SA 83 have been complied with, or in any other case the building is suitable for occupation.		
98.3	The power pursuant to Regulation 83(3) of the Regulations to dispense with the requirement to provide a Statement of Compliance under Regulation 83(2)(a) if the Delegate is satisfied that a person required to complete 1 or both parts of the Statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification(s) and it appears to the Delegate that the relevant building is suitable for occupation.	CEO	NIL
98.4	Where:	CEO	NIL
98.4.1	a building is required by the Building Rules:		
98.4.1.1	to be equipped with a booster assembly for use by a fire authority; or		
98.4.1.2	to have installed a fire alarm that transmits a signal to a fire station; and		
98.4.2	facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act,		
	the duty pursuant to Regulation 83(4) of the Regulations to not grant a certificate of occupancy unless or until a report has been sought from the fire authority as to whether those facilities have been installed and operate satisfactorily.		
98.5	The power pursuant to Regulation 83(5) of the Regulations, when a report from the fire authority pursuant to Regulation 83(4) is not received within 15 business days, to presume that the fire authority does not desire to make a report.	CEO	NIL
98.6	The duty pursuant to Regulation 83(6) of the Regulations to have regard to any report received from a fire authority under Regulation 83(4) before issuing a certificate of occupancy.	CEO	NIL
98.7	The power pursuant to Regulation 83(9) of the Regulations to revoke a certificate of occupancy.	CEO	NIL
99.	Certificate of Independent Technical Expert in Certain Case		
99.1	The power pursuant to Regulation 88(3) of the Regulations, in circumstances where Regulation 88 of the Regulations applies, to rely on the certificate of an independent technical expert.	CEO	NIL
100.	Fees		
100.1	The power pursuant to Regulation 95(2) of the Regulations to require an applicant to provide such information as the Delegate may reasonably require to calculate any fee payable under Schedule 6 and the power to make any other determination for the purposes of Schedule 6.	CEO	NIL
100.2	The power pursuant to the provisions of Regulation 95(3) of the Regulations to calculate any fee on the basis of estimates made by the Delegate where the Delegate believes that any information provided by an applicant is incomplete or inaccurate.	CEO	NIL
100.3	The power pursuant to Regulation 95(4) of the Regulations to, at any time, and despite any earlier	CEO	NIL

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acceptance of an amount in respect of the fee, reassess a fee payable under the Regulations.		
100.4 The duty pursuant to Regulation 95(5) of the Regulations, on a reassessment under Regulation 95(4) of the Regulations:		
100.4.1 if it appears that an overpayment has occurred, to refund any amount due in accordance with the reassessment; and	CEO	NIL
100.4.2 if it appears that an underpayment has occurred, to charge any further amount payable in accordance with the reassessment.	CEO	NIL
101. Register Of Applications		
101.1 The duty pursuant to Regulation 98 of the Regulations to keep available for public inspection a register of applications for consent, approval, or the assignment of building classifications under the Act.	CEO	NIL
101.2 The power pursuant to Regulation 98(3) to fix a fee and upon payment of that fee, make available to a member of the public a copy of any part of a register or document kept for the purposes of Regulation 98(1).	CEO	NIL
102. Registration of Land Management Agreements		
102.1 The duty pursuant to and in accordance with Regulation 99(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57(2) of the Act.	CEO	NIL
102.2 The power pursuant to Regulation 99(3) of the Regulations to determine what other information may be contained in the Register.	CEO	NIL
103. Land Management Agreements - Development Applications		
103.1 The duty pursuant to Regulation 100(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57A of the Act.	CEO	NIL
103.2 The duty pursuant to Regulation 100(3) of the Regulations to include in the register a copy of each agreement entered into by the Council under Section 57A of the Act and other information the Delegate considers appropriate.	CEO	NIL
103.3 The duty pursuant to Regulation 100(5) of the Regulations to keep the register at the principal office of the Council.	CEO	NIL
103.4 The duty pursuant to Regulation 100(6) of the Regulations to keep the register available for public inspection during normal office hours for the office where the register is situated.	CEO	NIL
103.5 The duty pursuant to Regulation 100(9) to give a copy of a notice under Regulation 100(8) to any owner of the land who is not a party to the agreement.	CEO	NIL
104. Documents to be Preserved by a Council		
104.0 The power and duty pursuant to Regulation 101(a1) of the Regulations to retain a copy of each document provided to the Council by a private certifier in relation to any application for a development plan consent assessed by the private certifier.	CEO	NIL

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104.1 The duty pursuant to Regulation 101(1) of the Regulations to retain a copy of the documents listed in Regulation 101 of the Regulations in relation to any building work approved under the Act.	CEO	NIL
104.1A The power and duty pursuant to Regulation 101(1a) of the Regulations to preserve any document referred to in Regulation 101(a1) for a period of at least 10 years.	CEO	NIL
104.2 The duty pursuant to Regulation 101(2) of the Regulations to preserve any document referred to in Regulation 101(1) of the Regulations until the building to which the document relates is demolished or removed.	CEO	NIL
104.3 The power pursuant to and in accordance with Regulation 101(3) of the Regulations to offer to give plans and specifications in the Council's possession to a building owner and if the building owner declines the offer, the power to destroy the documents.	CEO	NIL
104.4 The power pursuant to and in accordance with Regulation 101(4) of the Regulations to make available for inspection at the offices of the Council during normal office hours any document retained by the Council under Regulation 101(a1) or (1) of the Regulations (without charge) and to fix a reasonable fee for a copy of any document retained by the Council under Regulation 101(a1) or (1) of the Regulations.	CEO	NIL
104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:	CEO	NIL
104.5.1 for inspection under Regulation 101(4)(a) if to do so would:		
104.5.1.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or		
104.5.1.2 constitute a breach of any other law; or		
104.5.2 for copying under Regulation 101(4)(b) if to do so would:		
104.5.2.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or		
104.5.2.2 involve an infringement of copyright in matter contained in a document; or		
104.5.2.3 constitute a breach of any other law.		
104A Documents to be Provided by Private Certifier		
104A.1 The power pursuant to Regulation 102(2) of the Regulations to request a private certifier to produce to the Council within a reasonable period, a copy of any document that has been submitted to the private certifier for the purposes of an application for development plan consent (and that it is not already held by the Council under the Regulations) so that the Council can respond to a request from a member of the public for access to such document.	CEO	NIL
105. Transfer of Development Potential		
105.1 The duty pursuant to Regulation 104 of the Regulations, wherever the provisions of the Development Plan provide for the transfer of development potential, to maintain a register of	CEO/CAP	NIL

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development rights containing the information prescribed in Regulation 104(1) and to make the said register available for public inspection on payment of the appropriate fee.		
106. System Indicators		
106.1 The duty pursuant to Section 115(1)(a) of the Regulations to keep and collate the information specified in the system indicators document on a quarterly basis.	CEO	NIL
106.2 The duty pursuant to Section 115(1)(b) of the Regulations to provide the information for each quarter to the Minister in a manner and form determined by the Minister, within 21 days after the end of the quarter.	CEO	NIL
106.3 The power pursuant to Regulation 115(2) of the Regulations to apply to the Minister to exempt the Council from a requirement in the system indicators document.	CEO	NIL
107. Schedule 1A – Demolition		
107.1 The power, pursuant to Clause 12(3) of Schedule 1A of the Regulations, to make an application to the Minister for an area to be declared by the Minister to be a designated area.	CEO	NIL
107.2 The power pursuant to Clause 12(9) of Schedule 1A of the Regulations, before the Minister takes action to vary or revoke a declaration under Clause 12(3) of Schedule 1A of the Regulations or a condition under Clause 12(7) of Schedule 1A of the Regulations, to in response to a notice in writing from the Minister, show, within the specified time, why the proposed course of action should not be taken.	CEO	NIL
108. Schedule 4 – New Dwellings		
108.1 The power pursuant to Clause 2B(4)(b) of Schedule 4 of the Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land other than a previous use or activity for residential purposes.	CEO	NIL
109. Schedule 6 - Fees		
109.1 The power pursuant to Clause 1(7) of Schedule 6 to the Regulations to determine the amount of the fee to be charged to an applicant to cover the Council's reasonable costs in giving public notice of the application under Section 38(5) of the Act.	CEO	Subject to Council approval
110. Schedule 8 – Development Near The Coast		
110.1 The power pursuant to Item 1(b) of Clause 2 of Schedule 8 of the Regulations, where development is on coastal land, to form the opinion that the development is of a minor nature only, and comprises the alteration of an existing building or the construction of a building to facilitate the use of an existing building.	N/A	N/A
111. Schedule 8 - Development Adjacent To Main Roads		
111.1 The power pursuant to Item 3 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is likely to:	CEO/CAP	NIL

	Direct Delegation from Council	Conditions/ Limitations
111.1.1 alter an existing access; or		
111.1.2 change the nature of movement through an existing access; or		
111.1.3 create a new access; or		
111.1.4 encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972,		
in relation to an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, or within 25 metres of a junction with an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan).		
112. Schedule 8 - State Heritage Places		
112.1 The power pursuant to Item 5(1) of Clause 2 of Schedule 8 of the Regulations to form the opinion that a development materially affects the context within which a State Heritage place is situated	CEO/CAP	NIL
113. Schedule 8 – Mining – General		
113.1 The power pursuant to and in accordance with Item 7 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is of a minor nature only.	CEO/CAP	File Delegate report to be countersigned by either the Director Strategy & Development or Manager Development Services prior to the decision being made
114. Schedule 8 - Activity of Environmental Significance		
114.1 The power pursuant to Item 10(b) of Clause 2 of Schedule 8 of the Regulations, where development involves, or is for the purposes of an activity specified in Schedule 21 of the Regulations (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level), other than development which comprises the alteration of, or addition to, an existing building, to form the opinion that the development does not change the use of the building, and is of a minor	CEO/CAP	NIL

	Direct Delegation from Council	Conditions/ Limitations
nature only, and does not have any adverse effect on the environment.		
115. Schedule 8 – Aquaculture Development		
115.1 The power pursuant to and in accordance with Item 15 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development involves a minor alteration to an existing or approved development.	CEO/CAP	NIL
116. Schedule 8 – Development Within the River Murray Floodplain Area		
116.1 The power pursuant to and in accordance with Item 19(b) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.	CEO/CAP	NIL
117. Schedule 8 – Development Within the River Murray Tributaries Area		
117.1 The power pursuant to and in accordance with Item 20(a) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.	CEO/CAP	NIL
118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development		
118.1 The power pursuant to Clause 1 of Part 1 to Schedule 9 of the Regulations in circumstances where a development would be a complying development under the Regulations or the relevant Development Plan but for the fact that it fails to meet the conditions associated with the classification, to form the opinion that the failure to meet those conditions is of a minor nature only.	CEO/CAP	File Delegate report to be countersigned by other statutory planner prior to the decision being made
118.2 The power pursuant to Clause 2(1)(g) of Part 1 to Schedule 9 of the Regulations to form the opinion that a development is of a kind which is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	CEO/CAP	File Delegate report to be countersigned by other statutory planner prior to the decision being made
118.3 The power pursuant to the following designated sub-paragraphs of Clause 3 of Part 1 to Schedule 9 of the Regulations, where a development is classified as non complying under the relevant Development Plan, to form the opinion that:	CEO/CAP	File Delegate report to be countersigned by either the Director Strategy & Development or Manager Development

	Direct Delegation from Council	Conditions/ Limitations
		Services or Team Leader Statutory Planning Prior To The Decision Being Made
118.3.1 the alteration of, or addition to, a building is of a minor nature only, pursuant to sub-paragraph (a);		
118.3.2 the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used constitutes development of a minor nature only pursuant to sub-paragraph (b).		
118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:	CEO/CAP	NIL
118.4.1 that the division of land (including for the construction of a road or thoroughfare) is for a proposed use which is consistent with the objective of the zone or area under the Development Plan; and		
118.4.2 whether the division will change the nature or function of an existing road.		
118.5 The power pursuant to Clause 11 of Part 1 to Schedule 9 of the Regulations, in circumstances where development comprises a special event and the special event will not be held over more than 3 consecutive days, to form the opinion that an event of a similar or greater size or of a similar or greater impact on surrounding areas, has not been held on the same site (or substantially the same site) within 6 months immediately preceding the day or days on which the special event is proposed to occur.	CEO/CAP	NIL
118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:	CEO/CAP	File Delegate report to be countersigned by another Statutory Planning prior to the decision being made
118.6.1 the duty to not take into account what is included within Schedule 3 of the Regulations; and	CEO/CAP	NIL
118.6.2 the power to take into account the size of the site of the development, the location of the development within that site, and the manner in which the development relates to the locality of the site; and	CEO/CAP	NIL
118.6.3 the power to conclude, if relevant, that the development is of a minor nature only despite the fact that it satisfies some, but not all, of the criteria set out in item 2(d) of Part 1 of Schedule 9 to the Regulations.	CEO/CAP	File Delegate report to be countersigned by

	Direct Delegation from Council	Conditions/ Limitations
		either the Director Strategy & Development Manager Development Services or Team Leader Statutory Planning prior to the decision being made
118.7 The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion:	CEO/CAP	NIL
118.7.1 that in respect of a proposed division of land that the applicant's proposed use of the land, is for a purpose which is consistent with the zone or area under the Development Plan; and		
118.7.2 whether the proposed division will change the nature or function of an existing road.		

Appendix 5

*Instrument of Delegation under the
Environment Protection Act 1993 and Environment
Protection (Waste Management) Policy 1994*

		Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993 AND THE ENVIRONMENT PROTECTION (WASTE MANAGEMENT) POLICY 1994			
1.	The power pursuant to Section 85(3) of the Environment Protection Act 1993 ("the Act"), to appoint authorised officers for the purposes of the Act.	CEO	NIL
2.	The power pursuant to Section 85(4) of the Act to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment, and subject to conditions prescribed by regulation.	CEO	NIL
3.	The power pursuant to Section 85(5) of the Act to revoke an appointment or to vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition.	CEO	NIL
4.	Site Contamination Assessment Orders		
4.1	The power pursuant to Section 103H(4) of the Act, where a proposed site contamination assessment order or a proposed variation of such an order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural Resources Management Act 2004 to whom an application for a permit for the activity would otherwise have to be made, to make written submissions in relation to the proposal within a period specified in the notice from the Authority.	CEO	NIL
5.	Site Remediation Orders		
5.1	The power pursuant to Section 103J(4) of the Act, where a proposed site remediation order (except an emergency site remediation order) or a proposed variation of a site remediation order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural Resources Management Act 2004 to whom an application for a permit for the activity would otherwise have to be made, to make written submission in relation to the proposal within a period specified in the notice from the Authority.	CEO	NIL
6.	<i>Deliberately left blank</i>		
DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE MANAGEMENT) POLICY 1994			
6A.	<i>[Metropolitan Councils only]</i> The duty pursuant to Clause 10(2) of the Environment Protection (Waste to Resources) Policy 2010 ("the Policy"), in order to facilitate the proper management of waste to be collected under Clause 10(1)(b) of the Policy, to provide a weekly kerbside waste collection service (other than for recyclable waste or vegetative matter) in respect of residential premises within its area.	CEO	NIL
7.	The duty pursuant to Clause 5(2) of the Environment Protection (Waste Management) Policy 1994 ("the Waste Management Policy") to ensure that the following provisions are complied with in relation to any medical waste received by the Council:	CEO	NIL
	(a) if any other waste is mixed with medical waste, the other waste is to be dealt with under this clause in		

	Direct Delegation from Council	Conditions/ Limitations
the same way as is required in relation to medical waste;		
(b) all medical waste must be stored in containers that are weatherproof and insect and vermin proof;		
(c) all containers for medical waste that are kept for further use must be thoroughly cleaned and disinfected as soon as reasonably practicable after emptying;		
(d) all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;		
(e) all containers of medical waste must be stored in a secure location;		
(f) all necessary equipment required to clean and disinfect the area in case of accidental spillage of medical waste must be readily available and accessible;		
(g) discarded needles, syringes with needles, surgical instruments and any other sharp articles must be contained for disposal in rigid puncture-proof containers that are taped closed or tightly lidded and the containers must not be subject to compaction by a compacting device nor placed for storage or transport in a portable or mobile compactor;		
(h) medical waste must be disposed of as soon as reasonably practicable;		
(i) all medical waste must be disposed of by incineration or collected for disposal by—		
(i) a person who carries on a waste transport business pursuant to an environmental authorisation authorising the collection and transport of medical waste; or		
(ii) a council;		
(j) before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards associated with the waste and any precautions that need to be taken during the collection, transport or disposal of the medical waste;		
(k) the transporter must be given such assistance as is required to ensure that loading operations are carried out in such a way as to prevent spillage of any medical waste.		

Appendix 6

*Instrument of Delegation under the
Expiation of Offences Act 1996*

		Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996			
1. Certain Offences May Be Expiated			
1.1	The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under an Act, regulation or by-law, and the alleged offence may accordingly be expiated in accordance with the Act	CEO	NIL
2. Expiation Notices			
2.1	The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence.	CEO	NIL
3. Review of Notices on Ground that Offence is Trifling			
3.1	The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:	CEO	NIL
3.1.1	to provide further information; and		
3.1.2	to provide a statutory declaration verifying the information contained in, or supporting, an application for review.		
3.2	The duty pursuant to Section 8A(4) of the Act to determine an application for review before issuing a certificate for an enforcement order in respect of the offence to which the application relates.	CEO	NIL
3.3	The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.	CEO	NIL
3A. Arrangements as to Manner and Time of Payment			
3A.1	The power pursuant to Section 9(2) of the Act to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement Recovery Officer must give the Council notice of any arrangement entered into under Section 9 of the Act.	CEO	NIL
3A.2	The power pursuant to Section 9(12) of the Act, if an arrangement terminates under Section (9), (10) or (11) of the Act, to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement and Recovery Officer must give the Council notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service so performed).	CEO	NIL
4. Expiation Reminder Notices			
4.1	The duty pursuant to Section 11 of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 9 of the Act and the Council has not received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act to enforce the expiation notice, to send an expiation reminder notice in the prescribed form to the alleged offender before any action is taken under the Act to enforce the expiation notice.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
5. Expiation Enforcement Warning Notices			
5.1	The duty pursuant to Section 11A of the Act where the Council has received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act to enforce the expiation notice, to send an expiation enforcement warning notice, in the prescribed form, to the alleged offender by post.	CEO	NIL
6. Late Payment			
6.1	The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 13 of the Act.	CEO	NIL
7. Enforcement Procedures			
7.1	The power pursuant to Section 13(1) of the Act to enforce an expiation notice against an alleged offender by sending to the Fines Enforcement and Recovery Officer:	CEO	NIL
7.1.1	a certificate that contains the particulars determined by the Fines Enforcement and Recovery Officer relating to:		
7.1.1.1	the alleged offender; and		
7.1.1.2	the offence or offences that remain unexpiated; and		
7.1.1.3	the amount due under the notice; and		
7.1.1.4	compliance by the Council as the authority with the requirements of the Act and any other Act;		
7.1.2	the prescribed fee.		
7.2	The power pursuant to Section 13(4) of the Act to apply to the Fines Enforcement and Recovery Officer under and in accordance with Section 13 of the Act within 30 days of notice of an enforcement determination being given, sent or published in accordance with Section 13 of the Act for the enforcement determination to be revoked.	CEO	NIL
8. Withdrawal of Expiation Notices			
8.1	The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:	CEO	NIL
8.1.1	in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;		
8.1.2	the Council as issuing authority receives a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or		
8.1.3	the notice is defective; or		
8.1.4	the Delegate decides that the alleged offender should be prosecuted for the offence or offences.		
8.2	The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
8.3	The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council as issuing authority or failure of the postal system.	CEO	NIL
8.4	The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 13 of the Act, to inform the Fines and Enforcement Recovery Officer of the withdrawal of the notice.	CEO	NIL
9. Giving of Certain Notices and Certificates			
9.1	The power pursuant to Section 18 of the Act to enter into an agreement with the Fines Enforcement and Recovery Officer in relation to:	CEO	NIL
9.1.1	the manner in which the Fines Enforcement and Recovery Officer is to provide information to the Council in relation to action taken by the Fines Enforcement and Recovery Officer under the Act in respect of an expiation notice issued by the Council; and		
9.1.2	the manner in which the Council is to provide information to the Fines Enforcement and Recovery Officer in relation to the issuing of an expiation notice by the Council or any other action taken by the Council in respect of an expiation notice so issued.		

Appendix 7

*Instrument of Delegation under the
Food Act 2001*

		Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE FOOD ACT 2001			
1. Seizure			
1.1	The power pursuant to Section 42(2) of the Food Act 2001 ("the Act") to approve the removal or interference with the thing to which a seizure order under Part 4 of the Act relates before an order is made under Section 42(3)(b) or the order is discharged under Section 42(3)(c) of the Act.	CEO	NIL
1.2	The power pursuant to Section 42(3)(a) of the Act to authorise –	CEO	NIL
1.2.1	upon application, the release of anything seized under Part 4 of the Act to the person from whom it was seized or to any person who had a right to possession of it at the time of its seizure, subject to such conditions as the Delegate thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 42(3)(b)(i)(B) of the Act; or		
1.2.2	in the case of food or any other perishable thing, order that it be forfeited to the Council.		
1.3	The duty pursuant to Section 42(3)(d) of the Act where any food or other perishable thing is seized under Part 4 of the Act in relation to an expiable offence and the offence is expiated –	CEO	NIL
1.3.1	if the food or other perishable thing has not already been forfeited by order of the Delegate under Section 42(3)(a)(ii) of the Act, to deal with it in accordance with any determination of the Minister; and		
1.3.2	not make payment of any compensation in respect of the food or other perishable thing.		
1.4	The power pursuant to Section 42(3)(e) of the Act to dispose of anything seized under Part 4 of the Act and forfeited under Section 42 of the Act, by sale, destruction or otherwise as the Delegate directs.	CEO	NIL
2. Review of Decision to Refuse Certificate of Clearance			
2.1	The power pursuant to Section 51(1) of the Act where a person aggrieved by a decision to refuse to give a certificate of clearance under Part 5 of the Act makes application to the appropriate review body <u>Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013</u> for a review of the decision, to respond to the review body on behalf of the Council.	CEO	NIL
3. Review of Order			
3.1	The duty pursuant to Section 52(2) of the Act where there were no grounds for the making of a prohibition order, to pay such compensation to the applicant for compensation as is just and reasonable.	CEO	NIL
3.2	The duty pursuant to Section 52(3) of the Act to send written notification of the determination as to the payment of compensation under Section 52 of the Act, to each applicant for the payment of such compensation.	CEO	NIL
3.3	The power pursuant to Section 52(4) of the Act where an applicant for the payment of compensation under Section 52 of the Act is dissatisfied with a determination under Section 52(3) of the Act, as to the refusal to pay compensation or the amount of compensation and has applied to the appropriate review body <u>Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013</u> for a review of the determination, to respond to that review body on behalf of the Council.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
4. Auditing and Reporting			
4.1	The duty pursuant to Section 79(1) of the Act to determine:	CEO	NIL
4.1.1	the priority classification of individual food businesses for the purposes of the application of any requirements of the Regulations relating to food safety programs; and		
4.1.2	the frequency of auditing of any food safety programs required to be prepared by the Regulations in relation to the food business		
	In accordance with Section 79(2) of the Act.		
4.2	The duty pursuant to Section 79(3) of the Act to provide written notification to the proprietor of a food business of -	CEO	NIL
4.2.1	the priority classification it has determined for the food business; and		
4.2.2	the frequency of auditing of any food safety programs required to be prepared by the Regulations in relation to the food business; and		
4.2.3	the date by which the food business must have implemented any food safety program required to be prepared by the Regulations in relation to the food business.		
4.3	The power pursuant to Section 79(4) of the Act to change the priority classification of an individual food business if the Delegate believes that the classification is inappropriate for any reason, including as a result of changes made to the conduct of a food business.	CEO	NIL
4.4	The duty pursuant to Section 79(5) of the Act to provide written notification to the proprietor of food business of any change in priority classification of the food business under Section 79(4) of the Act.	CEO	NIL
5. Reporting Requirements			
5.1	The duty pursuant to Section 81(1) of the Act to receive a report from a food safety auditor in relation to an order or assessment carried out by the food safety auditor for the purposes of this Act.	CEO	NIL
5.2	The duty pursuant to Section 81(7) of the Act to provide a copy of a report in relation to an audit or assessment to the proprietor of the food business concerned.	CEO	NIL
6. Notification of Food Businesses			
6.1	The duty pursuant to Section 86(1) of the Act to receive written notice, in the approved form, from the proprietor of a food business of the information specified in the Food Safety Standards that the proprietor is required to notify to the Council before the business is conducted.	CEO	NIL
6.2	The duty pursuant to Section 86(2) of the Act to receive written notice, in the approved form, from the proprietor of a food business that is being conducted when the notification requirements of the Food Safety Standards commence, of the information specified in the Food Safety Standard that is to be notified to the Council.	CEO	NIL
6.3	The duty pursuant to Section 86(3) of the Act where a food business is transferred to another person or where there is a change in the name or address of a food business to receive written notice, in the approved form, from the proprietor of the food business (being, in the case where a food business is transferred to another person, the new proprietor) of the transfer or change (as the case may be) that	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
would be required to be given to the Council if the notification were an initial notification under Section 86(1) or (2) of the Act.			
7. Appointment of Authorised Officers			
7.1	The power pursuant to Section 94(1) of the Act to appoint a person to be an authorised officer for the purposes of the Act, subject to the duty upon the Delegate to be satisfied that the person has appropriate qualifications or experience to exercise the functions of an authorised officer.	CEO	NIL
7.2	The duty pursuant to Section 94(2) of the Act to prepare and maintain a list of authorised officers appointed for the purposes of Section 94(1) of the Act.	CEO	NIL
7.3	The duty pursuant to Section 95(1) of the Act to provide each authorised officer with a certificate of authority as an authorised officer.	CEO	NIL
7.4	The power pursuant to Section 95(2) of the Act to limit the powers of an authorised officer through the certificate of authority which is provided pursuant to Section 95(1) of the Act.	CEO	NIL
8. Offences			
8.1	The power pursuant to Section 29(2) of the Act where the Delegate forms the opinion that an offence has been committed under the Act to take proceedings by way of prosecution (or, at the discretion of the Delegate, by the issuing of an expiation notice or notices where the offence is expiable) in respect of the following offences –	CEO	NIL
	Section 13(1) Handling food intended for sale in a manner that the person knows will render, or is likely to render, the food unsafe.		
	Section 13(2) Handling food intended for sale in a manner that the person ought reasonably to know is likely to render the food unsafe.		
	Section 14(1) Selling food that the person knows is unsafe.		
	Section 14(2) Selling food that the person ought reasonably to know is unsafe		
	Section 16(1) Handling food intended for sale in a manner that will render, or is likely to render, the food unsafe.		
	Section 16(2) Selling food that is unsafe.		
	Section 17(1) Handling food intended for sale in a manner that will render or is likely to render the food unsuitable.		
	Section 17(2) Selling food that is unsuitable.		
	Section 21(1) Failing to comply with any requirement imposed by a provision of the Foods Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale.		
	Section 21(2) Selling food that does not comply with any requirement of the Food Standards Code that relates to the food.		
	Section 39 Failure, without reasonable excuse, to comply with a requirement of an authorised officer.		
	Section 40 Providing information or producing any document that the person knows is false or misleading in a material particular.		

		Direct Delegation from Council	Conditions/ Limitations
	Section 41(1) Resisting, obstructing, or attempting to obstruct, without reasonable excuse, an authorised officer in the exercise of his/her functions under the Act.		
	Section 41(2) Impersonating an authorised officer.		
	Section 42(2) Removing or interfering with a thing seized under Part 4 of the Food Act 2001 without the approval of the Council.		
	Section 50 Contravening or failing, without reasonable excuse, to comply with an improvement notice or a prohibition order.		
	Section 86(1) Failure to notify of a food business before the business is conducted.		
	Section 86(2) Failure to notify of a food business that is being conducted.		
	Section 86(3) Failure to notify of a food business that is transferred or which has changed its name or address.		
8.2	The power to elect to charge a person who is alleged to have committed an offence against Division 2, Part 2 of the Act, with a summary offence.	CEO	NIL
8.3	The duty pursuant to Section 29(4) of the Act where a person who is alleged to have committed an offence against Division 2, Part 2 of the Act has been given an expiation notice in respect of the offence and does not expiate the offence, to bring proceedings for prosecution of the offence as a summary offence.	CEO	NIL

Appendix 8

*Instrument of Delegation under the
Local Nuisance and Litter Control Act 2016 and Local
Nuisance and Litter Control Regulations 2017*

		Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016 AND THE LOCAL NUISANCE AND LITTER CONTROL REGULATIONS 2017			
1. Authorised Officers			
1.1	The power pursuant to Section 12(3) of the Local Nuisance and Litter Control Act 2016 (the Act), to appoint:	CEO	NIL
1.1.1	specified officers or employees of the Council; or		
1.1.2	a specified class of officers or employees of the Council,		
	to be authorised officers for the purposes of the Act.		
1.2	The power pursuant to Section 12(4) of the Act to make an appointment subject to conditions specified in the instrument of appointment.	CEO	NIL
1.3	The power pursuant to Section 12(6) of the Act to, at any time, revoke an appointment, or vary or revoke a condition specified in the instrument of an appointment or impose a further such condition.	CEO	NIL
2. Identity Cards			
2.1	The duty pursuant to Section 13(2) of the Act where the Minister has not designated a card issued by the Council to an authorised officer appointed by the Council as an identity card for the purposes of the Act, to issue an authorised officer appointed under the Act, with an identity card in a form approved by the Minister:	CEO	NIL
2.1.1	containing the person's name and a recent photograph of the person; and		
2.1.2	stating that the person is an authorised officer for the purposes of the Act; and		
2.1.3	specifying the name of the Council.		
2.2	The duty pursuant to Section 13(3) of the Act to issue an identity card as soon as is reasonably practicable after the appointment is made.	CEO	NIL
3. Limit of Area of Authorised Officers Appointed by Councils			
3.1	The power pursuant to Section 15(a) of the Act to agree in writing to an authorised officer appointed by another council exercising powers under the Act in the Council's area.	CEO	NIL
4. Provisions Relating to Seizure			
4.1	The duty pursuant to Section 16(1)(a) of the Act if a substance, material or thing has been seized under Division 3 of the Act, to hold the substance, material or thing seized pending proceedings for an offence against the Act.	CEO	NIL
4.2	The power pursuant to Section 16(1)(a) of the Act, on application, authorise the release of the substance, material or thing seized to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure, subject to such conditions as the delegate thinks fit.	CEO	NIL
4.3	The power pursuant to Section 16(1)(e) of the Act if a person is, under section 16 of the Act, entitled to recover any substance, material or thing, to request the person do so.	CEO	NIL
4.4	The power pursuant to Section 16(1)(f) of the Act to direct that any substance, material or thing forfeited under Section 16 of the Act be disposed of.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
5. Exemptions from Application of Section 18			
5.1	The power pursuant to Section 19(1) of the Act to declare by notice in writing in accordance with Section 19 of the Act that a person is exempt from the application of Section 18 of the Act in respect of a specified activity to be carried on in the Council's area.	CEO	NIL
5.2	The power pursuant to Section 19(2) of the Act to require an application for a declaration under Section 19 of the Act made to the Council to be accompanied by any other information in connection with the application that the delegate may require.	CEO	NIL
5.3	The duty pursuant to Section 19(3) of the Act to not make a declaration under Section 19 of the Act unless the delegate is satisfied that:	CEO	NIL
5.3.1	there are exceptional circumstances that justify the making of the declaration; and		
5.3.2	the applicant's nuisance management plan adequately sets out the measures that the person will take to prevent, minimise or address any anticipated adverse effects from the specified activity on the amenity value of the area concerned.		
5.4	The power pursuant to Section 19(4) of the Act to make a declaration unconditional or subject to conditions, including (but not limited to) conditions relating to:	CEO	NIL
5.4.1	the permitted times or periods of time for carrying on the activity; or		
5.4.2	the manner of carrying on the activity.		
5.5	The power pursuant to Section 19(5) of the Act to, by further notice in writing, vary or revoke a declaration under Section 19 of the Act.	CEO	NIL
5.6	The:	CEO	NIL
5.6.1	power pursuant to Section 19(7) of the Act to determine the website for publishing a declaration made under Section 19 of the Act and any variations of the declaration; and		
5.6.2	duty pursuant to Section 19(7) of the Act to publish a declaration made under Section 19 of the Act and any variations of the declaration, on a website determined by the Council or the delegate.		
6. Disposing of Litter			
6.1	The power pursuant to Section 22(3)(a)(i) of the Act to provide a bin or other receptacle in the Council's area for the disposal of litter.	CEO	NIL
6.2	The power pursuant to Section 22(3)(a)(ii) of the Act to approve or authorise the manner of the disposal of litter in the Council's area.		
7. Liability of Vehicle Owners			
7.1	The duty pursuant to Section 26(3) of the Act, to accompany an expiation notice or expiation reminder notice given under the Expiation of Offences Act 1996 to the owner of a vehicle for an alleged offence against Section 26 of the Act involving the vehicle with a notice inviting the owner, if he or she was not the alleged principal offender, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
7.1.1	setting out the name and address of the person who the owner believes to have been the alleged principal offender; or		
7.1.2	if he or she had transferred ownership of the vehicle to another prior to the time of the alleged principal offence and has complied with the Motor Vehicles Act 1959 or the Harbors and Navigation Act 1993 (as the case may require) in respect of the transfer – setting out details of the transfer (including the name and address of the transferee).		
7.2	The power pursuant to Section 26(4) of the Act, to bring a prosecution for an offence against Section 26 of the Act against one of the owners or against some or all of the owners jointly as co-defendants.	CEO	NIL
7.3	The duty pursuant to Section 26(5) of the Act, before proceedings are commenced against the owner of a vehicle for an offence against Section 26 of the Act to send the owner a notice:	CEO	NIL
7.3.1	setting out particulars of the alleged principal offence; and		
7.3.2	inviting the owner, if he or she was not the alleged principal offender or the owner of the vehicle at the time of the alleged principal offence, to provide the Council, within 21 days of the date of the notice, with a statutory declaration setting out any matters referred to in subsection 3(a)(and (b).		
7.4	The duty pursuant to Section 26(9) of the Act, if:	CEO	NIL
7.4.1	an expiation notice is given to a person named as the alleged principal offender in a statutory declaration under Section 26, or		
7.4.2	proceedings are commenced against such a person,		
	to accompany the notice or summons, as the case may be, with a notice setting out particulars of the statutory declaration that named the person as the alleged principal offender.		
7.5	The duty pursuant to Section 26(10) of the Act to not include in the particulars of the statutory declaration provided to the alleged principal offender the address of the person who provided the statutory declaration.	CEO	NIL
8. Notification of EPA of Serious or Material Environmental Harm			
8.1	The duty pursuant to Section 29 of the Act, if the delegate has reason to believe that an offence committed under Sections 18 or 22 of the Act has, or may have, resulted in material environmental harm, or serious environmental harm, within the meaning of the Environment Protection Act 1993, to, as soon as practicable, notify the Environment Protection Authority of that belief.	CEO	NIL
9. Nuisance and Litter Abatement Notices			
9.1	The power pursuant to Section 30(1)(a) of the Act to issue a nuisance abatement notice for or in connection with securing compliance with Part 4 Division 1 of the Act.	CEO	NIL
9.2	The power pursuant to Section 30(1)(b) of the Act to issue a litter abatement notice for or in connection with securing compliance with Part 4 Division 2 of the Act.	CEO	NIL
9.3	The:	CEO	NIL
9.3.1	duty pursuant to Section 30(2) of the Act in relation to a notice under Section 30 of the Act to ensure it:		

		Direct Delegation from Council	Conditions/ Limitations
9.3.1.1	is in the form of a written notice served on the person to whom it is issued; and		
9.3.1.2	specifies the person to whom it is issued (by name or by a description sufficient to identify the person); and		
9.3.1.3	specifies the purpose for which it is issued; and		
9.3.2	power pursuant to Section 30(2) of the Act, in relation to a notice under Section 30 of the Act, to:		
9.3.2.1	direct two or more persons to do something specified in the notice jointly; and		
9.3.2.2	impose a requirement that the person do one or more of the following:		
(a)	discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice;		
(b)	not carry on a specified activity except at specified times or subject to specified conditions;		
(c)	take specified samples or conduct specified tests, examinations, monitoring or analyses at specified times or intervals or for a specified period or until further notice;		
(d)	furnish to the Council specified results or reports within a specified period;		
(e)	clean up litter that the Council or delegate considers to have been caused by a contravention of this Act;		
(f)	make good any damage to property that the Council or delegate considers to have been caused by a contravention of this Act;		
(g)	prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of securing compliance with any requirement of the Act or preventing any future contravention of the Act;		
(h)	take such other specified action in a specified way, and within a specified period or at specified times or in specified circumstances; and		
(i)	in the case of a litter abatement notice, impose a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of:		
A.	preventing the escape of litter from business premises; or		
B.	keeping a specified area (not exceeding 100 metres) around business premises free from litter; and		
(j)	impose any other requirement prescribed by regulation; and		
(k)	ensure it states that the person may, within 14 days, appeal against the notice to the Environment Resources and Development Court.		
9.4	The power pursuant to Section 30(3) of the Act to issue a notice under Section 30 of the Act jointly with one or more other councils to prevent the person contravening a provision of the Act in those council	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	areas.		
9.5	The power pursuant to Section 30(4) of the Act to issue a notice under Section 30 of the Act that relates to an activity or conditions on premises to:	CEO	NIL
9.5.1	the owner or occupier of the premises; or		
9.5.2	a person who has the management or control of the premises; or		
9.5.3	a person who is the trustee of a person referred to in paragraph (a) or (b) or Section 30(4) of the Act, or is managing the affairs of such a person on some other basis.		
9.6	The duty pursuant to Section 30(6) of the Act, if an emergency notice issued orally, to advise forthwith the person to whom the notice is issued of the person's right to appeal against the notice to the Environment, Resources and Development court.	CEO	NIL
9.7	The power pursuant to Section 30(8) of the Act, to, by written notice served on a person to whom a notice under section 30 of the Act has been issued by the Council, vary or revoke the notice.	CEO	NIL
10.	Action on Non-compliance with Notice		
10.1	The power pursuant to Section 31 of the Act, if the requirements of a nuisance abatement notice or litter abatement notice issued by Council are not complied with, to take any action required by the notice.	CEO	NIL
10.2	The power pursuant to Section 31(2) of the Act to authorise a person to take action under section 31(1) of the Act on behalf of the Council.	CEO	NIL
10.3	The duty pursuant to Section 30(3) of the Act, if the delegate authorises a person to take action under section 31(2) of the Act to issue the person with an instrument of authority.	CEO	NIL
10.4	The power pursuant to Section 31(5) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 31 of the Act as a debt from the person who failed to comply with the requirements of the notice.	CEO	NIL
10.5	The power pursuant to Section 31(6) of the Act, if an amount is recoverable from a person under Section 31 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid.	CEO	NIL
11.	Civil Remedies		
11.1	The power pursuant to Sections 33(1) and (6) of the Act to apply to the Environment, Resources and Development court for one or more of the following orders:	CEO	NIL
11.1.1	if a person has engaged, is engaging or is proposing to engage in conduct in contravention of the Act – an order restraining the person from engaging in the conduct and, if the court considers it appropriate to do so, requiring the person to take any specified action;		
11.1.2	if a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by the Act – an order requiring the person to take that action;		
11.1.3	if a person has caused damage to property by a contravention of the Act – an order requiring the person to take specified action to make good the damage and, if appropriate, to take specified		

		Direct Delegation from Council	Conditions/ Limitations
	action to prevent or mitigate further damage;		
11.1.4	if the Council has incurred costs or expenses in taking action to prevent or mitigate damage caused by a contravention of the Act, or to make good resulting damage – an order against the person who committed the contravention for payment of the reasonable costs and expenses incurred in taking that action;		
11.1.5	if the Council has suffered injury or loss or damage to property as a result of a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage – an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action;		
11.1.6	if the court considers it appropriate to do so, an order against a person who has contravened the Act for payment to the Council.		
11.2	The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act.	CEO	NIL
11.3	The power pursuant to Section 33(8) of the Act to serve a copy of the application on the Minister within three days after filing the application with the court.	CEO	NIL
11.4	The power pursuant to Section 33(9) of the Act to apply to the court for the Council to be joined as a party to the proceedings.	CEO	NIL
11.5	The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained).	CEO	NIL
11.6	The power pursuant to Section 33(11) of the Act to make an application without notice to any person.	CEO	NIL
11.7	The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person.	CEO	NIL
11.8	The power pursuant to Section 33(19) of the Act to apply to the court to vary or revoke an order previously made under Section 33 of the Act.	CEO	NIL
12. Minister or Council May Recover Civil Penalty in Respect of Contravention			
12.1	The power pursuant to Section 34(1) of the Act, subject to Section 34 of the Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Environment, Resources and Development court an amount as a civil penalty in respect of the contravention.	CEO	NIL
12.2	The duty pursuant to Section 34(2) of the Act to not recover an amount under Section 34 of the Act, in respect of a contravention if the relevant offence requires proof of intention or some other state of mind, and to, in respect of any other contravention, determine whether to initiate proceedings for an offence or take action under Section 34 of the Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.	CEO	NIL
12.3	The duty pursuant to Section 34(3) of the Act to not make an application to the court under Section 34 of the Act to recover an amount from a person as a civil penalty in respect of a contravention:	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
12.3.1	unless the Council or the delegate has served on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention and the person has been allowed not less than 21 days after service of the notice to make such an election; or		
12.3.2	if the person serves written notice on the Council, before the making of such an application, that the person elects to be prosecuted for the contravention.		
12.4	The power pursuant to Section 34(4) of the Act to recover by negotiation as a civil penalty in respect of a contravention a maximum amount being the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.	CEO	NIL
12.5	The power pursuant to Section 34(5) of the Act to apply to the Environment, Resources and Development court for an order the person pay to the Council an amount as a civil penalty (but not exceeding the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention).	CEO	NIL
12.6	The power pursuant to Section 34(8) of the Act, if conduct of a person constitutes a contravention of two or more provisions of the Act, to recover an amount from the person under Section 34 of the Act in relation to the contravention of one or more of those provisions (provided that the person is not liable to pay more than one amount as a civil penalty in respect of the same conduct).	CEO	NIL
12.7	The power pursuant to Section 34(13) of the Act to apply to the Attorney-General for authorisation to commence proceedings for an order under Section 34 of the Act more than three years and within 10 years after the date of the alleged contravention.	CEO	NIL
13. Statutory Declaration			
13.1	The power pursuant to Section 40 of the Act if a person is required by or under the Act to provide information to the Council, to require that the information be verified by statutory declaration and, in that event, the person will not be taken to have provided the information as required unless it has been so verified.	CEO	NIL
14. Orders in Respect of Contraventions			
14.1	The power pursuant to Section 45(1) of the Act, if, in proceedings under the Act, the court finds that the defendant contravened the Act and the contravention has resulted in injury to the Council or loss or damage to property, to apply to the court, in addition to any penalty it may impose, one or more of the following:	CEO	NIL
14.1.1	an order the person to take specified action to make good any damage and, if appropriate, to take specified action to prevent or mitigate further damage;		
14.1.2	an order the person to take specified action to publicise the contravention and its consequences and any other orders made against the person;		
14.1.3	an order the person pay to the Council if the Council has incurred costs or expenses in taking		

