



## ORDINARY COUNCIL MEETING

### NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

Councillor Ian Bailey
Councillor Kirilee Boyd
Councillor Nathan Daniell
Councillor Pauline Gill
Councillor Chris Grant
Councillor Linda Green
Councillor Malcolm Herrmann
Councillor John Kemp
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Andrew Stratford

Notice is 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:

**Wednesday 27 January 2021**  
***(moved due to Australia Day Public Holiday)***  
**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**  
**Wednesday 27 January 2021**  
**6.30pm**  
**63 Mt Barker Road Stirling**

### ORDER OF BUSINESS

**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 – 24 November 2020 (adjourned)  
*That the minutes of the ordinary meeting held on 24 November 2020 as supplied, be confirmed as an accurate record of the proceedings of that meeting.*

Council Meeting – 15 December 2020  
*That the minutes of the ordinary meeting held on 15 December 2020 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. MAYOR'S OPENING REMARKS**

**7. QUESTIONS ADJOURNED/LYING ON THE TABLE**

- 7.1. Questions Adjourned  
Nil
- 7.2. Questions Lying on the Table  
Nil

**8. PETITIONS / DEPUTATIONS / PUBLIC FORUM**

- 8.1. Petitions  
Nil
- 8.2. Deputations  
Nil
- 8.3. Public Forum

**9. PRESENTATIONS (by exception)**

Nil

**10. QUESTIONS ON NOTICE**

Nil

**11. MOTIONS ON NOTICE**

- 11.1. Cemeteries – Cr Malcolm Herrmann

*That the CEO prepares a report accompanied by a draft policy on the Council's role in regard assuming control of church (i.e. private) cemeteries, such report and draft policy to be discussed at a workshop in April 2021 prior to consideration by Council prior to 30 June 2021.*

**12. ADMINISTRATION REPORTS – DECISION ITEMS**

- 12.1. Amended Access & Inclusion Plan 2020 – 2024

- 1. *That the report be received and noted.*
- 2. *To revoke the Provisional Disability Access and Inclusion Plan (DAIP) 2020-24 which was adopted on 27 October 2020 and to adopt the amended Access and Inclusion Plan 2020-24, as contained in Appendix 1.*
- 3. *That the Chief Executive Officer be authorised during the currency of the Access and Inclusion Plan 2020-24 (the DAIP) to make any formatting, nomenclature or other minor changes :*
  - a. *To ensure that the Plan is consistent with an Act of the State or the Commonwealth, or*

- b. To ensure that the Plan remains consistent with the State Disability Inclusion Plan, or*
- c. To correct an error or omission.*

12.2. Recruitment of Advisory Group Independent/Community Members

- 1. *That the report be received and noted*
- 2. *To establish Selection Panels for the recruitment of Independent/Community Members for the identified Advisory Groups with the following Council Members, assisted by the respective Executive Officers, to undertake the short-listing and interviews of the candidates with a view to making recommendations for appointment at a future Council meeting(s):*
  - a. Biodiversity Advisory Group – ..... and .....*
  - b. Cemetery Advisory Group - ..... and .....*
  - c. Rural Land Management Advisory Group - ..... and .....*
  - d. Sustainability Advisory Group - ..... and .....*

12.3. Appointment of Building Fire Safety Committee

- 1. *That the report be received and noted*
- 2. *That Council appoints the following members to the Adelaide Hills Building Fire Safety Committee as the appropriate Authority for the purposes of Section 157 (17) of the Planning, Development and Infrastructure Act 2016 commencing on the designated date of implementation of the Section 157(17) of the Planning, Development and Infrastructure Act 2016 for Phase 3 Councils and expiring on 31 May 2022:*
  - a) Peter Harmer (Contract Building Surveyor Engineer) as a person with expertise and qualifications in building surveying, engineering and building fire safety*
  - b) Persons nominated by the Country Fire Service to act as the CFS representative member and deputy members*
  - c) Jeff Grinnell as Team Leader Building Services as an authorised Council Officer with expertise and qualifications in building surveying and building fire safety with Tom Warneke as deputy member, and*
  - d) Deryn Atkinson as Manager Development Services as an authorised Council Officer with Marc Salver appointed as deputy member.*

12.4. Hard Waste Service

1. *That the report be received and noted.*
2. *That any additional budget requirements to meet service demand for the Kerbside Hard Waste Service during 2020-21 be addressed through Council's budget review process.*
3. *That a user contribution fee equal to 50% of budgeted costs to provide the Kerbside Mattress Service be considered during the development of the 2021-22 Annual Business Plan and Budget.*
4. *That a user contribution fee equal to 50% of budgeted costs to provide the Kerbside Hard Waste Service be considered during the development of the 2021-22 Annual Business Plan and Budget.*

12.5. Delegations Review January 2021

*Refer to Agenda Report*

12.6. Status Report – Council Resolutions Update

*Refer to Agenda Report*

**13. ADMINISTRATION REPORTS – INFORMATION ITEMS**

13.1. Woodforde/Rostrevor Boundary Reform FOI Report

**14. QUESTIONS WITHOUT NOTICE**

**15. MOTIONS WITHOUT NOTICE**

**16. REPORTS**

16.1. Council Member Function or Activity on the Business of Council

16.2. Reports of Members/Officers as Council Representatives on External Organisations

16.3. CEO Report

**17. REPORTS OF COMMITTEES**

17.1. Council Assessment Panel – 9 December 2020

*That the minutes of the CAP meeting held on 9 December 2020 as supplied, be received and noted.*

17.2. Council Assessment Panel – 13 January 2021

*That the minutes of the CAP meeting held on 13 January 2021 as supplied, be received and noted.*

17.3. Audit Committee  
Nil

17.4. CEO Performance Review Panel  
Nil

**18. CONFIDENTIAL ITEMS**

- 18.1. AHC Tender 202021-12 Supply of Limestone Rubble
- 18.2. CWMS Review

**19. NEXT MEETING**

Tuesday 23 February 2021, 6.30pm, 63 Mt Barker Road, Stirling

**20. CLOSE MEETING**

## Council Meeting/Workshop Venues 2021

DATE	TYPE	LOCATION	MINUTE TAKER
<b>FEBRUARY 2021</b>			
Tues 9 February	Workshop	Woodside	N/A
Wed 10 February	CAP	TBA	Karen Savage
Mon 15 February	Audit	Stirling	TBA
Tues 16 February	Professional Development	Stirling	N/A
Tues 23 February	Council	Stirling	Pam Williams
<b>MARCH 2021</b>			
Tues 9 March	Workshop	Woodside	N/A
Wed 10 March	CAP	TBA	Karen Savage
Tues 16 March	Professional Development	Stirling	N/A
Thurs 18 March	CEOPRP	Stirling	TBA
Tues 23 March	Council	Stirling	Pam Williams
<b>APRIL 2021</b>			
Tues 13 April	Workshop	Woodside	N/A
Wed 14 April	CAP	TBA	Karen Savage
Mon 19 April	Audit	Stirling	TBA
Tues 20 April	Professional Development	Stirling	N/A
Tues 27 April	Council	Stirling	Pam Williams

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

## Community Forums 2021

**6.00 for 6.30pm**

*(dates and venues to be confirmed)*

*To be advised*

# Conflict of Interest Disclosure Form

**CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS**

Councillor:

Date:

Meeting name:

Agenda item no:

**1. I have identified a conflict of interest as:**

MATERIAL ☐      ACTUAL ☐      PERCEIVED ☐

**MATERIAL:** Conflict arises when a council member or a nominated person will gain a benefit or suffer a loss (whether directly or indirectly and whether pecuniary or personal) if the matter is decided in a particular manner. If declaring a material conflict of interest, Councillors must declare the conflict and leave the meeting at any time the item is discussed.

**ACTUAL:** Conflict arises when there is a conflict between a council member's interests (whether direct or indirect, personal or pecuniary) and the public interest, which might lead to decision that, is contrary to the public interest.

**PERCEIVED:** Conflict arises in relation to a matter to be discussed at a meeting of council, if a council member could reasonably be taken, from the perspective of an impartial, fair-minded person, to have a conflict of interest in the matter – whether or not this is in fact the case.

**2. The nature of my conflict of interest is as follows:**

(Describe the nature of the interest, including whether the interest is direct or indirect and personal or pecuniary)

**3. I intend to deal with my conflict of interest in the following transparent and accountable way:**

☐ I intend to **leave** the meeting *(mandatory if you intend to declare a Material conflict of interest)*

**OR**

☐ I intend to **stay** in the meeting *(complete part 4) (only applicable if you intend to declare a Perceived (Actual conflict of interest)*

**4. The reason I intend to stay in the meeting and consider this matter is as follows:**

*(This section must be filled in. Ensure sufficient detail is recorded of the specific circumstances of your interest.)*

and that I will receive no benefit or detriment direct or indirect, personal or pecuniary from considering and voting on this matter.

**CONFLICTS MUST ALSO BE DECLARED VERBALLY DURING MEETINGS**

Governance use only: Member voted FOR/AGAINST the motion.



### Ordinary Business Matters

A **material, actual or perceived** Conflict of Interest does not apply to a matter of ordinary business of the council of a kind prescribed by regulation.

The following ordinary business matters are prescribed under Regulation 8AAA of the Local Government (General) Regulations 2013.

- (a) the preparation, discussion, conduct, consideration or determination of a review under section 12 of the Act
- (b) the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders)
- (c) the preparation, discussion, adoption or alteration of a training and development policy under section 80A of the Act
- (d) the preparation, discussion, adoption or amendment of a strategic management plan under section 122 of the Act
- (e) the adoption or revision of an annual business plan
- (f) the adoption or revision of a budget
- (g) the declaration of rates (other than a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration
- (h) a discussion or decision of a matter at a meeting of a council if the matter—
  - (i) relates to a matter that was discussed before a meeting of a subsidiary or committee of the council
  - (ii) the relevant interest in the matter is the interest of the council that established the committee or which appointed, or nominated for appointment, a member of the board of management of the council subsidiary or regional subsidiary.
- (2) For the purposes of section 75(3)(b) of the Act, a member of a council who is a member, officer or employee of an agency or instrumentality of the Crown (within the meaning of section 73(4) of the Act) will not be regarded as having an interest in a matter before the council by virtue of being a member, officer or employee.

### Engagement and membership with groups and organisations exemption

A member will not be regarded as having a conflict of interest **actual or perceived** in a matter to be discussed at a meeting of council by reason only of:

- an engagement with a community group, sporting club or similar organisation undertaken by the member in his or her capacity as a member; or membership of a political party
- membership of a community group, sporting club or similar organisation (as long as the member **is not** an office holder for the group, club or organisation)
- the member having been a student of a particular school or his or her involvement with a school as parent of a student at the school
- a nomination or appointment as a member of a board of a corporation or other association, if the member was nominated for appointment by a Council.

However, the member will still be required to give careful consideration to the nature of their association with the above bodies. Refer Conflict of Interest Guidelines.

**For example:** If your **only** involvement with a group is in your role as a Council appointed liaison as outlined in the Council appointed liaison policy, you will not be regarded as having a conflict of interest actual or perceived in a matter, and are NOT required to declare your interest.

## 8. DEPUTATIONS

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*For full details, see Code of Practice for Meeting Procedures on [www.ahc.sa.gov.au](http://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, 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 number of deputations that have already been granted for the meeting
  - the subject matter of the proposed deputation
  - relevance to the Council agenda nominated – and if not, relevance to the Council's powers or purpose
- 1 the integrity of the request (i.e. whether it is considered to be frivolous and/or vexatious)
  - the size and extent of the agenda for the particular meeting and
  - the number of times the depute has addressed Council (either in a deputation or public forum) on the subject matter or a similar subject matter.

## 8.3 PUBLIC FORUM

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*For full details, see Code of Practice for Meeting Procedures on [www.ahc.sa.gov.au](http://www.ahc.sa.gov.au)*

2. The public may be permitted to address or ask questions of the Council on a relevant and/or timely topic.
3. The Presiding Member will determine if an answer is to be provided.
4. 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.
5. Each presentation in the Public Forum is to be no longer than five (5) minutes (including questions), except with leave from the Council.
6. The total time allocation for the Public Forum will be ten (10) minutes, except with leave from the Council.
7. If a large number of presentations have been requested, with leave from the Council, the time allocation of five (5) minutes may be reduced.
8. 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.
9. Members may ask questions of all persons appearing relating to the subject of their presentation.



**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Wednesday 27 January 2021  
AGENDA BUSINESS ITEM**

**Item:** 11.1 Motion on Notice

**Originating from:** Cr Malcolm Herrmann

**Subject:** Cemeteries

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**1. MOTION**

**I move:**

**That the CEO prepares a report accompanied by a draft policy on the Council's role in regard assuming control of church (i.e. private) cemeteries, such report and draft policy to be discussed at a workshop in April 2021 prior to consideration by Council prior to 30 June 2021.**

**2. BACKGROUND**

There are a number of church cemeteries located throughout the council area.

In the early 2000s, council staff were approached by the trustees/owners of the Charleston Cemetery, located on former Uniting Church land, with a proposal for the council to take over the management of the cemetery. Council resolved to do that and currently manages the cemetery. No financial contribution was made to Council towards to future maintenance of the cemetery. At the time Council resolved to undertake the management of the cemetery, it was proposed that the cemetery would be vested in Council however this has not occurred and needs to be addressed at some point.

The church building at the Charleston Cemetery is now for sale. The allotment not only contains the church building, but also appears to contain a couple of grave sites as well as the access driveway for the purposes of access to and parking for the cemetery. The sale of this allotment will create management complexities and financial outlay for the Council to establish an alternate access and parking for the cemetery.

I understand there are three other churches with ageing membership which are struggling to maintain their cemeteries in a proper manner and maybe considering requesting the council to assume management.

Clearly there are many issues to be considered, including, but not limited to, the heritage value, trust arrangements that may exist, existing Council cemeteries in these areas, upgrading and ongoing maintenance costs to council, lack of/limited records provided on existing burials.

Whilst there are provisions under the Burial and Cremation Act for a council to assume the administration of a cemetery or natural burial ground subject to certain conditions, there is no obligation for a council to do so.



### 3. OFFICER'S RESPONSE – Paul Day, Acting Manager Property Services

#### ➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

*Strategic Plan 2020-24 – A brighter future*

Goal Community Wellbeing

Objective C1 A community for everyone – that is inclusive, welcoming and accessible

Priority C1.1 Provide welcoming spaces and places for the community through our libraries, community centres, and Council and community facilities

#### ➤ Legal Implications

*Burial and Cremation Act 2013 & Burial and Cremation Regulations 2014*

*Births Death and Marriages Registration Regulations 2013*

*Work Health and Safety Act 2012 & Work Health and Safety Regulations 2012*

*Local Government Act 1999*

#### ➤ Risk Management Implications

Developing a policy in relation to Council's role in the management of privately operated cemeteries will assist in mitigating the risk of:

*Private cemeteries become Council managed facilities without associated resourcing.*

Inherent Risk	Residual Risk	Target Risk
High 2B	Low 2D	Low 2D

Historically, record keeping and grave identification within private cemeteries can be of a lower standard than that currently provided by Council. It is likely that missing data and information to require additional workload for Council staff.

Council can reduce this risk by creating a policy that links approval with appropriate criteria including financial resourcing.

➤ **Financial and Resource Implications**

There are no budgetary resources allocated to create a policy. The policy would be developed by Council staff with no additional resourcing required.

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

Not applicable.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not Applicable
<i>Council Workshops:</i>	Not Applicable
<i>Advisory Groups:</i>	Not Applicable
<i>Administration:</i>	Not Applicable
<i>External Agencies:</i>	Not Applicable
<i>Community:</i>	Not Applicable

**4. ANALYSIS**

The Adelaide Hills Council is responsible for the care, control and management of sixteen (16) cemeteries throughout the Local Government Area. These cemeteries form part of an integral component of the operation of the funeral industry within the area.

Within the Council area church groups have private cemeteries attached to their sites. Although the exact number is unknown, anecdotally, it would be considerable. Council has been contacted by representatives from a number of these church groups during the past six months to discuss the possibility of Council managing and maintaining their cemeteries into the future.

For many years these private facilities have been maintained by church volunteers and over time it is evident that there are growing challenges in ensuring appropriate maintenance into the future. It is therefore reasonable to expect that these types of requests to Council to manage the sites permanently will increase into the future.

To enable Council to make informed decisions that would not financially disadvantage the wider community, a policy could be created that approves Council to manage the sites only if the organisation meets a pre-determined set of criteria.

**5. APPENDIX**

Nil

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Wednesday 27 January 2021  
AGENDA BUSINESS ITEM**

**Item:** 12.1

**Responsible Officer:** Rebecca Shepherd  
Manager Community Development  
Community Capacity

**Subject:** Amended Access and Inclusion Plan 2020-24

**For:** Decision

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**SUMMARY**

Following public consultation on Council's *Provisional Disability Access and Inclusion Plan (DAIP) 2020-24*, an updated version has been prepared (as contained in **Appendix 1**). Several amendments are recommend to enhance Council's Plan in response to feedback received during the consultation period. The amended Plan, which incorporates these revisions, is now proposed for final adoption.

**RECOMMENDATION**

Council resolves:

1. That the report be received and noted.
  2. To revoke the *Provisional Disability Access and Inclusion Plan (DAIP) 2020-24* which was adopted on 27 October 2020 and to adopt the amended *Access and Inclusion Plan 2020-24*, as contained in *Appendix 1*.
  3. That the Chief Executive Officer be authorised during the currency of the *Access and Inclusion Plan 2020-24* (the DAIP) to make any formatting, nomenclature or other minor changes :
    - a. To ensure that the Plan is consistent with an Act of the State or the Commonwealth, or
    - b. To ensure that the Plan remains consistent with the *State Disability Inclusion Plan*, or
    - c. To correct an error or omission.
- 

**1. GOVERNANCE**

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Council's amended *Access and Inclusion Plan 2020-24* (the Plan) will contribute to a number of Goals, Objectives and Priorities under the *Strategic Plan 2020-24*:

Goal 1	A functional Built Environment
Objective B1	Our district is easily accessible for community, our businesses and visitors
Priority B1.5	Provide accessibility for the full range of users by ensuring Council’s road, footpath and trails network is adequately maintained and service levels for all users are developed and considered
Alignment	Theme 3 of the Plan (“Accessible communities”) includes actions that aim to increase the accessibility of the built environment.
Goal 2	Community Wellbeing
Objective C1	A community for everyone – that is inclusive, welcoming and accessible
Priority C1.3	Make the district more accessible and welcoming for all with a focus on youth participation, positive ageing, disability inclusion and multiculturalism
Priority C1.4	Seek opportunities to improve transport options for those who need it most
Alignment	All 4 themes of the Plan encompass actions that will help to create a more accessible and welcoming district with a focus on access and inclusion for residents and visitors with disability. Action 12.3 of the Plan directly contributes to Priority C1.4, proposing that Council will “advocate to the State Government and transport providers for more accessible and connected transport services to key employment hubs in our District” in order to improve access to local employment opportunities for residents with disability.
Goal 2	Community Wellbeing
Objective C2	A community for everyone – that is inclusive, welcoming and accessible
Priority C2.4	Increase participation from the broadest range of our community and engage with them to shape policies, places and decisions that affect them
Alignment	Theme 2 of the Plan (“Leadership and collaboration”) includes specific actions aimed at increasing the participation of residents with disability in Council decision-making, engagement and consultation.
Goal 5	A progressive Organisation
Objective O1	We have the right people with the right knowledge and skills in the right jobs and they are supported and developed
Priority O1.2	Continue to develop a positive culture through supporting an equitable, diverse and continuously improving work environment
Alignment	Theme 1 of the Plan (“Inclusive communities for all”) includes specific actions aimed at raising disability awareness across our organisation. Theme 4 of the Plan (“Learning and employment”) includes further actions focused on supporting an inclusive and accessible workplace for Council staff, Elected Members and volunteers.

Goal 5	A progressive Organisation
Objective O4	We actively represent our community.
Priority O4.2	Attract and develop a diverse and capable elected body that represents, promotes and reflects the composition of the community.
Alignment	Theme 2 of the Plan (“Leadership and collaboration”) includes the action of utilising “resources produced by the Electoral Commission SA and the Local Government Association of SA to make it easier for residents with disability to vote and stand as a candidate in Council elections.”

The amended Plan will itself constitute a function strategy.

➤ **Legal Implications**

The proposed amended Plan was developed in accordance with legislated requirements, as specified in the *Disability Inclusion Act 2018 (SA)* and its associated regulations: the *SA Disability Inclusion Regulations 2019* and the *SA Disability Inclusion (Transitional Arrangements) Regulations 2018*.

➤ **Risk Management Implications**

The adoption of the amended Plan will assist in mitigating the risks of:

*Disregard for submissions received in relation to Council’s Provisional DAIP leading to a breach of legislated obligations with no penalty but reputational damage.*

Inherent Risk	Residual Risk	Target Risk
High (2B)	Low (1D)	Low

*Disregard for public submissions received in relation to Council’s Provisional DAIP leading to loss of community, sector and stakeholder confidence in Council’s commitment to access, inclusion and community engagement.*

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

*Failure to use community feedback to refine Council’s Plan leading to impairment in achieving Council’s Strategic Objectives C1 and C2.*

Inherent Risk	Residual Risk	Target Risk
High (3B)	Low (1D)	Low

The residual risk rating takes into account the Council’s commitment at the time of adopting the Provisional DAIP in October 2020, to undertake further community consultation in relation to an amended Plan.

➤ **Financial and Resource Implications**

Proposed amendments to Council’s Plan will not require resourcing outside of Council’s current operating budgets.

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

The proposed amended Plan (**Appendix 1**) retains actions articulated in the Provisional DAIP for achieving more inclusive and accessible customer service, communications, service centres and information. Action 8.4 has been enhanced to incorporate the Council's participation in the *Regional Champions for Accessible Communications* project, which aims to build staff and volunteer capacity in effective communication with people with disability in customer service settings and through digital and print channels. At the end of the project, Council will have 'communications access champions' who are trained and able to support each other in advancing accessible communications initiatives across a range of departments and program areas.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of the amended Plan (**Appendix 1**) was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* Not Applicable

*Advisory Groups:* Not Applicable

*Administration:* Executive Leadership Team  
Acting Director Community Capacity  
Manager Community Development  
Manager Economic Development  
Manager Communications, Engagement & Events  
Manager Information Services  
Manager Strategic Assets  
Manager Waste, Sustainability and Emergency Management  
Manager Civil Services  
Team Leader Information Systems  
Coordinator Service Strategy and Innovation  
Sport and Recreation Officer  
Economic Development Officer  
Community Engagement Coordinator  
Events Officer  
Communications Officer

*External Agencies:* Adelaide Hills Disability Inclusion Reference Group  
Mount Barker District Council  
Mission Australia, NDIS Local Area Coordinator (Adelaide Hills)  
Carers and Disability Link, Woodside  
Community Bridging Services (CBS)  
DHS Disability Engagement Group  
JFA Purple Orange  
The Hut Community Centre Board

- Community:* A public consultation was undertaken on the Provisional DAIP from 28 October – 24 December 2020. Online responses were collected through a project page on Council’s Engagement HQ online platform, which included a Feedback Form and Discussion Forum. The consultation was promoted through the following activities:
- Media Release (28/10/20) - 14 unique opens (40%)
  - Facebook post (1/11/20) - 80 engagements
  - *Hills Voice: your Adelaide Hills* (Nov 2020) - 1,354 unique opens (37.09%)
  - *Hills Voice* print column in *The Courier* (4/11/20)

## 2. BACKGROUND

The Provisional DAIP was adopted by Council on 27 October 2020 as follows:

### 12.2 Disability Access and Inclusion Plan

Moved Cr Mark Osterstock  
S/- Cr Kirrilee Boyd

228/20

#### Council resolves:

1. That the report be received and noted.
2. To endorse the provisional *Adelaide Hills Council Disability Access and Inclusion Plan (DAIP) 2020-2024: A brighter future for all*, as contained in *Appendix 1*, for publication on Council’s website and further community consultation.
3. To delegate to the Chief Executive Officer to determine the timings, media and processes around further community consultation while ensuring consistency and compliance with the provisions of applicable legislation and Council’s Public Consultation Policy.
4. That an amended edition of the DAIP incorporating further community and stakeholder feedback on the provisional DAIP (received during further community consultation) be referred back to the Council for consideration and adoption at the Council Meeting scheduled for 27 January 2021.

Carried Unanimously
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Public consultation was undertaken between 28 October and 24 December 2020 resulting in feedback collected via Council’s Engagement HQ platform, email submissions and meetings.

A detailed *Community Engagement (Phase 2) Outcomes Report* is contained in **Appendix 2**.

Council staff considered all relevant feedback that was received during the public consultation when making the proposed amendments in the updated version of the Plan. All proposed changes and additions are highlighted in yellow in **Appendix 1**.



### 3. ANALYSIS

Preparation of the amended Plan (**Appendix 1**) was based on feedback on the Provisional DAIP gathered through:

- Individual responses from four (4) Adelaide Hills Council residents to the Feedback Form tool (via Council’s Engagement HQ online platform)
- One individual question received through the Ask Us tool (via Council’s Engagement HQ online platform)
- Feedback received via email submissions to Council’s Community & Social Planning Officer
- Solicited feedback from a Senior Community Development Officer at Mount Barker District Council, emailed to Council’s Community & Social Planning Officer
- One organisational submission from JFA Purple Orange – an Adelaide-based social-profit organisation working to improve the life chances of people living with disability, emailed to Council’s Community & Social Planning Officer
- Council’s Community & Social Planning Officer seeking feedback at the November meeting of the Adelaide Hills Disability Inclusion Group (DIRG)
- Council’s Community & Social Planning Officer seeking feedback at the November meeting of The Hut Community Centre Board meeting.
- Feedback from other departments involved in supporting access and inclusion, including Economic Development, Strategic Assets, Communications, Engagement and Events, Information Services, Open Space, Sustainability, Waste and Emergency Management, and Governance and Performance.

#### Key Consultation Themes and Administration Response

The key consultation themes identified in the *Community Engagement (Phase 2) Outcomes Report* (**Appendix 2**) are presented below with the administration response and linkages to any proposed changes made in the updated version of the Plan. (All recommended updates are also highlighted in yellow in **Appendix 1**).

Consultation Theme	Analysis	Staff Recommendation
<i>General feedback on the provisional DAIP</i>	<p>Mostly positive comments.</p> <p>2 submissions suggesting that the Plan’s actions could be strengthened by assigning specific measurable targets and timeframes.</p> <p>1 comment expressing concern that there is little commitment to deliver anything in the first year outside of the “ongoing” actions, which Council</p>	<p>“Measuring and monitoring success” section has been changed to: “We will use our internal corporate planning and performance systems and processes to track and report our progress in implementing the actions in this Plan. As part of this, specific targets will be set for delivering each action, against which we will review and report our progress each year.”</p> <p>Timeframes for 30 (out of the</p>

Consultation Theme	Analysis	Staff Recommendation
	are already doing, and that this might indicate that AHC is actually not very committed to delivering the Plan. Suggested showing commitment by bringing forward some actions to be delivered (outside of “ongoing”) in the next 12 months.	39) actions have been changed from “Ongoing” or “Years 1-4” to more specific timeframes.
<i>Name of the Plan</i>	Majority of respondents recommended renaming Plan to shift the focus from disability to accessibility, e.g. Access and Inclusion Plan, rather than Disability Access & Inclusion Plan.	Name has been changed from <i>Disability Access and Inclusion Plan</i> to <i>Access and Inclusion Plan</i> .
<i>Front sections</i>	<p>Mostly positive comments, with some minor amendments suggested to address a small number of grammatical and formatting issues, and to enhance readability and clarity.</p> <p>1 suggestion to reduce the Table of Contents to make it simpler to read.</p> <p>1 suggestion to include an infographic to present statistics in “Our Community” section.</p> <p>The Draft Mayor’s Message was sent to Jobnet Regional Manager (South/East Metro) at Community Bridging Services (CBS) for review. Feedback: “I think that the message is great. No amendments from my side.”</p>	<p>Table of Contents has been reduced.</p> <p>An infographic is being prepared for the final graphic design phase, in readiness for publication.</p> <p>The Mayor’s Message has been added.</p> <p>No further amendments to Plan recommended.</p>
<i>Proposed actions for Theme 1 – Inclusive communities for all</i>	<p>Many positive comments, including from 1 resident who loves the idea of celebrating International Day of People with Disability and publishing stories to shape community attitudes regarding access and inclusion (Action 2.1).</p> <p>1 suggestion to consider making Civic Award a regional award, in partnership with Mount Barker District Council (MBDC) (Action 2.1).</p>	<p>Staff can engage with MBDC to explore idea of regional award (no amendment to Plan required).</p>

Consultation Theme	Analysis	Staff Recommendation
	<p>1 respondent expressed concern that there is no mention of footpaths which are needed in Bridgewater for people with disabilities.</p> <p>2 respondents provided suggestions to make events more accessible for people with disability (venue access, transport, carer support, food options) (Action 1.1).</p> <p>1 respondent commented that playgrounds and club sports should be made more accessible for children in wheelchairs (not just for children with sensory disability) by considering surfaces, equipment, activities offered (Action 1.3).</p>	<p>Actions 6.2 and 7.1 have been updated to include footpaths and trails.</p> <p>Action 6.2 (under Theme 2) mentions “footpaths” as part of Council commitment to engage and consult with residents living with disability in planning public infrastructure (no amendment required).</p> <p>All comments received during this consultation phase that relate to the accessibility of footpaths, trails and roads have been sent to Council staff responsible for the renewing of Council’s Asset Management Plan (Footpaths, Kerbs and Roads) and Trails Network Strategy, towards long term planning for location, type of service and renewal options (no further amendment recommended).</p> <p>Implementation of Action 1.1 will involve the updating of Council’s internal event procedures and Festivals and Events Toolkit to incorporate considerations for making Council-run and Council-supported events more accessible for people with disability (no amendment required).</p> <p>Implementation of Action 1.3 will involve ongoing utilisation of the <a href="#">Inclusive Play guidelines</a>, which include such considerations for making playgrounds accessible for children, parents and carers in wheelchairs (no amendment required).</p>

Consultation Theme	Analysis	Staff Recommendation
	<p>1 suggestion to connect with <a href="#">Inclusive Sport SA</a> – look for ways to link sporting clubs in our district to their services and resources (Action 1.4).</p> <p>Several comments related to Council’s grants – encourage sports clubs to apply for projects that make their practices, cultures and facilities more accessible and inclusive (Action 1.4).</p> <p>1 suggestion to consult parent members of <a href="#">MyTime groups</a> in our district, and <a href="#">RecLink SA</a>, about ways Council can increase participation of children with disability in mainstream sports (Action 1.4).</p> <p>Several suggestions of disability awareness/inclusion training resources that Council could use for induction of new employees, volunteers and Council Members (Action 3.1).</p>	<p>Council’s Community &amp; Social Planning Officer has initiated contact with Inclusive Sport SA to establish partnership in offering sports clubs training in 2021, and is scheduled to meet with the General Manager of Active Inclusion at Inclusive Sport SA (no amendment required).</p> <p>Implementation of Action 1.4 will involve encouraging sports clubs to seek funding through Council’s existing grants for projects that improve community access and inclusion (no amendment required).</p> <p>Council’s Community &amp; Social Planning Officer has initiated contact with the Aldgate MyTime group, and is scheduled to visit their meeting on 15 February 2021 to seek advice on how Council can support the increased participation of children with disability in mainstream club sports (no amendment required).</p> <p>Staff will consider suggested resources when developing new induction and staff training (no amendment required).</p>
<i>Proposed actions for Theme 2 – Leadership and collaboration</i>	<p>Positive comments received, with suggested changes to strengthen action items.</p> <p>Suggestion to extend Council’s commitment to utilising principles of co-design to other consultations, such as when developing policy, event planning, changes to websites and other communication mediums (and not limiting application of co-</p>	<p>Council will incorporate co-design principles for engaging people with disability when updating internal community engagement processes, changes to websites or other communication mediums in</p>

Consultation Theme	Analysis	Staff Recommendation
	<p>design principles only to infrastructure planning) (Action 6.2).</p> <p>Strong support from several respondents for Action 4.2 – exploring interest in establishing a Council disability reference group, and for related action to seek representation of young people with disability (Action 4.3).</p>	<p>addition to infrastructure planning (no amendment required).</p> <p>No further amendments recommended.</p>
<i>Proposed actions for Theme 3 – Accessible communities</i>	<p>Positive comments related to incorporation of Universal Design principles into planning.</p> <p>1 respondent suggested need for actions to improve wheelchair access of footpaths and walking trails - maintenance to keep bushes and trees off footpaths</p> <p>1 suggesting that resident kerbside collection days could be managed to ensure wheelchair access (when bins are out for collection the paths are inaccessible for almost 48 hours or longer).</p> <p>1 comment requesting walking trails to be upgraded to enable people using wheelchairs to access popular walks and nature (e.g. Heysen Trail through Bridgewater).</p>	<p>Maintenance issues need to be reported so they can be addressed (no amendment required).</p> <p>Issue around bin day is valid, but needs further investigation to form a policy response (no amendment at this time, but may be addressed in future updates of Plan).</p> <p>Actions 6.2 and 7.1 have been updated to include trails.</p>
<i>Proposed actions for Theme 4 – Learning and employment</i>	<p>1 respondent raised a concern about the phrase “we will consider” in Action 11.2 – “We will consider providing targeted traineeships and work experiences across Council for people with disability...” Respondent asked “what’s the measurable?”</p> <p>1 Council staff member suggested including disability employment specialist organisations (e.g. Disability Works Australia) to assist with Actions 11.2, 12.1 and 12.2.</p> <p>1 parent of a child with disability shared that NDIS funding guidelines</p>	<p>Action 11.2 has been changed to “We will provide targeted...”</p> <p>Actions 11.2, 12.1 and 12.2 have been updated to include disability employment specialist organisations.</p> <p>Action 12.3 changed from “we will advocate to State</p>

Consultation Theme	Analysis	Staff Recommendation
	and criteria related to transport needs are inaccessible and require reform (e.g. funding criteria for vehicle modification).	Government” to “we will advocate to governments” (for more accessible and connected transport services) – to allow scope to advocate to the Australian Government in relation to NDIS funding and transport issues (e.g. in partnership with the Adelaide Hills Disability Inclusion Reference Group).
<i>Gaps or key actions missing from the Provisional DAIP</i>	<p>1 respondent expressed concern about the lack of safe footpaths in Bridgewater for people who use wheelchairs.</p> <p>1 respondent suggested making the popular walking trails in the district more friendly for people with disability (e.g. around Stirling, Aldgate and Crafers).</p> <p>1 respondent asked “What's the point in an accessible toilet if the person cannot get out of their wheelchair and onto the toilet?”</p> <p>1 respondent suggested more focus on helping to create “easily accessible wheelchair friendly transport” for people with disability to get to events and services.</p> <p>1 respondent suggested adding an action to provide social supports and</p>	<p>Actions 6.2 and 7.1 have been updated to include footpaths and trails.</p> <p>Action 7.3 has been updated to include planning for access upgrades of public toilets.</p> <p>All comments received during this consultation phase that relate to the accessibility of public toilets are being sent to Council staff (Property Services) undertaking the in-progress review of the public toilet facilities available in the Council area, including those not owned by Council, towards a long term plan for location, type of service and renewal options (no further amendment recommended).</p> <p>Action 12.3 involves Council playing an advocacy role for improved accessible public transport in the Hills region (no further amendment required).</p> <p>Action 11.2 has been updated to include the provisioning of</p>

Consultation Theme	Analysis	Staff Recommendation
	groups for people with a mental health condition.	volunteering opportunities for people with a mental health condition.
<i>Other feedback</i>	<p>JFA Purple Orange strongly encouraged Council to include people living with disability in monitoring and reviewing the implementation of the Plan, by appointing people living with disability to the internal working group, and/or requesting the reference group (proposed in action 4.2) to play a role in the monitoring and review process.</p> <p>Question received via the Engagement HQ project page: What does DHS stand for? There are many references to this in the DAIP with no expansion of the acronym that I can see. There is also reference to a toolkit, where is this located?</p>	<p>The following has been added to the sub-section “Measuring and monitoring success”: <i>We will also seek assistance and input from our disability inclusion engagement group (see Action 4.2) and partners.</i></p> <p>A Glossary of terms and acronyms has been added.</p>

#### Proposed Updates to Council’s Provisional Plan

The adoption of an updated *Access and Inclusion Plan* will supersede the Provisional *Disability Access and Inclusion Plan* adopted on 27 October 2020. The proposed amended Plan, as contained in **Appendix 1**, includes a range of minor formatting and grammatical revisions as well as the more substantive changes summarised below. (All recommended changes are highlighted in yellow in **Appendix 1**).

Original version (in the Provisional DAIP)	Updated version (in the Amended Plan)
Plan called “Disability Access and Inclusion Plan”	Plan called “Access and Inclusion Plan”
The majority of actions have timeframes of ‘ongoing’ or ‘Years 1 to 4’.	Timeframes for 30 (out of the 39) actions have been changed from “Ongoing” or “Years 1-4” to more specific timeframes.
Mayor’s message not included.	Mayor’s message added.
No Introduction section.	Short Introduction added.
Action tables included column “Team(s) Responsible”, indicating the internal departments responsible for implementing each action.	“Team(S) Responsible” columns removed.
Action 6.2: We will adopt co-design principles that engage our residents with disability, their families and carers, in the ongoing management, maintenance and replacement planning of public infrastructure (including roads, bridges,	Action 6.2: We will adopt co-design principles <b>to</b> engage our residents with disability, their families and carers, in the ongoing management, maintenance and replacement planning of public infrastructure (including roads, bridges,

Original version (in the Provisional DAIP)	Updated version (in the Amended Plan)
signage, footpaths) through consultation processes.	signage, footpaths, <b>trails</b> ) through consultation processes.
Action 7.1: We will continue to incorporate Universal Design principles in our criteria for new Council building and public projects and planning for programs, services and events (including clear conditions about using Universal Design when we contract architecture, engineering and construction companies to deliver big projects for/with us).	Action 7.1: We will continue to incorporate Universal Design principles in our criteria for new Council building and public projects and planning for programs, <b>public infrastructure (including footpaths, trails and bus stops)</b> , services and events (including clear conditions about using Universal Design when we contract architecture, engineering and construction companies to deliver big projects for/with us).
Action 7.3: We will review and, where required, plan for the increased demand for accessible car parking (including extended length car parking) at Council service hubs and events. We will include most needed works when scheduling upgrades.	Action 7.3: We will review <b>the accessibility of Council-managed car parks, public toilets, service hubs and events.</b> We will develop a more strategic approach to accessible car parking in our township centres, service hubs and visitor destinations, including long term planning for most needed works when scheduling upgrades. We will include most needed works when scheduling upgrades.
Action 8.4: We will assess the need and resources required to provide information and communications about our services in different accessible formats. These may include easy read, Auslan, pictorial forms, large font, audible options, braille, closed captions and voice over.	Action 8.4: <b>Through our participation in the Regional Champions for Accessible Communications project,</b> we will assess the need and resources required to provide information and communications about our services in different accessible formats. These may include easy read, Auslan, pictorial forms, large font, audible options, braille, closed captions and voice over.
Action 11.2: We will consider providing targeted traineeships and work experiences across Council for people with disability, in partnership with local training providers and Disability Employment Services (DES) providers	Action 11.2: We will <b>provide</b> targeted traineeships, <b>volunteering opportunities</b> and work experiences across Council for people with disability ( <b>including people with a mental health condition</b> ), in partnership with local training providers, <b>disability employment specialist non- government organisations</b> and Disability Employment Service (DES) providers
Action 12.1: We will utilise information and resources in the new SA Pubic Sector Disability Employment Toolkit to identify next steps in creating a workplace culture and environment that is welcoming, inclusive and accessible for people with disability.	Action 12.1: We will utilise information and resources in the new SA Pubic Sector Disability Employment Toolkit <b>and advice from disability employment specialist non- government organisations</b> to identify next steps in creating a workplace culture and environment that is welcoming, inclusive and accessible for people with disability.
Action 12.2: We will utilise information and resources in the new <i>SA Pubic Sector Disability Employment Toolkit</i> to encourage	Action 12.2: We will utilise information and <b>case studies</b> in the new <i>SA Pubic Sector Disability Employment Toolkit</i> <b>and advice</b>



Original version (in the Provisional DAIP)	Updated version (in the Amended Plan)
our local business and organisations to consider the benefits and requirements of employing people with disability.	from disability employment specialist non-government organisations to encourage our local business and organisations to consider the benefits and requirements of employing people with disability.
Action 12.3: We will advocate to the State Government and transport providers for more accessible and connected transport services to key employment hubs in our district.	Action 12.3: We will advocate to governments and transport providers for more accessible and connected transport services to key employment hubs in our district.
To map our progress, we will adapt and use the interim measures provided in Appendix 1 of the State Plan, and the outcomes framework that is expected to be released with the new <i>National Disability Strategy</i> for beyond 2020. We will adapt indicators in consultation with our stakeholders	We will use our internal corporate planning and performance systems and processes to track and report our progress in implementing the actions in this Plan. As part of this, specific targets will be set for delivering each action, against which we will review and report our progress each year.
We will establish an internal Access and Inclusion Working Group, with representatives from all relevant teams, to provide advice around the further development, implementation, progress and improvement of our Plan.	To assist in this process, we will establish an internal Access and Inclusion Working Group, with representatives from all relevant teams, to provide advice around the further development, implementation, progress and improvement of our Plan. We will also seek assistance and input from our disability inclusion engagement group (see Action 4.2) and partners.
No Glossary. Several undefined terms and acronyms (e.g. DHS) used throughout the document.	Glossary added to define key terms and acronyms.

#### 4. OPTIONS

Council has the following options:

- I. Adopt the amended *Access and Inclusion Plan 2020-24* as presented in **Appendix 1** without making any further amendments. If Council resolves to adopt the amended Plan, with updates based on public consultation in relation to the *Provisional Disability Access and Inclusion Plan*, it will meet its legislated requirements for the preparation of disability access and inclusion plans (Recommended).
- II. Decline to adopt the amended Plan as prepared, and make further substantial amendments prior to adoption. Should Council identify the need for substantial amendments to the updated Plan, 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. (Not Recommended)

#### 5. APPENDICES

- (1) Amended Access and Inclusion Plan 2020-24
- (2) Community Engagement (Phase 2) Outcomes Report

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# **Appendix 1**

*Amended Access and Inclusion Plan 2020-24:  
A brighter future for all*

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## Access and Inclusion Plan 2020-24

*A brighter future for all*

Adopted by Council on [insert date]

PLEASE NOTE:

The yellow highlighted text indicates recommended additions and changes to the Provisional DAIP

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## Acknowledgment of Country

Adelaide Hills Council acknowledges that we undertake our business on the traditional lands and waters of the Peramangk and Kaurna Nations. We pay our respect to Elders past, present and emerging as the Custodians of this ancient and beautiful land.

We are committed to working together to ensure that Peramangk and Kaurna cultures and traditions are preserved and valued. Together we will care for this Country for the generations to come.

## Mayor's message

In April 2020, we released our [Strategic Plan 2020-24: A Brighter Future](#) in the wake of a catastrophic bushfire that was closely followed by a global coronavirus pandemic. While facing ongoing challenges of recovery, climate change events, and a global outlook of economic recession over the next four years, our Strategic Plan remains optimistic that – if

we hold fast to the values that bind us and carry us through ongoing crises – we can look forward to a brighter future.

One important value that has carried us through is *social inclusion*. As we continue to focus on recovery and resilience, it is timely that we reaffirm this core value, which will ensure we rebuild and co-create a community - and a brighter future - for all people, including people living with disability.