		Direct Delegation from Council	Conditions/ Limitations
	action to prevent or mitigate or make good any damage (including, in the case of litter, taking action to remove or clean up, and lawfully dispose of the litter);		
	the reasonable costs and expenses so incurred, or compensation for the injury, loss or damage so suffered, as the case may be, in such a manner as is determined by the Court.		
14.2	The power pursuant to Section 45(2) of the Act if a person is found by a court to have contravened the Act, to apply to the court, for, in addition to any penalty it may impose, an order the person to pay to the Council an amount not exceeding the court's estimation of the amount of the economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.	CEO	NIL
14.3	The power pursuant to Section 45(5) of the Act to apply to the court for an order under Section 45 of the Act, fixing a period for compliance and imposing any other requirements the court considers necessary or expedient for enforcement of the order.	CEO	NIL
15. Recovery of Administrative and Technical Costs Associated with Contraventions			
15.1	The power pursuant to Section 48(1) of the Act, if a person has contravened this Act and the Council:	CEO	NIL
15.1.1	has taken action to:		
	15.1.1.1 investigate the contravention; or		
	15.1.1.2 issue a nuisance abatement notice or litter abatement notice in respect of the contravention; or		
	15.1.1.3 ensure that the person has complied with requirements imposed in relation to the contravention by a nuisance abatement notice or litter abatement notice or by an order of a court under the Act; or		
15.1.2	has, in taking such action, incurred costs and expenses in taking samples or in conducting tests, examinations, monitoring or analyses,		
	to, by notice in writing served on the person, require the person to pay to the Council the reasonable costs and expenses incurred by the Council in taking such action.		
15.2	The power pursuant to Section 48(2) of the Act to specify in the notice the period within which an amount payable to the Council in accordance with a notice under Section 48 of the Act must be paid.	CEO	NIL
15.3	The power pursuant to Section 48(3) of the Act, on application by a person who has been served a notice under Section 48 of the Act to, by notice in writing:	CEO	NIL
15.3.1	extend the time for payment of an amount payable in accordance with the notice; or		
15.3.2	waive payment of such an amount or reduce the amount payable.		
15.4	The power pursuant to Section 48(6) of the Act, if an amount payable to the Council is not paid in accordance with Section 48 of the Act to recover the amount as a debt.	CEO	NIL
16. Assessment of Reasonable Costs and Expenses			
16.1	The duty pursuant to Section 49 of the Act, to for the purposes of the Act, assess the reasonable costs and expenses that have been or would be incurred by the Council or some other person or body in taking any action by reference to the reasonable costs and expenses that would have been or would be incurred	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
in having the action taken by independent contractors engaged for that purpose.			
17. Evidentiary Provisions			
17.1	The power pursuant to Section 50(4) of the Act to execute a certificate certifying as to the matter relating to:	CEO	NIL
17.1.1	the appointment or non-appointment of a person as an authorised officer under the Act; or		
17.1.2	a delegation or authority under the Act; or		
17.1.3	a notice, requirement or direction of the Council or an authorised officer under the Act; or		
17.1.4	the receipt or non-receipt by the Council or an authorised officer of a notification, report or information given or required to be given or furnished to the Council or authorised officer under the Act.		
17.2	The power pursuant to Section 50(5) of the act to execute a certificate detailing the costs and expenses incurred by the Council and the purpose for which they were incurred.	CEO	NIL
DELEGATIONS UNDER THE LOCAL NUISANCE AND LITTER CONTROL REGULATIONS 2017			
18. Annual Reports by Councils			
18.1	The duty pursuant to Regulation 5 of the Local Nuisance and Litter Control Regulations 2017 (the Regulations), to, for the purposes of Section 8 of the Act, include in the Council's annual report details of:	CEO	NIL
18.1.1	the number of complaints of local nuisance or littering received by the Council; and		
18.1.2	the number and nature of:		
18.1.2.1	offences under the Act that were expiated; and		
18.1.2.2	offences under the Act that were prosecuted; and		
18.1.2.3	nuisance abatement notices or litter abatement notices issued; and		
18.1.2.4	civil penalties negotiated under Section 34 of the Act; and		
18.1.2.5	applications by the Council to the Court for orders for civil penalties under Section 34 of the Act and the number of orders made by the Court on those applications; and		
18.1.3	any other functions performed by the Council under the Act.		
19. Exemptions from Application of Section 18			
19.1	The power pursuant to Regulation 6(1)(a)(ii) of the Regulations:	CEO	NIL
19.1.1	to fix a lodgement period for an application in relation to an activity that is to take place over a period not exceeding 24 hours; and		
19.1.2	to fix a lodgement period for an application in relation to an activity that is to take place over a period of 24 hours or longer.		
19.2	The power pursuant to Regulation 6(2) of the Regulations, if an application for a declaration in relation to an activity is not lodged with the Council as required by Regulation 6(1)(a)(ii) of the Act, to refuse to consider the application.	CEO	NIL
19.3	The power pursuant to Regulation 6(3) of the Regulations to require the following prescribed details to be	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
contained in a site nuisance management plan to the extent relevant to the activity:			
19.3.1	an assessment of the potential for local nuisance and the number of residential and commercial premises occupied by persons likely to be affected by the local nuisance (potentially affected persons);		
19.3.2	a map showing:		
19.3.2.1	the proposed location of the activity and the likely fixed sources of local nuisance (for example, in the case of a concert, the location and orientation of stages and speakers); and		
19.3.2.2	the location of premises occupied by potentially affected persons and the distance of the premises from those sources;		
19.3.3	the name and contact details of the responsible person in relation to the activity;		
19.3.4	the proposed strategy for minimising, managing and monitoring the effects of the local nuisance on potentially affected persons;		
19.3.5	a copy of the notice (forming part of the communication strategy) proposed to be given to those persons to notify them of the activity, which must include the following details:		
19.3.5.1	the nature of the proposed activity;		
19.3.5.2	the start and finish dates for the activity;		
19.3.5.3	the daily start and finish times for the activity;		
19.3.5.4	the anticipated sources of local nuisance generated by the activity;		
19.3.5.5	the proposed measures to be implemented to minimise the local nuisance;		
19.3.5.6	the name and contact details of the person who may be contacted by potentially affected persons regarding concerns or complaints in relation to the activity;		
19.3.5.7	such other details as the delegate may require;		
19.3.6	the proposed communication strategy with the Council, including reporting by the exempt person on progress of the activity and the site nuisance management plan and any unforeseen incidents;		
19.3.7	the proposed process for recording details about complaints, including:		
19.3.7.1	contact details for each complainant; and		
19.3.7.2	the date and time of the complaint; and		
19.3.7.3	a description of the complaint; and		
19.3.7.4	the nature of the activity giving rise to the complaint; and		
19.3.7.5	any action taken to address the complaint.		
20. Notification to EPA of Serious or Material Environmental Harm			
20.1	The duty pursuant to Regulation 12 of the Regulations, to, for the purposes of Section 29 of the Act, include in notifications to the Environment Protection Authority:	CEO	NIL
20.1.1	as many of the following details as may be in the possession of the Council:		

		Direct Delegation from Council	Conditions/ Limitations
20.1.1.1	any investigation statements from authorised officers, witnesses or suspects;		
20.1.1.2	copies of relevant evidence (for example, images, photographs, video or audio recordings or transcripts, maps, reports of analyses, tests or samples, file notes, exhibit management records and any certificates under Section 50 of the Act or other relevant documents, orders, notes or information); and		
20.1.2	details as to any limitation of time for prosecution or expiation of offences under the Act; and		
20.1.3	details of the application of any relevant prescribed period within the meaning of Section 16 of the Act in relation to a substance, material or thing seized under Part 3 Division 3 of the Act.		
21. Action on Non-compliance with Notice			
21.1	The power pursuant to Regulation 13(2)(a) of the Regulations, to:	CEO	NIL
21.1.1	for the purposes of creating the charge on land, give the Registrar-General a notice, in a form determined by the delegate or the Council on the recommendation or with the approval of the Registrar-General,		
21.1.1.1	setting out the amount recoverable under Section 31 of the Act; and		
21.1.1.2	setting out the land in relation to which the relevant action was taken; and		
21.1.1.3	requesting the Registrar-General to make a notation under Regulation 13(2) of the Regulations in relation to the relevant land.		
21.2	The power pursuant to Regulation 13(2)(f) of the Regulations to, in a case where Regulation 13(2)(d)(i)(B) of the Regulations applies, recover the amount as if it were a rate constituting a charge on land under Section 144(2) of the Act.	CEO	NIL
21.3	The duty pursuant to Regulation 13(2)(g) of the Regulations, if the amount to which the charge relates is paid, to, by further notice to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General), cancel the charge.	CEO	NIL
21.4	The power pursuant to Regulation 13(3) of the Regulations to recover any costs or expenses incurred by the Council in relation to creating a charge over land or cancelling such a charge under Regulation 13 of the Regulations from the owner of the land in accordance with Section 144 of the Local Government Act 1999.	CEO	NIL
22. Payment of Fees by Instalments			
	The power pursuant to Regulation 15(1) of the Regulations to, in allowing the payment of a fee under the Act or the Regulations by instalments, add to each amount payable as an instalment a charge by way of interest, or an administrative fee, determined by the delegate or the Council (as the case may be).	CEO	NIL
23. Waiver or Refund of Fees			
	The power pursuant to Regulation 16 of the Regulations to waive or refund a fee or other amount (or part of a fee or other amount) payable under the Act or the Regulations if the delegate is satisfied that it is appropriate to do so in a particular case.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
24.	Recovery of Fees		
	The power pursuant to Regulation 17 of the Regulations to recover a fee or other amount payable by a person under the Act or Regulations as a debt by action in a court of competent jurisdiction.	CEO	NIL

Appendix 9

*Instrument of Delegation under the
Safe Drinking Water Act 2011*

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE SAFE WATER DRINKING ACT 2011		
5. Drinking water providers to be registered		
(2) The power pursuant to Section 5(2)(a) and (b) of the Safe Drinking Water Act 2011 (the Act) and in accordance with Section 5(3) of the Act to make an application for registration under the Act to the Minister and in a manner and form determined by the Minister.	CEO	NIL
8. Conditions of registration		
(3) The power pursuant to Section 8(3) of the Act where the Council holds a registration, to make application to the Minister in a manner and form determined by the Minister, requesting the variation of a condition to which the registration is subject.	CEO	NIL
9. Suspension of registration		
(5) The power pursuant to Section 9(5) of the Act after the Council has received notice from the Minister, lodge with the Minister a written objection (setting out the grounds of objection).	CEO	NIL
(6) The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter.	CEO	NIL
(10) The power pursuant to Section 9(10) of the Act where the Council's registration has been suspended to make application to the Minister for the cancellation of the suspension.	CEO	NIL
10. Appeals		
(1) The power pursuant to Section 10(1) of the Act and in accordance with Section 10(2) of the Act, to appeal to the District Court against: <u>to seek a review by the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of:</u>	CEO	NIL
(a) a condition imposed by the Minister in relation to a registration under Part 2 of the Act;		
(b) a variation of a condition of registration made by the Minister on the Minister's own initiative; or		
(c) a decision of the Minister to refuse to grant an application to vary a condition of registration; or		
(d) a decision of the Minister to suspend a registration under Part 2 of the Act.		
12. Drinking water providers to prepare, implement and review risk management plans		
(1) The power pursuant to Section 12(1) of the Act and in accordance with Section 13 of the Act, to:	CEO	NIL
(a) prepare a risk management plan in relation to the supply of drinking water to the public; and		
(b) keep the plan under continuous review with a view to updating and improving it; and		
(c) revise any aspect of the plan that is found, on review, to need revision.		
(3) The power pursuant to Section 12(3) of the Act, if a standard risk management plan is in place under Section 12(2) of the Act and the Council falls within the specified class to which the standard risk management plan applies, to, subject to any requirement published by the Chief Executive in connection with the risk management plan and in a manner and form determined by the Chief Executive, adopt the standard risk management plan rather than preparing a separate plan under Section 12(1)(a) of the Act.	CEO	NIL
14. Related matters		

	Direct Delegation from Council	Conditions/ Limitations
(2) The power pursuant to Section 14(2) of the Act, to furnish to the Minister in a manner and form determined by the Minister a copy of the Council's monitoring program and incident identification and notification protocol.	CEO	NIL
(3) (b) The power pursuant to Section 14(3)(b) of the Act to consult with the Minister in relation to alterations to the program or protocol (or both) submitted for the purposes of Section 14 of the Act.	CEO	NIL
(4) The power pursuant to Section 14(4) of the Act and in accordance with Section 14(5) of the Act, where the Council is required to make an alteration under Section 14(3), <u>to appeal to the District Court against the requirement of the Act, to seek a review of the requirement by the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013.</u>	CEO	NIL
34. Appointment of authorised officers		
(1) The power pursuant to Section 34(1) of the Act, to appoint a person to be an authorised officer for the purposes of the Act, but only if the Delegate considers the person has appropriate qualifications or experience to exercise the functions of an authorised officer.	CEO	NIL
(2) The power pursuant to Section 34(2) of the Act to prepare and maintain a list of authorised offices appointed by the Council.	CEO	NIL
35. Certificates of authority		
(1) The power pursuant to Section 35(1) of the Act to provide each authorised officer appointed by the Council with a certificate of authority as an authorised officer.	CEO	NIL
(2) The power pursuant to Section 35(2) of the Act to limit the powers of an authorised officer by the authorised officer's certificate of authority.	CEO	NIL
37. Seizure orders		
(3) (a) The power pursuant to Section 37(3)(a)(i) and (ii) of the Act to:	CEO	NIL
(i) authorise the release of a thing seized to the person from whom it was seized or any person who had a right to possession of it at the time of its seizure subject to such conditions as the Delegate thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 37(3)(b)(i)(B) of the Act; or		
(ii) order that the thing seized be forfeited to the Council;		
(d) The power pursuant to Section 37(3)(d) of the Act if a thing seized is forfeited under Section 37 of the Act to dispose of it by sale, destruction or otherwise as the Delegate directs.	CEO	NIL
38. Notices		
(1) The power pursuant to Section 38(1) of the Act and in accordance with Section 38(2) of the Act to issue a notice under Section 38 for the purpose of:	CEO	NIL
(a) securing compliance with a requirement imposed by or under the Act; or		
(b) averting, eliminating or minimising a risk, or a perceived risk, to the public in relation to drinking water.		
(6) The power pursuant to Section 38(6) of the Act to, by written notice served on a person to whom a	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
notice under Section 38 has been issued by the Council, vary or revoke the notice.		
39. Action or non-compliance with a notice		
(1) The power pursuant to Section 39(1) of the Act, if the requirements of a notice under Division 3 of the Act are not complied with, to take any action required by the notice.	CEO	NIL
(2) The power pursuant to Section 39(2) of the Act to authorise another person to take action under Section 39(1) of the Act on the Council's behalf.	CEO	NIL
(4) The power pursuant to Section 39(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 39 of the Act from the person who failed to comply with the requirements of the notice as a debt in a court of competent jurisdiction.	CEO	NIL
(5) The power pursuant to Section 39(5) of the Act, if an amount is recoverable from a person by the Council under Section 39 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	CEO	NIL
40. Action in emergency situations		
(5) The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction.	CEO	NIL
41. Specific power to require information		
(1) The power pursuant to Section 41(1) of the Act, to by notice in writing under Section 41 of the Act require a person to furnish such information relating to the quality or supply of drinking water, or any other matter associated with the administration or operation of the Act, as the Delegate thinks fit.	CEO	NIL
42. Appeals		
(3) The power pursuant to Section 42(3) of the Act to apply for the Council to be a party to proceedings under Section 42 of the Act.	CEO	NIL
52. Annual reports by enforcement agencies		
(1) The power pursuant to Section 52(1) of the Act to on or before 30 September in each year, furnish to the Minister a report on the activities of the Council under the Act during the financial year ending on the preceding 30 June.	CEO	NIL

Appendix 10

*Instrument of Delegation under the
Supported Residential Facilities Act 1992*

		Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992			
1. Appointment of Authorised Officers			
1.1	The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 ("the Act") to appoint a person to be an authorised officer under the Act;	CEO	NIL
1.2	The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and	CEO	NIL
1.3	The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer.	CEO	NIL
2. Application for a Licence			
2.1	The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information;	CEO	NIL
2.2	The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration;	CEO	NIL
2.3	The power pursuant to Section 24(9) of the Act subject to such conditions as the Delegate thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if any as the Delegate may have determined), to grant a licence; and	CEO	NIL
2.4	Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any appeal rights that the applicant has under the Act.	CEO	NIL
2.5	The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as the Delegate thinks fit;	CEO	NIL
2.6	The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as the Delegate thinks fit;	CEO	NIL
2.7	The duty pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as the Delegate thinks fit;	CEO	NIL
2.8	The duty pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be administered in accordance with the principles prescribed in Part 2 of the Act.	CEO	NIL
3. Renewal of Licence			
3.1	The power pursuant to Section 27(3) of the Act at the Delegate's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee;	CEO	NIL
3.2	The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where the Delegate decides to refuse an application for renewal of a licence, the duty to state in the notice of	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	refusal the reasons for the refusal and the appeal rights that the applicant may have under the Act.		
3.3	The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled.	CEO	NIL
4.	Licence Conditions		
4.1	The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as the Delegate considers necessary or expedient for the purposes of the Act;	CEO	NIL
4.2	Pursuant to Section 29(3) of the Act where conditions are imposed by the Delegate:	CEO	NIL
4.2.1	if imposed at the time of grant or renewal of the licence – the duty to include them in the licence itself;		
4.2.2	if imposed during the currency of the licence – the duty to impose them by notice in writing served on the holder of the licence;		
4.2.3	the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;		
4.3	Deliberately left blank		
5.	Transfer of Licence		
5.1	The duty pursuant to Section 30(4) of the Act, upon due application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied that the proposed transferee would be a suitable person to be granted a licence under the Act.	CEO	NIL
6.	Cancellation of Licence		
6.1	The power pursuant to Section 31(1) of the Act, to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in this Section are applicable;	CEO	NIL
6.2	The duty pursuant to Section 31(2) of the Act before acting under this Section, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow the holder of the licence at least 28 days within which to make submissions in relation to the proposed action;	CEO	NIL
6.3	The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence under this Section, to impose conditions to protect the interests of the residents of the facility; and	CEO	NIL
6.4	The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.	CEO	NIL
7.	Appeals		
7.1	The power pursuant to Section 32(5) of the Act where the Delegate is satisfied that an applicant for renewal of a licence has instituted or intends to institute an appeal, to order that the licence remain in force until the determination of the appeal; and to impose such conditions as the Delegate thinks fit.	CEO	NIL
7.2	The power pursuant to Section 32(7) of the Act if a person contravenes, or fails to comply with, a condition imposed under Section 32(5) of the Act to revoke any order to which the condition relates.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
7.3	The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.	CEO	NIL
8.	Appointment of Manager		
8.1	The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of managing the facility under that person's personal supervision.	CEO	NIL
8.2	The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.	CEO	NIL
9.	Death of Licensee		
9.1	The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by the Delegate.	CEO	NIL
10.	Rescission of Resident Contract by Proprietor		
10.1	The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.	CEO	NIL
11.	Disputes		
11.1	The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, the Delegate, may as he/she thinks fit, take any action in accordance with Section 43(3) of the Act;	CEO	NIL
11.2	The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as the Delegate thinks necessary, and to verify any information by statutory declaration;	CEO	NIL
11.3	The duty pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application;	CEO	NIL
11.4	The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter.	CEO	NIL
11.5	The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act;	CEO	NIL
11.6	The power, pursuant to Section 43(12) of the Act -	CEO	NIL
11.6.1	to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by the Delegate;		

		Direct Delegation from Council	Conditions/ Limitations
11.6.2	to decline to proceed with an application under this Section if the Delegate considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or		
11.6.3	to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and		
11.7	The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances.	CEO	NIL
12.	Attendance by Health Service Providers etc.		
12.1	The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47.	CEO	NIL
13.	Complaints		
13.1	The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises.	CEO	NIL
13.2	The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.	CEO	NIL
13.3	The power pursuant to Section 49(3) of the Act to take such action as the Delegate thinks fit in view of the complaint.	CEO	NIL
13.4	The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible.	CEO	NIL
14.	Pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to the Council for an exemption from a regulation that applies to the facility and the Delegate is satisfied -		
14.1	that the Delegate can grant the exemption without seriously affecting the interests of a resident of the facility; and	CEO	NIL
14.2	that it is appropriate for the Delegate to grant the exemption in the circumstances of the particular case,	CEO	NIL
	the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as the Delegate thinks fit.	CEO	NIL
DELEGATIONS UNDER THE SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009			
15.	The duty pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 ("the Regulations") to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made.	CEO	NIL
16.	The duty pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, to take into account the extent to	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.		
17. The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus pursuant to Regulation 5(2)(b) of the Regulations.	CEO	NIL
18. The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility.	CEO	NIL
19. The power pursuant to Regulation 17(2) of the Regulations to approve an acting manager for the purpose of appointment to or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a manager is absent from the duties of office, or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services.	CEO	NIL
20. The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility.	CEO	NIL
21. The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.	CEO	NIL
22. The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.	CEO	NIL
23. The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.	CEO	NIL
24. The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.	CEO	NIL
25. The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by the Council.	CEO	NIL

Appendix 11

*Instrument of Delegation under the
Unclaimed Goods Act 1987*

		Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE UNCLAIMED GOODS ACT 1987			
1. Unclaimed Goods			
1.1	The power pursuant to Section 5(1)(b) of the Unclaimed Goods Act 1987 (the Act) where the Council is in possession of goods belonging to another (the bailor) in pursuance of an agreement or understanding under which the Council was to deliver the goods to the bailor, to make reasonable attempts to deliver the goods in accordance with the agreement or understanding.	CEO	NIL
1.2	The power pursuant to Section 5(1)(c) of the Act where the Council is in possession of goods belonging to the bailor and there is no agreement or understanding governing the collection or delivery of the goods, to request the bailor in accordance with Section 5(2) of the Act, to collect the goods.	CEO	NIL
1.3	The duty pursuant to Section 5(2) of the Act in making a request for the purposes of Section 5(1)(c) of the Act, to ensure the request -	CEO	NIL
1.3.1	states the address at which the goods are available for collection; and		
1.3.2	contains a brief description of the goods; and		
1.3.3	states the times at which, or the hours between which, the goods will be available for collection at that address; and		
1.3.4	is made -		
	1.3.4.1 by post addressed to the last known address of the bailor; or		
	1.3.4.2 if the identity or whereabouts of the bailor is unknown - by notice in the prescribed form published in a newspaper circulating generally throughout the State.		
1.2	The duty pursuant to Section 5(3) of the Act to ensure a request made for the purposes of Section 5(1)(c) of the Act allows the bailor a reasonable opportunity to collect the goods to which it relates.	CEO	NIL
2. Sale or Disposal of Unclaimed Goods			
2.1	The power pursuant to Section 6(1) of the Act and the power subject to Section 6 of the Act, where the Council is a bailee of unclaimed goods, to, after the expiration of three months from the relevant date -	CEO Strategic Planning Development Policy Committee (SPCPC)	NIL
2.1.1	sell the goods; or		
2.1.2	if the value of the goods would be insufficient to defray the costs of sale - otherwise dispose of the goods.		
2.2	The power pursuant to Section 6(2) of the Act to apply to the Court for an authorisation to sell or dispose of goods under Section 6(1) of the Act and the duty pursuant to Section 6(2) of the Act, if the value of the goods lies within scale 3, to not sell or dispose of the goods without such an authorisation.	CEO Strategic Planning Development Policy Committee (SPCPC)	NIL
2.3	The duty pursuant to Section 6(3) of the Act where an application for an authorisation under Section 6(2)	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
of the Act is made, to -		Strategic Planning Development Policy Committee (SPCPC)	
2.3.1	give notice of the application to the Commissioner of Police; and		
2.3.2	give such notice (if any) as the Court thinks appropriate to the bailor and any other person who, in the opinion of the Court, may have an interest in the goods.		
2.4	The power pursuant to Section 6(5) of the Act, if the value of unclaimed goods lies within scale 1 or 2, to sell or dispose of the goods under Section 6(1) of the Act without any authorisation by the Court and the duty pursuant to Section 6(5)(b) of the Act, if goods whose value lies within scale 2 are to be sold without such an authorisation, to	CEO Strategic Planning Development Policy Committee (SPCPC)	NIL
2.4.1	sell the goods by public auction; and		
2.4.2	give notice in the prescribed form of the time and place of the proposed sale at least one month before the date of the proposed sale -		
2.4.2.1	to the Commissioner of Police; and		
2.4.2.2	to the bailor.		
2.5	The power pursuant to Section 6(6) of the Act to give a notice under Section 6(5)(b) of the Act by post and, if the identity or whereabouts of the bailor is unknown, to give the notice to the bailor by advertisement in a newspaper circulating generally throughout the State.	CEO Strategic Planning Development Policy Committee (SPCPC)	NIL
3. Claim Made by Bailor After Commencement of Proceedings Under this Act			
3.1	The duty pursuant to Section 7(1) of the Act and subject to Section 7(2) of the Act, where the Council has commenced proceedings for the sale or disposal of goods under the Act but before the goods are sold or disposed of the bailor claims the goods, to not proceed with the sale or disposal of the goods, and to hand them over to the bailor.	CEO	NIL
3.2	The power pursuant to Section 7(2) of the Act to, before handing over goods under Section 7(1) of the Act, require the bailor to pay -	CEO	NIL
3.2.1	the reasonable costs incurred by the Council in proceeding under the Act;		
3.2.2	the reasonable costs incurred by the Council in storing and maintaining the goods after the date on which the bailor should have collected or taken delivery of them;		
3.2.3	the amount of any lien that the Council has over the goods.		

		Direct Delegation from Council	Conditions/ Limitations
3.3	The power pursuant to Section 7(3) of the Act, if at the expiration of 42 days after the Council has rendered a written account of the amounts claimed under Section 7(2) of the Act the bailor has not paid those amounts, to, subject to Section 7(4) of the Act, proceed to sell or dispose of the goods.	CEO	NIL
4.	Proceeds of Sale		
4.1	The power pursuant to Section 8(1) of the Act in relation to the proceeds of the sale of goods under the Act to -	CEO Strategic Planning Development Policy Committee (SPCPC)	NIL
4.1.1	retain from those proceeds -		
4.1.1.1	the reasonable costs of the sale and of proceeding under the Act;		
4.1.1.2	the reasonable costs of storing and maintaining the goods prior to sale;		
4.1.1.3	the amount of any lien that the Council had over the goods; and		
4.1.2	pay the balance to the Treasurer.		

Appendix 12

*Instrument of Delegation under the
Water Industry Act 2012 and Water Industry
Regulations 2012*

		Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 AND WATER INDUSTRY REGULATIONS 2012			
1. Water Planning			
1.1	The power pursuant to Section 6(6) of the <i>Water Industry Act 2012 (the Act)</i> , in relation to a proposal:		
1.1.1	to create the <i>State Water Demand and Supply Statement</i> ; or		
1.1.2	to undertake a comprehensive review of the <i>State Water Demand and Supply Statement</i> , to make written representations on the proposal to the Minister.		
2. Application for Licence			
	The power pursuant to Section 19(1) of the Act and in accordance with Sections 19(2), (3) and (4) of the Act, to apply to the Commission in a form approved by the Commission.	CEO	NIL
3. Licence fees and returns			
3.1	The power pursuant to Section 24(2) of the Act, where the Council is the holder of a licence issued for a term of 2 years or more, to,:	CEO	NIL
3.1.1	in each year lodge with the Commission, before the date prescribed for that purpose, an annual return containing the information required by the Commission by condition of the licence or by written notice; and		
3.1.2	in each year (other than a year in which the licence is due to expire) pay to the Commission, before the date prescribed for that purpose, the relevant annual licence fee, or the first instalment of the relevant annual licence fee, as the case may require.		
4. Variation of Licence			
4.1	The power pursuant to Section 28(2) of the Act to:	CEO	NIL
4.1.1	make application to the Commission to vary the terms or conditions of the Council's licence;		
4.1.2	agree to the variation of the terms or conditions of the Council's licence;		
4.1.3	make representations to the Commission about the proposed variation.		
5. Transfer of Licence			
5.1	The power pursuant to Section 29(1) of the Act, and in accordance with Sections 29(4), (5) and (6) of the Act, to transfer a licence with the Commission's agreement.	CEO	NIL
5.2	The power pursuant to Section 29(4) of the Act to consent to the transfer of a licence to the Council.	CEO	NIL
6. Surrender of Licence			
6.1	The power pursuant to Section 32(1) of the Act and in accordance with Section 32(2) of the Act to, by written notice given to the Commission, surrender the Council's licence.	CEO	NIL
6.2	The power pursuant to Section 32(3) of the Act to agree with the Commission that the required period of notice be shortened.	CEO	NIL
7. Suspension or cancellation of Licences			
	The power pursuant to Section 33(3)(b) of the Act to make submissions to the Commission in relation to the Commission's proposed action under Section 33 of the Act.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
8. Standard terms and conditions for retail services			
8.1	The power pursuant to Section 36(1) of the Act and in accordance with Section 36(4) of the Act to, from time to time, fix standard terms and conditions governing the provision of services by the Council to customers of a designated class.	CEO	NIL
8.2	The power pursuant to Section 36(2) of the Act to publish in the Gazette a notice setting out any standard terms and conditions fixed by the Council.	CEO	NIL
8.3	The power pursuant to Section 36(3) of the Act, when the Council publishes a notice in the Gazette under Section 36(2) of the Act, to also publish a notice in a newspaper circulating generally in the State describing the general nature of the standard terms and conditions and advising where a person may read or obtain a copy of the standard terms and conditions.	CEO	NIL
8.4	The power pursuant to Section 36(5) of the Act, subject to the conditions of a licence, to modify or exclude a standard term or condition fixed under Section 36 of the Act by express agreement with a customer of the Council.	CEO	NIL
9. Customer hardship policies			
9.1	The power pursuant to Section 37(3) of the Act to:	CEO	NIL
9.1.1	adopt a customer hardship policy published by the Minister under Section 37 of the Act; or		
9.1.2	with the written approval of the Commission, adopt such a policy with modifications.		
10. Power to take over operations			
10.1	The power pursuant to Section 38(2) of the Act, before a proclamation is made under Section 38 of the Act, to make written representations giving reasons why the proclamation should not be made.	CEO	NIL
11. Appointment of operator			
	The power pursuant to Section 39(3) of the Act to facilitate the take over of the relevant operations by the operator.	CEO	NIL
12. Appointment of water industry officer			
12.1	The power pursuant to Section 41(1) of the Act, subject to conditions or limitations determined by the Minister, to appoint a person to be a water industry officer for the Council.	CEO	NIL
12.2	The power pursuant to Section 41(2) of the Act, to give directions to a water industry officer appointed by the Council.	CEO	NIL
13. Conditions of appointment			
13.1	The power pursuant to Section 42(1) of the Act to appoint a water industry officer for a stated term or for an indefinite term that continues while the officer holds a stated office or position.	CEO	NIL
13.2	The power pursuant to Section 42(2) of the Act to remove a water industry officer from office.	CEO	NIL
14. Identity cards			
	The power pursuant to Section 43(1) of the Act and in accordance with Section 43(2) of the Act, to give each water industry officer for the Council an identity card.	CEO	NIL
15. Power to enter land to conduct investigations			

		Direct Delegation from Council	Conditions/ Limitations
15.1	The power pursuant to Section 44(1) of the Act and subject to Section 44(3) of the Act to, by agreement with the occupier of land or on the authorisation of the Minister, enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure.	CEO	NIL
15.2	The power pursuant to Section 44(3) of the Act, if the Council enters land under the authorisation of the Minister, to:	CEO	NIL
15.2.1	give reasonable notice of the proposed entry on land under Section 44 of the Act to the occupier; and		
15.2.2	minimise the impact of work carried out by the Council on activities of others on the land; and		
15.2.3	comply with the conditions of the authorisation.		
16. Power to carry out work on land			
16.1	The power pursuant to Section 45(1) of the Act and in accordance with Sections 45(3), (11), (12), (13), (16), (17) and (20) of the Act:	CEO	NIL
16.1.1	to construct, install, improve or add to any water/sewerage infrastructure; or		
16.1.2	to inspect, operate, maintain, test, repair, alter, remove or replace any water/sewerage infrastructure or equipment; or		
16.1.3	to lay pipes and install, operate or inspect pumps and other equipment; or		
16.1.4	to carry out other work in connection with the establishment or operation of any water/sewerage infrastructure or otherwise connected with any water service or sewerage service; or		
16.1.5	to obtain or enlarge a supply of water; or		
16.1.6	to protect, improve or restore the quality of water; or		
16.1.7	to protect any infrastructure or equipment connected with any water service or sewerage service; or		
16.1.8	to perform any other function brought within the ambit of Section 45 of the Act by the regulations.		
16.2	The power pursuant to Section 45(3) of the Act, subject to Section 45 of the Act, if the Council seeks to enter public land under Section 45 of the Act, to:	CEO	NIL
16.2.1	give the authority responsible for the management of public land not less than 12 hours notice of the Council's intention to carry out work on the land; and		
16.2.2	secure the authority's agreement to the carrying out of the work;		
16.3	The power pursuant to Section 45(3)(b) of the Act, if an authorised entity seeks to enter public land under Section 45 of the Act and the Council is responsible for the management of the public land, to agree to the carrying out of the work.	CEO	NIL
16.4	The power pursuant to Section 45(5) of the Act to include in an agreement under Section 45(3) of the Act conditions the delegate considers appropriate in the public interest.	CEO	NIL
16.5	The power pursuant to Section 45(7) of the Act and subject to Section 45(8) of the Act if a dispute arises between the Council and the authority responsible for managing public land or an authorised entity and	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	the Council about whether work should be permitted under Section 45 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.		
16.6	The power pursuant to Section 45(9) of the Act, if a dispute is referred to the Minister under Section 45 of the Act, to make representations to the Minister on the questions at issue in the dispute.	CEO	NIL
16.7	The power pursuant to Section 45(11) of the Act and subject to Section 45(3) of the Act, if the Council seeks to enter land other than public land for the first time, to give prior written notice to the occupier of the land stating the reason and the date and time of the proposed entry.	CEO	NIL
16.8	The power pursuant to Section 45(12) of the Act and subject to Section 45(13) of the Act, to give notice to the occupier of land in other circumstances prescribed by the regulations.	CEO	NIL
16.9	The power pursuant to Section 45(14) of the Act to use reasonable force to enter any land under Section 45 of the Act.	CEO	NIL
16.10	The power pursuant to Section 45(16) of the Act, at the reasonable request of an owner or occupier of land used for any purpose under Section 45 of the Act, to separate the land being used for the other part or parts of the land by a fence of reasonable construction and design (with such gates as may be necessary for the convenient use of any land) and, in the case of a dispute as to the fence to be constructed under Section 45 of the Act, to refer the matter to the Magistrates Court for resolution.	CEO	NIL
16.11	The power pursuant to Section 45(17) of the Act to make good any damage caused by the exercise of powers under Section 45 of the Act as soon as practicable (including so as to reinstate any road or other place) or pay reasonable compensation for the damage.	CEO	NIL
16.12	The power pursuant to Section 45(19) of the Act, in an emergency, to exercise a power under Section 45 of the Act at any time and without prior notice or agreement.	CEO	NIL
17.	Acquisition of land		
	The power pursuant to Section 46(1) of the Act and in accordance with Section 46(2) of the Act, to acquire land in accordance with the <i>Land Acquisition Act 1969</i> .		
18.	Requirement to connect to infrastructure		
	<i>Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).</i>		
18.1	The power pursuant to Section 45(2) of the Act to apply to the Minister for the approval of a scheme under Section 48 of the Act.	CEO	NIL
18.2	The power pursuant to Section 48(6) of the Act, if the Minister approves a scheme, to by notice that complies with any requirements prescribed by the regulations and served on any owner of land adjacent to land where the designated part of the prescribed infrastructure is situated, require the owner to connect drains, equipment or works to the prescribed infrastructure in order to provide for the discharge of sewage into the infrastructure.	CEO	NIL
18.3	The power pursuant to Section 48(9) of the Act, if the requirements of a notice under Section 48 of the Act are not complied with, to take any action required by the notice.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
18.4	The power pursuant to Section 48(10) of the Act, to authorise a person to take action on behalf of the Council under Section 45(9) of the Act.	CEO	NIL
18.5	The power pursuant to Section 48(12) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 45(9) or (10) as a debt from the person who failed to comply with the requirements of the notice.	CEO	NIL
18.6	The power pursuant to Section 48(13) of the Act to, from time to time, with the approval of the Minister, vary a scheme under Section 48 of the Act.	CEO	NIL
19. Encroachments			
19.1	The power pursuant to Section 49(1) of the Act to consent to a person:	CEO	NIL
19.1.1	constructing or placing a building, wall, fence or other structure on or over any water/sewerage infrastructure, or creating some other form of encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure); or		
19.1.2	creating any form of encroachment over any easement that exists for the purposes of any water service or sewerage service; or		
19.1.3	obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or		
19.1.4	excavating or altering any land or structure supporting any water/sewerage infrastructure.		
19.2	The power pursuant to Section 49(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 49(1) of the Act, to:	CEO Strategic Planning Development Policy Committee (SPDPC)	NIL
19.2.1	at any reasonable time, enter land and carry out an inspection of any place; and		
19.2.2	as the delegate thinks fit (whether or not an inspection has taken place), by notice that complies with any requirements prescribed by the regulations and served on the person, require the person to take such action as may be specified in the notice to remedy any contravention of Section 49(1) of the Act.		
19.3	The power pursuant to Section 49(3) of the Act if any entry under Section 49(2)(a) of the Act is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.	CEO	NIL
19.4	The power pursuant to Section 49(4) of the Act if the requirements of a notice under Section 49(2)(b) of the Act are not complied with, to take any action required by the notice.	CEO	NIL
19.5	The power pursuant to Section 49(6) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 49(4) or (5) as a debt from the person who failed to comply with the requirements of the notice.	CEO	NIL
19.6	The power pursuant to Section 49(7) of the Act to authorise a person to take action on the Council's behalf under Section 49 of the Act.	CEO	NIL
20. Protection of infrastructure and equipment			
20.1	The power pursuant to Section 50(2) of the Act, if the delegate believes on reasonable grounds that a	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	person has acted in contravention of Section 50(1), to:		
20.1.1	at any reasonable time, enter any land and carry out an inspection of any place; and		
20.1.2	as the delegate thinks fit (whether or not an inspection has taken place), after complying with any requirements prescribed by the regulations, disconnect, close, turn off or remove anything that has, in the opinion of the delegate been attached or used in connection with the contravention.		
20.2	The power pursuant to Section 50(3) of the Act, if any entry under Section 50(2)(a) is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.	CEO	NIL
20.3	The power pursuant to Section 50(4) of the Act to authorise a person to take action on the Council's behalf under Section 50 of the Act.	CEO	NIL
20.4	The power pursuant to Section 50(7) of the Act, if the Council suffers loss as a result of a contravention of Section 50 of the Act, to recover compensation for the loss from a person guilty of the contravention:	CEO	NIL
20.4.1	on application to a court convicting the person of an offence against Section 50 of the Act; or		
20.4.2	by action in a court of competent jurisdiction.		
21. Notice of work that may affect water/sewerage infrastructure			
21.1	The power pursuant to Section 51(4) of the Act, if the Council suffers loss as a result of a contravention of Section 51 of the Act, to recover compensation for the loss from a person guilty of the contravention:	CEO	NIL
21.1.1	on application to a court convicting the person of an offence against Section 51 of the Act; or		
21.1.2	by action in a court of competent jurisdiction.		
22. Duty to give notice before paving a road etc			
22.1	The power pursuant to Section 52(1) of the Act, before the Council begins:	CEO	NIL
22.1.1	to first lay the pavement or hard surface in any road; or		
22.1.2	to relay the pavement or hard surface in any road; or		
22.1.3	to widen or extend the pavement or hard surface in any road; or		
22.1.4	to alter the level of any road; or		
22.1.5	to construct or alter any footpaths, gutters, kerbing or water tables in any road; or		
22.1.6	to construct or alter any drainage work in any road,		
	in which there is any water/sewerage infrastructure, to give the relevant water industry entity at least 14 days notice of the proposed work (being a notice that includes details of the nature and thickness of the pavement or hard surface proposed to be made or laid in any such work, and of any other work that is proposed to be undertaken).		
22.2	The power pursuant to Section 52(2) of the Act, to within 14 days after receiving a notice, advise the person who gave the notice of any new water/sewerage infrastructure proposed in the relevant road and of any interference that is expected to be caused to the existing water/sewerage infrastructure.	CEO	NIL
22.3	The power pursuant to Section 52(3) of the Act, if any work referred to Section 52(1) would involve any alteration to any water/sewerage infrastructure that is owned or operated by a water industry entity, to	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
subject to Section 52(5) of the Act, pay to the entity:			
22.3.1	unless Section 52(3)(b) applies – half of the actual cost of the alteration or any damage caused by the work;		
22.3.2	in prescribed circumstances – an amount determined under the regulations.		
22.4	The power pursuant to Section 52(6) of the Act, to under an agreement between the Council and a person otherwise required to give notice under Section 52 of the Act, waive the requirement to give such notice in relation to specified classes of work.	CEO	NIL
23. Unlawful abstraction, removal or diversion of water or sewage			
23.1	The power pursuant to Section 53(2) of the Act, to grant approval to a person to install or maintain a pipe capable of conveying water beyond the boundaries of a site occupied by that person where the Council supplies water to the site.	CEO	NIL
23.2	The power pursuant to Section 53(3) of the Act, if the Council suffers loss as a result of a contravention of Section 53, to recover compensation for the loss from a person guilty of the contravention:	CEO	NIL
23.2.1	on application to a court convicting the person of an offence against this Section; or		
23.2.2	by action in a court of competent jurisdiction.		
24. Water meters			
24.1	The power pursuant to Section 54(1) of the Act to, require a person who is supplied with water by the Council, to	CEO	NIL
24.1.1	allow a person authorised by the Council to enter land and fix a meter supplied by the Council;		
24.1.2	ensure that a meter of a kind specified by the Council is fixed and used for purposes of measuring water supplied to the person.		
24.2	The power pursuant to Section 54(1) of the Act, to authorise a person to enter land and fix a meter supplied by the Council.	CEO	NIL
24.3	The power pursuant to Section 54(3) of the Act, with the approval of the Commission or in prescribed circumstances, to include in a requirement under Section 54(1) of the Act a requirement that a person fix or use a meter supplied by the Council.	CEO	NIL
24.4	The power pursuant to Section 54(10) of the Act, if a person fails to comply with Section 54(9) of the Act, to serve written notice on the person requiring him or her to take such action as is specified in the notice to provide access to the meter or fitting.	CEO	NIL
24.5	The power pursuant to Section 54(11) of the Act, if a person on whom notice has been served under Section 54(10) of the Act fails to comply with the notice within 1 month to enter the land and take such action (including altering the position of the meter or fitting) as the delegate thinks fit to provide access to the meter or fitting.	CEO	NIL
24.6	The power pursuant to Section 54(11) of the Act, if a person on whom a notice has been served under Section 54(10) of the Act fails to comply with the notice within one month, to authorise a person to enter land and take such action (including altering the position of the meter or fitting) as the person thinks fit to	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	provide access to the meter or fitting.		
24.7	The power pursuant to Section 54(12) of the Act, if the Council suffers loss as a result of a contravention of Section 54 of the Act, to recover compensation for the loss from a person found guilty of the contravention:	CEO	NIL
	24.7.1 on application to a court convicting the person of an offence against this section; or		
	24.7.2 by action in a court of competent jurisdiction.		
24.8	The power pursuant to Section 54(13) of the Act, if the Council incurs costs as a result of taking action under Section 54(11), to recover those costs as a debt by action in a court of competent jurisdiction.	CEO	NIL
25.	Discharge of unauthorised material into water infrastructure		
25.1	The power pursuant to Section 55(3) of the Act, if the Council suffers loss as a result of a contravention of Section 55, to recover compensation for the loss from a person found guilty of the contravention:	CEO	NIL
	25.1.1 on application to a court convicting the person of an offence against this Section; or		
	25.1.2 by action in a court of competent jurisdiction.		
26.	Discharge of unauthorised material into sewerage infrastructure		
26.1	The power pursuant to Section 56(3) of the Act, to, in relation to any sewerage infrastructure operated by the Council:	CEO	NIL
	26.1.1 on application by any person, authorise the person to discharge waste material referred to in the authorisation into the infrastructure; or		
	26.1.2 as part of a contract in relation to the provision of a sewerage service, authorised a person to discharge waste material referred to in the contract into the infrastructure.		
26.2	The power pursuant to Section 56(4) of the Act, to grant an authorisation to a person to discharge any solid, liquid or gaseous material, or any other item or thing, prescribed by the regulations.	CEO	NIL
26.3	The power pursuant to Section 56(5) of the Act, to grant an authorisation to a person to cause, permit or allow any rainwater, stormwater or surface water to flow into, or to otherwise enter, any sewerage infrastructure.	CEO	NIL
26.4	The power pursuant to Section 56(7) of the Act, to attach such conditions to an authorisation under Section 56 of the Act as the delegate thinks fit and vary or revoke the authorisation at any time.	CEO	NIL
26.5	The power pursuant to Section 56(9) of the Act, to recover the reasonable costs and expenses incurred by the Council in addressing any damage or loss caused as a result of, or in remedying circumstances caused by, a contravention of Section 56 as a debt from the person in contravention of Section 56 of the Act.	CEO	NIL
27.	Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure		
27.1	The power pursuant to Section 57(1) of the Act, and in accordance with Section 57(2) of the Act, to, in order:	CEO	NIL
	27.1.1 to provide for the proper treatment (including the deodorising) of waste material before it is		

		Direct Delegation from Council	Conditions/ Limitations
	discharged from land into a drain connected to any sewerage infrastructure; or		
27.1.2	to prevent the discharge of rainwater, stormwater or surface water into any sewerage infrastructure or to prevent the discharge into any sewerage infrastructure of waste material that has been prescribed as water material that may not be discharged into any sewerage infrastructure or that is, in the opinion of the delegate, likely to damage or be detrimental to any sewerage infrastructure,		
	by notice in writing served on the owner or occupier of the land, require the owner or occupier, within the time stated in the notice, to carry out work specified in the notice.		
27.2	The power pursuant to Section 57(1) of the Act, to, by notice referred to in Section 57(1) of the Act require the person on whom it is served to:	CEO	NIL
27.2.1	install or construct in such locations as are specified in the notice;		
27.2.2	connect to the infrastructure;		
27.2.3	alter or replace;		
27.2.4	maintain, repair or cleanse;		
27.2.5	remove, block or disconnect,		
	such drains, equipment or works as are specified in the notice in the manner specified in the notice or take other action specified in the notice.		
27.3	The power pursuant to Section 57(3) of the Act, to vary or revoke a notice referred to in Section 57(1) of the Act by a subsequent notice in writing served on the owner or occupier of the land.	CEO	NIL
27.4	The power pursuant to Section 57(5) of the Act, if the requirements of a notice under Section 57 of the Act are not complied with, to take any action required by the notice.	CEO	NIL
27.5	The power pursuant to Section 57(6) of the Act, to authorise a person to take action under Section 52(5) of the Act on the Council's behalf.	CEO	NIL
27.6	The power pursuant to Section 57(8) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 57(6) or (7) as a debt from the person who failed to comply with the requirements of the notice.	CEO	NIL
28.	Power to disconnect drains to restrict services		
28.1	The power pursuant to Section 58(1) of the Act, if the Council has grounds to believe that material:	CEO	NIL
28.1.1	is being discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act; or		
28.1.2	has been discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act and that it is likely that a similar contravention will occur in the future,		
	to, after complying with any requirement prescribed by the regulations, close off or disconnect from the sewerage infrastructure 1 or more drains on the land that are connected to the infrastructure or restrict the provision of any sewerage service to the land.		
28.2	The power pursuant to Section 58(2) of the Act, before reopening or reconnecting a drain closed off or	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
disconnected under Section 58 of the Act, to require the owner or occupier of the relevant land to pay the prescribed fee.			
29. Power to restrict or discontinue water supply			
29.1	The power pursuant to Section 59(1) of the Act, if the delegate believes on reasonable grounds:	CEO	NIL
29.1.1			
29.1.1.1	that the quantity of water available for supply by the Council is, or is likely to be, insufficient to meet the demands of the persons to whom it is required to supply water (either because of a reduction in the quantity of water available or an increase in demand); or		
29.1.1.2	that the quantity or quality of water available for supply by the Council is, or is likely to be, below a standard set or adopted by the Council for the purposes of Section 59 of the Act, or prescribed by the regulations; or		
29.1.1.3	that the capacity of any water infrastructure is, or is likely to be, insufficient to cope with existing or anticipated demand; and		
29.1.2	that action under Section 59(1) of the Act is justified in the circumstances, to, after complying with any requirements prescribed by the regulations, exercise 1 or more of the powers specified under Section 59(3) of the Act.		
29.2	The power pursuant to Section 59(1) and (3) of the Act and subject to Section 59(5) of the Act to:	CEO	NIL
29.2.1	lessen the supply of water through any infrastructure (to such extent and in such manner as the delegate thinks fit);		
29.2.2	prohibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;		
29.2.3	prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used;		
29.2.4	prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used;		
29.2.5	for such time or times as the delegate thinks proper, discontinue the supply of water.		
29.3	The power pursuant to Section 59(3) of the Act, to provide in a requirement under Section 59(3) of the Act that a specified activity involving the use of water cannot occur without the authority of a permit issued by the Council in accordance with the regulations.	CEO	NIL
29.4	The power pursuant to Section 59(4) of the Act, to:	CEO	NIL
29.4.1	impose a prohibition or notice under Section 59(3) of the Act by a notice published or served in accordance with any requirements prescribed by the regulations; and		
29.4.2	vary or revoke a prohibition or notice under Section 59(3) of the Act in accordance with any requirements prescribed by the regulations.		
30. Power to require the use of devices to reduce flow			

		Direct Delegation from Council	Conditions/ Limitations
30.1	The power pursuant to Section 60(1) of the Act and in accordance with Section 60(2) of the Act, if the delegate believes on reasonable grounds that action under Section 60 is justified in the circumstances to supply water during periods of high demand, to serve notice under Section 60(3) of the Act on the owner or occupier of land that is connected to water infrastructure operated by the Council.	CEO	NIL
30.2	The power pursuant to Section 60(2) of the Act and subject to Section 60(3) of the Act, to, in the notice direct the owner or occupier:	CEO	NIL
30.2.1	to install (at his or her expense) a flow reducing device of the kind specified in the notice at the point specified in the notice (including at a point on the customer's side of any connection point) to enable the flow in the pipes on the land that are connected to the infrastructure to be reduced; and		
30.2.2	to use the device to reduce flow in those pipes during the periods specified in the notice.		
30.3	The power pursuant to Section 60(5) of the Act, if the requirements of a notice under Section 60 of the Act are not complied with, to install a flow reducing device to reduce the flow in the pipes on the relevant land notwithstanding that this reduction in flow will operate continuously instead of during the periods specified in the notice.	CEO	NIL
30.4	The power pursuant to Section 60(6) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 60(5) of the Act as a debt from the person who failed to comply with the requirements of the notice.	CEO	NIL
31.	Disconnection in an emergency		
	The power pursuant to Section 64 of the Act, to, without incurring any liability, cut off the supply of water to any region, area, land or place if it is, in the delegate's opinion, necessary to do so to avert danger to any person or property.	CEO	NIL
32.	Responsibilities of water industry entity		
32.1	The power pursuant to Section 68(1) of the Act, to, where the Technical Regulator so requires of the Council:	CEO	NIL
32.1.1	prepare and periodically revise a safety, reliability, maintenance and technical management plan dealing with matters prescribed by regulation in accordance with any requirements specified by the Technical Regulator; and		
32.1.2	obtain the approval of the Technical Regulator to the plan and any revision; and		
32.1.3	comply with the plan as approved from time to time; and		
32.1.4	audit from time to time the Council's compliance with the plans and report the results of those audits to the Technical Regulator.		
33.	Responsibilities of Customers		
	The power pursuant to Section 69(3) of the Act, if a person fails to comply with Section 69(1) of the Act to, where the Council is providing the service, disconnect the supply of water to the place, or the collection of sewerage from the place, or restrict the supply of services to that place.	CEO	NIL
34.	Enforcement notices		

		Direct Delegation from Council	Conditions/ Limitations
	The power pursuant to Section 80(2)(h) of the Act to, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.	CEO	NIL
35. Warning notices and assurances			
35.1	The power pursuant to Section 82(1)(b)(ii) of the Act and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Commission to the Council give the Commission an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.	CEO	NIL
35.2	The power pursuant to Section 82(2)(b)(ii) of the Act, and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Technical Regulator to the Council give the Technical Regulator an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.	CEO	NIL
36. Injunctions			
36.1	The power pursuant to Section 83(1) of the Act, to apply to the District Court for an injunction on the grounds that a person has engaged or proposes to engage in conduct that constitutes or would constitute a contravention of the Act.	CEO	NIL
36.2	The power pursuant to Section 83(8) of the Act, to consent to a final injunction being granted without proof that proper grounds for the injunction exist.	CEO	NIL
37. Review of decisions by Commission or Technical Regulator			
37.1	The power pursuant to Section 84(1) of the Act and subject to and in accordance with Section 84 of the Act to make an application to:	CEO	NIL
37.1.1	the Commission for the issue or variation of the terms or conditions of a licence under Part 4 of the Act, or for agreement to the transfer of such a licence, for review of a decision of the Commission to refuse the application; or		
37.1.2	the Commissioner for review of a decision of the Commission under Part 4 of the Act to suspend or cancel the Council's licence or to vary the terms or conditions of the Council's licence; or		
37.1.3	the Technical Regulator where the Council has been given a direction under the Act by the Technical Regulator or an authorised officer for review of the decision to give the direction; or		
37.1.4	the Technical Regulator where the Council is a person affected by the decision for review of a decision of an authorised officer or a water industry officer to disconnect or restrict a supply of water to a place, or the collection of sewage from a place, or to restrict the provision of a service.		
38. Appeals			
38.1	The power pursuant to Section 85(1) of the Act and in accordance with Section 85(2) of the Act to appeal to the District Court:	CEO	NIL
38.1.1	in relation to a decision as confirmed, amended or substituted by the Commission or the Technical Regulator;		
38.1.2	in relation to an enforcement notice issued under Part 8 Division 4 of the Act.		
Third Party Access Regime			

	Direct Delegation from Council	Conditions/ Limitations
<i>Sections 86A – 86ZR apply in relation to operators of water infrastructure or sewerage infrastructure, and infrastructure services, to the extent that it is declared by proclamation to apply.</i>		
38A. Information brochure		
38A.1 The power pursuant to Section 86F(1) of the Act to determine:		
38A.1.1 the terms and conditions on which the Council is prepared to make the Council's regulated infrastructure available for use by others; and		
38A.1.2 the procedures that the Council will apply in determining a proposal for access to any regulated infrastructure and infrastructure services; and		
38A.1.3 the prices and costs associated with gaining access to (and using) regulated infrastructure and infrastructure services; and		
38A.1.4 the standard access arrangement used by the Council.		
38B. Specific information to assist proponent to formulate proposal		
38B.1 The power pursuant to Section 86G(1)(c) of the Act, on the application of a person with a proper interest in making an access proposal to the Council, agree or refuse to provide access to regulated infrastructure and infrastructure services of a specified description and determine the general terms and conditions (including the likely price) on which the Council would be prepared to provide access.		
38B.2 The power pursuant to Section 86G(2) of the Act to make a reasonable charge (to be determined after taking into account any provision made by the regulations for the purposes of Section 86G(2) of the Act for providing information under Section 86G(2) of the Act.		
38C. Access proposal		
38C.1 The power pursuant to Section 86I(3) of the Act to require a proponent to provide further information about the proponent's proposal that the delegate reasonably requires in order to assess and respond to the proposal.		
38C.2 The power pursuant to Section 86I(4)(b) of the Act to, within 1 month after the relevant day determine, and give the proponent a preliminary indication about,		
38C.2.1 whether the Council is prepared to provide access to the regulated infrastructure and infrastructure services and, if so, on what terms and conditions; and		
38C.2.2 if some alteration of, or addition to, existing infrastructure would be necessary to provide for access, whether the Council would agree to the alteration or addition and, if so, on what terms.		
38C.3 The power pursuant to Section 86I(6) of the Act to give notice of an access proposal to affected third parties by publishing a notice in a newspaper circulating generally in the State stating:		
38C.3.1 the name of the proponent and an address at which the proponent may be contacted; and		
38C.3.2 the name of the operator and an address at which the regulated operator may be contacted; and		
38C.3.3 the general nature of the access proposal.		
38C.4 The power pursuant to Section 86I(7) of the Act to recover the reasonable costs of giving notice under		

	Direct Delegation from Council	Conditions/ Limitations
Section 86I of the Act, as a debt, from the proponent.		
38D. Duty to negotiate in good faith		
38D.1 The power pursuant to Section 86J(1) of the Act to negotiate in good faith with the proponent with a view to reaching agreement on whether the proponent's requirements as set out in the access proposal (or some agreed modification of the requirements) could reasonably be met, and, if so, the terms and conditions for the provision of access for the proponent.		
38E. Existence of Dispute		
38E.1 The power pursuant to Section 86K(2) of the Act to refer a dispute to the regulator.		
38F. Power to refer dispute to arbitration		
38F.1 The power pursuant to Section 86N(3) of the Act to make submissions to the regulator about the selection of the arbitrator.		
38G. Confidentiality of information		
38G.1 The power pursuant to Section 86Z(2) of the Act to make representations to the arbitrator regarding access to, or disclosure of, information or documentary material.		
38H. Formal requirements related to awards		
38H.1 The power pursuant to Section 86ZD(1) of the Act to make representations to the arbitrator on the proposed award.		
38I. Consent awards		
38I.1 The power pursuant to Section 86ZE of the Act to consent to a proposed award.		
38J. Termination of variation of award		
38J.1 The power pursuant to Section 86ZG(1) of the Act to agree to terminate or vary an award.		
38J.2 The power pursuant to Section 86ZG(3) of the Act, if a material change in circumstances occurs, to propose termination or variation of the award.		
38K. Appeal on question of law		
38K.1 The power pursuant to Section 86ZJ of the Act to appeal to the Supreme Court from an award, or a decision not to make an award, on a question of law.		
38L. Injunctive remedies		
38L.1 The power pursuant to Section 86ZK(5) of the Act to apply for an injunction under Section 38ZK of the Act.		
38L.2 The power pursuant to Section 86ZK(6) of the Act to consent to an injunction.		
38L.3 The power pursuant to Section 86ZK(8) of the Act to apply to the Court to discharge or vary an injunction.		
38M. Compensation		
38M.1 The power pursuant to Section 86ZL(1) of the Act, if a person contravenes an award, to apply to the Supreme Court for compensation for loss or damage suffered as a result of the contravention.		
38N. Confidential information		
38N.1 The power pursuant to Section 86ZM(7) of the Act to, in connection with the operation of Section 86ZM of		

	Direct Delegation from Council	Conditions/ Limitations
the Act, develop and maintain a policy to ensure that confidential information obtained by the Council is not disclosed or used except as authorised by Section 86ZM of the Act.		
38O. Access by agreement		
38O.1 The power pursuant to Section 86ZN of the Act to enter into an access contract with another person on terms and conditions agreed between the parties.		
38P. Review of Part		
38P.1 The power pursuant to Section 86ZR(2) of the Act to make written submissions to the regulator on the matters under review.		
39. Water conservation measures		
The power pursuant to Section 92(5) of the Act, to consult with the Minister before a regulation is made under Section 92(2) of the Act.		
DELEGATIONS UNDER THE WATER INDUSTRY REGULATIONS 2012		
40. Information as to amounts already paid for retail services etc		
40.1 The power pursuant to Regulation 11(1) of the <i>Water Industry Regulations 2012 (the Regulations)</i> to, on application by a person who has paid an amount to the Council for the provision of retail services, provide the person with a statement of the amount paid.	CEO	NIL
40.2 The power pursuant to Regulation 11(2) of the Regulations to, on application by a consumer, provide the consumer with a statement of the quantity of water supplied by the Council to the consumer in a financial year.	CEO	NIL
40.3 The power pursuant to Regulation 11(3) of the Regulations to, on application by any other person, in connection with the provision of retail services, provide that person with information of the kind referred to in Regulation 11(1) or (2) of the Regulations.	CEO	NIL
41. Certificate as to encumbrance		
41.1 The power pursuant to Regulation 12(1) of the Regulations to, on application by an interested person and payment of the fee prescribed in Schedule 1, provide the person with a statement as to the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the <i>Land and Business (Sale and Conveyancing) Act 1994</i> and the regulations under that Act and that are in favour of the Council.	CEO	NIL
42. Protection of infrastructure – planting of trees etc on public land		
42.1 The power pursuant to Regulation 13(9) of the Regulations to grant written approval for trees and shrubs (except those listed in Schedule 2 and Schedule 3) to be planted on public land owned by the Council or where the Council operates sewerage infrastructure that may be affected by the planting.	CEO	NIL
42.2 The power pursuant to Regulation 13(b) of the Regulations to grant written approval for trees and shrubs to be planted on a road closer than 1 metre to any water infrastructure where the Council owns or operates the infrastructure.	CEO	NIL
43. Protection of infrastructure – action in relation to trees and shrubs		

		Direct Delegation from Council	Conditions/ Limitations
43.1	The power pursuant to Regulation 14(1) of the Regulations, if:	CEO	NIL
43.1.1	a tree or shrub has been planted in contravention of Regulation 13; or		
43.1.2	the delegate is of the opinion (based on reasonable grounds) that a tree or shrub on public land is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure,		
	to, by written notice served on the Council or other person who owns or has the care, control or management of the land on which the tree or shrub is situated, direct that action specified in the notice (including the removal of the tree or shrub) be taken.		
43.2	The power pursuant to Regulation 14(2) of the Regulations to, if a person on whom a notice has been served fails to comply with the notice, enter the land and take the specified action.	CEO	NIL
43.3	The power pursuant to Regulation 14(3) of the Regulations to, recover its costs of taking the specified action as a debt from the person on whom the notice was served.	CEO	NIL
44.	Protection of infrastructure – damage caused by trees or shrubs		
44.1	The power pursuant to Regulation 15 of the Regulations to, if a tree or shrub has been planted in contravention of Regulation 13 of the Regulations, recover the Council's costs of taking action under Regulation 14 as a debt from:	CEO	NIL
44.1.1	the owner for the time being of the land on which the tree or shrub is, or was, situated; or		
44.1.2	in the case of land under the care, control or management of a Council – that Council.		
45.	Access to sewerage infrastructure		
	The power pursuant to Regulation 16(2) of the Regulations to recover the Council's costs of repairing any damage caused to infrastructure owned or operated by the Council by a person using an inspection point under Regulation 16(1) of the Regulations as a debt due by that person to the Council.	CEO	NIL
46.	Power to restrict or discontinue water supply		
46.1	The power pursuant to Regulation 17(1) of the Regulations to, if the Council proposes to exercise a power under Section 59(3)(a) to (e) (inclusive) of the Act in relation to water that may be used for human consumption, to:	CEO	NIL
46.1.1	obtain the approval of the prescribed authority before acting; and		
46.1.2	notify the public of the intention to exercise the power by publishing a notice (specifying in the notice relevant details of the power to be exercised):		
46.1.2.1	if the Council proposes to exercise a power under Section 59(3)(b), (c) or (d) – in the Gazette; and		
46.1.2.2	in all cases:		
	(a) on a website determined by the delegate and in accordance with Regulation 17(2) of the Regulations; and		
	(b) in a newspaper circulating generally throughout the area of the State in which the persons affected by the exercise of the power are situated; and		

		Direct Delegation from Council	Conditions/ Limitations
(c) in any other manner considered appropriate by the delegate for the purpose of notifying the persons affected by the exercise of the power.			
47. Notices under Section 59 – Permits			
The power pursuant to Regulation 18(1) of the Regulations, for the purposes of Section 59(4) of the Act, if a specified use of water is prohibited except under the authority of a permit issued by a water industry entity, to issue such a permit to a person in accordance with Regulation 18 of the Regulations.		CEO	NIL
48. Fittings etc to be flush with road surface			
48.1	The power pursuant to Regulation 23(2)(a) of the Regulations to, if the surface height of a road, footpath or easement is altered and the Council has made the alteration, to give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration.	CEO	NIL
48.2	The power pursuant to Regulation 23(2)(b) of the Regulations, if the surface height of a road, footpath or easement is altered, to at the cost of the Council, other authority or person who made the alteration, alter the height of the entry point, inspection point or other fitting.	CEO	NIL
48.3	The power pursuant to Regulation 23(3) of the Regulations, to recover the Council's costs as a debt from the Council, other authority or person.	CEO	NIL
49. Pipes must not lie across allotment boundaries			
49.1	The power pursuant to Regulation 34(1) of the Regulations, if, on the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to any water/sewerage infrastructure has been laid, to direct the owner or occupier of each allotment under Regulation 34 of the Regulations to disconnect the pipe from the water/sewerage infrastructure.	CEO	NIL
49.2	The power pursuant to Regulation 34(4) of the Regulations, if a pipe connected to any water/sewerage infrastructure lies across the boundary between adjoining allotments (except allotments in the same site under the <i>Strata Titles Act 1988</i> or in the same community parcel under the <i>Community Titles Act 1996</i>), to give written notice to the owner or occupier of each of the allotments directing that the pipe be disconnected from the water/sewerage infrastructure by a qualified person in the manner, at the point and within the time stated in the notice.	CEO	NIL
49.3	The power pursuant to Regulation 34(7) of the Regulations, if a person to whom notice has been given fails to comply with the notice, to enter either allotment or any adjoining land and carry out the necessary work.	CEO	NIL
50. Water meters – estimates			
50.1	The power pursuant to Regulation 36 of the Regulations if:	CEO	NIL
50.1.1	the Council is unable for any reason to gain access to a meter or to read a meter for the purpose of measuring water supplied to the person by the Council; and		
50.1.2	a code or rules made under the <i>Essential Services Commission Act 2002</i> relating to the provision of retail services to customers does not apply to that supply of water,		
	to, in accordance with any requirements of the Commission, estimate the quantity of water supplied		

		Direct Delegation from Council	Conditions/ Limitations
through the meter and take that quantity to be the quantity of water supplied for the purpose of any amount payable for the supply of the water.			
51. Charge where land not connected or service to land reduced or discontinued			
51.1	The power pursuant to Regulation 38 of the Regulations to, for the purposes of Section 115(2)(c) of the Act, impose a charge in respect of land of a kind specified by the Minister by notice in the Gazette despite the fact that:	CEO	NIL
51.1.1	the land is not connected to infrastructure by which a retail service is provided by the Council; or		
51.1.2	the provision of a retail service to the land by the Council has been reduced or discontinued.		

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 March 2018
AGENDA BUSINESS ITEM**

Item: 12.9

Originating Officer: Lachlan Miller, Executive Manager Governance & Performance

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Council Resolutions Update including 2 year update to outstanding resolutions

For: Decision

SUMMARY

The Action List is updated each month and outlines actions taken on resolutions passed at Council meetings. The completed items are removed from the list each month. In some cases actions can take months or years to be completed.

In March 2015, Council resolved that outstanding resolutions passed before 31 March 2013 would be the subject of a report outlining the reasons why the resolutions have not been completed, detailing what actions have been taken and an estimated date of completion.

While the above resolution referred to a date, the duration was two (2) years and the intent of the Council's resolution has been carried forward as a prudent accountability mechanism.

RECOMMENDATION

That Council resolves:

- 1. The Council Action List be received and noted**
- 2. The following completed items be removed from the Action List:**

Date	Meeting	No	Heading
6/07/2010	Ordinary Council	B177/10	Approval to Register Drainage Easements Over Properties at 8 Tolmer Road and 2, 4 and 6 Gale Street Woodside
24/01/2017	Ordinary Council	10/17	Tolmer Road CWMS Easements
26/04/2017	Ordinary Council	84/17	Arts & Heritage Hub
24/10/2017	Ordinary Council	242/17	Mobile Food Vending Businesses
24/10/2017	Ordinary Council	242/17	Mobile Food Vending Businesses
28/11/2017	Ordinary Council	275/17	Adelaide Hills (War Memorial) Swimming Centre Progress Report
23/01/2018	Ordinary Council	2/18	Petition - Pedestrian Crossing Milan Terrace Stirling
23/01/2018	Ordinary Council	9/18	Frick Street Lobethal 40kph Zone
27/02/2018	Ordinary Council	27/18	Petition Greenhill Tennis Court
27/02/2018	Ordinary Council	28/18	Petition - Reduction of Speed Limit, Jungfer Road Charleston
27/02/2018	Ordinary Council	33/18	DA Fee Waiver Request Johnston Memorial Park Committee
27/02/2018	Ordinary Council	35/18	Budget Review 2
27/02/2018	Ordinary Council	36/18	Long Term Financial Plan 2018 Update
27/02/2018	Ordinary Council	37/18	CWMS Easement, Gale Street, Woodside
27/02/2018	Ordinary Council	40/18	CM Allowances & Benefits Policy
27/02/2018	Ordinary Council	41/18	LG Election Timetable
27/02/2018	Ordinary Council	43/18	Reappointment of Independent Chairperson of GRFMA
27/02/2018	Ordinary Council	61/18	Appointment of External Auditor - Period of Confidentiality

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal Organisational Sustainability
Strategy Governance

The timely completion of Council resolutions assists in meeting legislative and good governance responsibilities and obligations.

➤ Legal Implications

Not applicable

➤ Risk Management Implications

Regular reporting on outstanding action items will assist in mitigating the risk of:

Actions arising from Council resolutions may not be completed in a timely manner

Inherent Risk	Residual Risk	Target Risk
High (4C)	Medium (4E)	Medium (4E)

➤ **Financial and Resource Implications**

Not applicable

➤ **Customer Service and Community/Cultural Implications**

Not applicable

➤ **Environmental Implications**

Not applicable

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Not applicable

2. BACKGROUND

At its meeting of 24 March 2015 Council resolved:

That the CEO provides a report to the 28 April 2015 Council meeting in relation to outstanding resolutions passed before 31 March 2013 outlining the reasons why the resolutions have not been completed, detailing what actions have been taken and an estimated date of completion.

The contents of this report formed a workshop discussion with Council Members on 3 May 2017.

While the above resolution referred to a date, the duration was two (2) years and the intent of the Council's resolution has been carried forward as a prudent accountability mechanism.

3. ANALYSIS

The Action list has been updated to provide Council with information regarding outstanding actions. Completed resolutions are identified in the recommendation for removal from the Action List.

There are currently no resolutions requiring a 2 year update.

4. OPTIONS

Council has the following options:

- I. Note the status of the outstanding items and the proposed actions
- II. Resolve that other actions are required.

5. APPENDIX

- (1) Action List

Appendix 1

Action List

Meeting	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Date of Update	Est. Completion	Comments
6/07/2010	Ordinary Council	B177/10	Approval to Register Drainage Easements Over Properties at 8 Tolmer Road and 2, 4 and 6 Gale Street Woodside	That Drainage easements over 8 Tolmer Road and 2, 4 and 6 Gale Street, Woodside in favour of Council, being land owned by Mr Aubrey, Ms Brunialti, Ms Hall and Housing SA respectively, be secured at no fee with Council meeting all legal and title production costs of approximately \$3000. Once approval has been secured from Mr Bellwood for the property at 10 Tolmer Road, Woodside for an easement in favour of Council over these existing pipes that Council proceed with executing this easement at no cost to the owner. If the easement is not granted then Council approve that the process for compulsory acquiring this easement be granted. The Mayor and CEO be authorised sign and to affix the Council seal to all necessary documentation	Terry Crackett	Completed	10/03/2018	28/02/2018	Easements for 4 & 6 Gale St and 8 & 10 Tolmer Rd have been completed and registered. Owner of 2 Gale Street has not responded to any requests for the signing of documents. Recent advice has informed that CWMS infrastructure is covered by the Water Industry Act 2012 and easements to protect Council's rights to access and maintain this infrastructure are not essential, it is proposed to rely on the WIA provisions in relation to 2 Gale Street rather than progress a compulsory acquisition process. Council resolution of 27 February 2018 to not take any further action in relation to this matter.
24/01/2017	Ordinary Council	10/17	Tolmer Road CWMS Easements	resolution no. 1 of B177/2010 of 6 July 2010 be rescinded. Consideration for the creation of the CWMS easements be paid to the affected land owners as follows: a. 2 Gale Street \$8,600 b. 4 Gale Street \$8,700 c. 8 Tolmer Road \$10,060 3. The Mayor and CEO be authorised to sign all necessary documents to effect the grant of easements.	Terry Crackett	Completed	10/03/2018	27/02/2018	Easement for 4 Gale Street has been completed. Easement for 8 Tolmer Road has been completed.. Land owner of 2 Gale Street has not responded to any requests to sign and return easement documentation. Refer resolution B177/10 Council resolved at the meeting of 27 February 2018 to not take any further action in relation to this matter.

Meeting	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Date of Update	Est. Completion	Comments
26/04/2017	Ordinary Council	84/17	Arts & Heritage Hub	<p>1. That Council receives and notes the Arts and Heritage Hub Report produced by the Task Group as contained in Appendix 2.</p> <p>2. That the Council notes the aspirations and goals as communicated by the community through the consultation process and interpreted by the appointed task group, and adopts them as the vision for the Arts and Heritage Hub.</p> <p>3. That a suitably qualified consultant with expertise in the area of heritage and arts planning be engaged to develop a Business Plan for the evolution of the Arts and Heritage Hub in line with the vision, which accommodates the identified heritage and arts outcomes and incorporates:</p> <ul style="list-style-type: none"> • Short, medium and long term goals • Optimum use of space • Community capacity building • Program and exhibition planning • Financial viability and modelling ongoing costs. 	David Waters	Completed	10/02/2018	28/02/2018	The Council is considering the Business Development Framework at its February 2018 meeting.
24/10/2017	Ordinary Council	242/17	Mobile Food Vending Businesses	<p>That community and stakeholder engagement in relation to Council's location rules commence once the <i>Local Government (General) (Mobile Food Vendors) Variation Regulations 2017</i> are confirmed as final. The community and stakeholder engagement include:</p> <p>Seeking input from those residents and food businesses located near the preliminary locations proposed in the Mobile Food Vending Businesses report for the operation of Mobile Food Vending Businesses Seeking input and feedback from business associations and local markets and community events identified by the CEO to inform development of Council's location rules</p> <p>Undertaking community wide engagement to obtain input and feedback to inform development of Council's location rules</p>	Marc Salver	Completed	19/03/2018	1/03/2018	<p>Stage 1 community consultation completed. Preliminary Location Rules adopted by Council at its 27 February 2018 meeting. Stage 2 consultation to commence March / April 2018 to engage with key stakeholders to refine location rules adopted in February. A further report in this regard will be reported to council after the conclusion of the Stage 2 process.</p>

Meeting	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Date of Update	Est. Completion	Comments
24/10/2017	Ordinary Council	242/17	Mobile Food Vending Businesses	<p>1. In the event that the draft <i>Local Government (General) (Mobile Food Vendors) Variation Regulations 2017</i> change substantially to a point determined by the CEO where the preliminary proposed locations outlined in this Mobile Food Vending Businesses report are no longer suitable for the operation of Mobile Food Vending Businesses, the CEO be delegated to: Identify alternative preliminary locations for the community engagement process proposed by the Mobile Food Vending Businesses report for the purposes of Council's location rules.</p> <p>2. Following completion of the community and stakeholder engagement, a further report be provided to Council outlining the results of the engagement undertaken and make recommendations in relation to adoption of location rules</p>	Marc Salver	Completed	19/03/2018	1/03/2018	Stage 1 community consultation completed. Preliminary Location Rules adopted by Council at its 27 February 2018 meeting. Stage 2 consultation to commence March / April 2018 to engage with key stakeholders to refine location rules adopted in February. A further report in this regard will be reported to council after the conclusion of the Stage 2 process.
28/11/2017	Ordinary Council	275/17	Adelaide Hills (War Memorial) Swimming Centre Progress Report	That the CEO continue the consultation and engagement process with stakeholders, to further inform a broader master planning exercise at the Woodside Recreation Ground,	Peter Bice	Completed	19/03/2018	30/06/2018	Following the November 2017 Council meeting, the Adelaide Hills (War Memorial) Swimming Centre site will be included in the overall Masterplan project for the Woodside Recreation Ground.
23/01/2018	Ordinary Council	2/18	Petition - Pedestrian Crossing Milan Terrace Stirling	Council resolves that the petition with 60 signatories requesting a pedestrian crossing on Milan Terrace Stirling adjacent to the Stirling Hospital, be received and noted.	Andrew Aitken	Completed	14/03/2018		Letter sent to Petitioners giving details of receipt of Petition and Motion without Notice.
23/01/2018	Ordinary Council	9/18	Frick Street Lobethal 40kph Zone	That Council endorses the introduction of a 40km/h speed limit on Frick Street for all vehicles for the duration of the interim operations.	Peter Bice	Completed	19/03/2018		CEO has written to DPTI seeking the introduction of a 40km/h speed limit on Frick Street for all vehicles for the duration of the interim operations.
20/02/2018	Audit Committee	AC18/3	Community Loans Policy	That the Community Loans Policy as provided at Appendix 1 be endorsed for consideration by Council, with the addition of criteria regarding registration with the Australian Charities and Not-for-profit Commission (ACNC) and compliance with all governance requirements	Terry Crackett	Completed	16/03/2018	27/02/2018	Community Loan Policy updated for Audit Committee comments and endorsed for community consultation by Council on 27 February 2018

Meeting	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Date of Update	Est. Completion	Comments
20/02/2018	Audit Committee	AC18/4	Long Term Financial Plan Review	Recommends Council endorse the Long Term Financial Plan, with addition of commentary for key matters not included, as contained in Appendix 1 for community consultation in accordance with Section 122 of the Local Government Act 1999	Terry Crackett	Completed	16/03/2018	27/02/2018	LTFP updated for commentary for key matters raised by Audit Committee and presented to Council for endorsement at 27 February 2018 Council Meeting. The draft LTFP is currently out for consultation and will be subsequently considered by Council during April 2018.
20/02/2018	Audit Committee	AC18/4(2)	Appointment of External Auditor)	To recommend to Council the appointment of Galpins Accountants, Auditors and Business Consultants for the provision of external audit services for a period of three (3) years commencing with the audit for the financial year ending 30 June 2018, with an option of a further period of up to two (2) years, with an indicative cost for the initial three (3) years of \$64,000.	Terry Crackett	Completed	16/03/2018	27/02/2018	Recommendation considered and approved by Council at its 27 February 2018 meeting.
20/02/2018	Audit Committee	AC18/4(3)	Appointment of External Auditor)	To recommend to Council that the proposed fee structure for Galpins Accountants, Auditors and Business Consultants is appropriate to enable an adequate audit to be conducted	Terry Crackett	Completed	16/03/2018	27/02/2018	Recommendation considered and approved by Council at its 27 February 2018 meeting.
20/02/2018	Audit Committee	AC18/4(4)	Appointment of External Auditor)	To recommend to Council that the Chief Executive Officer be delegated to conduct the final negotiations with regard to the composition and pricing of the external audit contract and to execute all required documentation to give effect to Council's appointment of the external auditor	Terry Crackett	Completed	16/03/2018	27/02/2018	Recommendation considered and approved by Council at its 27 February 2018 meeting.
27/02/2018	Ordinary Council	27/18	Petition Greenhill Tennis Court	Council resolves that the petition signed by 146 signatories, requesting an upgrade to the	Andrew Aitken	Completed	14/03/2018		Letter sent to head petitioner advising of Council's resolution, attaching copy of report to Council.
27/02/2018	Ordinary Council	28/18	Petition - Reduction of Speed Limit, Jungfer Road Charleston	Council resolves that the petition signed by 16 signatories, requesting a reduction of the speed limit on Jungfer Road Charleston to a maximum of 60kph, be received and noted.	Andrew Aitken	Completed	14/03/2018		Letter sent to Head Petitioner advising of Council resolution plus Motion without Notice.
27/02/2018	Ordinary Council	33/18	DA Fee Waiver Request Johnston Memorial Park Committee	That the report be received and noted That a maximum of \$515.75 in development fees be authorised to be waived for the Johnston Memorial Park Committee Inc. for Development Application 473/18/18 in	Marc Salver	Completed	19/03/2018		Completed. Applicant advised of Council's decision.

Meeting	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Date of Update	Est. Completion	Comments
27/02/2018	Ordinary Council	35/18	Budget Review 2	<ol style="list-style-type: none"> 1. Receive and note the report. 2. Adopt the Operating Budget variations presented in Budget Review 2, which have no impact on the overall budget and continue to provide for an adjusted Operating Surplus for the 2017-18 financial year of \$1.986m. 3. Adopt the proposed Capital Program amendments that reduce net capital expenditure by \$1.536m and together with the amendments adopted by Council at its meeting on 23 January 2018 result in a revised Capital Works Program totalling \$16.703m. 	Terry Crackett	Completed	16/03/2018	2/03/2018	Council's 2017-18 Operating & Capital Budget has been updated for Budget Review 2 in accordance with Council resolution.
27/02/2018	Ordinary Council	36/18	Long Term Financial Plan 2018 Update	Receives and notes the report. Endorse the Draft Long Term Financial Plan, as contained in Appendix 1 for community	Terry Crackett	Completed	16/03/2018	16/03/2018	Endorsed 2018-19 Long Term Financial Plan currently out for Community Consultation in accordance with Council Resolution
27/02/2018	Ordinary Council	37/18	CWMS Easement, Gale Street, Woodside	<ol style="list-style-type: none"> 1. That the report be received and noted 2. That resolution 2a of 10/2017 be rescinded 3. No further action be taken to secure the registration of an easement for sewerage purposes over 2 Gale Street Woodside. 	Terry Crackett	Completed	10/03/2018	27/02/2018	No further action required.
27/02/2018	Ordinary Council	40/18	CM Allowances & Benefits Policy	That the report be received and noted With an effective date of 13 March 2018, to revoke the 9 December 2014 Council Member Allowances and Benefits Policy and to adopt the Council Member Allowances and Benefits Policy, as contained in Appendix 1.	Terry Crackett	Completed	19/03/2018	13/03/2018	The Allowances & Benefits Policy has been published on the website and communicated to all Council Members.
27/02/2018	Ordinary Council	41/18	LG Election Timetable	That the report be received and noted.Council adopts the indicative 2018 Local Government Election Schedule as contained in the report.	Terry Crackett	Completed	16/03/2018	27/02/2018	The scheduling of election-related actions is continuing and will be implemented as they fall due.
27/02/2018	Ordinary Council	43/18	Reappointment of Independent Chairperson of GRFMA	That the report be received and noted. That Council endorses the recommendation of the Gawler River Floodplain Management Authority Board to reappoint Mr Ian Baldwin	Marc Salver	Completed	19/03/2018		Completed. GRFMA advised of Council's decision.
27/02/2018	Ordinary Council	61/18	Appointment of External Auditor - Period of Confidentiality	that an order be made under the provisions of sections 91(7) and (9) of the <i>Local Government Act 1999</i> that the report of the Council and the discussion and considerations of the subject matter be retained in confidence until the completion of the contract.	Terry Crackett	Completed	19/03/2018	30/03/2021	Minute released. Given the commercial in confidence information, the release of the confidentiality order is unlikely to occur for 3-5 years depending on whether the option under the contract is exercised. Nevertheless the cost of Statutory Audit services is reported in the Annual Report.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
6/07/2010	Ordinary Council	B177/10	Approval to Register Drainage Easements Over Properties at 8 Tolmer Road and 2, 4 and 6 Gale Street Woodside	That Drainage easements over 8 Tolmer Road and 2, 4 and 6 Gale Street, Woodside in favour of Council, being land owned by Mr Aubrey, Ms Brunialti, Ms Hall and Housing SA respectively, be secured at no fee with Council meeting all legal and title production costs of approximately \$3000. Once approval has been secured from Mr Bellwood for the property at 10 Tolmer Road, Woodside for an easement in favour of Council over these existing pipes that Council proceed with executing this easement at no cost to the owner. If the easement is not granted then Council approve that the process for compulsory acquiring this easement be granted. The Mayor and CEO be authorised sign and to affix the Council seal to all necessary documentation	Terry Crackett	Completed	10/03/2018	28/02/2018	Easements for 4 & 6 Gale St and 8 & 10 Tolmer Rd have been completed and registered. Owner of 2 Gale Street has not responded to any requests for the signing of documents. Recent advice has informed that CWMS infrastructure is covered by the Water Industry Act 2012 and easements to protect Council's rights to access and maintain this infrastructure are not essential, it is proposed to rely on the WIA provisions in relation to 2 Gale Street rather than progress a compulsory acquisition process. Council resolution of 27 February 2018 to not take any further action in relation to this matter.
28/08/2012	Ordinary Council	214/12	Kersbrook Stone Reserve – Heritage Agreement	Chief Executive Officer, or delegate, be authorised to take all necessary actions to bring the Heritage Agreement into effect	Peter Bice	In Progress	7/03/2018	30/06/2018	Land has been rededicated with an effective date of 30.6.17. Heritage Agreement notation will now be progressed. Heritage Agreement application has been sent to DEWNR, receipt date 6th March 2018.
13/05/2014	SPDPC	30/14	Adelaide Hills Trails Network Strategy	1. The Adelaide Hills 20 Year Trail Network Strategy & Action Plan be adopted; 2. An implementation plan be prepared by staff in 2014 to inform spending priorities for consideration in future budgets	Peter Bice	In Progress	19/03/2018	8/05/2018	The outcomes of the Trails Strategy review will be coming to the workshop in May, following the Vision for Cleland presentation, where next steps will be discussed.
27/05/2014	Ordinary Council	95/14	William St Birdwood Street Furniture, plaque	That Council, as a consequence of the SPDPC resolution No 29 dated 13 May 2014, approves: 1. The construction of a piece of street furniture and installation in William Street Birdwood, in the vicinity of where the trees will be removed, provided suitable timber is available from those trees. 2. The erection of a plaque acknowledging the residents who donated funds to plant the initial avenue. 3. Place a memorial with names in the Birdwood Institute in consultation with the Friends of the Birdwood Institute. 4. Suitable timber to be made available to the Friends of the Birdwood Institute (FBI) to enable the Committee to make some small wood pieces (e.g. bowls) to display in the Institute. 5. The CEO investigate a source of funds for the projects. 1 and 2 to be undertaken in consultation with the community.	Peter Bice	In Progress	22/03/2018	30/04/2018	We have engaged a contractor to mill some of the timber to ascertain if it is seasoned and ready to be used. Met residents and ward councillor on site. Currently awaiting further information from Birdwood Institute, and we will schedule works once the logistics of installation are finalised. Pending material suitability A budget bid will be put in 18/19 budget to build a seat.
24/03/2015	Ordinary Council	57/15	Confidential Item - Morella Grove	As per confidential minute	Peter Bice	In Progress	19/03/2018	30/03/2018	Report to Council forthcoming in April 2018 outlining options.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
19/01/2016	Ordinary Council	6a/16	Amy Gillett Bikeway Extension	The CEO investigates all funding options including how the Jack Bobridge Bikeway in the Barossa Valley was funded.	Peter Bice	In Progress	21/03/2018	30/06/2018	The Open Space and Places for People funding application was submitted for Round 2 (for the Mt Torrens to Birdwood section), but was not successful. Council is exploring a joint application with neighbouring Councils for a broader Inter-Regional Cycle Network project.
22/03/2016	Ordinary Council	59/16	Sturt Valley Road reconstruction	2. That a capital budget allocation of \$160,000 be provided in the 2015/16 financial year for the reconstruction of a 230m section of Sturt Valley Road, Stirling. 3. That a further report be presented to Council for consideration regarding the possible placement of a footpath or walking trail along sections of Sturt Valley Road prior to installing any additional safety barriers	Peter Bice	In Progress	21/03/2018	23/01/2018	Engineering Consultants will provide design options this FY with construction intended for 2018/19. Preliminary design indicates current budget of \$250,000 is insufficient, and more time is required to review possible solutions. Design costs plus embankment stabilisation required this FY, estimated at \$50,000.
22/03/2016	Ordinary Council	69/16	Land Acquisition Colonial Drive Norton Summit	Negotiate with the Anglican Church and CFS regarding the proposed boundary realignment and the preparation of preliminary plans	Terry Crackett	In Progress	10/03/2018	30/06/2018	Progressing as per resolution with draft boundary realignment plans being prepared for further discussion between the parties. Plans have been provided to the relevant parties for consideration and negotiation. A valuation of land has been received and information provided to the Norton Summit Anglican Church for consideration. This item has been released from confidentiality. The Norton Summit Anglican Church has requested amendments to the draft plan of division which have been undertaken by the surveyor and an updated valuation is being obtained. Church considering amended plans and valuation. Further changes requested to the draft plan which have been attended to and approved. Updated valuation being obtained.
26/04/2016	Ordinary Council	83/16	Croft & Harris Road Precinct, Lenswood	2. That the Office for Recreation and Sport and Department of Planning, Transport and Infrastructure be approached to discuss any potential funding opportunities to undertake bituminising works up to where the bicycle access occurs. 3. That a further report be presented on potential road treatments for Croft Road Lenswood and the surrounding road network once additional data has been collected on peak traffic numbers generated through a major event and staff continue negotiations with ForestrySA regarding infrastructure improvements for Cudlee Creek Forest Reserve.	Peter Bice	In Progress	21/03/2018	30/03/2018	A Building Better Regions Fund application was submitted in round 2 (which closed December 19). This was in partnership with Bicycle SA, and Forestry SA. There was also in principle support from DEWNR towards the project. We are currently awaiting the announcement of the successful projects.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
24/05/2016	Ordinary Council	91/16	Road Closure portion Sinkinson Road Mt Torrens	<p>2. To make a Road Process Order to the Surveyor-General to close and then merge a portion of road into the adjoining property at 20 Sinkinson Road, Mount Torrens, being Allotment 53 in Filed Plan 155968, Certificate of Title 5779/569. The portion of road is more particularly delineated and marked 'A' on Preliminary Plan No. 15/0040, as detailed in Appendix 1 to this report.</p> <p>3. Subject to closure of the above mentioned portion of unformed public road, that:</p> <p>a. It not to be placed on the Community Land Register; and</p> <p>b. It be sold to Mr and Mrs Hort, the owners of the property at 20 Sinkinson Road, Mt Torrens, for market value plus all other fees, charges and GST that may be applied. A Land Management Agreement be entered into with consideration to be given to limiting the mature height of trees at the start of the unmade road and to planting fire resistant native trees on the southern boundary.</p> <p>4. To authorise the Mayor and Chief Executive Officer to finalise and sign all necessary documentation to close and sell the above portion of closed road.</p>	Terry Crackett	In Progress	10/03/2018	31/05/2018	<p>Final plan has been prepared. Land owner has obtained a valuation which is considered acceptable.</p> <p>Final documents have been executed and lodged with the Surveyor-General for processing</p>
24/05/2016	Ordinary Council	105/16	Land at Houghton Request to Purchase	<p>The acquisition of the land described as CT 5363/842 and CT 5363/452 consisting of two parcels of land, one 819m2 the other 36m2 respectively, and currently owned by R J Day and B E Day for nil consideration. Council to pay all transfer fees, charges and GST that may be applied.</p> <p>To undertake a Section 210 process for the conversion of private road to public road for the land described as CT 5343/355 of 27m2 currently owned by Marinus Maughan and Alick Stephen Robinson.</p> <p>To negotiate and accept a transfer of the land described as CT 5343/354 of 476m2 from the City of Tea Tree Gully for nil consideration.</p> <p>To negotiate and accept a transfer or vesting of the land described as CT 5421/887 from the Department of Planning, Transport & Infrastructure for nil consideration.</p>	Terry Crackett	In Progress	10/03/2018	31/12/2018	<p>The acquisition from RJ & BE Day has been completed and registered at the Lands Titles Office.</p> <p>The Section 210 process is yet to be commenced.</p> <p>City of Tea Tree Gully have confirmed their agreement for the transfer of land however a revocation of community land process is required. Staff are investigating if the land can be vested rather than transferred, awaiting response from Registrar-General.</p> <p>The request to DPTI for the transfer of land has been made and awaiting a response.</p>

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
12/07/2016	SPDPC	29/16	MON - Woodforde Road and Reserve Naming	<p>1. Staff pursue, with the developer, the inclusion of indigenous names within Hamilton Park and in relation to future stages</p> <p>2. A progress report be made to Council or the Strategic Planning & Development Policy Committee within 3 months</p>	Peter Bice	In Progress	21/03/2018	30/06/2018	Council staff are still working with the developers in regard to final reserve designs, and will then meet on site with the Kaurna Elders to consider the appropriate naming.
26/07/2016	Ordinary Council	133/16	Future of Harms Avenue Birdwood	That the CEO investigates the future of Harms Avenue East of Wegener Road Birdwood , including consultation with adjoining land owners and DPTI and provides a report to Council /SPDPC by December 2016	Terry Crackett	In Progress	10/03/2018	24/04/2018	<p>Initial investigations undertaken to confirm any encroachments onto Harms Road with none detected.</p> <p>Has been discussed with Property Advisory Group, difficulty in closing the road for sale to adjoining land owners unless all land owners are in agreement.</p> <p>Investigations to determine if there are any DA or other restrictions on access from the Main Road to be undertaken.</p> <p>Road Officer commenced on 6 November and had undertaken further investigations, complex issue to be further discussed with Property Advisory Group and then to a report going to Council.</p>
23/08/2016	Ordinary Council	163/16	Piccadilly CFS Relocation	<p>2. To delegate to the Chief Executive Officer , following consultation with the CFS, to determine the area of the portion of Atkinson Reserve to be used as the site of the Proposed CFS Location</p> <p>3. To commence a community consultation process, for a minimum period of 21 clear days in accordance with AHC's public consultation policy, in relation to the proposed:</p> <p>3.1 amendment of the Community Land Management Plan for that portion of Atkinson Reserve identified as the Proposed CFS Location from the current Category 4 Recreation and Sport to Category 6 – CFS</p> <p>3.2 lease to the CFS for use as a CFS station (the proposed term being 21 years with an option to renew for another 21 years) of the Proposed CFS Location</p> <p>3.3 road closure of an area of unmade road reserve adjacent to Atkinson Reserve as identified in Appendix 2 ("Road Closure Land") to provide overflow car-parking for both the CFS station and users of Atkinson Reserve</p> <p>3.4 the adoption of a community land management plan for the Road Closure Land for use as car parking conditional upon the Council issuing a Road Process Order</p> <p>4. That Council's approval (as land owner) be given to the CFS to submit a Development Application for the construction of a fire station on the Proposed CFS</p>	Terry Crackett	In Progress	10/03/2018	31/12/2018	<p>DA granted by DPTI on 15 December 2017.</p> <p>Council awaiting receipt of draft lease from CFS.</p>