Our new Access and Inclusion Plan 2020-24 (the Plan) is about exactly that: setting out the actions we will take over the next four years to ensure our Adelaide Hills' residents, visitors, Council employees and volunteers who are living with disability feel valued and included in their communities and workplaces; enjoy equal access to our unique natural environments, local events, information, facilities and democratic processes; and are able to find the right learning, volunteering and employment opportunities that they need to build their brighter futures.

Such ideas are not new or confined to our context. They echo the [State Disability Inclusion Plan 2019-2023: Inclusive SA](#), which we welcome. Our Access and Inclusion Plan 2020-24 articulates how we will support the vision, principles and priorities set out in the State Plan. Like the State Plan, our Access and Inclusion Plan 2020-24 is founded upon the principles outlined in the [United Nations Convention on the Rights of Persons with Disabilities \(UNCRPD\)](#).

In our context, this means recognising the rights of our residents, visitors, Council Members, employees and volunteers living with disability, and ensuring they are able to enjoy the same freedoms and local opportunities as anybody else. In putting these important ideas into practice, we want to lead by example in our district by identifying and addressing barriers in our district and organisation that may hinder people with disability from participating fully in our workplace and community.

**Dr Jan-Claire Wisdom**  
*Mayor Adelaide Hills Council*

## Contact us

08 8408 0400

[mail@ahc.sa.gov.au](mailto:mail@ahc.sa.gov.au)

[www.ahc.sa.gov.au](http://www.ahc.sa.gov.au)

[www.facebook.com/adelhillsCouncil](https://www.facebook.com/adelhillsCouncil)

[twitter.com/AHCouncil](https://twitter.com/AHCouncil)

[www.instagram.com/adelaidehillscouncil/](https://www.instagram.com/adelaidehillscouncil/)

## Introduction

The Adelaide Hills Council (AHC) wrote this Plan. When you see the words 'we', 'our', 'us', or 'Council', they mean the Adelaide Hills Council.

Our Plan has been developed in consultation with our community, local disability service providers, Adelaide Hills Council Members, employees and volunteers. It highlights our ongoing commitment to making our organisation and district more accessible and welcoming for people living with disability.

Terms and acronyms in **bold** text throughout this Plan are defined in the Glossary at the end of this document.

## About the Adelaide Hills Council

Adelaide Hills Council is a local government organisation that undertakes its business on the traditional lands and waters of the Peramangk and Kaurna peoples.

The land area of Adelaide Hills Council is 795 square kilometres, and extends from Mount Bold Reservoir in the south, to the South Para Reservoir in the north, and from the hills face in the west to the eastern escarpment of the Mount Lofty Ranges.

Council provides a range of services for nearly 40,000 residents, and nearly 500,000 domestic day-trip visitors annually, including:

1. planning and development
2. maintenance, management and renewal of properties, playgrounds, public infrastructure
3. library and customer services
4. volunteering
5. public health
6. parking and by-law enforcement
7. sport and recreation planning
8. youth development
9. positive ageing
10. community centres
11. communications, engagement and events
12. community development and cultural development
13. community grants
14. economic development
15. sustainability, open space biodiversity,
16. animal management
17. parks and reserves, cemeteries
18. fire prevention, emergency management, bushfire recovery

#### 19. waste and water management.

Council operates Service Centres with libraries in Gumeracha, Stirling and Woodside; Community Centres in Gumeracha and Norton Summit; a Resource Recovery Centre in Heathfield; depots in Gumeracha and Stirling; the Fabrik Arts and Heritage Hub in Lobethal; and 16 historic cemeteries within the Council area. In-person Council meetings are held in Stirling and are live-streamed for community members. Council supports the Hut Community Centre in Aldgate and the Adelaide Hills Swimming Centre in Woodside.

Council provides its residents and visitors information about Council initiatives, meetings, consultations, events, grants, employment and volunteering opportunities, programs and activities. Council also provides local businesses information about legislation changes, tips, case studies and events.

## Our employees and volunteers

Adelaide Hills Council currently has over 200 employees and over 180 registered volunteers who deliver services to the Adelaide Hills community.

Though we do not currently use data measures to track the percentage of Council Members, employees and volunteers who identify as living with disability, we aim to provide an accessible and inclusive workplace. For example, we have developed *Reasonable Adjustment Policy and Procedures* (adopted October 2018), so that prospective employees can request **reasonable adjustments** to the recruitment process, and so that employees can seek reasonable adjustments to their role and/or work environment.

We have also worked to build a more inclusive environment by partnering and consulting with organisations like the [National Disability Recruitment Coordinator \(NDRC\)](#) and [Disability Employment Service \(DES\)](#) Providers.

## Strategic context

In 2018, the [Disability Inclusion Act 2018 \(SA\)](#) (the Act) was passed because the South Australian Government recognised that a stronger commitment to access and inclusion planning for people living with disability was needed.

The intention of the Act is to support the principles and purposes of the [United Nations Convention on the Rights of Persons with Disabilities \(UNCRPD\)](#). The UNCRPD was ratified by Australia in 2008, and the Optional Protocol signed by Australia in 2009. Following the UNCRPD, the Act acknowledges that people living with disability have the same human rights as other members of the community. The Act recognises that the State and the community have a responsibility to facilitate the exercise of those rights. The UNCRPD is underpinned by eight guiding principles based on respect, equality and non-discrimination.

The [National Disability Strategy \(NDS\) 2010-2020](#) is a coordinated plan across all levels of government to improve the lives of people living with disability, their families and carers.

The NDS is Australia's response to the UNCRPD. It is designed to ensure the principles of the UNCRPD are incorporated into policies and programs across Australia. Currently, the Commonwealth and State and Territory Governments are working towards developing a new national disability strategy for beyond 2020.

The [State Disability Inclusion Plan 2019-2023: Inclusive SA](#) (the State Plan) was released on 31 October 2019. It was developed through community and sector consultation. The broad vision of the State Plan is an accessible and inclusive South Australia based on fairness and respect.

The State Plan is a requirement of the Act and provides a framework to support **State authorities** to implement the NDS.

The annual reporting against the State Plan will link the South Australian Government's achievements with the NDS's areas of policy action.

The Act requires each local government in South Australia to have a disability access and inclusion plan (DAIP).

The Act requires that our Access and Inclusion Plan sets out the actions we will take to ensure that people with disability can access our programs and services, built environments, events and facilities, meetings, information and communications, and employment and volunteering opportunities.

Additionally, the Act requires that this Plan addresses the risks relating to particular groups living with disability, especially women, children, Aboriginal and Torres Strait Islander people, and culturally and linguistically diverse people.

Our Plan must also explain how we will give effect to the objectives, principles and priorities set out in the Act and the State Plan.

## What is disability?

There are many different definitions, understandings and experiences of disability. The [Disability Inclusion Act 2018 \(SA\)](#) states that *disability* refers to a person's:

cognitive, neurological or sensory impairment, or a combination of any of these impairments, which in interaction with various barriers may hinder the person's full and effective participation in society on an equal basis with others.

A more extensive definition of disability can also be found in the [Disability Discrimination Act 1992 \(Commonwealth\)](#).

## The social model of disability

We adopt the 'social model of disability', which understands the difference between impairment and disability. *Impairment* means a medical condition, illness, genetic disorder



or injury that affects the way a person's body or mind works. *Disability* means people with impairment miss out on opportunities because of barriers society has constructed.

A barrier is a problem that stops or limits access. Barriers might be physical, like a community facility only having stairs and no wheelchair ramp. But barriers might involve non-physical obstacles, like an unspoken attitude in our community or organisation about what role a person with disability can or cannot do. Barriers might also involve communication barriers, like an electronic document that is not properly formatted and cannot be read by a screen reader.

We use the word disability to mean barriers created by society. Everyone in our community needs to work together to identify and break down the barriers. This is called the 'social model of disability'. Though legislation is usually built around a medical (or individual/impairment) model of disability, we support the social model of disability. We do not want to confuse the body (impairment) with the social (disabled).

[People with Disability Australia](#) explain the social model this way:

*The social model sees 'disability' is the result of the interaction between people living with impairments and an environment filled with physical, attitudinal, communication and social barriers. It therefore carries the implication that the physical, attitudinal, communication and social environment must change to enable people living with impairments to participate in society on an equal basis with others.*

The social model of disability has been adopted in the Council of Australian Governments' [National Disability Strategy 2011-2020](#) and the [United Nations Convention on the Rights of Persons with Disabilities \(UNCRPD\)](#).

This Plan guides the Adelaide Hills Council to help remove barriers in our community so that everyone can participate.

## Universal Design

The State Plan encourages local governments to apply the principles of **Universal Design** when they plan or create new projects or services. According to the [Centre for Universal Design Australia](#), Universal Design is 'a means of achieving an inclusive society'.

The basic philosophy of Universal Design is designing for the most number of people who can use a product, place, building, service or website. This approach involves applying the 7 principles of Universal Design when planning every place, space and service:

1. Equitable use
2. Flexibility in use
3. Simple and intuitive to use
4. Perceptible information

5. Tolerance for error
6. Low physical effort
7. Size and space for approach and use

Universal Design helps us think about what everybody in our community and workplace needs when we plan or start new projects and services. If we adopt Universal Design principles, more people will be able to access every place, space and service from the start. Research has found that implementing Universal Design can lead to economic and social benefits, and can minimise the need for costly retrofits when facilities and services do not meet the needs of excluded community groups.<sup>1</sup>

## Our community

The Adelaide Hills Council Estimated Resident Population for 2019 was 39,977.

In 2018, there were 4.4 million Australians with disability, representing 17.7% of the population, down from 18.3% in 2015. Nearly one-quarter (23.2%) of all people with disability reported a mental or behavioural condition (up from 21.5% in 2015).<sup>2</sup>

In 2016, 3.4% of the population (1,308 people) in the Adelaide Hills Council area reported needing help in their day-to-day lives due to disability. This was a similar percentage to 2011. This compares with 5.9% for Greater Adelaide, 6% for South Australia, and 5.1% for Australia. This is an increase of 238 people from 2011, predominantly in the 5-59 year old age group (+122), but also in the 65-79 year old group (+81). The major difference in the age groups reporting a need for assistance between 2011 and 2016 in Adelaide Hills Council was in the 20 to 59 age group (+60 persons).<sup>3</sup>

In 2016, the suburb of Woodside had the highest proportion of people in need of assistance due to disability in Adelaide Hills Council district (6.1% or 151 people), followed by Lobethal-Charleston (4.7% or 142 people), and Aldgate (3.3% or 112 people).<sup>4</sup>

In the Adelaide Hills Council district, there are 497 NDIS participants (1.2% of the Adelaide Hills Council Estimated Resident Population for 2019).<sup>5</sup>

In 2016, the size of the labour force in the Adelaide Hills district needing assistance was 151, of which 89.4% (135) were employed and 10.6% (16) were looking for work, compared with 84.1% and 15.9% respectively for South Australia.<sup>6</sup>

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<sup>1</sup> For example, see Odeck, James, Trine Hagen, and Nils Fearnley. 2010. "Economic Appraisal of Universal Design in Transport: Experiences from Norway." *Research in Transportation Economics* 29 (1): 304-11.

<sup>2</sup> Survey of Disability, Ageing and Carers (SDAC) conducted by the Australian Bureau of Statistics (ABS), 2018

<sup>3</sup> Australian Bureau of Statistics, Census of Population and Housing, 2011 and 2016

<sup>4</sup> Australian Bureau of Statistics, Census of Population and Housing, 2016

<sup>5</sup> NDIS, [Participants by Local Government Areas](#), as at 31 March 2020

<sup>6</sup> Thanks to Alex Kelly from REMPLAN for this data.

# Our vision

Key **priorities** of our [Strategic Plan 2020-24: A Brighter Future](#) provide the foundation for this Plan. These are:

- B1.5** Provide accessibility for the full range of users by ensuring Council's road, footpath and trails network is adequately maintained and developed for all users
- C1.3** Make the district more accessible and welcoming for all with a focus on disability inclusion
- C1.4** Seek opportunities to improve transport options for those who need it most
- C2.4** Increase participation from the broadest range of our community and engage with them to shape policies, places and decisions that affect them
- O1.2** Continue to develop a positive culture through supporting an equitable, diverse and continuously improving work environment
- 04.2** Attract and develop a diverse and capable elected body that represents, promotes and reflects the composition of the community.

# Actions

To achieve our vision, our Plan focuses on the following themes of the [State Disability Inclusion Plan 2019-2023: Inclusive SA](#) (the State Plan):

1. Inclusive communities for all
2. Leadership and collaboration
3. Accessible communities
4. Learning and employment.

In implementing the actions detailed in the following sections, Council's role in improving access and inclusion in our district may vary, depending on the nature of the action. The different roles of Council encompass: responding, promoting, partnering, facilitating, advocating, funding and regulating.

Terms and acronyms in **bold** are defined in the Glossary at the end of this document.

## Theme 1: Inclusive communities for all

Social inclusion is a priority for people living with disability as it affects all aspects of their lives. It is our aim that the contributions and rights of people living with disability are valued and understood by all South Australians and that their rights are promoted, upheld and

protected. We also want to ensure that people living with disability are supported to advocate for their own rights.

- Priority 1: Involvement in the community
- Priority 2: Improving community understanding and awareness
- Priority 3: Promoting the rights of people living with disability

We will support social inclusion and promote and uphold the rights of people with disability through the actions shown in the following table.

### Priority 1: Involvement in the community

No.	Action	Timeframe
1.1	<p>We will:</p> <p>Incorporate the <b>DHS event toolkit</b> into the planning of Council events</p> <p>Provide relevant employees and volunteers with training on the <b>DHS event toolkit</b></p> <p>Promote the event toolkit and training opportunities to community groups who run community events.</p> <p><i>Supports Action 1 in the State Plan</i></p>	2022
1.2	<p>We will provide relevant information to <b>DHS</b>, or their representatives, during the design of the <b>DHS app</b> (or other medium) that displays services and facilities in our district that are wheelchair and disability access friendly. When released, we will promote this app to our residents and visitors with disability, their families and carers.</p> <p><i>Supports Action 2 in the State Plan</i></p>	2022
1.3	<p>We will continue to use the State Government's <b>Inclusive Play: Guidelines for accessible playspaces</b> to guide our development of accessible and inclusive playgrounds and play spaces that provide sensory play experiences.</p> <p><i>Supports Action 3 in the State Plan</i></p>	Ongoing
1.4	<p>We will engage with external agencies, clubs and other relevant groups to identify strategies to increase the inclusion of children with disability in mainstream sports activities and clubs.</p> <p><i>Supports Action 5 in the State Plan</i></p>	2021
1.5	<p>We will continue to deliver library programs that are inclusive and adaptive for the needs of children living with disability.</p>	Ongoing

No.	Action	Timeframe
	<i>Supports Action 5 in the State Plan</i>	

## Priority 2: Improving community understanding and awareness

No.	Action	Timeframe
2.1	We will celebrate and promote the International Day of People with Disability annually (3 December), and develop ways to recognise the contributions that people with disability make to our community (e.g. we will look at establishing an International Day of People with Disability Civic Award - in recognition of the public service of people with disability and 'access and inclusion champions' within our community, to be announced each year on International Day of People with Disability).  <i>Supports Action 6 in the State Plan</i>	Annually (December)
2.2	We will publish stories to shape community understanding and attitudes towards people with disability (via our existing publications and promotional tools).  <i>Supports Action 6 in the State Plan (and the emerging National Disability Strategy)</i>	2021-2024
2.3	We will undertake research to better understand and monitor changes in organisational and community attitudes about the rights and needs of people living with disability.  <i>Supports Action 7 in the State Plan</i>	2021

## Priority 3: Promoting the rights of people living with disability

No.	Action	Timeframe
3.1	We will <ul style="list-style-type: none"> <li>• update induction of new AHC Members, employees and volunteers to include information about working with people with disability</li> <li>• provide training for our Council Members, employees, , volunteers and partners (e.g. <a href="#">The Hut Community Centre</a>) in disability awareness. This may be part of a broader and coordinated diversity learning program.</li> </ul> <i>Supports Action 9 in the State Plan</i>	2022

## Theme 2: Leadership and collaboration

People living with disability want to have a greater role in leading and contributing to government and community decision-making. It is our aim that the perspectives of people living with disability are actively sought and that they are supported to participate meaningfully in government and community consultation and engagement activities.

- Priority 4: Participation in decision-making
- Priority 5: Leadership and raising profile
- Priority 6: Engagement and consultation

We will support people with disability to have a greater role in influencing Council and community decision-making and participating in our community consultations through the following actions:

#### Priority 4: Participation in decision-making

No.	Action	Timeframe
4.1	<p>We will ensure our emerging <b>Community Engagement Framework</b> encompasses strategies to enable young people with disability to participate in Council decision-making processes.</p> <p><i>Supports Action 11 in the State Plan</i></p>	2023
4.2	<p>We will:</p> <p>20. seek advice about local disability issues and Council decisions from existing external disability advisory groups in our region and State (such as the <b>Adelaide Hills Disability Inclusion Reference Group (DIRG)</b> and <a href="#">DHS' Disability Engagement Group</a>.)</p> <p>21. explore community interest in establishing an AHC disability inclusion engagement group - to enable direct engagement with residents with disability and their families, carers and advocates on Council decision-making and specific barriers for priority groups (children with disability, women with disability, Aboriginal and Torres Strait Islander peoples with disability and people with disability from culturally and linguistically diverse backgrounds). We will develop specific actions to address the needs and risks that are identified, and update our Plan accordingly.</p> <p><i>Supports Action 15 in the State Plan and <a href="#">the Act</a> - sections 9(2), (3), (4), &amp; (5)</i></p>	Ongoing
4.3	<p>We will actively seek participation in the AHC engagement group (see 4.2) by young people living with disability in our district.</p> <p><i>Supports Action 11 in the State Plan and Section 9 of the Disability Inclusion Act 2018 (SA)</i></p>	2021
4.4	<p>We will:</p> <p>22. utilise resources produced by the <a href="#">Electoral Commission SA</a> and the <a href="#">Local Government Association of SA</a> to make it easier for residents with disability to</p>	2022

No.	Action	Timeframe
	vote and stand as a candidate in Council elections	
23.	continue to identify and address barriers for residents with disability to meet with Council Members, attend Council meetings, and participate in our community consultations and engagement events.	

### Priority 5: Leadership and raising profile

No.	Action	Timeframe
5.1	We will encourage residents with disability to participate in our Advisory Groups and Committees when recruiting new members, and will offer accessibility support at any stage of the recruitment process.  <i>Supports Action 12 in the State Plan</i>	2021-2024
5.2	We will encourage young people with disabilities to participate in the Adelaide Hills Council Youth Leadership Program (YLP), and provide accessibility supports where required.	2021

### Priority 6: Engagement and consultation

No.	Action	Timeframe
6.1	We will use the <b>DHS engagement toolkit</b> (when released) to consult and engage with people living with disability when developing policies and programs. We will provide employees training in the use of this toolkit where required.  <i>Supports Action 14 in the State Plan</i>	2022
6.2	We will adopt <a href="#">co-design principles</a> to engage our residents with disability, their families and carers, in the ongoing management, maintenance and replacement planning of public infrastructure (including roads, bridges, signage, footpaths, <a href="#">trails</a> ) through consultation processes.	2022
6.3	We will ensure our emerging <b>Community Engagement Framework</b> includes guidance for employees on best practice in consulting and engaging with people with disability.	2023
6.4	We will continue to consider accessibility issues and the needs of all Council Members, employees and volunteers when purchasing, refitting or leasing new Council offices, depots, IT and communications systems-equipment, employee fleet vehicles and carparking.	Ongoing

## Theme 3: Accessible communities

The accessibility of the built environment, quality services and information is key to ensuring people living with disability are included and have the opportunity to equally participate in

all aspects of community life. It is our aim to increase accessibility to public and community infrastructure, transport, services, information, sport and recreation and the greater community.

24. Priority 7: **Universal Design** across South Australia

25. Priority 8: Accessible and available information

26. Priority 9: Access to services

We will help improve access to its buildings, environments and services through the following actions:

### Priority 7: Universal Design across South Australia

No.	Action	Timeframe
7.1	We will continue to incorporate <b>Universal Design</b> principles in our criteria for new Council building and public projects and planning for programs, <b>public infrastructure (including footpaths, trails and bus stops)</b> , services and events (including clear conditions about using Universal Design when we contract architecture, engineering and construction companies to deliver big projects for/with us).  <i>Supports Action 19 in the State Plan</i>	Ongoing
7.2	We will provide information and training for relevant employees and contractors in Universal Design principles.  <i>Supports Action 19 in the State Plan</i>	2021
7.3	<b>We will review the accessibility of Council-managed car parks, public toilets, service hubs and events. We will develop a more strategic approach to accessible car parking in our township centres, service hubs and visitor destinations.</b>  <i>Supports Action 19 in the State Plan</i>	<b>2023-2024</b>
7.4	We will consider <a href="#">Livable Housing Australia design guidelines</a> and Universal Design principles in decision-making around residential development applications.  <i>Supports Action 17 of the State Plan</i>	2021-2024

### Priority 8: Accessible and available information

No.	Action	Timeframe
8.1	We will promote the State Government's new <a href="#">Inclusive SA</a> website (when launched in June 2021) through our Website and existing publications and promotional tools.  <i>Supports Action 20 in the State Plan</i>	<b>2021</b>
8.2	We will <b>make</b> our new Council website and e-services technology accessible and inclusive for all users.  We will use the State Government's <a href="#">Online Accessibility Toolkit</a> to	Ongoing



No.	Action	Timeframe
	<p>inform the planning, building and procurement of our new Website, e-services and online environment technology.</p> <p>We will encourage and support Council employees, volunteers and external stakeholders and community groups to use the State Government's new Online Accessibility Toolkit.</p> <p><i>Supports Action 21 and 22 in the State Plan</i></p>	
8.3	<p>We will provide <a href="#">Easy Read</a> training for employees and volunteers who produce public documents, information and communications related to Council consultations and decision-making.</p> <p><i>Supports Action 21 of the State Plan</i></p>	2022
8.4	<p>Through our participation in the <b>Regional Champions for Accessible Communications project</b>, we will assess the need and resources required to provide information and communications about our services in different accessible formats. These may include easy read, Auslan, pictorial forms, large font, audible options, braille, closed captions and voice over.</p> <p><i>Supports Action 21 of the State Plan</i></p>	2021

### Priority 9: Access to services

No.	Action	Timeframe
9.1	<p>We will monitor the development of <b>DHS' toolkit for signage, wayfinding and multimedia devices</b>.</p> <p>When released, we will promote and use this toolkit to support deaf, hard of hearing, blind, vision or hearing-impaired persons.</p> <p><i>Supports Action 25 in the State Plan</i></p>	2022
9.2	<p>We will identify Council service hubs that may need installation or upgrade of disability access signage. We will include needed works when scheduling infrastructure maintenance and upgrades.</p> <p><i>Supports Action 26 of the State Plan</i></p>	2022
9.3	<p>We will identify our key customer service outlets where installation of multi-media devices in queues may better include people who are deaf, hard of hearing, vision impaired, or blind. We will consider technological solutions for achieving more inclusive customer service in our Business Plans (from 2022-23).</p> <p><i>Supports Action 26 of the State Plan</i></p>	2023
9.4	<p>We will review <b>and update</b> the application guidelines, priorities and criteria of our Grant Program to increase applications and support for accessible and inclusion projects and events.</p>	2021

No.	Action	Timeframe
9.5	<p>We will participate in the joint project: <b>Regional Champions for Accessible Destinations project</b>, which will involve an access audit of one destination site in our district and using the learnings to train relevant Council employees to achieve accessible destinations.</p> <p>We will encourage our external partners who manage visitor destinations to improve access and inclusion for residents and visitors where required.</p> <p><i>Supports Action 31 in the State Plan</i></p>	2021

## Theme 4: Learning and employment

Workforce participation is fundamental to social inclusion. It provides economic independence and choice, social connections and friendships, value, identity and belonging. It is our aim that people living with disability have access to inclusive places of study and that education and training provides pathways to meaningful and inclusive employment and volunteering opportunities.

- 27. Priority 10: Better supports within educational and training settings
- 28. Priority 11: Skill development through volunteering and support in navigating the pathway between learning and earning
- 29. Priority 12: Improved access to employment opportunities and better support within workplaces

We will undertake the following actions to create and support workplace learning and employment opportunities for people with disability:

### Priority 10: Better supports within educational and training settings

No.	Action	Timeframe
10.1	<p>We will explore opportunities to promote local support groups for parents and teachers who are preparing children with disabilities for life beyond school.</p> <p><i>Supports Action 33 in the State Plan</i></p>	2022

### Priority 11: Skill development through volunteering and support in navigating the pathway between learning and earning

No.	Action	Timeframe
11.1	We will review and update recruitment, registration, induction and experiences of our Council volunteers in relation to accessibility and participation for volunteers with disability.	2022
11.2	We will provide targeted traineeships, volunteering opportunities and work experiences across Council for people with disability (including people with a mental health condition), in partnership	2023

No.	Action	Timeframe
	with local training providers, disability employment specialist non-government organisations and <a href="#">Disability Employment Service (DES)</a> providers.	

## Priority 12: Improved access to employment opportunities and better support within workplaces

No.	Action	Timeframe
12.1	We will utilise information and resources in the new <a href="#">SA Public Sector Disability Employment Toolkit</a> and advice from disability employment specialist non- government organisations to identify next steps in creating a workplace culture and environment that is welcoming, inclusive and accessible for people with disability.  <i>Supports Action 37 of the State Plan</i>	2022
12.2	We will utilise information and case studies in the new <a href="#">SA Public Sector Disability Employment Toolkit</a> and advice from disability employment specialist non- government organisations to encourage our local business and organisations to consider the benefits and requirements of employing people with disability.  <i>Supports Action 37 of the State Plan</i>	2022
12.3	We will advocate to governments and transport providers for more accessible and connected transport services to key employment hubs in our district.	Ongoing
12.4	We will develop appropriate measures for tracking the percentage of Council employees and volunteers who have requested workplace adjustments.  <i>Supports Action 39 in the State Plan</i>	2021

## Monitoring implementation of our Plan

### Measuring and monitoring success

We will use our internal corporate planning and performance systems and processes to track and report our progress in implementing the actions in this Plan. As part of this, specific targets will be set for delivering each action, against which we will review and report our progress each year.

To assist in the process, we will establish an internal Access and Inclusion Working Group, with representatives from all relevant teams, to provide advice around the further development, implementation, progress and improvement of our Plan. We will also seek assistance and input from our disability inclusion engagement group (see Action 4.2) and partners.

Our Chief Executive will receive a report on the progress of our Plan in September in preparation to go to the October meeting of Council each year.

We will also send, on or before 31 October each year, a report to the Chief Executive of DHS outlining the operation of our Plan during the preceding financial year (including a summary of the progress achieved in implementing our Plan).

We will also include information about the progress we make in our Annual Report.

In accordance with the Act, we will formally review this Plan every four years or following a review of the State Plan.

## Communicating our Plan

Our Plan will be available to our Council Members, employees, volunteers, contractors and partners, and the broader community. It will be promoted on our Council website, including in Easy Read format, and can be made available in other accessible formats and languages upon request.

## Glossary

### **Accessible formats**

Accessible format is the term used to describe alternative communication formats for people who have difficulties accessing information. Sometimes the term 'alternative formats' is used.

### **Adelaide Hills Disability Inclusion Reference Group (DIRG)**

Established as an informal regional network in 2019, for the purpose of bringing together people with a passion for supporting the rights and wellbeing of people with disabilities in the Adelaide Hills region. Co-facilitated by Mission Australia NDIS Local Area Coordination Service for the Adelaide Hills region, Mount Barker District Council and Adelaide Hills Council.

### **AHC**

The Adelaide Hills Council.

### **Auslan**

Australian Sign Language (AUSLAN) is the sign language of people in the Australian Deaf community.

### **Built environment**

Human-made structures, features and facilities viewed collectively as an environment in which people live and work.

### **Co-design**

A range of activities and processes used in the design of services and products that involve people who use or are affected by that service or product.

### **Community Engagement Framework**

A document that assists Adelaide Hills Council to work together with stakeholders and to share decision-making. Currently being updated.

### **DHS**

The South Australian Department of Human Services.

### **DHS app**

DHS are developing an app (or other medium) that will display community services and facilities that are wheelchair and disability access friendly (project in scoping phase, timeframe for rollout is yet to be confirmed).

### **DHS engagement toolkit**

DHS are currently developing a toolkit that supports State authorities to consult and engage with people living with disability when developing policies and programs.

### **DHS event toolkit**

DHS are currently developing a new event toolkit to promote accessible and inclusive practices for SA Government departments and local councils, scheduled for release in early 2021.

### **DHS toolkit for signage, wayfinding and multimedia devices**

DHS are currently developing a toolkit for signage, wayfinding and multimedia devices for State authorities to support deaf, hard of hearing, blind, vision or hearing-impaired persons.

### **Easy Read**

Easy Read, or Easy English, is a simplified form of plain English that is used for written information, often using pictures and short sentences. It is helpful for people with a cognitive or an intellectual disability or low English language literacy levels.

### **FABRIK**

An arts and heritage hub based in the Onkaparinga Woollen Mill, Lobethal. *Fabrik* is an initiative of the Adelaide Hills Council.

### **Festivals and Events Organiser Toolkit**

A one-stop-shop of considerations we publish and provide for those people tasked with developing or managing a festival or event in the Adelaide Hills Council district. The contents of this toolkit give important examples of good practice.

### **Inclusive Play – Guidelines for accessible playspaces**

A set of guiding principles developed by DHS (launched December 2019) to guide local councils and other community groups in the development of accessible and inclusive playgrounds and play spaces.

### **Livable Housing Guidelines**

Developed by industry and the community to provide assurance that a home is easier to access, navigate and live in, and more cost effective to adapt when life's circumstances change.

### **National Disability Strategy 2010-2020**

The Strategy is a shared commitment by all governments to work together to improve the lives of Australians with disability by guiding governments and other organisations to build the wellbeing of people with disability and their carers.

### **Online Accessibility Toolkit**

Launched in 2019, the South Australian Government's Online Accessibility Toolkit ([accessibility.sa.gov.au](http://accessibility.sa.gov.au)) is a free publicly available online resource to improve website and online solutions for accessibility and inclusiveness.

### **Reasonable adjustment**

A change we make to our administrative processes, working environment or procedures that supports an individual to meet the requirements of a position.

### **Regional Champions for Accessible Communications Project**

Adelaide Hills Council is a member of the [Southern and Hills LGA](#) - a regional organisation of six Councils in the Fleurieu and Adelaide Hills region. The Local Government Association (LGA) has provided funding to the Southern and Hills LGA to undertake a Local Government Information, Linkages and Capacity Building (LGILC) project that will improve access and inclusion for people with disability. The *Regional Champions for Accessible Communications* project aims to build employee and volunteer capacity in effective communication with people with disability in customer service settings and through digital and print channels. The focus areas and activities will be chosen during a co-design process that includes people living with disability, council staff and volunteers. At the end of the project, each council will have 'communications access champions' who are trained and able to support each other in advancing accessible communications initiatives across a range of departments and program areas. They will have developed an accessible communications plan for the next steps in each council, with advice from the communications access consultants.

### **Regional Champions for Accessible Destinations Project**

Adelaide Hills Council is a member of the [Southern and Hills LGA](#) - a regional organisation of six Councils in the Fleurieu and Adelaide Hills region. The Local Government Association (LGA) has provided funding to the Southern and Hills LGA to undertake a Local Government Information, Linkages and Capacity Building (LGILC) project that will improve access and inclusion for people with disability. The *Regional Champions for Accessible Destinations* project aims to increase staff knowledge and skill in planning, design and construction of important public places like main streets, town centres and foreshores using universal design principles. The project will have a practical focus with site visits, access audits, design workshops and training for relevant built environment (urban planning, design, engineering and field services) staff. At the end of the project, each council will have its own 'place access champions' who can support each other in advancing universal design through public realm upgrades.

### **South Australian Disability Employment Toolkit**

Provides information and resources to assist agencies in creating inclusive, accessible, safe and informed workplaces that value the contribution and experience of people with disability.

### **State authority**

As defined in the [Disability Inclusion Act 2018 \(SA\)](#) to include a government department, an agency or instrumentality of the Crown, a local council constituted under the Local Government Act 1999 (SA) or any other person or body declared by regulations to be included.

### **State Disability Inclusion Plan 2019-2023: Inclusive SA (the State Plan)**

The South Australian Government has prepared [Inclusive SA](#), the State's disability inclusion plan for 2019-2023. This Plan is the way the State Government is taking a lead on promoting the inclusion of South Australians with disability and providing them with support to live satisfying everyday lives.

### **Strategic Plan 2020-24: A Brighter Future**

Adelaide Hills Council's Strategic Plan, which sets out the Council's key areas of focus for the period 2020-2024. It doesn't include everything we do, but it highlights the main areas under attention and where we will be directing our resources over the period.

### **Toolkit**

A suite of information documents with may include guidelines, templates and procedures to assist in the completion of a task.

### **Universal Design**

Universal Design involves creating facilities, built environments, products and services that can be used by people of all abilities, to the greatest extent possible, without adaptations.

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## **Appendix 2**

### *Community Engagement (Phase 2) Outcomes Report*

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# 2021

Adelaide Hills Council

[www.engage.ahc.sa.gov.au](http://www.engage.ahc.sa.gov.au)



## **COMMUNITY ENGAGEMENT (PHASE 2) OUTCOMES REPORT**

**PROVISIONAL DISABILITY ACCESS & INCLUSION PLAN (DAIP)**

**January 2021**

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# Summary

## Purpose of this report

This report sets out the methods and findings from Phase 2 of the community engagement project, which was designed to gather community and stakeholder feedback on Council's provisional *Disability Access and Inclusion Plan (DAIP) 2020-24* (contained in Appendix 1). This report is intended for consultation participants and anyone with an interest in access and inclusion in the Adelaide Hills Council (AHC) district and organisation.

## Background to the project

In accordance with the *SA Disability Inclusion Act 2018* (the Act), Adelaide Hills Council prepared a provisional disability access and inclusion plan (DAIP) in consultation with its Members, staff, volunteers, community and external partners. The provisional DAIP (Appendix 1) set out the actions Council is planning to make to improve access and inclusion in its community and organisation. The provisional DAIP was adopted on 27 October 2020, and was published the following day for further community consultation. Public consultation in relation to Council's published Provisional DAIP was undertaken throughout November and December 2020, closing on 24 December 2020. All relevant comments, submissions and suggestions received from residents, Council employees, and external partners and agencies during the course of the public consultation will be considered and used to refine Council's Plan, with an updated version scheduled to go back to Council for consideration and adoption at the Council Meeting on 27 January 2021. Once adopted, the updated Plan will be published and implemented in collaboration with Council's communities and partners.

## Community engagement approach

A Community Engagement Strategy was developed to guide how the community and relevant stakeholders within the AHC district could participate in the development of the new DAIP. The strategy set out three phases for community engagement, with the first two phases to be undertaken from September to December 2020:

- Phase 1: Feedback to inform the development of a provisional DAIP (October 2020)
- Phase 2: Feedback on the provisional DAIP (November-December 2020)
- Phase 3: Feedback on the updated DAIP (Ongoing from late January 2021)

This report sets out the method and findings for Phase 2 of the Community Engagement Strategy, which ran from 28 October until 24 December 2020. Feedback is being used to inform the preparation of the updated version of the Plan, which is scheduled to go back to Council for adoption on 27 January 2021. Once published, the amended Plan will remain open to ongoing community and sector feedback for continuous improvement throughout the lifecycle of the Plan.

Feedback on Council's provisional DAIP could be provided by:

- Completing an online Feedback Form (via [engage.ahc.sa.gov.au](https://engage.ahc.sa.gov.au))
- Participating in an online Discussion Forum (via [engage.ahc.sa.gov.au](https://engage.ahc.sa.gov.au))
- Ask us a question (via [engage.ahc.sa.gov.au](https://engage.ahc.sa.gov.au))

- Face to face meetings with key partners in our district and region
- Telephone 8408 0400
- Email [jspier@ahc.sa.gov.au](mailto:jspier@ahc.sa.gov.au)
- Post PO Box 44, Woodside SA 5244

The Community Engagement Strategy identified residents living with disability, their families and carers, and disability services and policy agencies as priority groups to provide feedback on the provisional DAIP.

Engagement activities used in Phase 2 were focused on generating feedback on the actions in our provisional DAIP (Appendix 1) that we will take over the next four years to help make our district and organisation more welcoming, accessible and inclusive for all.

#### Community feedback was received from:

Feedback type	Responses
Feedback form (online)	4
Ask us a question (online)	1
Discussion Forum (online)	0
Written submission from JFA Purple Orange	1
Emails from residents and disability advocates	2
Meeting with the Adelaide Hills Disability Inclusion Reference Group	1
Invited written submission from staff at Mount Barker District Council	1
Meeting with The Hut Community Centre Board	1
Invited submission from DHS' Disability Engagement Group	0

## Feedback Form outcomes

The online Feedback Form was designed to find out what people think about our provisional DAIP (Appendix 1), and to seek their suggestions for improving the actions we are looking to implement over the next four years to help improve access and inclusion for people with disability in our community and organisation.

It asked people to read the provisional Plan, which is structured around four themes, with each theme having a number of priorities and proposed actions. We asked people to provide comments and feedback in the appropriate section of the form which related to each theme. We invited people to provide feedback on all themes or just those that interested them. We also asked people if they had any feedback about other sections in the provisional plan, or any ideas they may have had for making the Adelaide Hills Council district and organisation more accessible and inclusive (possible actions not included in the provisional plan). The feedback form used a combination of closed and open questions. Anyone could participate in the survey.

## Feedback Form responses

A total of 4 responses to the online Feedback Form were received during the course of the consultation, and comprised:

### Suburb representation

Feedback form respondents were asked where they live. All four respondents live in the Adelaide Hills Council district (2 in Aldgate and 2 in Bridgewater).

### Age of respondents

The 26-65 age group was the most represented age group (n=8). Refer to Table 3.

**Table 3:** Age group representation

Age of person with disability	No. of responses
0-25	0
26-35	1
36-50	1
51-69	2
70 plus	0

Additional demographic characteristics of the 13 respondents living with disability (including proxy responses) included:

- 2 receiving NDIS funding
- 4 Non-Indigenous
- 3 females and 1 male

### Reading the provisional DAIP

We asked respondents if they had read Adelaide Hills Council's provisional Disability Access and Inclusion Plan (DAIP) 2020-24.

- 3 responded YES
- 2 responded "I tried, but it was difficult to understand"
- 0 responded "No"
- 0 responded "I wanted to, but I could not access it"

## General comments about the entire provisional Plan

Respondents were asked if they had any overall comments about the entire plan. 3 people responded:

General comments
<i>Easy enough to read although a very "dry" document. I understand the need to produce a plan for the future and this seems to fit the bill. I will be interested to see the first report on the progress in the DAIP next October.</i>
<i>no</i>
<i>Well aligned with the government initiatives and plans but also tailored to this area</i>

## What should we call the Plan?

We asked respondents what we should call our plan, and we gave them four options to choose from. All four respondents answered this question:

Option	No. of responses
<b>Disability Access and Inclusion Plan</b>	2
<b>Inclusive Communities Plan</b>	2
<b>Disability Inclusion Plan</b>	0
<b>Other (please specify)</b>	0

## Actions under Theme 1: Inclusive communities for all

We asked respondents to read the actions under Theme 1: *Inclusive communities for all* (on pages 9-10 of the provisional DAIP.). We asked them to provide comments about the possible actions for Theme 1. We received 4 responses:

The following comments were provided in relation to Actions under Theme 1
<i>Appears, to my understanding, to be OK. I am not trained in putting this type of document together.</i>
<i>There is no mention of footpaths which are so desperately needed in Bridgewater for people with disabilities.</i>
<i>I love the idea of celebrating International Day of People with a Disability and seeking stories to share of people within the community who are living with a disability. If this can be linked to council improvements or initiatives, even better!</i>
<i>Accessible events need to be met with transport options. No point in these events if we can't get there! Inclusion needs to consider all areas of involvement. Access, transport, carer support, even food options at the events to accommodate varying levels of ability of eating/drinking etc. Straws</i>



*as an option with drinks as some people with disability can not use open cups etc, food options for people who can't chew so well etc. Disability toilets including adult change tables and lifter. No point in an access toilet if you can't make it onto the toilet.... Playgrounds to be accessible by wheelchairs, not just for 'sensory kids'. Our wheelie kids enjoy playing too but often cannot access playgrounds. Consider surface areas, bark is terrible for wheelchairs, consider rubber etc, more paths, wheelchair friendly equipment and play areas above the ground ie water play tables etc that are at a table/sitting height, paths being level with equipment; no edging around play areas which denies wheelchair access. Offer wheelchair sports at community clubs, for both able and disabled to participate. Modified sports options. Be conscious of disabled people being treated as equal, not being 'inspirational because they have a disability'. They are equal/inspirational because they are people, not because they have a disability. Have people with disability direct and teach about these things, not able bodies speaking for them.*

## Actions under Theme 2: Leadership and collaboration

We asked respondents to read the actions under Theme 2: *Leadership and collaboration* (on pages 11-13 of the provisional DAIP.). We asked them to provide comments about the possible actions for Theme 1. We received 3 responses:

### The following comments were provided in relation to Actions under Theme 1

*Ditto: Appears, to my understanding, to be OK. I am not trained in putting this type of document together.*

*That's good*

*I love the idea of celebrating International Day of People with a Disability and seeking stories to share of people within the community who are living with a disability. If this can be linked to council improvements or initiatives, even better!*

*I think a disability reference group may be a challenge to establish initially given the relatively small numbers in AHC, but there is nothing more powerful than engaging directly with the actual people most impacted by your plans, so I hope this gains traction. I also think engaging with young people is a great way to incorporate immediate activities but also plan for the future.*

## Actions under Theme 3: Accessible communities

We asked respondents to read the actions under Theme 3: *Accessible communities* (on pages 14-16 of the provisional DAIP.). We asked them to provide comments about the possible actions for Theme 1. We received 4 responses:

### The following comments were provided in relation to Actions under Theme 1

*Ditto: Appears, to my understanding, to be OK. I am not trained in putting this type of document together.*

ok

*Incorporating universal design principles into planning and implementation is a great idea and should see council adopt best practice particularly with regard to design/review of residential development - ultimately ensuring AHC remains a beautiful and inclusive community space for all.*

*Footpaths!!! To be accessible by wheelchair and maintained. Bushes and trees to be kept maintained and off of the footpaths. Somehow manage bin day... when bins are out for bin collection the paths are no longer accessible. That's almost 48 hours of not being able to access a footpath. Sometimes longer when people do not bring their bins back in promptly. Walking trails to be pathed for everyone to access. The heysen trail through Bridgewater for example. Wheelchair users should be able to access nature also, not just footpaths/close to roads and suburban areas, get them out enjoying more rugged nature spaces.*

## Actions under Theme 4: Learning and employment

We asked respondents to read the actions under Theme 4: *Learning and employment* (on pages 17-18 of the provisional DAIP.). We asked them to provide comments about the possible actions for Theme 1. We received 4 responses:

### The following comments were provided in relation to Actions under Theme 1

*Ditto: Appears, to my understanding, to be OK. I am not trained in putting this type of document together.*

ok

*If there are opportunities to continue highlighting success stories of local businesses employing people with a disability, it may be easier to promote great employment opportunities in our area. Utilising case studies to share with business reference groups may also breakthrough barriers*

*FREE training for schools and workplaces on inclusivity and modified learning/working options. How to adapt programs to include disability. SSO's and teachers/staff/employers to be provided with training around disability so all children/employees are accommodated, understood and cared for appropriately. My daughter is starting school next year and is in a wheelchair and requires lots of 1 on 1 personal care. The school have to pay for training around inclusivity programs and training around her eating & drinking and the risks posed etc. Because they have to pay for this training, the training is optional, not compulsory. That doesn't give me a lot of confidence, especially around them understanding her eating and drinking risks and what to look out for to minimise risks of choking. If the training was free more staff would be trained and risks would be lower and better managed. This transcends to all aspects of disability and needs, if the training was free it would be more widely used and disability and the supports needed would be so much more understood and better supported and would become more 'normal'.*



## Respondents' ideas

We asked people if they had any other ideas for making the Adelaide Hills Council community more accessible and inclusive (e.g. in relation to public spaces, public amenities, public buildings, Council information, Council-run and Council-supported community events, attending Council meetings, meeting with Elected Members, Council volunteering and employment opportunities, Council community consultations and engagement opportunities, or any other Council services and supports). We received four responses:

### The following ideas, concerns and priorities were shared

*Just make them "Disability Friendly" and surrounding areas (Inc. suburbs) accessible to disabled users.*

*My main concern is the lack of safe footpaths in Bridgewater. Many are just dirt and those that are paved are often very narrow and frequently blocked by cars parking on them. Wheelchair access around Bridgewater is extremely poor due to the state of the few footpaths that exist and people need to move onto the road if using a wheelchair.*

*Some of the council paths are less than friendly for able bodied people so would be a real challenge for people with a disability. I think there are some easy quick wins that could be implemented to remedy the more popular walking trails around Stirling, Aldgate and Crafers for example. But overall this looks like a comprehensive plan. Thanks for the opportunity to comment.*

*Consider all the variations of disability and accommodate for the heighest level of disability. Like i said earlier, what's the point in an accessible toilet if the person cannot get out of their wheelchair and onto the toilet?*

## Ask us a question

We received one question via the "Ask Us" tool on the consultation page:

### The following questions was asked in relation to the provisional DAIP

*What does DHS stand for? There are many references to this in the DAIP with no expansion of the acronym that I can see. There is also reference to a toolkit, where is this located?*

In response to this question, Council's Community and Social Planning posted the following public answer:

*Hi GJC*

*Thanks for your question!*

*In our provisional DAIP, the acronym DHS refers to the South Australian Department of Human Services.*

*In the DAIP, the word "toolkit" refers to a suite of information documents which may include guidelines, templates and procedures, to assist in the completion of a task.*

*Our DAIP refers to several toolkits that have been developed - or are in the process of being developed - by SA State Government departments (including, but not only, DHS).*

*For example, the specific toolkit we are refer to in Action 1.1 of our DAIP is a new event toolkit that DHS are developing for local councils and other State Government departments. This new toolkit, which we expect DHS to release any day now, will assist local councils in making the events we run more accessible and inclusive for people with disability. So, in essence, Action 1.1 is committing to using this event toolkit when available.*

*Another example: DHS are also working on another toolkit - to assist local councils and State Government departments to consult and engage with people living with disability when developing policies and programs. Action 6.1 in our DAIP refers to this toolkit, and committing to using this to help us better engage with people living with disability when developing policies and programs.*

*You are right - we have not properly introduced the acronym DHS or the word "toolkit" in our provisional DAIP. Thanks so much for bringing this to our attention. We will use your feedback to improve our DAIP, with an updated version scheduled to go back to Council for endorsement in late January 2021.*

*If you have any further questions or feedback, please feel free to contact me by emailing [jspier@ahc.sa.gov.au](mailto:jspier@ahc.sa.gov.au) or calling 0436 379 740.*

*Josh Spier*

*Community & Social Planning Officer*

# Outcomes from meetings

This section presents findings from the meetings our staff conducted with targeted local stakeholders during November 2020.