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
27/09/2016	Ordinary Council	183/16	MON Undergrounding Power in Gumeracha	<p>1. That the Chief Executive Officer, after consultation with Gumeracha Community Association or its representatives, explore the potential for undergrounding the power lines in the main street (Albert Street), Gumeracha with the Power Lines Environment Committee (PLEC), and report to council on or before 31 March 2017.</p> <p>2. That the outcomes of the investigation be considered as part of the normal budgetary processes for the future Capital Works Programs</p>	Peter Bice	In Progress	21/03/2018	30/06/2018	Follow up discussions held with State Government Agency. Further discussions with the Power Line Environment Committee (PLEC) have demonstrated willingness to consider the project as a potential inclusion for 2020/21, and perhaps even 2019/20. Intended to be included in Year 3 of the Capital Program to be developed as part of the 2018/19 Annual Business Plan.
25/10/2016	Ordinary Council	220	CWMS Expression of Interest – Period of Confidentiality	That the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until 31 December 2017 except public statements which outline the rationale and process for seeking a review of options related to Council's CWMS	Marc Salver	In Progress	8/03/2018	26/09/2018	Retain in confidence. CWMS Expression of Interest process still being progressed - Confidentiality period extended on 12/12/17 to remain confidential until 26/09/2018.
7/12/2016	Special Council	272/16	Contract for Sale Portion of AHBTC site	<p>A Contract for Sale and Purchase for the sale of proposed Lot 301 in the draft community plan attached as Appendix 2 be negotiated and entered into between the Council and Adelaide Hills Craft Brewing Company Pty Ltd for a sale price of ##### subject to the following conditions:</p> <p>Issuance of an approval for the land division application (community title) of the draft community plans attached as Appendices 3a and 3bDeposit by the Registrar-General of the primary and secondary community plans substantially in accordance with the draft community plans attached as Appendices 3a and 3bFinance approval for the purchaser</p>	Terry Crackett	In Progress	10/03/2018	30/06/2018	Resolution has been fully released from confidentiality. Contract being finalised including draft scheme documents for the new community corporation with Purchaser and Council's lawyers. Purchaser's lawyers are to provide comments on the final Contract before signing.
7/12/2016	Special Council	276/16	Retirement Villages Review	As per confidential minute	Terry Crackett	In Progress	10/03/2018	27/02/2018	This item has been released from confidentiality. Expression of Interest period closed on 31 August 2017. A confidential workshop was presented to Council on 6 December 2017 and a report was presented to Council on 27 February 2018. A number of actions were identified as part of the review which are being progressed.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
7/12/2016	Special Council	267/16	Woorabinda Bushland Reserves Heritage Agreement	<p>2. That the Chief Executive Officer, or delegate, be authorised to commence discussions with DEWNR in regard to entering into individual Heritage Agreements, over the following Council properties:</p> <p>a. Council owned land located at 9 Woorabinda Drive, Stirling (Woorabinda) described in Certificate of Title 5292 Folio 381</p> <p>b. Council owned land located at 9 Ethel Street , Stirling (Stirling Park) described in Certificate of Title 5315 Folio 98</p> <p>c. Council owned land located at 71 Longwood Road, Heathfield (Hender Reserve) Certificate of Title 5753 Folio 715</p> <p>d. Council owned land located at 34 Madurta Avenue, Aldgate (Madurta Reserve) described in Certificate of Title 5902 Folio 219</p> <p>3. That following the assessment by DEWNR, a further report be brought back to Council prior to approval to enter into the Heritage Agreements</p>	Peter Bice	In Progress	7/03/2018	30/06/2018	The Woorabinda Heritage Agreement applications are in draft, the process for application is now underway. Applications for the Woorabinda BR Heritage Agreements were completed on the 7th of December 2017. Currently in assessment with DEWNR.
13/12/2016	Ordinary Council	281/16	Piccadilly CFS Relocation	<p>2. Pursuant to s202 of the Local Government Act 1999, a lease be granted to the CFS for the portion of Atkinson Reserve identified as "Proposed Lease Area" in the plan attached as Appendix 1 for a term of 21 years with a right of renewal for a further 21 years subject to the following conditions:</p> <p>a. lease terms being substantially in accordance with and consistent with other leases of Council land to the CFS</p> <p>b. receipt of development approval for the construction of a station building substantially in accordance with the building plan attached as Appendix 1</p> <p>c. partial surrender of the existing lease from the Piccadilly Valley Community Recreation Centre (PVCRC)</p> <p>3. Subject to a lease being granted under item 2 above, the Community Land Management Plan for Atkinson Reserve be amended to reflect that the use of that portion of the land identified as Proposed Lease Area in Appendix 1 is changed from Category 4 Recreation & Sport Facilities to Category 6 CFS Purposes.</p> <p>4. The CEO and Mayor be authorised to sign all necessary documentation to give effect to this resolution.</p>	Terry Crackett	In Progress	10/03/2018	30/06/2018	DA granted by DPTI 15 December 2017. Council awaiting receipt of draft lease from CFS. Refer 163/16 resolution

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
24/01/2017	Ordinary Council	7/17	Cromer Cemetery Revocation of Community Land	a report be prepared and submitted to the Minister for Local Government seeking approval for the revocation of the community land classification of a portion of the land contained in Certificate of Title Volume 5880 Folio 219 identified in red on the plan attached as Appendix 1.	Terry Crackett	In Progress	10/03/2018	31/12/2018	DEWNR have requested that the revocation be put on hold whilst they investigate the requirements to alter the trust affecting the land and undertake an assessment of the native vegetation on the land, this is likely to take some months.
24/01/2017	Ordinary Council	10/17	Tolmer Road CWMS Easements	resolution no. 1 of B177/2010 of 6 July 2010 be rescinded. Consideration for the creation of the CWMS easements be paid to the affected land owners as follows: a. 2 Gale Street \$8,600 b. 4 Gale Street \$8,700 c. 8 Tolmer Road \$10,060 3. The Mayor and CEO be authorised to sign all necessary documents to effect the grant of easements.	Terry Crackett	Completed	10/03/2018	27/02/2018	Easement for 4 Gale Street has been completed. Easement for 8 Tolmer Road has been completed.. Land owner of 2 Gale Street has not responded to any requests to sign and return easement documentation. Refer resolution B177/10 Council resolved at the meeting of 27 February 2018 to not take any further action in relation to this matter.
13/02/2017	Audit Committee	AC16/17	ICT Security Risk Assessment Action Implementation Update - Period of Confidentiality	That the report, related attachments, the minutes of Committee and the discussion of the subject matter be retained in confidence until ICT Security Risk Assessment actions have been addressed	Terry Crackett	In Progress	19/03/2018	31/05/2018	Retain in confidence until additional security measures are undertaken. Work is progressing with consultants to deliver and progress with activities to close out recommendations from the assessment. Confidentiality period extended on 12/12/17 to remain confidential until 06/11/2018.
28/02/2017	Ordinary Council	53/17	Community Wastewater Management Systems Review – Period of Confidentiality	That the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until 30 June 2018	Marc Salver	In Progress	8/03/2018	30/06/2018	Retain in confidence. CWMS Expression of Interest process still being progressed

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
28/03/2017	Ordinary Council	71/17	Celebrating 20 Years of AHC	<p>That in recognition of the 20th anniversary of the formation of the Adelaide Hills Council, and subject to confirmation of funding as part of the budget setting process, the following initiatives be planned for the second half of 2017:</p> <p>a. A Special Council Meeting, to be held at Lobethal Bushland Park (the site of the first meeting of the newly formed Adelaide Hills Council), with a plaque unveiled to recognise the site and the first Council Members.</p> <p>b. A casual function, to which former Council Members of the Adelaide Hills Council and the antecedent councils are invited, to be held in conjunction with the Special Council Meeting, with local history groups invited to make a short presentation.</p> <p>c. A once-off community art exhibition be held for people resident or active in the Adelaide Hills Council community, at a location generally central to the Hills, with an acquisitive prize to be awarded to the winner in commemoration of the anniversary.</p> <p>d. The Council's Playford Trust Scholarship be promoted as a 20th anniversary scholarship, with an emphasis on awarding it to a local young person pursuing further study, who has demonstrated community involvement and who has future leadership potential.</p> <p>e. Low-key amendments to branding and communication elements to recognise the 20 year anniversary for the remainder of 2017.</p>	David Waters	In Progress	10/02/2018	31/03/2018	<p>The art exhibition and prize was opened on 24 November 2017.</p> <p>The Special Council Meeting was held on 21 November at Lobethal Bushland Park.</p> <p>Playford Trust Scholarship will be awarded in late Feb 2017.</p> <p>The honour roll concept being developed is based on an online gallery of past winners of the Citizen, Young Citizen and Community Event of the Year awards. Each winner's profile will include a photo and brief citation. Civic Award winners will also be listed. Due to commitments with events over the events season, progress with this element has been delayed. Expecting completion in March 2018.</p>
26/04/2017	Ordinary Council	84/17	Arts & Heritage Hub	<p>1. That Council receives and notes the Arts and Heritage Hub Report produced by the Task Group as contained in Appendix 2.</p> <p>2. That the Council notes the aspirations and goals as communicated by the community through the consultation process and interpreted by the appointed task group, and adopts them as the vision for the Arts and Heritage Hub.</p> <p>3. That a suitably qualified consultant with expertise in the area of heritage and arts planning be engaged to develop a Business Plan for the evolution of the Arts and Heritage Hub in line with the vision, which accommodates the identified heritage and arts outcomes and incorporates:</p> <ul style="list-style-type: none"> • Short, medium and long term goals • Optimum use of space • Community capacity building • Program and exhibition planning • Financial viability and modelling ongoing costs. <p>4. That the Business Plan be referred back to the Council for consideration prior to further funding commitments or significant decisions being made.</p> <p>5. That while the Business Plan is being developed, considered and implemented, activation of the Arts and Heritage Hub site continues, with uses compatible with the vision for the site.</p>	David Waters	Completed	10/02/2018	28/02/2018	<p>The Council is considering the Business Development Framework at its February 2018 meeting.</p>

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
27/06/2017	Ordinary Council	138/17	Review of Rating Policy re Differential Rate for Commercial Property	That Council consider as part of its review of the Rating Policy the appropriateness of the current higher differential rate for commercial property.	Terry Crackett	In Progress	16/03/2018	24/04/2018	The review of Rating Policy for 2018/19 has commenced and will consider the appropriateness of the current higher differential rate for commercial property. The review will be considered at the Annual Business Plan and Budget Workshop currently scheduled for April 2018.
25/07/2017	Ordinary Council	155/17	Reserve Gifting Proposal - Dunnfield Estate, Mt Torrens	<p>Subject to the approval of the land division variation application 473/D38/2011 by the Development Assessment Commission and the required Council engineering approvals for the infrastructure, being obtained:</p> <p>1. That council accepts from Paul & Michele Edwards (the Developer), the donation of additional reserve land as described in Appendix 6 – Amended Plan of Division rev K dated 16.06.2017 Agenda Item 14.1, subject to the following conditions:</p> <p>The Council specified construction standards are metThe cost of all works are to be met by the DeveloperThe Developer enters into a legally binding Landscape Maintenance Agreement to agreed maintenance standards for a period of ten (10) yearsThe landscaping works are completed within two (2) years from the date of final approval.</p> <p>2. That, in the event that there is a dispute between the Council and the Developer, the dispute is referred to an Independent Arbiter for resolution, with costs being shared equally by the parties.</p>	Peter Bice	In Progress	21/03/2018	30/06/2018	In the process of drafting a maintenance agreement to work through with the Developer.
25/07/2017	Ordinary Council	157/17	Sport & Recreation Facility Grants - Guidelines Review	<p>To adopt the Sport and Recreation Facility Grant Guidelines as contained in Appendix 1</p> <p>To authorise the Chief Executive Officer to make any formatting, nomenclature or other minor changes to the Guidelines during the period of its currency</p> <p>The CEO review and report on the Guidelines by the 31 August 2018.</p>	Peter Bice	In Progress	19/03/2018	28/08/2018	The reviewed guidelines will be presented to the April 2018 Council meeting.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
25/07/2017	Ordinary Council	159b/17	Lobethal Recreation Ground - Transfer of Land	<p>That the Subject Land be transferred to the Lobethal Recreation Ground Sports Club Inc (LRGSCI) for the consideration of one (1) dollar subject to the following:</p> <p>Each party meeting their own costs and expenses for the transfer</p> <p>LRGSCI granting the Council a first right of refusal to repurchase the land for one (1) dollar should the Subject Land cease to be owned by the LRGSCI and/or used for community recreation purposes</p> <p>LRGSCI be responsible for the day to day maintenance and cleaning of the public toilets and public playground and associated infrastructure to the standard required by Council</p> <p>The LRGSCI, if requested, grant a long term lease to Council for the area identified in Appendix 7 for one (1) dollar per annum</p> <p>The LRGSCI granting the Council a long term licence over the site of the public toilets and public playground for the purposes of structural maintenance, audit and insurance.</p> <p>The Mayor and CEO be authorised to sign all necessary documents to effect the Transfer of the Subject Land.</p>	Terry Crackett	In Progress	10/03/2018	30/06/2018	<p>Draft contract and transfer documents have been provided to LRGSCI for review.</p> <p>LRGSCI have advised that they want to get planning approval for the boundary realignment before they complete the transfer transaction.</p> <p>LRGSCI lodged their DA in late December '17, awaiting assessment.</p>
8/08/2017	SPDPC	SP39/17	Update on Primary Production Lands DPA	<p>That as a result of the implementation of the new planning reforms and the introduction of the <i>Planning, Development & Infrastructure Act 2016</i>, Council supports staff working with DPTI to prepare the Rural Planning Policy element of the Planning & Design Code in a manner consistent with the issues and investigations outlined in the second Statement of Intent for the Primary Production Lands DPA</p> <p>That reports be prepared for future SPDPC meetings as milestones are reached and notable work is released for comment.</p>	Marc Salver	In Progress	19/03/2018	21/12/2018	A draft Collaborative Work Program with DPTI regarding the development of the Planning & Design Code has been prepared and will be executed shortly, and staff will provide further updates as this work progresses this year
8/08/2017	SPDPC	SP42/17	Public Liability Insurance for Community Owned & Managed Halls	That the costs of public liability insurance for community owned and managed halls be referred to the Chief Executive Officer for consideration with the preparation of the Community and Recreation Facilities Framework.	Terry Crackett	In Progress	10/03/2018	30/04/2018	<p>Council staff met with LGRS to discuss options for public liability insurance on 13 October. Association information provided to LGRS for assessment.</p> <p>Information to be included as part of the Community & Recreation Facility Framework workshop being presented to Council in April 2018</p>
26/09/2017	Ordinary Council	205/17	Rural Property Addressing	That, in consultation with the City of Tea Tree Gully and affected residents, the Chief Executive Officer provides a report by 27 March 2018 on the proposal submitted by residents, that Rural Property Addresses be provided to properties on Range Roads North and South, Upper Hermitage and Churchett Road Paracombe, being boundary roads between the City of Tea Tree Gully and the Adelaide Hills Council.	Peter Bice	Completed	13/02/2018		Report was endorsed at February Council meeting. Rural property Addressing to proceed as proposed.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
26/09/2017	Ordinary Council	207a/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	1. That Heritage Agreements be entered into between the Council and the Minister for Sustainability, Environment and Conservation pursuant to section 23(5) of the <i>Native Vegetation Act 1991</i> for the conservation, management and protection of native flora and fauna in relation to the following properties: Council owned land located at 9 Woorabinda Drive, Stirling (Woorabinda) described in Certificate of Title 5292 Folio 381 Council owned land located at 9 Ethel Street, Stirling (Stirling Park) described in Certificate of Title 5315 Folio 98 Council owned land located at 34 Madurta Avenue, Aldgate (Madurta Reserve) described in CT 5902 Folio 219	Peter Bice	In Progress	7/03/2018	30/06/2018	The Woorabinda Heritage Agreement applications are in draft, the process for application is now underway. Applications for the Woorabinda BR Heritage Agreements were completed on the 7th of December 2017. Currently in assessment with DEWNR.
26/09/2017	Ordinary Council	207b/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	That the Heritage Agreements retain the existing Dog Access Arrangements currently in place in each of those properties. That the Heritage Agreements be registered with the Lands Titles Office pursuant to section 23b of the Native Vegetation Act 1999.	Peter Bice	In Progress	7/03/2018	30/06/2018	Existing dog access arrangements within a Heritage Agreement will be requested during HA application. The implementation of legislation to sit with Health and Regulatory Services and Lands Title Office registration for AHC Property action. Applications for the Woorabinda BR Heritage Agreements were completed on the 7th of December 2017. Currently in assessment with DEWNR.
26/09/2017	Ordinary Council	207c/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	That the Community Land Management Plans for the above properties be reviewed and updated to reflect the provisions of the Heritage Agreements including community consultation (where necessary) as required under section 197 of the Local Government Act 1999. That the Chief Executive Officer be authorised to sign all necessary documentation to effect this resolution.	Peter Bice	In Progress	7/03/2018	30/06/2018	Community Land Management Plan review and update is in readiness. On receipt of Heritage Agreement notification over the Woorabinda Bushland Reserves, we will then initiate the CLMP review and the CEO to then authorise (sign) as required. Applications for the Woorabinda BR Heritage Agreements were completed on the 7th of December 2017. Currently in assessment with DEWNR.
26/09/2017	Ordinary Council	207d/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	That a separate report be brought back to Council in relation to a Heritage Agreement for the land under the care, control and management of Council located at 71 Longwood Road, Heathfield (Hender Reserve) in Crown Record 5753 Folio 715 following receipt of further advice from the Land Titles Office and Native Vegetation Branch of the Department of Environment, Water and Natural Resources regarding the dedicated purpose of the land and options for registration of the Heritage Agreement over Crown Land.	Peter Bice	In Progress	7/03/2018	27/03/2018	A separate Council report will be provided following clarification on the Heritage Application process in respect to the Crown Land status of Hender Reserve. Report has been provided to Council and the Heritage Agreement application was completed and sent to DEWNR, receipt date 08/02/18.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
26/09/2017	Ordinary Council	209/17	Road Realignment - Bonython Road Summertown	To purchase the area of land being 105m2 identified in red on the plan attached as Appendix 1 from Linda Marie Ferrari for the consideration of \$2,000 (excl. GST) plus all reasonable costs to vest as public road. That the Mayor and CEO be authorised to sign all necessary documentation to effect this resolution.	Terry Crackett	In Progress	10/03/2018	31/03/2018	Documentation signed by parties and is being processed through Lands Titles Office.
26/09/2017	Ordinary Council	226/17	Supporting the Arts Action Plan	That a report come back to Council with an Action Plan in Supporting the Arts by the Council meeting in March 2018.	David Waters	In Progress	10/02/2018	30/04/2018	Work is proceeding on the development of an Action Plan. Due to unplanned personal leave being taken by the Community Cultural Development Officer, this matter is now expected to come back to Council in April 2018.
26/09/2017	Ordinary Council	233c/17	CWMS Review Update	The CEO undertake an open market expression of interest process for the divestment of Council's CWMS assets and if relevant incorporating other councils Probity advice services are maintained throughout the open market expression of interest process	Marc Salver	In Progress	8/03/2018	21/09/2018	Probity services are to be maintained through open market expression of interest process.
26/09/2017	Ordinary Council	233d/17	CWMS Review Update	A further report be provided to Council outlining the outcome of the open market process undertaken.	Marc Salver	In Progress	8/03/2018	21/09/2018	Action to commence following completion of resolution 233c/17.
26/09/2017	Ordinary Council	234/17	CWMS Review Update - Period of Confidentiality	An order be made that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until 26 September 2018.	Marc Salver	In Progress	8/03/2018	26/09/2018	Report, related attachments and the minutes of Council held in confidence.
24/10/2017	Ordinary Council	242/17	Mobile Food Vending Businesses	That community and stakeholder engagement in relation to Council's location rules commence once the <i>Local Government (General) (Mobile Food Vendors) Variation Regulations 2017</i> are confirmed as final. The community and stakeholder engagement include: Seeking input from those residents and food businesses located near the preliminary locations proposed in the Mobile Food Vending Businesses report for the operation of Mobile Food Vending Businesses Seeking input and feedback from business associations and local markets and community events identified by the CEO to inform development of Council's location rules <i>Undertaking</i> community wide engagement to obtain input and feedback to inform development of Council's location rules	Marc Salver	Completed	19/03/2018	1/03/2018	Stage 1 community consultation completed. Preliminary Location Rules adopted by Council at its 27 February 2018 meeting. Stage 2 consultation to commence March / April 2018 to engage with key stakeholders to refine location rules adopted in February. A further report in this regard will be reported to council after the conclusion of the Stage 2 process.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
24/10/2017	Ordinary Council	242/17	Mobile Food Vending Businesses	<p>1. In the event that the draft <i>Local Government (General) (Mobile Food Vendors) Variation Regulations 2017</i> change substantially to a point determined by the CEO where the preliminary proposed locations outlined in this Mobile Food Vending Businesses report are no longer suitable for the operation of Mobile Food Vending Businesses, the CEO be delegated to identify alternative preliminary locations for the community engagement process proposed by the Mobile Food Vending Businesses report for the purposes of Council's location rules.</p> <p>2. Following completion of the community and stakeholder engagement, a further report be provided to Council outlining the results of the engagement undertaken and make recommendations in relation to adoption of location rules</p>	Marc Salver	Completed	19/03/2018	1/03/2018	Stage 1 community consultation completed. Preliminary Location Rules adopted by Council at its 27 February 2018 meeting. Stage 2 consultation to commence March / April 2018 to engage with key stakeholders to refine location rules adopted in February. A further report in this regard will be reported to council after the conclusion of the Stage 2 process.
24/10/2017	Ordinary Council	246/17	Road Closure and Disposal – Schapel Road, Lobethal	<p>To make a Road Process Order pursuant to the <i>Roads (Opening & Closing) Act 1991</i> to close and merge the land identified as "A" in Preliminary Plan No 16/0020 (<i>Appendix 3</i>) with Allotment 28 in Filed Plan No 155743 comprised in Certificate of Title Volume 5502 Folio 372 create an easement for transmission of electricity in favour of Distribution Lessor Corporation create a free and unrestricted right of way in favour of Allotment 13 being the land in CT Volume 5502 Folio 373 accept consideration in the amount of \$40,000 (excl. GST) as detailed in <i>Appendix 3</i> of this report. The issuing of the Road Process Order is subject to Boral Resources (SA) Ltd agreeing to enter into a Land Management Agreement with Council for the preservation of the native vegetation for the protection of native flora and fauna on the areas identified in the report attached as <i>Appendix 7</i> which is to be lodged with the Land Titles Office in conjunction with the Road Process Order. Boral Resources (SA) Ltd paying all fees and charges associated with the road closure process. The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i>. To authorise the Chief Executive Officer (or delegate) to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.</p>	Terry Crackett	In Progress	10/03/2018	30/04/2018	<p>Draft Land Management Agreement is being reviewed by Boral. Surveyor has been instructed to prepare final plan and road process order.</p> <p>Boral is investigating the option of a Heritage Agreement rather than a Land Management Agreement, if formally requested then a report will come to Council for consideration.</p>

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
24/10/2017	Ordinary Council	250/17	DEWNR Fuel Reduction on Private Lands Program	That DEWNR's Strategic Fuel Reduction program is approved for the Adelaide Hills Council region	Peter Bice	In Progress	9/01/2018	31/05/2018	Following Council's endorsement of DEWNR's Strategic Fuel Reduction program on the 24/10/2017, the ongoing program has commenced, with prescribed burns completed at Heathfield Stone Reserve on the 10/10/2017 and the Crafers West site on the 9/11/2017. Both burns were successful according to the DEWNR Fire Management Unit. Additional AHC sites intended for spring 2018 include Mylor Parklands, Yanagin Reserve and Heathfield Dump, but no dates have been confirmed. AHC Biodiversity Officers are organising bird surveys for these sites both pre and post burn.
24/10/2017	Ordinary Council	261/17	Sale of Land at Adelaide Hills Business and Tourism Centre - CONFIDENTIAL ITEM	As per confidential minute	Terry Crackett	In Progress	10/03/2018	30/06/2018	Progressing per confidential minutes
24/10/2017	Ordinary Council	262/17	Sale of Land at Adelaide Hills Business and Tourism Centre - Period of Confidentiality	Review confidential item for release -the subject matter be retained in confidence until the earlier of settlement of the property transactions or 12 months.	Terry Crackett	In Progress	10/03/2018	30/06/2018	
6/11/2017	Audit Committee	AC60/17	Internal Audit Actions Implementation - Period of Confidentiality	That the report, related attachments, the minutes of Committee and the discussion of the subject matter be retained in confidence until the Internal Audit Actions have been addressed.	Terry Crackett	In Progress	19/03/2018	31/05/2018	Retain in confidence until additional security measures are undertaken. Work is progressing with consultants to deliver and continues to progress with activities to close out recommendations from the assessment.
14/11/2017	Special Council	268/17	Review of Advisory Groups	To cease the Hills Voice Reference Panel Nominations for Australia Day awards to be assessed only by staff and a report for decision to come to Council Any grant applications currently considered by advisory groups will be assessed only by staff and a report for decision to come to Council To 'in principle' retain Council and Community/Independent Members on Advisory Groups That the Chief Executive Officer prepares a report for the Council's consideration at a future meeting regarding the appropriateness of the current governance arrangements for the Advisory Groups including, but not limited to, whether they would benefit from an alternate structure (such as a s41 Committee), a revised Terms of Reference in their current form, or to be ceased.	Terry Crackett	In Progress	16/03/2018	22/05/2018	Further consultation occurring with Council Members, ELT and AG EOs. Council report scheduled for 22 May 2018 Council meeting.
28/11/2017	Ordinary Council	275/17	Adelaide Hills (War Memorial) Swimming Centre Progress Report	That the CEO continue the consultation and engagement process with stakeholders, to further inform a broader master planning exercise at the Woodside Recreation Ground, including the Adelaide Hills (War Memorial) Swimming Pool That a further report to Council be provided once the Master Plan is completed.	Peter Bice	Completed	19/03/2018	30/06/2018	Following the November 2017 Council meeting, the Adelaide Hills (War Memorial) Swimming Centre site will be included in the overall Masterplan project for the Woodside Recreation Ground.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
28/11/2017	Ordinary Council	280/17	Draft Play Space Policy	That the draft Play Space Policy contained in Appendix 1 be endorsed for consultation for a period of nine weeks, commencing 30 November, 2017, with the inclusion of a definition of Crown Land and the concept of a local playspace be refined.	Peter Bice	In Progress	19/03/2018	2/02/2018	The consultation is now complete, with a final policy being presented to the March 2018 Council meeting for endorsement.
28/11/2017	Ordinary Council	281/17	LED Streetlight Review	That Council awaits on the outcomes from the LGASA process and for the outcomes of this report to inform a transition to LED street lighting A further report to Council to be provided following the completion of the LGASA process and subsequent review of the most appropriate model for Adelaide Hills Council to adopt	Peter Bice	In Progress	19/03/2018	30/06/2018	Council is awaiting the outcome of the LGASA process.
28/11/2017	Ordinary Council	282/17	Rededication of Crown Land - Hender Reserve	To apply to the Department of Environment, Water and Natural Resources to revoke the existing dedication of the land contained in Crown Record Volume 5753 Folio 715 described as Section 1527 Hundred of Noarlunga in the area named Heathfield known as Hender Reserve ("Land") for recreation purposes To apply to the Department of Environment, Water and Natural Resources to dedicate the Land for Recreation and Conservation Purposes – Heritage Agreement subject to the draft conditions that are attached as <i>Appendix 2</i> To authorise the CEO to finalise the conditions of dedication subject to them being substantially in accordance with the draft conditions attached as <i>Appendix 2</i> To authorise the CEO to sign all necessary documents to effect this resolution	Terry Crackett	In Progress	10/03/2018	30/06/2018	Application for rededication has been completed.
28/11/2017	Ordinary Council	284/17	Revocation of Community Land - Dunnfield Development Mt Torrens	A report be prepared and submitted to the Minister for Planning seeking approval to revoke the community land classification of Allotment 1 in Filed Plan No. 252674 contained in Certificate of Title Volume 6193 Folio 572 being a closed road ("Land").	Terry Crackett	In Progress	10/03/2018	30/04/2018	Application for revocation has been lodged with the Minister, awaiting response.
28/11/2017	Ordinary Council	285/17	Road Widening - Murray Road Inglewood	To purchase the area of land, being 124m2, identified in red on the plan attached as Appendix 1 ("Land") from Bruce William MacGillivray and Julie Meredith MacGillivray for the consideration of \$1,168.36 (excl. GST) plus all reasonable costs to vest the Land as public road That the Mayor and CEO be authorised to sign all necessary documentation to effect this resolution	Terry Crackett	In Progress	10/03/2018	30/06/2018	Final road widening plan drafted by surveyor. Documentation prepared and being circulated for signing by Conveyancer

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
12/12/2017	Ordinary Council	298/17	Road Closures and Mergers with Adelaide Hills Business and Tourism Centre Land at Lobethal	<p>To make Road Process Orders pursuant to the <i>Roads (Opening and Closing) Act 1991</i> to: in relation to Preliminary Plan No 17/44 (<i>Appendix 1</i>), close and merge the land identified as "A" with Allotment 202 in Deposited Plan No 65382 comprised in Certificate of Title Volume 5933 Folio 649, close and merge the land identified as "B" with Allotment 87 in Filed Plan No 4620 comprised in Certificate of Title Volume 5897 Folio 5199, and close and merge the land identified as "C" with Allotment 201 in Deposited plan No 60535 comprised in Certificate of Title Volume 5897 Folio 516 in relation to Preliminary Plan No 17/45 (<i>Appendix 2</i>), close and merge the land identified as "E" with Allotment 62 in Deposited Plan No 74988 comprised in Certificate of Title Volume 6004 Folio 394 in relation to Preliminary Plan No 17/45, create an easement for sewer purposes in favour of SA Water for a distance of approximately one metre across the narrowest portion of "E".</p> <p>The closed roads be excluded as Community Land pursuant to section 193(4a) of the Local Government Act 1999.</p> <p>To authorise the Chief Executive Officer (or delegate) to finalise and sign all necessary documentation to close the above portions of closed road pursuant to this resolution.</p>	Terry Crackett	In Progress	10/03/2018	30/04/2018	Road closure documentation signed and lodged with Surveyor-General for processing
12/12/2017	Ordinary Council	299/17	Draft Waste & Resource Recovery Service Policy	<p>As resolved by Council in December 2017, community consultation was undertaken in February 2018. A follow up report will now be considered by Council for adoption of a final Waste and Resource Recovery Service Policy on 27 March 2018.</p>	Marc Salver	In Progress	8/03/2018	31/03/2018	Consultation completed and follow up report to be tabled at March 2018 Council seeking adoption of final Waste and Resource Recovery Policy.
12/12/2017	Ordinary Council	301b/17	12.4. Determination of Time and Place of Council Meetings, Workshop Sessions, Professional Development Sessions and Community Forums in 2018	<p>That regarding Community Forums:</p> <p>Community Forums to be held in 2018 in accordance with the following indicative schedule: Tuesday, 13 March 2018 – Kersbrook Tuesday, 8 May 2018 – Bradbury/Longwood Tuesday, 14 August 2018 - Montacute</p> <p>The Chief Executive Officer be delegated to make changes to the Community Forum schedule and locations.</p>	David Waters	In Progress	10/02/2018	31/08/2018	<p>Bookings have been made for venues at each of the nominated locations for the following dates:</p> <p>Kersbrook - Wed 21 March.</p> <p>Bradbury/Longwood - Tue 1 May.</p> <p>Montacute (TBC August).</p>

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
12/12/2017	Ordinary Council	302/17	Code of Conduct Complaint	<p>To note that having investigated the alleged breach of the Council Member Conduct Policy (incorporating the Code of Conduct for Council Members), the Local Government Governance Panel finds that Cr Malcolm Herrmann has breached clauses 2.6, 2.7, and 2.8 of the Code of Conduct for Council Members and clause AH8 of the Council Member Conduct Policy.</p> <p>To censure Cr Malcolm Herrmann for breaching clauses 2.6, 2.7, and 2.8 of the Code of Conduct for Council Members and clause AH8 of the Council Member Conduct Policy.</p> <p>To request that Cr Malcolm Herrmann make a written and public apology for breaching clauses 2.6, 2.7 and 2.8 of the Code of Conduct for Council Members and clause AH8 of the Council Member Conduct Policy.</p> <p>To submit the suspected breaches of Part 3 of the Code of Conduct for Council Members to the Ombudsman for investigation under Section 263 of the Local Government Act 1999</p>	Terry Crackett	In Progress	16/03/2018	27/03/2018	<p>A letter advising of the Council's resolutions has been sent to Cr Herrmann. Apology still to be delivered.</p> <p>The suspected breaches of Part 3 of the Code have been referred to the Ombudsman. As at the date of update, no further advice had been received from the Ombudsman.</p>
23/01/2018	Ordinary Council	2/18	Petition - Pedestrian Crossing Milan Terrace Stirling	<p>Council resolves that the petition with 60 signatories requesting a pedestrian crossing on Milan Terrace Stirling adjacent to the Stirling Hospital, be received and noted.</p>	Andrew Aitken	Completed	14/03/2018		Letter sent to Petitioners giving details of receipt of Petition and Motion without Notice.
23/01/2018	Ordinary Council	3/18	Capital Program Review & Amendments	<p>That the Amended Capital Works Program contained in Appendix 1 be endorsed and deferred projects given priority consideration in development of the 2018-19 Capital Works Program, with the exception that the Basket Range Tennis Courts \$60,000 (line 152) and Balhannah Dog Park \$14,000 (line 151) and the Mt Torrens Township Reserve Scoping Works \$40,000 (line 30) not to be removed from the Amended Capital Works program</p> <p>Adopt the revised Capital Works program totalling \$18,501,126 for 2017/18, a reduction of \$3,736,588, as outlined in Appendix 1.</p>	Peter Bice	In Progress	19/03/2018	30/06/2018	Council staff are working through the amended Capital Program and the Capital Works Program for 2018/19 being developed.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
23/01/2018	Ordinary Council	4/18	Road Exchange - Mt Torrens Walking Loop	<p>To issue a Road Process Order pursuant to the <i>Roads (Opening & Closing) Act 1991</i> to close and merge the land identified as "A" in Preliminary Plan No 17/0041 (<i>Appendix 1</i>) with Allotment comprising pieces 81 & 82 in Filed Plan No. 218134 comprised in Certificate of Title Volume 6025 Folio 732 owned by Brian Bruce Willison</p> <p>Open the land identified as "1" in Preliminary Plan No 17/0041 as public road being portion of Allotment comprising pieces 81 & 82 in Filed Plan No. 218134 comprised in Certificate of Title Volume 6025 Folio 732 owned by Brian Bruce Willison</p> <p>The closed road be excluded as Community Land pursuant to the Local Government Act 1999</p> <p>To undertake the road exchange for nil consideration with the Council to pay all necessary costs to effect this resolution</p> <p>To authorise the Chief executive Officer (or delegate) to finalise and sign all necessary documentation to effect the road exchange and this resolution</p>	Terry Crackett	In Progress	10/03/2018	31/10/2018	<p>Mr Willison passed away in late January prior to documents being signed.</p> <p>The road exchange process will be held pending issue of Grant of Probate of Mr Willison's estate.</p>
23/01/2018	Ordinary Council	9/18	Frick Street Lobethal 40kph Zone	<p>That Council endorses the introduction of a 40km/h speed limit on Frick Street for all vehicles for the duration of the interim operations.</p> <p>That the CEO write to DPTI seeking the introduction of a 40km/h speed limit on Frick Street for all vehicles for the duration of the interim operations.</p>	Peter Bice	Completed	19/03/2018		CEO has written to DPTI seeking the introduction of a 40km/h speed limit on Frick Street for all vehicles for the duration of the interim operations.
23/01/2018	Ordinary Council	15/18	MWN - Pedestrian Crossing Milan Tce Stirling	<p>That Council resolves that an assessment be undertaken and a report back to the March 2018 Council meeting on the feasibility of installing a zebra crossing on Milan Terrace Stirling, adjacent to the Stirling Hospital and reducing the speed limit in this precinct.</p>	Peter Bice	In Progress	19/03/2018	27/03/2018	A report is being provided to 27 March Council meeting. Traffic consultant was engaged, and traffic surveying undertaken to identify options for pedestrian crossing.
23/01/2018	Ordinary Council	16/18	Balhannah Railway Station - Results of Assessment	<p>That the CEO provide a report to the March Council meeting outlining the results of the assessment made on the disused Balhannah railway station including, but not limited to, building restoration works, size of the land parcel, location, estimated cost to restore the building, likely community benefit and State Heritage Listing status and implications.</p>	Terry Crackett	In Progress	10/03/2018	27/03/2018	Report required for 27 March 2018 Council meeting.
20/02/2018	Audit Committee	AC18/3	Community Loans Policy	<p>That the Community Loans Policy as provided at Appendix 1 be endorsed for consideration by Council, with the addition of criteria regarding registration with the Australian Charities and Not-for-profit Commission (ACNC) and compliance with all governance requirements</p>	Terry Crackett	Completed	16/03/2018	27/02/2018	Community Loan Policy updated for Audit Committee comments and endorsed for community consultation by Council on 27 February 2018