## Meeting with Adelaide Hills Disability Inclusion Reference Group (DIRG)

---

On 11 November 2020, our Community and Social Planning Officer attended the meeting of the Adelaide Hills Disability Inclusion Reference Group (DIRG), held at Mount Barker Community Centre. During the meeting, our Officer presented the Council's provisional DAIP for feedback and invited suggestions for improving the Plan. A copy of the provisional DAIP was distributed to members of DIRG prior to the meeting for pre-reading. Following the meeting, our Officer sent a Summary of Feedback (below) to members who had attended, asking them to check for accuracy. The Chair of the meeting, Donna Whitburn (Mission Australia NDIS Local Area Coordination services for the Adelaide Hills region) confirmed the Summary.

### Summary of key feedback:

Re title "Disability Access and Inclusion Plan":

- Consider moving away from language of "disability" and using an alternative (e.g. "different" or "all" abilities)
- MBDC adopted "Access for All" as first heading

Re Action 1.4 - "We will engage with external agencies, clubs and other relevant groups to identify strategies to increase the inclusion of children with disability in mainstream sports activities and clubs"

- Overall - yes, an important action area, but currently too broad –name specific strategies
- Revise timeframe to begin implementation steps in year 1
- One parent member, whose son lives with disability, shared experience with his son in a Milo cricket program for kids run by local club- there was little awareness of -or push for- inclusion of kids with disability - "reason I left"
- A barrier is "mindset" in sporting clubs – so, our action needs to focus on changing people's mindsets around disability inclusion
- Connect with Inclusive Sports SA – look for ways to utilise and link with their services, and link sporting clubs in our district to these services and resources
- AHC's community grants program – encourage clubs to apply for funding for disability awareness and inclusion training
- Talk to parent members of MyTime groups in region about ways to support inclusion of kids in mainstream sports
- Consider need and opportunity for an inclusive playground in AHC district – similar to Glenelg Foreshore Playspace and Goolwa Nature Playground
- Engage with RecLink SA

Re Action 2.1 – “We will celebrate and promote the International Day of People with Disability annually (3 December), and develop ways to recognise the contributions that people with disability make to our community (e.g. we will look at establishing an International Day of People with Disability Civic Award - in recognition of the public service of people with disability and ‘access and inclusion champions’ within our community, to be announced each year on International Day of People with Disability).”

- Overall – supportive of this initiative
- Consider making Civic Award a regional award, in partnership with MBDC, and invite Liberal Member of Kavel to present
- Could form part of “Hills Treasures” recognition program and event

Re Action 3.1 – “We will: update induction of new AHC employees, Council Members and volunteers to include information about working with people with disability; provide training for staff, Council Members and volunteers in disability awareness. This may be part of a broader and coordinated diversity learning program.”

- Look at using Disability Awareness Package that Mission Australia NDIS Local Area Service Coordination staff are developing
- Run as workshop
- SBS provide a good video (free) for inclusive training, which could be incorporated into staff/volunteer on-boarding

Re Action 12.3 – “We will advocate to the State Government and transport providers for more accessible and connected transport services to key employment hubs in our district”

- Parent member shared that some NDIS funding guidelines and criteria related to transport needs are inaccessible and require reform (e.g. funding criteria for vehicle modification)
- Opportunity for AHC to support community members in advocating for better NDIS transport funding – so add Au Gov?

Other general feedback

- Timeframes need to be revised – break down into more specific milestones (e.g. June 2020) and steps (e.g. step 1: identify priority infrastructure in need of upgrades for better inclusion > step 2: actively seek funding to deliver needed upgrades etc)

Following the meeting, further feedback was received (via email) from one member of DIRG:

*I would add one further thought and I'm not sure how to quite get around this issue. That is when sporting clubs need to develop inclusion plans I think they need to look at their culture of wanting to win and believing that a person with a disability would likely lead them to not win. I don't believe that this is in all clubs or sporting bodies. Many codes have practices in place so that a team is not disadvantaged. However, changing this belief at a grassroots level is an issue and thought needs to be directed in how this can be changed. Women have had to deal with this for many years and it can change, but I hope that we don't have to continually segregate the "able bodied" from those with a disability.*

## Meeting with The Hut Community Centre Board, Aldgate

---

On 12 November 2020, our Community and Social Planning Officer attended the meeting of the meeting of the Board of the Hut Community Centre in Aldgate. During the meeting, our Officer was given an opportunity to seek feedback from the Board members and executive staff on Council's provisional. A copy of the provisional DAIP was distributed to Board members prior to the meeting for pre-reading.

### Summary of key feedback:

- Re Action 3.1 - We are keen for our staff and volunteers to be included in AHC staff training opportunities relevant to accessibility, such as training in communicating with people with disability
- There are potential upgrades we could make to shared facilities to improve accessibility (e.g. there is no accessible footpath connecting our main building to our Community Shed)
- Re Action 1.4 – Council could look to host and promote a future The Tri State Games within the Hills region - an annual sporting event generally held for two years by a host region for one week every November. Tri State Games offers an opportunity for people with a significant/profound disability to participate in sporting activities that they generally may not have had an opportunity to previously.
- Re Action 1.4 – another great program Council can look into is the Inclusive Basketball Program (IBP) held in Mount Barker, and offers a basketball competition that provides playing and training opportunities for players with an intellectual disability or integration difficulty
- The Stirling bus stops, near the roundabout, is very busy, and the pedestrian crossing could be upgraded to ensure safer access and crossing for all users.

## Written submissions

Council received 3 written submissions (via email) in Phase 2 of this community engagement project from

1. A mental health peer worker (who lives with a mental health issue)
2. A community nurse (sharing transport experience of her grandfather who uses wheelchair, in Stirling and Bridgewater)
3. An invited submission from a community development officer at Mount Barker District Council
4. A submission from JFA Purple Orange - an independent, social-profit organisation that undertakes systemic policy analysis and advocacy across a range of issues affecting people living with disability and their families.

### Submission 1

---

Email received Thursday, 3 December 2020 2:14 PM

Firstly congrats. On your worthy project, I live with a mental health issue [redacted]. I have been employed in Mental Health as a Peer Worker for 32 years. Your project covers all disability groups but I will only comment on Mental Health as that's where I can be of most use. As you know Mental illness is an incredibly complex area and there is so much to take into consideration like in schizophrenia it's negative symptoms lead to a lack of initiative, poorer cognitive function and extreme stigma forcing people with mental illness to lay low and socialise less Their isolation is also due to the fact that people with mental illnesses often smoke and smoke heavily (75 %) and they make up over half of all current smokers .These people cannot afford to leave home due to lack of money.

The current initiative leaves little for people in your target group with a mental illness to overcome their deficits to make it out to your initiative.

I was in the tobacco and mental illness project for thirteen years we had a great turnout due to the fact we picked up participants for the first few groups until they recognised that the project has merit, in fact we averaged 85% attendance for people who came more than three times. That said a meal was offered to lure the participants there as well. There were over 1100 participants through the project and won nearly 10 awards.

People with bi-polar and major depression often cannot get the disability support pension and struggle on little money with no funds to use for nonessential travel they will need to be picked up or allocated a free travel tickets.

Mental illness also have the personality disorders, these people are often higher functioning and rarely receive the DSP. But are just as disabled as the former groups but in their perception of social situations disadvantages them greatly,

This is a little simplified but you will have to be really proactive to get this marginalised group to you project

## Submission 2

---

Email received Thursday, 26 November 2020 5:03 PM

Hi.

All plans for access and inclusion are wonderful in theory, But what is being done about the ability for people with a disability to be able to get transport to these places.

QFor example.

We took our 100yo wheelchair bound grandfather to a cafe, spent 2 hrs there and he had a great time. We had pre booked a taxi the day earlier for pick up at 3pm. No one arrived. No one called. And there is only one number and one service. When we called, we were told that no one would take the booking and they could not take him back to the nursing home (even though we had booked it the day prior) he doesn't walk. So we had to unsafely lift him into the 4wd and drive him back ourselves. In the rain. Diminishing his dignity. He is a strong determined war veteran. This was crushing.

Two weeks later this very thing occurred again. This time having him wait 4 hours and miss his medications and evening meal.

And again a week later, the same occurred with my grandmother. And these are not one off events. And we have missed appointments because of this also.

I am a community nurse, and people complain most about isolation and boredom because they cannot get out of their homes.

These people simply cannot access these "Inclusive" events, services or buildings, without transport to them, so really what's the point?

SA needs reliable and easily accessible wheelchair friendly transport as so people can actually attend these "inclusive playgrounds, buildings, services and events".

### Submission 3

---

**Email received Monday, 2 November 2020 9:34 AM**

**Invited feedback from a community development officer at Mount Barker District Council**

I think the plan looks good. Here is some feedback:

- I love that you included info about the social model of disability.
- I think you could reduce the table of contents to the key themes to make it a bit simpler to read.
- In About the AHC section and Our Community there is cross-over of information in terms of population.
- In Our Community, para 2 you talk about Australian stats. Is this relevant to Our Community? An infographic would be good.
- Our Vision, dot point two has a full stop – the others don't.
- Timeframes in the Key Themes areas are very broad, e.g.: Years 1-4
- In the teams responsible section, I think it would be better to put the team's full name instead of a truncated version. It makes it look like an internal document / action list.
- There is no commitment to deliver anything in the first year outside of the "ongoing" actions which I presume AHC are already doing.
- 8.2 "we will aim" what does that mean? What is the measurable outcome on this?
- 9.1 "when released we will promote the use of this toolkit"... wouldn't you want to implement it?
- 9.4 Review and update? Simply reviewing does not imply you are going to do anything. What will be the measure? A report with recommendations to Council, greater participation for people with a disability, etc.
- 11.1 – review and update? How will you measure success? Survey?
- 11.2 – "we will consider" ... What's the measurable?

Overall, I think that this plan would really benefit from a "Measurable" column or more thinking about the actual action that will be delivered in the Action column. Thinking about this will help

make sure that it moves from a conceptual to actual actions that will improve the lives of people with a disability. I think you will be well served by bringing forward some actions to be delivered (outside of “ongoing”) in the next 12 months. It will show respect and commitment to this community.

#### Submission 4

---

Received via email on 4 December 2020

Submission from JFA Purple Orange:



# Submission in response to the Adelaide Hills Council’s draft Disability Access and Inclusion Plan 2020-2024

4 December 2020



## About the Submitter

JFA Purple Orange is an independent, social-profit organisation that undertakes systemic policy analysis and advocacy across a range of issues affecting people living with disability and their families.

Our work is characterised by co-design and co-production, and includes hosting a number of user-led initiatives.

Much of our work involves connecting people living with disability to good information and to each other. We also work extensively in multi-stakeholder consultation and collaboration, especially around policy and practice that helps ensure people living with disability are welcomed as valued members of the mainstream community.

Our work is informed by a model called *Citizenhood*.

JFA Purple Orange  
104 Greenhill Road  
Unley SA 5061 AUSTRALIA

Telephone: + 61 (8) 8373 8333

Fax: + 61 (8) 8373 8373

Email: [admin@purpleorange.org.au](mailto:admin@purpleorange.org.au)

Website: [www.purpleorange.org.au](http://www.purpleorange.org.au)

Facebook: [www.facebook.com/jfapurpleorange](https://www.facebook.com/jfapurpleorange)

## Contributors

Skye Kakoschke-Moore, Policy & Research Leader  
Rebecca Dowd, Policy & Research Leader  
Robbi Williams, CEO

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# 1. Overall observations

JFA Purple Orange is grateful for the opportunity to provide feedback on the Adelaide Hills Council's draft Disability Action and Inclusion Plan 2020-2024. We believe the draft DAIP provides a solid foundation for the Council to move towards greater accessibility and inclusion of people living with disability over the next four years. Below we have provided commentary and recommendations in relation to specific actions under the DAIP for the Council's consideration.

## 1.1. Measurable targets

JFA Purple Orange are pleased to see the many actions proposed in the draft DAIP. We believe these actions could be strengthened by including measurable targets. Such targets will provide the Council with tangible and measurable goals to work towards. Below we have made a number of suggestions for the Council's consideration:

Action No	Action	Measurable target
1.1	We will <ul style="list-style-type: none"> <li>Incorporate the DHS event toolkit into the planning of Council events</li> <li>Provide relevant staff with training on the DHS event toolkit</li> </ul>	100% of staff involved with planning and running Council events to receive training
2.2	We will publish stories to shape community understanding and attitudes towards people with disability (via our existing publications and promotional tools)	12 stories (one per month) to be published for each year of the DAIP
2.3	We will undertake research to better understand and monitor changes in organisational and community attitudes	An organisational survey and a broader community survey about the rights and needs of people living with disability will

	about the rights and needs of people living with disability	be published in Year 1 and in Year 3 of the DAIP
3.1	We will <ul style="list-style-type: none"> <li>• Provide training for staff, Council Members and volunteers in disability awareness...</li> </ul>	100% of staff, Council Members and volunteers receive training within 6 months of the DAIP coming into effect (or 3 months from starting with their role with the Council).
4.3	We will actively seek participation in the AHC reference group by young people living with disability in our district	At least two members of the AHC reference group will be young people living with disability

## 1.2. Length of timeframes

The majority of DAIP actions have timeframes of 'ongoing' or 'Years 1 to 4'. We understand that implementation of actions is an ongoing process, however we recommend the Council assign more specific timeframes for the actions (and measurable targets if adopted) to ensure regular progress is made throughout the life of the DAIP. For example, action 4.2 (exploring interest in establishing a disability inclusion reference group) could take place in year 1 of the DAIP, with the reference group being established that year and meetings being held throughout the life of the DAIP.

## 1.3. Staff training

JFA Purple Orange welcomes action 3.1 and the Council's commitment to supporting staff to engage with and better understand the experiences of people living with disability through providing disability awareness training. JFA Purple Orange is currently developing a comprehensive disability inclusion training package. This is being developed and delivered entirely by people living with disability. Should the Council be interested in finding out more about this training, please contact Belle Owen at [belleo@purpleorange.org.au](mailto:belleo@purpleorange.org.au) or 8373 8312.

#### 1.4. Co-design

We congratulate the Council's commitment to utilising principles of co-design in relation to the ongoing management, maintenance and replacement planning of public infrastructure (action 6.2). We would encourage the Council to apply principles of co-design to other consultations, such as on the development of policy, event planning, changes to websites and other communication mediums etc and not limit it only to infrastructure planning. JFA Purple Orange would be pleased to assist the Council with the development of co-design guidelines or similar, if this would be useful. Please contact Skye Kakoschke-Moore, Policy & Research Leader on [skyek@purpleorange.org.au](mailto:skyek@purpleorange.org.au) or 8373 8317 should you like to discuss this further.

#### 1.5. Monitoring and Review

The draft DAIP states an internal DAIP working group will be responsible for monitoring and reviewing the implementation of the DAIP. We believe that in order for the DAIP monitoring and review process to be meaningful, it must include the voices of the DAIP's ultimate beneficiaries: people living with disability. We strongly encourage the Council to include people living with disability in the monitoring and implementation process. This could be achieved by appointing people living with disability to the DAIP working group, and/or requesting the reference group (proposed in action 4.2) also play a role in the monitoring and implementation process.

## 2. Conclusion

Thank you for the opportunity to provide feedback on the Council's draft DAIP. Should you wish to discuss our submission further please do not hesitate to contact Skye Kakoschke-Moore, Policy & Research Leader on (08) 8373 8317 or [skyek@purpleorange.org.au](mailto:skyek@purpleorange.org.au).

We wish you all the very best with this important work.

## Conclusion and next steps

Feedback and suggestions presented in this Report (received during Phase 2 of consultation) were used by our staff to prepare a proposed updated version of the Plan, which is scheduled to go back to Council for consideration and adoption at the Council Meeting on 27 January 2021.

Following adoption by Council, the updated version will be published on Council's website.

The updated version will be sent to all contributors in Phase 2 of consultation.

Any further feedback or questions regarding Council's access and inclusion plan can be directed to Council's Community and Social Planning Officer:

Phone 8408 0579

Email: [jspier@ahc.sa.gov.au](mailto:jspier@ahc.sa.gov.au)

# Appendix 1



## Disability Access and Inclusion Plan (DAIP) 2020-24

### A brighter future for all

Adopted by Council on 27 October 2020

**This plan is provisional only and will be enhanced with further community feedback received during ongoing community consultation (open until 29 November 2020). An updated plan, incorporating feedback received, is scheduled to be released at the end of January 2021.**

If you require a copy of this publication in an alternative format, such as Easy Read, large font, electronic format (disk or emailed), audio or Braille, please email [jspier@ahc.sa.gov.au](mailto:jspier@ahc.sa.gov.au) or phone 8408 0579.



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## Acknowledgment of Country

Adelaide Hills Council acknowledges that we undertake our business on the traditional lands and waters of the Peramangk and Kaurna Nations. We pay our respect to Elders past, present and emerging as the Custodians of this ancient and beautiful land.

We are committed to working together to ensure that Peramangk and Kaurna cultures and traditions are preserved and valued. Together we will care for this Country for the generations to come.

## Mayor's message

[To be inserted following adoption and prior to publication]

## Contact us

08 8408 0400

[mail@ahc.sa.gov.au](mailto:mail@ahc.sa.gov.au)

[www.ahc.sa.gov.au](http://www.ahc.sa.gov.au)

[www.facebook.com/adelhillsCouncil](https://www.facebook.com/adelhillsCouncil)

[twitter.com/AHCouncil](https://twitter.com/AHCouncil)

[www.instagram.com/adelaidehillscouncil/](https://www.instagram.com/adelaidehillscouncil/)

## About the Adelaide Hills Council

Adelaide Hills Council is a local government organisation that undertakes its business on the traditional lands and waters of the Peramangk and Kaurna peoples.

The land area of Adelaide Hills Council is 795 square kilometres, and extends from Mount Bold Reservoir in the south, to the South Para Reservoir in the north, and from the hills face in the west to the eastern escarpment of the Mount Lofty Ranges.

Council provides a range of services for nearly 40,000 residents, and nearly 500,000 domestic day-trip visitors annually, including:

- planning and development

maintenance, management and renewal of properties, playgrounds, public infrastructure

library and customer services

volunteering

public health

parking and by-law enforcement

sport and recreation planning

youth development

positive ageing

community centres

communications, engagement and events

community development and cultural development

community grants

economic development

sustainability, open space biodiversity,

animal management

parks and reserves, cemeteries

fire prevention, emergency management, bushfire recovery

waste and water management.

Council operates Service Centres with libraries in Gumeracha, Stirling and Woodside; Community Centres in Gumeracha and Norton Summit; a Resource Recovery Centre in Heathfield; depots in Gumeracha and Stirling; the Fabrik Arts and Heritage Hub in Lobethal; and 16 historic cemeteries within the Council area. In-person Council meetings are held in Stirling and are live-streamed for community members. Council supports the Hut Community Centre in Aldgate and the Adelaide Hills Swimming Centre in Woodside.

Council provides its residents and visitors information about Council initiatives, meetings, consultations, events, grants, employment and volunteering opportunities, programs and activities. Council also provides local businesses information about legislation changes, tips, case studies and events.

## Our staff and volunteers

Adelaide Hills Council currently has 213 employees and 181 registered volunteers who deliver services to the Adelaide Hills community.

Though we do not currently use data measures to track the percentage of staff and volunteers who identify as living with disability, we aim to provide an accessible and inclusive workplace. For example, we have developed Reasonable Adjustment Policy and Procedures (adopted October 2018), so that prospective employees can request 'reasonable adjustments'<sup>1</sup> to the recruitment process, and so that employees can seek reasonable adjustments to their role and/or work environment.

We have also worked to build a more inclusive environment by partnering and consulting with organisations like the National Disability Recruitment Coordinator (NDRC) and Disability Employment Service (DES) Providers.

## Strategic context

In 2018, the *Disability Inclusion Act 2018* (SA) (the Act) was passed because the South Australian Government recognised that a stronger commitment to access and inclusion planning for people living with disability was needed.

The intention of the Act is to support the principles and purposes of the *United Nations Convention on the Rights of Persons with Disabilities* (UNCRPD). The UNCRPD was ratified by Australia in 2008, and the Optional Protocol signed by Australia in 2009. Following the UNCRPD, the Act acknowledges that people living with disability have the same human rights as other members of the community. The Act recognises that the State and the community have a responsibility to facilitate the exercise of those rights. The UNCRPD is underpinned by eight guiding principles based on respect, equality and non-discrimination.

The *National Disability Strategy (NDS) 2010-2020* is a coordinated plan across all levels of government to improve the lives of people living with disability, their families and carers. The NDS is Australia's response to the UNCRPD. It is designed to ensure the principles of the UNCRPD are incorporated into policies and programs across Australia. Currently, the Commonwealth and State and Territory Governments are working towards developing a new national disability strategy for beyond 2020.

*Inclusive SA: State Disability Inclusion Plan 2019-2023* (the State Plan) was released on 31 October 2019. It was developed through community and sector consultation. The broad vision of the State Plan is an accessible and inclusive South Australia based on fairness and respect.

The State Plan is a requirement of the Act and provides a framework to support State authorities to implement the *National Disability Strategy* (NDS).

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<sup>1</sup> A 'reasonable adjustment' is a change we make to our administrative processes, working environment or procedures that supports an individual to meet the requirements of a position.

The annual reporting against the State Plan will link the South Australian Government's achievements with the NDS's areas of policy action.

The *Disability Inclusion Act (SA) 2018* requires each local government in South Australia to have a Disability Access and Inclusion Plan (DAIP).

The Act requires that our DAIP sets out the actions we will take to ensure that people with disability can access our programs and services, built environments, events and facilities, meetings, information and communications, and employment opportunities.

Additionally, the Act requires that this Plan addresses the risks relating to particular groups living with disability, especially women, children, Aboriginal and Torres Strait Islander people, and culturally and linguistically diverse people.

Our Plan must also explain how we will give effect to the objectives, principles and priorities set out in the Act and the State Plan.

## What is disability?

There are many different definitions, understandings and experiences of disability. The *Disability Inclusion Act 2018 (SA)* states that *disability* refers to a person's:

cognitive, neurological or sensory impairment, or a combination of any of these impairments, which in interaction with various barriers may hinder the person's full and effective participation in society on an equal basis with others.

A more extensive definition of disability can also be found in the *Disability Discrimination Act 1992* (Commonwealth).

## The social model of disability

We adopt the 'social model of disability', which understands the difference between impairment and disability. *Impairment* means a medical condition, illness, genetic disorder or injury that affects the way a person's body or mind works. *Disability* means people with impairment miss out on opportunities because of barriers society has constructed.

A barrier is a problem that stops or limits access. Barriers might be physical, like a community facility only having stairs and no wheelchair ramp. But barriers might involve non-physical obstacles, like an unspoken attitude in our community or organisation about what role a person with disability can or cannot do. Barriers might also involve communication barriers, like an electronic document that is not properly formatted and cannot be read by a screen reader.

We use the word disability to mean barriers created by society. Everyone in our community needs to work together to identify and break down the barriers. This is called the 'social model of disability'. Though legislation is usually built around a medical (or individual/impairment) model of disability, we support the social model of disability. We do not want to confuse the body (impairment) with the social (disabled).

[People with Disability Australia](#) explain the social model this way:

*The social model sees 'disability' is the result of the interaction between people living with impairments and an environment filled with physical, attitudinal, communication and social barriers. It therefore carries the implication that the physical, attitudinal, communication and social environment must change to enable people living with impairments to participate in society on an equal basis with others.*

The social model of disability has been adopted in the Council of Australian Government's *National Disability Strategy 2011-2020* and the *United Nations Convention on the Rights of Persons with Disabilities* (UNCRPD).

The DAIP guides the Adelaide Hills Council to help remove barriers in our community so that everyone can participate.

## Universal design

The State Plan encourages local governments to apply the principles of 'Universal Design' when they plan or create new projects or services. According to the [Centre for Universal Design Australia](#), Universal Design is 'a means of achieving an inclusive society'.

The basic philosophy of Universal Design is designing for the most number of people who can use a product, place, building, service or website. This approach involves applying the 7 principles of Universal Design when planning every place, space and service:

1. Equitable use
2. Flexibility in use
3. Simple and intuitive to use
4. Perceptible information
5. Tolerance for error
6. Low physical effort
7. Size and space for approach and use

Universal Design helps us think about what everybody in our community and workplace needs when we plan or start new projects and services. If we adopt Universal Design

principles, more people will be able to access every place, space and service from the start. Research has found that implementing Universal Design can lead to economic and social benefits, and can minimise the need for costly retrofits when facilities and services do not meet the needs of excluded community groups.<sup>2</sup>

## Our community

The Adelaide Hills Council Estimated Resident Population for 2019 was 39,977.

In 2018, there were 4.4 million Australians with disability, representing 17.7% of the population, down from 18.3% in 2015. Nearly one-quarter (23.2%) of all people with disability reported a mental or behavioural condition (up from 21.5% in 2015).<sup>3</sup>

In 2016, 3.4% of the population (1,308 people) in the Adelaide Hills Council area reported needing help in their day-to-day lives due to disability. This was a similar percentage to 2011. This compares with 5.9% for Greater Adelaide, 6% for South Australia, and 5.1% for Australia. This is an increase of 238 people from 2011, predominantly in the 5-59 year old age group (+122), but also in the 65-79 year old group (+81). The major difference in the age groups reporting a need for assistance between 2011 and 2016 in Adelaide Hills Council was in the 20 to 59 age group (+60 persons).<sup>4</sup>

In 2016, the suburb of Woodside had the highest proportion of people in need of assistance due to disability in Adelaide Hills Council district (6.1% or 151 people), followed by Lobethal-Charleston (4.7% or 142 people), and Aldgate (3.3% or 112 people).<sup>5</sup>

In the Adelaide Hills Council district, there are 497 NDIS participants (1.2% of the Adelaide Hills Council Estimated Resident Population for 2019).<sup>6</sup>

In 2016, the size of the labour force in the Adelaide Hills district needing assistance was 151, of which 89.4% (135) were employed and 10.6% (16) were looking for work, compared with 84.1% and 15.9% respectively for South Australia.<sup>7</sup>

## Our vision

Key objectives of our *Strategic Plan 2020-24* provide the foundation for this Plan. These are:

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<sup>2</sup> For example, see Odeck, James, Trine Hagen, and Nils Fearnley. 2010. "Economic Appraisal of Universal Design in Transport: Experiences from Norway." *Research in Transportation Economics* 29 (1): 304-11.

<sup>3</sup> Survey of Disability, Ageing and Carers (SDAC) conducted by the Australian Bureau of Statistics (ABS), 2018

<sup>4</sup> Australian Bureau of Statistics, Census of Population and Housing, 2011 and 2016

<sup>5</sup> Australian Bureau of Statistics, Census of Population and Housing, 2016

<sup>6</sup> NDIS, [Participants by Local Government Areas](#), as at 31 March 2020

<sup>7</sup> Thanks to Alex Kelly from REMPLAN for this data.

Provide accessibility for the full range of users by ensuring Council's road, footpath and trails network is adequately maintained and developed for all users

Make the district more accessible and welcoming for all with a focus on disability inclusion.

Seek opportunities to improve transport options for those who need it most

Increase participation from the broadest range of our community and engage with them to shape policies, places and decisions that affect them

Continue to develop a positive culture through supporting an equitable, diverse and continuously improving work environment

## Actions

To achieve our vision, our Disability Access and Inclusion Plan (DAIP) focuses on the following themes of the State Government's first State Disability Inclusion Plan 2019-2023 (*Inclusive SA*):

1. Inclusive communities for all
2. Leadership and collaboration
3. Accessible communities
4. Learning and employment.

### Theme 1: Inclusive communities for all

Social inclusion is a priority for people living with disability as it affects all aspects of their lives. It is our aim that the contributions and rights of people living with disability are valued and understood by all South Australians and that their rights are promoted, upheld and protected. We also want to ensure that people living with disability are supported to advocate for their own rights.

- Priority 1: Involvement in the community
- Priority 2: Improving community understanding and awareness
- Priority 3: Promoting the rights of people living with disability

We will support social inclusion and promote and uphold the rights of people with disability through the actions shown in the following table.

#### Priority 1: Involvement in the community

No.	Action	Team(s) Responsible	Timeframe
1.1	We will	Comms Engage & Events / Comm	Years 1-4



	<ul style="list-style-type: none"> <li>incorporate the DHS event toolkit into the planning of Council events</li> <li>provide relevant staff with training on the DHS event toolkit</li> <li>promote the event toolkit and training opportunities to community groups who run community events.</li> </ul> <p><b>Supports Action 1 in the State Plan</b></p>	Devel / Librar & Cust Serv	
1.2	<p>We will provide relevant information to the DHS, or their representatives, during their design of an app (or other medium) that displays services and facilities in our district that are wheelchair and disability access friendly. When released, we will promote this app to our residents and visitors with disability, their families and carers.</p> <p><b>Supports Action 2 in the State Plan</b></p>	Info Services / Strat Assets	Years 1-4
1.3	<p>We will continue to use the State Government's <i>Inclusive Play: Guidelines for accessible playspaces</i> to guide our development of accessible and inclusive playgrounds and play spaces that provide sensory play experiences.</p> <p><b>Supports Action 3 in the State Plan</b></p>	Open Space / Strat Assets	Ongoing
1.4	<p>We will engage with external agencies, clubs and other relevant groups to identify strategies to increase the inclusion of children with disability in mainstream sports activities and clubs.</p> <p><b>Supports Action 5 in the State Plan</b></p>	Comm Devel / Open Space	Years 3-4
1.5	<p>We will continue to deliver library programs that are inclusive and adaptive for the needs of children living with disability.</p>	Librar & Cust Serv	Ongoing

	<b>Supports Action 5 in the State Plan</b>		
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### Priority 2: Improving community understanding and awareness

No.	Action	Team(s) Responsible	Timeframe
2.1	We will celebrate and promote the International Day of People with Disability annually (3 December), and develop ways to recognise the contributions that people with disability make to our community (e.g. we will look at establishing an International Day of People with Disability Civic Award - in recognition of the public service of people with disability and 'access and inclusion champions' within our community, to be announced each year on International Day of People with Disability).	Comms Engage & Events / Comm Devel	Years 1-4
	<b>Supports Action 6 in the State Plan</b>		
2.2	We will publish stories to shape community understanding and attitudes towards people with disability (via our existing publications and promotional tools).	Comms Engage & Events / Comm Devel	Years 1-4
	<b>Supports Action 6 in the State Plan (and the emerging National Disability Strategy)</b>		
2.3	We will undertake research to better understand and monitor changes in organisational and community attitudes about the rights and needs of people living with disability.	Comm Devel	Years 1-4
	<b>Supports Action 7 in the State Plan</b>		

### Priority 3: Promoting the rights of people living with disability

No.	Action	Team(s) Responsible	Timeframe
3.1	We will <ul style="list-style-type: none"> <li>update induction of new AHC employees, Council Members and volunteers to include</li> </ul>	Org Dev / Comm Devel / Govern & Perf	Years 1-4

	information about working with people with disability <ul style="list-style-type: none"> <li>provide training for staff, Council Members and volunteers in disability awareness. This may be part of a broader and coordinated diversity learning program.</li> </ul> <b>Supports Action 9 in the State Plan</b>		
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## Theme 2: Leadership and collaboration

People living with disability want to have a greater role in leading and contributing to government and community decision-making. It is our aim that the perspectives of people living with disability are actively sought and that they are supported to participate meaningfully in government and community consultation and engagement activities.

- Priority 4: Participation in decision-making
- Priority 5: Leadership and raising profile
- Priority 6: Engagement and consultation

We will support people with disability to have a greater role in influencing Council and community decision-making and participating in our community consultations through the following actions:

### Priority 4: Participation in decision-making

No.	Action	Team(s) Responsible	Timeframe
4.1	We will ensure our emerging Community Engagement Framework encompasses strategies to enable young people with disability to participate in Council decision-making processes.  <b>Supports Action 11 in the State Plan</b>	Comms Engage & Events / Comm Devel	Ongoing
4.2	We will:  seek advice about local disability issues and Council decisions from existing external disability advisory groups in our region and State (such as the Adelaide Hills Disability Inclusion Reference	Comm Devel	Ongoing

	<p>Group and DHS's Disability Engagement Group)</p> <p>Explore community interest in establishing an AHC disability inclusion reference group - to enable direct engagement with residents with disability and their families, carers and advocates on Council decision-making and specific barriers for priority groups (children with disability, women with disability, Aboriginal and Torres Strait Islander peoples with disability and people with disability from culturally and linguistically diverse backgrounds). We will develop specific actions to address the needs and risks that are identified, and update our DAIP accordingly.</p>		
4.3	<p>We will actively seek participation in the AHC reference group (see 4.2) by young people living with disability in our district.</p> <p><b>Supports Action 11 in the State Plan and Section 9 of the Disability Inclusion Act 2018 (SA)</b></p>	Comm Devel	Years 1-4
4.4	<p>We will:</p> <p>utilise resources produced by the Electoral Commission SA and the Local Government Association of SA to make it easier for residents with disability to vote and stand as a candidate in Council elections</p> <p>continue to identify and address barriers for residents with disability to meet with Council Members, attend Council meetings, and participate in our community consultations and engagement events.</p>	Comm Devel / Comms Engage & Events / Govern & Perf	Ongoing

### Priority 5: Leadership and raising profile

No.	Action	Team(s) Responsible	Timeframe
5.1	We will encourage residents with disability to participate in our Advisory Groups and Committees when recruiting new members, and will offer accessibility support at any stage of the recruitment process.  <b>Supports Action 12 in the State Plan</b>	Comms Engage & Events / Comm Devel	Years 2-4
5.2	We will encourage young people with disabilities to participate in the Adelaide Hills Council Youth Leadership Program (YLP), and provide accessibility supports where required.	Comm Devel	Years 1-4

### Priority 6: Engagement and consultation

No.	Action	Team(s) Responsible	Timeframe
6.1	We will use the DHS engagement toolkit (when released in Dec 2020) to consult and engage with people living with disability when developing policies and programs. We will provide staff training in the use of this toolkit where required.  <b>Supports Action 14 in the State Plan</b>	Comms Engage & Events	Years 1-4
6.2	We will adopt co-design principles <sup>8</sup> that engage our residents with disability, their families and carers, in the ongoing management, maintenance and replacement planning of public infrastructure (including roads, bridges, signage, footpaths) through consultation processes.	Strat Asset / Open Space / Civil Serv	Years 1-4
6.3	We will ensure our emerging Community Engagement Framework includes guidance for staff on best practice in consulting and engaging with people with disability.	Comms Engage & Events / Org Dev	Ongoing

<sup>8</sup> See [https://www.pwdwa.org/documents/connect\\_with\\_me/co-design-toolkit/index.htm#principles-to-follow](https://www.pwdwa.org/documents/connect_with_me/co-design-toolkit/index.htm#principles-to-follow)

6.4	We will continue to consider accessibility issues and the needs of all staff, Council Members and volunteers when purchasing, refitting or leasing Council offices, depots, IT and communications systems- equipment, staff fleet vehicles and car parking.	Finan Serv / Comms Engage & Events / all other teams	Ongoing
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## Theme 3: Accessible communities

The accessibility of the built environment, quality services and information is key to ensuring people living with disability are included and have the opportunity to equally participate in all aspects of community life. It is our aim to increase accessibility to public and community infrastructure, transport, services, information, sport and recreation and the greater community.

- Priority 7: Universal Design<sup>9</sup> across South Australia
- Priority 8: Accessible and available information
- Priority 9: Access to services

We will help improve access to its buildings, environments and services through the following actions:

### Priority 7: Universal Design across South Australia

No.	Action	Team(s) Responsible	Timeframe
7.1	We will continue to incorporate Universal Design principles (see the section “Universal design” earlier in this Plan) in our criteria for new Council building and public projects and planning for programs, services and events (including clear conditions about using Universal Design when we contract architecture, engineering and construction companies to deliver big projects for/with us).  <b>Supports Action 19 in the State Plan</b>	Strat Asset / Open Space / Civil Serv / Prop Serv / Org Dev / Comms Engage & Events / Sustain Waste & Emerg Man	Years 1-4

<sup>9</sup> Universal Design involves applying the following 7 principles when planning every place, space and service: equitable use, flexibility in use, simple and intuitive to use, perceptible information, tolerance for error, low physical effort, and size and space for approach and use. See <http://universaldesign.ie/What-is-Universal-Design/The-7-Principles/>

7.2	We will provide information and training for relevant staff and contractors in Universal Design Principles.  <b>Supports Action 19 in the State Plan</b>	Strat Asset / Open Space / Civil Serv / Prop Serv / Org Dev / Comms Engage & Events / Sustain Waste & Emerg Man	Years 1-4
7.3	We will review and, where required, plan for the increased demand for accessible car parking (including extended length car parking) at Council service hubs and events. We will include most needed works when scheduling upgrades.  <b>Supports Action 19 in the State Plan</b>	Civil Serv / Dev Serv / Comms Engage & Events	Ongoing
7.4	We will consider <a href="#">Liveable Housing Australia design guidelines</a> <sup>10</sup> and Universal Design principles in decision-making around residential development applications.  <b>Supports Action 17 of the State Plan</b>	Dev Serv	Years 1-4

#### Priority 8: Accessible and available information

No.	Action	Team(s) Responsible	Timeframe
8.1	We will promote the State Government's new <i>Inclusive SA</i> website (when launched in June 2021) through our Website and existing publications and promotional tools.  <b>Supports Action 20 in the State Plan</b>	Comms Engage & Events / Comm Dev	Years 1-4
8.2	We will aim to make our new Council website and e-services technology accessible and inclusive for all users.  We will use the State Government's <a href="#">Online Accessibility Toolkit</a> to inform the planning, building and procurement of our new Website, e-services and online environment technology.	Info Services / Comms Engage & Events / Fin Serv	Ongoing

<sup>10</sup> Livable design is about including key easy living features that aim to make homes easier and safer to use for all occupants including: people with disability, ageing Australians, people with temporary injuries, and families with young children.

	<p>We will encourage and support Council staff, volunteers and external stakeholders and community groups to use the State Government's new Online Accessibility Toolkit.</p> <p><b>Supports Action 21 and 22 in the State Plan</b></p>		
8.3	<p>We will provide <a href="#">Easy Read</a><sup>11</sup> training for staff and volunteers who produce public documents, information and communications related to Council consultations and decision-making.</p> <p><b>Supports Action 21 of the State Plan</b></p>	Comm Devel / Comms Engage & Events / Org Devel / Govern & Perf	Years 1-4
8.4	<p>We will assess the need and resources required to provide information and communications about our services in different accessible formats. These may include easy read, Auslan, pictorial forms, large font, audible options, braille, closed captions and voice over.</p> <p><b>Supports Action 21 of the State Plan</b></p>	Comms Engage & Events / Info Serv	Ongoing

### Priority 9: Access to services

No.	Action	Team(s) Responsible	Timeframe
9.1	<p>We will monitor the development of the State Government's new toolkit for signage, wayfinding and multimedia devices.</p> <p>When released (Dec 2020), we will promote and use this toolkit to support deaf, hard of hearing, blind, vision or hearing-impaired persons.</p> <p><b>Supports Action 25 in the State Plan</b></p>	Comms Engage & Events / Civil Serv / Open Space / Prop Serv / Strat Assets / Librar & Cust Serv	Years 1-4
9.2	<p>We will identify Council service hubs that may need installation or upgrade of disability access signage. We will include</p>	Strat Asset / Dev & Reg Serv / Prop Serv / Open Space	Years 1-4

<sup>11</sup> See <https://www.accessibility.sa.gov.au/introduction/easy-read>



	needed works when scheduling infrastructure maintenance and upgrades.	/ Comm Dev / Lib & Cust Serv	
	<b>Supports Action 26 of the State Plan</b>		
9.3	We will identify our key customer service outlets where installation of multi-media devices in queues may better include people who are deaf, hard of hearing, vision impaired, or blind. We will consider technological solutions for achieving more inclusive customer service in our Business Plans (from 2021-22).	Prop Serv / Lib & Cust Serv	Years 2-4
	<b>Supports Action 26 of the State Plan</b>		
9.4	We will review the application guidelines, priorities and criteria of our Grant Program to increase applications and support for accessible and inclusion projects and events.	Comm Devel	Ongoing
9.5	We will participate in the joint project: <i>Regional Champions for Accessible Destinations in the Southern and Hills LGA</i> , which will involve an access audit of one destination site in our district and using the learnings to train relevant Council staff to achieve accessible destinations.  We will encourage our external partners who manage visitor destinations to improve access and inclusion for residents and visitors where required.	Open Space / Econ Dev / Prop Serv / Civil Serv / Strat Assets	Ongoing
	<b>Supports Action 31 in the State Plan</b>		

## Theme 4: Learning and employment

Workforce participation is fundamental to social inclusion. It provides economic independence and choice, social connections and friendships, value, identity and belonging. It is our aim that people living with disability have access to inclusive places of study and that education and training provides pathways to meaningful and inclusive employment and volunteering opportunities.