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
20/02/2018	Audit Committee	AC18/4	Long Term Financial Plan Review	Recommends Council endorse the Long Term Financial Plan, with addition of commentary for key matters not included, as contained in Appendix 1 for community consultation in accordance with Section 122 of the Local Government Act 1999	Terry Crackett	Completed	16/03/2018	27/02/2018	LTFP updated for commentary for key matters raised by Audit Committee and presented to Council for endorsement at 27 February 2018 Council Meeting. The draft LTFP is currently out for consultation and will be subsequently considered by Council during April 2018.
20/02/2018	Audit Committee	AC18/4(2)	Appointment of External Auditor	To recommend to Council the appointment of Galpins Accountants, Auditors and Business Consultants for the provision of external audit services for a period of three (3) years commencing with the audit for the financial year ending 30 June 2018, with an option of a further period of up to two (2) years, with an indicative cost for the initial three (3) years of \$64,000.	Terry Crackett	Completed	16/03/2018	27/02/2018	Recommendation considered and approved by Council at its 27 February 2018 meeting.
20/02/2018	Audit Committee	AC18/4(3)	Appointment of External Auditor	To recommend to Council that the proposed fee structure for Galpins Accountants, Auditors and Business Consultants is appropriate to enable an adequate audit to be conducted	Terry Crackett	Completed	16/03/2018	27/02/2018	Recommendation considered and approved by Council at its 27 February 2018 meeting.
20/02/2018	Audit Committee	AC18/4(4)	Appointment of External Auditor	To recommend to Council that the Chief Executive Officer be delegated to conduct the final negotiations with regard to the composition and pricing of the external audit contract and to execute all required documentation to give effect to Council's appointment of the external auditor	Terry Crackett	Completed	16/03/2018	27/02/2018	Recommendation considered and approved by Council at its 27 February 2018 meeting.
20/02/2018	Audit Committee	AC18/15	7.1. Internal Audit Actions Implementation - Release of Confidentiality Order	That the report, related attachments and the minutes of the Committee and the discussion and considerations of the subject matter be retained in confidence until the Internal Audit actions have been addressed	Terry Crackett	In Progress	16/03/2018	30/06/2018	Discussions with the Manager ICT have identified that implementation of actions is progressing steadily and should be completed in the coming months. At which time the confidentiality order can be considered for release.
20/02/2018	Audit Committee	AC18/4(4)	Appointment of External Auditor - Release of Confidentiality Order	That the report and related attachments of the Committee and the discussion and considerations of the subject matter be retained in confidence until the completion of the contract	Terry Crackett	In Progress	16/03/2018	30/03/2021	Given the commercial in confidence information, the release of the confidentiality order is unlikely to occur for 3-5 years depending on whether the option under the contract is exercised. Nevertheless the cost of Statutory Audit services is reported in the Annual Report.
27/02/2018	Ordinary Council	27/18	Petition Greenhill Tennis Court	Council resolves that the petition signed by 146 signatories, requesting an upgrade to the Greenhill Tennis Court, be received and noted.	Andrew Aitken	Completed	14/03/2018		Letter sent to head petitioner advising of Council's resolution, attaching copy of report to Council.
27/02/2018	Ordinary Council	28/18	Petition - Reduction of Speed Limit, Jungfer Road Charleston	Council resolves that the petition signed by 16 signatories, requesting a reduction of the speed limit on Jungfer Road Charleston to a maximum of 60kph, be received and noted.	Andrew Aitken	Completed	14/03/2018		Letter sent to Head Petitioner advising of Council resolution plus Motion without Notice.
27/02/2018	Ordinary Council	29/18	MON Traffic Safety Measures Checker Hill Road Kersbrook	That the CEO writes to Department Planning Transport & Infrastructure (DPTI) requesting a review of safety at the intersection of Checker Hill and Little Para Roads, Kersbrook, such a review to include the feasibility of providing dedicated right and left hand turning lanes into Checker Hill Road.	Peter Bice	Completed	22/03/2018		A letter has been sent to the Department Planning Transport & Infrastructure (DPTI) requesting a review of safety at the intersection of Checker Hill and Little Para Roads, Kersbrook, such a review to include the feasibility of providing dedicated right and left hand turning lanes into Checker Hill Road.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
27/02/2018	Ordinary Council	30/18	Master Plan Woodside Recreation Ground	That the master planning exercise for the Woodside Recreation Ground, as resolved by Council at its 28 November 2017 meeting (275/17), be expanded to include the adjoining recreation and car parking precinct between Tiers Road and Langbein Avenue, Woodside.	Peter Bice	In Progress	19/03/2018	18/02/2019	
27/02/2018	Ordinary Council	31/18	Arts & Heritage Hub	That the report be received and noted. That the Business Development Framework for the establishment of an Arts and Heritage Hub in the Old Woollen Mill at Lobethal, contained in Appendix 1, be noted. That the Administration proceeds with the establishment of an Arts and Heritage Hub using the Business Development Framework as a guide. That the development of a Hub Evaluation Framework, as envisaged in the Business Development Framework, occur as early as possible and include key performance and results targets, and mechanisms for review of the implementation by Council to ensure alignment with budget allocations and strategic objectives. That \$50,000 be allocated to the 2017-18 Operating Budget from the Chief Executive Officer's contingency provision to enable the initial actions to be taken. The CEO provides a progress report on the implementation of the Business Development Framework within 6 months from the date of appointment of the Director.	David Waters	Not Started	28/02/2018		
27/02/2018	Ordinary Council	32/18	AHBTC Plan of Division & Divestment	<ol style="list-style-type: none"> 1. That the report be received and noted 2. That the plan of division for the Southern Site, as shown in Appendix 1, be approved. 3. That the Chief Executive Officer be authorised to execute all documents necessary for the division of the land and the subsequent sale of the new allotments created in the land division of the Southern Site. 	Terry Crackett	In Progress	10/03/2018	30/06/2018	Documents being prepared for execution.
27/02/2018	Ordinary Council	33/18	DA Fee Waiver Request Johnston Memorial Park Committee	That the report be received and noted That a maximum of \$515.75 in development fees be authorised to be waived for the Johnston Memorial Park Committee Inc. for Development Application 473/18/18 in accordance with Council's Development Application Fee Waiver Policy.	Marc Salver	Completed	19/03/2018		Completed. Applicant advised of Council's decision.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
27/02/2018	Ordinary Council	34/18	Mobile Food Vending Businesses	<ol style="list-style-type: none"> 1. That the report be received and noted. 2. Council adopt the Mobile Food Vending Business Location Rules contained in Appendix 2 of this report with an effective date of 1 March 2018. 3. The Fees and Charges Register be updated to include the following Mobile Food Vending Business permit fees: <ol style="list-style-type: none"> a) Monthly Fee \$100 b) Annual Fee \$1,000 4. That further consultation as outlined in this report be undertaken with key stakeholders and the community on Council's adopted Mobile Food Vending Business Location Rules. 5. That the Chief Executive Officer be authorised to make any formatting or non-significant grammatical and/or content changes to the Mobile Food Vending Business Location Rules for publication purposes during the period of its currency. 6. A further report be provided to Council outlining the outcome of the further consultation undertaken and subject to the consultation outcome, present refined Mobile Food Vending Business Location Rules for adoption. 	Marc Salver	In Progress	8/03/2018		<p>Fees and Charges Register has been updated pursuant with resolution 3.</p> <p>Planning has commenced to undertake further consultation required by resolution 4.</p>
27/02/2018	Ordinary Council	35/18	Budget Review 2	<ol style="list-style-type: none"> 1. Receive and note the report. 2. Adopt the Operating Budget variations presented in Budget Review 2, which have no impact on the overall budget and continue to provide for an adjusted Operating Surplus for the 2017-18 financial year of \$1.986m. 3. Adopt the proposed Capital Program amendments that reduce net capital expenditure by \$1.536m and together with the amendments adopted by Council at its meeting on 23 January 2018 result in a revised Capital Works Program totalling \$16.703m. 4. Adopt a reduced Net Borrowings amount of \$4.030m for 2017-18 as a result of operating budget and capital program amendments. 	Terry Crackett	Completed	16/03/2018	2/03/2018	Council's 2017-18 Operating & Capital Budget has been updated for Budget Review 2 in accordance with Council resolution.
27/02/2018	Ordinary Council	36/18	Long Term Financial Plan 2018 Update	<p>Receives and notes the report.</p> <p>Endorse the Draft Long Term Financial Plan, as contained in Appendix 1 for community consultation in accordance with <i>Section 122 of the Local Government Act 1999</i>.</p>	Terry Crackett	Completed	16/03/2018	16/03/2018	Endorsed 2018-19 Long Term Financial Plan currently out for Community Consultation in accordance with Council Resolution
27/02/2018	Ordinary Council	37/18	CWMS Easement, Gale Street, Woodside	<ol style="list-style-type: none"> 1. That the report be received and noted 2. That resolution 2a of 10/2017 be rescinded 3. No further action be taken to secure the registration of an easement for sewerage purposes over 2 Gale Street Woodside. 	Terry Crackett	Completed	10/03/2018	27/02/2018	No further action required.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
27/02/2018	Ordinary Council	38/18	Sale of Closed Road, Kenton Valley	<ol style="list-style-type: none"> 1. That the report be received and noted 2. To sell the land comprised in Certificate of Title Volume 6191 Folio 686 known as Closed Road A in Road Plan No. 1793 and identified on the plan attached as Appendix 1 (Land) for the amount of \$9,640 (exclusive of GST) to the adjoining land owner Iain Ross Hunt and Valerie Ann Hunt 3. To delegate to the Chief Executive Officer to sign all documentation necessary to effect the sale of the Land. 	Terry Crackett	In Progress	10/03/2018	30/04/2018	Final contract received for signing by CEO
27/02/2018	Ordinary Council	39/18	Community Loans Policy	<ol style="list-style-type: none"> 1. The report be received and noted 2. The Community Loans Policy as provided at Appendix 1 be endorsed for community consultation. 3. A loan of \$15,000 be provided to Mt Torrens Centenary Park Incorporated for the completion of drainage works subject to the finalisation of a loan agreement with Council that is executed under Council's seal. <p>That the Mayor and Chief Executive Officer be authorised to execute all documents necessary, including applying the Council Seal (as required), for the establishment of a loan agreement with Mt Torrens Centenary Park Incorporated.</p>	Terry Crackett	In Progress	16/03/2018	30/04/2018	<p>Community Loan Policy currently out for Community Consultation in accordance with Council Resolution.</p> <p>Council currently liaising with LGFA and Mount Torrens Centenary Park Incorporated in relation to execution of loan agreements for borrowing in accordance with Council resolution.</p>
27/02/2018	Ordinary Council	39/18a	Community Loans Policy	<ol style="list-style-type: none"> 1. The report be received and noted 2. The Community Loans Policy as provided at Appendix 1 be endorsed for community consultation. 	Terry Crackett	In Progress	19/03/2018	24/04/2018	Community Loan Policy is open for public consultation from 7 - 30 March. It will then be amended (as necessary) and brought back to Council for approval
27/02/2018	Ordinary Council	40/18	CM Allowances & Benefits Policy	That the report be received and noted With an effective date of 13 March 2018, to revoke the 9 December 2014 Council Member Allowances and Benefits Policy and to adopt the Council Member Allowances and Benefits Policy, as contained in Appendix 1.	Terry Crackett	Completed	19/03/2018	13/03/2018	The Allowances & Benefits Policy has been published on the website and communicated to all Council Members.
27/02/2018	Ordinary Council	41/18	LG Election Timetable	That the report be received and noted.Council adopts the indicative 2018 Local Government Election Schedule as contained in the report.	Terry Crackett	Completed	16/03/2018	27/02/2018	The scheduling of election-related actions is continuing and will be implemented as they fall due.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
27/02/2018	Ordinary Council	42/18	Rural Property Addressing Consultation Outcomes	That the report be received and noted. That in keeping with the City of Tea Tree Gully Council resolution dated 13 February 2018, and having considered the Adelaide Hills Council report entitled "Rural Property Addressing – Range Road North, Range Road South and Churchett Road Outcomes Report" and dated 27 February 2018, which includes the feedback from the residents, Council resolves to implement the rural property addressing system to the Adelaide Hills Council residents to ensure that the numbering is consistent and the correct numbers are displayed to assist emergency services, service providers and the general public locating properties.	Peter Bice	In Progress	21/03/2018	30/06/2018	Process now underway for transitioning affected residents to Rural property Addressing in collaboration with City of Tea Tree Gully.
27/02/2018	Ordinary Council	43/18	Reappointment of Independent Chairperson of GRFMA	That the report be received and noted. That Council endorses the recommendation of the Gawler River Floodplain Management Authority Board to reappoint Mr Ian Baldwin to the position of Chairperson of the GRFMA for a period of two years with effect from 15 February 2018.	Marc Salver	Completed	19/03/2018		Completed. GRFMA advised of Council's decision.
27/02/2018	Ordinary Council	48/18	Investigation of Speed Limit Jungfer Road Charleston	That the CEO investigate the request for a reduction of the speed limit to a maximum of 60kph on Jungfer Road Charleston and, should the investigation justify a change, make the appropriate submissions to the Department Planning Transport & Infrastructure.	Peter Bice	In Progress	21/03/2018	30/09/2018	Investigations are now underway.
27/02/2018	Ordinary Council	49/18	Naming of Council Owned Premises in Lobethal - AHBTC	That the CEO, after consultation with interested parties, provide a report to Council on a recommended name for the Council owned premises at the AHBTC, Lobethal, by 31 October 2018.	David Waters	Not Started	28/02/2018		
27/02/2018	Ordinary Council	54/18	Confidential Item - Retirement Village Review	As per confidential Minute	Terry Crackett	In Progress	10/03/2018	31/12/2018	Per confidential resolution
27/02/2018	Ordinary Council	55/18	Retirement Village Review - Period of Confidentiality	that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the sale has been finalised, but not longer than 12 months. Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.	Terry Crackett	In Progress	10/03/2018	31/12/2018	
27/02/2018	Ordinary Council	57/18	Confidential Item - AH Swimming Centre Shade Sail	As per confidential minute	Terry Crackett	In Progress	20/03/2018		Matter being progressed. Further updates to be provided.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Comments
27/02/2018	Ordinary Council	58/18	AH Swimming Centre Shade Sail - Period of Confidentiality	that an order be made under the provisions of sections 91(7) and (9) of the <i>Local Government Act 1999</i> that the report and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the matter is determined but not longer than 12 months. Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.	Terry Crackett	Not Started	20/03/2018		
27/02/2018	Ordinary Council	60/18	Confidential Item - Appointment of External Auditor	1. That the report be received and noted 2. To appoint Galpins Accountants, Auditors and Business Consultants for the provision of external audit services for a period of three (3) years commencing with the audit for the financial year ending 30 June 2018, with an option of a further period of up to two (2) years, with an indicative cost for the initial three (3) years of \$64,000. 3. To delegate to the Chief Executive Officer to conduct the final negotiations with regard to the composition and pricing of the external audit contract and to execute all required documentation to give effect to Council's appointment of the external auditor.	Terry Crackett	In Progress	16/03/2018	30/03/2018	Negotiations are progressing well and are expected to be concluded and the contract executed by 30 March 2018.
27/02/2018	Ordinary Council	61/18	Appointment of External Auditor - Period of Confidentiality	that an order be made under the provisions of sections 91(7) and (9) of the <i>Local Government Act 1999</i> that the report of the Council and the discussion and considerations of the subject matter be retained in confidence until the completion of the contract. Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.	Terry Crackett	Completed	19/03/2018	30/03/2021	Minute released. Given the commercial in confidence information, the release of the confidentiality order is unlikely to occur for 3-5 years depending on whether the option under the contract is exercised. Nevertheless the cost of Statutory Audit services is reported in the Annual Report.
13/03/2018	Special Council	62/18	Kaurna Native Title Claim Settlement	That the report be received and noted. To withdraw as a respondent to the Kaurna Native Title Claim as it does not support the State's anthropological position due to Peramangk traditional interests in the area. That if it is not permitted to withdraw, that Council instructs Norman Waterhouse Lawyers to execute the determination document on the basis that it is purely procedural and is not an endorsement of the State's anthropological position.	David Waters	Not Started	16/03/2018		

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 March 2018
AGENDA BUSINESS ITEM**

Item: 13.1

Originating Officer: Renae Eden, Biodiversity Officer

Responsible Director: Peter Bice, Director Engineering & Assets

Subject: Biodiversity Strategy - Status Report

For: Information

SUMMARY

The purpose of this Report is to provide details of progress toward achieving the objectives, strategies and actions of the *Biodiversity Strategy 2013 - 2018*.

Our district boasts a wide range of habitats, including our iconic Stringybark forests, Red Gums and sedges of our waterways and the specialist vegetation of our wetland systems. The native flora and fauna of our region contributes to the character of the Adelaide Hills. Many of the ecosystems and the services they provide are essential to our productivity, economy, health and sense of wellbeing.

The area contains a significant proportion of the state's remaining native vegetation. Our plants and wildlife face a number of challenges. These ecosystems are vulnerable to a number of threats including weed invasion, habitat fragmentation, risk of fire, and climate change.

The Biodiversity Strategy was Councils' response to these threats and detailed activities the Council would undertake to both conserve and improve local biodiversity on Council managed land. Activities included weed management, habitat conservation and expansion, improving knowledge about how we can best manage our local biodiversity and supporting the community in their activities to protect and support biodiversity.

Local community conservation groups, Council staff, Council Members, industry professionals, government and non-government agencies were engaged to consultatively develop the Strategy. Through engaging with these groups, the consultation process developed a set of meaningful and coordinated actions based on local knowledge and capacity, the outcomes of which are being monitored both qualitatively and quantitatively.

RECOMMENDATION

Council resolves that the report be received and noted.

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Adelaide Hills Council Strategic Plan 2016 - 2020

Goal 2	Activities and opportunities to connect
Strategy	2.5 We will support opportunities for learning in our community to increase the confidence, wellbeing and health of our citizens.
Goal 3	Places for people and nature
Strategy	3.3 We will complete the road reserves and reserve assessments (blue marker project), leading the nation in conservation and biodiversity management practices.
Goal 4	Explore ideas and work with others
Strategy	4.6 We will actively pursue opportunities to share resources and partner with others for better community outcomes.

Adelaide Hills Council Biodiversity Strategy 2013

Goals, strategies and actions

➤ Legal Implications

The *Local Government Act 1999* provides the legislative framework under which Council's Biodiversity Strategy initiatives are implemented. The following are excerpts from relevant sections of the Act:

Section 6 - Principal role of a council

Section 7 - Functions of a council

Section 8 - Principles to be observed by a council

The following Acts and By Laws also provide guidance in our Biodiversity initiatives:

Native Vegetation Act 1991

National Parks and Wildlife Act 1972

By – Law No 3 – Local Government Land

Natural Resources Management Act 2004

Environment Protection and Biodiversity Conservation Act (1999)

An expanded outline of relevant legislation is detailed in **Appendix 1**.

➤ Risk Management Implications

The effective implementation of the Biodiversity Strategy will assist in mitigating the risk of:

Actions arising from Council resolutions may not be completed in a transparent and efficient manner, resulting in biodiversity loss and not achieving corporate objectives

Inherent Risk	Residual Risk	Target Risk
Extreme (4A)	Low (2D)	Low (2D)

➤ **Financial and Resource Implications**

Actions arising from the Biodiversity Strategy are planned and budgeted each year as part of the normal budget setting processes. Finances and resources to implement the Biodiversity Strategy are sourced from general rate revenue, State & Federal Government funding, and contributions from other agencies and organisations.

➤ **Customer Service and Community/Cultural Implications**

By developing the Strategy, the Council demonstrated a commitment to biodiversity conservation, the conservation community and the need to collaboratively develop a set of meaningful actions to reduce and strive to reverse biodiversity degradation within the district.

➤ **Environmental Implications**

Although much has been undertaken to reduce further ecosystem degradation, biodiversity loss will continue unless we act to address the decline now. If the necessary actions are undertaken by government, landholders, community and industry leaders, the decline in South Australia's biodiversity can be reversed.

Timely and strategic conservation and management of biodiversity will help to maintain ecosystem services, which will in turn deliver immediate and long-term benefits to South Australia and all its inhabitants, including the native wildlife, vegetation and primary production landscape around us.

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Council Committees: *Nil*

Advisory Groups: *Nil*

Administration:

*Director Engineering and Assets
Manager Open Space
Biodiversity Officer*

Community: *Nil*

2. **BACKGROUND**

At its SPDPC meeting of 23 July 2013 Council resolved:

12.2 **AHC Biodiversity Strategy**

Moved Cr Kate Hosking S/- Cr John Kemp	Carried Unanimously 36
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That:

1. **The Committee approves the Draft AHC Biodiversity Strategy for release for public comment until 21 August 2013**
2. **A report outlining the public comments received and seeking endorsement of a final plan be presented not later than 30 September 2013.**

At its Council meeting of 10 September 2013 Council resolved:

13.6 AHC Biodiversity Strategy
05.20.11 Renae Eden

Moved Cr John Kemp S/- Cr Lynton Vonow	Carried Unanimously 166
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That Council adopts the Biodiversity Strategy and notes that:

1. this is the first step to a wider strategy incorporating the mapping and recognition of non-Council owned land of biodiversity significance to ensure the most effective environmental management of our entire district.
2. this Strategy will enhance its relationship with private land owners engaged in conservation work on their own properties and to encourage new projects on private land.
3. when the Biodiversity Strategy is reviewed in 12 months that any changes in government policy or directions with relevant agencies will be taken into consideration.

3. ANALYSIS

The Biodiversity Strategy consists of nine themes. This analysis lists themes in general order of operational focus/priority, describes some of the key achievements over the past 5 years, details some key challenges and the key focus going forward.

The nine themes detailed in the Strategy were; Habitat Quality, Roadsides and Road Reserves, Bushfire Management, Build community capacity, Sustainable Land Management Practices, Partnerships, Connectivity and Linkages, Resources & Funding and Land Use Planning.

Some of the key achievements delivered under the Strategy over the past 5 years include;

- Council Native Vegetation Marker System (NVMS) Monitoring and Management Program developed, implemented and ongoing, with overarching Agreement and collaborative work plan developed and reviewed annually with Natural Resources Adelaide Mount Lofty Ranges (NRAMLRL). The Biodiversity Team has just been shortlisted as finalists in the LG Professionals Leadership Excellence Awards for this program as a benchmark for best practice. 270 of 470 numbered NVMS sites have mapped and assessed, but approximately 200 unnumbered sites have not been assessed.
- Council Reserve Monitoring and Management Program developed, implemented and ongoing, with sites of highest biodiversity value prioritised for active planning, management and monitoring. Monitoring shows general trend of improvement in condition across all sites where active, prioritised management has been occurring.
- Kersbrook Stone Reserve re-dedicated as a Conservation Reserve and entered into a Heritage A. Five Heritage Agreement applications for Kersbrook Conservation Reserves and Woorabinda Bushland Reserves.
- Woody weed control program developed, implemented and ongoing in areas of high biodiversity value, dramatically improving condition and reducing fuel load of targeted sites.
- AHC were involved with 4 rounds/years of Green Army projects.
- Continuation and expansion of the BFL program.
- Regular National Tree Day events at Oakbank Community Playground, Balhannah Oval, Protea Park.

- Sensitive site register developed to trigger consultation with Biodiversity Team prior to works undertaken on sites of high biodiversity or conservation volunteer value. The register is in both GIS and hard copy for field staff to access in the field.
- Co-funding from DEWNR water projects team for both Protea Park and Michael Moran watercourses.
- Applied for and won Several Heritage Agreement Grants while they were still available.

An expanded outline of key achievements arranged thematically is detailed in **Appendix 2**.

A full copy of the Biodiversity Strategy detailing theme context and full action table included in **Appendix 3**

Some of the challenges we've had to overcome have been multiple changes in staff, strategies and budget –at both Local and State Government. Some of the key factors we found most important in overcoming these challenges were;

- Good record keeping
 - following up face to face meetings and phone calls with emails
 - developing tools to help track our progress and budget spend against the Strategy
- A strong, productive working relationship with NRAMLR with regular face to face and verbal contact
- Having a strategy in the first place, to help keep us focussed
- Proactive participation in Council Corporate activities, such as focus groups and Sustainability Committee

Looking forward, the Strategy is due for renewal in 2019, so internal meetings have just commenced in order to conceptualise what the strategy and consultation process might look like. The new strategy will probably be more like the AHC Strategic Plan with an accompanying Implementation Plan which would contain more detail. It is envisaged that the operational program that has been established wouldn't change significantly, but that new initiatives and projects might be included building on the datasets that have been developed over the past 5 years.

4. OPTIONS

Council has the following option:

- I. Receive the report (Recommended)

5. APPENDICES

1. Legal Implications
2. Expanded key achievements arranged thematically
3. Biodiversity Strategy

Appendix 1

Biodiversity Strategy Status Update – Legal Implications

Legal Implications

The *Local Government Act 1999* provides the legislative framework under which Council's Biodiversity Strategy initiatives are implemented.

The following are excerpts from relevant sections of the Act:

Section 6 - Principal role of a council

- (a) to act as a representative, informed and responsible decision-maker in the interests of its community; and*
- (b) to provide and co-ordinate various public services and facilities and to develop its community and resources in a socially just and ecologically sustainable manner; and*
- (c) to encourage and develop initiatives within its community for improving the quality of life of the community; and*
- (d) to represent the interests of its community to the wider community*

Section 7 - Functions of a council

- (b) to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area (including general public services or facilities (including electricity, gas and water services, and waste collection, control or disposal services or facilities), health, welfare or community services or facilities, and cultural or recreational services or facilities);*
- (c) to provide for the welfare, well-being and interests of individuals and groups within its community;*
- (e) to manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity;*
- (h) to establish or support organisations or programs that benefit people in its area or local government generally;*
- (i) to manage and, if appropriate, develop, public areas vested in, or occupied by, the council;*

Section 8 - Principles to be observed by a council

- (b) be responsive to the needs, interests and aspirations of individuals and groups within its community;*
- (c) participate with other councils, and with State and national governments, in setting public policy and achieving regional, State and national objectives;*
- (d) give due weight, in all its plans, policies and activities, to regional, State and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community;*
- (e) seek to co-ordinate with State and national government in the planning and delivery of services in which those governments have an interest;*
- (f) seek to facilitate sustainable development and the protection of the environment and to ensure a proper balance within its community between economic, social, environmental and cultural considerations;*
- (h) seek to ensure that council resources are used fairly, effectively and efficiently;*

Native Vegetation Act 1991

6—Objects

The objects of this Act include—

- (a) the conservation, protection and enhancement of the native vegetation of the State and, in particular, remnant native vegetation, in order to prevent further—*
 - (i) reduction of biological diversity and degradation of the land and its soil;*
- and*

- (ii) loss of quantity and quality of native vegetation in the State; and*
- (iii) loss of critical habitat; and*
- (c) the limitation of the clearance of native vegetation to clearance in particular circumstances including circumstances in which the clearance will facilitate the management of other native vegetation or will facilitate the sustainable use of land for primary production; and*
- (d) the encouragement of research into the preservation, enhancement and management of native vegetation; and*
- (e) the encouragement of the re-establishment of native vegetation in those parts of the State where native vegetation has been cleared or degraded.*

National Parks and Wildlife Act 1972

An Act to provide for the establishment and management of reserves for public benefit and enjoyment; to provide for the conservation of wildlife in a natural environment; and for other purposes.

Part 4 - Conservation of native plants.

47 – Unlawful taking of native plants.

(1) Subject to this part, a person must not take a native plant –

- (a) on any reserve, wilderness protection area or wilderness protection zone; or*
- (b) on any other Crown Land; or*
- (c) on any land reserved for or dedicated to public purposes; or.*
- (d) on any forest reserve.*

Part 5 - Conservation of native animals.

51 – Taking of protected animals.

(1) Subject to this part, a person must not take a native animal or the eggs of a protected animal.

By – Law No 3 – Local Government Land

By law made under the local Government Act, 1999.

3.10 Fauna

3.10.1 take, interfere with or disturb any animal or bird or the eggs or young of any animal or bird;

3.10.2 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird; or .

3.10.3 use, possess or have control of any device for the purpose of killing or capturing any animal or bird;

3.11 Flora

3.11.1 take, uproot or damage any plant;

3.11.2 remove, take or disturb any soil, stone, wood, timber or bark;

3.11.3 collect or take any dead wood or timber for the purpose of using the same to make or maintain a fire;

Natural Resources Management Act 2004

An Act to promote sustainable and integrated management of the States natural resources; to make provision for the protection of the State's natural resources;

Part 2 – Control Provisions

Division 1 – Specific controls

182 – Owner of land to take action to destroy or control animals or plants

(1) Subject to this section, an owner of land within a control area for a class of animals or plants to which this subsection applies must destroy all animals or plants of that class on that land.

Environment Protection and Biodiversity Conservation Act (1999)

The Environment Protection and Biodiversity Act 1999 is the Australian Governments central piece of environmental legislation. It provides the legal framework to protect and manage nationally and internationally important flora, fauna ecological communities and heritage places.

Chapter 5 – Conservation of biodiversity and heritage.

Part 13 – Species and communities

Division 1 – Listed threatened species and ecological communities.

Appendix 2

*Biodiversity Strategy Status Update – Expanded key
achievements arranged thematically*

Theme: Habitat Quality

Key achievements:

- 79 reserves sites mapped and assessed for quality using the BushRAT methodology.
- Sites of highest biodiversity value prioritised for active management and ongoing regular monitoring.
- Sites identified for entering into Heritage Agreement with view to leverage State and Federal Grants.
- Operating budget, monitoring and management plans now implemented for high biodiversity sites.
- General trend across region shows improvement in condition of actively managed sites.
- Kersbrook Stone Reserve re-dedicated as a Conservation Reserve.
- Five Heritage Agreement applications for Kersbrook Conservation Reserves and Woorabinda Bushland Reserves.

Theme: Roadsides and Road Reserves

Key achievements:

- 270 of 470 numbered NVMS sites mapped and assessed for quality using the BushRAT methodology.
- Sites of highest biodiversity value prioritised for active management and monitoring.
- MOU and detailed annual work plan developed with Natural Resources AMLR who match AHC funding.
- Best practice operational NVMS program including budget, management and monitoring now implemented for high biodiversity sites – finalist for the LGA 2018 award.
- Additional resource – Tonia Brown – (AHC Biodiversity Officer) now contracted to carry out assessment of remainder of numbered NVMS sites.
- NVMS signs updated to make signage more clear.
 - NVMS brochure developed.

Theme: Bushfire Management

Key achievements:

- Woody weed control program developed in areas of high biodiversity value, dramatically improving condition of targeted sites.
- Clear direction and program drew extra funding Fire Prevention budget.

Theme: Build community capacity to deliver biodiversity outcomes

Key achievements:

- Volunteers actively engaged in management planning and activities on their sites.
- Volunteer work (regularly supported by contracted work) where woody weed infestations too difficult to handle without help.
- Continuation and expansion of the BFL program.
- Regular National Tree Day events at Oakbank Community Playground, Balhannah Oval, Protea Park.
- AHC Native Habitat Landscaping and Gardening Guide published.
- Whenever a new 'Bush For Life' site is added, letters are sent to the houses in the area to invite them to join Bush For Life.

Theme: Sustainable Land Management Practices

Key achievements:

- Sensitive site register in GIS and hard copies – open space team now use to determine consultation with Biodiversity Officers.

Theme: Partnerships

Key achievements:

- Green Army - AHC actively partnered in 2 rounds, and play a supporting role in another 2 rounds (involvement in 4 rounds/years of projects).
- NRAMLR (Natural Resources Adelaide & Mt Lofty Ranges) /AHC Agreement developed to determine responsibility and approach to management of community lands and road reserves.
- Work plans and collaboratively reviewed (for both roadsides and community lands) and co-funded by AHC and NRAMLR.

Theme: Connectivity and Linkages

Key achievements:

- Mapping of corridors in GIS to facilitate priorities and decision making.
- Corridors and Linkages report.

Theme: Resources & Funding

Key achievements:

- Co-funding from DEWNR water projects team for both Protea Park and Michael Moran watercourses.
- Several Heritage Agreement Grants while still available.
- Actively partnered in 2 Green Army projects.

Theme: Land Use Planning

Key achievement:

- Native Vegetation Marker System and Phytophthora GIS layers made available to Planning department to trigger Biodiversity Officer consultation.

Appendix 3

Biodiversity Strategy

Adelaide Hills Council Biodiversity Strategy



Lake Woorabinda with approaching storm.

Image courtesy of Brian Cartwright, 2013

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Mayor's message

The native flora and fauna of our region contributes to the character of the Adelaide Hills, and many of the ecosystems and the services they provide are essential to our productivity, economy, health and sense of wellbeing.

Our district boasts a wide range of habitats, including our iconic stringybark forests, red gums and sedges of our waterways and the specialist vegetation of our wetland systems.

Our plants and wildlife continue to face a number of challenges. The area contains a significant proportion of the state's remaining native vegetation, in particular ecosystems adapted to higher rainfall. These ecosystems are vulnerable to a number of threats including weed invasion, habitat fragmentation, risk of fire, and climate change.

The Biodiversity Strategy is our response to these threats and details activities the Council will be undertaking over the following years to both conserve and improve local biodiversity on Council managed land. These include weed management, habitat conservation and expansion, improving our knowledge about how we can best manage our local biodiversity and supporting the community in their activities to protect and support biodiversity.

We share this responsibility with government agencies and the numerous, dedicated and skilled volunteers that continue to work on Council land, within the State Conservation Parks and, on their own private properties.

Our thanks is extended to all the Council staff, elected members, community groups, government agencies, non-government organisations and industry professionals that participated in the development of this Strategy. We will continue to work together to improve local biodiversity and to support ecosystems and the services they provide to enable them, and ourselves, to thrive.

Bill Spragg
Mayor, Adelaide Hills Council



Executive summary

Australia is an ancient continent consisting of a variety of habitats and microclimates which support an impressive variety of distinctive and often unusual plants and animals. Australia, one of 17 megadiverse countries, is recognised globally for its abundance of different species, many of which are notably unique. The Adelaide Hills Council (the Council) district itself is located within the Mount Lofty Ranges, an Australian Government biodiversity hotspot, where a high variety of locally native flora and fauna species continue to survive since European settlement.

Due to the vast changes to the Australian landscape brought about by development and agriculture post-settlement, there are comparatively few areas in the country which are so rich and diverse in native plants and wildlife. The areas that are left are precious and in varying conditions, but the general trend is one of decline. The ongoing pressure on these habitats due to changes in climate and landscape as a result of human activity continue to threaten their condition with further degradation. If too degraded, they cannot continue to function and provide the services that natural systems by default do – such as air and water filtration, soil fertility and pollination of our crops and plants. All life depends upon these services that natural systems provide.

It is possible to halt and reverse the decline of biodiversity in the Mount Lofty Ranges, but it requires strategic and active management. The Council recognises that as a manager of public lands containing good quality remnant habitat in the region, there is great opportunity to play a pivotal role in strategically managing these open spaces to halt and reverse the decline. To this end, the Adelaide Hills Council Strategic Management Plan identified the development of this Biodiversity Strategy (the Strategy) as a priority action (AHC, 2010), to guide how Council manages land under its care and control in order to achieve regional biodiversity outcomes.

Accordingly, local community conservation groups, Council staff, elected members, industry professionals, government and non-government agencies were engaged to consultatively develop this Strategy. Through engaging with these groups, the Strategy consultation process developed a set of meaningful and coordinated actions based on local knowledge and capacity, the outcomes of which will be monitored both qualitatively and quantitatively.

The actions identified were prioritised using assessment criteria and a number of high priority actions were identified to be completed or commenced within the first year of implementation. Priority actions include:

- Assess condition of council reserves and prioritise action plans for sites of highest value
- Identify and map areas which form linkages to connect and expand habitat within the district to inform decision making and policy
- Develop a Woody Weed Control program in Asset Protection Zones within areas of Conservation Value to reduce fuel load while improving habitat quality
- Develop best practice bushfire management procedures for Council staff and contractors in sites with remnant or listed vegetation
- Review the Council Roadside Vegetation Management Plan
- Review and map blue marker sites to determine condition and prioritise weed treatment

- Support volunteers conducting weed control in sites of conservation significance
- Seek input from local community in biodiversity and habitat planning through annual review of Strategy and implementation of site action or management plans.
- Liaise with DEWNR to identify areas of high conservation value for consideration of entering into Heritage Agreements
- Develop best-practice procedures for staff and contractors for works in environmentally sensitive areas in liaison with experienced groups and organisations
- Develop Agreement between the Council and Natural Resources Adelaide and Mount Lofty Ranges (AMLR) and SA Murray-Darling Basin (SAMDB) to outline roles
- Develop communications procedure for liaison with community groups prior to undertaking activities on Council land they are active on
- Prepare a Strategy Action Plan that identifies resources necessary to undertake the high priority biodiversity activities over the next 3 years.
- Investigate opportunities for additional resources for on-ground ongoing management of biodiversity
- Facilitate private landowners accessing support for the development of management/action plans for private land

Adopting an adaptive management approach, the results will be gathered and communicated annually providing the basis for review of the efficacy of the Strategy. Where necessary, the actions and/or priorities will be adjusted as new knowledge or insights come to light.



Figure 1 - Koala, Stirling

1. What is Biodiversity?

The native flora and fauna of the Adelaide Hills provides much of the appeal of living in the area, not only defining the iconic 'Hills Face Zone' of Adelaide region, but also providing valuable habitat and ecosystem services. We all share and enjoy the societal and economic benefits of biological wealth and biodiversity, particularly in the Adelaide Hills where aesthetics, productivity, tourism and recreation are all enjoyed by existing residents and entice new residents seeking a 'Tree Change' to the region.

Biological diversity, or biodiversity, is used to describe the totality of genes, species, and ecosystems of a region, and provides a good indicator of ecosystem health. Diverse systems and regions are more resilient to change. The more interactions one species, element or process has with other species, elements or processes in the same ecosystem (e.g. the more diversity), the more resilient it is to disturbance (The Resilience Alliance, 2001) (Australian Government, 2013). Disturbances can be both natural and human-induced, including pollution, climate change, flood, fire and clearing of native vegetation. Resilience means that a system is more able to continue functioning in a stable state, and provide ongoing 'ecosystem services' (Australian Government, 2012).

Ecosystem services are the result of the complex interactions and processes of biodiversity (genes, species and ecosystems) working synergistically. These services are:

- Provisioning; such as the production of food and water;
- Regulating; such as the control of climate and disease;
- Supporting; such as nutrient cycles and crop pollination; and
- Cultural; such as spiritual and recreational benefits. (United Nations, 2005)

Ecosystem services provide us with food, water, shelter, clothing, clean air, clean water, climate regulation, organic waste decomposition, soil stabilisation, plant pollination, and inspiration for our societies and cultures. Tourism and recreation, nature conservation, pastoralism, agriculture, horticulture, forestry, aquaculture and fishing all benefit from healthy ecosystems. Our primary production systems require biodiversity for pest control, soil production and stabilisation, pollination, and water purification. The significance and abundance of invertebrates in the environment is often overlooked, yet their roles in maintaining soil fertility, nutrient recycling and plant pollination are critical in a balanced ecosystem. Much of the State's economy and identity is founded on biological resources and biodiversity (DEH, 2007).

For all these reasons, it is vital that we manage these valuable resources to maintain their value and all they offer and provide, to ensure that we can all continue to benefit from them in the generations to come.



Image courtesy of R. Eden

Figure 2 - Satin Green Forester, Lobethal Bushland Park

2. Why develop a Strategy?

Australia is one of 17 'megadiverse' countries, which occupy less than 10% of Earth's surface, yet support over 70% of the planet's biodiversity (Australian Government, 2009). Biodiversity is what keeps ecosystem services operative and providing the functions and resources that we ourselves, and the plants and animals around us, rely on to survive. Yet, as they are provided cost-free by natural systems and have existed for as long as we can remember, these services are often taken for granted. Many of us are unaware of the complexity of the relationships between different processes and organisms within these systems, and the long-term effects our actions have on their relationships and functions (DEH, 2009).

Since European settlement, changes in land use and practices have resulted in habitat modification, fragmentation and degradation. Introduction of invasive species, clearance of native vegetation, development, changes to environmental water flows via damming, water resource use, watercourse redirection and altered fire regimes all place our ecosystems and the benefits they provide under threat. Native biodiversity within South Australia is in decline, with the State having one of the highest national extinction rates (DEH, 2009). The number of threatened species and ecological communities is large and growing with relatively few groups and organisations managing them for recovery.

In 2003, the Australian Government announced the Mount Lofty Ranges (the Ranges) as one of 15 national Biodiversity Hotspots - areas with high diversity of locally endemic species that are generally not found outside the hotspot (Australian Government, 2009). These hotspots support natural ecosystems that are largely intact and accordingly, native species and communities associated with these ecosystems are well represented. In addition, hotspots are areas where current, planned or potential activities place the natural values at increasing risk unless there is active management to minimise these risks.

Although much has been undertaken to reduce further ecosystem degradation, biodiversity loss will continue unless we act to address the decline now. If the necessary actions are undertaken by government, landholders, community and industry leaders, the decline in South Australia's biodiversity can be reversed. Timely and strategic conservation and management of biodiversity will help to maintain ecosystem services, which will in turn deliver immediate and long-term benefits to South Australia and all its inhabitants, including the native wildlife and vegetation around us.

The Council District is situated within the Mount Lofty Ranges biodiversity hotspot, and is responsible for managing remnant vegetation of high conservation value in its reserves and road reserves. By developing the Strategy, the Council demonstrates its commitment to biodiversity conservation, the conservation community and the need to collaboratively develop a set of meaningful actions to reduce and strive to reverse biodiversity degradation within the district. The Strategy guides the strategic direction for managing native vegetation and habitat on Council land within the Adelaide Hills region and;

- Identifies key relevant legislation and policy for flora, fauna and habitats and how it applies;

- Defines guiding principles for native vegetation conservation, enhancement and management;
- Reviews priorities and implications for native vegetation and biodiversity management within a local, national and global context;
- Aids in decision making to prioritise the location and level of conservation, restoration and management of native vegetation including the preparation of Vegetation Management Plans;
- Applies a monitoring and evaluation processes to measure success of management activities;
- Recognises biodiversity management as a core business activity on council land;
- Identifies the paramount importance of biodiversity toward a sustainable future for the Adelaide Hills; and
- Ensures adaptive management is embedded within the Strategy.

3. Legislative & Policy Context

There are a number of existing laws and policies that the Strategy must operate alongside. In particular, these documents legislate or set the strategic direction of the management of natural resources (including native flora and fauna) at Federal, State and Local Government level. The key documents that primarily apply include:

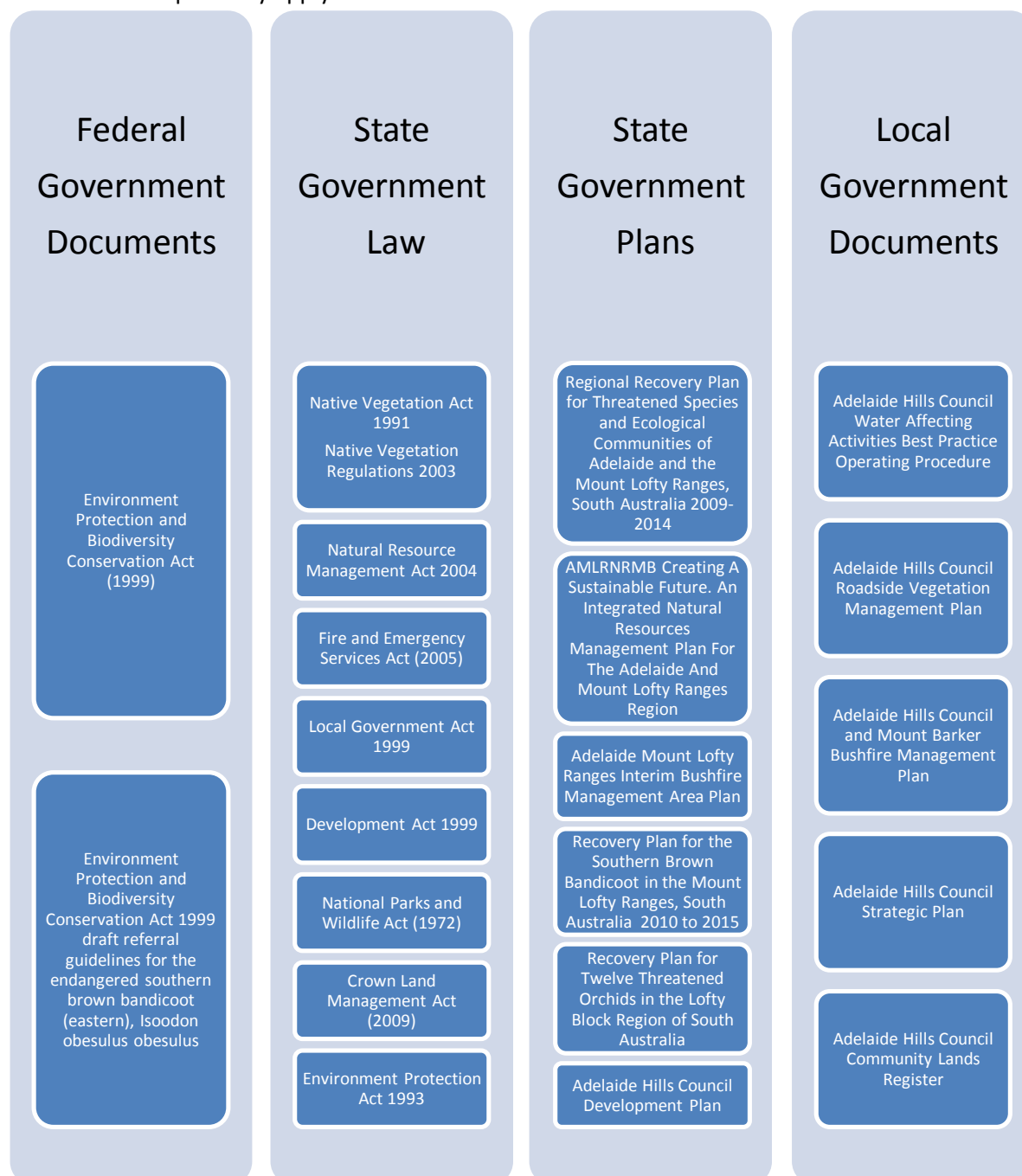


Figure 3 - Relevant Federal, State and Local Documents

A description of how these key documents apply is available in Appendix 2 - Key Legislation and Policy affecting biodiversity management in the AHC District.

4. Biodiversity of the Adelaide Hills Council District

The Adelaide Hills Council District (the District) ranges are diverse and varied. They include deep gorges, springs, numerous watercourses, steep rocky slopes with dense forest; low rolling hills with scattered tall gum trees; open wooded grasslands with a myriad of small to medium size horticultural and farming 'rural' scenes as well as more densely populated townships. The natural heritage mixed with modified landscapes of the region provides its distinctive character. The District contains considerable areas of valuable land for native fauna habitats: State and Federal government lands – principally National Parks & Wildlife SA, Forestry SA and SA Water lands (13 425 ha); and, local government reserves (758 ha) and road reserves (equivalent to 2 414 ha) and other State Government lands under its care and control. Essentially, despite the general decline in biodiversity throughout the State, including the Mount Lofty Ranges, the District provides considerable habitat opportunities for native species, notably many of conservation significance.

The District is situated within the Mount Lofty Ranges, a Commonwealth Biodiversity Hotspot (described in more detail above). The natural variable geomorphology of the region results in a corresponding assortment of microclimates and unique landscapes within a relatively small region. These niche environments made the Ranges naturally rich in biodiversity pre-European settlement. Since European settlement, more than 450 native fauna species have been recorded from the Ranges region, including over 75% of the bird species recorded within South Australia, as well as approximately 1,500 native vascular plant species (DEH, 2009).

However, the region has changed significantly. Vegetation clearance over the past 170 years has been extensive. Only 13 % of the original native vegetation of the Ranges remains, is highly fragmented and only 22% of this formally managed for conservation purposes (DEH, 2009). Remnant vegetation exists mostly as isolated patches of varying sizes (the majority within 6- 31ha) and condition, adjacent urban, industrial and agricultural land uses. This fragmentation reflects selective clearance of native vegetation on topographically accessible or agriculturally productive land. As such, remnant native vegetation is generally on steep areas with shallow infertile soils such as heathy open forest or woodland, leaving grasslands, grassy woodlands and wetlands (once more common) underrepresented in the region (DEH, 2009).

As can be seen in Figure 7, native vegetation in the District is highly fragmented. Fragmentation is a barrier to the movement of flora and fauna species between habitats. This is a major threat to their long term survival as it impedes gene flow and spatial connectivity to allow movement in response to climate change and other natural or human-induced disturbances, such as flood, fire and development. And yet, the fragmented mosaic of the Ranges vegetation still provides an island of habitat. The present areas of native vegetation communities represent the outer edges of their previous pre-European distributions. Accordingly, some species that depend on these habitats no longer occupy their original, natural broad ranges, they exist predominantly in these remaining outer edges – including the Adelaide Hills.

Most remnant vegetation is modified, and is generally trending an ongoing decline, including the larger remnants of Heathy Open Forest or Woodland which have, until recently, been in relatively good condition (DEH, 2009). Yet, despite extensive clearance and modification, the existing vegetation communities are still home to a number of endemic species, many being of conservation significance. Key Commonwealth, State and regionally threatened flora, fauna and ecological communities within the Council district are summarised in Table 1.

The most representative plant community within the District is *Eucalyptus obliqua* and *Eucalyptus baxteri* 'Stringy Bark' Open Forest, with *E. obliqua* being the most abundant tree species (Bechervaise & Seaman, 2002). Council managed land featuring *Eucalyptus obliqua* communities include Heathfield Waste Transfer Station, Mylor Parklands, Stirling Linear Park, Lobethal Bushland Park, Lenswood Recreation Park, Maidment Reserve, Halliday Reserve Pitman Reserve, Yannagin Reserve and Pound Reserve (Bechervaise & Seaman, 2002).

A notable vegetation community featured in the District is the endangered Candlebark (*Eucalyptus dalrympleana* ssp. *dalrympleana*) Open Forest. Within the District, it occurs in the wetter, colder valleys on fertile soils between Mylor and Gumeracha. Suitable climatic conditions restrict this species' distribution. As it occurs on highly productive soils, it has been preferentially cleared but can be found at Madurta Reserve and in discreet pockets throughout the central section of the District around Norton Summit and Bridgewater, with stands as far east as Mt Torrens (Bechervaise & Seaman, 2002). Other key threatened broad vegetation groups within the District include Grassy Woodlands, Wetlands and Boglands, and are included in Table 1 – Vegetation Communities, Fauna and Flora of Conservation Significance in the District which identifies key vegetation communities and individual flora and fauna species and their conservation status in the District. More detailed lists of threatened flora & fauna of the Adelaide and Mount Lofty Ranges Region are appended.



Figure 4 - Stringybark Open Forest, Lobethal.

Table 1 – Vegetation Communities, Fauna and Flora of Conservation Significance in the District

Vegetation community	Species Dominance	Status
Silver Banksia Grassy Low Woodland	<i>Banksia marginata</i>	E**
Candlebark Open Forest	<i>Eucalyptus dalrympleana</i> ssp. <i>Dalrympleana</i>	E**
Grey Box Grassy Low Woodland	<i>Eucalyptus microcarpa</i>	E**
Freshwater wetlands	e.g. <i>Triglochin procerum</i> Herbland	E
Silky Tea-tree Closed Shrubland	<i>Leptospermum lanigerum</i>	E
Kangaroo Grass +/- Wallaby Grass Tussock Grassland	<i>Themeda triandra</i> +/- <i>Danthonia</i> spp.	E**
Cypress Pine +/- Blue Gum Grassy Low Woodland	<i>Callitris preissii</i> +/- <i>E. leucoxylon</i>	V*
Pink gum +/- Blue Gum Heathy Woodland	<i>Eucalyptus fasciculosa</i> +/- <i>E. leucoxylon</i>	V*
Manna Gum Woodland	<i>Eucalyptus viminalis</i> ssp. <i>cygnetensis</i> and/or <i>E. viminalis</i> ssp. <i>viminalis</i>	V*
Common name	Scientific name	Status
Chestnut-rumped Heathwren (MLR subspecies)	<i>Calamanthus pyrrhopygius parkeri</i>	Nat. E
Southern Brown Bandicoot	<i>Isodon obesulus obesulus</i>	Nat. E State V
Yellow-footed antechinus	<i>Antechinus flavipes</i>	State V
Yellow-tailed Black-cockatoo	<i>Calyptorhynchus funereus</i>	State V
Brown Toadlet	<i>Pseudophryne bibronii</i>	State R
Spotless Crane	<i>Porzana tabuensis</i>	State R
Bassian Thrush	<i>Zoothera lunulata halmaturina</i>	State R
Scarlet Robin	<i>Petroica boodang boodang</i>	State R
White-naped Honeyeater	<i>Melithreptus lunatus</i>	Reg. U
Pink-lip Spider-orchid	<i>Caladenia behrii</i>	Nat. E
Stiff White Spider-orchid	<i>Caladenia rigida</i>	Nat. E
Bayonet Spider-orchid	<i>Caladenia gladiolata</i>	Nat E
White Beauty Spider Orchid	<i>Caladenia argocalla</i>	Nat. E State E
Leafy Green hood	<i>Pterostylis cucullata</i>	Nat V
Bushy Clubmoss	<i>Lycopodium deuterodensum</i>	State E
Mount Lofty Speedwell	<i>Veronica derwentiana</i> ssp. <i>homalodonta</i>	State E
Pale flax-lily	<i>Dianella longifolia</i> var. <i>grandis</i>	State R
Mount Lofty Phebalium	<i>Leionema hillebrandii</i>	State R
White purslane	<i>Montia australasica</i>	State R
Ploughshare wattle	<i>Acacia gunnii</i>	State R

(Adapted from DEH 2009, Willson & Bignall 2009, Bechervaise & Seaman 2002)

E = Endangered; V = Vulnerable; R = Rare

** Very high priority under the Regional Recovery Plan (Willson & Bignall, 2009)

* High priority under the Regional Recovery Plan (Willson & Bignall, 2009)

Threatened flora species are primarily associated with Wetlands, followed by Grassy Woodland and Heathy Woodland, with Wetland flora species being most vulnerable. The majority of threatened fauna species are associated with Grassy Woodland or Heathy Woodland. (Willson & Bignall, 2009). The majority of these communities are held in public ownership through extensive parks, reserves and associated linear corridors within state parks, forests and water reserves; Council reserves and road reserves (such as Mylor Parklands and Kyle Road Reserve); and some in private holdings including some formal sanctuaries and heritage agreement areas. While the Council District contains a significant proportion (~ 30 %) of the remaining native vegetation cover of the Ranges, the Council is responsible for managing just 7% (see Figure 6 below) (Bechervaise & Seaman, 2002) of open space in the district, or 5.4% (915 ha) (AHC, 2011) of the total native remnant vegetation in the District.