Priority 10: Better supports within educational and training settings

Priority 11: Skill development through volunteering and support in navigating the pathway between learning and earning

Priority 12: Improved access to employment opportunities and better support within workplaces

We will undertake the following actions to create and support workplace learning and employment opportunities for people with disability:

#### Priority 10: Better supports within educational and training settings

No.	Action	Team(s) Responsible	Timeframe
10.1	We will explore opportunities to promote local support groups for parents and teachers who are preparing children with disabilities for life beyond school.  <b>Supports Action 33 in the State Plan</b>	Comm Devel / Comms Engage & Events	Years 1-4

#### Priority 11: Skill development through volunteering and support in navigating the pathway between learning and earning

No.	Action	Team(s) Responsible	Timeframe
11.1	We will review recruitment, registration, induction and experiences of our Council volunteers in relation to accessibility and participation for volunteers with disability.	Comm Devel / Comms Engage & Events / Org Dev	Years 1-4
11.2	We will consider providing targeted traineeships and work experiences across Council for people with disability, in partnership with local training providers and Disability Employment Services (DES) providers.	Org Dev / Comm Develop	Years 2-4

#### Priority 12: Improved access to employment opportunities and better support within workplaces

No.	Action	Team(s) Responsible	Timeframe
12.1	We will utilise information and resources in the new <i>SA Public Sector Disability Employment Toolkit</i> to identify next steps in creating a workplace culture and environment that is welcoming, inclusive and accessible for people with disability.	Comm Devel / Org Dev /	Years 1-4

	<b>Supports Action 37 of the State Plan</b>		
12.2	We will utilise information and resources in the new <i>SA Public Sector Disability Employment Toolkit</i> to encourage our local business and organisations to consider the benefits and requirements of employing people with disability.	Comms Engage & Events / Econ Dev	Years 1-4
	<b>Supports Action 37 of the State Plan</b>		
12.3	We will advocate to the State Government and transport providers for more accessible and connected transport services to key employment hubs in our district	Comm Devel	Years 1-4
12.4	We will develop appropriate measures for tracking the percentage of Council staff and volunteers who have requested workplace adjustments	Org Dev / Comm Devel	Years 1-4
	<b>Supports Action 39 in the State Plan</b>		

## Monitoring implementation of our DAIP

### Measuring and monitoring success

To map our progress, we will adapt and use the [interim measures](#) provided in Appendix 1 of the State Plan, and the outcomes framework that is expected to be released with the new national disability strategy for beyond 2020. We will adapt indicators in consultation with our stakeholders.

We will establish an internal DAIP working group, with representatives from all relevant teams, to provide advice around the further development, implementation, progress and improvement of our DAIP.

Our Chief Executive will receive a report on the progress of our DAIP in September in preparation to go to the October meeting of Council each year.

We will also send, on or before 31 October each year, a report to the Chief Executive of DHS outlining the operation of our DAIP during the preceding financial year (including a summary of the progress achieved in implementing our DAIP).

We will also include information about the progress we make in our Annual Report.

In accordance with the Act, we will formally review this DAIP every four years or following a review of the State Disability Inclusion Plan.

## Communicating the DAIP

Our DAIP will be available to our Elected Members, employees, volunteers, contractors and partners, and the broader community. It will be promoted on our Council website, including in Easy Read format, and can be made available in other accessible formats and languages upon request.

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Wednesday 27 January 2021  
AGENDA BUSINESS ITEM**

**Item:** 12.2

**Responsible Officer:** Lachlan Miller  
Executive Manager Governance & Performance  
Office of the Chief Executive

**Subject:** Recruitment of Advisory Group Independent/Community Members

**For:** Decision

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**SUMMARY**

Council has four Advisory Groups which have independent/community members as part of their membership.

The membership terms for the current independent members expire on 23 April 2021.

The purpose of this report is to seek Council's resolution to commence a recruitment process for the Advisory Group independent/community membership and to appoint Council Members to the Selection Panels to be established for each Group.

**RECOMMENDATION**

**Council resolves:**

1. That the report be received and noted
  2. To establish Selection Panels for the recruitment of Independent/Community Members for the identified Advisory Groups with the following Council Members, assisted by the respective Executive Officers, to undertake the short-listing and interviews of the candidates with a view to making recommendations for appointment at a future Council meeting(s):
    - a. Biodiversity Advisory Group – ..... and .....
    - b. Cemetery Advisory Group - ..... and .....
    - c. Rural Land Management Advisory Group - ..... and .....
    - d. Sustainability Advisory Group - ..... and .....
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## 1. GOVERNANCE

### ➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

#### *Strategic Plan 2020-24 – A brighter future*

Goal	A Progressive Organisation
Objective 04	We actively represent our community
Priority 04.1	Optimise opportunities for the community to access and provide input into the decision-making processes
Priority 04.3	Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region

While Advisory Groups do not have a legal structure and do not make decisions for or on behalf of Council, it is important that the governance arrangements relating to these Advisory Groups are clearly documented and understood. The *Advisory Group Operation & Conduct Policy (Appendix 1)* in conjunction with each Group's *Terms of Reference* provide these governance arrangements.

### ➤ Legal Implications

Advisory Groups are a creation of the Council for the purpose (as stated in the Procedures for Advisory Groups) '...to provide advice to staff on specific matters'.

The Groups do not have a legal foundation under the *Local Government Act 1999* (the Act), as opposed to Section 41 Council Committees but under the provisions of the Act are considered to be informal gatherings.

Sections 73-75A of the Act set out the conflict of interest provisions for Council Members in relation to material, actual and perceived interests. Given the nature of this report the Administration does not anticipate that there will be any declarations of material interest however there could be actual or perceived interest declarations. Should members foreshadow such declarations, Council can utilise the informal gathering voting process as set out in the Code of Practice for Council Meeting Procedures to manage this voting process ensuring full participation from Members.

### ➤ Risk Management Implications

The appointment of appropriately qualified independent members to the Advisory Groups 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)	Low (3E)	Low (3E)

As the refresh of the independent/community membership affects an existing control, there is no impact on the residual or target risk ratings.

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

➤ **Financial and Resource Implications**

Council's current budget contains provisions for the costs associated with Advisory Groups.

There will be minor resource implications for the organisation and conduct of the selection panels and associated processes by the Group Executive Officers.

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

It is reasonable to assume that the community could expect Council to have mechanisms to provide advice and consideration of matters to assist the Council to discharge its responsibilities and achieve its strategic intent.

➤ **Sustainability Implications**

Advisory Group provide advice to staff on a range of matters that inform decisions regarding Council's economic, social and environmental sustainability.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* Not Applicable

*Advisory Groups:* Not Applicable

*Administration:* Advisory Group Executive Officers

*External Agencies:* Not Applicable

*Community:* Not Applicable

## **2. BACKGROUND**

At its 18 December 2018 meeting, Council considered the final report on the Review of Advisory Groups that had been conducted during 2018. In summary, Council resolved (Res 328/18) to cease some of the Groups and to retain others. Further, for the retained Groups, Council appointed Council Members for a two-year term and, for those independent/community members, to commence a recruitment process.

At its 23 April 2019 meeting, Council resolved (Res 91/19) the recommended appointments of independent/community members to each of the applicable Groups for a two year period.

At its 8 September 2020 meeting, Council considered a report on revisions to the Advisory Group Terms of Reference and the Appointment of Council Members to the Advisory Groups and resolved (extracts only):

**Moved Cr Linda Green**  
**S/- Cr Mark Osterstock**

**194/20**

**Council resolves:**

- 1. That the report be received and noted**
- 2. With an effective date of 18 December 2020 to revoke the respective Terms of Reference for the following Advisory Groups and to adopt the revised Terms of Reference:**
  - a. Bushfire Advisory Group (Appendix 2)**
  - b. Biodiversity Advisory Group (Appendix 3)**
  - c. Cemetery Advisory Group (Appendix 4)**
  - d. Property Advisory Group (Appendix 5)**
  - e. Rural Land Management Advisory Group (Appendix 6)**
  - f. Sustainability Advisory Group (Appendix 7)**

**Moved Cr Linda Green**  
**S/- Cr Pauline Gill**

**195/20**

**Council resolves to appoint the following Council Member as members of the respective Advisory Groups to commence the term on 18 December 2020 and conclude at the end of the current Council term.**

- a. Bushfire Advisory Group – (up to 2 Council Members) – Cr Pauline Gill & Cr Chris Grant**
- b. Biodiversity Advisory Group – (3 Council Members) – Cr Kirrilee Boyd, Cr Chris Grant & Cr John Kemp**
- c. Cemetery Advisory Group - (up to 4 Council Members) – Cr Ian Bailey, Cr Pauline Gill & Cr Malcolm Herrmann**
- d. Property Advisory Group - (up to 4 Council Members) – Cr Malcolm Herrmann, Cr Kirsty Parkin, Cr John Kemp & Cr Ian Bailey**
- e. Rural Land Management Advisory Group - (up to 4 Council Members) – Cr John Kemp, Cr Chris Grant & Cr Ian Bailey**
- f. Sustainability Advisory Group - (up to 4 Council Members) – Cr Nathan Daniell, Cr Kirrilee Boyd, Cr Chris Grant & Cr Leith Mudge.**

<b>Carried Unanimously</b>
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The independent/community member requirements as per the respective Terms of Reference for each Advisory Group is as follows:

**Biodiversity Advisory Group (BioAG)**

The Terms of Reference for the BioAG provide for six (6) representatives from the following:

- Three (3) from partnering conservation organisations, assessed against selection criteria below
- Three (3) members shall be community representatives, assessed against selection criteria listed below



Community representatives and partnering conservation organisations shall be selected on the basis of their skills, knowledge and experience in one or more of the following:

- natural resource management;
- native flora and fauna conservation;
- active participation in regional biodiversity projects;
- community education and development;
- managing fire risk in high conservation/biodiversity areas
- grant processes (Government or otherwise);
- links to relevant networks, community groups, and wider community;
- any other areas of relevance.

#### Cemetery Advisory Group (CAG)

The Terms of Reference for the CAG provide for four (4) independent members from the following:

- One (1) person from a local historical society
- One (1) person from the funeral industry
- One (1) person from the community

#### Rural Land Management Advisory Group (RLMAG)

The Terms of Reference for the RLMAG provide for nine (9) representatives from the following areas of expertise or organisations:

- Viticulture
- Horticulture
- Horse Keeping
- Grazing/Broad acre
- Strawberry/Berry
- Primary Production Industry representative
- Landscape SA – Hills & Fleurieu (staff representative)
- Dept. of Primary Industry and Regions SA (PIRSA)

#### Sustainability Advisory Group (SAG)

The Terms of Reference for the SAG provide for five (5) independent members with the following skills, knowledge and experience:

- Environmental sustainability natural resource management, climate change, climate adaption or similar
- Energy, water and/or waste reduction strategies and/or technology
- Government grants process particularly as related to climate change, energy, water and waste reduction
- Advisory committees and/or community consultation
- Links to networks and/or groups with expertise in environment, sustainability, and climate change and/or climate adaption.

It is important to note that, in addition to the Council Member membership, the Property Advisory Group does not have any independent/community membership and the Bushfire Advisory Group only has agency (CFS Groups, DEW, SA Water) membership. As such there is no recruitment activity to occur for these two Groups at this point in time.

### 3. ANALYSIS

With the current term of Advisory Group independent/community members coming to a close on 23 April 2021, it is timely for Council to commence a recruitment process and the creation of Selection Panels for each of the Groups.

Recruitment activities will be as per clause 8 of the *Advisory Group Operation and Conduct Policy* (see **Appendix 1**). As per clause 8.4, the Panels consist of two (2) Council Members (preferably those familiar with the business of the Advisory Group) appointed by the Council, the Chief Executive Officer (or delegate) and/or the Executive Officer.

It is anticipated that the recruitment process will be completed and a report prepared for the 23 March 2021 Ordinary Council meeting with the commencement of the new independent/community members on 24 April 2021.

### 4. OPTIONS

Council has the following options:

- I. To resolve to commence the recruitment process for independent/community members and appoint Council Members to the Selection Panels. (Recommended)
- II. Determine an alternative course of action. This is not recommended as the current terms for independent/community members will lapse (Not Recommended)

### 5. APPENDIX

- (1) *Advisory Group Operation & Conduct Policy*

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# **Appendix 1**

## *Advisory Group Operation & Conduct Policy*


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# *Council Policy*

## Advisory Group Operation and Conduct



# COUNCIL POLICY

 Adelaide Hills COUNCIL	<b>ADVISORY GROUP OPERATION AND CONDUCT</b>
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<b>Policy Number:</b>	GOV-15
<b>Responsible Department(s):</b>	Governance & Performance
<b>Other Relevant Policies:</b>	<i>Council Member Conduct Informal Council and Committee Gatherings and Discussions Volunteer Engagement</i>
<b>Relevant Procedure(s):</b>	Nil
<b>Relevant Legislation:</b>	<i>Local Government Act 1999 Local Government (General) Regulations 2013</i>
<b>Policies and Procedures Superseded by this policy on its Adoption:</b>	<i>Procedures for Advisory Groups, v1.0, 13 December 2013</i>
<b>Adoption Authority:</b>	Council
<b>Date of Adoption:</b>	18 December 2018
<b>Effective From:</b>	2 January 2019
<b>Minute Reference for Adoption:</b>	Item 12.3, 326/18
<b>Next Review:</b>	No later than December 2021 or as required by legislation or changed circumstances

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## ADVISORY GROUP OPERATION AND CONDUCT POLICY

### 1. INTRODUCTION

- 1.1 Council has used Advisory Groups (in various forms) over many years to provide advice to the Administration (i.e. Council Officers) and, ultimately, to the Council in relation to a variety of subject matters.
- 1.2 While the specific composition arrangements of each Advisory Group vary, they provide the means by which the Administration can access technical and/or community advice to inform the development of Council strategies, policies and initiatives.
- 1.3 In contrast to the more formal meeting structures such as Council and Council Committees (created under s41 of the *Local Government Act 1999*), Advisory Groups do not have any legal standing but, due to the membership containing Council Members, are required to comply with the informal gatherings legislative provisions.

### 2. OBJECTIVES

- 2.1 The objectives of this policy are:
- To provide clear guidance to Council Members, Officers and Independent Members on the operational arrangements and conduct expectations of Advisory Groups; and
  - To ensure that Advisory Groups are conducted in accordance with the applicable obligations contained in legislation.

### 3. DEFINITIONS

- 3.1 “**Executive Officer**” means the Council Officer appointed by the Chief Executive Officer to coordinate and conduct the respective Advisory Group
- 3.2 “**Designated informal gathering or discussion**” is an event organised and conducted by or on behalf of the Council or Chief Executive Officer (CEO) to which Members of the Council or Council Committee (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council Committee. (Regulation 8AB(2), *Local Government (General) Regulations 2013*)

### 4. SCOPE

- 4.1 This policy applies to all Council Members, Officers and Independent/Community Members appointed to Advisory Groups.

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**5. POLICY STATEMENT**

- 5.1 Council values the experience and specialist knowledge that exists in the Adelaide Hills community and is committed to seeking opportunities to access this expertise for use in developing Council strategies, policies and initiatives.

**6. ROLE AND FUNCTIONS**

- 6.1 An Advisory Group is a group formed by Council to provide advice to its Executive Officer on specific matters. For clarity, it is not a committee formed pursuant to Section 41 of the *Local Government Act 1999* which would provide advice direct to Council.
- 6.2 Each Advisory Group has a Terms of Reference adopted by Council and the Group is expected to stay within these terms.
- 6.3 Advisory Groups will not commission work on their own initiative or have any decision making powers delegated by Council, but rather provide advice to their Executive Officer.
- 6.4 Given that Advisory Groups provide advice to their Executive Officer, it is appropriate that only the Mayor, Council's CEO and where delegated, the Executive Officer, be the media spokespersons on behalf of the Group.

**7. MEMBERSHIP**

- 7.1 The membership of each Advisory Group is set out in the respective Terms of Reference.
- 7.2 The Mayor is an ex-officio member of all Advisory Groups.
- 7.3 Council Members can attend meetings of all Advisory Groups.

**8. APPOINTMENTS**

- 8.1 Appointments to Advisory Groups shall be at the Council's sole discretion and be based upon the skills, knowledge and experience of appointees relevant to the Advisory Group.
- 8.2 In the general course of events, the selection process for Advisory Groups will begin with an advertising campaign calling for nominations. Advertising will be through Council's website, newspapers, council service centres and libraries. Interested parties will be requested to submit a written application which will identify responses to the selection criteria.
- 8.3 For a small number of Advisory Groups, the Terms of Reference will identify an alternative process for appointing the Independent Members (i.e. as representatives of other organisations).
- 8.4 The selection process for independent members will be conducted by a panel comprising two (2) Council Members (preferably those familiar with the business of the Advisory Group) appointed by the Council, Council's Chief Executive Officer (or delegate), and the Executive Officer.
- 8.5 Recommendations for independent membership of Advisory Groups will be made to Council and appointment will be made by resolution.

- 8.6 Council Members will be appointed to Advisory Groups by resolution of the Council.

**9. TERM OF OFFICE**

- 9.1 The term of office for Independent Members on an Advisory Group will be two (2) years or such other time as resolved by Council at the time of appointment.
- 9.2 The term of office for Council Members will be two (2) years or such other time as resolved by Council.
- 9.3 Casual vacancies may be filled using the selection process with any appointment(s) made by resolution of Council. Where a vacancy occurs less than six (6) months before the expiry of the term of office, the vacancy may remain unfilled.

**10. STATUS OF OFFICE OF MEMBERS**

- 10.1 Independent Members of Advisory Groups have status as volunteers of the Council and are insured in accordance with the Volunteer Insurance Policy that is part of the Council's membership of the Mutual Liability Scheme.
- 10.2 Independent Members are not indemnified by the Council against any liability arising as a result of their actions or omissions related to their involvement with the Advisory Group or undertaken in connection with their role as a member of an Advisory Group.
- 10.3 Council Members' involvement with an Advisory Group constitutes the exercise of official functions and duties of office of an elected member under the *Local Government Act 1999*. Council Members are, therefore, protected from civil liability in their role as Advisory Group members pursuant to section 39 of the *Local Government Act 1999*.

**11. MEETINGS**

- 11.1 An Advisory Group shall meet at least four times per year, or more frequently if determined by the Executive Officer in consultation with the Group Members.
- 11.2 The Executive Officer will determine the meeting schedule in consultation with Advisory Group Members.
- 11.3 A special meeting may be convened to consider a matter of urgency by the Executive Officer with at least five calendar days' notice. If such a special meeting is at the request of a member of an Advisory Group, then such a request shall have the support of the majority of the members before it can be convened.
- 11.4 While Advisory Groups do not make formal decisions, there is no specific requirement for a quorum. If however the Executive Officer determines that the likely number of attendees will be insufficient to generate the required advice, the meeting will be cancelled and alternative communication methods used.
- 11.5 In accordance with the *Informal Council and Committee Gatherings and Discussions Policy*, meetings will be advertised on Council's website, and held in venues open to the public unless the meeting has been declared by the Chief Executive Officer to be a 'confidential informal discussion'.



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**12. PRESIDING MEMBER**

- 12.1 The Executive Officer (or their delegate) will be the Presiding Member of the Advisory Group.
- 12.2 The role of the Presiding Member includes:
- Overseeing and facilitating the conduct of meetings in accordance with *Local Government Act 1999*, the *Local Government (General) Regulations 2013* and the *Informal Council and Committee Gatherings and Discussions Policy* ; and
  - Ensuring all Group Members have an opportunity to participate in discussions in an open and encouraging manner

**13. AGENDAS**

- 13.1 The Executive Officer will determine the matters to be discussed at the Advisory Group meeting on the basis of the advice required.
- 13.2 In accordance with the *Informal Council and Committee Gatherings and Discussions Policy*, only matters listed on the published Agenda will be discussed during the Advisory Group meeting.
- 13.3 The Agenda will be distributed to Members by email no later than five (5) days prior to the next meeting date.
- 13.4 The Agenda will be distributed to Members no later than five (5) days prior to the next meeting date.

**14. MINUTES**

- 14.1 As an Advisory Group is not a formal meeting of Council, the minutes will reflect this lack of formality but will (as minimum) record:
- The place, date and time at which the designated informal gathering or discussion was held;
  - The meeting attendees and apologies;
  - The topics discussed; and
  - Recommendations arising from the discussion and advice provided to the Executive Officer (see Recommendations section below).

**15. RECOMMENDATIONS OF ADVISORY GROUPS**

- 15.1 Advisory Groups provide advice to their Executive Officer which may be in the form of recommendations.
- 15.2 These recommendations will be made by consensus. Consensus decision-making is a group decision making process that seeks the consent of all participants. Consensus may be defined as an acceptable resolution, one that can be supported, even if not the "favourite" of each individual.

- 15.3 The minutes will record if consensus on a matter was not able to be achieved
- 15.4 An Advisory Group may make recommendations on changes to these Terms of Reference to its Executive Officer to enhance achievement of the Advisory Group's purpose and role.

## **16. CONDUCT OF ADVISORY GROUP MEMBERS**

- 16.1 Council Members and Council Officers have conduct standards set by both legislation and policy and are required to comply with these in the context of Advisory Group meetings.
- 16.2 Independent/Community Members will be expected to:
- a) Comply with Council's policies in relation to volunteers;
  - b) Be honest and fair when dealing with all persons present at meetings;
  - c) Deal with information received in their capacity as a member in a responsible manner;
  - d) Be aware of any conflicts (real or perceived) between their role as a Group Member and their private interests and disclose these conflicts either prior to the relevant matter being discussed or as soon as the conflict becomes apparent;
  - e) Endeavour to provide accurate information to the Group and to the public at all times; and
  - f) Endeavour to establish and maintain respectful relationships with all Group members and Council staff, regardless of difference of views and opinions.
- 16.3 Matters presented to an Advisory Group as confidential shall be dealt with and remain in confidence until such time as confidentiality is withdrawn as advised by the Executive Officer.
- 16.4 A Member of an Advisory Group may be removed from office on the grounds that:
- He or she was absent, without leave from the Advisory Group, from two or more consecutive meetings; or
  - Has made public statements that may be detrimental to the effective functioning of the Advisory Group; or
  - Has, or is, behaving in a way which is detrimental to the smooth, efficient and effective workings of the Advisory Group.
- 16.5 The determination as to whether a Member's conduct constitutes grounds for removal from office will be made by a Reference Panel comprising the Mayor, Chief Executive Officer (or delegate) and the Executive Officer. The Reference Panel will observe the principles of natural justice in making any decision to remove a member from office. That is, the member will be given an opportunity to comment in relation to any adverse allegations against him/her and in relation to any proposal that he/she be removed from office. Any comments made by the member will be taken into account by the Reference Panel before a decision is made.

**17. DELEGATION**

17.1 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.

**18. AVAILABILITY OF THE POLICY**

18.1 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](http://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  
Wednesday 27 January 2021  
AGENDA BUSINESS ITEM**

<b>Item:</b>	<b>12.3</b>
<b>Responsible Officer:</b>	<b>Deryn Atkinson/Assessment Manager &amp; Manager Development Services</b>  <b>Development &amp; Regulatory Services</b>
<b>Subject:</b>	<b>Appointment of the Council Building Fire Safety Committee under the <i>Planning Development and Infrastructure Act 2016</i></b>
<b>For:</b>	<b>Decision</b>

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**SUMMARY**

The Building Fire Safety Committee undertakes inspections of certain buildings as defined in the legislation and its *Terms of Reference* (refer to **Appendix 2**) in order to check that the buildings have an adequate level of fire safety for the occupiers.

The *Planning Development and Infrastructure Act 2016* (PDI Act) does not contain any transitional provisions that allow an existing Council Building Fire Safety Committee formed under section 71 of the *Development Act 1993* (Dev Act) to be transitioned as a Building Fire Safety Committee formed for similar purposes under section 157 the PDI Act. Therefore councils are required to formerly appoint a new Building Fire Safety Committee under the PDI Act in readiness for implementation of the said Act which is anticipated to commence in March 2021.

A new Building Fire Safety Committee must be established before the repeal of section 71 of the Dev Act.

Council appointed the existing Committee members on 28 May 2019 for a three year term, expiring on 31 May 2022, or until such time as section 157(7) of the PDI Act is operational, whichever occurs first. Administration are recommending that the existing members be appointed for continuity purposes to the new Building Fire Safety Committee until 31 May 2022.

An update on the activities of the Building Fire Safety Committee is provided in this report.

## RECOMMENDATION

### Council resolves:

1. That the report be received and noted
2. That Council appoints the following members to the Adelaide Hills Building Fire Safety Committee as the appropriate Authority for the purposes of Section 157 (17) of the *Planning, Development and Infrastructure Act 2016* commencing on the designated date of implementation of the Section 157(17) of the *Planning, Development and Infrastructure Act 2016* for Phase 3 Councils and expiring on 31 May 2022:
  - a) Peter Harmer (Contract Building Surveyor Engineer) as a person with expertise and qualifications in building surveying, engineering and building fire safety
  - b) Persons nominated by the Country Fire Service to act as the CFS representative member and deputy members
  - c) Jeff Grinnell as Team Leader Building Services as an authorised Council Officer with expertise and qualifications in building surveying and building fire safety with Tom Warneke as deputy member, and
  - d) Deryn Atkinson as Manager Development Services as an authorised Council Officer with Marc Salver appointed as deputy member.

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## 1. GOVERNANCE

### ➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

*Strategic Plan 2020-24 – A brighter future*

Goal Built Environment

Objective B2 Preserve and enhance the unique character of the Hills for current and future generations

As a specialised Committee it is necessary to have suitably qualified and experienced members to ensure that there is rigour in the review of adequate building safety in the Council area.

### ➤ Legal Implications

The *Planning, Development and Infrastructure Act 2016* (PDI Act) was assented to by his Excellency the Governor of South Australia on 21 April 2016 after the passage through Parliament. It is being implemented over 5 years in stages.

The full implementation of the PDI Act commenced for phase 2 councils on 31 July 2020. The designated date for phase 3 councils, which includes the Adelaide Hills Council, is anticipated to be in the first quarter of 2021.

The PDI Act does not contain any specific transitional provisions that allow an existing Council Building Fire Safety Committee formed under section 71 of the *Development Act 1993* (the Dev Act) to be transitioned as a Building Fire Safety Committee formed for similar purposes

under section 157(17) of the PDI Act. Therefore councils are required to formerly establish a new Building Fire Safety Committee (referred to as an appropriate authority in the PDI Act) in readiness for implementation of the PDI Act. A new Building Fire Safety Committee must be established before the repeal of section 71 of the Dev Act.

Clause 17 of the PDI Act requires that:

- (17) The following provisions apply with respect to the establishment of an appropriate authority:
- (a) the appropriate authority will be constituted of—
    - (i) a person who holds prescribed qualifications in building surveying appointed by the council or councils; and
    - (ii) an authorised officer under Part 3 Division 5 or section 86 of the *Fire and Emergency Services Act 2005* who, depending on the location of the council area or areas, has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and
    - (iii) a person with expertise in the area of fire safety appointed by the council or councils; and
    - (iv) if so determined by the council or councils—a person selected by the council or councils;
  - (b) the council or councils may specify a term of office of a member of the appropriate authority (other than a member under paragraph (a)(ii));
  - (c) the office of a member of the appropriate authority (other than a member under paragraph (a)(ii)) will become vacant if the member—
    - (i) dies; or
    - (ii) completes a term of office and is not reappointed; or
    - (iii) resigns by written notice addressed to the council or councils; or
    - (iv) is removed from office by the council or councils for any reasonable cause;
  - (d) deputy members may be appointed;
  - (e) subject to a determination of the council or councils—the appropriate authority may determine its own procedures (including as to quorum).

The powers of the Building Fire Safety Committee are separate to the development assessment responsibilities of the Council and are only able to be exercised by an “appropriate authority” established by the Council.

The Building Fire Safety Committee may inspect specified buildings to check that these buildings have an adequate level of fire safety for the occupiers. Any action taken as a result of the inspections seeks to achieve, in order of priority:

- (1) a reasonable standard of fire safety for the occupiers of the buildings
- (2) minimal spread of fire and smoke, and
- (3) An acceptable fire-fighting environment for the occupiers of the building(s).

➤ **Risk Management Implications**

The appointment of a Building Fire Safety Committee under the PDI Act with appropriately qualified and experienced members will allow Council to be business ready for implementation of the PDI Act and assist in mitigating the risk of:

- *non-compliance with the statutory requirements in the appointment of an authority and possible legal challenges to fire safety upgrade requests/enforcement activities; and*
- *Council not having a Building Fire Safety Committee when s71 of the Development Act ceases to exist on repeal of the Dev Act*

Inherent Risk	Residual Risk	Target Risk
High 3B	Low 2B	Low 2B

Appointment of a Building Fire Safety Committee under the new legislation is the existing mitigation action for the above risks and this report is just to update the existing control.

➤ **Financial and Resource Implications**

Council's budget provides for the operational costs of the Building Fire Safety Committee. Note however that other than the consultant member, no members are paid a sitting fee for attending Committee meetings and site inspections. Further, the CFS does not charge Council for their members' attendance at the Committee meetings and site inspections.

The Committee generally meets quarterly with a separate day for building inspections. However, the frequency of meetings and site inspections is dependent on the workload of the Committee.

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

The process and operation of the Committee is to identify, inspect and require fire safety upgrade work where necessary to existing buildings in the Council area in order to achieve a satisfactory level of life safety in such buildings. Any action taken by the Committee seeks to achieve, in order of priority, the following fire safety objectives and performance criteria of the Building Code of Australia:

- (1) A reasonable standard of fire safety for the occupiers of the relevant building
- (2) The minimal spread of fire and smoke
- (3) An acceptable fire-fighting environment.

All buildings including commercial, industrial, accommodation and public community buildings may be inspected. However, those buildings owned by the Crown are not bound by the legislation in this instance.

➤ **Sustainability Implications**

The provision of early warning and adequate fire-fighting provisions assists to reduce the risk and spread of fires and the potential pollution that can be caused by building fires, and assists with preservation of existing buildings.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation was undertaken as follows:

<i>Committee</i>	Building Fire Safety Committee
<i>Council Workshops:</i>	Not Applicable
<i>Advisory Groups:</i>	Not Applicable
<i>Administration:</i>	Director Development & Regulatory Services Team Leader Building Services
<i>External Agencies:</i>	CFS
<i>Community:</i>	Not Applicable

**2. BACKGROUND**

The current Building Fire Safety Committee was appointed by Council on 28 May 2019 (Item 12.5) until section 157 (17) of the PDI Act became operational, or until 31 May 2022, whichever occurred first.

**12.5 Appointment of Building Fire Safety Committee**

*Administrative Action: Director CS to ensure Annual Report includes information on BFSC*

Moved Cr John Kemp  
S/- Cr Pauline Gill

114/19

**Council resolves:**

1. That the report be received and noted
2. That Council appoints the following members to the Adelaide Hills Building Fire Safety Committee as the appropriate Authority for the purposes of Section 71 of the *Development Act 1993* for a three year period commencing on 29 May 2019 and expiring on 31 May 2022 or, until such time that Section 157(17) of the *Planning, Development and Infrastructure Act 2016* is operational, whichever occurs first:
  - a) Peter Harmer (Contract Building Surveyor Engineer) as a person with expertise and qualifications in building surveying, engineering and building fire safety
  - b) Colin Paton, as a person nominated by the Country Fire Service with Julian Aggiss, Joel Taggart, Kevin Churchward and Phil McDonough nominated as deputy members
  - c) Jeff Grinnell as Team Leader Building Services as an authorised Council Officer with expertise and qualifications in building surveying and building fire safety with Tom Warneke as deputy member, and
  - d) Deryn Atkinson as Manager Development Services as an authorised Council Officer (with Marc Salver appointed as deputy member).

Carried Unanimously
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### 3. ANALYSIS

The Local Government Association (LGA) advised in their information sheet of July 2020 that ideally the appointment of a new Building Fire Safety Committee will occur around the same time that implementation of the PDI Act occurs and the Planning and Design Code goes live for each Council. This will provide the new Building Fire Safety Committee (the Committee) with the ability to require a building owner to seek an appropriate authorisation under the PDI Act, rather than the Dev Act.

This report is drafted in anticipation of a “go live” designated date being announced in the first quarter of this year and advice from the Department of Planning Land Use Services that Phase 3 Councils need to be business ready by 19 February 2021. The existing Committee needs to remain in existence until the “go live” date but Council can establish a new Committee in anticipation of this occurring in March 2021 or soon after.

The same members of the existing Committee can be appointed to the new Committee to avoid practical operational difficulties. The current Committee members are Peter Harmer (Contract Building Surveyor Engineer), Colin Paton (CFS – refer to **Appendix 1**), Jeff Grinnell (Team Leader Building Services) and Deryn Atkinson (Manager Development Services). It is recommended that the same members and deputy members be reappointed for the remainder of the term of the original appointment, until 31 May 2022, noting that the CFS require flexibility to amend their representative member in consideration of operation commitments, particularly in the bushfire season.

The terms of reference of a new Committee can be the same as the existing Committee, with inclusion of the PDI Act references, and with the addition of a clause that confirms the existing Committee continues to meet until the “go live” date for full implementation of the PDI Act and the Planning and Design Code for Phase 3 Councils, after which the new Committee will operate.

After the new Committee commences, any actions commenced under the Dev Act by the existing Committee (such as the issue of Notices under the Dev Act) are carried forward pursuant to s15 of the *Acts Interpretation Act 1915*. Additionally no formal decision of the Council is required to dissolve the existing Committee, as it will cease to exist on repeal of section 71 of the Dev Act.

### 4. UPDATE ON THE OPERATION THE BUILDING FIRE SAFETY COMMITTEE

The focus for the Committee in recent years has been on achieving adequate fire safety for buildings providing accommodation to vulnerable groups, such as children and the elderly, and for commercial, industrial and public buildings with a floor area exceeding 2,000 square metres.

The Committee is able to determine its own terms of reference and meeting procedures in accordance with S157(17) (e) of the PDI Act.

The Committee generally meets quarterly with a separate day for building inspections. For the 2020 calendar year, the Committee met nine times (including inspection days) and considered 17 ongoing matters. This compares with 18 premises under review in 2019.

The Committee has undertaken 9 inspections of buildings to review progress and inspect works completed in the last 12 months. One property is likely to complete their upgrade early this year.

With the current workload comprising complex upgrades of older buildings, only one new property was inspected and added to the agenda in the last 12 months.

There were two Notices issued in 2020 and one appeal received. The appeal was discontinued by the appellant following agreement being reached on a variation to the Notice through a Court Order.

The table below indicates the locality of premises currently being dealt with:

<b>Building Fire Safety Defect Notices by Suburb</b>	
Ashton	2
Basket Range	1
Kersbrook	1
Lenswood	2
Balhannah	1
Lobethal	1
Lower Hermitage	1
Oakbank	1
Piccadilly	1
Mylor	3
Norton Summit	1
Rostrevor	1
Stirling	1
<b>Total</b>	<b>17</b>

## 5. OPTIONS

Council has the following options:

- I. Establish a new Building Fire Safety Committee under the PDI Act and reappoint the existing members to this Committee (Recommended)
- II. To resolve to make other changes to the Committee or its membership (Not Recommended)

## 6. APPENDICES

- (1) Building Fire Safety Committee - CFS Authorised Officer Delegates
- (2) Terms of Reference – Building Fire Safety Committee

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# **Appendix 1**

*Building Fire Safety Committee - CFS Authorised  
Officer Delegates*

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03 AUG 2020

Level 7, 60 Waymouth Street  
Adelaide SA 5000  
P: (08) 8115 3300  
www.cfs.sa.gov.au

SCANNED

03 AUG 2020

23 July 2020

Adelaide Hills Council  
PO Box 44  
WOODSIDE SA 5244

Dear Sir / Madam

**RE: BUILDING FIRE SAFETY COMMITTEE – CFS AUTHORISED OFFICER/DELEGATES**

I wish to inform you that the following CFS Staff will be the CFS Authorised Officer/ Delegate for the Adelaide Hills Building Fire Safety Committee as from 1<sup>st</sup> July 2020.

**DELEGATE**

Name / Address:	Phone:	E-mail
Colin Paton CFS Development Assessment Service Level 3, 60 Waymouth Street ADELAIDE SA 5000	0427 977 090	<a href="mailto:Colin.paton@sa.gov.au">Colin.paton@sa.gov.au</a>

**PROXIES**

Name / Address:	Phone:	E-mail
Julian Aggiss Darren Chapman	08 8115 3372 08 8115 3372	<a href="mailto:Julian.aggiss@sa.gov.au">Julian.aggiss@sa.gov.au</a> <a href="mailto:Darren.chapman@sa.gov.au">Darren.chapman@sa.gov.au</a>

Please do not hesitate to contact Joel Taggart, Manager Development Assessment Service on 8115 3361 or via email [joel.taggart@sa.gov.au](mailto:joel.taggart@sa.gov.au) to discuss this matter further.

Yours sincerely



**MARK JONES QFSM**  
**CHIEF OFFICER**  
**SA COUNTRY FIRE SERVICE**

cc: Joel Taggart  
Colin Paton  
Julian Aggiss  
Darren Chapman



Government of  
South Australia

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## **Appendix 2**

*Terms of Reference – Building Fire Safety Committee*

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**ADELAIDE HILLS COUNCIL**  
**Building Fire Safety Committee**

**TERMS OF REFERENCE**  
**June 2019**

**BACKGROUND**

Local government plays an important role in protecting the ongoing safety of building occupiers and users through the provisions of the *Development Act 1993*.

Section 71 of the Development Act establishes the power for councils to investigate whether building owners are maintaining proper levels of fire safety in their buildings for the protection of all occupiers, whether they are residents and workers who use them regularly, or clients and visitors who only use them occasionally.

A Building Fire Safety Committee, as an 'appropriate authority' under the Act, can take action to require the owner to upgrade the fire safety of existing buildings to an appropriate level.

The Building Fire Safety Committee is established under clause 19 of Section 71 of the Development Act rather than Section 41 of the Local Government Act.

The Building Fire Safety Committee was last appointed by Council resolution on 28 May 2019.

**ROLE**

The role of a Building Fire Safety Committee includes-

- developing appropriate building fire safety inspection policies for Council endorsement
- scrutinising the fire safety of buildings that have been identified as having inadequate fire safety provisions;
- issuing Notices of Fire Safety Defect to building owners, which identify fire safety provisions that need to be upgraded to an extent that provides a reasonable level of safety for occupants;
- forwarding information on section 71 fire safety notices to council administration for Section 7 enquiries (made by a vendor when a building is available for sale or lease);
- where appropriate, negotiating a cost effective performance solution with a building owner to reduce fire safety risks to an acceptable level;
- issuing Notices of Building Work Required, which schedule prescribed building work that must be carried out in order to raise the building fire safety and associated bushfire safety requirements for the buildings noted in the Notices to a reasonable level of safety;
- initiating enforcement or other action to ensure a building owner complies with a Notice of Building Work Required; and

- revoking or varying fire safety notices when appropriate.

Notices of Fire Safety Defect are issued under delegation by Council staff in accordance with minutes of the Building Fire Safety Committee meetings.

## **WORKING RELATIONSHIPS**

The Building Fire Safety Committee has an Executive Officer (Team Leader Building Services) who is responsible for:

- coordinating agenda information, site inspections and distributing the minutes of meetings
- responding to correspondence at the direction of the Committee
- preparing correspondence and Notices of Fire Safety Defect at the direction of the Committee
- preparing correspondence and Notices of Building Work Required at the direction of the Committee
- preparing reports to Council (at least annually) on the general activities of the Building Fire Safety Committee.

## **FUNCTIONS**

The Building Fire Safety Committee is responsible for the inspection of buildings for fire safety in the Adelaide Hills Council area. The Committee will inspect buildings based on the following priority:

1. Written complaint
2. Request from the Country Fire Service
3. Request from Council's planning or building staff
4. Register of buildings developed by the Building Fire Safety Committee, with buildings selected in order of the life safety risk associated with the building.

If the Building Fire Safety Committee is satisfied that the fire safety of a building is inadequate after inspection, the Committee may cause a notice to be served on the owner of the building identifying the inadequacies. The Committee will receive reports from owners responding to fire safety notices and may require the owner to seek an appropriate development authorisation for a fire safety upgrade. If granted the Committee can require the work to be carried out.

In the case of an emergency, clause 3 of Section 71 of the Development Act permits the Committee to require the owner to carry out a programme of work or to take any other measure deemed reasonable to overcome a fire hazard, require the evacuation of, or prohibit the use of the building or part of a building, until the Committee is satisfied that the fire hazard no longer exists.

Any action taken seeks to achieve firstly a reasonable standard of fire safety for the occupiers of the relevant building, secondly minimize the spread of fire and smoke and thirdly an acceptable fire fighting environment.

## **MEMBERSHIP**

1. Section 71 (19) prescribes how the Building Fire Safety Committee membership will be constituted and requires Council to appoint the Committee.

Clause 19 requires the Committee to consist of:

- i. A person who holds prescribed qualifications in building surveying
  - ii. A person nominated by the Chief Executive Officer of the South Australian Country Fire Service
  - iii. A person with expertise in the area of fire safety and
  - iv. If so determined by the Council, a person selected by Council
2. Members must commit to attend all meetings. If unable to attend, they must provide a proxy, where one is appointed, to attend on their behalf. In this instance the member is responsible for briefing their proxy and providing the proxy with the documentation for the meeting. Members will inform the Presiding Member as soon as possible if they intend to send a proxy to a meeting and no less than one business day before a scheduled meeting. It is up to the Presiding Member to ensure proxies pass on any correspondence to the member.
3. Proxies are required to have the same delegated authority as the incumbent.
4. Proxies entitled to participate in discussion and in decision-making.

## **SELECTION CRITERIA**

Each of the members of the Committee shall be selected on the basis of skills, knowledge and experience as required by Section 71 (19) of the Development Act 1993.

## **TERM OF OFFICE**

The term of office for a member of the Building Fire Safety Committee will be a period not exceeding three years or such other time as resolved by Council at the time of appointment.



## **STATUS OF OFFICE OF MEMBERS**

The Executive Officer will be a member of Council staff.

## **MEETING PROCEDURE**

1. The Building Fire Safety Committee shall meet at least four times a year.
2. The Building Fire Safety Committee shall generally meet at the Adelaide Hills Council office in Stirling or Woodside or as otherwise determined by the Presiding Member.
3. A quorum of three members must be present, one of whom must be the Country Fire Service Representative.
4. The Building Fire Safety Committee shall appoint a Presiding Member. If the Presiding Member is unable to attend the meeting, a deputy Presiding Member should be appointed by the Committee at the meeting.
5. Notice of an ordinary meeting shall be given at least three business days prior to the scheduled meeting; however notice and an agenda of a special meeting shall be given at least four hours prior to the commencement of the special meeting.
6. Notice may be given to a member of the Building Fire Safety Committee:
  - i. personally;
  - ii. by delivering it to any place authorised in writing by the member; or
  - iii. by a means authorised by the member e.g. email or download
7. Topics for the agenda should be forwarded to the Executive Officer seven (7) days prior to the scheduled meeting date. The Agenda and Minutes of the previous meeting will be distributed to members no later than three days prior to the next meeting date.
8. The Presiding Member shall ensure that accurate minutes are kept of the proceedings of each meeting of the Building Fire Safety Committee
9. A member of the Building Fire Safety Committee who has a personal interest or a direct or indirect interest in any matter being considered by the Building Fire Safety Committee (other than an indirect interest which exists in common with a substantial class of persons), must declare that interest as soon as possible and must not take part in any deliberation or decision in relation to that matter.
10. Without limiting the effect of paragraph 9, a member of the Building Fire Safety Committee will have an interest in a matter if an associate of the member has an interest in that matter.

11. A disclosure of a direct or indirect interest in any matter of the Building Fire Safety Committee must be recorded in the Minutes of the Meeting.
12. All meetings of the Building Fire Safety Committee will be conducted in accordance with these meeting procedures. Insofar as the procedures are not prescribed by these Terms of Reference, the procedures may be determined by the Building Fire Safety Committee.
13. Decisions of the Building Fire Safety Committee shall be made by consensus, or if required because there is not a consensus, shall be made on the basis of a simple majority decision of the members present.
14. If a vote is required, each member present at a meeting must vote on the question/matter to be decided. There is no requirement to record how members vote unless requested by a Committee member.
15. If a vote is required, all members of the Building Fire Safety Committee including the Presiding Member shall have a deliberative vote. In a situation where there is an equality of votes among Committee members, then the Presiding Member shall have a casting vote.
16. Other procedures may be determined by the Building Fire Safety Committee as when required.

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Wednesday 27 January 2021  
AGENDA BUSINESS ITEM**

**Item:** 12.4

**Responsible Officer:** John McArthur  
Manager Sustainability, Waste and Emergency Management  
Infrastructure & Operations

**Subject:** Hard Waste Service

**For:** Decision

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**SUMMARY**

Council provides an at call kerbside hard waste collection service at no cost to residents. Since 2016 demand for the service has increased. Costs to meet the increase in service demand is forecast to exceed the current 2020/21 budget of \$98,000 by approximately \$50,000. This report provides details of the budget position of the hard waste service and options to manage the service within budget parameters.

**RECOMMENDATION**

**Council resolves:**

1. That the report be received and noted.
  2. That any additional budget requirements to meet service demand for the Kerbside Hard Waste Service during 2020-21 be addressed through Council's budget review process.
  3. That a user contribution fee equal to 50% of budgeted costs to provide the Kerbside Mattress Service be considered during the development of the 2021-22 Annual Business Plan and Budget.
  4. That a user contribution fee equal to 50% of budgeted costs to provide the Kerbside Hard Waste Service be considered during the development of the 2021-22 Annual Business Plan and Budget.
-

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

#### *Strategic Plan 2020-24 – A brighter future*

Goal 2	Community Wellbeing
Objective C4	An active, healthy, thriving and resilient community
Priority C4.1	Support community wellbeing through our contribution to public health planning, disaster recovery activities and the implementation of strategies that aim to measure and enhance wellbeing
Goal 4	A valued Natural Environment
Objective N4	Reduce the impact of waste to landfill by maintaining a robust waste and resource management framework
Priority N4.4	Implement new or improved waste services opportunities whilst continuing to provide ongoing resource recovery and waste services to our community

The provision of a kerbside hard waste service reduces the impact of waste to landfill, as the material collected (excluding mattresses which are recycled) is utilised as a Processed Engineered Fuel by a commercial cement based business in Adelaide. This use is a preferable activity to landfill in accordance with the Waste Management Hierarchy. Further, as the material is not disposed of to landfill it does not attract the Solid Waste Levy.

The service encourages and assists property owners to dispose of unwanted hard waste items rather than having this material accumulate on their property leading to improved aesthetic outcomes and reduced pest animal habitat. These outcomes assist to provide a more welcoming district and support community wellbeing.

### ➤ Legal Implications

Not applicable.

### ➤ Risk Management Implications

The provision of additional budget and considering the introduction of contribution fees for the hard waste service will assist in mitigating the risk of:

*Insufficient budget to meet hard waste service demand leading to service level reduction*

Inherent Risk	Residual Risk	Target Risk
Extreme (4B)	High (4c)	Low (1E)

*Insufficient budget to meet hard waste service demand leading to budget over spend*

Inherent Risk	Residual Risk	Target Risk
Medium (1B)	Low (1C)	Low (1E)

The report recommendations will result in a new mitigating action to provide additional budget in 2020-21 and to consider the introduction of a mattress and hard waste user contribution fee from and including 2021-22.

➤ **Financial and Resource Implications**

When provision of the hard waste collection service moved to East Waste in late 2016 a budget cap was placed on the service of \$100,000 based on forecast demand.

For the 2020-21 financial year East Waste have forecast \$151,000 to provide the hard waste collection service. This cost includes collection and disposal costs and is based on expected demand. Council's 2020-21 budget for hard waste collections is \$98,000 aligned with the cap and is therefore \$53,000 short of expected demand determined by and allowed for in the East Waste 2020-21 budget.

Since adoption of the 2020-21 budget the Administration has been analysing the hard waste service and identifying options to reduce the expected forecast shortfall of \$53,000.

The cost to provide the service has increased through cost increases (operational and disposal) and increased demand. A significant contributor to increasing costs is the number of mattresses that are being put out for collection. In 2018-19 there were 237 mattresses collected through the hard waste collection service. This amount almost doubled in 2019-20 with 532 mattresses being collected.

For 2020-21 it is forecast that approximately 600 - 700 mattresses will be collected through the hard waste service. Based on year to date costs to collect and dispose of mattresses it is forecast that mattress collection will cost approximately \$30,000. This report recommends that a mattress contribution fee of 50% be considered during the development of the 2021-22 Annual Business Plan and Budget. This recommendation is discussed in further detail in the Analysis section of this report.

Demand for the hard waste collection service has also resulted in cost increases. In 2017-18 (the first year where East Waste provided the service for a full 12 months) there were 1,100 collections made. In 2019-20 the amount of services provided increased to 1,568. A similar figure is expected for 2020-21. The current Council budget of \$98,000 is expected to cater for 1,000 services therefore it is likely under current budget parameters there will be a shortfall of some 500 services in 2020-21.

To date it has not been appropriate to seek resident feedback and therefore no community engagement has been undertaken on introducing a mattress or hard waste contribution fee or reduction in service levels. Accordingly, this report recommends that additional budget, based on actuals as required, be provided in 2020-21 to meet projected service demand.

In the above manner, and as recommended by this report, consideration can then be given to introducing a mattress collection and hard waste contribution fee as part of the 2021-22 budget deliberation process including seeking community feedback through the Annual Business Plan and Budget consultation process.

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

There has been ongoing and increased demand for the hard waste service. The uptake of the service indicates that residents are satisfied with the collection however if sufficient funding and or changes to the service are not made its delivery in the long term is likely to become unsustainable. The recommendations of this report impact the broader community in a positive sense in that the mattress and hard waste service will be partially funded by those persons electing to use the service rather than being fully funded from general rate revenue.

➤ **Sustainability Implications**

The hard waste service assists residents to maintain their properties in clean and tidy manner which in turn helps to maintain the environment through reduced waste material.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* Following a Council Workshop on 8 December 2020 a hard waste service information email was provided to Council Members

*Advisory Groups:* A presentation was provided and feedback sought from the Sustainability Advisory Group on 3 December 2020

*Administration:* Manager Financial Services  
Director Infrastructure & Operations  
Waste Management Coordinator  
Sustainability Officer  
Executive Leadership Team

*External Agencies:* Eastern Waste Management Authority (East Waste)

*Community:* Not applicable

## **2. BACKGROUND**

A hard waste collection service was provided by Council until 2009 and then ceased due to escalating costs mainly associated with closure of the Mt Charles Landfill. In 2011-12 Council reconsidered the reintroduction of a service and resolved to introduce a limited hard waste collection service in 2012-13 with a budget cap of \$100,000 and inclusion of a resident contribution fee. The service provided for one kerbside collection per financial year per residential property.

Provision of the service to residents was undertaken by a social enterprise organisation and required a \$20 contribution fee from users. The service allowed for approximately 320 services per annum for a budget of \$82,000 in 2015-16.

To ensure value for money, in 2016 an open market procurement process was undertaken. In response, the social enterprise organisation and East Waste submitted bids to provide the service. In late 2016 East Waste were engaged to provide the hard waste collection service. Under the East Waste model no user contribution fee was required and approximately 1000 services could be provided for a budget of \$100,000.

Increased service demand and delivery costs resulted in the service exceeding the \$100,000 cap in 2019-20 with a total cost of \$137,000. Based on current demand it is forecast the service will cost \$150,000 in 2020-21. At current rates, it is expected the \$100,000 budget will be fully spent around March 2021.

The current collection allows residents, churches, sporting clubs and not for profit organisations to dispose of up to 1 x 2 cubic metres of waste per financial year. Residents are also entitled to a free mattress collection in addition to the hard waste pick up. The collections occur every Wednesday and bookings are typically three or four weeks in advance. Advertising for the service is via council's website, social media posts, customer service centres and education stalls.

The hard waste service is costed through two elements, these are disposal costs and collection costs. Disposal costs are incurred on a per tonne basis and collection costs are incurred on a time basis for both human resources and plant utilised by East Waste in providing the service. Mattress collection is undertaken separately to hard waste collections for operational purposes to maximise collection vehicle capacity and for recycling purposes.

### **3. ANALYSIS**

The hard waste service provides a disposal option for those residents who do not have the capacity to dispose of the waste by other means. The service also provides a more convenient disposal option for residents living a large distance from the Heathfield Resource Recovery Centre or other waste disposal facility. The hard waste service may also reduce the risk of illegal dumping. There is potential that illegal dumping may increase if the hard waste service is restricted but currently there is no empirical evidence available to confirm the impact of changes to the hard waste service on illegal dumping. However as illegal dumping is a significant cost (\$75,000 in 2018/19 and \$63,000 in 2019/20) it is pertinent to raise as a consideration.

Uptake of the hard waste service has been widespread across council and not just in the areas furthest from the Heathfield Resource Recovery Centre. It could be assumed that residents living further away from the transfer station may utilise the service more to avoid long drives for waste disposal. According to participating user data between November 2016 and April 2019 highest utilisation of the service corresponded with higher population numbers within larger towns.

The provision of the hard waste collection service does provide community benefits that align with Council's strategic priorities. However, careful management of the cost is required to ensure that increases in service demand do not lead to significant budget pressures on a reoccurring basis into the future.

The current position of the hard waste service is as follows:

- Current \$98,000 budget will allow for approximately 1,000 hard waste collections
- Predicted service demand in 2020-21 is 1,500 collections with a forecast cost of \$150,000
- Predicted service demand in 2021-22 is 1,500 collections with a forecast cost of \$161,000
- Forecast cost per service including mattress collection for 2021-22 is approximately \$107
- Forecast budget short fall for 2020-21 is \$50,000 and for 2021-22 is \$63,000 (approximately)
- Service shortfall in 2020-21 and 2021-22 will be approximately 500 collections
- Mattress collection costs account for approximately \$30,000 based on 2020-21 year to date actuals
- Separating mattress collection costs from the hard waste service in 2021-22 reduces the cost per collection from \$107 to approximately \$87

Noting the above information the Administration has identified the following options for Council Member consideration.

- Option 1 - Cap collections to budgeted amount (from approximately February/ March 2021 – when current budget is forecast to be fully spent)
- Option 2 - Cap collections to budgeted amount, refuse mattresses *from February 2021* and utilise mattress savings to reduce hard waste service shortfall
- Option 3 - Cap collections to budgeted amount, refuse mattresses (*allowing for a full year e.g. 2021-22*) and utilise mattress savings to reduce service shortfall
- Option 4 - Charge a user hard waste collection contribution fee from 2021-22
- Option 5 - Charge a user mattress collection contribution fee from 2021-22
- Option 6 - Reduce service entitlement from once a year to every two years including ongoing mattress collection



- Option 7 - Reduce volume of material allowed per collection to 1m3 from 2m3 including ongoing mattress collection
- Option 8 - Increase budget from \$98,000 to meet demand
- Option 9 – Provide mattress drop off days at Gumeracha (x4), Woodside (x4) and Heathfield (x4)
- Option 10 – Do not provide a hard waste collection service

In regard to the current financial year and as outlined in the Financial and Resource Implications section of this report it is recommend that Option 8 be implemented for the remainder of 2020-21. For the 2021-22 financial year and beyond it is recommended that a combination of Option 4 and Option 5 be considered. Further detail on Option 4 and 5 is provided below.

**Option 4 - Charge a user hard waste collection contribution fee from 2021-22**

Using year to date costs for 2020-21 and allowing 2% for cost increases the contribution required by each user to recover the projected funding shortfall for 2021-22 is \$41. This figure assumes 1,500 services will be provided and is based on current service provisions (including mattress collection) and therefore represent the hard waste collection service currently available.

Alternatively, separating mattress collection costs in their entirety from the hard waste service would reduce the hard waste contribution fee from \$41 to \$21 to recover the projected funding shortfall for 2021-22. Option 5 below provides further detail on mattress collection options.

Assuming mattress collection costs are treated separately Table 1 shows scenarios under a hard waste contribution fee of 25, 50, 75 and 100 percent of hard waste collection costs. The scenarios provided range from 25% to 100% where the hard waste service would be fully self-funding.

**Table 1:** Fee Contribution Scenarios 2021/22 (excludes mattress collection)

<b>Contribution Amount</b>	<b>Services Provided</b>	<b>Cost</b>	<b>Contribution Fee</b>	<b>Contribution Income</b>	<b>Council Cost</b>
25%	1,500	\$131,700	\$22	\$32,900	\$98,800
50%	1,000	\$87,800	\$44	\$43,900	\$43,900
75%	750	\$65,900	\$66	\$49,400	\$16,500
100%	500	\$43,900	\$88	\$43,900	\$0

The figures in Table 1 assume for each increase in the contribution fee service take up would reduce as potential users would be required to contribute more thus making the service less appealing.

Looking forward, as cost increases to provide the service come into effect in future years the 25% contribution fee would be insufficient to maintain the hard waste collection budget at or around \$100,000. To cap the current budget to under \$100,000 for a number of years into the future would require a greater contribution fee. This outcome is feasible as hard waste collection is a discretionary service provided by Council and the contribution fee can be increased to any level desired by Council.

In regard to contribution amount it is proposed that a 50% user contribution fee for hard waste services be considered during the development of the 2021-22 Annual Business Plan and Budget. A 50% contribution fee, based on the provision of 1000 services would result in a Council cost of approximately \$43,000 plus mattress collection costs discussed in Option 5. If a 50% contribution fee was applied and there were 1,500 services provided Council's cost would be \$65,000 plus mattress collection costs.

The figures in Table 1 are provided as an indicative guide and will vary dependent upon actual services booked and costs incurred. For example, if booked services were to reduce from 1,000 to 750 but the distance and time required to travel did not reduce in a corresponding manner the actual costs incurred would vary to those shown in Table 1.

#### Option 5 - Charge a user mattress collection contribution fee from 2021-22

Based on year to date actuals mattress collection is forecast to cost approximately \$30,000 in 2021/22 at an average cost per mattress of \$47. Introducing an 'at cost' fee for mattress collection is an option which would require residents wanting a mattress to be collected to pay, on average, \$47 to dispose of the item.

The mattress service is currently part of the hard waste service and is therefore provided at no cost to users. Accordingly, it is proposed that a 50% mattress contribution fee be considered rather than a full cost recovery fee for service. A 50% mattress contribution fee on average would be \$23.50. If the same resident also booked a hard waste collection they would need to pay the adopted hard waste contribution fee in addition to the mattress collection fee.

Implementing a separate contribution fee for mattress collection ensures 50% of the costs of this service is borne by those persons wanting this service and not subsidised by all users of the hard waste collection. Therefore it is recommended that a mattress collection user contribution fee of 50% be considered as part of the development of the 2021-22 Annual Business Plan and Budget.

From a budget perspective, Council would need to budget \$30,000 for mattress collection which would be offset by \$15,000 from income received from the user contribution fee. This outcome results in a net cost to Council of \$15,000 for mattress collection and is based on the assumptions used in this report and therefore subject to change.

It is proposed to introduce the mattress contribution fee under a pay in advance model. This would eliminate current issues experienced where mattress are booked for pickup but not presented for collection on the day which attracts a \$22 fee payable by Council.

### Combining Options 4 and 5

Based on 650 mattress collection services and 1000 hard waste collection services a combination of Options 4 and 5 would indicatively result in:

- A user contribution fee of 50% of mattress collection costs equating to a fee of approximately \$23.50 on average per mattress
- A user contribution fee of 50% of hard waste collection costs equating to a fee of approximately \$44 per service
- A combined Council budget of initially \$58,900 comprising \$43,900 for hard waste collection and \$15,000 for mattress collection.
- The budget will increase overtime and will vary based on actual services booked and costs incurred

### Comparison Costs

An alternative service to dispose of mattresses and hard waste material is the Heathfield Resource Recovery Centre (HRRC). Mattresses can be taken to the HRRC for a fee of \$24.50. The current cost to dispose of a flat loaded 6 x 4 trailer of hard waste at the HRRC is \$81.50 and \$124.00 for a 6 x 4 raised trailer. For a 6 x 4 caged trailer, which is a similar sized load to that picked up from the hard waste service, the cost is \$161.50.

Further to the above, material must be taken to the HRRC by the resident as opposed to the hard waste collection service where items are collected from outside their property. Comparatively speaking, taking hard waste to the HRRC is not dissimilar to customers taking green organic material to the site for a fee (excluding free green organic drop off days).

### Sustainability Advisory group

Input on the hard waste service was sought from the Sustainability Advisory Group meeting held on Thursday 1 October 2020. A brief outline of the hard waste options was sent to the members a week before the meeting to enable consideration prior to the discussion. The options presented above were discussed with a general preference for a small contribution fee for service and for mattresses to be collected at cost.

### Remaining Options

In regard to the remaining options the following commentary is provided for each as to why they are not recommended.

- Option 1 - Cap collections to budgeted amount (from approximately February/ March 2021 – when current budget is forecast to be fully spent)  
*Not recommended - Approximately 400-500 residents will miss out on collections. Bookings may have been made in advance that won't be honoured. There has been no community consultation undertaken on capping the hard waste service to budget.*
- Option 2 - Cap collections to budgeted amount, refuse mattresses from February 2021 and utilise mattress savings to reduce hard waste service shortfall

*Not recommended – Approximately 200-300 residents will miss out on hard waste collection and no mattresses will be picked up. Community engagement has not been undertaken on change of service level.*

- Option 3 - Cap collections to budgeted amount, refuse mattresses (allowing for a full year e.g. 2021-22) and utilise mattress savings to reduce service shortfall  
*Not recommended – Approximately 300-400 residents will miss out on hard waste collection and no mattresses will be picked up. Community engagement has not been undertaken on change of service level.*
- Option 4 - Charge a user hard waste collection contribution fee from 2021-22  
*Recommended – Discussed above under Option 4 heading. Preferred option of Sustainability Advisory Group (to charge small contribution fee) and Administration in conjunction with Option 5. Reduces the risk of customer dissatisfaction. Provides an equitable service for entire financial year. Enables communication/information transition period with residents in relation to change of service.*
- Option 5 - Charge a user mattress collection contribution fee from 2021-22  
*Recommended – Discussed above under Option 5 heading. Preferred option of Administration in conjunction with Option 4. Reduces the risk of customer dissatisfaction. Provides an equitable service for entire financial year. Enables communication/information transition period with residents to change of service.*
- Option 6 - Reduce service entitlement from once a year to every two years including ongoing mattress collection  
*Not recommended as unable to determine budget impact and may result in significant budget fluctuations from year to year.*
- Option 7 - Reduce volume of material allowed per collection to 1m<sup>3</sup> from 2m<sup>3</sup> including ongoing mattress collection  
*Not Recommended - This option is not recommended as the collection vehicles still need to travel same distances to collect the waste. Residents may place more material on the verge than is allowed resulting in the need to administer follow up action to remove. 1m<sup>3</sup> of material is minor and not likely to make any material difference to residents waste disposal needs.*
- Option 8 - Increase budget from \$98,000 to meet demand  
*Recommended for the remainder of the 2020-21 financial year but no further – This option is not recommended to be ongoing as it would require an additional \$63,000 increase in budget from 2020/21 with mattress collection or \$33,000 additional budget without mattress collection. Future hard waste collection budgets may increase significantly if service demand continues to increase.*
- Option 9 – Provide Mattress drop off days at Gumeracha (x4), Woodside (x4) and Heathfield (x4)  
*Not recommended – Would either require additional budget (\$22,000), or require mattress drop off days to be funded from hard waste collection budget at the expense of those users of the hard waste service who do not put out mattresses for collection.*

- Option 10 – Do not provide a hard waste collection service  
*Not recommended – This option would be a significant service reduction and it is considered that the recommended options provide an appropriate balance between cost management and service delivery.*

#### Concession Fee

As part of Council Member feedback received in regard to hard waste service options the introduction of a concession fee option was flagged to apply to the contribution fee. In terms of the application of concessions, it is noted that the State Government concessions on council rates was abolished with effect from 30 June 2015 and replaced with a State Government single 'cost-of-living payment' provided directly to those entitled.

Notwithstanding the cost of living payment Council's fees and charges register shows a 50% concession discount for dog registration fees and that a reduction for pensioners and other concession card holders may be applicable for accessing development records. No other fees are listed in the Fees and Charges Register as attracting a concession discount.

Whilst East Waste does have the capacity to administer a concession fee system when managing bookings for the hard waste service it is not recommended that a concession fee be applied to the proposed hard waste contribution fee given the vast majority of Council fees and charges do not attract a concession. As such a concession fee is not proposed.

#### Proposal

The introduction of a 50% contribution fee for both hard waste and mattress collections be considered from 2021-22 as:

- It would prevent upward pressure on the hard waste budget through a potential reduction in the costs to provide the service
- It is considerably less than the fee for a 6 x 4 trailer taken to the HRRC
- Will encourage recycling rather than just putting items out for collection via the hard waste service.
- Promotes shared responsibility between council and users of the service in regard to waste management

Any budget reduction would allow for incremental increases to the hard waste budget over the coming years before the budget exceeds the current level of just under \$100,000. Upon reaching this milestone, a review could be undertaken and revised fees established pursuant with the direction of Council at the time. Further, the proposed user contribution fees could be considered a trial and monitored with any material impact being brought to Council for consideration.

The other hard waste contribution fee options outlined in Table 1 are available as alternative options if so desired by Council noting that each has a differing impact on the budget.

#### **4. OPTIONS**

Council has the following options:

- I. Provide additional hard waste budget as required in 2020-21 and to consider introducing a user contribution fee of 50% of costs for both mattress and hard waste collection services from and including 2021-22. This option is recommended as it will allow continuation of the service in 2020-21 as per current service provisions and ensures the hard waste and mattress disposal services are provided in a sustainable manner from 2021-22. (Recommended)
- II. As above under Option 1 but with a different level of hard waste user contribution fee namely 25%, 75% or 100% as determined by Council. This option is considered a secondary preferred option to Option 1 above as it will ensure at a minimum that the current budget will not significantly increase in 2021-22.
- III. Any of the other options outlined in the report. These options are not recommended for the reasons outlined within the report.
- IV. Council also has the option to apply a concession fee to either or both the contribution fees. This option is not recommended as it does not align with the majority of fees and charges applied by Council.

Should the Council identify the need for substantial amendments to the recommendation 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 the Council for further consideration.

#### **5. APPENDIX**

Nil

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Wednesday 27 January 2021  
AGENDA BUSINESS ITEM**

**Item:** 12.5

**Responsible Officer:** Steven Watson  
Governance & Risk Coordinator  
Office of the Chief Executive

**Subject:** Delegations Review January 2021

**For:** Decision

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**SUMMARY**

Section 44 of the *Local Government Act 1999* provides that the Council may delegate a power or function vested or conferred under this or another Act. Some other Acts also contain a specific power of delegation. The Council may at any time, and must within 12 months after the conclusion of each periodic election, review the delegations.

Additionally in accordance with *Section 100* of the *Planning, Development and Infrastructure Act 2016*, Council may consider delegating some or all of the powers and functions of *Planning, Development and Infrastructure Act 2016* as a *Relevant Authority*.

This report addresses Instruments of Delegations under the following Acts:

Instrument of Delegation
<i>Instrument of Delegation under the Burial and Cremation Act 2013 and Burial And Cremation Regulations 2014 (Superseded)</i>
<i>Burial and Cremation Regulations 2014 Updates</i>
<i>Community Titles Act 1996 Updates</i>
<i>Community Titles Act 1996 (Superseded)</i>
<i>Cost of Living Concessions Act 1986 Updates</i>
<i>Crown Land Management Act 2009 Updates</i>
<i>Electricity (Principles of Vegetation Clearance) Regulations 2010 Updates</i>
<i>Electricity Act 1996 Updates</i>
<i>Gas Act 1997 Updates</i>
<i>Heavy Vehicle (Mass Dimension and Loading) National Regulation (NSW) Updates</i>

<i>Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013) Updates</i>
<i>Independent Commissioner Against Corruption Act 2012 Updates</i>
<i>Labour Hire Licensing Act 2017 Updates</i>
<i>Land and Business (Sale and Conveyancing) Act 1994 Updates</i>
<i>Land and Business (Sale and Conveyancing) Act 1994 (Superseded)</i>
<i>Landscape South Australia (General) Regulations 2020 Updates</i>
<i>Landscape South Australia (Water Management) Regulations 2020 Updates</i>
<i>Local Government (Elections) Act 1999 Updates</i>
<i>Local Government (Financial Management) Regulations 2011 Updates</i>
<i>Local Government (General) Regulations 2013 Updates</i>
<i>Local Government (Members Allowances and Benefits) Regulations 2010 Updates</i>
<i>Local Government (Procedures at Meetings) Regulations 2013 Updates</i>
<i>Local Government Act 1999 (Superseded) Updates</i>
<i>Private Parking Areas Act 1986 Updates</i>
<i>Roads (Opening and Closing) Act 1991 Updates</i>
<i>Roads (Opening and Closing) Act 1991 (Superseded)</i>
<i>State Records Act 1997 Updates</i>
<i>Strata Titles Act 1988 Updates</i>
<i>Strata Titles Act 1988 (Superseded)</i>
<i>Development Act 1993 and Development Regulations 2008</i>
<i>Planning, Development and Infrastructure Act 2016 Instrument A (until full PDI commencement)</i>
<i>Planning, Development and Infrastructure Act 2016 Instrument A</i>
<i>Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority</i>
<i>Planning Development and Infrastructure Act 2016 Instrument B</i>
<i>Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 2014 and the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 (Superseded)</i>
<i>Road Traffic Act 1961 - General Approval Instrument of Authorisation</i>



Council currently has many delegations in operation and 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 considered a review of Council's Delegations as presented, the Council hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts:

<b>Instrument of Delegation</b>
<i>Instrument of Delegation under the Burial and Cremation Act 2013 and Burial And Cremation Regulations 2014</i>
<i>Burial and Cremation Regulations 2014</i>
<i>Community Titles Act 1996</i>
<i>Cost of Living Concessions Act 1986</i>
<i>Crown Land Management Act 2009</i>
<i>Electricity (Principles of Vegetation Clearance) Regulations 2010</i>
<i>Electricity Act 1996</i>
<i>Gas Act 1997</i>
<i>Heavy Vehicle (Mass Dimension and Loading) National Regulation (NSW)</i>
<i>Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)</i>
<i>Independent Commissioner Against Corruption Act 2012</i>
<i>Labour Hire Licensing Act 2017</i>
<i>Land and Business (Sale and Conveyancing) Act 1994</i>
<i>Landscape South Australia (General) Regulations 2020</i>
<i>Landscape South Australia (Water Management) Regulations 2020</i>
<i>Local Government (Elections) Act 1999</i>
<i>Local Government (Financial Management) Regulations 2011</i>

<b><i>Local Government (General) Regulations 2013</i></b>
<b><i>Local Government (Members Allowances and Benefits) Regulations 2010</i></b>
<b><i>Local Government (Procedures at Meetings) Regulations 2013</i></b>
<b><i>Local Government Act 1999</i></b>
<b><i>Private Parking Areas Act 1986</i></b>
<b><i>Roads (Opening and Closing) Act 1991</i></b>
<b><i>State Records Act 1997</i></b>
<b><i>Strata Titles Act 1988</i></b>
<b><i>Development Act 1993 and Development Regulations 2008</i></b>
<b><i>Planning, Development and Infrastructure Act 2016 Instrument A (until full PDI commencement)</i></b>
<b><i>Planning, Development and Infrastructure Act 2016 Instrument A</i></b>
<b><i>Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority</i></b>
<b><i>Planning Development and Infrastructure Act 2016 Instrument B</i></b>
<b><i>Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 2014 and the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014</i></b>
<b><i>Road Traffic Act 1961 - General Approval Instrument of Authorisation</i></b>

3. That, having considered a review of Council's Delegations as presented, in exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and statutory instruments made thereunder contained in the proposed Instrument of Delegation attached to the Report dated 27 January 2021 and entitled as detailed in the table below are hereby delegated this 27<sup>th</sup> Day of January 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

<b>Instrument of Delegation</b>	<b>Appendix Number</b>
<b><i>Instrument of Delegation under the Burial and Cremation Act 2013 and Burial And Cremation Regulations 2014 (Superseded)</i></b>	<b>Appendix 2</b>
<b><i>Burial and Cremation Regulations 2014 Updates</i></b>	<b>Appendix 3</b>
<b><i>Community Titles Act 1996 Updates</i></b>	<b>Appendix 4</b>
<b><i>Community_Titles_Act_1996_(Superseded)</i></b>	<b>Appendix 5</b>

<b><i>Cost of Living Concessions Act 1986 Updates</i></b>	<b>Appendix 6</b>
<b><i>Crown Land Management Act 2009 Updates</i></b>	<b>Appendix 7</b>
<b><i>Electricity (Principles of Vegetation Clearance) Regulations 2010 Updates</i></b>	<b>Appendix 8</b>
<b><i>Electricity Act 1996 Updates</i></b>	<b>Appendix 9</b>
<b><i>Gas Act 1997 Updates</i></b>	<b>Appendix 10</b>
<b><i>Heavy Vehicle (Mass Dimension and Loading) National Regulation (NSW) Updates</i></b>	<b>Appendix 11</b>
<b><i>Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013) Updates</i></b>	<b>Appendix 12</b>
<b><i>Independent Commissioner Against Corruption Act 2012 Updates</i></b>	<b>Appendix 13</b>
<b><i>Labour Hire Licensing Act 2017 Updates</i></b>	<b>Appendix 14</b>
<b><i>Land and Business (Sale and Conveyancing) Act 1994 Updates</i></b>	<b>Appendix 15</b>
<b><i>Land and Business (Sale and Conveyancing) Act 1994 (Superseded)</i></b>	<b>Appendix 16</b>
<b><i>Landscape South Australia (General) Regulations 2020 Updates</i></b>	<b>Appendix 17</b>
<b><i>Landscape South Australia (Water Management) Regulations 2020 Updates</i></b>	<b>Appendix 18</b>
<b><i>Local Government (Elections) Act 1999 Updates</i></b>	<b>Appendix 19</b>
<b><i>Local Government (Financial Management) Regulations 2011 Updates</i></b>	<b>Appendix 20</b>
<b><i>Local Government (General) Regulations 2013 Updates</i></b>	<b>Appendix 21</b>
<b><i>Local Government (Members Allowances and Benefits) Regulations 2010 Updates</i></b>	<b>Appendix 22</b>
<b><i>Local Government (Procedures at Meetings) Regulations 2013 Updates</i></b>	<b>Appendix 23</b>
<b><i>Local Government Act 1999 (Superseded) Updates</i></b>	<b>Appendix 24</b>
<b><i>Private Parking Areas Act 1986 Updates</i></b>	<b>Appendix 25</b>
<b><i>Roads (Opening and Closing) Act 1991 Updates</i></b>	<b>Appendix 26</b>
<b><i>Roads (Opening and Closing) Act 1991 (Superseded)</i></b>	<b>Appendix 27</b>
<b><i>State Records Act 1997 Updates</i></b>	<b>Appendix 28</b>
<b><i>Strata Titles Act 1988 Updates</i></b>	<b>Appendix 29</b>
<b><i>Strata Titles Act 1988 (Superseded)</i></b>	<b>Appendix 30</b>

- 3.1. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
4. That, having considered a review of Council's Delegations as presented, in exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Development Act 1993* and *Development Regulations 2008* and the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation attached to the Report dated 27 January 2021 and entitled as detailed in the table below are hereby delegated this 27<sup>th</sup> Day of January 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

Instrument of Delegation	Appendix Number
<i>Development Act 1993 and Development Regulations 2008</i>	Appendix 31
<i>Planning, Development and Infrastructure Act 2016 Instrument A (until full PDI commencement)</i>	Appendix 32
<i>Planning, Development and Infrastructure Act 2016 Instrument A</i>	Appendix 33
<i>Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority</i>	Appendix 34

- 4.1. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
5. That, having considered a review of Council's Delegations as presented, in exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation attached to this Report dated 27 January 2021 and as detailed in the table below are hereby delegated this 27<sup>th</sup> day of January 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

Instrument of Delegation	Appendix Number
<i>Planning Development and Infrastructure Act 2016 Instrument B</i>	Appendix 35

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

6. That, having considered a review of Council's Delegations as presented, the Council hereby delegates the sub-delegation and authorisation of powers under the *Road Traffic Act 1961* this 27th day of January 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

Instrument of Delegation	Appendix Number
<i>Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 2014 and the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 (Superseded)</i>	Appendix 36
Road Traffic Act 1961 - General Approval Instrument of Authorisation	Appendix 37

- 6.1. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with sub-delegation and authorisation of powers under the *Road Traffic Act 1961* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
7. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Instruments during the period of currency.
- 

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

*Strategic Plan 2020-24 – A brighter future*

Goal 5 A Progressive Organisation

Objective O5 We are accountable, informed, and make decisions in the best interests of the whole community

Priority O5.1 Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

### ➤ Legal Implications

*Local Government Act 1999*

Section 44 of the *Local Government Act 1999* provides that the Council may delegate a power or function vested or conferred under this or another Act. Some other Acts also contain a specific power of delegation.

Delegations made by the Council under Section 44 of the *Local Government Act 1999* can be made to a Council committee, a subsidiary of the Council, an employee of the Council, the employee of the Council for the time being occupying a particular office or position or, an authorised person. Other Acts may specify different delegates than the *Local Government Act 1999*.

A delegation made pursuant to Section 44 of the *Local Government Act 1999* is revocable at will and does not prevent the Council from acting in a matter.

There are a number of powers and functions of the *Local Government Act 1999* which the Council cannot delegate. These are set out in Section 44(3) of the *Local Government Act 1999*. If the Council purports to delegate any of these powers or functions, that delegation would be ineffective with any action undertaken in reliance on that delegation being unauthorised. This may cause legal and administrative problems for the Council.

Pursuant to Section 44(3) of the *Local Government Act 1999* there are a number of matters which Councils cannot delegate. They include the following:

- (a) power to make a by-law;
- (b) power to declare rates or a charge with the character of a rate;
- (c) power to borrow money or to obtain other forms of financial accommodation;
- (d) power to adopt or revise a strategic management plan or budget of the council;
- (e) power to approve expenditure of money on works, services or operations of the council not contained in a budget approved by the council;
- (f) power to determine annual allowances under Chapter 5;
- (g) power to approve payment or reimbursement of expenses that may be paid at the discretion of the council and for which the council has not adopted a formal policy or made specific financial provision;
- (h) power to establish a subsidiary, or to participate in the establishment of a regional subsidiary;
- (i) power to make an application or recommendation, or to report or to give a notice, to the Governor or the Minister, being an application, recommendation, report or notice for which provision is made by or under this or another Act;
- (j) power to fix, vary or revoke a fee under section 188(1)(d) to (h);
- (k) a power or function excluded from delegation by the regulations.

Section 44 of the *Local Government Act 1999* sets out various other matters in relation to delegations. For example:

Section 44(6) of the *Local Government Act 1999* provides that the Council must cause a separate record to be kept of all delegations made under Section 44, and the Council may at any time, and must within 12 months after the conclusion of each periodic election, review the delegations.

Section 44(7) of the *Local Government Act 1999* provides that a person is entitled to inspect (without charge) the record of delegations under Section 44(6) at the principal office of the Council during ordinary office hours.

Section 101 of the *Local Government Act 1999* provides that the Chief Executive Officer may delegate (or sub-delegate) a power or function vested or conferred in or on the Chief Executive Officer under the *Local Government Act 1999*. Section 101 sets out various other matters in relation to delegations (or sub-delegations) by the Chief Executive Officer.

A delegation by the Chief Executive Officer made under Section 101 of the *Local Government Act 1999* may be made to an employee of the Council, or to the employee for the time being occupying a particular office or position, a committee comprising employees of the Council, or an authorised person.

*Delegations under the Development Act 1993 and Planning, Development and Infrastructure Act 2016*

In accordance with Section 100 of the *Planning, Development and Infrastructure Act 2016*, Council may consider delegating some or all of the powers and functions as relevant for this Act.

Delegations under the *Development Act 1993* and *Planning, Development and Infrastructure Act 2016* are being dealt with separately to other delegations of statutory powers and functions. This is because template delegations have been specifically developed by the Local Government Association to deal with the staged implementation of the *Planning, Development and Infrastructure Act*.

*Authorisations and sub-delegation under the Road Traffic Act 1961*

The Minister for Transport and Infrastructure granted delegations to the Council under the Instrument of General Approval and Delegation (dated 22 August 2013) (General Approval).

The General Approval permits the Council to:

- (a) sub-delegate the powers under section 33(1) of the Road Traffic Act; and
- (b) authorise employees of the Council to exercise the powers under sections 17 and 20 of the *Road Traffic Act*.

The General Approval requires that the Council's decision to grant an authorisation be recorded in a written instrument signed by the Chief Executive Officer on behalf of the Council. For this reason, the instrument of authorisation includes an execution block for the Chief Executive Officer.

➤ **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**

One of the primary duties of the Governance & Risk Coordinator's (GRC) role is to review and update the council delegations. The GRC utilises a proprietary software package which imports updated Instruments from the Local Government Association. The GRC then liaises with the Chief Executive Officer and People Leaders to review the Instruments before making recommendations back to the Chief Executive Officer for ultimately Council's consideration. The costs for the GRC, the software and the LGA Membership are considered and allowed for in the Annual Business Plan process.

➤ **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.

➤ **Sustainability Implications**

There are no direct sustainability implications from this report.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* Not Applicable

*Advisory Groups:* Not Applicable

*Administration:* The following officers are to be consulted following Councils consideration:

- Chief Executive Officer
- Director Community Capacity and Directorate Officers
- Director Development & Compliance and Directorate Officers
- Director Infrastructure & Operations and Directorate Officers
- Director Development & Regulatory Services and Directorate Officers
- Executive Manager Governance & Performance and Directorate Officers
- Executive Manager Organisational Development and Directorate Officers

*External Agencies:* Not Applicable

*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 to ensure delegations under all Acts/Regulations are reviewed over the course of the Council Term.



### 3. ANALYSIS

The following Acts and Regulations are being reviewed at this time:

- *Burial and Cremation Regulations 2014*
- *Community Titles Act 1996*
- *Cost of Living Concessions Act 1986*
- *Crown Land Management Act 2009*
- *Development Act 1993 and Development Regulations 2008*
- *Electricity (Principles of Vegetation Clearance) Regulations 2010*
- *Electricity Act 1996*
- *Gas Act 1997*
- *Heavy Vehicle (Mass Dimension and Loading) National Regulation (NSW)*
- *Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)*
- *Independent Commissioner Against Corruption Act 2012*
- *Labour Hire Licensing Act 2017*
- *Land and Business (Sale and Conveyancing) Act 1994*
- *Landscape South Australia (General) Regulations 2020*
- *Landscape South Australia (Water Management) Regulations 2020*
- *Local Government (Elections) Act 1999*
- *Local Government (Financial Management) Regulations 2011*
- *Local Government (General) Regulations 2013*
- *Local Government (Members Allowances and Benefits) Regulations 2010*
- *Local Government (Procedures at Meetings) Regulations 2013*
- *Local Government Act 1999*
- *Planning Development and Infrastructure Act 2016 Instrument A*
- *Planning Development and Infrastructure Act 2016 Instrument B*
- *Private Parking Areas Act 1986*
- *Roads (Opening and Closing) Act 1991*
- *Road Traffic Act 1961*
- *State Records Act 1997*
- *Strata Titles Act 1988*

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

Council has the following options:

- I. To determine to 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 (Recommended).
- II. To determine not to delegate to the Chief Executive Officer some or all of the powers and functions contained in the appendices. (Not Recommended).

Should the Council wish to make substantial changes or not delegate the suggested powers and functions contained in the appendices, it is recommended the matter referred to staff for review to allow for analysis of the implications of the amendments, prior to the matter being brought back to the Council for further consideration.