Figure 5 – Southern Brown Bandicoot, Cleland

Open Space Land Management in AHC District

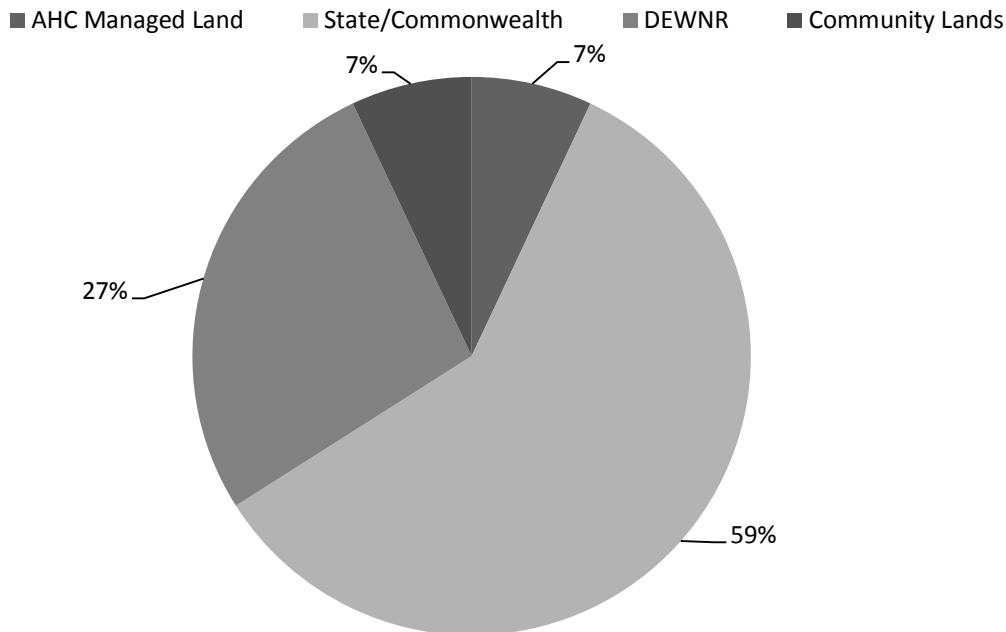


Figure 6 - Land ownership within the Adelaide Hills Council area (Bechervaise & Seaman, 2002).

Despite this comparatively small percentage, Council managed lands contribute considerably to non-State conservation and biodiversity management as they contain a significant proportion of remnant native vegetation (Bechervaise & Seaman, 2002).

For Council land that has been assessed using the Native Vegetation Council's BushRAT method so far, approximately one third of Council managed lands are of high conservation value, while two-thirds are of medium or low conservation value. Considerable effort has been undertaken to rehabilitate these reserves by strategic threat abatement and active revegetation by Council staff, volunteers and the State Government.

Within the Ranges, there are over 400 heritage agreements legislated under the *Native Vegetation Act (1991)*, four of which are held by Council at Lobethal Bushland Park, Camp Gooden in Mylor, Lenswood Recreation Park and Bradwood Reserve. Each of these reserves contain endemic flora of conservation significance. The remainder of the heritage agreements are not on Council land, and are generally on private land. There are also 47 Bush for Life sites in the District, 27 of these being on Council reserves and road reserves, receiving regular support and care through the Bush for Life program.

Although fragmented, existing patches of native vegetation (Figure 7) provide 'stepping stones' for flora and fauna, and are the last remaining vestiges of refuge for endemic species. A significant way of enhancing the value of these remnant patches is expand and connect them via corridors or linkages to increase the habitat range and assist flora and fauna movement, particularly for species that require contiguous habitat for dispersal. Watercourses, road reserves (both made and unmade) and privately owned land can serve as linkages to connect habitats and expand these ranges.

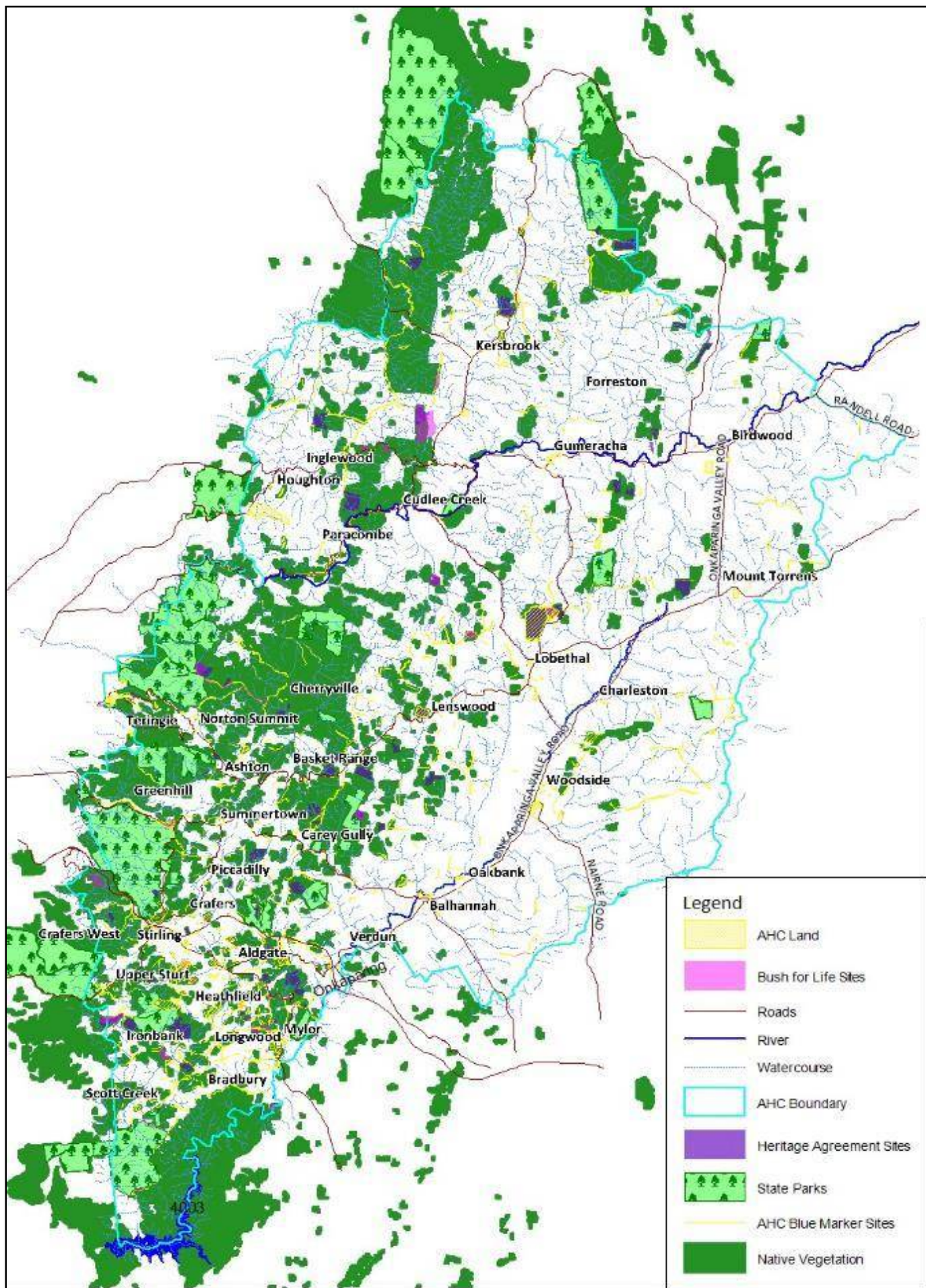


Figure 7 - Native Vegetation Cover in the Council District

As well as providing linkages, watercourses, wetlands and their surrounding riparian zones play an essential role in providing habitat, controlling erosion, establishing and maintaining ecosystem function and services. Riparian areas maintain water quality by acting as a buffer strip between the river and surrounding land use, filtering and trapping sediments and pollutants. The greater proportion of the Council area lies within the Ranges Watershed. The Watershed consists of ten individual catchments. An average of 60% of all water supplied to Adelaide has been harvested from these catchments. The clearance of native vegetation in the Adelaide Hills has resulted in a substantial decline in water quality and soil structure (Bechervaise & Seaman, 2002).

Of the eight main reservoirs within the MLR watershed, five are located solely or partly within the Council area, these being South Para Reservoir (Part of); Millbrook Reservoir; Warren Reservoir; Kangaroo Creek Reservoir; and Mount Bold Reservoir (Part of). The largest watercourses within the area include the Onkaparinga River, Torrens River, Little Para River and Sturt River.

Several Council managed lands contain significant riparian areas, which provide valuable habitat and assist in maintaining water quality for the MLR Watershed. Stirling Linear Park and Lobethal Bushland Park contain substantial water bodies which provide excellent habitat for birds, frogs, turtles, fish and mammals. Woorabinda Lake at Stirling Linear Park also contains several plant and bird species of regional conservation significance and assists in maintaining water quality for Aldgate Creek, which links to the Onkaparinga River. Woorabinda Lake is the largest vegetated water body contained on Council managed land (Bechervaise & Seaman, 2002).



Figure 8 - Woorabinda Lake, Stirling Linear Park

About 260 ha of native vegetation can be found in Council's unmade road reserves (AHC, 2011) . The 2,604 km of Council roadsides contribute more than 500 ha of native vegetation in good to reasonable condition. The Council Open Space Strategy (2001) outlines the potential to use these as linkages to connect and expand habitat found in council reserves, State Parks and private land.

There is great opportunity for the Council to play a pivotal role in biodiversity conservation through the development and implementation of this Strategy. While the outcomes of this Strategy are designed to achieve regional objectives that complement those of the State and Federal Government, Strategy actions will primarily focus on land under Council's care and control. Council has decision making power to directly control the management of this land and an existing working relationship with the dedicated community groups active on it.

5. Strategy Development

The Adelaide Hills Council Strategic Management Plan identifies that Council has a role to play in community leadership/education, supporting volunteers and conducting its own business in an environmentally responsible way, and amongst other actions identified the development of this Strategy as a priority (AHC, 2010).

The initial phases of the Strategy development comprised of internal project team meetings and extensive review of relevant State and Federal Government legislation and policy to guide development of the scope, guiding principles and vision.

The subsequent engagement for the Strategy was an important part of the process and involved local conservation community groups, Council staff, Elected Members, the Council Sustainability Advisory Group, industry professionals, government and non-government agencies. All of these groups and agencies actively contributed to the development of this Strategy.

During initial consultation through a series of workshops and meetings, a large number of key issues were raised. These were organised into nine themes and worked into objectives, strategies and actions developed from the suggestions and comments given from the participating stakeholders. As the Council district is within the region of the Peramangk people, and also the Kaurna people's within the foothill suburbs of Marble Hill Ward, representatives of both were invited to give input on the Strategy. The consultation process is tabled in more detail in Appendix 6 –Strategy Consultation Schedule.

The themes were developed so as to reflect council function and operations to facilitate efficient implementation and administration. The actions were then prioritised based on the following criteria;

- The priority it was given by community or staff
- If it forms part of an existing plan or program that has already commenced
- If it is a collaborative action that is undertaken in partnership with ongoing support and commitment
- Whether it positively impacts threatened communities or species
- Whether it positively impacts area of high biodiversity value
- Whether it addresses prioritised organisational objectives
- How many Strategy objectives it achieves
- The level of ecological risk of not doing it now
- The level of legislative risk of not addressing it
- If it provides a lasting and long-term outcome
- What funding and resources are available for implementation

Actions with the highest priority are tabled under each of the theme descriptions in Section 6 while a more comprehensive table of actions is provided in Appendix 6 - Summary of Themes, Aims, Strategies and Actions.

6. The Strategy

The Strategy guides the management of native vegetation, ecosystem services and habitat within the District. The high level vision and guiding principles developed for the Strategy are region wide, including State Government land, non-government owned land and private land. However, the development of the strategies and actions will focus on Council's role and the land under its care and control. A breakdown of the Strategy structure is described in Figure 9 - Strategy structure below.



Figure 9 - Strategy structure

6.1 Vision

Thriving ecosystems in the region achieved through environmental stewardship, partnerships and community collaboration.

6.2 Guiding principles

Guiding principles guide an organisation throughout its decision making in all circumstances, irrespective of changes in its goals, staff or structure. The guiding principles developed for this strategy are:

- No loss of remnant habitat
- Application of the precautionary principle
- Priority to sustain and manage threatened species and ecological communities and remnant vegetation, followed by enhancement and then restoration
- Outcomes delivered through collaborative partnerships
- Maintain habitat 'stepping stones' and corridors to ensure habitat connectivity
- Adaptive management
- Continuous improvement

6.3 Objectives, Strategies and Actions

The overall objectives of the Strategy seek to complement those of the *Regional Recovery Plan for Threatened Species and Ecological Communities of Adelaide and Mount Lofty Ranges* (Willson & Bignall, 2009) and include:

- Increase recovery resources, capacity and coordination
- Improve planning strategies to reflect regional priorities
- Increase the current level of priority biodiversity conservation activities
- Contribute to developing the information base and systems necessary to enhance recovery of threatened species and ecological communities
- Continue developing and refining status assessment and prioritisation systems, and
- Complement and inform other relevant regional biodiversity planning processes.

The specific objectives, strategies and actions for each of the themes were developed in consultation with relevant council staff, government agencies, non-government organisations and community conservation groups active in the district. The themes and a description reflecting what they cover is provided in Table 2.

Table 2 - Themes arranged to reflect council function

Key area	Description	Themes
Biodiversity Planning	Development and land-use planning & policy	1. Land-use Planning 2. Connectivity and Linkages
Biodiversity Management	Delivery of activities by Council staff & volunteers that directly affect biodiversity	3. Bushfire Management 4. Roadsides and Road Reserves 5. Habitat Quality
Capacity Building and Involvement	Volunteer support, community mindfulness and encouraging development of skills and sustainable land management practices.	6. Sustainable Land Management Practices 7. Community Capacity Building
Strategic Collaboration	Relationships with and support from external bodies	8. Partnerships 9. Resources and Funding

These themes are explored in further detail in the sections below. All themes and subsequent actions require balancing legislative requirements, biodiversity outcomes, community expectations and available resources. Following a model of adaptive management, at the 12 month review, the aims and actions detailed in the sections below will be reviewed in another series of workshops to:

- Present any quantitative and qualitative monitoring data collected
- Discuss the actions undertaken and their effectiveness or success

- Ensure that the other aims and actions still reflect the key issues in the district and adjust them if necessary
- Review the priority of these actions

The actions collated were prioritised, with the high priority actions to be undertaken in the first two years of the plan outlined under the relevant themes below. A more comprehensive action table featuring medium and low priority actions is provided in Appendix 6 - Summary of Themes, Aims, Strategies and Actions.

6.3.1 Land Use Planning

The Adelaide Hills Council district is comprised of a rich variety of landscapes and land uses. In order to manage the cumulative impact of land use and development on native flora and fauna, most proposals to build or change land use require development approval under the *Development Act 1993* (the Act), which are assessed against policies in Council's Development Plan (DPTI, 2013). Issues relating to "development" as defined in the Act are addressed by this system. The Development Plan currently specifies guideline 208 "Important natural resources including watercourses and water catchment areas, scenic areas and significant flora and fauna areas should be conserved and protected from development which would affect them adversely", and accordingly, proposals must be modified to ensure that their impacts on native flora and fauna are managed, along with a number of other requirements.

The current Council Development Plan has 12 objectives and 16 Principles of Development Control (PDC) in the Council wide section on Conservation. Of these, 10 objectives and 11 PDCs relate to native vegetation. These provisions establish what is to be achieved rather than how it is to be achieved. Satisfying these provisions is usually resolved on a case by case basis, depending on the issues to be addressed.

Clearance of native vegetation is assessed under the *Native Vegetation Act 1991* by the Native Vegetation Council (NVC). Native vegetation generally cannot be cleared without the permission of the NVC.

Major amendments to the Council's Development Plan which could effect biodiversity are either currently in progress or planned. The Townships and Urban Areas Development Plan Amendment (DPA) addresses only the settled places, but will update Council wide policies from the SA Planning Policy Library. Existing relevant Council wide modules addressing *Appearance of Land and Buildings*, *Bushfire Protection*, *Conservation*, *Catchment Water Management*, *Public Open Space*, *Rural Development*, and *Watershed Protection* will be updated to form SA Planning Policy Modules *Animal Keeping & Rural Development*, *Design and Appearance*, *Hazards*, *Interface between Land Uses*, *Natural Resources*, and *Open Space and Recreation*. The new modules will include new and better refined policies, as well as carrying essential policies from the existing Plan forward.

Council is currently undertaking the first of three DPAs on rural areas. The Primary Production Lands DPA will implement the PIRSA land capability study defining areas with better land for primary production activities, provide policy for value-adding and income-generating activities on rural holdings, buffers between uses and similar issues. The Natural Environments DPA will address

natural environmental management issues, watershed management and sustainability issues. The Rural Policy DPA will address remaining rural and sustainability issues.

Policies in the Development Plan in combination with mapped areas of high conservation value, including habitat linkages, can be used to guide development decisions on private land and work with the landowner to minimise the risk of impacts on biodiversity.

The type and extent of recreation use and access on reserves can also have significant impacts on native vegetation. The Community Lands Management Plan provides general information on the main use criteria of specific reserves, however, this is not physically indicated on actual reserves themselves. A signage system would provide users with clear appropriate use criteria for the reserve. An education program has been identified to detail suitable uses within the reserve network specifically in relation to the spread of phytophthora through the region.

Encroachment of private landholders onto council reserves and road reserves can also have significant impacts. Encroachments occur when landholders increase size of or access to their property for uses such as grazing, landscaping or increasing the size of their property to accommodate development or 'domestic activities' area, without seeking appropriate approvals from the Council or the NVC. This commonly results in degradation of habitat.

Table 3 - Objective, strategies and priority actions for Land Use Planning theme

Objective: Identify policy options to better address issues between native vegetation and surrounding incompatible activities.		
Strategies: <ul style="list-style-type: none"> • Manage the encroachment of private landholders onto council owned and managed land • Manage and monitor community and visitor use and activities within council owned and managed land • Provide information on appropriate management of native vegetation on private land 		
High Priority Actions Refer to Appendix 6 - Summary of Themes, Aims, Strategies and Actions for full list of actions	Responsibility	Timeframe
Seek agreement to access DEWNR data sets and incorporate in the Council GIS system to map existing areas of significant native vegetation and habitats.	AHC DEWNR	2014
Identify and map areas which form linkages to connect and expand habitat.	AHC Consultant	2014

6.3.2 Habitat Expansion, Connectivity and Linkages

As outlined in Section 4, existing native vegetation on State government, non-government, private land and council land constitute a mosaic of habitat fragments and ‘stepping stones’ throughout the district. However, while these are vital to the survival of native flora and fauna, this fragmentation affects species ability to move freely and disperse across the landscape, utilise seasonal food resources, and take refuge from disturbance events (such as wildfire and flood). For many species, vegetation reduction and fragmentation means that there is insufficient habitat and/or fragments are too small and isolated to support viable populations. (DEH, 2009). Fragmentation is one of the key causes of biodiversity decline in the region (DEH, 2009).

The best way to gain maximum habitat benefit from fragments is to maintain and improve their condition through active management and then connect them. Connections and linkages (or corridors) can be any stretch or parcel of undeveloped land, and are one of the most effective tools for conserving biodiversity and preparing landscapes for climate change (Australian Government, 2012; DEH, Unknown). The National Wildlife Corridors Plan (Australian Government, 2012) and the State Government Naturelinks program (DEWNR, 2012) identify the development of broad habitat corridors as their main objective. The Cape Borda to Barossa link within the Naturelinks Program includes a broad corridor from Kangaroo Island through the Mount Lofty Ranges to the Barossa, which includes the Adelaide Hills Council District.

The implementation of these broad directions starts at the local level and the identification of linkages or corridors of differing sizes. The Council is responsible for a number of reserves, roadsides, unmade road reserves and sections of watercourses that can be utilised as corridors. Reinforcing or creating these linkages will require cooperation and partnerships between private land owners, communities, agencies and Council. The Council can fulfil a coordination role to develop, support and/or facilitate partnerships within the corridor areas. Council can also provide direction in relation to the land that is available to develop these corridors especially with the value of roadside vegetation.

Linkages and connectivity also extend beyond the Council boundaries to connect to neighbouring council areas including Onkaparinga, Barossa and Mount Barker.

Identifying and mapping habitat and linkages to connect and expand habitat, incorporating remnant and restored vegetation areas, wetlands, rivers, creeklines, railway lines, blue marker sites, unmade road reserves, infrastructure easements, Heritage Agreements with the NVC and private landowner agreements with Natural Resources AMLR & SAMDB, will enable council to prioritise resourcing and conservation activities in areas of highest value.

• • •

“Wildlife corridors are connections across the landscape that link up areas of habitat, while supporting multiple land uses such as conservation, farming and forestry.”
National Wildlife Corridors Plan
(Australian Government, 2012)

• • •

Table 4 - Objective, strategies and priority action for Habitat Expansion, Connectivity and Linkages theme

Objective: Plan for connectivity linkages between habitats to increase range and enable adaptability of native flora and fauna		
Strategies: <ul style="list-style-type: none"> • Manage habitat fragmentation by identifying a habitat connectivity framework to allow improved species movement and adaptation • Prioritise habitat linkages appropriate for active management via partnerships and external funding 		
High Priority Actions Refer to Appendix 6 - Summary of Themes, Aims, Strategies and Actions for full list of actions	Responsibility	Timeframe
Identify and map areas which may expand and connect habitat	AHC Consultant	2014
Develop a Woody Weed Control program in Asset Protection Zones within areas of Conservation Value to reduce fuel load and improve habitat quality	AHC	2014



Image courtesy of R. Eden

Figure 10 – Road Reserve of habitat value, Bradbury.

6.3.3 Bushfire Management

Fire is a natural occurrence in South Australia. It plays an important role in ecosystems, which have evolved with particular plant species corresponding with local fire regimes. The woodlands, forests and grasslands of the Adelaide Hills are prone and often reliant on fire to survive long term. Communities are still learning how to most effectively manage fire regimes to minimise uncontrolled, high risk, wildfire events while maximising biodiversity outcomes. DEWNR's fire research program is exploring beneficial fire regimes and impacts of fire in the landscape, and how to manage fire-prone systems to maximise public safety, and ecosystem health and regeneration. Prescribed burns reduce fuel loads and can also benefit biodiversity by ensuring that native species that need periodic fires to persist in the environment continue to provide a viable and productive habitat. High intensity fires resulting from an accumulation of fuel load can actually destroy native vegetation beyond its capacity to regenerate, is far more difficult to control, and poses a high risk to wildlife and resident safety.

Council recognises the need to have a transparent, practical, strategic and proactive approach to bushfire management that provides for biodiversity outcomes. Woody weed control of species such as Olive, Pine, Broom, Gorse and Spanish Heath in areas of high conservation value not only reduces fuel load, but reduces competition for native vegetation, thereby improving habitat quality. By accessing local knowledge and expertise from the community, Council staff, and DEWNR, resources can be allocated to a program that delivers both fuel load reduction and biodiversity outcomes. Education regarding fire risk is also critical. Although vegetation can be a fire risk, in some circumstances it may be less significant than storing flammable materials in or near the house or shed. All landowners, including Council, are responsible for reducing fire risk, by managing fuel load in Asset Protection Zones (APZs), which serve as buffers between assets (both developed and natural) and bush fire hazards. Management actions should be based on an assessment of the actual risk rather than perceived risk and may only be implemented on land with the landowner's consent. For this reason, risk assessments will be undertaken on a site-by-site basis. Residents can contact Fire Prevention Officers at the Council for advice and guidance how to conduct a fire risk assessment on their private property and prioritise actions that reduce fire risk. Fuel reduction in roadsides specifically is discussed in more detail in the roadsides section.

Table 5 - Objective, strategy and actions for Bushfire Management theme

Objective: Reduce bushfire fuel load while maintaining native vegetation of habitat and conservation value		
Strategy: <ul style="list-style-type: none"> Undertake a proactive, strategic and practical program to balance bushfire management with biodiversity outcomes 		
High Priority Actions Refer to Appendix 6 - Summary of Themes, Aims, Strategies and Actions for full list of actions	Responsibility	Timeframe
Develop a Woody Weed Control program in Asset Protection Zones within areas of Conservation Value to reduce fuel load and improve habitat quality	AHC	2014
Develop procedures for Council staff/contractors in sites with remnant or listed vegetation within asset protection zones and fencelines - seek guidance for best practice with CFS & DEWNR including; <ul style="list-style-type: none"> a. risk assessment tool for determining vegetation management in APZs & fencelines b. reduce vegetation in APZ and along fencelines to acceptable risk 	AHC	2014

6.3.4 Roadsides and Road Reserves

Many roadsides in the region contain remnant native vegetation of conservation value as marked by the Roadside Marker System (Blue Marker Sites), provide refuge for threatened species and provide linkages of habitat value. A number are Phytophthora affected and need to be managed to reduce fuel load, weeds and pathogen dispersal. All of these aspects prompt different considerations for the best approach to roadside management. Apart from 1.5 m from the shoulder of Highways, which are the responsibility of the Department of Planning, Transport and Infrastructure (DPTI), road & roadside or unmade road reserve maintenance in the district is the responsibility of Council. As well as preserving their conservation value, Council is required to manage roadsides to minimise bushfire fuel load and maintain the surfaces, edges and carriageway of roads to ensure safe vehicle access to roads.

A recent effort to strike a balance between these requirements is the project partnership between the Council, Native Grasses Resources Group (NGRG), Upper Torrens Land Management Project (UTLMP), Country Fire Service (CFS), Department of Planning, Transport & Infrastructure (DPTI), Natural Resources AMLR & SAMDB and the Department of Environment, Water & Natural Resources (DEWNR) to assess the effectiveness of an alternative approach to fuel reduction in roadsides. Exotic grasses (such as phalaris & cocksfoot) have a very high fuel load of 17-27 tonnes/Ha compared to the 2.5-3.5 tonnes/Ha of native grasses. Eight sites have been selected for a trial to replace exotic grasses with native grasses. Due to the different terrain and landscape of the sites, a range of weed control methods are being used including fire and levelling. Each site will be assessed and planted out with appropriate low fuel load native grasses. Accordingly, the annual and on-going maintenance costs to the community and adjoining landholders will be reduced, as the native grasses will be self-

maintaining and not require annual slashing or spraying. The results of this project will shape new roadside fuel management procedures in the District.

Table 6 - Objective, strategy and actions for Roadsides theme

Objective: Maintain road safety while supporting biodiversity value		
Strategy: <ul style="list-style-type: none"> Clarification and communication of responsibility, approach and method of roadside vegetation management 		
High Priority Actions Refer to Appendix 6 - Summary of Themes, Aims, Strategies and Actions for full list of actions	Responsibility	Timeframe
Review the Council Roadside Vegetation Management Plan and develop quick guides for general public on council approach to roadside vegetation management and in Blue Markers Sites, with regard to: <ol style="list-style-type: none"> Roadside weeds Bushfire management Road surface Clearance envelope (as per council policy) Native vegetation conservation Hygiene to minimise spread of Pc and weeds 	AHC	2014
Review and map Blue Marker Sites to determine condition and prioritise weed treatment	AHC	2015

6.3.5 Habitat Quality

Native vegetation, particularly remnant, is important for biodiversity conservation through the provision of habitat. Native flora and fauna have differing needs, which require the maintenance of a variety of habitat types across a landscape. Every element within an ecosystem plays a vital role in the survival of individual species. The loss and degradation of habitat quality is one of the key reasons for the decline in native plant and animal populations (DEH, 2007; Willson & Bignall, 2009). Good quality habitat not only offers food and resources for native wildlife, but also offers refuge from predators and disturbances in surrounding areas.

Best practice for managing habitat quality is generally to (in order of priority) identify, protect and maintain areas of good condition, improve condition of degraded habitat followed by habitat reconstruction then linking habitats together (McIntyre & Hobbs, 1999, 2000). Wetland, grassy woodland and heathy woodland vegetation types in the Central Lofty Ranges have been identified for priority habitat management for threatened species conservation as they host a relatively high number of flora and fauna species of conservation significance (Willson & Bignall, 2009).

Weeds are identified as a key cause of habitat degradation (Willson & Bignall, 2009; DEH, 2009). They compete with native species, commonly increase bushfire fuel load, and can also greatly impact visual amenity. Weeds throughout the district are profuse, particularly noted in roadsides, railway corridors, in reserves with remnant vegetation or on private land. The battle to suppress invasive weeds is ongoing and is the most commonly undertaken and resource intensive activity by the

conservation community, Council staff and Natural Resources AMLR & SAMDB. Due to the persistent nature of weedy invasion, weed control planning should be strategic, practical, long-term and outcomes oriented which recognises the need for ongoing maintenance.

Grassy Woodland remnants in good condition are uncommon in the Ranges (DEH, 2009). Because of their high fertility, grassy woodlands are particularly vulnerable to weed invasion. Unlike shrub-dominated vegetation types, woody weed invasion into grassy woodland dramatically alters the structure (and consequently the habitats) and woodland fauna species are at high risk of further decline. Woody weeds also contribute to higher fuel loads, which increase the intensity of fires which inhibits the natural regeneration of native vegetation and increases risk private property. As such, woody weed management in areas of high conservation value not only reduces risk of fire, but also increases habitat quality. Accordingly, woody weed management will be prioritised throughout the District.

Watercourses are habitat to a number of aquatic species, but water is also an essential requirement for all life. Accordingly, managing weeds and preventing erosion are vital to protecting water quality and environmental flows.

While weeds can be invasive and generally reduce habitat quality, they can also play an important role in providing habitat and resources, particularly in degraded habitats. For example, blackberries are significant to Southern Brown Bandicoot in providing food and shelter, some introduced pines are an important food source to declining Black Cockatoos and Willow trees may prevent erosion in watercourses and offer refuge to aquatic fauna (Zukowski & Gawne, B, 2006). When managing introduced plant species it is vital to recognise what they offer in terms of resources to native fauna and plan their treatment accordingly to ensure this support is not removed altogether from the local environment. Pest plant removal should be staged so as to minimise impact on species dependent on them

Other threats include grazing (by feral animals, livestock and even overpopulation of native fauna), development and predation.

Roads and road reserves also play a vital role in habitat provision. This is discussed in more detail in section 6.3.2 Habitat Expansion, Connectivity and Linkages.

Table 7 - Objective, strategies and priority actions for Habitat Quality theme

Objective: Maintain good quality habitat for flora and fauna		
Strategy: <ul style="list-style-type: none"> • Reduce habitat degradation by protecting and maintaining good quality remnant vegetation, and enhancing or restoring medium quality vegetation or corridors • Manage detrimental impact of introduced animals – predators and competition; such as domestic cats & dogs, foxes, feral animals. 		
High Priority Actions Refer to Appendix 6 - Summary of Themes, Aims, Strategies and Actions for full list of actions	Responsibility	Timeframe
Develop a Woody Weed Control program in Asset Protection Zones within areas of Conservation Value to reduce fuel load and improve habitat quality	AHC	2014

Support volunteers conducting weed control (including follow up where required) in sites of conservation significance.	AHC Volunteers Contractor	Ongoing
Assess biodiversity value of council reserves and prioritise action plans for sites of highest value and; a. Prioritise weed management in reserves of high conservation value b. Undertake regular monitoring of high value sites to assess success of action plans	AHC Consultants	Ongoing
Keep a register of council areas where known populations of threatened or declining indigenous species are extant and prioritise management	AHC Volunteers	Ongoing
Seek input from local community in biodiversity and habitat planning through annual review of Strategy and through implementation of site action or management plans.	AHC	Ongoing
Liaise with DEWNR to identify areas of high conservation value for consideration of entering into Heritage Agreements	AHC	Ongoing
Develop procedures for staff & contractors for works in environmentally sensitive areas in liaison with experienced groups, including best practice in; a. <i>Phytophthora cinnamomi</i> affected areas b. watercourse management	AHC	2015



Image courtesy of B. Cartwright

Figure 11 - Native Blue Banded Bee, Aldgate

6.3.6 Sustainable Land Management Practices

The Council is responsible for the management of a number of reserves and road reserves through its biodiversity, parks and reserves, road reserves and bushfire management programs, and is able to adjust its land management practices to maximise biodiversity outcomes. This is a high priority for both Council and the conservation community.

There is also a diverse range of land managers operating within the district with differing primary objectives. For example, private landowners may have an agrarian, amenity landscaping, development, biodiversity or bushfire management focus, while government agencies or industries may have one or more of a water quality, biodiversity, conservation, bushfire mitigation, pest plant and animal control or primary production focus. It is possible to balance these with biodiversity considerations to minimise any detrimental impacts.

The Council's influence over private land managers is limited, but it does have a direct relationship with most private land managers in some capacity, and a good working relationship with Natural Resources AMLR & SAMDB. This enables the Council to advocate and in some instances facilitate delivery of biodiversity outcomes in a support role to the delivery of the Natural Resources AMLR & SAMDB program. The Council is also in a position to develop and formalise partnerships and agreements with relevant agencies, committees, industries and organisations, or play a facilitation and support role to active groups aiming to achieve biodiversity related objectives. Once the Council has established best practice management for its own land, further initiatives such as these can be explored in subsequent years.

Table 8 - Objective, strategies and actions for Land Management Practices theme

Objective: Encourage and further develop land management knowledge, skills and understanding by private landowners, Council staff and contractors.		
Strategies: <ul style="list-style-type: none"> • Adopt a proactive role to identify and adopt best practice staff and contractor sustainable land management procedures • Facilitate development of private landowner knowledge and understanding by distributing information and resources for sustainable land management practices • Encourage sustainable watercourse management to protect habitat and water quality 		
High Priority Actions Refer to Appendix 6 - Summary of Themes, Aims, Strategies and Actions for full list of actions	Responsibility	Timeframe
Develop procedures for staff and contractors for works in environmentally sensitive areas in liaison with experienced groups and organisations, including best practice in; <ol style="list-style-type: none"> <i>Phytophthora cinnamomi</i> affected areas watercourse management 	AHC	2015

6.3.7 Community Capacity Building

The Council is in the fortunate position of having a passionate and skilled conservation community with numerous active volunteers currently undertaking research, strategic and on-ground conservation activities. As the Council's resources are limited, it is vital that the Council work closely with the existing conservation community to engage local knowledge and support and facilitate biodiversity outcomes already delivered by these groups and encourage outcomes that work to the objectives of the Strategy. Council also supports community biodiversity projects through the Council Community Grants programme.

Community capacity building is also about generating new interest and facilitating the recruitment of new volunteers. There is a comprehensive Community Capacity Building program currently underway by Natural Resources AMLR & SAMDB, and Council will need to collaborate with them to ensure that the Strategy actions complement this existing program and ensure that Council efforts result in value adding activities that support these well-established programs. Developing an Agreement with Natural Resources AMLR & SAMDB will identify the roles that both the Council and State Government play in achieving regional biodiversity objectives under their respective strategies and plans. In particular, the Agreement will identify common goals, ensuring there is no duplication of effort or activities and that the programs support and complement each other.



Figure 12 - Volunteers working at Stirling Linear Park

Table 9 - Objectives, strategies and actions for Community Capacity Building theme

Objectives: <ul style="list-style-type: none"> • Generate community interest and facilitate new community involvement in conservation activities • Build community capacity to deliver biodiversity outcomes 		
Strategies: <ul style="list-style-type: none"> • Improve knowledge and understanding of biodiversity by general community and foster a culture of biodiversity mindfulness and pride in the District • Facilitate volunteer recruitment by providing the general community with information regarding opportunities to help • Celebrate and communicate outcomes and achievements • Facilitate coordination of volunteer effort and development of volunteer skills and provide them with technical, financial and material support • Increase communication opportunities between the Council, general community and volunteers and value community knowledge and expertise. • Continue to support community biodiversity project through the Council Community Grants programme 		
High Priority Actions Refer to Appendix 6 - Summary of Themes, Aims, Strategies and Actions for full list of actions	Responsibility	Timeframe
Develop Agreement to understand the responsibility/balance of management between the Council and Natural Resources (NR) AMLR & SAMDB Grants	AHC NR AMLR & SAMDB	2014
Develop communications procedure for liaison with community groups prior to undertaking activities on Council land they are active on	AHC	2014
Improve communication within Council between planning and management on biodiversity sites	AHC	Ongoing
Facilitate and engage in liaison between experienced land management groups to learn from each other (both volunteers and the Council)	AHC	Ongoing
Facilitate private landowners accessing support for the development of management/action plans for private land	AHC	Ongoing

6.3.8 Partnerships

The establishment of new partnerships and reinforcement of existing ones is an important component of ensuring good communication, sharing knowledge of available resources and coordination of on-ground works. Currently biodiversity planning and management work within the district is undertaken by numerous agencies, on-government organisations, Council and community groups. These include Natural Resources AMLR & SAMDB, Trees for Life, Department of Environment, Water and Natural Resources, Landcare, Natural Heritage Trust, Native Vegetation Council, Nature Conservation Council of SA, and approximately 30 active community conservation groups.

Clear roles and responsibilities between these numerous organisations and groups ensures that resources and actions are not duplicated and work progresses in a transparent and coordinated way in order to achieve maximum biodiversity benefit.

Most major external grants also specify partnerships as one of the assessment criteria. If these relationships and partnerships already exist and are delivering outcomes in a coordinated manner, they increase the chances of success in grant applications.

Table 10 - Objective, strategy and actions for Partnerships theme

Objective: Improve, expand on and develop new partnerships that assist in biodiversity planning, management and funding opportunities within the region		
Strategy: <ul style="list-style-type: none">Reinforce and develop relationships, synergy and communication between agencies, council and community groups.		
High Priority Actions Refer to Appendix 6 - Summary of Themes, Aims, Strategies and Actions for full list of actions	Responsibility	Timeframe
Develop an Agreement with Natural Resources AMLR & SAMDB to clearly define roles and specific areas of control and management.	AHC	2014
Identify further organisations or partnerships that will expand the biodiversity networks within the region specifically to assist in funding applications	AHC	Ongoing

6.3.9 Resources and funding

A peri-urban council, the Council district has comparatively extensive areas of habitat and conservation value. Successful biodiversity management takes time and care, requiring skilled on-ground resources familiar with endemic plant species and minimal disturbance bushcare techniques to ensure that outcomes and targets are in line with State and Council objectives. As Council resources are limited, external funding would enable a more expansive biodiversity program.

Grant funding is available to Local Government with differing assessment criteria, partnerships, amount available and delivery mechanisms. A number of Federal and State government grants are accessible, including the Biodiversity Fund and Caring for Our Country. The application processes for these larger grants are rigorous. However, the development of this Strategy will stand the Council in better stead to undertake a project that aligns with State and Federal biodiversity management objectives. Obtaining a grant can provide additional resources to enable biodiversity works to be carried out. With or without external funding, budgets must be aligned to a realistic, practical and achievable of program of works.

Table 11 - Objective, strategy and actions for Resources and Funding theme

Objective: Develop a realistic program of works with available resources and funding and explore further opportunities for grant funding		
Strategies: <ul style="list-style-type: none">• Develop a program that identifies biodiversity priorities for the region and aligns available funding and resources to the tasks• Investigate and develop a process for applying for relevant grants and funding		
High Priority Actions Refer to Appendix 6 - Summary of Themes, Aims, Strategies and Actions for full list of actions	Responsibility	Timeframe
Prepare a Strategy Action Plan that identifies resources necessary to undertake the high priority biodiversity activities over the next 3 years.	AHC	2014
Investigate opportunities for additional resources for on-ground ongoing management of biodiversity a) identify available grant funding and relevant criteria to determine best fit projects b) Apply for funding	AHC	Ongoing

7. Monitoring and Evaluation

Council land with high conservation remnant vegetation or habitat value will be assessed using the Native Vegetation Council's Bush Rapid Assessment Technique (BushRAT) (DEWNR, 2012). This method is derived from the Nature Conservation Society of South Australia's 'Bushland Condition Monitoring' (BCM) methodology (Croft, Milne, & Pedler, 2005-2009) including a Rapid Assessment version, but uses an informal quadrat of approximately 1 ha rather than the 30m x 30m quadrats used in the BCM methodology.

The Rapid Assessment Technique is intended for use in most assessments undertaken within the Native Vegetation & Biodiversity Management Unit within the State Government, including clearance via clearance application, clearance via Regulation, potential SEB offset areas, Heritage Agreement assessments and compliance assessments. Each area to be assessed is termed an 'application area', within which different vegetation associations are identified and then linked with and compared to a 'benchmark' vegetation community. Each identified vegetation association is termed a 'site', within which a representative 1ha quadrat is surveyed. One datasheet is completed per site.

Three 'components' of the biodiversity value of the site are measured and scored: vegetation condition, conservation value and landscape context. Vegetation condition is the main component for which field data is gathered.

By the Council utilising this method, Council will be able to quantitatively assess the condition of these sites, and the data collected will be able to be utilised by the NVC to contribute to state-wide datasets. The initial BushRAT assessment for each site will benchmark its condition for comparing against subsequent assessments to ensure that the management or action plan for that site is improving, or at least maintaining, site condition. If the follow-up assessments indicate that site condition is deteriorating, the action, works or management plan for that site will need to be adjusted to ensure that site condition is being maintained.

Where sites are already being monitored using the BCM, these results will be used to assess the efficacy of the site plan.

The strategy itself will adopt an adaptive management approach, whereby the completed actions are reported to council staff, elected members, SAG, conservation community and government agencies and NGO's during an annual review. This will enable the Council and these stakeholders to qualitatively assess success of the overall Strategy objectives and adjust actions if necessary.

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10. Appendices

Appendix 1 - Glossary

Adaptive management - an approach to the management of natural resources that is based on learning by doing, and on making decisions as part of an on-going process of monitoring, review, and adaptation. A planned course of action is kept under constant review, and is adapted where appropriate as new information becomes available from the monitoring of results, publication of new findings and expert judgments, and changing needs of society.

Asset Protection Zone (APZ) - an area surrounding an asset, managed to reduce bush fire fuels to a level that will minimise the impact of fire on that asset. The APZ serves as a buffer zone between an asset and the bush fire hazard. The primary purpose of the APZ is to ensure that a progressive reduction of bush fire fuels occurs between the bush fire hazard and any habitable structures within the development or other natural asset.

Biodiversity - the degree of variation of life forms within a given species, ecosystem, biome, or an entire planet. Biodiversity is a measure of the health of ecosystems.

Ecosystem - a biological community of interacting organisms and their physical environment.

Ecosystem services - the biological transformation of a set of natural assets (soil, plants and animals, air and water) into things that we value. For example, when fungi, worms and bacteria transform the raw "ingredients" of sunlight, carbon and nitrogen into fertile soil this transformation is an ecosystem service.

Endemic - a plant or animal that is native to a certain limited area.

Enhance - to increase or improve native vegetation or habitat quality, value, or extent.

Habitat - natural home or environment of an animal, plant, or other organism.

Heritage Agreement - a contract between a landholder and the State Government for the protection in perpetuity of a particular area of native vegetation. In signing the agreement the landowner becomes eligible to receive financial assistance for the management of the land, a rate rebate on the Heritage Agreement land and fencing assistance if required.

No net loss - overall policy goal balancing habitat or native vegetation loss due to economic development with reclamation, mitigation, and restorations efforts of habitat or native vegetation, so that the total area of area of habitat or native vegetation in the state does not decrease, but remains constant or increases in perpetuity.

Precautionary Principle – “where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation’ (Rio declaration, 1992).

Principles - guiding ideals used to assist in making decisions.

Provenance - the geographic area and physical environment from which a supply of seeds or pollen was obtained. Seedlings will generally grow best in locations similar to their native region.

Qualitative – Decision making data which is descriptive rather than numerical, focussing on the how and why.

Quantitative - Decision making data which can be measured in numbers, assigning a numerical score, order or describing how many, how long and how much.

Resilience - The capacity of an ecosystem to tolerate disturbance without collapsing into a qualitatively different state that is controlled by a different set of processes. A resilient ecosystem can withstand shocks and rebuild itself when necessary.

Restoration - The process of repairing a vegetation community or habitat so as to return it to its original condition.

Revegetation - replanting endemic plants similar to what existed before the site was disturbed. Revegetation can increase the area of suitable habitat in the landscape, improve the quality of existing habitat and help to link remnant or isolated habitats by providing 'stepping stones' and corridors.