## 5. APPENDICES

- (1) Delegations Review Schedule -**Appendix 1**
- (2) Instruments of Delegation – **Appendices 2 – 37** (detailed in the tables below)

Instrument of Delegation	Appendix Number
<i>Instrument of Delegation under the Burial and Cremation Act 2013 and Burial And Cremation Regulations 2014 (Superseded)</i>	Appendix 2
<i>Burial and Cremation Regulations 2014 Updates</i>	Appendix 3
<i>Community Titles Act 1996 Updates</i>	Appendix 4
<i>Community Titles Act 1996 (Superseded)</i>	Appendix 5
<i>Cost of Living Concessions Act 1986 Updates</i>	Appendix 6
<i>Crown Land Management Act 2009 Updates</i>	Appendix 7
<i>Electricity (Principles of Vegetation Clearance) Regulations 2010 Updates</i>	Appendix 8
<i>Electricity Act 1996 Updates</i>	Appendix 9
<i>Gas Act 1997 Updates</i>	Appendix 10
<i>Heavy Vehicle (Mass Dimension and Loading) National Regulation (NSW) Updates</i>	Appendix 11
<i>Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013) Updates</i>	Appendix 12
<i>Independent Commissioner Against Corruption Act 2012 Updates</i>	Appendix 13
<i>Labour Hire Licensing Act 2017 Updates</i>	Appendix 14
<i>Land and Business (Sale and Conveyancing) Act 1994 Updates</i>	Appendix 15
<i>Land and Business (Sale and Conveyancing) Act 1994 (Superseded)</i>	Appendix 16
<i>Landscape South Australia (General) Regulations 2020 Updates</i>	Appendix 17

<b><i>Landscape South Australia (Water Management) Regulations 2020 Updates</i></b>	<b>Appendix 18</b>
<b><i>Local Government (Elections) Act 1999 Updates</i></b>	<b>Appendix 19</b>
<b><i>Local Government (Financial Management) Regulations 2011 Updates</i></b>	<b>Appendix 20</b>
<b><i>Local Government (General) Regulations 2013 Updates</i></b>	<b>Appendix 21</b>
<b><i>Local Government (Members Allowances and Benefits) Regulations 2010 Updates</i></b>	<b>Appendix 22</b>
<b><i>Local Government (Procedures at Meetings) Regulations 2013 Updates</i></b>	<b>Appendix 23</b>
<b><i>Local Government Act 1999 (Superseded) Updates</i></b>	<b>Appendix 24</b>
<b><i>Private Parking Areas Act 1986 Updates</i></b>	<b>Appendix 25</b>
<b><i>Roads (Opening and Closing) Act 1991 Updates</i></b>	<b>Appendix 26</b>
<b><i>Roads (Opening and Closing) Act 1991 (Superseded)</i></b>	<b>Appendix 27</b>
<b><i>State Records Act 1997 Updates</i></b>	<b>Appendix 28</b>
<b><i>Strata Titles Act 1988 Updates</i></b>	<b>Appendix 29</b>
<b><i>Strata Titles Act 1988 (Superseded)</i></b>	<b>Appendix 30</b>

<b>Instrument of Delegation</b>	<b>Appendix Number</b>
<b><i>Development Act 1993 and Development Regulations 2008</i></b>	<b>Appendix 31</b>
<b><i>Planning, Development and Infrastructure Act 2016 Instrument A (until full PDI commencement)</i></b>	<b>Appendix 32</b>
<b><i>Planning, Development and Infrastructure Act 2016 Instrument A</i></b>	<b>Appendix 33</b>
<b><i>Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority</i></b>	<b>Appendix 34</b>

<b>Instrument of Delegation</b>	<b>Appendix Number</b>
<b><i>Planning Development and Infrastructure Act 2016 Instrument B</i></b>	<b>Appendix 35</b>

<b>Instrument of Delegation</b>	<b>Appendix Number</b>
<b><i>Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 2014 and the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 (Superseded)</i></b>	<b>Appendix 36</b>
<b><i>Road Traffic Act 1961 - General Approval Instrument of Authorisation</i></b>	<b>Appendix 37</b>

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# **Appendix 1**

## *Delegations Review Schedule*

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## Delegations Review Schedule

Legislation	Last Reviewed	Included in this Review 27 January 2021
Burial and Cremation Act 2013	23-Apr-19	YES
Burial and Cremation Regulations 2014	23-Apr-19	YES
Community Titles Act 1996	17-Dec-19	YES
Cost of Living Concessions Act 1986	NEW	YES
Crown Land Management Act 2009	17-Dec-19	YES
Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008, Development (Waste Reform) Variation Regulations 2019	23-Jun-20	YES
Disability Inclusion Act 2018	NEW	NIL
Disability Inclusion Regulations 2019	NEW	NIL
Dog and Cat Management Act 1995	25-Jun-19	NIL
Dog and Cat Management Regulations 2017	25-Jun-19	NIL
Electricity Act 1996	23-Apr-19	YES
Electricity (Principles of Vegetation Clearance) Regulations 2010	23-Apr-19	YES
Electronic Conveyancing National Law (South Australia) Act 2013	24-Sep-19	No Longer an Instrument - delegation of power under section 36(1) of the Local Government Act, which lawyers have advised is a more certain, comprehensive and practical means of delegating council statutory powers vested in any person
Environment Protection Act 1993	23-Apr-19	NIL
Environment Protection Regulations 2009	23-Apr-19	NIL
Environment Protection (Air Quality) Policy 2016	23-Apr-19	NIL
Environment Protection (Noise) Policy 2007	23-Apr-19	NIL
Environment Protection (Used Packaging Materials) Policy 2012	23-Apr-19	NIL
Environment Protection (Waste to Resources) Policy 2010	23-Apr-19	NIL
Expiation of Offences Act 1996	23-Apr-19	NIL
Fences Act 1974	23-Apr-19	NIL
Fines Enforcement and Debt Recovery Act 2017	25-Jun-19	NIL
Fire and Emergency Services Act 2005	24-Sep-19	NIL
Fire and Emergency Services Regulations 2005	24-Sep-19	NIL
Food Act 2001	23-Apr-19	NIL
Food Regulations 2017	NEW	NIL
Freedom of Information Act 1991	25-Jun-19	NIL
Freedom of Information (Fees and Charges) Regulations 2018	25-Jun-19	NIL
Gas Act 1997	23-Apr-19	YES
Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)	17-Dec-19	YES
Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)	NEW	YES
Independent Commissioner Against Corruption Act 2012	NEW	YES
Labour Hire Licensing Act 2017	NEW	YES
Land and Business (Sale and Conveyancing) Act 1994	25-Jun-19	YES
Landscape South Australia Act 2019	NEW	YES
Landscape South Australia (General) Regulations 2020	NEW	YES
Landscape South Australia (Water Management) Regulations 2020	NEW	YES
Liquor Licensing Act 1997	17-Dec-19	NIL
Local Government Act 1999	23-Jun-20	NIL
Local Government (Building Upgrade Agreements) Regulations 2017	NEW	NIL
Local Government (Financial Management) Regulations 2011	NEW	YES
Local Government (General) Regulations 2013	NEW	YES
Local Government (Members Allowances and Benefits) Regulations 2010	NEW	YES

## Delegations Review Schedule

Legislation	Last Reviewed	Included in this Review 27 January 2021
Local Government (Procedures at Meetings) Regulations 2013	NEW	YES
Local Government (Forestry Reserves) Act 1944	NEW	NIL
Local Nuisance and Litter Control Act 2016	23-Apr-19	NIL
Local Nuisance and Litter Control Regulations 2017	23-Apr-19	NIL
Magistrates Court Rules 1992	NEW	NIL
Mining Act 1971	NEW	NIL
Mining Regulations 2011	NEW	NIL
Natural Resources Management Act 2004	25-Jun-19	NIL
Natural Resources Management (Financial Provisions) Regulations 2005	25-Jun-19	NIL
Ombudsman Act 1972	NEW	NIL
Ombudsman Regulations 2020	NEW	NIL
Planning, Development and Infrastructure Act 2016 of Powers of a Council as: A Council: A Designated Authority: A Designated Entity (until full PDI commencement)	23-Jun-20	YES
Planning Development and Infrastructure Act 2016 – Instrument A1 Powers of the Council as a Council, Designated Authority and Designated Entity	23-Jun-20	YES
Planning Development and Infrastructure Act 2016 - Instrument B1, Powers of the Council as a Relevant Authority	23-Jun-20	YES
Planning, Development and Infrastructure Act 2016 - Instrument C1 Powers of an Assessment Panel	10/06/2020 CAP Meeting	Powers rest with CAP
Planning Development and Infrastructure Act 2016 - Instrument D1 Powers of an Assessment Manager	25-Jun-20	Instrument by CEO
Private Parking Areas Act 1986	17-Dec-19	YES
Real Property Act 1886	25-Jun-19	NIL
Roads (Opening and Closing) Act 1991	24-Sep-19	YES
Road Traffic Act 1961	25-Jun-19	YES
Road Traffic (Miscellaneous) Regulations 2014	25-Jun-19	YES
Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014	25-Jun-19	YES
Safe Drinking Water Act 2011	23-Apr-19	NIL
Safe Drinking Water Regulations 2011	23-Apr-19	NIL
South Australian Public Health Act 2011	24-Sep-19	NIL
South Australian Public Health (Fees) Regulations 2019	24-Sep-19	NIL
South Australian Public Health (General) Regulations 2013	24-Sep-19	NIL
South Australian Public Health (Legionella) Regulations 2013	24-Sep-19	NIL
South Australian Public Health (Wastewater) Regulations 2013	24-Sep-19	NIL
State Records Act 1997	24-Sep-19	YES
Strata Titles Act 1988	17-Dec-19	YES
Supported Residential Facilities Act 1992	23-Apr-19	NIL
Supported Residential Facilities Regulations 2009	New	NIL
Unclaimed Good Act 1987	23-Apr-19	No Longer an Instrument - delegation of power under section 36(1) of the Local Government Act, which lawyers have advised is a more certain, comprehensive and practical means of delegating council statutory powers vested in any person
Water Industry Act 2012	23-Apr-19	NIL
Water Industry Regulations 2012	23-Apr-19	NIL
Work Health and Safety Act 2012	17-Dec-19	No Longer an Instrument - delegation of power under section 36(1) of the Local Government Act, which lawyers have advised is a more certain, comprehensive and practical means of delegating council statutory powers vested in any person

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## **Appendix 2**

*Burial and Cremation Act 2013 and Burial And  
Cremation Regulations 2014 (Superseded)*

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**Adelaide Hills Council**

**Delegated Provisions for  
Instrument of Delegation under the Burial and Cremation Act 2013 and  
Burial And Cremation Regulations 2014 (Superseded)**

**Change Report**

**21 January 2021**



## Delegation Sources

- Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014

## Titles

Title	Position	Name
Cemeteries Officer (370)	Cemeteries Officer (370)	
Chief Executive Officer (95)	Chief Executive Officer (95)	
Director Corporate Services (41)	Director Corporate Services (41)	
Director Infrastructure and Operations (114)	Director Infrastructure and Operations (114)	
Elected Body	Council Members 2018 - 2022	
Manager Civil Services (402)	Manager Civil Services (402)	
Manager Property Services (394)	Manager Property Services (394)	
Property Officer (113)	Property Officer (113)	
Ranger (333)	Ranger (333)	
Ranger (357)	Ranger (357)	
Ranger (358)	Ranger (358)	
Ranger (99)	Ranger (99)	
Team Leader Regulatory Services (196)	Team Leader Regulatory Services (196)	

## Delegated Provisions for Instrument of Delegation under the Burial and Cremation Act 2013 and Burial And Cremation Regulations 2014 (Superseded) Showing Changes

Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014			
Section	Item Delegated	Delegate	Conditions and Limitations
s8(2)	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.	Chief Executive Officer (95), Director Corporate Services (41)	NIL
s13(6)	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.	Chief Executive Officer (95), Director Corporate Services (41)	NIL
s18(2)	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.	<del>Chief Executive Officer (95),</del> Elected Body	
s19	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.	<del>Chief Executive Officer (95),</del> Elected Body	
s20	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.	<del>Chief Executive Officer (95),</del> Elected Body	
s21	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.	<del>Chief Executive Officer (95),</del> Elected Body	

## Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014

Section	Item Delegated	Delegate	Conditions and Limitations
s22	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.	<del>Chief Executive Officer</del> (95), Elected Body	
s23	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.	<del>Chief Executive Officer</del> (95), Elected Body	
s24(1)	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  9.1.2 50 or more years have elapsed since human remains were last interred in the cemetery or natural burial ground.	<del>Chief Executive Officer</del> (95), Elected Body	
s24(8)	9. Closure of Cemeteries and Natural Burial Grounds 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:  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:	Chief Executive Officer (95), Director Corporate Services (41), Cemeteries Officer (370), Manager Property Services (394)	NIL

**Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>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</p> <p>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.</p>		
s24(9)	<p>9. Closure of Cemeteries and Natural Burial Grounds</p> <p>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:</p> <p>9.3.1 discharge the interment right and issue to the former holder, free of charge:</p> <p>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</p> <p>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</p> <p>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</p> <p>9.3.3 remove any memorial erected at the original interment site and re position the memorial at the new interment site.</p>	Chief Executive Officer (95), Director Corporate Services (41), Cemeteries Officer (370), Manager Property Services (394)	NIL
s24(10) s24(11)	<p>9. Closure of Cemeteries and Natural Burial Grounds</p> <p>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.</p>	Chief Executive Officer (95), Director Corporate Services (41)	NIL

**Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s24(12)	<p>9. Closure of Cemeteries and Natural Burial Grounds</p> <p>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.</p>	Chief Executive Officer (95)	NIL
s25(4)	<p>10. Dedication of Closed Council Cemeteries as Park Lands</p> <p>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:</p> <p>10.1.1 remove memorials to deceased persons;</p> <p>10.1.2 relocate memorials to deceased persons in the park lands;</p> <p>10.1.3 replace memorials to deceased persons with some other form of memorial in the park lands.</p>	Chief Executive Officer (95)	NIL
s26(2)	<p>11. Conversion of Closed Cemeteries into Public Parks or Gardens</p> <p>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.</p>	Chief Executive Officer (95)	NIL
s24 s26(8)	<p>11. Conversion of Closed Cemeteries into Public Parks or Gardens</p> <p>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:</p> <p>11.2.1 remove memorials to deceased persons;</p> <p>11.2.2 relocate memorials to deceased persons in the park or garden;</p> <p>11.2.3 replace memorials to deceased persons with some other form of memorial in the park or garden.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Manager Civil Services (402)	NIL

**Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s27(1)	<p>12. Powers of Relevant Authorities in Relation to Closed Cemeteries</p> <p>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:</p> <p>12.1.1 construct roads and pathways on the land; and</p> <p>12.1.2 erect or construct buildings or structures on the land; and</p> <p>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</p> <p>12.1.4 erect lighting, seating and any other infrastructure or public amenity; and</p> <p>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.</p>	Chief Executive Officer (95)	NIL
s30(1)	<p>13. Issue of Interment Rights</p> <p>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:</p> <p>13.1.1 identifies the person to whom the interment right is issued; and</p> <p>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</p> <p>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 interred pursuant to the interment right; and</p> <p>13.1.4 specifies the period for which the interment right is granted; and</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Manager Civil Services (402)	NIL

**Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>13.1.5 sets out the rights to renewal of the interment right; and</p> <p>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.</p>		
s30(3)	<p>13. Issue of Interment Rights</p> <p>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.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Manager Civil Services (402)	NIL
s30(4)	<p>13. Issue of Interment Rights</p> <p>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.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Manager Civil Services (402)	NIL
s30(5)	<p>13. Issue of Interment Rights</p> <p>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.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Manager	NIL

**Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Civil Services (402)	
s31	<p>14. Duration of Interment Rights</p> <p>14.1 The power pursuant to Section 31 of the Act where the Council is the relevant authority to issue an interment right:</p> <p>14.1.1 for the period specified in the interment right; or</p> <p>14.1.2 in perpetuity.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Manager Civil Services (402)	NIL
s32(1)	<p>15. Renewal of Interment Rights</p> <p>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.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Manager Civil Services (402)	NIL
s32(1)	<p>15. Renewal of Interment Rights</p> <p>15.2 The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to fix a renewal fee.</p>	Chief Executive Officer (95)	NIL
s33(1)	<p>16. Transfer of Interment Rights</p> <p>16.1 The power pursuant to Section 33(1) of the Act to transfer an interment right.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Manager	NIL



**Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Civil Services (402)	
s38(1)	<p>17. Re-use of Internment Sites</p> <p>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:</p> <p>17.1.1 re-use the internment site to which the interment right related; and</p> <p>17.1.2 remove any memorial to a deceased person erected on or at the site.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Manager Civil Services (402)	NIL
s39(2)	<p>18. Ownership of Memorial</p> <p>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.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Manager Civil Services (402)	NIL
s40	<p>19. Duty to Maintain Memorial</p> <p>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.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Manager Civil Services (402)	NIL
s41(1)	<p>20. Power to Require Repair, Removal or Reinstatement of Memorial</p> <p>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</p>	Chief Executive Officer (95), Director Corporate Services (41), Director	NIL

**Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	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	Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Manager Civil Services (402)	
s41(2)	<p>20. Power to Require Repair, Removal or Reinstatement of Memorial</p> <p>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.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Manager Civil Services (402)	NIL
s41(3)	<p>20. Power to Require Repair, Removal or Reinstatement of Memorial</p> <p>20.3 The power pursuant to Section 41(3) of the Act, subject to Sections 41(4) and (5) of the Act, if:</p> <p>20.3.1 a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe; and</p> <p>20.3.2 urgent action to repair, remove or reinstate the memorial is considered necessary by the delegate,</p> <p>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.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Manager Civil Services (402)	NIL
s42(1)	<p>21. Power of Relevant Authority to Dispose of Unclaimed Memorial</p> <p>21.1 The power pursuant to Section 42(1) of the Act, if:</p> <p>21.1.1 2 years or more have elapsed:</p>	Chief Executive Officer (95), Director Corporate Services (41), Cemeteries Officer (370), Manager Property	NIL

**Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>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</p> <p>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</p> <p>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</p> <p>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:</p> <p>21.1.3.1 by public advertisement in a newspaper circulating throughout the State; and</p> <p>21.1.3.2 by written notice affixed to the memorial; and</p> <p>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</p> <p>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, to remove the memorial from the cemetery or natural burial ground and dispose of it as the delegate thinks fit.</p>	Services (394), Property Officer (113), Manager Civil Services (402)	
s43	<p>22. General Powers of Relevant Authority</p> <p>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:</p> <p>22.1.1 enlarge the cemetery, natural burial ground or crematorium; and</p> <p>22.1.2 improve or embellish the cemetery, natural burial ground or crematorium; and</p> <p>22.1.3 restrict interments in any part of the cemetery or natural burial ground, except as may be required by interment rights granted</p>	Chief Executive Officer (95), Director Corporate Services (41), Cemeteries Officer (370), Manager Property Services (394), Property Officer (113), Manager Civil Services (402)	NIL

**Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	before the commencement of the Act; and  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.		
s45(1), s45(2)	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.	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL
s46(1),s46(2)	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:  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.	Chief Executive Officer (95)	NIL
s46(3)	24. Neglected Cemeteries and Natural Burial Grounds 24.2 The power pursuant to Section 46(3) of the Act, if: 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.	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Cemeteries Officer (370), Manager Property Services (394), Property Officer (113)	NIL

**Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s46(4)	<p>24. Neglected Cemeteries and Natural Burial Grounds</p> <p>24.3 The power pursuant to Section 46(4) of the Act, if:</p> <p>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</p> <p>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.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Cemeteries Officer (370), Manager Property Services (394), Property Officer (113)	NIL
s46(5)	<p>24. Neglected Cemeteries and Natural Burial Grounds</p> <p>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 the notice was given.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL
s47(1)	<p>25. Right of Review</p> <p>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.</p>	Chief Executive Officer (95)	NIL
s48(1)	<p>26. Power of Councils to Accept Conveyance of Cemetery or Natural Burial Ground Land from Trustees</p> <p>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.</p>	<del>Chief Executive Officer (95)</del> , Elected Body	
s49	<p>27. Power of Councils to Assume Administration of Cemeteries and Natural Burial Grounds</p> <p>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:</p> <p>27.1.1 there is no existing relevant authority for the cemetery or natural burial ground; or</p> <p>27.1.2 the relevant authority for the cemetery or natural burial ground is unknown and is not reasonably</p>	<del>Chief Executive Officer (95)</del> , Elected Body	

## Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014

Section	Item Delegated	Delegate	Conditions and Limitations
	ascertainable; or  27.1.3 the relevant authority for the cemetery or natural burial ground agrees to transfer it to the Council.		
s50(2)	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.	Chief Executive Officer (95), Director Corporate Services (41), Cemeteries Officer (370), Manager Property Services (394), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Team Leader Regulatory Services (196)	NIL
s51(2)	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.	<del>Chief Executive Officer (95)</del> , Elected Body	
s52(1)	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.	<del>Chief Executive Officer (95)</del> , Elected Body	
s56(1)	31. Power of Public Trustee to Act on Behalf of Holder of Interment Right etc	Chief Executive Officer	

**Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>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:</p> <p>31.1.1 the holder of an interment right in relation to the cemetery or natural burial ground; or</p> <p>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.</p>	(95), Director Corporate Services (41), Manager Property Services (394)	NIL
s58(2)	<p>32. Authorised Officers</p> <p>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.</p>	Chief Executive Officer (95)	NIL
s58(3)	<p>32. Authorised Officers</p> <p>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.</p>	Chief Executive Officer (95)	NIL
s58(7)	<p>32. Authorised Officers</p> <p>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.</p>	Chief Executive Officer (95)	NIL
r16	<p>33. Filling of Sunken Interment Sites</p> <p>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.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Cemeteries Officer (370), Manager Property Services (394), Property Officer (113), Manager Civil Services (402)	NIL

**Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r19(1)	<p>34. Powers of Relevant Authority in Relation to Mausolea and Vaults</p> <p>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:</p> <p>34.1.1 a mausoleum or vault in the cemetery does not comply with the Regulations; or</p> <p>34.1.2 offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault in the cemetery,</p> <p>open the mausoleum or vault and inspect it.</p>	Chief Executive Officer (95), Director Corporate Services (41)	NIL
r19(2)	<p>34. Powers of Relevant Authority in Relation to Mausolea and Vaults</p> <p>34.2 The power pursuant to Regulation 19(2) of the Regulations, if, after inspecting a mausoleum or vault, the delegate is satisfied that:</p> <p>34.2.1 the mausoleum or vault does not comply with the Regulations; or</p> <p>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.</p>	Chief Executive Officer (95), Director Corporate Services (41)	NIL
r19(3)	<p>34. Powers of Relevant Authority in Relation to Mausolea and Vaults</p> <p>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 a debt from the person.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114)	NIL
r21(2)	<p>35. Removal and Disposal of Name Plate etc from Coffin Before Cremation</p> <p>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:</p> <p>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</p>	<del>Chief Executive Officer (95),</del> Elected Body	



**Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	35.1.2 any other thing that comes into the possession of the Council as a result of a cremation.		
r26	<p>36. Power of Relevant Authority in Relation to Things on Interment Sites</p> <p>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:</p> <p>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</p> <p>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.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Cemeteries Officer (370), Manager Property Services (394), Property Officer (113), Manager Civil Services (402)	NIL
s27(1)	<p>37. Power of Relevant Authority to Require Persons to Leave Cemetery or Natural Burial Ground.</p> <p>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.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Cemeteries Officer (370), Manager Property Services (394), Property Officer (113), Manager Civil Services (402)	NIL

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## **Appendix 3**

### *Burial and Cremation Regulations 2014 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Burial and Cremation Regulations  
2014**

**21 January 2021**

## Delegation Sources

- Burial and Cremation Regulations 2014

## Titles

Title	Position	Name
Cemeteries Officer (370)	Cemeteries Officer (370)	
Chief Executive Officer (95)	Chief Executive Officer (95)	
Director Corporate Services (41)	Director Corporate Services (41)	
Elected Body	Elected Body	
Leading Worker Open Space (Playgrounds and Cemeteries) (471)	Leading Worker Open Space (Playgrounds and Cemeteries) (471)	
Manager Property Services (394)	Manager Property Services (394)	
Property Officer (113)	Property Officer (113)	
Ranger (333)	Ranger (333)	
Ranger (357)	Ranger (357)	
Ranger (358)	Ranger (358)	
Ranger (99)	Ranger (99)	
Team Leader Regulatory Services (196)	Team Leader Regulatory Services (196)	
Team Member Open Space (Playgrounds and Cemeteries) (472)	Team Member Open Space (Playgrounds and Cemeteries) (472)	

## Instrument of Delegation under the Burial and Cremation Regulations 2014

Burial and Cremation Regulations 2014			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
regulation 12(1)	Ensure remains are placed in labelled container and stored in ossuary	Cemeteries Officer, Cemeteries Officer (370), Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Property Officer (113)	NIL
regulation 12(2)	Provide notice to the Attorney-General and Registrar of removal of remains to ossuary	Cemeteries Officer, Cemeteries Officer (370), Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Property Officer (113)	NIL
regulation 16	Fill interment site to level of natural surface	Cemeteries Officer (370), Chief Executive Officer (95), Leading Worker Open Space (Playgrounds and Cemeteries) (471), Manager Property Services (394), Property Officer (113), Team Member Open Space (Playgrounds and Cemeteries) (472)	NIL
regulation 17(2)	Approve manner of marking name plate attached to coffin or bodily remains	Cemeteries Officer (370), Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Property Officer (113)	NIL
regulation 18(1)(a)	Approve construction material for mausoleum or vault	Cemeteries Officer (370), Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Property Officer (113)	NIL
regulation 18(5)	Be satisfied that mausoleum or vault is sealed	Cemeteries Officer (370), Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Property Officer (113)	NIL
regulation 19(1)	Open and inspect mausoleum or vault	Cemeteries Officer (370), Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Property Officer (113)	NIL

## Burial and Cremation Regulations 2014

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
regulation 19(2)	Give notice to take remedial action if mausoleum or vault does not comply with the Burial and Cremation Regulations or offensive odours or noxious gases or fluids have escaped or are escalating from the mausoleum or vault	Cemeteries Officer (370), Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Property Officer (113)	NIL
regulation 19(3)	Cause work to be undertaken if person fails to comply with notice provided under regulation 19(2)	Cemeteries Officer (370), Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Property Officer (113)	NIL
regulation 19(3)	Recover costs of undertaking work if person fails to comply with notice provided under regulation 19(2)	Cemeteries Officer (370), Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Property Officer (113)	NIL
regulation 21(1)	Dispose of name plate, metal or plastic fitting, any other object removed from the exterior of coffin or any other thing in possession due to cremation	Elected Body	NIL
regulation 21(3)	Ensure nameplate is provided to person holding the relevant cremation permit or a person authorised by that person	Elected Body	NIL
regulation 22	Fence the cemetery or natural burial ground	Cemeteries Officer (370), Chief Executive Officer (95), Leading Worker Open Space (Playgrounds and Cemeteries) (471), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Team Leader Regulatory Services (196), Team Member Open Space (Playgrounds and Cemeteries) (472)	NIL
regulation 24(1)	Issue direction to person in charge of a motor vehicle within a cemetery or natural burial ground as to the	Cemeteries Officer (370), Chief Executive Officer (95), Leading Worker Open Space (Playgrounds and Cemeteries) (471), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99),	NIL

## Burial and Cremation Regulations 2014

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	driving of the vehicle	Team Leader Regulatory Services (196), Team Member Open Space (Playgrounds and Cemeteries) (472)	
regulation 24(2)	Issue direction to person in charge of a motor vehicle within a cemetery or natural burial ground as to the parking of the vehicle	Cemeteries Officer (370), Chief Executive Officer (95), Leading Worker Open Space (Playgrounds and Cemeteries) (471), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Team Leader Regulatory Services (196), Team Member Open Space (Playgrounds and Cemeteries) (472)	NIL
regulation 25	Authorise removal, damage, defacement or interference of fixtures, structure or grounds within the cemetery or natural burial ground	Chief Executive Officer (95), Leading Worker Open Space (Playgrounds and Cemeteries) (471), Manager Property Services (394), Property Officer (113), Team Member Open Space (Playgrounds and Cemeteries) (472)	NIL
regulation 26(a)	Cause removal of unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers from the cemetery or natural burial ground	Chief Executive Officer (95), Leading Worker Open Space (Playgrounds and Cemeteries) (471), Manager Property Services (394), Property Officer (113), Team Member Open Space (Playgrounds and Cemeteries) (472)	NIL
regulation 26(b)	Cause pruning, cutting down or removal of plants within the cemetery or natural burial ground	Chief Executive Officer (95), Leading Worker Open Space (Playgrounds and Cemeteries) (471), Manager Property Services (394), Property Officer (113), Team Member Open Space (Playgrounds and Cemeteries) (472)	NIL
regulation 27	Require a person to leave the cemetery or natural burial ground	Chief Executive Officer (95), Leading Worker Open Space (Playgrounds and Cemeteries) (471), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Team Leader Regulatory Services (196), Team Member Open Space (Playgrounds and Cemeteries) (472)	NIL

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## **Appendix 4**

### *Community Titles Act 1996 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Community Titles Act 1996**

**21 January 2021**

## Delegation Sources

- Community Titles Act 1996

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Manager Development Services (72)	Manager Development Services (72)	
Manager Property Services (394)	Manager Property Services (394)	
Property Officer (113)	Property Officer (113)	
Senior Statutory Planner (80)	Senior Statutory Planner (80)	
Statutory Planner (195)	Statutory Planner (195)	
Statutory Planner (215)	Statutory Planner (215)	
Statutory Planner (230)	Statutory Planner (230)	
Statutory Planner (462)	Statutory Planner (462)	
Statutory Planner (82)	Statutory Planner (82)	
Team Leader Statutory Planning (326)	Team Leader Statutory Planning (326)	

## Instrument of Delegation under the Community Titles Act 1996

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 3(11)	Endorse scheme description	Chief Executive Officer (95), Manager Development Services (72), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)	NIL
section 15A(b)(i)	Certify compliance with the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination	Chief Executive Officer (95), Manager Development Services (72), Manager Property Services (394), Property Officer (113), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)	NIL
section 27(1)(b)(i)	Consent to encroachment over land vested in, or under the control, of the council	Chief Executive Officer (95), Manager Property Services (394), Property Officer (113)	NIL
section 30(4)	Require modification to a scheme description prior to endorsing the scheme description	Chief Executive Officer (95), Manager Development Services (72), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)	NIL
section 31(3)	Endorse a certified copy of an amended scheme description	Chief Executive Officer (95), Manager Development Services (72), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)	NIL
section 53A(b)(i)	Certify compliance with the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination	Chief Executive Officer (95), Manager Development Services (72), Manager Property Services (394), Property Officer (113), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)	NIL

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 70(3)	Approve the retention of a primary or secondary lot	Chief Executive Officer (95), Manager Development Services (72), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)	NIL

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# **Appendix 5**

*Community Titles Act 1996 (Superseded)*

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**Adelaide Hills Council**

**Delegated Provisions for  
Instrument of Delegation under the Community Titles Act 1996  
(Superseded)  
Change Report**

**21 January 2021**

## Delegation Sources

- Community Titles Act 1996

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Director Corporate Services (41)	Director Corporate Services (41)	
Director Development and Regulatory Services (70)	Director Development and Regulatory Services (70)	
Director Infrastructure and Operations (114)	Director Infrastructure and Operations (114)	
Elected Body	Council Members 2018 - 2022	
Manager Development Services (72)	Manager Development Services (72)	
Manager Financial Services (214)	Manager Financial Services (214)	
Manager Property Services (394)	Manager Property Services (394)	
Manager Strategic Assets (403)	Manager Strategic Assets (403)	
Senior Statutory Planner (80)	Senior Statutory Planner (80)	
Team Leader Statutory Planning (326)	Team Leader Statutory Planning (326)	

## Delegated Provisions for Instrument of Delegation under the Community Titles Act 1996 (Superseded) Showing Changes

Community Titles Act 1996			
Section	Item Delegated	Delegate	Conditions and Limitations
s3(11)	<p>1. Interpretation</p> <p>1.1 The duty pursuant to Section 3(11) of the Community Titles Act 1996 ("the Act") where the Act requires the scheme description lodged with the Registrar-General to be endorsed by the relevant development authority, and:</p> <p>1.1.1 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 plan of community division have been granted; or</p> <p>1.1.2 no consent or approval is required under that Act in relation to the division of the land (or a change in the use of the land), to, as the relevant development authority, endorse a scheme description to the effect of either subsection 3(11)(b)(i) or (ii) of the Act.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Team Leader Statutory Planning (326)	NIL
s14(1)	<p>2. Application</p> <p>2.1 The power pursuant to Section 14(1) of the Act, where the Council is the registered proprietor of an estate in fee simple in:</p> <p>2.1.1 land comprising an allotment or allotments;</p> <p>2.1.2 land comprising a primary lot or a secondary lot, to apply to the Registrar-General for the division of the land by a plan of community division.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL
s15A(b)(i)	<p>3. Application May Deal With Statutory Encumbrances</p> <p>3.1 The power pursuant to Section 15A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Manager Development	NIL



## Community Titles Act 1996

Section	Item Delegated	Delegate	Conditions and Limitations
		Services (72)	
s16(1)(a)	<p>4. Consents to Application</p> <p>4.1 The power pursuant to Section 16(1)(a) of the Act,</p> <p>4.1.1 where the Council is the holder of a registered encumbrance over the land to be divided; or</p> <p>4.1.2 where deposit of the plan in the Lands Titles Registration Office will affect the estate or interest of the Council in land outside the community parcel; or</p> <p>4.1.3 where deposit of the plan in the Lands Titles Registration Office will operate to vest an estate or interest in land (whether within or outside the community parcel) in the Council to consent to the application.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	Limited to associated road widening or additions to reserves
s21(4)(a)	<p>5. Application to Amend Schedule of Lot Entitlements</p> <p>5.1 The power pursuant to Section 21(4)(a) of the Act, where the Council is</p> <p>5.1.1 the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation authorising the proposed amendment because the Council was not a member of the corporation when the vote was taken; or</p> <p>5.1.2 a prospective owner at the relevant time of a community lot; or</p> <p>5.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot; or</p> <p>5.1.4 where the Council is a person referred to in Section 21(5) of the Act, to consent to the proposed amendment.</p>	Chief Executive Officer (95)	NIL
s21(5)	<p>5. Application to Amend Schedule of Lot Entitlements</p> <p>5.2 The power pursuant to Section 21(5) of the Act:</p> <p>5.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan, and</p>	<del>Chief Executive Officer (95)</del> , Elected Body	

## Community Titles Act 1996

Section	Item Delegated	Delegate	Conditions and Limitations
	<p>where the Council is:</p> <p>5.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amendment because the Council was not a member of the secondary corporation when the vote was taken; or</p> <p>5.2.1.2 a prospective owner at the relevant time of a secondary lot; or</p> <p>5.2.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot; or</p> <p>5.2.2 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan, and where the Council is:</p> <p>5.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment because the Council was not a member of the tertiary corporation when the vote was taken; or</p> <p>5.2.2.2 a prospective owner at the relevant time of a tertiary lot; or</p> <p>5.2.2.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot, to grant consent.</p>		
s27(1)(b)(i)	<p>6. Encroachments</p> <p>6.1 The power pursuant to Section 27(1)(b)(i) of the Act to consent to the encroachment of a building over land not included in a community parcel where the encroachment is over land vested in, or under the control or management of the Council.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Manager Property Services (394), Manager Development Services (72), <a href="#">Team Leader</a>	NIL

## Community Titles Act 1996

Section	Item Delegated	Delegate	Conditions and Limitations
		<a href="#">Statutory Planning (326)</a> ,	
s30(4)	<p>7. Scheme Description</p> <p>7.1 The power pursuant to Section 30(4) of the Act as the relevant development authority to require modifications to a scheme description before endorsing the scheme description to:</p> <p>7.1.1 add any information that is necessary or desirable; or</p> <p>7.1.2 clarify any part of the description; or</p> <p>7.1.3 remove any unnecessary detail.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Manager Development Services (72), Team Leader Statutory Planning (326)	NIL
s31(3)	<p>8. Scheme Description</p> <p>8.1 The power pursuant to Section 31(3) of the Act as the relevant development authority to endorse a certified copy of an amended scheme description.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Manager Property Services (394), Manager Development Services (72), Team Leader Statutory Planning (326)	NIL
s32(1)	<p>9. Persons Whose Consents are Required</p> <p>9.1 The power pursuant to Section 32(1) of the Act, where the Council is:</p> <p>9.1.1 a person who is the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation amending the scheme description because the Council was not then a member of the corporation; or</p> <p>9.1.2 the prospective owner at the relevant time of a community lot;</p> <p>9.1.3 the owner or prospective owner at the relevant time of a development lot;</p>	Chief Executive Officer (95)	NIL

**Community Titles Act 1996**

Section	Item Delegated	Delegate	Conditions and Limitations
	<p>9.1.4 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a community lot or development lot; or</p> <p>9.1.5 the owner or prospective owner at the relevant time of a development lot in a secondary or tertiary scheme that comprises part of the community scheme to which the scheme description relates; or</p> <p>9.1.6 a person referred to Section 32(2) of the Act, to grant consent.</p>		
s32(2)	<p>9. Persons Whose Consents are Required</p> <p>9.2 The power pursuant to Section 32(2) of the Act:</p> <p>9.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and the Council is:</p> <p>9.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amendment to the scheme description because the Council was not then a member of the secondary corporation; or</p> <p>9.2.1.2 the prospective owner at the relevant time of a secondary lot; or</p> <p>9.2.1.3 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a secondary lot or development lot; or</p> <p>9.2.2 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan and the Council is:</p> <p>9.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment to the scheme description because the Council was not then a member of the tertiary corporation; or</p>	Chief Executive Officer (95)	NIL

## Community Titles Act 1996

Section	Item Delegated	Delegate	Conditions and Limitations
	<p>9.2.2.2 the prospective owner at the relevant time of a tertiary lot; or</p> <p>9.2.2.3 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a tertiary lot or development lot, to grant consent.</p>		
s34(6)(e)	<p>9A. By-laws</p> <p>9A.1 The power pursuant to Section 34(6)(e) of the Act, to, within 60 days after service of the notice, apply to the Magistrates Court for revocation of the notice.</p>	Chief Executive Officer (95)	NIL
s34(6)(g)	<p>9A. By-laws</p> <p>9A.2 The power pursuant to Section 34(6)(g) of the Act to withdraw or otherwise discontinue the application for revocation.</p>	Chief Executive Officer (95)	NIL
s36(5)	<p>9B. By-law as to the Exclusive Use of Part of the Common Property</p> <p>9B.1 The power pursuant to Section 36(5) of the Act to provide written consent to the community corporation to make a by-law under Section 36 of the Act.</p>	Chief Executive Officer (95)	NIL
s49(1)	<p>9C. Enforcement of Development Contract</p> <p>9C.1 The power pursuant to Section 49(2) of the Act, where the Council is an owner or occupier of a lot, who is, by virtue of Section 49(1) of the Act, a party to a development contract, to take proceedings for its enforcement (including damages for breach of the contract) in the Magistrates Court against:</p> <p>9C.1.1 the developer; and</p> <p>9C.1.2 if the contract is for the development of a development lot or a community lot – the subsequent owner or owners (if any) of the lot, even though no obligations attach to the corporation, owner and occupier under the contract.</p>	Chief Executive Officer (95)	NIL
s49(2a)	<p>9C. Enforcement of Development Contract</p> <p>9C.2 The power pursuant to Section 49(2a) of the Act to make application to the Magistrates Court to transfer the proceedings to the District Court.</p>	Chief Executive Officer (95)	NIL

**Community Titles Act 1996**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s49(2b)	<p>9C. Enforcement of Development Contract</p> <p>9C.3 The power pursuant to Section 49(2b) of the Act to make application to a court to:</p> <p>9C.3.1 transfer an application under Section 49 of the Act to the Supreme Court on the ground that the application raises a matter of general importance; or</p> <p>9C.3.2 state a question of law for the opinion of the Supreme Court.</p>	Chief Executive Officer (95)	NIL
s52(1)(a)(ii)	<p>10. Application for Amendment</p> <p>10.1 The power pursuant to Section 52(1)(a)(ii) of the Act to make an application for the amendment of a deposited community plan, where the Council is the owner of a community lot that will be affected by the amendment.</p>	Chief Executive Officer (95)	NIL
s52(2)(b)	<p>10. Application for Amendment</p> <p>10.2 The power pursuant to Section 52(2)(b) of the Act, if the boundaries of a community lot or a development lot are affected by the amendment or if a community lot or a development lot is extinguished by the amendment, and the Council is:</p> <p>10.2.1 the owner of the lot (not being an applicant in accordance with Section 52(1)(a)(ii) of the Act; or</p> <p>10.2.2 a person who holds a registered encumbrance over the lot, consent to the amendment.</p>	Chief Executive Officer (95)	NIL
s52(2)(c)	<p>10. Application for Amendment</p> <p>10.3 The power pursuant to Section 52(2)(c) of the Act, where amendment of the plan will operate to vest an estate or interest in land in the Council, to consent to the application.</p>	Chief Executive Officer (95)	NIL
s53(2)	<p>11. Status of Application for Amendment of Plan</p> <p>11.1 The power pursuant to Section 53(2) of the Act, where the Council has consented to an application, to consent to an application being withdrawn or amended.</p>	Chief Executive Officer (95)	NIL
s53(3)	<p>11. Status of Application for Amendment of Plan</p> <p>11.2 The power pursuant to Section 53(3) of the Act to amend the application in order to comply with the Act or</p>	Chief Executive Officer	NIL

Community Titles Act 1996			
Section	Item Delegated	Delegate	Conditions and Limitations
	the Real Property Act 1886 or with a requirement of the Registrar-General under the Act or the Real Property Act 1886.	(95)	
s53A(b)(i)	<p>12. Application May Deal With Statutory Encumbrances</p> <p>12.1 The power pursuant to Section 53A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Manager Property Services (394), Manager Development Services (72), Team Leader Statutory Planning (326)	NIL
s57(2)(b)	<p>13. Alteration of Boundaries of Primary Community Parcel</p> <p>13.1 The power pursuant to Section 57(2)(b) of the Act, if part of an allotment is to be included in the primary parcel and the Council is the registered proprietor of the allotment to be divided from outside the parcel, to make the application jointly with the community corporation.</p>	Chief Executive Officer (95)	NIL
s58(1)	<p>14. Amendment of Plan Pursuant to Development Contract</p> <p>14.1 The power pursuant to Section 58(1) of the Act and in accordance with Sections 58(2), (3) and (4) of the Act, where the Council is the registered proprietor of an estate in fee simple in a development lot, to apply to the Registrar-General for the division of the development lot in pursuant of the development contract and for the consequential amendment of the community plan.</p>	Chief Executive Officer (95)	NIL
s59(1), 59(2) and (3)	<p>15. Amendment by Order of District Court</p> <p>15.1 The power pursuant to Section 59(1) of the Act and in accordance with Sections 59(2) and (3) of the Act to apply to the ERD Court to amend a community plan.</p>	Chief Executive Officer (95)	NIL
s59(3a)	<p>15. Amendment by Order of ERD Court</p> <p>15.2 The power pursuant to Section 59(3a) of the Act to make submissions to the court in relation to the matter.</p>	Chief Executive Officer (95)	NIL

## Community Titles Act 1996

Section	Item Delegated	Delegate	Conditions and Limitations
s61(1)	<p>16. Persons Whose Consents are Required</p> <p>16.1 The power pursuant to Section 61(1) of the Act, where the Council is:</p> <p>16.1.1 a person who is the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation authorising the proposed amalgamation because the Council was not then a member of the corporation; or</p> <p>16.1.2 the prospective owner at the relevant time of a community lot; or</p> <p>16.1.3 the owner or prospective owner at the relevant time of a development lot; or</p> <p>16.1.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or a development lot; or</p> <p>16.1.5 a person referred to in Section 61(2) of the Act, to consent to the amalgamation.</p>	Chief Executive Officer (95)	NIL
s61(2)	<p>16. Persons Whose Consents are Required</p> <p>16.2 The power pursuant to Section 61(2) of the Act,</p> <p>16.2.1 where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan where the Council is:</p> <p>16.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amalgamation because the Council was not then a member of the secondary corporation; or</p> <p>16.2.1.2 the prospective owner at the relevant time of a secondary lot; or</p> <p>16.2.1.3 the owner or prospective owner at the relevant time of a development lot in the secondary</p>	Chief Executive Officer (95)	NIL



## Community Titles Act 1996

Section	Item Delegated	Delegate	Conditions and Limitations
	<p>scheme; or</p> <p>16.2.1.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot or development lot; or</p> <p>16.2.2 where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the plans to be amalgamated are secondary plans a secondary lot is divided by a tertiary plan where the Council is:</p> <p>16.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amalgamation because the Council was not then a member of the tertiary corporation; or</p> <p>16.2.2.2 the prospective owner at the relevant time of a tertiary lot; or</p> <p>16.2.2.3 the owner or prospective owner at the relevant time of a development lot in the tertiary scheme; or</p> <p>16.2.2.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot or development lot, to consent.</p>		
s62(3)	<p>17. Deposit of Amalgamated Plan</p> <p>17.1 The power pursuant to Section 62(3) of the Act, where the Council is:</p> <p>17.1.1 the owner of the servient land; or</p> <p>17.1.2 a person who appears from the Register Book to hold a registered encumbrance over the servient land (other than an easement that will not be affected) to endorse an application for amalgamation with the Council's consent.</p>	Chief Executive Officer (95)	NIL

**Community Titles Act 1996**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s66(1)	<p>18. Persons Whose Consent is Required</p> <p>18.1 The power pursuant to Section 66(1) of the Act, to, where the Council is:</p> <p>18.1.1 an owner at the relevant time of a community lot and a development lot (if any); or</p> <p>18.1.2 the prospective owner at the relevant time of a community lot or a development lot; or</p> <p>18.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or development lot, to give consent to the application.</p>	Chief Executive Officer (95)	NIL
s67(1)	<p>18A. Application to ERD Court</p> <p>18A.1 The power pursuant to Section 67(1) of the Act, to make an application to the ERD Court for an order cancelling a community plan.</p>	Chief Executive Officer (95)	NIL
s67(1a)	<p>18A. Application to ERD Court</p> <p>18A.2 The power pursuant to Section 67(1a) of the Act to make submissions to the Court in relation to the matter.</p>	Chief Executive Officer (95)	NIL
s69(2)(e)	<p>19. Cancellation</p> <p>19.1 The power pursuant to Section 69(2)(e) of the Act to consent to the cancellation of a community plan where the Council is the owner of the servient land or holds a registered encumbrance over the servient land (other than an easement that will not be affected).</p>	Chief Executive Officer (95)	NIL
s69(6)	<p>19. Cancellation</p> <p>19.2 The power pursuant to Section 69(6) of the Act to where the Council is the registered proprietor of the servient land or the dominant land (if any) request an easement be reinstated on cancellation of a plan.</p>	Chief Executive Officer (95)	NIL
s70(2)	<p>20. Division of Primary Parcel Under Part 19AB</p> <p>20.1 The power pursuant to Section 70(2) of the Act, where the Council is:</p> <p>20.1.1 an owner of a primary lot or an owner of a development lot (if any) comprising the primary parcel;</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager	NIL