Strategic planning - an organization's process of defining its direction, and making decisions on allocating its resources to pursue this strategy. In order to determine the direction of the organization, it is necessary to understand its current position and the possible avenues through which it can pursue a particular course of action. In many organizations, this is viewed as a process for determining where an organization is going over the next 20 years or—more typically—3 to 5 years.

Strategy - a plan of action or policy designed to achieve a major or overall aim. Aim is usually determined by a process of strategic planning.

Sustain – to maintain or hold native vegetation or habitat quality continuously at a certain level.

Translocation - A change of location

Vision: outlines what the organization wants to be, or how it wants the world in which it operates to be (an "idealised" view of the world). It is a long-term view and concentrates on the future. It can be emotive and is a source of inspiration. For example, a charity working with the poor might have a vision statement which reads "A World without Poverty."

Weeds – plants growing where they are not wanted and in competition with desired plant species.

Woody Weeds – any perennial weed that has a woody stem – including pine and olive trees, gorse, broom and Spanish heath.

Appendix 2 - Key Legislation and Policy affecting biodiversity management in the AHC District.

Legislation and policy	Governing body	How it applies to biodiversity management in the AHC district
Environment Protection and Biodiversity Conservation Act (1999) (EPBC Act)	Federal Government	Regulates actions that may have a significant impact on nationally listed threatened species and ecological communities, described as matters of National Environmental Significance (NES). An action likely to have significant impact on any matter of NES must be referred to the Federal Minister for Sustainability, Environment, Water, Population and Communities for assessment and conditional approval. For example, activities or proposals that affect species such as listed orchids or the Southern Brown Bandicoot. The precautionary principle is applied by the Minister when making decisions about proposed actions affecting matters of NES.
Native Vegetation Act (1991) (NV Act) Native Vegetation Regulations (2003)	State Government	Regulates native vegetation clearance. Prohibits and imposes strict penalties for broad-scale native vegetation clearance without permission. Clearance is only legal where permitted by the Act, either under exemptions in the Regulations or approval of the Native Vegetation Council (NVC) by application. Exemptions permit certain clearance for safety, land use or management reasons (e.g. the establishment of firebreaks, tracks and fence lines). In most situations, clearance requires approval from the Native Vegetation Council (NVC), including clearance under exemptions. The Act is also the basis for the Heritage Agreement (HA) Scheme; an agreement between a landholder and the State Government where land is formally protected for conservation purposes, entitling the landowner to financial assistance for the conservation management
Natural Resource Management Act (2004) (NRM Act)	State Government	Regulates for the protection of biodiversity and the resources our plants and wildlife depend on and the control of threats, such as water affecting activities – any activity that alters the natural movement of water requires a permit unless operating under an agreed management plan. Also regulates control of significant weeds, declared plants that threaten primary production industries, natural environments and public safety. Every landowner has a legal responsibility to manage declared plants.
National Parks and Wildlife Act (1972) (NPW Act)	State Government	Regulates for protection of representative areas of the state's diverse range of ecosystems, ecological communities, habitats, species and their populations through State parks and reserves, Park management plans, protection of all native plants and animals. All native wildlife is protected unless listed in Schedule 10 or declared by regulation to be unprotected, and activities relating to native wildlife require a permit. The NPW Act lists threatened flora and fauna species in Schedules 7, 8 & 9, which are regularly reviewed.
Fire and Emergency Services Act (2005) FES Act	State Government	Stipulates that land managers, both public and private, are required to manage fuel load in bushfire risk areas, and develop a Bushfire Management Plan (requiring State Bushfire Coordination Committee approval) to determine how this will be done; provides for exemptions under the Native Veg Act.

Legislation and policy	Governing body	How it applies to biodiversity management in the AHC district
Crown Land Management Act (2009)	State Government	Land owned by the State Government is given to the care and control of Council. In some instances, the Council may be currently managing the land for biodiversity outcomes. However, care and control may be revoked by the State at any time, to use it for its dedicated purpose – i.e. forestry or education.
Local Government Act 1999 (LG Act)	State Government	All the Council land (besides roads) is classified as Community Land which must be given a classification, and a Management Plan, and the Council must manage the Community Land according to the Management Plan. This is the Council's Community Land Register and Community Land Management Plans (AHC, 2012). This Act also consigns public road maintenance (besides Highways, which remain DPTI's responsibility) to the Council. A person must not make an alteration to a public road (or road reserve), which includes revegetating or any vegetation removal, unless authorised to do so by Council.
Development Act 1999	State Government	All development requires that an application be lodged with the Council under this Act. Determines matters against which development applications must be assessed and under which conditions they may be granted approval. Assessed against the Council Development Plan. Also prohibits removal or damaging activity to regulated and significant trees*
Regional Recovery Plan for Threatened Species and Ecological Communities of Adelaide and the Mount Lofty Ranges, South Australia 2009-2014	State Government	Identifies key strategies and actions for threatened species recovery in the AMLR based on vegetation community and region. Also identifies knowledge gaps. Key themes and objectives include; increasing connectivity between and functionality of habitats, manage threats such as introduced species (particularly weeds), <i>Phytophthora cinnamomi</i> (Pc), and inappropriate recreational activities or firewood collection in areas of conservation value, provide information on threatened species and ecological communities to guide roadside management and development assessments and support community volunteer groups implementing programs.
AMLRNRMB Creating A Sustainable Future. An Integrated Natural Resources Management Plan For The Adelaide And Mount Lofty Ranges Region, Volume B – Ten Year Plan for the Region	State Government	Key directions of this plan include: protect, restore and expand natural ecosystems, conserve species and ecological communities; manage biodiversity across administrative boundaries; increase the capacity of landholders to improve natural resources management outcomes; encourage, maintain and sustain behaviour change by the community; develop understanding, knowledge and skills within the community to better manage natural resources; monitor, evaluate and report on the condition of natural resources.
Adelaide Mount Lofty Ranges Interim Bushfire Management Area Plan (BMAP)	State	Amongst other objectives, this plan aims to manage fuel to reduce the rate of spread and intensity of bushfires, while minimising environmental/ecological impacts in accordance with state policy and legislation. Other environmental asset categories considered comprise Threatened Species and Listed

Legislation and policy	Governing body	How it applies to biodiversity management in the AHC district
		<p>Ecological Communities. There are many plans in existence that relate to the conservation of these environmental assets, which will be incorporated during development of the BMAP to ensure treatments for such assets are aligned with existing conservation strategies and outcomes.</p> <p>Environmental assets identified as locally important may be species, populations, ecological communities or habitats that the local community or independent scientific experts consider important for the BMAP, for which there is at least some scientific evidence that protection from bushfire would be beneficial. Such assets may exist at the extremes of their range, have iconic value to the region or may exist only in isolated fragments that are vulnerable to extinction if threatened by bushfire.</p> <p>Provides for exemptions under the NV Act to clear native vegetation in order to manage fuel load, including fire breaks and asset protection zones</p>
Environment Protection Act 1993 10(1)(B)(iv) – in the objects section	State	Requirement to apply a precautionary approach to the assessment of risk of environmental harm and ensure that all aspects of environmental quality affected by pollution and waste (including ecosystem sustainability and valued environmental attributes) are considered in decisions relating to the environment.
Recovery Plan for the Southern Brown Bandicoot (SBB) in the Mount Lofty Ranges, South Australia 2010 to 2015 (Long, 2010)	State	Identifies a number of key recovery actions in which Council can play a key role, including; monitoring the effect of blackberry removal and habitat restoration programs, support and increase legislative protection of remnant vegetation via Heritage Agreements, increase area of SBB habitat, enhance habitat connectivity between SBB populations, adopt <i>Phytophthora cinnamomi</i> hygiene guidelines at sites near Bandicoot populations, public education programs that raise awareness about responsible domestic cat and dog ownership and there is also opportunity to enhance the public profile of SBBs and encourage community participation in the recovery program.
Recovery Plan for Twelve Threatened Orchids in the Lofty Block Region of South Australia (Quarmby, 2010)	State	Provides the framework for the recovery of twelve nationally threatened orchid species that occur in the Lofty Block region of South Australia. It was prepared to satisfy the requirements of the Environment Protection and Biodiversity Conservation Act 1999. Recovery actions include locating and recording populations, protecting known populations from trampling and grazing, develop protocols for roadside vegetation and bushfire management that enables survival of orchids, entering sites known to support threatened orchid populations into Heritage Agreements or dedicate them to conservation purposes, disseminate information about and promote orchids to increase awareness.
Adelaide Hills Council Development Plan (DPTI, 2013)	State	Required under the <i>Development Act</i> , each council area has a development plan. It's a statutory policy document providing the basis against which planners must assess development applications before granting approval. The policies cover a range of social, environmental and economic matters and have

Legislation and policy	Governing body	How it applies to biodiversity management in the AHC district
		been established to support the longer term direction of the state's planning strategy. Development should be undertaken with the minimum effect on natural features, land adjoining water or scenic routes or scenically attractive areas. Amongst other guidelines, there are a number relating to retaining native vegetation for habitat (including roadside vegetation), preserving species of conservation significance, conserving and enhancing the rural character, scenic amenity and bushland of the region, conserving remnant bushland, protecting water quality and preventing pine plantations adjacent areas of conservation value. It specifies in guideline 208 that: "Important natural resources including watercourses and water catchment areas, scenic areas and significant flora and fauna areas should be conserved and protected from development which would affect them adversely"
Community Land Management Plan	Council	This plan is required of all Councils under the LG Act. The council objectives for Category 1 Community Land (Conservation Reserves) include: retain as conservation reserves in order to protect flora and fauna, allowing trails and access compatible with conservation use, but strictly excluding any commercial or sports activities; protect and enhance areas of native vegetation and eradicate weed infestations; foster and develop proactive participation by the local community; ensure that there is adequate bushfire prevention control; recognise and preserve any issues associated with prior aboriginal occupation. Sets a target of preparing a Management Plan detailing conservation and restoration activities consistent with Council Policies and funding as approved by Council.
Adelaide Hills Council Roadside Vegetation Management Plan	Council	Sets council policies and guidelines around management of native veg in roadsides and road reserves. Road managing authorities have a dual responsibility of managing roads for bushfire prevention under the Emergency Services Act 2005 and for the conservation of flora and fauna under the Native Vegetation Act 1991. Acknowledges that road reserves contain pockets of remnant indigenous vegetation, contain threatened flora species, provide habitat corridors for wildlife and that site specific assessment and planning might need to be undertaken to cater for unique characteristics at certain locations. Outlines exemptions under the NVA to clear Native Veg in road reserves and along roadsides.

* In some circumstances, exemptions apply. Please refer to relevant document for more information.

Appendix 3 - Threatened Fauna of the Adelaide & Mt Lofty Ranges Region

From the *Regional Recovery Plan for Threatened Species and Ecological Communities of Adelaide and Mount Lofty Ranges* (Willson & Bignall, 2009)

Common name	Scientific name	AUS	SA	AMLR*	Class
Australasian Bittern	<i>Botaurus poiciloptilus</i>		V	V	Bird
Baillon's Crake	<i>Porzana pusilla</i>			R	Bird
Bassian Thrush	<i>Zoothera lunulata halmaturina</i>		R	V	Bird
Beautiful Firetail	<i>Stagonopleura bella</i>		R	E	Bird
Black-chinned Honeyeater	<i>Melithreptus gularis gularis</i>		V	E	Bird
Brown Quail	<i>Coturnix ypsilophora</i>		V	V	Bird
Brown Treecreeper	<i>Climacteris picumnus picumnus</i>			V	Bird
Brown-headed Honeyeater	<i>Melithreptus brevirostris pallidiceps</i>			U	Bird
Brush Bronzewing	<i>Phaps elegans</i>			U	Bird
Buff-banded Rail	<i>Gallirallus philippensis mellori</i>			V	Bird
Chestnut-rumped Heathwren *	<i>Hylacola pyrrhopygia parkeri</i>	E	E	V	Bird
Chestnut-rumped Thornbill	<i>Acanthiza uropygialis</i>			V	Bird
Crested Shrike-tit	<i>Falcunculus frontatus frontatus</i>		R	V	Bird
Diamond Firetail	<i>Stagonopleura guttata</i>		V	V	Bird
Fairy Martin	<i>Petrochelidon ariel</i>			U	Bird
Fan-tailed Cuckoo	<i>Cacomantis flabelliformis</i>			V	Bird
Hooded Robin	<i>Melanodryas cucullata cucullata</i>		R	E	Bird
Horsfield's Bronze-cuckoo	<i>Chalcites basalis</i>			V	Bird
Jacky Winter	<i>Microeca fascinans fascinans</i>		R	V	Bird
Lewin's Rail	<i>Lewinia pectoralis pectoralis</i>		V	V	Bird
Little Wattlebird	<i>Anthochaera chrysoptera</i>			U	Bird
Orange-bellied Parrot	<i>Neophema chrysogaster</i>	CE	E	E	Bird
Painted Button-quail	<i>Turnix varius</i>		R	V	Bird
Pallid Cuckoo	<i>Cacomantis pallidus</i>			V	Bird
Peregrine Falcon	<i>Falco peregrinus</i>		R	R	Bird
Red-capped Robin	<i>Petroica goodenovii</i>			V	Bird
Red-rumped Parrot	<i>Psephotus haematonotus</i>			U	Bird
Restless Flycatcher	<i>Myiagra inquieta</i>		R	E	Bird
Rufous Whistler	<i>Pachycephala rufiventris rufiventris</i>			U	Bird
Sacred Kingfisher	<i>Todiramphus sanctus sanctus</i>			U	Bird
Scarlet Robin	<i>Petroica boodang boodang</i>		R	V	Bird
Shining Bronze-Cuckoo	<i>Chalcites lucidus</i>			R	Bird
Slender-billed Thornbill #	<i>Acanthiza iredalei rosinae</i>		V	V	Bird
Southern Emu-wren ^	<i>Stipiturus malachurus intermedius</i>	E	E	E	Bird
Southern Whiteface	<i>Aphelocephala leucopsis</i>			V	Bird
Spotless Crake	<i>Porzana tabuensis</i>		R	U	Bird
Spotted Quail-thrush	<i>Cinclosoma punctatum anachoreta</i>	CE	E	E	Bird
Tawny Frogmouth	<i>Podargus strigoides</i>			U	Bird
Tawny-crowned Honeyeater	<i>Glyciphila melanops</i>			U	Bird
Tree Martin	<i>Petrochelidon nigricans</i>			U	Bird
Varied Sittella	<i>Daphoenositta chrysoptera chrysoptera</i>			U	Bird
Whistling Kite	<i>Haliastur sphenurus</i>			U	Bird
White-browed Babbler	<i>Pomatostomus superciliosus gilgandra</i>			U	Bird

Common name	Scientific name	AUS	SA	AMLR*	Class
White-fronted Chat	<i>Epthianura albifrons</i>			U	Bird
White-naped Honeyeater	<i>Melithreptus lunatus</i>			U	Bird
White-winged Chough	<i>Corcorax melanorhamphos</i>		R	V	Bird
Yellow Thornbill	<i>Acanthiza nana</i>			U	Bird
Yellow-rumped Thornbill	<i>Acanthiza chrysorrhoa</i>			U	Bird
Yellow-tailed Black-Cockatoo	<i>Calyptorhynchus funereus</i>		V	V	Bird
Zebra Finch	<i>Taeniopygia guttata</i>			U	Bird
Climbing galaxias	<i>Galaxias brevipinnis</i>			V	Fish
Congolli	<i>Pseudaphritis urvillii</i>			V	Fish
Mountain galaxias	<i>Galaxias olidus</i>			V	Fish
Murray hardyhead	<i>Craterocephalus fluviatilis</i>		V	E	Fish
Pouched lamprey	<i>Geotria australis</i>			V	Fish
River blackfish	<i>Gadopsis marmoratus</i>			E	Fish
Short-headed lamprey	<i>Mordacia mordax</i>			V	Fish
Southern pygmy perch	<i>Nannoperca australis</i>			E	Fish
Yarra pygmy perch	<i>Nannoperca obscura</i>		V	E	Fish
Southern Brown Bandicoot	<i>Isodon obesulus obesulus</i>	E	V	V	Mammal
Western Pygmy-possum	<i>Cercartetus concinnus</i>			V	Mammal
Carpet Python	<i>Morelia spilota</i>		R	E	Reptile
Cunningham's Skink	<i>Egernia cunninghami</i>		E	V	Reptile
Eastern Water Skink	<i>Eulamprus quoyii</i>			V	Reptile
Five-lined Earless Dragon	<i>Tympanocryptis lineata lineata</i>			E	Reptile
Flinders Ranges Worm-lizard	<i>Aprasia pseudopulchella</i>		V	U	Reptile
Heath Goanna	<i>Varanus rosenbergi</i>		V	E	Reptile
Olive Snake-lizard	<i>Delma inornata</i>			V	Reptile
Pygmy Copperhead	<i>Austrelaps labialis</i>			V	Reptile
Southern Grass Skink	<i>Pseudemoia entrecasteauxii</i>			V	Reptile
Tiger Snake	<i>Notechis scutatus</i>			V	Reptile
Yellow-bellied Water Skink	<i>Eulamprus heatwolei</i>		V	V	Reptile
Brown Toadlet	<i>Pseudophryne bibronii</i>		R	V	Amphibian

* Unofficial regional conservation rating derived for the purposes of the AMLR Regional Recovery Plan only.

CE = Critically Endangered (AUS EPBC Act only); E = Endangered, V = Vulnerable, R = Rare, U = Uncommon (in respective order of threat status). Note: 'Uncommon' used only for regional threat rating.

^ = MLR subspecies; # = St Vincent Gulf subspecies

Appendix 4 - Key Fauna, Flora and Vegetation Communities of Conservation Significance in the District

Vegetation community/Common Name	Species Dominance/Name	Status	Location if known
Silver Banksia Grassy Low Woodland	<i>Banksia marginata</i>	E**	
Candlebark Open Forest	<i>Eucalyptus dalrympleana</i> ssp. <i>Dalrympleana</i>	E**	<ul style="list-style-type: none"> Rubida Grove, Madurta Wetter, colder valleys on fertile soils between Mylor and Gumeracha
Grey Box Grassy Low Woodland	<i>Eucalyptus microcarpa</i>	E**	
Freshwater wetlands	e.g. <i>Triglochin procerum</i> Herbland	E	
Silky Tea-tree Closed Shrubland	<i>Leptospermum lanigerum</i>	E	
Kangaroo Grass +/- Wallaby Grass Tussock Grassland	<i>Themeda triandra</i> +/- <i>Danthonia</i> spp.	E**	
Cypress Pine +/- Blue Gum Grassy Low Woodland	<i>Callitris preissii</i> +/- <i>E. leucoxylon</i>	V*	
Pink gum +/- Blue Gum Heathy Woodland	<i>Eucalyptus fasciculosa</i> +/- <i>E. leucoxylon</i>	V*	<ul style="list-style-type: none"> Mainly along western ranges and foothills and within northern and southern extremity of AHC boundaries.
Manna Gum Woodland	<i>Eucalyptus viminalis</i> ssp. <i>cygnetensis</i> and/or <i>E. viminalis</i> ssp. <i>viminalis</i>	V*	
Chestnut-rumped Heathwren (MLR subspecies)	<i>Calamanthus pyrrhopygius parkeri</i>	Nat. E	<ul style="list-style-type: none"> Stringybark Heathy Forest Pink Gum/ Blue Gum Heathy Woodland Swamps
Southern Brown Bandicoot	<i>Isopodon obesulus obesulus</i>	Nat. E State V	<ul style="list-style-type: none"> Stringybark Heathy Forest Pink Gum/ Blue Gum Heathy Woodland
Pygmy Copperhead Snake	<i>Calamanthus pyrrhopygius parkeri</i>	Reg. R	<ul style="list-style-type: none"> Various through Heathy Forest in Central Hills
Brown Toadlet	<i>Pseudophryne bibronii</i>	State R	<ul style="list-style-type: none"> Pink Gum/ Blue Gum Heathy Woodland
Yellow-footed antechinus	<i>Antechinus flavipes</i>	State V	
Yellow-tailed Black-cockatoo	<i>Calyptrorhynchus funereus</i>	State V	<ul style="list-style-type: none"> Stringybark Heathy Forest Heathy Woodland
Spotless Crake	<i>Porzana tabuensis</i>	State R	<ul style="list-style-type: none"> Stirling Linear Park
Bassian Thrush	<i>Zoothera lunulata halmaturina</i>	State R	<ul style="list-style-type: none"> Stirling Linear Park
Scarlet Robin	<i>Petroica boodang boodang</i>	State R	<ul style="list-style-type: none"> Stirling Linear Park
White-naped Honeyeater	<i>Melithreptus lunatus</i>	Reg. U	<ul style="list-style-type: none"> Stirling Linear Park
Pink-lip Spider-orchid	<i>Caladenia behrii</i>	Nat. E	<ul style="list-style-type: none"> Heathy woodland Belair NP, private land in Cromer and Ironbank, DPTI land in Kersbrook
Stiff White Spider-orchid	<i>Caladenia rigida</i>	Nat. E	<ul style="list-style-type: none"> Belair NP, Scott Creek CP, Roachdale Reserve, private land through Kersbrook and Ironbank, Millbrook reservoir
White Beauty Spider-orchid	<i>Caladenia argocalla</i>	Nat. E State E	<ul style="list-style-type: none"> Heathy woodland – AHC land - Bagshaw Rd
Pale flax-lily	<i>Dianella longifolia</i>	State R	<ul style="list-style-type: none"> grassy woodland (s)
Mount Lofty Phebalium	<i>Leionema hillebrandii</i>	Sate R	<ul style="list-style-type: none"> Stringybark Heathy Forest
Bushy Clubmoss	<i>Lycopodium deuterodensum</i>	State E	<ul style="list-style-type: none"> Stringybark Heathy Forest Belair NP & Cleland CP, Nurutti Reserve, Mt Loft Botanic Reserve
Mount Lofty Speedwell	<i>Veronica derwentiana</i> ssp. <i>homalodonta</i>	State E	<ul style="list-style-type: none"> Stringybark Heathy Forest along spine of the MLR, from Mount Crawford Forest, Cherryville/Basket Range, south-east of Belair NP, Scott Creek CP
`Leafy Green hood	<i>Pterostylis cucullata</i>	Nat v	<ul style="list-style-type: none"> Grassy woodland AHC land Lenswood Reserve and Lobethal Bushland Park Private land in Cherry Gardens, Belair NP
`Bayonet Spider-orchid	<i>Caladenia gladiolata</i>	Nat E	<ul style="list-style-type: none"> grassy woodland Scott Creek NP
White purslane	<i>Montia australasica</i>	State R	<ul style="list-style-type: none"> AHC roadsides
Ploughshare wattle	<i>Acacia gunnii</i>	State R	<ul style="list-style-type: none"> AHC roadsides

(Adapted from DEH 2009, Willson & Bignall 2009, Bechervaise & Seaman 2002)

E = Endangered; V = Vulnerable

** Very high priority under the Regional Recovery Plan (Willson & Bignall, 2009)

* High priority under the Regional Recovery Plan (Willson & Bignall, 2009)

Appendix 5 - Threatened Flora of the Adelaide & Mt Lofty Ranges Region

From the *Regional Recovery Plan for Threatened Species and Ecological Communities of Adelaide and Mount Lofty Ranges* (Willson & Bignall, 2009)

Scientific name	Common name	AUS	SA	AMLR*	Form
<i>Acacia gunnii</i>	Ploughshare Wattle		R	V	Shrub
<i>Acacia menzeli</i>	Menzel's Wattle	V	V	V	Shrub
<i>Acacia pinguifolia</i>	Fat-leaf Wattle	E	E	E	Shrub
<i>Acacia rheticocarpa</i>	Resin Wattle	V	V	E	Shrub
<i>Adiantum capillus-veneris</i>	Dainty Maiden-hair		V	V	Fern
<i>Allocasuarina robusta</i>	Mount Compass Oak-bush	E	E	E	Shrub
<i>Amphibromus pithogastrus</i>	Plump Swamp Wallaby-grass			T	Grass
<i>Asterolasia muricata</i>	Rough Star-bush		R	V	Shrub
<i>Austrostipa echinata</i>	Spiny Spear-grass		R	T	Grass
<i>Austrostipa oligostachya</i>	Fine-head Spear-grass		E	E	Grass
<i>Boronia parviflora</i>	Swamp Boronia		R	V	Shrub
<i>Brachyscome diversifolia</i>	Tall Daisy		E	E	Herb
<i>Caladenia argocalla</i>	White Beauty Spider-orchid	E	E	E	Orchid
<i>Caladenia behrii</i>	Pink-lip Spider-orchid	E	E	E	Orchid
<i>Caladenia bicalliata</i> ssp. <i>bicalliata</i>	Western Daddy-long-legs		R	E	Orchid
<i>Caladenia colorata</i>	Coloured Spider-orchid	E	E	E	Orchid
<i>Caladenia gladiolata</i>	Bayonet Spider-orchid	E	E	E	Orchid
<i>Caladenia ovata</i>	Kangaroo Island Spider-orchid	V	E	E	Orchid
<i>Caladenia rigida</i>	Stiff White Spider-orchid	E	E	E	Orchid
<i>Caladenia valida</i>	Robust Spider-orchid		E	E	Orchid
<i>Caladenia vulgaris</i>	Plain Caladenia		R	E	Orchid
<i>Caleana major</i>	Large Duck-orchid		V	V	Orchid
<i>Callistemon teretifolius</i>	Needle Bottlebrush			V	Shrub
<i>Calochilus campestris</i>	Plains Beard-orchid		R	E	Orchid
<i>Calochilus cupreus</i>	Copper Beard-orchid		E	E	Orchid
<i>Calochilus paludosus</i>	Red Beard-orchid		V	E	Orchid
<i>Centrolepis glabra</i>	Smooth Centrolepis		R	T	Herb
<i>Correa calycina</i> var. <i>calycina</i>	Hindmarsh Correa	V	V	V	Shrub
<i>Correa eburnea</i>	Deep Creek Correa		V	V	Shrub
<i>Corybas dentatus</i>	Finniss Helmet-orchid	V	E	E	Orchid
<i>Corybas expansus</i>	Dune Helmet-orchid		V	E	Orchid
<i>Corybas unguiculatus</i>	Small Helmet-orchid		R	E	Orchid
<i>Crassula sieberiana</i>	Sieber's Crassula		E	E	Herb
<i>Cryptostylis subulata</i>	Moose Orchid		V	E	Orchid
<i>Cullen parvum</i>	Small Scurf-pea		V	E	Herb
<i>Dampiera lanceolata</i> var. <i>intermedia</i>	Aldinga Dampiera		E	E	Shrub
<i>Daviesia pectinata</i>	Zig-zag Bitter-pea		R	E	Shrub
<i>Dianella longifolia</i> var. <i>grandis</i>	Pale Flax-lily		R	V	Lily
<i>Dipodium pardalinum</i>	Leopard Hyacinth-orchid		V	V	Orchid
<i>Diuris behrii</i>	Behr's Cowslip Orchid		V	V	Orchid
<i>Diuris brevifolia</i>	Short-leaf Donkey-orchid		E	E	Orchid
<i>Eleocharis atricha</i>	Tuber Spike-rush		V	E	Rush
<i>Eremophila gibbifolia</i>	Coccid Emubush		R	V	Shrub
<i>Eucalyptus cneorifolia</i>	Kangaroo Island Narrow-leaf Mallee			V	Mallee

Scientific name	Common name	AUS	SA	AMLR*	Form
<i>Eucalyptus paludicola</i>	Mount Compass Swamp Gum	E	E	E	Mallee
<i>Eucalyptus phenax</i> ssp. <i>compressa</i>	Kangaroo Island Mallee		R	V	Mallee
<i>Euphrasia collina</i> ssp. <i>osbornii</i>	Osborn's Eyebright	E	E	V	Herb
<i>Gahnia radula</i>	Thatch Saw-sedge		R	E	Sedge
<i>Gastrodia sesamoides</i>	Potato Orchid		R	E	Orchid
<i>Glycine latrobeana</i>	Clover Glycine	V	V	V	Herb
<i>Glycine tabacina</i>	Variable Glycine		V	E	Herb
<i>Gratiola pumilo</i>	Dwarf Brooklime		R	E	Herb
<i>Haloragis brownii</i>	Swamp Raspwort		R	T	Herb
<i>Haloragis myriocarpa</i>			R	E	Herb
<i>Helichrysum rutidolepis</i>	Pale Everlasting		E	E	Herb
<i>Hibbertia tenuis</i>			E	E	Shrub
<i>Hydrocotyle crassiuscula</i>	Spreading Pennywort		R	V	Herb
<i>Juncus amabilis</i>			V	V	Rush
<i>Juncus prismatocarpus</i>	Branching Rush		E	E	Rush
<i>Juncus radula</i>	Hoary Rush		V	T	Rush
<i>Lagenophora gracilis</i>	Slender Bottle-daisy		V	V	Herb
<i>Leionema hillebrandii</i>	Mount Lofty Phebalium		R	V	Shrub
<i>Logania minor</i>	Spoon-leaf Logania			T	Shrub
<i>Luzula flaccida</i>	Pale Wood-rush		V	T	Rush
<i>Lycopodiella lateralis</i>	Slender Clubmoss		R	T	Clubmoss
<i>Lycopodiella serpentina</i>	Bog Clubmoss		E	E	Clubmoss
<i>Lycopodium deuterodensum</i>	Bushy Clubmoss		E	E	Clubmoss
<i>Maireana decalvans</i>	Black Cotton-bush		E	E	Shrub
<i>Mazus pumilio</i>	Swamp Mazus		V	E	Herb
<i>Melaleuca squamea</i>	Swamp Honey-myrtle		R	V	Shrub
<i>Microtis atrata</i>	Yellow Onion-orchid		R	E	Orchid
<i>Microtis rara</i>	Sweet Onion-orchid		R	E	Orchid
<i>Montia fontana</i> ssp. <i>chondrosperma</i>	Waterblinks		V	V	Herb
<i>Neopaxia australasica</i>	White Purslane		R	V	Herb
<i>Olearia glandulosa</i>	Swamp Daisy-bush		V	E	Shrub
<i>Olearia pannosa</i> ssp. <i>pannosa</i>	Silver Daisy-bush	V	V	V	Shrub
<i>Oreomyrrhis eriopoda</i>	Australian Carraway		E	V	Herb
<i>Orobanche cernua</i> var. <i>australiana</i>	Australian Broomrape		R	E	Herb
<i>Paracaleana disjuncta</i>	Black-beak Duck-orchid		E	E	Orchid
<i>Paracaleana minor</i>	Small Duck-orchid		V	E	Orchid
<i>Phyllanthus striaticaulis</i>	Southern Spurge			V	Herb
<i>Podolepis muelleri</i>	Button Podolepis		V	E	Herb
<i>Potamogeton ochreatus</i>	Blunt Pondweed		R	T	Herb
<i>Prasophyllum australe</i>	Austral Leek-orchid		R	V	Orchid
<i>Prasophyllum fecundum</i>	Self-pollinating Leek-orchid		R	E	Orchid
<i>Prasophyllum fitzgeraldii</i>	Fitzgerald's Leek-orchid			E	Orchid
<i>Prasophyllum murfetii</i>		CE	E	E	Orchid
<i>Prasophyllum occultans</i>	Hidden Leek-orchid		R	E	Orchid
<i>Prasophyllum pallidum</i>	Pale Leek-orchid	V	R	V	Orchid
<i>Prasophyllum pruinsum</i>	Plum Leek-orchid		V	E	Orchid
<i>Pratia puberula</i>	White-flower Matted Pratia		V	E	Herb
<i>Prostanthera chlorantha</i>	Green Mintbush		R	T	Shrub
<i>Prostanthera eurybioides</i>	Monarto Mintbush	E	E	E	Shrub
<i>Psilotum nudum</i>	Skeleton Fork-fern		E	E	Fern
<i>Pteris tremula</i>	Tender Brake		R	V	Fern

Scientific name	Common name	AUS	SA	AMLR*	Form
<i>Pterostylis arenicola</i>	Sandhill Greenhood	V	V	E	Orchid
<i>Pterostylis bryophila</i>	Hindmarsh Greenhood	CE	E	E	Orchid
<i>Pterostylis cucullata</i> ssp. <i>sylvicola</i>	Leafy Greenhood	V	E	E	Orchid
<i>Pterostylis curta</i>	Blunt Greenhood		R	V	Orchid
<i>Pterostylis falcata</i>			E	E	Orchid
<i>Pterostylis</i> sp. <i>Hale</i> (R.Bates 21725)	Hale Greenhood		E	E	Orchid
<i>Pterostylis uliginosa</i>			E	E	Orchid
<i>Pultenaea dentata</i>	Clustered Bush-pea		R	V	Shrub
<i>Pultenaea viscidula</i>	Dark Bush-pea			V	Shrub
<i>Ranunculus inundatus</i>	River Buttercup		R	T	Herb
<i>Ranunculus papulentus</i>	Large River Buttercup		V	E	Herb
<i>Schizaea bifida</i>	Forked Comb-fern		V	E	Fern
<i>Schizaea fistulosa</i>	Narrow Comb-fern		V	E	Fern
<i>Schoenus discifer</i>	Tiny Bog-rush		R	E	Rush
<i>Schoenus latelaminatus</i>	Medusa Bog-rush		V	T	Rush
<i>Senecio megaglossus</i>	Large-flower Groundsel	V	E	E	Shrub
<i>Spiranthes australis</i>	Austral Lady's Tresses		R	E	Orchid
<i>Spyridium coactilifolium</i>	Butterfly Spyridium	V	V	V	Shrub
<i>Tecticornia flabelliformis</i>	Bead Samphire	V	V	V	Shrub
<i>Thelymitra circumsepta</i>	Naked Sun-orchid		E	E	Orchid
<i>Thelymitra cyanapicata</i>	Blue Top Sun-orchid	CE	E	E	Orchid
<i>Thelymitra cyanea</i>	Veined Sun-orchid		E	E	Orchid
<i>Thelymitra holmesii</i>	Blue Star Sun-orchid		V	V	Orchid
<i>Thelymitra inflata</i>	Plum Sun-orchid		V	V	Orchid
<i>Thelymitra mucida</i>			R	E	Orchid
<i>Thelymitra peniculata</i>	Peniculate Sun-orchid		V	V	Orchid
<i>Todea barbara</i>	King Fern		E	E	Fern
<i>Tricostularia pauciflora</i>	Needle Bog-rush		E	E	Rush
<i>Trymalium wayi</i>	Grey Trymalium			V	Shrub
<i>Utricularia lateriflora</i>	Small Bladderwort		V	E	Herb
<i>Veronica derwentiana</i> ssp. <i>anisodonta</i>	Kangaroo Island Speedwell		R	E	Shrub
<i>Veronica derwentiana</i> ssp. <i>homalodonta</i>	Mt Lofty Speedwell		E	E	Shrub
<i>Viola betonicifolia</i> ssp. <i>betonicifolia</i>	Showy Violet		E	E	Herb
<i>Wurmbea uniflora</i>	One-flower Nancy		E	E	Lily
<i>Xyris operculata</i>	Tall Yellow-eye		R	T	Herb

* Unofficial regional conservation rating derived for the purposes of this plan only.

CE = Critically Endangered (AUS EPBC Act only); E = Endangered, T = Threatened, V = Vulnerable, R = Rare (in respective order of threat status). Note: 'Threatened' used only for regional threat rating

Appendix 6 –Strategy Consultation Schedule

Activity	Description
Phase 1 – November 2012 – December 2012	
Meeting the Council project team	Meetings are held with the project team responsible for strategy development to define the scope of the strategy and develop the consultation methodology according to available resources.
Announce project	Project is announced internally, council newsletter and via Email
Staff / EM / SAG workshop – issues	Workshops are held with the Council staff, Elected Members and the Sustainability Advisory Group to describe the biodiversity values of the region, outline the project and collate biodiversity issues that they feel should be addressed in the strategy
Targeted stakeholder workshops & relevant agencies	Workshops are held with targeted conservation groups active in the region to collate to describe the project and collate biodiversity issues that they should be addressed in the strategy
Meetings with the Council project team	The project team meets on a few occasions to collate 215 issues and arrange them into 9 themes so as to complement council function to enable efficient administration
Phase 2 – March 2013 – September 2013	
SAG meeting (1)-February 2013	Collated issues are presented to SAG for comment
Key targeted stakeholder /staff workshops	Workshops are held to discuss collated issues and propose and prioritise actions to address them
Government agencies	Workshops are held to discuss collated issues and propose and prioritise actions to address them
SAG meeting (2)-June 2013	First draft of strategy is presented to SAG for discussion
MEG consultation - June 2013	First draft of strategy is presented to MEG for discussion
Presentation to Council – July 2013	First draft of strategy is presented to Elected Members for comment
Draft Strategy out for public comment – August 2013	The draft strategy is released for public comment
Draft Strategy endorsed by Elected Members – September 2013	Compiled feedback and summary of changes to the Draft provided to the Elected Members at council meeting for endorsement
Strategy finalised – October 2013	The final strategy is added to external website
Phase 3 – September 2014	
Review of Strategy	Workshops are held 12mths post-finalisation of strategy to discuss success of actions and confirm prioritisation of next actions.

Appendix 6 - Summary of Themes, Aims, Strategies and Actions

Theme	Objective	Strategies	Action	Priority
Land Use Planning	Identify policy options to better address issues between native vegetation and surrounding incompatible activities.	<ul style="list-style-type: none"> • Manage the encroachment of private landholders onto council owned and managed land • Manage and monitor community and visitor use and activities within council owned and managed land • Provide information on appropriate management of native vegetation on private land 	Seek agreement to use DEWNR data sets and incorporate in the Council GIS system to map existing areas of significant native vegetation and habitats.	High
			Identify and map areas which may form linkages to connect and expand habitat, incorporating remnant and restored vegetation areas, drainage channels, river and creeklines, unmade roads and railway lines, made & unmade road reserves, infrastructure easements, heritage agreements and private landowner agreements (Natural Resources AMLR & SAMDB) and blue marker sites.	High
			Undertake a review including unmade road reserves of where encroachment on council land maybe occurring.	Medium
			Develop a Council policy and register to manage encroachment on council land.	Medium
			Develop and identify relevant use categories within reserves to ensure appropriate recreation use and management actions	Medium
			Develop a signage strategy that identifies appropriate uses within specific reserve areas. These signs to also identify the issues associated with the spread of phytophthora.	Medium
			Continue to enforce and regulate inappropriate use within reserve areas	Ongoing
			Provide links to appropriate use and activities information for open space and reserve areas on website	Ongoing
Connectivity and Linkages	Plan for connectivity and linkages between habitats to increase range and enable adaptability of native flora and fauna	<ul style="list-style-type: none"> • Manage habitat fragmentation by identifying a habitat network to allow improved species movement and adaptation • Prioritise habitat linkages appropriate for active management via partnerships and external funding 	Identify and map areas which may form linkages to connect and expand habitat, incorporating remnant and restored vegetation areas, drainage channels, river and creeklines, unmade roads and railway lines, made & unmade road reserves, infrastructure easements, heritage agreements and private landowner agreements (Natural Resources AMLR & SAMDB) and blue marker sites.	High
			Develop a Woody Weed Control program in Asset Protection Zones within areas of Conservation Value to reduce fuel load and improve habitat quality	High
			Investigate opportunities for additional resources for on-ground ongoing management of biodiversity a) identify available grant funding and relevant criteria to determine best fit projects b) Apply for funding	High

Theme	Objective	Strategies	Action	Priority
			Liaise with all utilities and services to identify a way forward to comply with legislation and retain biodiversity within road reserves i.e. SA Power	Medium
Bushfire Management	Reduce bushfire fuel load while maintaining native vegetation of habitat and conservation value	<ul style="list-style-type: none"> Undertake a proactive, strategic and practical program to balance bushfire management with biodiversity outcomes 	Develop procedures for Council staff/contractors in sites with remnant or listed vegetation within asset protection zones and fencelines - seek guidance for best practice with CFS & DEWNR including;	High
			a. Risk assessment tool for determining veg management in Asset Protection Zones & fencelines	
			b. Reduce vegetation in Asset Protection Zones and along fencelines to acceptable risk	
			Develop a Woody Weed Control program in Asset Protection Zones within areas of Conservation Value to reduce fuel load and improve habitat quality	High
			Consideration of prescribed burns in liaison with DEWNR	Medium
			Develop Agreement with Natural Resources AMLR & SAMDB for regional woody/prescribed weed control & prioritisation	Medium
Roadsides and Road Reserves	Maintain road safety while supporting biodiversity value	<ul style="list-style-type: none"> Clarification and communication of responsibility, approach and method of roadside vegetation management 	Quick guide to compliance & Council bushfire management for general public on website	Low
			Develop Council operational bushfire management calendar for website	Low
			Review and map blue marker sites to determine condition and prioritise weed treatment	High
			Review the Council Roadside Vegetation Management Plan and quick guides for general public on council approach to roadside vegetation management (based on above) and in Blue Markers Sites, with regard to:	
			a. Roadside weeds b. Bushfire management c. Road surface d. Clearance envelope (as per council policy) e. Native vegetation conservation f. Hygiene to minimise spread of Pc and weeds	High
			Develop a Woody Weed Control program in areas of high Conservation Value to reduce fuel load and improve habitat quality	High
			Develop agreement between the Council and DPTI for roadside veg management	Medium

Theme	Objective	Strategies	Action	Priority
			Develop agreement between the Council and Natural Resources AMLR & SAMDB for roadside veg management	Medium
			Determine nomination process for new Blue Marker Sites	Medium
Habitat Quality	Maintain good quality habitat for flora and fauna	<ul style="list-style-type: none"> Reduce habitat degradation by protecting and maintaining good quality remnant vegetation, and preserving, enhancing or restoring medium quality vegetation or corridors Manage detrimental impact of introduced animals – predators and competition; such as domestic cats & dogs, foxes, rabbits. 	Seek input from local community in biodiversity and habitat planning through annual review of Strategy and through implementation of site action plans.	High
			Develop a Woody Weed Control program in Asset Protection Zones within areas of Conservation Value to reduce fuel load while improving habitat	High
			Liaise with DEWNR to identify areas of high conservation value for consideration of entering into Heritage Agreements	High
			Assess biodiversity value of council reserves and prioritise action plans for sites of highest value <ul style="list-style-type: none"> Prioritise weed management in reserves of high conservation value Undertake regular monitoring of high value sites to assess success of action plans 	High
			Support volunteers conducting weed control (including follow up where required) in sites of conservation significance.	High
			Keep a register of council areas where known populations of threatened or declining indigenous species are extant and prioritise management	High
			Develop procedures for staff & contractors for works in environmentally sensitive areas in liaison with experienced groups- i.e. BPOPs for working in <ul style="list-style-type: none"> <i>Phytophthora cinnamomi</i> affected areas (see roadsides section) watercourses management – minimal herbicide, prioritise upstream areas 	High
			Develop operational program to guide annual works across all sites	Medium Ongoing
			Assess dog access in Council Reserves via the Animal Management Plan Advisory Group	Medium Ongoing
			Assess feasibility of vertebrate pest control programs with NRM AMLR & MDB.	Low
			Develop website to include Backyards for Wild life information with hyperlinks	Low
Sustainable Land Management Practices	Encourage and further develop land management knowledge, skills and understanding by private	<ul style="list-style-type: none"> Adopt a proactive role to identify and adopt best practice sustainable staff and contractor land management practices on Council land 	Develop procedures for staff & contractors for works in environmentally sensitive areas in liaison with experienced groups- i.e. BPOPs for working in <ul style="list-style-type: none"> <i>Phytophthora cinnamomi</i> affected areas (see roadsides section) watercourses management – minimal herbicide, prioritise upstream areas 	High
			Develop Agreement to understand the responsibility/balance of management between the Council and Natural Resources AMLR & SAMDB grants	High

Theme	Objective	Strategies	Action	Priority
	landowners, Council staff and contractors.	<ul style="list-style-type: none"> Facilitate development of private landowner knowledge and understanding by distributing information and resources for sustainable land management practices Encourage sustainable watercourse management to protect habitat and water quality 	Develop Community Lands Register to identify active volunteer groups to Council lands and incorporate into Council GIS system	Medium
			Assist in development of veg management plans for private land/bush with Natural Resources AMLR & SAMDB	Medium
			Develop Landscaping guidelines for council and resident use; <ul style="list-style-type: none"> a. Appreciation of native veg in landscaping b. Avoiding environmental/declared weeds c. Unsustainability of moss rocks d. Planting in bushfire areas 	Low
			Develop and/or circulate information/fact sheets/website with regard to: <ul style="list-style-type: none"> a. Understanding of biodiversity & it's value & why preserve it (resilience, food security, wellbeing, ecosystem services) b. Legislative compliance, council policies and rationale (see roadsides & bushfire) c. Appreciation of native veg in landscaping d. Weed identification and threat information e. Watercourse management to protect water quality & habitat f. appropriate use of reserves 	Low
			Assess feasibility of incentives for sustainable land management for private land managers – i.e. give away plants	Low
			Include above fact sheets in welcome package to new residents/land managers (including above information) and available for download on website	Low
Community Capacity Building	Generate community interest and facilitate new community involvement in conservation activities	<ul style="list-style-type: none"> Improve knowledge and understanding of biodiversity by general community and foster a culture of biodiversity mindfulness and pride in the District Facilitate volunteer recruitment by providing the general community with information regarding opportunities to help 	Information packages also to include information on: <ul style="list-style-type: none"> g. Roadside Marker System h. National Tree Days i. Southern Brown Bandicoot 	Low
			Promote biodiversity via council initiatives <ul style="list-style-type: none"> a. Native plant giveaways – ‘butterfly kit’ 	Low
			Promote/market biodiversity assets of the district i.e. maps/photos of the region, distributing fact sheets, World Environment Day events, National Tree Days.	Low
			Improve the Council website, and include: <ul style="list-style-type: none"> a. calendar of volunteer work dates and meetings b. Contact details for existing volunteer groups c. Links to volunteer site 	Low
			Provide incentives for community involvement and facilitate initiatives to generate volunteer recruitment – e.g. promote enjoyment of native landscapes, building linkages with scouts and schools	Low

Theme	Objective	Strategies	Action	Priority
			Promote DEWNR NatureLinks website for connecting conservation community & projects	Medium
			Develop Facebook working group to cross-promote and share council and community initiatives and activities	Medium
			Identify how and where community can participate	Medium
			Actively promote volunteer groups and achievements	Medium
			Make procedures developed above easily accessible on website to guide biodiversity management in the district	Medium
			Explore avenues and opportunities for citizen science	Medium
	Build community capacity to deliver biodiversity outcomes	<ul style="list-style-type: none"> Facilitate coordination of volunteer effort and development of volunteer skills and provide them with technical, financial and material support Increase communication opportunities between the Council, general community & volunteers and value community knowledge and expertise Celebrate and communicate outcomes and achievements Continue to support community biodiversity projects through the Council Community Grants programme 	Develop Agreement to understand the responsibility/balance of management between the Council and Natural Resources AMLR & SAMDB Grants	High
			Develop communications procedure for liaison with community groups prior to undertaking activities on their related sites	High
			Facilitate and engage in liaison between experienced land management groups to learn from each other (both volunteers and the Council)	High
			Improve communication within council between planning and management on biodiversity sites	High Ongoing
			Facilitate private landowners accessing support for the development of management/action plans for private land	High
			Assess biodiversity value of council reserves and prioritise action plans for sites of highest value	High
			a. Prioritise weed management in reserves of high conservation value	
			b. Undertake regular monitoring of high value sites to assess success of action plans	
			c. Involve community on development & implementation where possible	Medium
			Communicate activities and achievements of volunteer groups via Facebook/web site/newsletter.	
			Offer financial support through the grants program and help with grant applications	
			Make grants as easy and flexible as possible	Medium
			Advise and refer volunteers to training opportunities	Medium

Theme	Objective	Strategies	Action	Priority
			Provide a forum (i.e. website or meeting) for environmental and biodiversity groups to connect with each other and obtain information, pool resources & share successes	Medium
			Acknowledge volunteer contribution and effort via annual event	Medium
			Determine if development of a quarterly or biannual newsletter would be useful to conservation community.	Medium
			Improve the Council website	Medium Ongoing
			Develop Community Lands Register to identify active volunteer groups to Council lands and incorporate into Council GIS system	Medium
			Provide administrative support in distributing information, chairing minutes, providing a meeting space, offering technical advice	Medium
			Ensure consistency and strong leadership and support implementation	Medium
			Direct groups to where they may get provision of basic materials such as Phytophthora kits and Personal Protective Equipment	Low
Partnerships	Improve, expand on and develop new partnerships that assist in biodiversity planning, management and funding opportunities within the region	<ul style="list-style-type: none"> Reinforce and develop relationships, synergy and communication between agencies, council and community groups. 	Develop an agreement with Natural Resources AMLR & SAMDB to clearly define role and specific areas of control and management.	High
			Identify further organisations or partnerships that will expand the biodiversity networks within the region specifically to assist in funding applications	High
			Prepare a Strategy Action Plan that identifies resources necessary to undertake the high priority biodiversity activities over the next 3 years.	High
			Prepare a list of agencies who have a role or influence in the Council area and identify the role that they provide within the region and their relationship with council	Medium
			Prepare communication protocols and roles between council and local community groups	Medium
Resources & Funding	Develop a realistic program of works with available resources and funding and explore further opportunities for grant funding	<ul style="list-style-type: none"> Develop a program that identifies biodiversity priorities for the region and aligns available funding and resources to the tasks Investigate and develop a process for applying for relevant grants and funding 	Investigate opportunities for additional resources for on-ground ongoing management of biodiversity a) identify available grant funding and relevant criteria to determine best fit projects b) Apply for funding	High
			Identify opportunities to partner with research projects that benefit biodiversity management – i.e. Universities, CSIRO, Living Atlas of Australia	Medium
			Develop a list of suitable projects and management work suitable for grant funding	Medium
			Supply information (standard written information) on the website that can assist community groups with developing community grant applications.	Medium

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 March 2018
AGENDA BUSINESS ITEM**

Item: 13.2

Originating Officer: Natalie Westover, Manager Property Services

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Old Balhannah Railway Station

For: Information

SUMMARY

At the meeting of 23 January 2018, Council resolved as follows:

16.3. Balhannah Railway Station – Results of Assessment

Moved Cr Andrew Stratford
S/- Cr Linda Green

18/18

That the CEO provide a report to the March 2018 Council meeting outlining the results of the assessment made on the disused Balhannah railway station including, but not limited to, building restoration works, size of the land parcel, location, estimated cost to restore the building, likely community benefit and State Heritage Listing status and implications.