Community Titles Act 1996			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>20.1.2 if a primary lot is divided by a secondary plan - an owner of the secondary lot and an owner of the development lot (if any) comprising the secondary parcel; or</p> <p>20.1.3 if a secondary lot is divided by a tertiary plan - an owner of a tertiary lot and the owner of a development lot (if any) comprising the tertiary parcel, to endorse a plan of division lodged with the application with the Council's consent.</p>	Property Services (394)	
s84(3), 84(5), (5a) and (6)	<p>21. Voting at General Meetings</p> <p>21.1 The power pursuant to Section 84(3) of the Act, subject to Section 84(8) of the Act and in accordance with Sections 84(5), (5a) and (6) of the Act, to nominate another person to attend and vote at meetings on the Council's behalf.</p>	Chief Executive Officer (95)	NIL
s84(11)	<p>21. Voting at General Meetings</p> <p>21.2 The power pursuant to Section 84(11) of the Act, to exercise an absentee vote on a proposed resolution by giving the secretary written notice of the proposed vote at least six hours before the time of the meeting.</p>	Chief Executive Officer (95)	NIL
s100(1)	<p>22. Administrator of Community Corporation's Affairs</p> <p>22.1 The power pursuant to Section 100(1) of the Act to make application to the District Court or the Magistrates Court to appoint an administrator of the community corporation, or remove or replace an administrator previously appointed.</p>	Chief Executive Officer (95)	NIL
s101(1), 101(5), 101(6)	<p>23. Power to Enforce Duties of Maintenance and Repair etc</p> <p>23.1 The power pursuant to Section 101(6) of the Act, where:</p> <p>23.1.1 -</p> <p>23.1.1.1 the Council incurs costs in complying with a notice under Section 101(1) of the Act; or</p> <p>23.1.1.2 the corporation recovers costs from the Council under Section 101(5) of the Act; and</p> <p>23.1.2 the circumstances out of which the work was required are attributable to the act or default of another person,</p> <p>to recover those costs from that other person as a debt.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	

**Community Titles Act 1996**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s108(1)	<p>24. Right to Inspect Policies of Insurance</p> <p>24.1 The power pursuant to Section 108(1) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the community corporation.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	
s108(2)	<p>24. Right to Inspect Policies of Insurance</p> <p>24.2 The power pursuant to Section 108(2) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the primary community corporation.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	
s108(3)	<p>24. Right to Inspect Policies of Insurance</p> <p>24.3 The power pursuant to Section 108(3) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the primary or secondary corporation.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	
s139(1)	<p>25. Information to be Provided by Corporation</p> <p>25.1 The power pursuant to Section 139(1) of the Act to, make application to a community corporation to:</p> <p>25.1.1 provide a statement setting out:</p> <p>25.1.1.1 particulars of any contribution payable in relation to the lot (including details of any arrears of contributions in relation to the lot); and</p> <p>25.1.1.2 particulars of the assets and liabilities of the corporation; and</p> <p>25.1.1.3 particulars of any expenditure that the corporation has incurred, or has resolved to incur, and to which the owner of the lot must contribute, or is likely to be required to contribute; and</p> <p>25.1.1.4 particulars in relation to any other matter prescribed by regulations; and</p> <p>25.1.2 provide copies of:</p> <p>25.1.2.1 the minutes of general meetings of the corporation and meetings of its management committee (if any) for such period, not exceeding two years, specified in the application; and</p> <p>25.1.2.2 the statement of accounts of the corporation last prepared by the corporation; and</p> <p>25.1.2.3 current policies of insurance taken out by the corporation; and</p> <p>25.1.3 make available for inspection such information as is required to establish the current financial position of the corporation including:</p> <p>25.1.3.1 a copy of the accounting records of the corporation; and</p> <p>25.1.3.2 the minute books of the corporation; and</p> <p>25.1.3.3 any other documentary material prescribed by regulation; and</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214), Manager Property Services (394)	

Community Titles Act 1996			
Section	Item Delegated	Delegate	Conditions and Limitations
	25.1.4 if the community corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract; and 25.1.5 make available for inspection the register maintained under Section 135 of the Act.		
s139(1a), 139(2) and (4)	25. Information to be Provided by Corporation 25.2 The power pursuant to Section 139(1a) of the Act to, subject to Sections 139(2) and (4) of the Act, make application to a community corporation to provide, on a quarterly basis, ADI statements for all accounts maintained by the corporation.	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214), Manager Property Services (394)	
s140(1)	26. Information as to Higher Tier of Community Scheme 26.1 The power pursuant to Section 140(1) of the Act to apply to the primary corporation for information under Section 139 of the Act.	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214), Manager Property Services (394)	
s140(2)	26. Information as to Higher Tier of Community Scheme 26.2 The power pursuant to Section 140(2) of the Act to apply to the primary or secondary corporation for information under Section 139 of the Act.	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214), Manager Property Services (394)	
s141(1)	27. Persons Who May Apply for Relief 27.1 The power pursuant to Section 141(1) of the Act to apply for relief under Part 14 of the Act.	Chief Executive Officer (95)	NIL
s142(2), 142(1)	28. Resolution of Disputes, etc 28.1 The power pursuant to Section 142(2) of the Act, subject to Section 142(1) of the Act, to make an application to the Magistrates Court.	Chief Executive Officer (95)	NIL

Community Titles Act 1996			
Section	Item Delegated	Delegate	Conditions and Limitations
s142(3), 142	28. Resolution of Disputes, etc 28.2 The power pursuant to Section 142(3) of the Act to apply for the permission of the District Court, to bring an application under Section 142 of the Act in the District Court.	Chief Executive Officer (95)	NIL
s142(3), 142	28. Resolution of Disputes, etc 28.3 The power pursuant to Section 142(3) of the Act to, with the permission of the District Court, bring an application under Section 142 in the District Court.	Chief Executive Officer (95)	NIL
s142(4)	28. Resolution of Disputes, etc. 28.4 The power pursuant to Section 142(4) of the Act to make an application to the District Court that proceedings that have been commenced in the Magistrates Court be transferred to the District Court.	Chief Executive Officer (95)	NIL
s142(6), 142	28. Resolution of Disputes, etc. 28.5 The power pursuant to Section 142(6) of the Act to make an application to a court to: 28.5.1 transfer an application under Section 142 of the Act to the Supreme Court on the ground that the application raises a matter of general importance; or 28.5.2 state a question of law for the opinion of the Supreme Court.	Chief Executive Officer (95)	NIL
s142A(3), 142A(1)	29. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold 29.1 The power pursuant to Section 142A(3) of the Act, in the event of a contravention of Section 142A(1) of the Act, to, by notice in writing given at any time before the plan of community division is deposited in the Lands Titles Registration Office, avoid the contract of sale.	Chief Executive Officer (95)	NIL
s 142A(4)	29. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold 29.2 The power pursuant to Section 142A(4) of the Act, if the plan of community division is not deposited in the Lands Titles Registration Office: 29.2.1 within such period after the date of the contract as is specified in the contract in accordance with any requirements specified in the regulations; or	Chief Executive Officer (95)	NIL

Community Titles Act 1996			
Section	Item Delegated	Delegate	Conditions and Limitations
s142A(4)(a)	29. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold 29.2.2 if the contract does not specify a period in accordance with Section 142A(4)(a) of the Act, within 6 months after the date of the contract, to, by notice in writing to the vendor, avoid the contract of sale at any time before the plan is deposited.	Chief Executive Officer (95)	NIL
s146(1), 146(2) - (9)	30. Entry onto Lot or Common Property 30.1 The power pursuant to Section 146(1) of the Act, subject to Sections 146(2) - (9) of the Act, where the Council needs to enter another lot or the common property, in order to exercise rights under an easement for the establishment, maintenance and repair of part of the service infrastructure, to: 30.1.1 give notice to the owner of the lot to be entered; or 30.1.2 where it is necessary to enter the common property, to give notice to the corporation.	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL
s146(4)	30. Entry onto Lot or Common Property 30.2 The power pursuant to Section 146(4) of the Act, if notice is not given (in an emergency) or the period of the notice has expired and it is not possible to gain entry without using force, to use such force as is reasonable in the circumstances.	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL
s146(6)	30. Entry onto Lot or Common Property 30.3 The power pursuant to Section 146(6) of the Act, in an emergency to enter another lot or the common property to assist a person on the lot or common property or to prevent or reduce damage to the lot or another lot or to the common property.	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL

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## **Appendix 6**

*Cost of Living Concessions Act 1986 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Cost of Living Concessions Act  
1986**

**21 January 2021**

## Delegation Sources

- Cost of Living Concessions Act 1986

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Director Corporate Services (41)	Director Corporate Services (41)	
Manager Financial Services (214)	Manager Financial Services (214)	

**Instrument of Delegation under the Cost of Living Concessions Act 1986**

<b>Cost of Living Concessions Act 1986</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
section 6(1)	Apply to the Treasurer for the amount of rates remitted under the Cost of Living Concessions Act to be paid to the rating authority	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL

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## **Appendix 7**

*Crown Land Management Act 2009 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Crown Land Management Act 2009**

**21 January 2021**

## Delegation Sources

- Crown Land Management Act 2009

## Titles

Title	Position	Name
Elected Body	Elected Body	
Manager Property Services (394)	Manager Property Services (394)	
Property Officer (113)	Property Officer (113)	

## Instrument of Delegation under the Crown Land Management Act 2009

Crown Land Management Act 2009			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 18A(1)	Seek the consent of the Minister to the exclusion of dedicated land from classification as community land	Manager Property Services (394), Property Officer (113)	NIL
section 27(2)	Request the Minister to exercise power or functions under Division 4, Part 3 of the Crown Land Management Act in respect of the Adelaide Park Lands under the care, control and management of the council (other than land in relation to which a power to grant easements otherwise exists under the Act or the Real Property Act 1886).	Elected Body	

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## **Appendix 8**

*Electricity (Principles of Vegetation Clearance)  
Regulations 2010 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Electricity (Principles of Vegetation Clearance) Regulations 2010**

**21 January 2021**

## Delegation Sources

- Electricity (Principles of Vegetation Clearance) Regulations 2010

## Titles

Title	Position	Name
Arboriculture and Horticulture Officer (120)	Arboriculture and Horticulture Officer (120)	
Chief Executive Officer (95)	Chief Executive Officer (95)	
Director Infrastructure and Operations (114)	Director Infrastructure and Operations (114)	
Manager Open Space (409)	Manager Open Space (409)	

## Instrument of Delegation under the Electricity (Principles of Vegetation Clearance) Regulations 2010

Electricity (Principles of Vegetation Clearance) Regulations 2010			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
regulation 4(1)	Take reasonable steps to keep vegetation clear of powerlines	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	Nil
regulation 4(2)	Inspect overhead powerlines and clear vegetation	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	Nil
regulation 4(4)	Seek approval of the technical Regulator to keep vegetation clear of powerlines in accordance with the principles set out in regulation 4(2)(b)(ii)	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	Nil
regulation 7(3)	Make submissions to the Technical Regulator regarding an exemption application	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	Nil
regulation 8(2)	Agree a vegetation scheme with an electricity entity governing the way in which the entity will carry out its duty to clear vegetation in the council area or part of the council area	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	Nil
regulation 8(5)(b)	Agree with the electricity entity to vary or revoke a vegetation scheme	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	Nil
regulation 8(6)	Enforce a vegetation clearance scheme with an electricity entity as a contract	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114),	Nil

### Electricity (Principles of Vegetation Clearance) Regulations 2010

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		Manager Open Space (409)	
regulation 10(5)(c)	Agree with an objector as to how an objection regarding the council's intention to enter land is to be resolved	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	Nil
regulation 10(8)	Give notice of intention to enter private land to carry out work under Part 5 of the Act, including a statement of rights of the owner or occupier to lodge an objection under regulation 10	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	Nil

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# **Appendix 9**

*Electricity Act 1996 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Electricity Act 1996**

**21 January 2021**

## Delegation Sources

- Electricity Act 1996

## Titles

Title	Position	Name
Arboriculture and Horticulture Officer (120)	Arboriculture and Horticulture Officer (120)	
Chief Executive Officer (95)	Chief Executive Officer (95)	
Coordinator Civil Projects (109)	Coordinator Civil Projects (109)	
Director Infrastructure and Operations (114)	Director Infrastructure and Operations (114)	
Manager Civil Services (402)	Manager Civil Services (402)	
Manager Open Space (409)	Manager Open Space (409)	

## Instrument of Delegation under the Electricity Act 1996

Electricity Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 4(1)	Authorise a person to exercise powers conferred on a council officer under the Electricity Act	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	NIL
section 47(3)	Agree with an electricity entity to the carrying out of work on public land	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	NIL
section 47(7)	Refer a dispute with an electricity entity regarding whether work should be permitted on public land or the conditions applying to such work to the Minister	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	NIL
section 47(9)(a)	Make representations to the Minister in relation to a dispute with an electricity entity regarding whether work should be permitted on public land or the conditions applying to such work to the Minister	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	NIL
section 47(9)(b)	Agree to settle a dispute with an electricity entity regarding whether work should be permitted on public land or the conditions applying to such work	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	NIL
section 55(1a)	Comply with the requirements of a vegetation clearance scheme	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	NIL
section 55(3)	Carry out vegetation clearance work in relation to vegetation planted or nurtured contrary to the principles of vegetation	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open	NIL



Electricity Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	clearance.	Space (409)	
section 55(3)	Recover the cost of carrying out vegetation clearance work under section 55(3) from a person who planted or nurtured the vegetation	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	NIL
section 55A(1)	Agree a vegetation clearance scheme with an electricity entity	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	NIL
section 55A(4)	Modify a vegetation clearance scheme by written agreement with the electricity entity	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	NIL
section 55B(2)	Ask the Technical Regulator to determine a vegetation clearance scheme dispute under Division 2, Part 5	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	NIL
section 55C(2)(c)	Apply to the Technical Regulator for a decision not to determine a vegetation clearance scheme dispute under Division 2, Part 5	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	NIL
section 55D(2)(a)	Consent to the Technical Regulator conferring on the council the duty to keep vegetation clear of public powerlines	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	NIL
section 55M	Enforce a vegetation clearance scheme with an electricity entity as a contract	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	NIL

Electricity Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 56(1)	Make an arrangement with an electricity entity conferring on the council a specified role in relation to vegetation clearance around public powerlines outside of prescribed areas	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	NIL
section 58A(2)	Agree to contribute to the cost of undergrounding powerlines in the council area on the basis determined by the Minister	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Open Space (409)	NIL
section 58A(5)	Participate in consultation with, and provide proposals to, the Minister in respect of the undergrounding of powerlines	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Coordinator Civil Projects (109), Director Infrastructure and Operations (114), Manager Civil Services (402), Manager Open Space (409)	NIL
section 58A(8)	Participate in consultation with the Minister in respect of a variation of the program for undergrounding of powerlines	Arboriculture and Horticulture Officer (120), Chief Executive Officer (95), Coordinator Civil Projects (109), Director Infrastructure and Operations (114), Manager Civil Services (402), Manager Open Space (409)	NIL

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## **Appendix 10**

*Gas Act 1997 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Gas Act 1997**

**21 January 2021**

## Delegation Sources

- Gas Act 1997

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Director Infrastructure and Operations (114)	Director Infrastructure and Operations (114)	

## Instrument of Delegation under the Gas Act 1997

Gas Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 47(3)(b)	Agree to a gas entity carrying out work on public land owned by the council	Chief Executive Officer (95), Director Infrastructure and Operations (114)	NIL
section 47(7)	Refer a dispute between the council and a gas entity regarding whether work should be permitted on public land of the conditions on which work should be permitted to the Minister	Chief Executive Officer (95), Director Infrastructure and Operations (114)	NIL
section 47(9)(a)	Make representations to the Minister on questions at issue in the dispute	Chief Executive Officer (95), Director Infrastructure and Operations (114)	NIL
section 47(9)(b)	Settle a dispute with a gas entity by agreement	Chief Executive Officer (95), Director Infrastructure and Operations (114)	NIL

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## **Appendix 11**

*Heavy Vehicle (Mass Dimension and Loading) National  
Regulation (NSW) Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Heavy Vehicle (Mass, Dimension  
and Loading) National Regulation (NSW)**

**21 January 2021**



## Delegation Sources

- Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Director Infrastructure and Operations (114)	Director Infrastructure and Operations (114)	
Manager Civil Services (402)	Manager Civil Services (402)	
Technical Officer (104)	Technical Officer (104)	

## Instrument of Delegation under the Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)

Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
regulation 13(1)(b)	Consent to the Regulator making an HML declaration	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
regulation 14(3)	Require a condition on an HML declaration that stated intelligent access conditions are imposed on the use of a stated type of HML heavy vehicle under the higher mass limits in an area or on a route to which the declaration applies	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
regulation 14(4)(a)	Provide to the regulator written reasons for the road manager's decision to give consent to the making of the declaration subject to the condition	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
regulation 14(4)(a)	Provide to the regulator written reasons for the road manager's decision to give consent to the making of the declaration subject to the condition	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
regulation 15(4)(b)	Consent to the amendment of a map or list	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
regulation 18(2)	Request the Regulator to amend or cancel an HML declaration	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
regulation 22(1)(b)	Consent to the Regulator granting an HML permit for an HML heavy vehicle	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services	NIL

### Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		(402), Technical Officer (104)	
regulation 29(4)(c)	Consent to an amendment to an HML permit sought by the holder of the permit	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
regulation 31(2)	Request the Regulator to amend or cancel an HML permit	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
regulation 41(1)	Consent to the declaration by the regulator of areas, roads and routes and major roads under regulation 40	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL

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## **Appendix 12**

*Heavy Vehicle National Law (schedule to the Heavy  
Vehicle National Law (South Australia) Act  
2013) Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Heavy Vehicle National Law  
(schedule to the Heavy Vehicle National Law (South Australia) Act  
2013)**

**21 January 2021**

## Delegation Sources

- Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Director Community Capacity (350)	Director Community Capacity (350)	
Director Infrastructure and Operations (114)	Director Infrastructure and Operations (114)	
Manager Civil Services (402)	Manager Civil Services (402)	
Technical Officer (104)	Technical Officer (104)	

## Instrument of Delegation under the Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)

Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 118(1)(b)	Consent to a mass or dimension exemption (notice) for a category of heavy vehicle	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 124(1)(b)	Consent to a mass or dimension exemption (permit) for a heavy vehicle	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 139(1)(b)	Consent to the grant of a class 2 heavy vehicle authorisation (notice)	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 145(1)(b)	Consent to the grant of a class 2 heavy vehicle authorisation (permit)	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 156(2)	Request an extension to the time periods in section 156(1)	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 156A(4)	Provide a written statement to the Regulator explaining the road manager's decision not to consent to the grant of a mass or dimension authority	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section	Notify the regulator that a route assessment is required for the road manager determining whether to give consent and the fee payable under law (if any) for the	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402),	NIL

Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
159(2)	route assessment	Technical Officer (104)	
section 159(4)(a)	Cease considering whether or not to provide consent pending the payment of a fee	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 160(1)	Require a condition on the mass or dimension authority that:  (a) except in the case of a class 2 heavy vehicle authorisation (notice)—the condition that a stated road condition is imposed on the authority; or  (b) in the case of a class 2 heavy vehicle authorisation (notice)—the condition that a stated road condition of a type prescribed by the national regulations is imposed on the authority	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 160(2)(a)	Provide a written statement to the Regulator explaining the road manager's decision to give consent to the grant of a mass or dimension authority subject to the condition	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 161(1)	Require a condition on the mass or dimension authority that a stated travel condition is imposed on the authority	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 161(2)	Provide a written statement to the Regulator explaining the road manager's decision to give consent to the grant of a mass or dimension authority subject to the condition	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 162(1)	Request the Regulator to impose a stated vehicle conditions on a mass or dimension authority	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL



Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 167(2)(b)	Provide notice of objection to the Regulator in relation to a proposed replacement authority	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 167(2)(b)	Seek an extension of time in which to lodge a notice of objection to a proposed replacement authority	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 167(2)(b)	Provide notice to Regulator that the road manager gives or refuses consent to a proposed replacement authority	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 169(1)	Consent to the grant of a mass or dimension authority for a trial period	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 170(3)	Lodge an objection with the Regulator in respect of the renewal of a mass or dimension authority for a further trial period	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 174(2)	Request the Regulator to amend the mass or dimension authority or cancel the authority	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 176(4)(c)	Consent to an amendment of a mass or dimension authority requested by the holder of the permit	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section	Request the Regulator to amend or cancel a mass or dimension authority	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402),	NIL

Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
178(2)		Technical Officer (104)	
section 611(2)	Apply for a compensation order	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 612(2)(c)	Issue a certificate for the purposes of the assessment of a compensation order	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 613(1)	Provide a copy of a certificate to be submitted under section 612(2)(c) in a proceeding for a compensation order to the defendant at least 28 days prior to the date fixed for the hearing or the proceeding	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 643(2)	Undertake an internal review of a reviewable decision	Chief Executive Officer (95), Director Community Capacity (350), Director Infrastructure and Operations (114)	NIL
section 645(5)	Provide notice of internal review decision and reasons for decision to the Regulator	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL
section 646(a)(ii)	Agree with the Regulator a longer period for undertaking an internal review	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Civil Services (402), Technical Officer (104)	NIL

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## **Appendix 13**

*Independent Commissioner Against Corruption Act  
2012 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Independent Commissioner  
Against Corruption Act 2012**

**21 January 2021**

## Delegation Sources

- Independent Commissioner Against Corruption Act 2012

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Director Community Capacity (350)	Director Community Capacity (350)	
Director Corporate Services (41)	Director Corporate Services (41)	
Director Development and Regulatory Services (70)	Director Development and Regulatory Services (70)	
Director Infrastructure and Operations (114)	Director Infrastructure and Operations (114)	
Executive Manager Governance and Performance (349)	Executive Manager Governance and Performance (349)	
Executive Manager Organisational Development (310)	Executive Manager Organisational Development (310)	

## Instrument of Delegation under the Independent Commissioner Against Corruption Act 2012

Independent Commissioner Against Corruption Act 2012			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 20(3)(a)	Report to the Office for Public Integrity in accordance with the directions issued under section 20(1) of the Independent Commissioner Against Corruption Act	Chief Executive Officer (95), Director Community Capacity (350), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Governance and Performance (349), Executive Manager Organisational Development (310)	NIL
section 20(3)(b)	Report to the Office for Public Integrity any matter the council reasonably suspects involves corruption misconduct or maladministration in public administration	Chief Executive Officer (95), Director Community Capacity (350), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Governance and Performance (349), Executive Manager Organisational Development (310)	NIL
section 23(3)	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the Office for Public Integrity requires, verify the statement by statutory declaration	Chief Executive Officer (95), Director Community Capacity (350), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Governance and Performance (349), Executive Manager Organisational Development (310)	NIL
section 24(2)	Act on a referral from the Independent Commissioner Against Corruption	Chief Executive Officer (95), Director Community Capacity (350), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Governance and Performance (349), Executive Manager Organisational Development (310)	NIL
section 28	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the person heading the	Chief Executive Officer (95), Director Community Capacity (350), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager	NIL

## Independent Commissioner Against Corruption Act 2012

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	investigation requires, verify the statement by statutory declaration	Governance and Performance (349), Executive Manager Organisational Development (310)	
section 34(1)	Undertake a joint investigation with the Independent Commissioner Against Corruption	Chief Executive Officer (95), Director Community Capacity (350), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Governance and Performance (349), Executive Manager Organisational Development (310)	NIL
section 34(3)	Provide comments to the Independent Commissioner Against Corruption with respect to the terms of a notice issued under section 34(1) of the Independent Commissioner Against Corruption Act	Chief Executive Officer (95), Director Community Capacity (350), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Governance and Performance (349), Executive Manager Organisational Development (310)	NIL
section 36(1)(b)	Act on a referral from the Independent Commissioner Against Corruption	Chief Executive Officer (95), Director Community Capacity (350), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Governance and Performance (349), Executive Manager Organisational Development (310)	NIL
section 36(4)	Comply with direction or guidance given by the Independent Commissioner Against Corruption	Chief Executive Officer (95), Director Community Capacity (350), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Governance and Performance (349), Executive Manager Organisational Development (310)	NIL
section 36(8)	Provide comments to the Independent Commissioner Against Corruption	Chief Executive Officer (95), Director Community Capacity (350), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager	NIL

## Independent Commissioner Against Corruption Act 2012

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		Governance and Performance (349), Executive Manager Organisational Development (310)	
section 38(1)	Provide views to the Independent Commissioner Against Corruption or Office for Public Integrity on proposed referral of a matter raising a potential issue of misconduct or maladministration in public administration	Chief Executive Officer (95), Director Community Capacity (350), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Governance and Performance (349), Executive Manager Organisational Development (310)	NIL
section 38(2)	Comply with direction or guidance given by the Independent Commissioner Against Corruption of office for Public Integrity	Chief Executive Officer (95), Director Community Capacity (350), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Governance and Performance (349), Executive Manager Organisational Development (310)	NIL
section 38(7a)	Provide comments to the Independent Commissioner Against Corruption	Chief Executive Officer (95), Executive Manager Governance and Performance (349)	NIL
section 40(2)	Assist the Independent Commissioner Against Corruption in an evaluation of the practices, policies and procedures of the council	Chief Executive Officer (95), Director Community Capacity (350), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Governance and Performance (349), Executive Manager Organisational Development (310)	NIL
section 41(1)	Comply with recommendations of the Independent Commissioner Against Corruption	Chief Executive Officer (95), Director Community Capacity (350), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Governance and Performance (349), Executive Manager Organisational Development (310)	NIL



### Independent Commissioner Against Corruption Act 2012

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 40(4)	Provide comments to the Independent Commissioner Against Corruption	Chief Executive Officer (95), Director Community Capacity (350), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Governance and Performance (349), Executive Manager Organisational Development (310)	NIL
section 44(1)	Assist public officers of the council to comply with requirements and directions issued under the Independent Commissioner Against Corruption Act	Chief Executive Officer (95), Director Community Capacity (350), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Governance and Performance (349), Executive Manager Organisational Development (310)	NIL
clause 3(3), Schedule 4	Act on a referral of a reviewer	Chief Executive Officer (95), Director Community Capacity (350), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Governance and Performance (349), Executive Manager Organisational Development (310)	NIL

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## **Appendix 14**

*Labour Hire Licensing Act 2017 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Labour Hire Licensing Act 2017**

**21 January 2021**

## Delegation Sources

- Labour Hire Licensing Act 2017

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Director Corporate Services (41)	Director Corporate Services (41)	
Executive Manager Organisational Development (310)	Executive Manager Organisational Development (310)	

## Instrument of Delegation under the Labour Hire Licensing Act 2017

Labour Hire Licensing Act 2017			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 16(1)	Lodge an objection with the Commissioner of Consumer Affairs to an application for a licence under section 15 of the Labour Hire Licensing Act 2017	Chief Executive Officer (95), Director Corporate Services (41), Executive Manager Organisational Development (310)	Subject to approval by the Chief Executive Officer.
section 32(2)	Lodge an objection with the Commissioner of Consumer Affairs to an application for a licence to which section 31 of the Labour Hire Licensing Act 2017 applies	Chief Executive Officer (95), Director Corporate Services (41), Executive Manager Organisational Development (310)	Subject to approval by the Chief Executive Officer.
section 42(2)	Appeal against the grant of a licence to the District Court	Chief Executive Officer (95), Director Corporate Services (41), Executive Manager Organisational Development (310)	Subject to approval by the Chief Executive Officer.
section 42(4)	Require the Commissioner for Consumer Affairs to provide reasons for the Commissioner's decision of grant a licence	Chief Executive Officer (95), Director Corporate Services (41), Executive Manager Organisational Development (310)	NIL

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## **Appendix 15**

*Land and Business (Sale and Conveyancing) Act 1994  
Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Land and Business (Sale and  
Conveyancing) Act 1994**

**21 January 2021**

## Delegation Sources

- Land and Business (Sale and Conveyancing) Act 1994

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Information Management Admin Officer (436)	Information Management Admin Officer (436)	
Information Management Officer (457)	Information Management Officer (457)	
Information Management Officer Tech Records (434)	Information Management Officer Tech Records (434)	
Team Leader Information Management (433)	Team Leader Information Management (433)	



## Instrument of Delegation under the Land and Business (Sale and Conveyancing) Act 1994

Land and Business (Sale and Conveyancing) Act 1994			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 7	Respond to inquiries regarding prescribed matters by a vendor of land	Chief Executive Officer (95), Information Management Admin Officer (436), Information Management Officer (457), Information Management Officer Tech Records (434), Team Leader Information Management (433)	NIL
section 8	Respond to inquiries regarding prescribed matters by a vendor of a small business	Chief Executive Officer (95), Information Management Admin Officer (436), Information Management Officer (457), Information Management Officer Tech Records (434), Team Leader Information Management (433)	NIL
section 12	Provide information regarding any charge or prescribed encumbrance over land within the council's area of which the council has the benefit or insurance under Division 3 of Part 5 of the Building Work Contractors Act 1995 in relation to a building on land within the council's area	Chief Executive Officer (95), Information Management Admin Officer (436), Information Management Officer (457), Information Management Officer Tech Records (434), Team Leader Information Management (433)	NIL

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## **Appendix 16**

*Land and Business (Sale and Conveyancing) Act 1994  
(Superseded)*

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**Adelaide Hills Council**

**Delegated Provisions for  
Instrument of Delegation under the Land and Business (Sale and  
Conveyancing) Act 1994 (Superseded)  
Change Report**

**21 January 2021**

## Delegation Sources

- Land and Business (Sale and Conveyancing) Act 1994

## Titles

Title	Position	Name
Administration Building Support Officer (418)	Administration Building Support Officer (418)	
Administration Support Officer (369)	Administration Support Officer (369)	
Chief Executive Officer (95)	Chief Executive Officer (95)	
Coordinator Civil Operations (117)	Coordinator Civil Operations (117)	
Coordinator Civil Projects (109)	Coordinator Civil Projects (109)	
Customer Service Officer (382)	Customer Service Officer (382)	
Customer Service Officer (59)	Customer Service Officer (59)	
Customer Service Officer (62)	Customer Service Officer (62)	
Customer Service Officer (66)	Customer Service Officer (66)	
Customer Service Officer (68a)	Customer Service Officer (68a)	
Customer Service Officer (68b)	Customer Service Officer (68b)	
Customer Service Officer (8)	Customer Service Officer (8)	
Customer Service Officer Casual (197)	Customer Service Officer Casual (197)	
Customer Service Officer Casual (20)	Customer Service Officer Casual (20)	
Customer Service Officer Casual (21)	Customer Service Officer Casual (21)	
Customer Service Officer Casual (267)	Customer Service Officer Casual (267)	
Customer Service Officer Casual (281)	Customer Service Officer Casual (281)	
Customer Service Officer Casual (359)	Customer Service Officer Casual (359)	
Customer Service Officer Casual (60)	Customer Service Officer Casual (60)	
Development Administration Support Officer (76)	Development Administration Support Officer (76)	
Development Services Assistant (Duty Planner)(265a)	Development Services Assistant (Duty Planner)(265a)	
Development Services Assistant (Duty Planner)(265b)	Development Services Assistant (Duty Planner)(265b)	
Director Community Capacity (350)	Director Community Capacity (350)	
Director Corporate Services (41)	Director Corporate Services (41)	
Director Development and Regulatory	Director Development and Regulatory	

Adelaide Hills Council

Title	Position	Name
Services (70)	Services (70)	
Director Infrastructure and Operations (114)	Director Infrastructure and Operations (114)	
E-Development Officer (417)	E-Development Officer (417)	
Environmental Health Officer (241)	Environmental Health Officer (241)	
Environmental Health Officer (294)	Environmental Health Officer (294)	
Environmental Health Officer (91)	Environmental Health Officer (91)	
Environmental Health Project Officer (97)	Environmental Health Project Officer (97)	
Finance Officer (346)	Finance Officer (346)	
Home Services Support Officer (25)	Home Services Support Officer (25)	
Information Management Admin Officer (436)	Information Management Admin Officer (436)	
Manager Civil Services (402)	Manager Civil Services (402)	
Manager Development Services (72)	Manager Development Services (72)	
Manager Financial Services (214)	Manager Financial Services (214)	
Manager Open Space (409)	Manager Open Space (409)	
Manager Property Services (394)	Manager Property Services (394)	
Manager Strategic Assets (403)	Manager Strategic Assets (403)	
Manager Sustainability Waste & Emergency Mgmt (93)	Manager Sustainability Waste & Emergency Mgmt (93)	
Project Officer (421)	Project Officer (421)	
Project Officer (422)	Project Officer (422)	
Property Officer (113)	Property Officer (113)	
Rates Officer (43)	Rates Officer (43)	
Regulatory Support Officer (101)	Regulatory Support Officer (101)	
Senior Civil Engineer (184)	Senior Civil Engineer (184)	
Senior Customer Service Officer (307)	Senior Customer Service Officer (307)	
Senior Customer Service Officer (34)	Senior Customer Service Officer (34)	
Senior Rates Officer (45)	Senior Rates Officer (45)	
Senior Statutory Planner (80)	Senior Statutory Planner (80)	
Services Coordinator (35)	Services Coordinator (35)	
Statutory Planner (195)	Statutory Planner (195)	
Statutory Planner (215)	Statutory Planner (215)	
Statutory Planner (230)	Statutory Planner (230)	

Adelaide Hills Council

<b>Title</b>	<b>Position</b>	<b>Name</b>
Statutory Planner (462)	Statutory Planner (462)	
Statutory Planner (82)	Statutory Planner (82)	
Team Leader Customer Service (389)	Team Leader Customer Service (389)	
Team Leader Environmental Health (96)	Team Leader Environmental Health (96)	
Team Leader Information Management (433)	Team Leader Information Management (433)	
Team Leader Positive Ageing (208)	Team Leader Positive Ageing (208)	
Team Leader Regulatory Services (196)	Team Leader Regulatory Services (196)	
Team Leader Statutory Planning (326)	Team Leader Statutory Planning (326)	
Technical Information Management Officer (435)	Technical Information Management Officer (435)	

## Delegated Provisions for Instrument of Delegation under the Land and Business (Sale and Conveyancing) Act 1994 (Superseded) Showing Changes

Land and Business (Sale and Conveyancing) Act 1994			
Section	Item Delegated	Delegate	Conditions and Limitations
s12(1)	<p>1. The duty pursuant to Section 12(1) of the Land and Business (Sale and Conveyancing) Act 1994 ("the Act") within eight clear business days after receiving a request for information under this Section, to provide the applicant with information reasonably required as to -</p> <p>1.1 any charge or prescribed encumbrance over land within the Council's area of which the Council has the benefit; or</p> <p>1.2 insurance under Division 3 of Part 5 of the Building Work Contractors Act 1995, in relation to a building on land within the Council's area.</p>	<p>Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Customer Service Officer Casual (197), Customer Service Officer Casual (20), Customer Service Officer Casual (21), Customer Service Officer Casual (267), Customer Service Officer Casual (281), Customer Service Officer Casual (359), Customer Service Officer Casual (60), Customer Service Officer (382), Customer Service Officer (59), Customer Service Officer (62), Customer Service Officer (66), Customer Service Officer (68a), Customer Service Officer (68b), Customer Service Officer (8), Home</p>	

**Land and Business (Sale and Conveyancing) Act 1994**

Section	Item Delegated	Delegate	Conditions and Limitations
		Services Support Officer (25), Senior Customer Service Officer (307), Senior Customer Service Officer (34), Services Coordinator (35), Team Leader Customer Service (389), Team Leader Positive Ageing (208), Finance Officer (346), Information Management Admin Officer (436), Manager Financial Services (214), Manager Property Services (394), Property Officer (113), Rates Officer (43), Senior Rates Officer (45), Team Leader Information Management (433), Technical Information Management Officer (435), Administration Building Support Officer (418), Administration Support Officer (369), Development Administration Support Officer (76), Development Services Assistant (Duty Planner)(265a), Development Services Assistant (Duty Planner)(265b), E-	



**Land and Business (Sale and Conveyancing) Act 1994**

Section	Item Delegated	Delegate	Conditions and Limitations
		Development Officer (417), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Manager Development Services (72), Regulatory Support Officer (101), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), Coordinator Civil Operations (117), Coordinator Civil Projects (109), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Project Officer (421),	

Land and Business (Sale and Conveyancing) Act 1994			
Section	Item Delegated	Delegate	Conditions and Limitations
		Project Officer (422), Senior Civil Engineer (184), Statutory Planner (462)	

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## **Appendix 17**

*Landscape South Australia (General) Regulations 2020  
Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Landscape South Australia  
(General) Regulations 2020**

**21 January 2021**

## Delegation Sources

- Landscape South Australia (General) Regulations 2020

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Manager Sustainability Waste & Emergency Mgmt (93)	Manager Sustainability Waste & Emergency Mgmt (93)	

## Instrument of Delegation under the Landscape South Australia (General) Regulations 2020

Landscape South Australia (General) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
regulation 10(1)(b)	Make submissions to the regional landscape board	Chief Executive Officer (95), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
regulation 13(3)	Pay monies to the regional landscape board	Chief Executive Officer (95), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
regulation 14(9)	Furnish a regional landscape board with a reasonable estimate of the costs that the council expects to claim under regulation 14 of the Landscape South Australia (General) Regulations 2019	Chief Executive Officer (95), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
regulation 14(13)	Furnish a regional landscape board with an invoice setting out the amount the council is claiming and the calculations used by the council to determine the amount	Chief Executive Officer (95), Manager Sustainability Waste & Emergency Mgmt (93)	NIL

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## **Appendix 18**

*Landscape South Australia (Water Management)  
Regulations 2020 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Landscape South Australia (Water Management) Regulations 2020**

**21 January 2021**



## Delegation Sources

- Landscape South Australia (Water Management) Regulations 2020

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Manager Sustainability Waste & Emergency Mgmt (93)	Manager Sustainability Waste & Emergency Mgmt (93)	

## Instrument of Delegation under the Landscape South Australia (Water Management) Regulations 2020

Landscape South Australia (Water Management) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
regulation 22(2)	Determine the form of notice to be provided for the purpose of section 113(2)(c) of the Landscape South Australia Act	Chief Executive Officer (95), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
regulation 24(2)	Increase the period of time for the purposes of section 113(5) of the Landscape South Australia Act from the period prescribed in regulation 24(1) of the Landscape South Australia (Water Management ) Regulations	Chief Executive Officer (95), Manager Sustainability Waste & Emergency Mgmt (93)	NIL

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## **Appendix 19**

*Local Government (Elections) Act 1999 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Local Government (Elections) Act  
1999**

**21 January 2021**

## Delegation Sources

- Local Government (Elections) Act 1999

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Elected Body	Elected Body	
Executive Manager Governance and Performance (349)	Executive Manager Governance and Performance (349)	
Governance and Risk Coordinator (414)	Governance and Risk Coordinator (414)	

## Instrument of Delegation under the Local Government (Elections) Act 1999

Local Government (Elections) Act 1999			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 4(2)(d)	Fix a day for a poll	Chief Executive Officer (95)	Subject to Council resolving a poll will be held.
section 8(1)	Appoint a person or persons to the office or offices not filled by a supplementary election which has wholly or partially failed or been declared void	Elected Body	
section 9(1)	Hold a poll	Elected Body	
section 9(3)	Fix a day as polling day for a poll by notice in a newspaper circulating in the council area	Chief Executive Officer (95), Executive Manager Governance and Performance (349)	NIL
section 9(4)	Fix a day as the day on which the voters roll for the purposes of the poll closes	Chief Executive Officer (95), Executive Manager Governance and Performance (349)	NIL
section 10(3)	Nominate a person as a deputy returning officer of the council area	Chief Executive Officer (95), Executive Manager Governance and Performance (349)	Except where the nominee is a delegate.
section 10(9)	Participate in consultation with the Electoral Commissioner regarding the proposed removal of a deputy returning officer nominated by the council	Chief Executive Officer (95), Executive Manager Governance and Performance (349)	Except where the deputy returning officer is a delegate.
section	Provide information, education and publicity designed to promote public participation in the	Chief Executive Officer (95), Executive	NIL

**Local Government (Elections) Act 1999**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
12(b)	electoral processes for its area, to inform potential voters about the candidates who are standing for election in its area, and to advise its local community about the outcome of elections and polls conducted in its area	Manager Governance and Performance (349), Governance and Risk Coordinator (414)	
section 13A(2)(a)	Inform potential electors in the council area of the requirements to be enrolled on the voters roll	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	NIL
section 13A(2)(b)	Arrange advertising Informing potential electors in the council area of the requirements to be enrolled on the voters roll	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	NIL
section 15(14)	Provide copies of the voters roll for the council area for inspection at the principal office of the council	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	NIL
section 15(15)	Provide a copy of the voters roll in printed form to a nominated candidate for the election	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	NIL
section 55(1)	Participate in consultation with the returning officer regarding the use of a computer program to carry out steps involved in the recording, scrutiny or counting of votes in an election or poll	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	NIL

Local Government (Elections) Act 1999			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 70(3)	Contest a petition to the Court by lodging a reply	Chief Executive Officer (95), Executive Manager Governance and Performance (349)	NIL
section 75(1)(a)	Participate in proceedings as a party pursuant to an order of the Court	Chief Executive Officer (95), Executive Manager Governance and Performance (349)	NIL
section 75(1)(b)	Apply to intervene in proceedings	Chief Executive Officer (95), Executive Manager Governance and Performance (349)	NIL
section 75(3)	Intervene in proceedings in the manner and to the extent directed by the Court and on such other conditions as the court directs	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	NIL
section 76	Engage counsel to represent the council in proceedings	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	NIL
section 76	Apply to the court to refer a question of law to the Full Court of the Supreme Court	Chief Executive Officer (95), Executive Manager Governance and Performance (349)	NIL
section 91A(1)	Prepare and adopt a caretaker policy	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator	Policy to be approved by Council.