Carried Unanimously

The purpose of this report is to provide the information requested.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
-

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal 3	Place
Strategy 3.5	We will take a proactive approach, and a long term view, to infrastructure maintenance and renewal

➤ **Legal Implications**

Not Applicable

➤ **Risk Management Implications**

The assessment of the offer by DPTI to transfer the Old Balhannah Railway Station to Council will assist in mitigating the risk of:

Responsibility for, or expectation of, significant building restoration works leading to a moderate financial commitment.

Inherent Risk	Residual Risk	Target Risk
Extreme (3A)	Low (2D)	Low (2D)

An underutilised community facility leading to loss of community confidence in the Council's management of community facilities and monies.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Low (2D)	Low (2D)

➤ **Financial and Resource Implications**

The initial high level assessment of the option to acquire the Old Balhannah Railway Station from DPTI has been undertaken within existing resource allocations.

➤ **Customer Service and Community/Cultural Implications**

Not Applicable

➤ **Environmental Implications**

Not Applicable

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Property Advisory Group

Administration: Manager Development Services, Strategy & Development

Community: Not Applicable

2. BACKGROUND

At the Council meeting of 27 January 2018, a motion on notice was proposed as follows:

- 11.1. Balhannah Railway Station
That the Chief Executive Officer writes to the Department of Planning, Transport and Infrastructure requesting advice on future plans for the disused Railway Station at Balhannah.

The Council officer's response was as follows:

Balhannah Railway Station – Officer's Response to Motions on Notice

The Department of Planning, Transport and Infrastructure (DPTI) has determined that the site is surplus to its requirements.

DPTI made an application for demolition for the building however the State Heritage Unit did not support that due to the heritage significance of the building.

DPTI undertook a land division of the site to create 3 allotments, including an allotment for the old station building.

The building assessment undertaken by DPTI revealed that the likely costs to restore the building would be in the vicinity of \$2M as 80% of the structure would need to be replaced and there are significant issues.

DPTI approached Council to ascertain if Council had any interest in obtaining ownership of the building. A condition of DPTI to Council taking ownership was that Council undertook the building restoration. An assessment of the size of the land parcel, location, costs to restore the building and likely community benefit was undertaken and it was determined that this site was not suitable for consideration. The option was discussed with the Property Advisory Group and a letter was sent to DPTI in April 2017 advising that Council was not interested in taking ownership of the building/site.

In a phone conversation with DPTI on 15 January 2018 it was confirmed that:

- *The land/building was still determined to be surplus to requirements*
- *The requirement by the State Heritage Unit to restore the building and the cost to do so made the site unsuitable for sale*
- *DPTI are considering their options for the site and will likely be seeking Ministerial direction about the State Heritage Unit position*

The motion on notice was withdrawn at the meeting. A motion without notice was proposed and resolved as follows:

16.2. Balhannah Railway Station – Officer’s Response to Motions on Notice

Moved Cr Malcolm Herrmann
S/- Cr Ian Bailey

17/18

That Council resolves that the Officer’s response to Item 11.1, Motions on Notice, Balhannah Railway Station, be incorporated in the minutes.

Carried Unanimously

An additional motion without notice was proposed and resolved as follows:

16.3. Balhannah Railway Station – Results of Assessment

Moved Cr Andrew Stratford
S/- Cr Linda Green

18/18

That the CEO provide a report to the March 2018 Council meeting outlining the results of the assessment made on the disused Balhannah railway station including, but not limited to, building restoration works, size of the land parcel, location, estimated cost to restore the building, likely community benefit and State Heritage Listing status and implications.

Carried Unanimously

This report addresses the information requested.

The Old Balhannah Railway Station is located on Junction Road Balhannah, approximately 650m from the Onkaparinga Valley Road – Junction Road intersection. Refer **Appendix 1** for location and **Appendix 2** for photos.

The Balhannah Railway Station and Signal Cabin have been listed as a State Heritage Place on the State Heritage Register (*State Heritage ID 12854*) since 28 May 1987.

In 2006, the Department of Planning, Transport & infrastructure (DPTI) initially explored the options available to it in relation to the Old Balhannah railway site which included division of the site and demolition of the old station buildings.

In 2014, the Australian Rail Track Corporation (ARTC), as owner of the site undertook a land division to create 4 allotments with the rail track and associated infrastructure retained by ARTC and the other new allotments vested in DPTI pursuant to clause 5.6 of the Railways Agreement set out in the Schedule to the *Non-Metropolitan Railways (Transfer) Act 1997*. A copy of the plan of division is attached as **Appendix 3** with the allotment containing the station buildings identified as Allotment 102 which is 6,796m² in size. The allotment is an irregular shape and parts of the allotment are densely vegetated.

In 2014, DPTI investigated the nature and extent of the works required to protect and conserve the timber frame weatherboard structure. These investigations indicated that a substantial proportion of the wooden floors, frame and roofing would need to be replaced. DPTI contacted Council at that time to determine if Council had any interest in taking ownership of the parcel for community purposes. A subsequent meeting between DPTI and Council staff to discuss the proposal was held. Subsequent communication from Council

staff to DPTI indicated that the proposal was not considered viable at that time due to the restoration costs.

DPTI advised Council staff that the costs to restore the buildings to make them habitable was close to \$2M. Council staff have not undertaken any further assessment to confirm this figure.

In 2014, DPTI lodged a Development Application for the demolition of the station buildings. A conservation management plan was undertaken by DASH architects in 2014, which found that the station buildings were in poor condition but the buildings continued to meet at least one of the criteria set out in Section 16 of the *Heritage Places Act 1993*.

The DA was not supported by the State Heritage Unit on the basis of the assessment undertaken for the preparation of the said conservation management plan. A copy of the recommendation from the State Heritage Unit is attached as **Appendix 4**.

In May 2016, DPTI wrote to Council at which time they confirmed that:

- *The condition of the building was very poor and unsafe for public access*
- *In order to make the building habitable would involve replacing a substantial proportion of the wooden timbers, frame and roofing;*
- *The cost of undertaking the works would be significant, noting that the opportunity for further adaptive reuse was not immediately apparent.*

The letter was seeking Council's views as to whether Council had any interest in taking tenure over the building land to explore restoration and alternate re-use opportunities. DPTI offered a one off grant of \$60,000 (akin to the cost of demolition) to "*actively work with its community to ascertain the best longer term use of the building, and to harness community and other support to enable this to occur*".

A subsequent email exchange with DPTI staff confirmed that the offer of the \$60,000 was conditional upon Council taking ownership of the building site and agreeing to restore the buildings, they could not subsequently be demolished.

3. ANALYSIS

Following the amalgamation of the former four Councils, and with the introduction of the community land provisions of the *Local Government Act 1999*, Council has been undertaking continual assessment of its current landholdings. The purpose of this assessment has been to ensure that the properties owned by Council are appropriate for the requirements of Council and the community and that maintenance and operational costs are appropriate for purpose. As such, the assessment of the offer by DPTI to take tenure over the Old Balhannah Station land was undertaken with this in mind.

In 2016, the DPTI proposal was taken to Council's Property Advisory Group meeting for discussion.

Taking into account the following, it was the advice of the Property Advisory Group to Council staff that the acquisition of the site was unlikely to be viable:

- *Condition of the building and estimated costs for restoration*
- *Location of building to the township of Balhannah*
- *Rail line location and impact on use of the building*
- *Size of the land parcel and other possible uses for the land*
- *Other facilities available in Balhannah for community use*
- *No identified need for additional community facilities in Balhannah*

Council staff responded to DPTI on 13th April 2017 advising them of the following:

- *Council was undertaking a review of all of its property holdings*
- *The building site was not considered to have a strategic value to Council*
- *Council was not in a position to progress negotiations with DPTI at that time*

In terms of the particular information requested, a summary is as follows:

- Building restoration works – this assessment was undertaken by DPTI in 2014 which indicated that in order to make the building habitable would involve replacing a substantial proportion (80%) of the wooden timbers, frame and roofing.
- Size of the land parcel – the allotment is of an irregular shape and is 6,796m²
- Location – the site is located on Junction Road, approximately 650m from the Junction Road – Onkaparinga Valley Road intersection
- Estimated cost to restore the building – this assessment was undertaken by DPTI who advised that it was in the vicinity of \$2M
- Likely community benefit – there is an existing community facility in Balhannah being the Balhannah Soldiers Memorial Hall. High level searches of Council correspondence did not indicate any particular level of interest or concern formally raised by the community for additional community facilities in Balhannah. A significant community benefit would be required to warrant the cost of restoring the buildings.

4. OPTIONS

Council has the following options:

- I. Receiving the report (Recommended)

5. APPENDICES

- (1) Location of the Old Balhannah Railway Station
- (2) Photos of the Old Balhannah Railway Station
- (3) Plan of division
- (4) State Heritage Unit response to DA

Appendix 1

Location of Old Balhannah Railway Station

Land Services Group

The Property Location Browser is available on the Land Services Group Website: www.sa.gov.au/landservices

Date created:
March 13, 2018



Government of South Australia

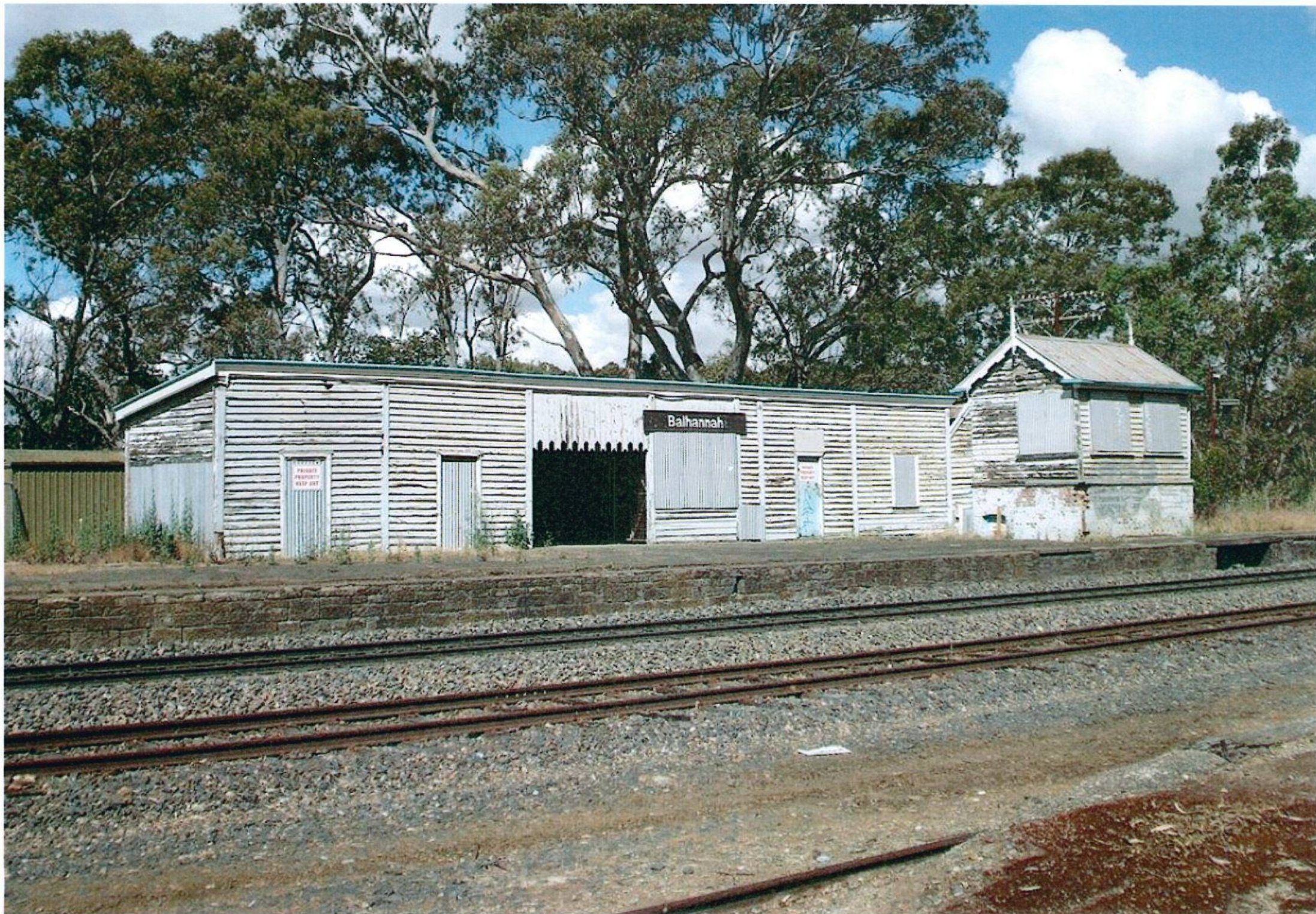
Department of Planning,
Transport and Infrastructure



Disclaimer: The information provided above, is not represented to be accurate, current or complete at the time of printing this report. The Government of South Australia accepts no liability for the use of this data, or any reliance placed on it.

Appendix 2

Photos of Old Balhannah Railway Station








Appendix 3

Plan of Division

PURPOSE: DIVISION AND EASEMENT MAP REF: 6628/47/R, 6628/47/Q LAST PLAN:	AREA NAME: BALHANNAH COUNCIL: ADELAIDE HILLS COUNCIL DEVELOPMENT NO:	APPROVED: JOHN VERDUYN 16/10/2014 DEPOSITED: MARK MCNEIL 25/05/2015	 <h1 style="margin: 0;">D94823</h1> SHEET 1 OF 5 <small>41886_text_01_v04_Version_4</small>																																																																
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SURVEYORS CERTIFICATION: I DYLAN LUKE GATHERCOLE , a licensed surveyor do hereby certify - 1) That this plan has been made from surveys carried out by me or under my personal supervision and in accordance with the Survey Act 1992. 2) That the field work was completed on the 24th day of March 2014 15th day of October 2014 Dylan Gathercole Licensed Surveyor																																																																			
SUBJECT TITLE DETAILS: <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">PREFIX</th> <th style="text-align: left;">VOLUME</th> <th style="text-align: left;">FOLIO</th> <th style="text-align: left;">OTHER</th> <th style="text-align: left;">PARCEL</th> <th style="text-align: left;">NUMBER</th> <th style="text-align: left;">PLAN</th> <th style="text-align: left;">NUMBER HUNDRED / IA / DIVISION</th> <th style="text-align: left;">TOWN</th> <th style="text-align: left;">REFERENCE NUMBER</th> </tr> </thead> <tbody> <tr> <td>CT</td> <td>5453</td> <td>87</td> <td></td> <td>ALLOTMENT(S)</td> <td>2</td> <td>D</td> <td>18905 ONKAPARINGA</td> <td></td> <td></td> </tr> </tbody> </table> OTHER TITLES AFFECTED:				PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER	CT	5453	87		ALLOTMENT(S)	2	D	18905 ONKAPARINGA																																														
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SHEET 2 OF 5

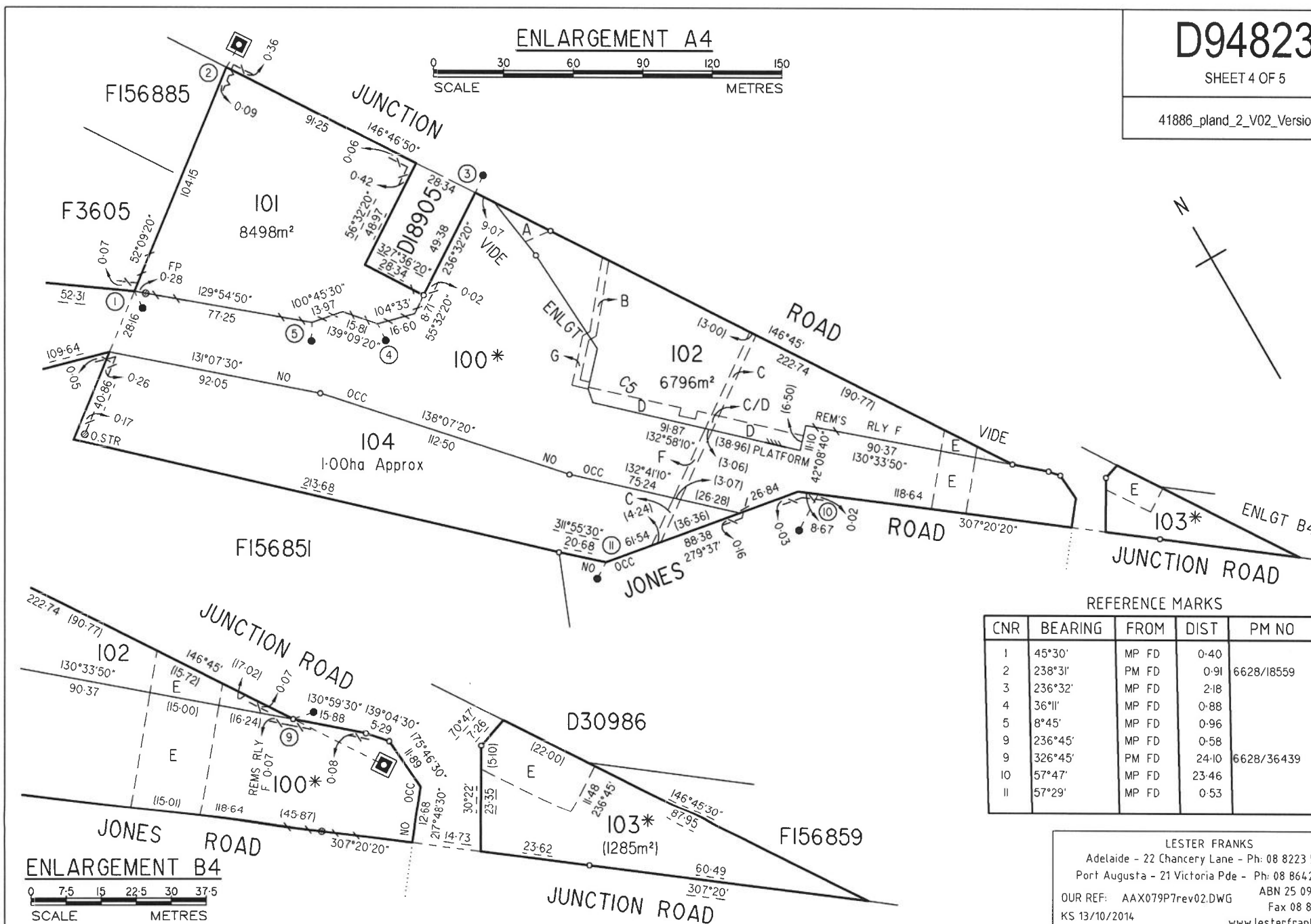
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EASEMENT DETAILS:							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
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ANNOTATIONS:

SHEET 4 OF 5

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CNR	BEARING	FROM	DIST	PM NO
1	45°30'	MP FD	0-40	6628/18559
2	238°31'	PM FD	0-91	
3	236°32'	MP FD	2-18	
4	36°11'	MP FD	0-88	
5	8°45'	MP FD	0-96	6628/36439
9	236°45'	MP FD	0-58	
9	326°45'	PM FD	24-10	
10	57°47'	MP FD	23-46	
11	57°29'	MP FD	0-53	

LESTER FRANKS

Adelaide - 22 Chancery Lane - Ph: 08 8223 5220

Port Augusta - 21 Victoria Pde - Ph: 08 8642 3044

OUR REF: AAX079P7rev02 DWG ABN 25 098 991 210

OUR REF: AAX079P/rev02.DWG Fax 08 8223 5226
KS 13/10/2014

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D94823

SHEET 5 OF 5

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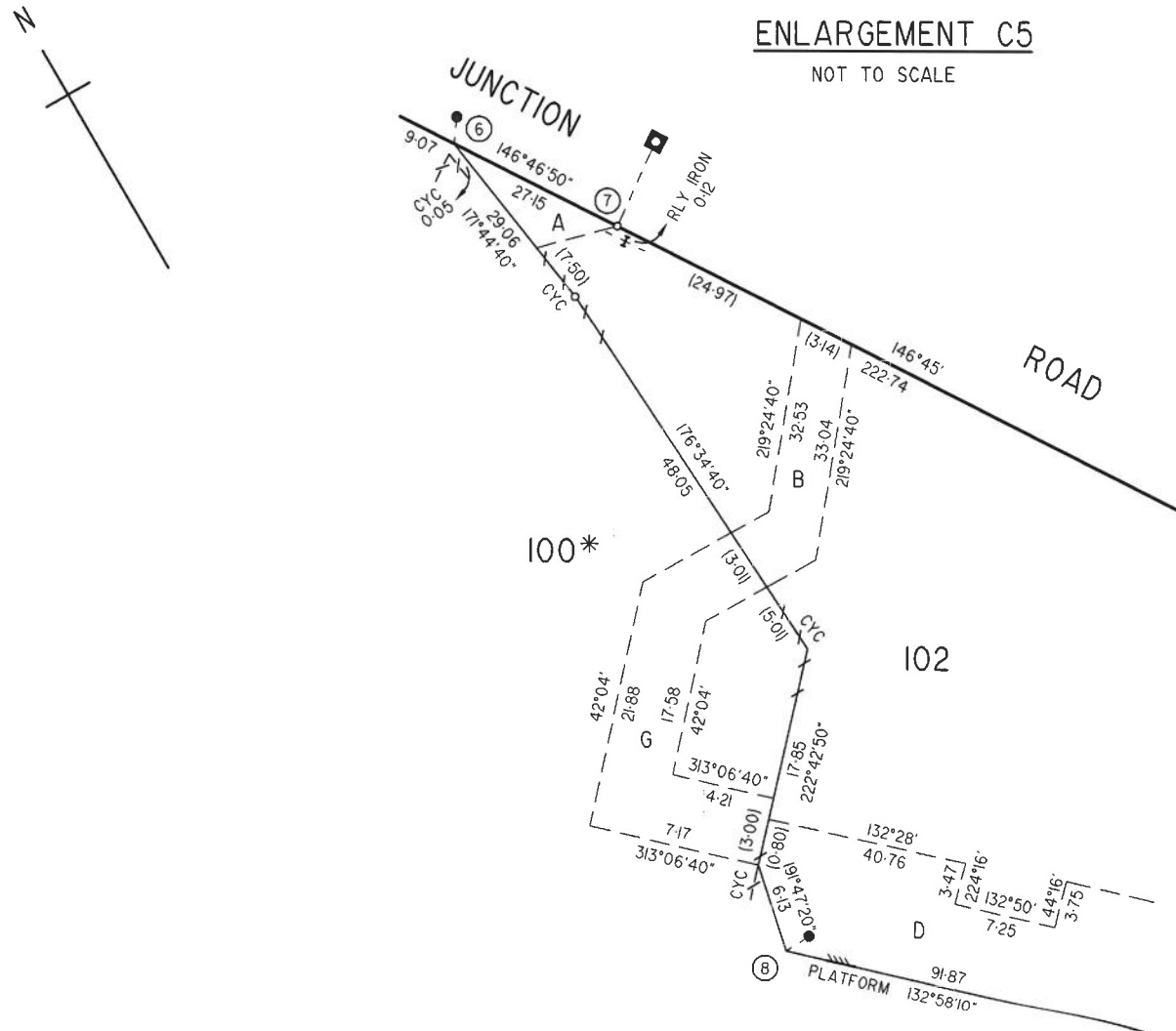
ENLARGEMENT C5

NOT TO SCALE

REFERENCE MARKS

CNR	BEARING	FROM	DIST	PM NO
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7	236°46'	PM FD	19.32	
8	293°50'	SPK FD	3.46	

NEW FIX



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OUR REF: AAX079P7rev01.DWG ABN 25 098 991 210

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Appendix 4

State Heritage Unit response to DA



Ref: SH/12854 D
Date: 24 December 2014

Ms Sara Zuidland
Secretary
Development Assessment Commission
GPO Box 1815
ADELAIDE SA 5001
Attention: Simon Neldner

STATE HERITAGE UNIT

Conservation and Land
Management Branch

Strategy and Advice
Directorate

First Floor
1 Richmond Rd
Keswick SA 5035

GPO Box 1047
Adelaide SA 5001
Australia
DX138

Ph: +61 8 8124 4960
Fax: +61 8 8124 4980

Dear Mr Neldner

**DESCRIPTION: BALHANNAH RAILWAY STATION - DEMOLITION OF A STATE HERITAGE PLACE -
FORMER RAILWAY STATION BUILDING AT BALHANNAH - JUNCTION ROAD, BALHANNAH**

Application number: 473/V051/14
Received: 21/11/2014
State heritage place: Balhannah Railway Station, Junction Road BALHANNAH

The above application has been referred to the Minister for Sustainability, Environment and Conservation in accordance with the *Development Regulations 2008* Schedule 8 Table item 5(1), as development that directly affects a State heritage place or, in the opinion of the relevant authority, materially affects the context within which the State heritage place is situated.

Heritage significance

In 2014 a conservation management plan for the Balhannah Railway Station was undertaken by DASH Architects. It found that, although the Station buildings were in poor condition, the station continued to meet at least one of the criteria set out in Section 16 of the *Heritage Places Act 1993*. Emphasis was given in the plan to the contribution of the place in understanding the State's history through the development of its railway infrastructure, and to the rarity of the station building type as possibly one of only two surviving timber '2nd Class Passenger Stations' in South Australia.

It finds that the station buildings display an exceptional level of significance to the place.

Conservation policies

The Balhannah Railway Station CMP (2014) recommends the following, with respect to the station buildings:

Fabric of identified heritage value should be preserved or restored in accordance with the Conservation Policies established within this report. Reconstruction is only generally appropriate where fabric is incomplete through damage or alteration, or where safety compliance issues are required to take precedence.

The principles described in this policy are consistent with the *Burra Charter* (The Australia ICOMOS Charter for Places of Cultural Significance). Article 1.2 defines that cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Article 2.1 states that places of cultural significance should be conserved. Article 2.2 states that the aim of conservation is to retain the cultural significance of a place.

Heritage impact of the proposed development

The proposed development is to entirely demolish the station building and signal box due to public safety concerns. Whilst historic recording of the building would provide a record of the place, the heritage significance of the place as described in the State Heritage Register would largely be lost. As an uncommon example of its type, the physical experience of its construction is not repeated in another location.

Recommendation

I have assessed the proposed development in its impact on the heritage significance of the above State heritage place. I recommend that the Commission should have regard to the following heritage advice.

- 1. The proposed development is considered to substantially reduce the heritage values of the State heritage place, and is not supported for the following reasons.**
 - a) The station buildings are of exceptional value to the State heritage place.**
 - b) The station buildings are an uncommon example of their type, not repeated elsewhere in the same configuration in South Australia.**

Comment on alternatives

In its investigations into the options for conservation of the buildings, DASH Architects have recommended the following three options:

Option 1: Stabilisation and Securing the building (high priority)

- *This is considered to be a high priority as at present the condition of the building exposed to the elements and vandals is deteriorating rapidly;*

Option 2: Deconstruction and Reconstruct (Station Building)

- *This option would propose the deconstruction of the Station Building and rebuild in the original c.1900 form.*

Option 3: Partial Demolition (Station Building deconstructed, Signal Cabin retained)

- *This option would propose the permanent deconstruction of the Station Building and reuse of materials to repair/ retain the Signal Cabin.*

Of these three options, Option 1 is considered essential to the station's conservation; Option 2 is the most preferred option as although a great deal of new material will be introduced, the significance of the construction type will be preserved; and Option 3 is the least preferred.

General notes

1. In accordance with Regulation 43 of the *Development Regulations 2008*, please send the Department of Environment, Water and Natural Resources a copy of the Decision Notification.

Any enquiries in relation to this application should be directed to Stephen Schrapel on telephone (08) 8124 4780 or e-mail stephen.schrapel@sa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Wells', with a large loop at the start and several horizontal strokes.

Peter Wells

Principal Conservation Architect

DEPARTMENT OF ENVIRONMENT, WATER AND NATURAL RESOURCES

as delegate of the

MINISTER FOR SUSTAINABILITY, ENVIRONMENT AND CONSERVATION

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 March 2018
AGENDA BUSINESS ITEM**

Item: 13.3

Originating Officer: Lachlan Miller, Executive Manager Governance & Performance

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Risk Management Update

For: Information

SUMMARY

This report provides Council with an update on Risk Management activities including the current status of the Strategic Risk Profile and Management Plan.

In relation to the Strategic Risk assessments, there has been no change to the Inherent, Residual or Target risk ratings for the quarter.

In relation to the implementation of Mitigation Actions to manage the Strategic Risks, the following results have been achieved which is an improvement on the November 2017 results:

- Completed: 61% (45) up from 53% (39)
- In Progress: 38% (28) down from 44% (33) due to action completions during the quarter
- Not Commenced: 1% (1) down from 3% (2) due to the commencement of an action
- No new mitigation initiatives were created/commenced in this quarter.

The Audit Committee considered this report at its 20 February 2018 meeting and resolved to receive and note the report.

RECOMMENDATION

Council resolves that the report be received and noted.

1. GOVERNANCE

Goal	Organisational Sustainability
Strategy	Governance

Updating the risk management framework, which addresses workplace health and safety, emergency management, business continuity, public liability and legislative accountability, assists in meeting legislative and good governance responsibilities and obligations

➤ **Legal Implications**

A number of sections of the *Local Government Act 1999* require councils to identify and manage the risks associated with its functions and activities. Further, s125 requires council to have appropriate internal controls.

Similarly the *Work Health & Safety Act 2012* is structured around the protection of workers and others against harm to their health, safety and welfare through the elimination or minimisation of risk arising from work or specified substances or plant.

➤ **Risk Management Implications**

Improvements in the implementation of the risk management framework s will assist in mitigating the risk of:

A lack of effective risk management occurs which leads to greater uncertainty in the achievement of objectives and/or negative outcomes.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Medium (4D)	Medium (4D)

Note that there are many other controls that assist in mitigating this risk.

➤ **Financial and Resource Implications**

While there are no direct financial or resource implications from this report, a number of Strategic Risk Profile and Management Plan treatments are impacted by funding limitations.

➤ **Customer Service and Community/Cultural Implications**

There is a high expectation that Council has appropriate corporate governance processes in place including an effective corporate risk management system.

➤ **Environmental Implications**

Environmental matters have been considered within the development of the Strategic Risk Profile and Management Plan.

➤ **Engagement/Consultation with Committee, Regional Subsidiary, Advisory Group and Community**

Consultation has occurred internally with the Strategic Risk Owners.

Council Committees: The Strategic Risk Profile report was considered by the Audit Committee at its 20 February 2018 meeting. The Committee received and noted the report.

Advisory Groups: Not Applicable

Administration: Terry Crackett, Director Corporate Services
David Waters, Director Customer & Community Services
Marc Salver, Director Strategy & Development
Peter Bice, Director Engineering & Assets
Lachlan Miller, Executive Manager Governance & Performance

Community: Megan Sutherland, Executive Manager Organisational Development
Not Applicable

2. BACKGROUND

Council adopted the revised Risk Management Policy at its 25 February 2014 Council meeting. The Audit Committee considered the key elements of the Corporate Risk Management Framework at its May 2014 meeting and suggested a number of enhancements. The revised Framework was adopted by Council at its 24 June 2014 meeting.

A Strategic Risk Profile and Management Plan was developed documenting eleven strategic risks (SR), with SR 9 broken into three sub risks.

The strategic risks are described as:

1. Failure to plan at the local and regional level for the future development and future requirements of the area. (F¹)
2. Failure to deliver projects, programs and services in accordance with plans (time, budget, quality)
3. Failure to provide for the welfare, well-being and interests of the community (F)
4. Failure to take measures to protect the community from natural and other hazards (F)
5. Failure to manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner and to improve amenity. (F)
6. Failure to provide appropriate infrastructure for the community (F)
7. Failure to promote the Council area and provide an attractive climate and locations for the development of business, commerce, industry and tourism (F)
8. Failure to manage and develop public areas vested in, or occupied by the Council (F)
9. Failure to manage, improve and develop the resources available to the Council. (F)
 - a. Failure to manage, improve and develop the human resources available to the Council. (F)
 - b. Failure to manage, improve and develop the information resources available to the Council. (F)
 - c. Failure to manage, improve and develop the financial resources available to the Council. (F)
10. Failure to act as a representative, informed and responsible decision-maker in the interests of the community. (PR²)
11. Failure to exercise, perform and discharge the powers, functions and duties under legislation, contracts, leases and policies (PR)

The Strategic Risk Profile and Management Plan, including controls and treatment plans against each strategic risk, was initially received by the Audit Committee at its meeting on 22 February 2016 and subsequently by Council at its ordinary meeting on 23 February 2016. This process has since continued each quarter.

In February 2017, the Executive Leadership Team reviewed the ownership of the strategic risks to more appropriately align the risks with functional responsibilities with the first round of assessments conducted by the new risk owners for the May 2017 assessment.

¹ F refers to function under the Local Government Act 1999

² PR refers to principal role under the Local Government Act 1999

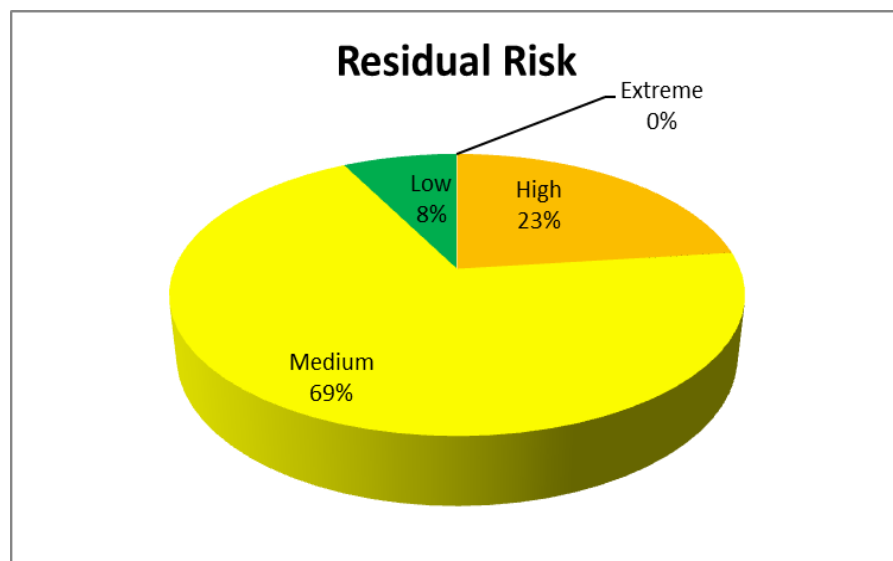
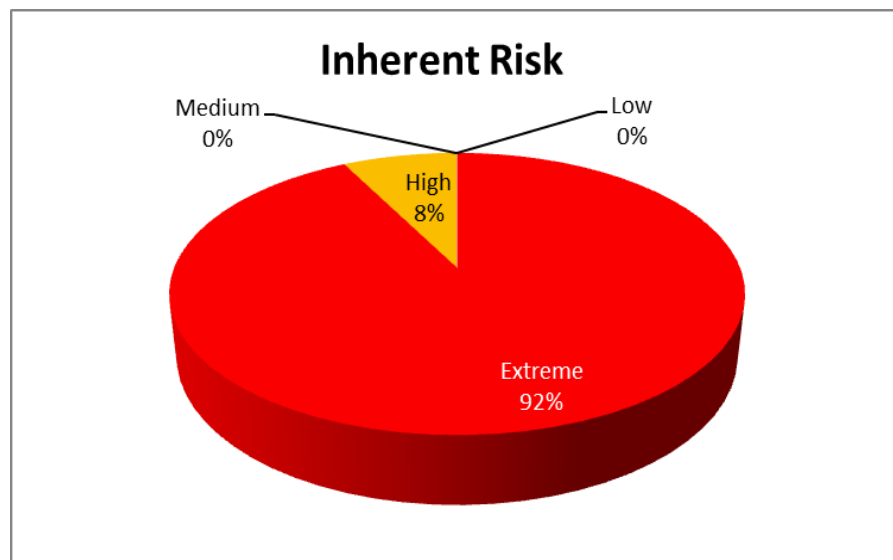
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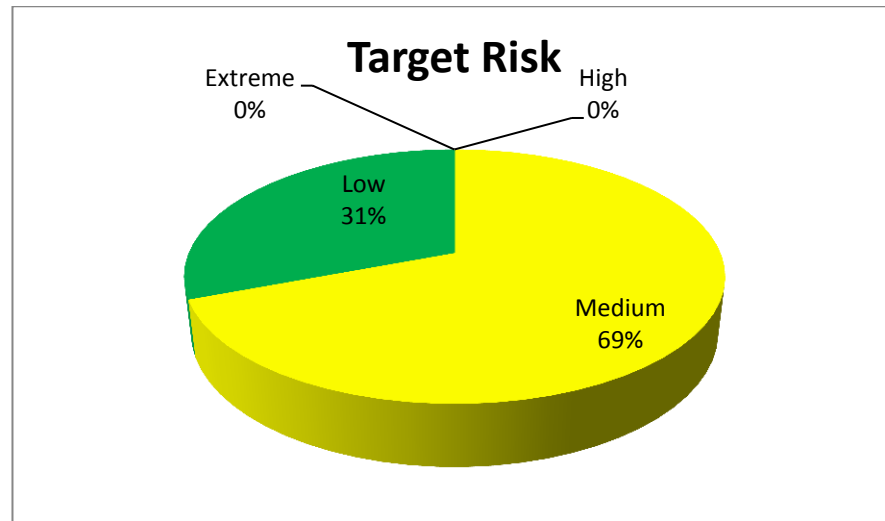
3. ANALYSIS

Strategic Risk Profile

The Strategic Risks are regularly reviewed by the risk owners responding to triggers in the risk environment, changes in causation or impact, changes in the control environment and on the completion of mitigation actions (which then form part of the control environment) which collectively can impact the likelihood and/or consequence of the risk.

The Strategic Risks were recently reassessed and the following diagrams depict the Inherent, Residual and Target ratings. There has been no change to the Inherent, Residual and Target risk ratings from the last (November 2017) assessment.

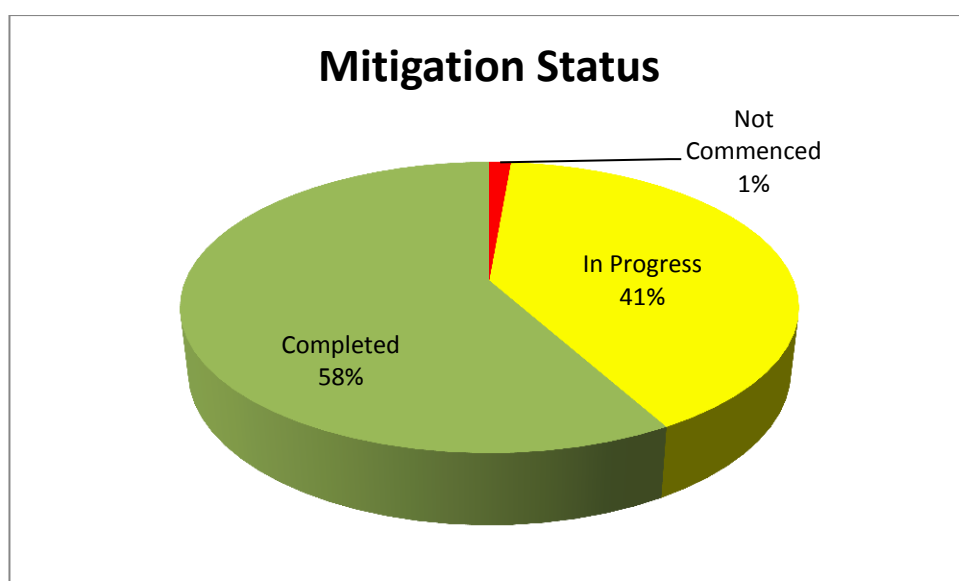




Notwithstanding the absence of change in the risk ratings, the implementation of Mitigation Actions has been progressing steadily. The current status is:

Status	May 2017	August 2017	November 2017	February 2018
Completed	51% (38 actions)	53% (39 actions)	53% (39 actions)	61% (45 actions)
In Progress	46% (34 actions)	43% (32 actions)	44% (33 actions)	38% (28 actions)
Not Commenced	3% (2 actions)	4% (3 actions)	3% (2 actions)	1% (1 action)
New Initiatives (in above totals)	3 actions	0 actions	0 actions	0 actions

This is shown diagrammatically below:



4. OPTIONS

Council has the following options:

- I. To note the update on the Strategic Risk Profile as presented (recommended),
- II. To determine not to note either or both updates and/or identify additional actions to be undertaken.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 March 2018
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.1

Originating Officer: Marc Salver, Director Strategy and Development

Responsible Director: Marc Salver, Director Strategy and Development

Subject: Adelaide Hills Region Waste Management Authority -
Purchase of Hooklift Truck

For: Decision

**1. Adelaide Hills Region Waste Management Authority Purchase of Hooklift Truck –
Exclusion of the Public**

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- CEO, Andrew Aitken
- Director Engineering & Assets, Peter Bice
- Director Strategy & Development, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community & Customer Service, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.1: (Adelaide Hills Region Waste Management Authority - Purchase of Hooklift Truck) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(d) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which –

- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (ii) would, on balance, be contrary to the public interest.

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

2. Adelaide Hills Region Waste Management Authority – Purchase of Hook Lift Truck – Period of Confidentiality

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3)(d) of the *Local Government Act 1999*, resolves that an order be made under the provisions of Sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until 3 August 2018.

Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, that Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.