**Local Government (Elections) Act 1999**

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		(414)	
section 91A(3)	Apply in writing for an exemption from the prohibition against making a designated decision during an election period	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	NIL

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## **Appendix 20**

*Local Government (Financial Management) Regulations  
2011 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Local Government (Financial  
Management) Regulations 2011**

**21 January 2021**

## Delegation Sources

- Local Government (Financial Management) Regulations 2011

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Director Corporate Services (41)	Director Corporate Services (41)	
Elected Body	Elected Body	
Executive Manager Governance and Performance (349)	Executive Manager Governance and Performance (349)	
Manager Financial Services (214)	Manager Financial Services (214)	
Manager Strategic Assets (403)	Manager Strategic Assets (403)	

## Instrument of Delegation under the Local Government (Financial Management) Regulations 2011

Local Government (Financial Management) Regulations 2011			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
regulation 9(1)	Prepare and consider the reports prescribed in regulation 9(1) of the Local Government (Financial Management) Regulations	Elected Body	
regulation 10(1)	Prepare and consider the report prescribed in regulation 10(1) of the Local Government (Financial Management) Regulations	Elected Body	
regulation 11(1)	Prepare and maintain all accounting records, accounts and financial statements in accordance with all relevant Australian Accounting Standards	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
regulation 12	Revalue all material non-current assets in accordance with the requirements of Australian Accounting Standards AASB 116	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214), Manager Strategic Assets (403)	NIL
regulation 22(2)	Engage the council's auditor to certify that a grant or subsidy received by the council has been acquitted in accordance with any conditions required by the provider of the grant or subsidy	Chief Executive Officer (95), Director Corporate Services (41), Executive Manager Governance and Performance (349), Manager Financial Services (214)	NIL

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## **Appendix 21**

*Local Government (General) Regulations 2013 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Local Government (General)  
Regulations 2013**

**21 January 2021**

## Delegation Sources

- Local Government (General) Regulations 2013
- Aboriginal Cultural Heritage Act 2003

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Director Community Capacity (350)	Director Community Capacity (350)	
Director Development and Regulatory Services (70)	Director Development and Regulatory Services (70)	
Executive Manager Governance and Performance (349)	Executive Manager Governance and Performance (349)	
Executive Manager Organisational Development (310)	Executive Manager Organisational Development (310)	
Team Leader Regulatory Services (196)	Team Leader Regulatory Services (196)	



## Instrument of Delegation under the Local Government (General) Regulations 2013

Local Government (General) Regulations 2013			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
regulation 25C(3)	Publish a copy of the council's location rules on the council's website	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Executive Manager Organisational Development (310)	NIL

Aboriginal Cultural Heritage Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
clause 2(1), Schedule 2A	Prepare and maintain a policy relating to complaints against employees	Chief Executive Officer (95), Director Community Capacity (350), Director Development and Regulatory Services (70), Executive Manager Governance and Performance (349), Team Leader Regulatory Services (196)	NIL

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## **Appendix 22**

*Local Government (Members Allowances and Benefits)  
Regulations 2010 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Local Government (Members Allowances and Benefits) Regulations 2010**

**21 January 2021**

## Delegation Sources

- Local Government (Members Allowances and Benefits) Regulations 2010

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Director Corporate Services (41)	Director Corporate Services (41)	
Executive Manager Governance and Performance (349)	Executive Manager Governance and Performance (349)	
Manager Financial Services (214)	Manager Financial Services (214)	

**Instrument of Delegation under the Local Government (Members Allowances and Benefits) Regulations 2010**

<b>Local Government (Members Allowances and Benefits) Regulations 2010</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
regulation 5(3)	Aggregate claims for reimbursement of expenses and pay the claim on a quarterly or monthly basis	Chief Executive Officer (95), Director Corporate Services (41), Executive Manager Governance and Performance (349), Manager Financial Services (214)	NIL

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## **Appendix 23**

*Local Government (Procedures at Meetings)  
Regulations 2013 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Local Government (Procedures at Meetings) Regulations 2013**

**21 January 2021**

## Delegation Sources

- Local Government (Procedures at Meetings) Regulations 2013
- Aboriginal Cultural Heritage Act 2003

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Executive Manager Governance and Performance (349)	Executive Manager Governance and Performance (349)	
Governance and Risk Coordinator (414)	Governance and Risk Coordinator (414)	



## Instrument of Delegation under the Local Government (Procedures at Meetings) Regulations 2013

Local Government (Procedures at Meetings) Regulations 2013			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
regulation 6(3)	Review the operation of a code of practice under regulation 6 of the Local Government (Procedures at Meetings) Regulations	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	NIL
regulation 6(6)	Provide for purchase a copy of a code of practice under regulation 6 of the Local Government (Procedures at Meetings) Regulations	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	NIL

Aboriginal Cultural Heritage Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
regulation 6(5)	Provide for inspection a code of practice under regulation 6 of the Local Government (Procedures at Meetings) Regulations	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	Code must be adopted by council in accordance with r6(3).

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## **Appendix 24**

*Local Government Act 1999 (Superseded) Updates*

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**Adelaide Hills Council**

**Delegated Provisions for  
Instrument of Delegation under the Local Government Act 1999  
(Superseded)  
Change Report**

**21 January 2021**

## Delegation Sources

- Local Government Act 1999

## Titles

Title	Position	Name
Administration Building Support Officer (418)	Administration Building Support Officer (418)	
Administration Support Officer (369)	Administration Support Officer (369)	
Adult Collections Officer (226)	Adult Collections Officer (226)	
Adult Collections Officer (266)	Adult Collections Officer (266)	
Asset Management System Analyst (455)	Asset Management System Analyst (455)	
Biodiversity Officer (327)	Biodiversity Officer (327)	
Biodiversity Officer (85)	Biodiversity Officer (85)	
Building Management Officer (108)	Building Management Officer (108)	
Building Officer (380)	Building Officer (380)	
Building Officer (453)	Building Officer (453)	
Building Officer (463)	Building Officer (463)	
Building Officer (73)	Building Officer (73)	
Chief Executive Officer (95)	Chief Executive Officer (95)	
Children's Program Support Officer (231)	Children's Program Support Officer (231)	
Collections Development Coordinator (14)	Collections Development Coordinator (14)	
Collections Support Officer (301)	Collections Support Officer (301)	
Coordinator Civil Operations (117)	Coordinator Civil Operations (117)	
Coordinator Civil Projects (109)	Coordinator Civil Projects (109)	
Coordinator Service Strategy and Innovation (362)	Coordinator Service Strategy and Innovation (362)	
Customer Service Officer (18)	Customer Service Officer (18)	
Customer Service Officer (23)	Customer Service Officer (23)	
Customer Service Officer (365)	Customer Service Officer (365)	
Customer Service Officer (382)	Customer Service Officer (382)	
Customer Service Officer (59)	Customer Service Officer (59)	
Customer Service Officer (62)	Customer Service Officer (62)	
Customer Service Officer (66)	Customer Service Officer (66)	

Adelaide Hills Council

Title	Position	Name
Customer Service Officer (68a)	Customer Service Officer (68a)	
Customer Service Officer (68b)	Customer Service Officer (68b)	
Customer Service Officer (8)	Customer Service Officer (8)	
Customer Service Officer Casual (197)	Customer Service Officer Casual (197)	
Customer Service Officer Casual (20)	Customer Service Officer Casual (20)	
Customer Service Officer Casual (21)	Customer Service Officer Casual (21)	
Customer Service Officer Casual (267)	Customer Service Officer Casual (267)	
Customer Service Officer Casual (281)	Customer Service Officer Casual (281)	
Customer Service Officer Casual (359)	Customer Service Officer Casual (359)	
Customer Service Officer Casual (60)	Customer Service Officer Casual (60)	
CWMS Technical Officer (423)	CWMS Technical Officer (423)	
Deliberately left blank	Deliberately left blank	
Development Administration Support Officer (76)	Development Administration Support Officer (76)	
Development Compliance Officer (211)	Development Compliance Officer (211)	
Development Services Assistant (Duty Planner)(265a)	Development Services Assistant (Duty Planner)(265a)	
Development Services Assistant (Duty Planner)(265b)	Development Services Assistant (Duty Planner)(265b)	
Digital Learning Officer (440)	Digital Learning Officer (440)	
Digital Services Officer (390)	Digital Services Officer (390)	
Director Community Capacity (350)	Director Community Capacity (350)	
Director Corporate Services (41)	Director Corporate Services (41)	
Director Development and Regulatory Services (70)	Director Development and Regulatory Services (70)	
Director Fabrik (437)	Director Fabrik (437)	
Director Infrastructure and Operations (114)	Director Infrastructure and Operations (114)	
Elected Body	Council Members 2018 - 2022	
Environmental Health Project Officer (97)	Environmental Health Project Officer (97)	
Executive Assistant - Mayor and CEO (1)	Executive Assistant - Mayor and CEO (1)	
Executive Manager Governance and Performance (349)	Executive Manager Governance and Performance (349)	
Executive Manager Organisational Development (310)	Executive Manager Organisational Development (310)	

Adelaide Hills Council

Title	Position	Name
Field Supervisor (381)	Field Supervisor (381)	
Field Supervisor (388)	Field Supervisor (388)	
Governance and Risk Coordinator (414)	Governance and Risk Coordinator (414)	
Information Management Admin Officer (436)	Information Management Admin Officer (436)	
Information Management Officer Tech Records (434)	Information Management Officer Tech Records (434)	
Library Acquisitions Officer (181)	Library Acquisitions Officer (181)	
Library Youth Collections Officer (227)	Library Youth Collections Officer (227)	
Manager Civil Services (402)	Manager Civil Services (402)	
Manager Communications Engagement and Events (439)	Manager Communications Engagement and Events (439)	
Manager Community Development (187)	Manager Community Development (187)	
Manager Development Services (72)	Manager Development Services (72)	
Manager Economic Development (386)	Manager Economic Development (386)	
Manager Financial Services (214)	Manager Financial Services (214)	
Manager ICT (312)	Manager ICT (312)	
Manager Libraries and Customer Service (12)	Manager Libraries and Customer Service (12)	
Manager Open Space (409)	Manager Open Space (409)	
Manager Property Services (394)	Manager Property Services (394)	
Manager Strategic Assets (403)	Manager Strategic Assets (403)	
Manager Sustainability Waste & Emergency Mgmt (93)	Manager Sustainability Waste & Emergency Mgmt (93)	
Mobile Library Officer (32)	Mobile Library Officer (32)	
Project Officer (421)	Project Officer (421)	
Project Officer (422)	Project Officer (422)	
Property Officer (113)	Property Officer (113)	
Ranger (333)	Ranger (333)	
Ranger (357)	Ranger (357)	
Ranger (358)	Ranger (358)	
Ranger (99)	Ranger (99)	
Rates Officer (43)	Rates Officer (43)	
Senior Civil Engineer (184)	Senior Civil Engineer (184)	
Senior Customer Service Officer (307)	Senior Customer Service Officer (307)	

Adelaide Hills Council

Title	Position	Name
Senior Customer Service Officer (34)	Senior Customer Service Officer (34)	
Senior Infrastructure Planning Engineer (264)	Senior Infrastructure Planning Engineer (264)	
Senior Rates Officer (45)	Senior Rates Officer (45)	
Senior Statutory Planner (80)	Senior Statutory Planner (80)	
Senior Strategic and Policy Planner (200)	Senior Strategic and Policy Planner (200)	
Sport and Recreation Planner (391)	Sport and Recreation Planner (391)	
Statutory Planner (195)	Statutory Planner (195)	
Statutory Planner (215)	Statutory Planner (215)	
Statutory Planner (230)	Statutory Planner (230)	
Statutory Planner (462)	Statutory Planner (462)	
Statutory Planner (82)	Statutory Planner (82)	
Statutory Planning Cadet (355)	Statutory Planning Cadet (355)	
Supervisor Parks and Reserves (115)	Supervisor Parks and Reserves (115)	
Team Leader Administration (77)	Team Leader Administration (77)	
Team Leader Building Services (286)	Team Leader Building Services (286)	
Team Leader Customer Service (389)	Team Leader Customer Service (389)	
Team Leader Digital Services (344a)	Team Leader Digital Services (344a)	
Team Leader Digital Services (344b)	Team Leader Digital Services (344b)	
Team Leader Environmental Health (96)	Team Leader Environmental Health (96)	
Team Leader Information Management (433)	Team Leader Information Management (433)	
Team Leader Outreach Services (203)	Team Leader Outreach Services (203)	
Team Leader Positive Ageing (208)	Team Leader Positive Ageing (208)	
Team Leader Programs (273)	Team Leader Programs (273)	
Team Leader Regulatory Services (196)	Team Leader Regulatory Services (196)	
Team Leader Statutory Planning (326)	Team Leader Statutory Planning (326)	
Team Member Biodiversity (452)	Team Member Biodiversity (452)	
Technical Information Management Officer (435)	Technical Information Management Officer (435)	
Technical Officer (104)	Technical Officer (104)	
Technical Services Officer (383)	Technical Services Officer (383)	

## Delegated Provisions for Instrument of Delegation under the Local Government Act 1999 (Superseded) Showing Changes

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s12(1)	<p>1. Composition and Wards</p> <p>1.1 The power pursuant to Section 12(1) of the Local Government Act 1999 ('the Act') to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,</p> <p>1.1.1 alter the composition of the Council;</p> <p>1.1.2 divide, or redivide, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	Subject to the approval of Council
s12(2)	<p>1. Composition and Wards</p> <p>1.2 The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to</p> <p>1.2.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;</p> <p>1.2.2 alter the name of:</p> <p>1.2.2.1 the Council;</p> <p>1.2.2.2 the area of the Council;</p> <p>1.2.3 give a name to, or alter the name of, a ward, (without the need to comply with Section 13 of the Act).</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	Subject to the approval of Council
s12(3)	<p>1. Composition and Wards</p> <p>1.3 The duty pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act for the purpose of determining whether the Council's community would benefit from an alteration to the Council's composition or ward structure.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk	NIL



Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Coordinator (414)	
s12(4)	<p>1. Composition and Wards</p> <p>1.4 The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the duty to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in each relevant period that is prescribed by the regulations.</p>	<p>Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)</p>	NIL
-	<p>1. Composition and Wards</p> <p>1.5 Deliberately left blank.</p>	<p><del>Chief Executive Officer (95), Elected Body,</del></p> <p>Deliberately left blank</p>	Deliberately left blank
-	<p>1. Composition and Wards</p> <p>1.6 Deliberately left blank.</p>	<p><del>Chief Executive Officer (95), Elected Body,</del></p> <p>Deliberately left blank</p>	Deliberately left blank
s12(5)	<p>1. Composition and Wards</p> <p>1.7 The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person who, in the opinion of the Delegate, is qualified to address the representation and governance issues that may arise with respect to the matters under review.</p>	<p>Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity</p>	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		(350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	
s12(7)	<p>1. Composition and Wards</p> <p>1.8 The duty pursuant to Section 12(7) of the Act to give public notice of the preparation of a representation options paper and notice in a newspaper circulating within the Council's area, and to ensure that the notice contains an invitation to interested persons to make written submissions to the Council or the Delegate on the subject of the review within a period specified by the Council or the Delegate, being a period of at least six weeks.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s12(8)	<p>1. Composition and Wards</p> <p>1.9 The duty pursuant to Section 12(8) of the Act to make copies of the representation options paper available for public inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period that applies under Section 7(a)(ii).</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		and Operations (114)	
s12(7)(a)	<p>1. Composition and Wards</p> <p>1.10 At the conclusion of public consultation under Section 12(7)(a), the duty pursuant to Section 12(8a) of the Act to prepare a report that:</p> <p>1.10.1 provides information on the public consultation process undertaken by the Council and the Council's or the Delegate's response to the issues arising from the submissions made as part of that process; and</p> <p>1.10.2 sets out:</p> <p>1.10.2.1 any proposals that the Council or the Delegate considers should be carried into effect under Section 12 of the Act; and</p> <p>1.10.2.2 in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 26(1)(c) of the Act and the matters referred to in Section 33 of the Act (to the extent that may be relevant); and</p> <p>1.10.3 sets out the reasons for the Council's or the Delegate's decision insofar as a decision of the Council or the Delegate is not to adopt any change under consideration as part of the representation options paper or the public consultation process.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s12(9)	<p>1. Composition and Wards</p> <p>1.11 The duty pursuant to Section 12(9) of the Act to make copies of the report available for public inspection at the principal office of the Council and to give public notice, by way of a notice in a newspaper circulating in its area, informing the public of its preparation of the report and its availability and inviting interested persons to make written submissions on the report to the Council or the Delegate within a period specified by the Council or the Delegate, being not less than three weeks.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Regulatory Services (70), Director Infrastructure and Operations (114)	
s12(10)	<p>1. Composition and Wards</p> <p>1.12 The duty pursuant to Section 12(10) of the Act to give any person who makes written submissions in response to an invitation under Section 12(9), an opportunity to appear personally or by representative before the Council or a Council committee or the Delegate and to be heard on those submissions.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s12(11)	<p>1. Composition and Wards</p> <p>1.13 The duty pursuant to Section 12(11) of the Act to finalise the report including recommendations with respect to such related or ancillary matters as it sees fit.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s12(11a)	<p>1. Composition and Wards</p> <p>1.14 With respect to a proposal within the ambit of Section 12(11a), the power pursuant to Section 12(11b) of the Act:</p> <p>1.14.1 insofar as may be relevant in the particular circumstances, to separate a proposal (and any related proposal), from any other proposal contained in the report; and</p> <p>1.14.2 to determine to conduct the relevant poll in conjunction with the next general election for the Council or at some other time.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s12(11a)	<p>1. Composition and Wards</p> <p>1.15 Where a poll is required under Section 12(11a) of the Act the duty pursuant to Section 12(11c)(b) of the Act to:</p> <p>1.15.1 prepare a summary of issues surrounding the proposal to assist persons who may vote at the poll; and</p> <p>1.15.2 obtain a certificate from the Electoral Commissioner that he or she is satisfied that the Council or the Delegate has taken reasonable steps to ensure the summary is a fair and comprehensive overview of the arguments for and against the proposal; and</p> <p>1.15.3 after obtaining the certificate of the Electoral Commissioner, ensure that copies of the summary are made available for public inspection at the principle office of the Council, and on the internet and distributed in any other manner as may be directed by the Electoral Commissioner.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s12(12)	<p>1. Composition and Wards</p> <p>1.16 The duty pursuant Section 12(12) of the Act having then taken into account the operation of Section 12(11d) of the Act to refer the report to the Electoral Commissioner.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349),	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	
s12(12a)	<p>1. Composition and Wards</p> <p>1.17 The duty pursuant to Section 12(12a) of the Act to send with the report copies of any written submissions received by the Council or the Delegate under Section 12(9) of the Act that relate to the subject matter of the proposal.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s12(15)(b)	<p>1. Composition and Wards</p> <p>1.18 The power pursuant to Section 12(15)(b) of the Act to provide by notice in the Gazette, for the operation of any proposal that is recommended in the report, where a certificate is given by the Electoral Commissioner.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	
s12(16)	<p>1. Composition and Wards</p> <p>1.19 The power and duty pursuant to Section 12(16) of the Act to take such action as is appropriate in circumstances (including the power, as the Delegate thinks fit, to alter the report) where the matter is referred back to the Council by the Electoral Commissioner and the power to then refer the report back to the Electoral Commissioner.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s12(16)(a)	<p>1. Composition and Wards</p> <p>1.20 Where the Council or the Delegate makes an alteration to the report under Section 12(16)(a) of the Act, the duty pursuant to Section 12(17) of the Act to comply with the requirements of Sections 12(9) and (10) of the Act as if the report, as altered, constituted a new report, unless the Council or the Delegate determines the alteration is of a minor nature only.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70),	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Director Infrastructure and Operations (114)	
s12(24)	<p>1. Composition and Wards</p> <p>1.21 The duty pursuant to Section 12(24) of the Act to undertake a review of ward representation within a period specified by the Electoral Commissioner, where the Electoral Commissioner notifies the Council in writing that the number of electors represented by a councillor for a ward varies from the ward quota by more than 20%.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s13(1)	<p>2. Status of a Council or Change of Various Names</p> <p>2.1 The power pursuant to Section 13(1) of the Act, to, by notice in the Gazette, after complying with the requirements of Section 13 of the Act:</p> <p>2.1.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;</p> <p>2.1.2 alter the name of:</p> <p>2.1.2.1 the Council;</p> <p>2.1.2.2 the area of the Council;</p> <p>2.1.3 alter the name of a ward.</p>	<del>Chief Executive Officer (95)</del> , Elected Body	



Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s13(2)	<p>2. Status of a Council or Change of Various Names</p> <p>2.2 The duty, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements:</p> <p>2.2.1 to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks;</p> <p>2.2.2 publish the notice in a newspaper circulating within the area; and</p> <p>2.2.3 give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council, Council committee or the Delegate and be heard on those submissions.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
	3. Deliberately left blank	<del>Chief Executive Officer (95), Elected Body,</del> Deliberately left blank	Deliberately left blank
	4. Deliberately left blank	<del>Chief Executive Officer (95), Elected Body,</del> Deliberately left blank	Deliberately left blank
	<p>5. Council Initiated Proposal</p> <p>5.1 Deliberately left blank</p>	<del>Chief Executive Officer (95), Elected Body,</del> Deliberately left blank	Deliberately left blank
s27(2)	<p>5. Council Initiated Proposal</p> <p>5.2 Deliberately left blank</p> <p>5.2.1 Deliberately left blank</p> <p>5.2.2 Deliberately left blank</p>	<del>Chief Executive Officer (95), Elected Body,</del> Deliberately left blank	Deliberately left blank

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	5.2.3 Deliberately left blank  5.2.4 Deliberately left blank		
s27(7)	5. Council Initiated Proposal 5.3 Deliberately left blank  5.3.1 Deliberately left blank 5.3.2 Deliberately left blank	<del>Chief Executive Officer (95), Elected Body,</del> Deliberately left blank	Deliberately left blank
s28(1)	6. Commission to Receive Proposals 6.1 The power pursuant to Section 28(1) of the Act to, subject to Section 28 of the Act, refer a proposal for the making of a proclamation under Chapter 3 of the Act to the Commission.	Chief Executive Officer (95)	NIL
s28(3)	6. Commission to Receive Proposals 6.2 The power pursuant to Section 28(3) of the Act, to in relation to a proposal under Section 28 of the Act: 6.2.1 set out in general terms the nature of the proposal; and 6.2.2 comply with any requirements of the proposal guidelines.	Chief Executive Officer (95)	NIL
s31(2)	6A Inquiries – General Proposals 6A.1 The power pursuant to Section 31(2) of the Act to make a submission to the Commission on the proposed appointments of investigators to conduct inquiries under Section 31 of the Act.	Chief Executive Officer (95)	NIL
s31(10)	6A Inquiries – General Proposals 6A.2 The power pursuant to Section 31(10) of the Act to request the Minister consult with the relevant councils about the matter.	Chief Executive Officer (95)	NIL
s36(1)(a)(i)	7. General Powers and Capacities 7.1 The power pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement where the common seal of the Council is not required.	Chief Executive Officer (95)	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s36(1)	<p>7. General Powers and Capacities</p> <p>7.2 The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental but within any policy or budgetary constraints set by the Council to perform or discharge the Council's functions or duties or to achieve the Council's objectives.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s36(2)	<p>7. General Powers and Capacities</p> <p>7.3 The power pursuant to Section 36(2) of the Act to act outside the Council's area:</p> <p>7.3.1 to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions; or</p> <p>7.3.2 in order to provide services to an unincorporated area of the State.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s36(3)	<p>7. General Powers and Capacities</p> <p>7.4 The duty pursuant to Section 36(3) of the Act to take reasonable steps to separate the Council's regulatory activities from its other activities in the arrangement of its affairs.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s37(b)	<p>8. Provision Relating to Contract and Transactions</p> <p>8.1 The power pursuant to Section 37(b) of the Act to authorise another officer, employee or agent of the Council to enter into a contract, on behalf of the Council, where the common seal of the Council is not required.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director	NIL

Local Government Act 1999				
Section	Item Delegated		Delegate	Conditions and Limitations
			Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	
s41(1) s41(2)	9. 9.1	Committees The power pursuant to Section 41(1) and (2) of the Act to establish committees.	<del>Chief Executive Officer (95)</del> , Elected Body	
s41(3)	9. 9.2	Committees The power pursuant to Section 41(3) of the Act to determine the membership of a committee.	<del>Chief Executive Officer (95)</del> , Elected Body	
s41(4)	9. 9.3	Committees The power pursuant to Section 41(4) of the Act to appoint a person as a presiding member of a committee, or to make provision for the appointment of a presiding member.	<del>Chief Executive Officer (95)</del> , Elected Body	
s41(6)	9. 9.4	Committees The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee.	<del>Chief Executive Officer (95)</del> , Elected Body	
s41(8)	9. 9.5	Committees The power and duty pursuant to Section 41(8) of the Act, to, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee.	<del>Chief Executive Officer (95)</del> , Elected Body	
s44(6)	10. 10.1	Delegations The duty pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		(350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	
s44(7)	10. Delegations 10.2 The duty pursuant to Section 44(7) of the Act to make available the record of delegations for inspection (without charge) by the public at the principal office of the Council during ordinary office hours.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s45(1)	11. Principal Office 11.1 The duty pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act.	<del>Chief Executive Officer (95),</del> Elected Body	
s45(2)	11. Principal Office 11.2 The power and duty pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the duty to keep the principal office of Council open to the public for the transaction of business during hours determined by the Delegate or the Council.	Chief Executive Officer (95), <del>Elected Body,</del>	NIL
s45(3)	11. Principal Office 11.3 The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with	Chief Executive Officer (95), Director Corporate	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	Council's public consultation policy about the manner, places and times at which the Council's offices will be open to the public for the transaction of business and about any significant changes to those arrangements.	Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	
s46(1)	<p>12. Commercial Activities</p> <p>12.1 Subject to the Act, the power pursuant to Section 46(1) of the Act to, in the performance of the Council's functions, engage in a commercial activity or enterprise ('a commercial project').</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s46(2)	<p>12. Commercial Activities</p> <p>12.2 The power pursuant to Section 46 (2) of the Act, to, in connection with a commercial project:</p> <p>12.2.1 establish a business;</p> <p>12.2.2 participate in a joint venture, trust, partnership or other similar body.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s47(2)(b)	<p>13. Interests in Companies</p> <p>13.1 The power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.</p>	Chief Executive Officer <del>(95)</del> , Elected Body	

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s48(aa1)	<p>14. Prudential Requirements for Certain Activities</p> <p>14.00 The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -</p> <p>14.00.1 acts with due care, diligence and foresight; and</p> <p>14.00.2 identifies and manages risks associated with a project; and</p> <p>14.00.3 makes informed decisions; and</p> <p>14.00.4 is accountable for the use of Council and other public resources.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	Submitted to Audit Committee prior to consideration by Council
s48(a1)	<p>14. Prudential Requirements for Certain Activities</p> <p>14.0 The duty pursuant to Section 48(a1) of the Act to ensure the prudential management policies, practices and procedures developed by the Council for the purposes of Section 48(aa1) of the Act, are consistent with any regulations made for the purposes of Section 48(a1) of the Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	Submitted to Audit Committee prior to consideration by Council
s48(aa1)	<p>14. Prudential Requirements for Certain Activities</p> <p>14.1 Without limiting Section 48(aa1) of the Act, the power and duty pursuant to Section 48(1) of the Act to obtain and consider a report, that addresses the prudential issues set out at Section 48(2) of the Act, before the Council:</p> <p>14.1.1 Deliberately left blank.</p> <p>14.1.2 engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) -</p>	Chief Executive Officer (95)	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>14.1.2.1 where the expected operating expenses calculated on an accrual basis of the Council over the ensuing five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or</p> <p>14.1.2.2 where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 (indexed); or</p> <p>14.1.2.3 where the Council or Delegate considers that it is necessary or appropriate.</p>		
-	<p>14. Prudential Requirements for Certain Activities</p> <p>14.2 Deliberately left blank.</p>	Chief Executive Officer (95); Deliberately left blank	Deliberately left blank
s48(5)	<p>14. Prudential Requirements for Certain Activities</p> <p>14.3 The power and duty pursuant to Section 48(5) of the Act to make a report under Section 48(1) of the Act available for public inspection at the principal office of the Council once the Council has made a decision on the relevant project (and the power to make the report available at an earlier time unless the Council orders that the report be kept confidential until that time).</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s49(a1)	<p>15. Contracts and Tenders Policies</p> <p>15.0 The power and duty pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:</p> <p>15.0.1 obtaining value in the expenditure of public money; and</p> <p>15.0.2 providing for ethical and fair treatment of participants; and</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure	Submitted to Audit Committee prior to consideration by Council



Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	15.0.3 ensuring probity, accountability and transparency in procurement operations.	and Operations (114)	
s49(a1)	<p>15. Contracts and Tenders Policies</p> <p>15.1 Without limiting Section 49(a1) of the Act, the power and duty pursuant to Section 49(1) of the Act to prepare and adopt policies on contracts and tenders including policies on the following:</p> <p>15.1.1 the contracting out of services; and</p> <p>15.1.2 competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and</p> <p>15.1.3 the use of local goods and services; and</p> <p>15.1.4 the sale or disposal of land or other assets.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	Submitted to Audit Committee prior to consideration by Council
s49(2)	<p>15. Contracts and Tenders Policies</p> <p>15.2 The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:</p> <p>15.2.1 identify circumstances where the Council will call for tenders for the supply of goods, the provision of services or the carrying out of works, or the sale or disposal of land or other assets; and</p> <p>15.2.2 provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and</p> <p>15.2.3 provide for the recording of reasons for entering into contracts other than those resulting from the tender process; and</p> <p>15.2.4 are consistent with any requirement prescribed by the regulations.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	Submitted to Audit Committee prior to consideration by Council
s49(3)	15. Contracts and Tenders Policies	Chief Executive Officer	Submitted to Audit

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	15.3 The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced).	(95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	Committee prior to consideration by Council
s49(4)	15. Contracts and Tenders Policies 15.4 The duty pursuant to Section 49(4) of the Act to make available for inspection (without charge) a policy adopted under this Section at the principal office of Council during office hours.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s50(1)	16. Public Consultation Policies 16.1 The power and duty pursuant to Section 50(1) and (2) of the Act to prepare and adopt a public consultation policy which sets out the steps the Council will follow:  16.1.1 in cases where the Act requires the Council to follow its public consultation policy; and  16.1.2 in other cases involving Council decision making, if relevant.	Chief Executive Officer (95)	Policy to be adopted by Council
s50(3)	16. Public Consultation Policies 16.2 The duty pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Act requires the Council to follow its public consultation policy and to make other arrangements appropriate to other classes of decisions, within the scope of the policy.	Chief Executive Officer (95)	Policy to be adopted by Council

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s50(4)	<p>16. Public Consultation Policies</p> <p>16.3 The duty pursuant to Section 50(4) of the Act to ensure that the public consultation policy, in cases where the Act requires the policy to be followed, provides for:</p> <p>16.3.1 the publication of a notice:</p> <p>16.3.1.1 in a newspaper circulating within the area of the Council; and</p> <p>16.3.1.2 on a website determined by the Chief Executive Officer,</p> <p>describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and</p> <p>16.3.2 the consideration of any submissions made in response to that invitation.</p>	Chief Executive Officer (95)	Policy to be adopted by Council
s50(5)	<p>16. Public Consultation Policies</p> <p>16.4 The power pursuant to Section 50(5) of the Act, to, from time to time, alter the Council's public consultation policy, or substitute a new policy.</p>	Chief Executive Officer (95)	Policy to be adopted by Council
s50(6)	<p>16. Public Consultation Policies</p> <p>16.5 Before the Council or the Delegate adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to:</p> <p>16.5.1 prepare a document that sets out its proposal in relation to the matter; and</p> <p>16.5.2 publish in a newspaper circulating within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the notice, which must be at least one month;</p> <p>16.5.3 consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.</p>	Chief Executive Officer (95)	Policy to be adopted by Council

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s50(7)	16. Public Consultation Policies 16.6 The power pursuant to Section 50(7) of the Act to determine if the alteration of a public consultation policy is of minor significance that would attract little or no community interest.	Chief Executive Officer (95)	Policy to be adopted by Council
s50(8)	16. Public Consultation Policies 16.7 The duty pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for inspection (without charge) at the principal office of Council during ordinary office hours.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
17.1	17. Deliberately left blank 17.1 Deliberately left blank	<del>Chief Executive Officer (95)</del> , Deliberately left blank	Deliberately left blank
17.2	17. Deliberately left blank 17.2 Deliberately left blank	<del>Chief Executive Officer (95)</del> , Deliberately left blank	Deliberately left blank
17.3	17. Deliberately left blank 17.3 Deliberately left blank	<del>Chief Executive Officer (95)</del> , Deliberately left blank	Deliberately left blank
17.4	17. Deliberately left blank 17.4 Deliberately left blank	<del>Chief Executive Officer (95)</del> , Deliberately left blank	Deliberately left blank
17.5	17. Deliberately left blank 17.5 Deliberately left blank	<del>Chief Executive Officer (95)</del> , Deliberately left blank	Deliberately left blank

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s70(1)	18. Inspection of Register 18.1 The duty pursuant to Section 70(1) of the Act to make available for inspection (without charge) the Register of Interests at the principal office of the Council during ordinary office hours.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350)	NIL
s79(3)	20. Register of Allowances and Benefits 20.1 The duty pursuant to Section 79(3) of the Act to make available for inspection (without charge) the Register of Allowances and Benefits, at the principal office of the Council during ordinary office hours.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350)	NIL
s80	21. Insurance of members 21.1 The duty pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Council and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350)	NIL
s80A(1)	22. Training and Development 22.1 The power and duty pursuant to Section 80A(1) of the Act to prepare and adopt a training and	Chief Executive Officer	Policy to be adopted by

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	development policy in accordance with Section 80A(2) of the Act for the Council's members.	(95)	Council
s80A(2)	22. Training and Development 22.2 The duty pursuant to Section 80A(2) of the Act to ensure that the Council's training and development policy is aimed at assisting the Council's members in the performance and discharge of their functions and duties.	Chief Executive Officer (95)	Policy to be adopted by Council
s80A(3)	22. Training and Development 22.3 The power pursuant to Section 80A(3) of the Act to, from time to time, alter the Council's training and development policy or substitute a new policy.	Chief Executive Officer (95)	Policy to be adopted by Council
s80A(4)	22. Training and Development 22.4 The duty pursuant to Section 80A(4) and (5) of the Act to make available the training and development policy for inspection (without charge) at the principal office of the Council during ordinary office hours and for purchase (on payment of a fee fixed by the Council).	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Assistant - Mayor and CEO (1)	NIL
s87(1)	23. Committee Meetings 23.1 The power pursuant to Section 87(1) of the Act and in accordance with Section 87(2) of the Act to determine the times and places of ordinary meetings of Council committees.	<del>Chief Executive Officer (95)</del> , Elected Body	

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s87(2)	<p>23. Committee Meetings</p> <p>23.2 The duty pursuant to Section 87(2) of the Act in appointing a time for the holding of an ordinary meeting of a Council committee to take into account:</p> <p>23.2.1 the availability and convenience of members of the committee; and</p> <p>23.2.2 the nature and purpose of the committee.</p>	Chief Executive Officer (95), Elected Body	
s90(7)	<p>24. Meetings To Be Held in Public Except in Special Circumstances</p> <p>24.1 The duty pursuant to Section 90(7) of the Act to make a note in the minutes of the making of an order under Section 90(2) of the Act and the grounds on which it was made.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s90(8a)(a)	<p>24. Meetings To Be Held in Public Except in Special Circumstances</p> <p>24.2 The power pursuant to Section 90(8a)(a) of the Act to adopt a policy on the holding of informal gatherings or discussions subject to Section 90(8b) of the Act.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Regulatory Services (70), Director Infrastructure and Operations (114)	
s90(8c)	<p>24. Meetings To Be Held in Public Except in Special Circumstances</p> <p>24.3 The power pursuant to Section 90(8c) of the Act, to, from time to time, alter the Council's policy or substitute a new policy.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s91(3)	<p>25. Minutes and Release of Documents</p> <p>25.1 The duty pursuant to Section 91(3) to supply each member of the Council with a copy of all minutes of the proceedings of the Council or Council committee meeting, within 5 days after that meeting.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	NIL
s91(7)	<p>25. Minutes and Release of Documents</p> <p>25.2 Subject to Section 91(7), the duty pursuant to Section 91(4) of the Act to place a copy of the minutes of a meeting of the Council on public display in the principal office of the Council within 5 days after the meeting and to keep those minutes on display for a period of 1 month.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	NIL
s91(7)	<p>25. Minutes and Release of Documents</p> <p>25.3 Subject to Section 91(7) of the Act, the duty pursuant to Section 91(5) of the Act to make available for</p>	Chief Executive Officer (95), Executive Manager	NIL



## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
	inspection, without payment of a fee, at the principal office of the Council:	Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	
s91(7)	25. Minutes and Release of Documents 25.3.1 minutes of the Council and Council committee meetings; and	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s91(7)	25. Minutes and Release of Documents 25.3.2 reports to the Council or to a Council committee received at a meeting of the Council or Council committee; and	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414),	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	
s91(7)	25. Minutes and Release of Documents 25.3.3 recommendations presented to the Council in writing and adopted by resolution of the Council; and	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s91(7)	25. Minutes and Release of Documents 25.3.4 budgetary or other financial statements adopted by the Council.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Development and Regulatory Services (70), Director Infrastructure and Operations (114)	
s92(1)	<p>26. Access to Meetings and Documents - Code of Practice</p> <p>26.1 The power and duty pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare and adopt a Code of Practice relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operation of Parts 3 and 4 of Chapter 6 of the Act.</p>	Chief Executive Officer (95)	Subject To Council Approval
s92(2)	<p>26. Access to Meetings and Documents - Code of Practice</p> <p>26.2 The power and duty pursuant to Section 92(2) of the Act to review the operation of the Council's Code of Practice within 12 months after the conclusion of each periodic election.</p>	Chief Executive Officer (95)	Subject To Council Approval
s92(3)	<p>26. Access to Meetings and Documents - Code of Practice</p> <p>26.3 The power pursuant to Section 92(3) of the Act, to, at any time, alter the Council's code of practice or substitute a new code of practice.</p>	Chief Executive Officer (95)	Subject To Council Approval
s92(5)	<p>26. Access to Meetings and Documents - Code of Practice</p> <p>26.4 The duty pursuant to Section 92(5) of the Act to ensure that before the Council or the Delegate adopts, alters or substitutes a code of practice that:</p> <p>26.4.1 copies of the proposed code, alterations or substitute code (as the case may be) are made available for inspection or purchase at the Council's principal office and available for inspection on a website determined by the Chief Executive Officer; and</p> <p>26.4.2 the relevant steps set out in the Council's Public Consultation Policy are followed.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350)	NIL
s92(6)	<p>26. Access to Meetings and Documents - Code of Practice</p> <p>26.5 The duty pursuant to Section 92(6) and (7) of the Act to ensure that the Code of Practice is available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of Council during ordinary office hours.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Coordinator (414), Director Corporate Services (41), Director Community Capacity (350)	
s93(1)	27. Meetings of Electors 27.1 The power pursuant to Section 93(1) of the Act to convene a meeting of electors of the area or part of the area of the Council.	Chief Executive Officer (95), <del>Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114),</del>	NIL
s93(11)	27. Meetings of Electors 27.2 The duty pursuant to Section 93(11) of the Act to provide each member of the Council with a copy of the minutes of any meeting of electors within 5 days of that meeting.	Chief Executive Officer (95), <del>Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure</del>	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		<del>and Operations (114),</del>	
s93(14)	27. Meetings of Electors 27.3 The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii).	Chief Executive Officer (95), <del>Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114),</del>	NIL
s95	28. Obstructing of Meetings 28.1 The power pursuant to Section 95 of the Act to take proceedings under the Act against a person who intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s105(3)	29. Register of Remuneration Salaries and Benefits 29.1 The duty pursuant to Section 105(3) of the Act to make available the Register of Salaries of employees of the Council for inspection by the public at the principal office of the Council during ordinary office hours.	Chief Executive Officer (95), Director Corporate Services (41), Director	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Community Capacity (350)	
s106(2) s106(2a)	30. Certain Periods Of Service To Be Regarded As Continuous 30.1 The duty pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee's service benefits.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350)	NIL
s106(4)	30. Certain Periods Of Service To Be Regarded As Continuous 30.2 The duty pursuant to Section 106(4) of the Act to supply to any other council, at its request, details of the service of an employee or former employee of the Council.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350)	NIL
s106(5)	30. Certain Periods Of Service To Be Regarded As Continuous 30.3 The duty pursuant to Section 106(5) of the Act to hold and apply a payment or contribution received by the Council under Section 106 in accordance with the Regulations.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350)	NIL
31.1	31. Deliberately left blank 31.1 Deliberately left blank	<del>Chief Executive Officer (95)</del> , Deliberately left blank	Deliberately left blank
31.2	31. Deliberately left blank 31.2 Deliberately left blank	<del>Chief Executive Officer (95)</del> , Deliberately left blank	Deliberately left blank
31.3	31. Deliberately left blank 31.3 Deliberately left blank	<del>Chief Executive Officer (95)</del> , Deliberately left blank	Deliberately left blank
31.4	31. Deliberately left blank	<del>Chief Executive Officer (95)</del> , Deliberately left	Deliberately left blank

Local Government Act 1999				
Section	Item Delegated		Delegate	Conditions and Limitations
	31.4	Deliberately left blank	blank	
31.5	31. 31.5	Deliberately left blank Deliberately left blank	Chief Executive Officer (95), Deliberately left blank	Deliberately left blank
31.6	31. 31.6	Deliberately left blank Deliberately left blank	Chief Executive Officer (95), Deliberately left blank	Deliberately left blank
s111(b)	32. 32.1	Application of Division The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of Chapter 7, Part 4, Division 1 of the Act.	Chief Executive Officer (95)	NIL
s122(6)	33. 33.1	Certain Aspects of Strategic Management Plans The duty pursuant to Section 122(6) of the Act to develop a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the Council’s development and review of its strategic management plans.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s122(7)	33. 33.2	Certain Aspects of Strategic Management Plans The duty pursuant to Section 122(7) of the Act to ensure that copies of the Council’s strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s123(3)	<p>34. Annual Business Plans and Budgets</p> <p>34.1 Before the Council adopts an annual business plan, the duty pursuant to Section 123(3) of the Act to, -</p> <p>34.1.1 prepare a draft annual business plan; and</p> <p>34.1.2 follow the relevant steps set out in the Council's public consultation policy, taking into account and complying with the requirements of Section 123(4) of the Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350)	NIL
s123(5)	<p>34. Annual Business Plans and Budgets</p> <p>34.2 The duty pursuant to Section 123(5) of the Act to ensure that copies of the draft annual business plan are available at the meeting arranged pursuant to and in accordance with Section 123(4)(a)(i) and (4)(b) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council and on the website at least 21 days before the date of that meeting.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350)	NIL
s123(5a)	<p>34. Annual Business Plans and Budgets</p> <p>34.3 The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for:</p> <p>34.3.1 a facility for asking and answering questions; and</p> <p>34.3.2 the receipt of submissions, on the Council's website during the public consultation period.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350)	NIL
s123(9)	<p>34. Annual Business Plans and Budgets</p> <p>34.4 After the Council has adopted an annual business plan and a budget, the duty, pursuant to Section 123(9) of the Act, to:</p> <p>34.4.1 ensure:</p> <p>34.4.1.1 that a summary of the annual business plan is prepared in accordance with the requirements set out at Sections 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of the Council's services and the Council's rating and financial management policies, taking into account its</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350)	NIL



Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>objectives and activities for the ensuing financial year; and</p> <p>34.4.1.2 that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of the Council's rates for the financial year; and</p> <p>34.4.2 ensure:</p> <p>34.4.2.1 that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the Council); and</p> <p>34.4.2.2 that copies of the summary of the annual business plan are available for inspection and to take (without charge), at the principal office of the Council.</p>		
s123(9)	<p>34. Annual Business Plans and Budgets</p> <p>34.4.3 ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a website determined by the Chief Executive Officer.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350)	NIL
s124(1)	<p>35. Accounting Records to be Kept</p> <p>35.1 The duty pursuant to Section 124(1) of the Act to:</p> <p>35.1.1 keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;</p> <p>35.1.2 keep the Councils accounting records in such manner as will enable:</p> <p>35.1.2.1 the preparation and provision of statements that fairly present financial and other information; and</p> <p>35.1.2.2 the financial statements of the Council to be conveniently and properly audited.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Manager Financial Services (214)	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s124(2)	35. Accounting Records to be Kept 35.2 The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Council.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Manager Financial Services (214)	NIL
s125	36. Internal Control Policies 36.1 The duty pursuant to Section 125 of the Act to ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner, to achieve its objectives, to ensure adherence to management policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of the Council's records.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Manager Financial Services (214)	NIL
s126(1)	37. Audit Committee 37.1 The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.	<del>Chief Executive Officer (95)</del> , Elected Body	
s126(2)	37. Audit Committee 37.2 If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act.	<del>Chief Executive Officer (95)</del> , Elected Body	
s127(1)	38. Financial Statements 38.1 The duty pursuant to Section 127(1) of the Act to prepare for each financial year:  38.1.1 financial statements and notes in accordance with standards prescribed by the regulations; and	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	38.1.2 other statements and documentation referring to the financial affairs of the Council required by the Regulations.		
s127(2)	<p>38. Financial Statements</p> <p>38.2 The duty pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Council pursuant to Section 127(1) of the Act:</p> <p>38.2.1 are prepared as soon as is reasonably practicable after the end of the relevant financial year and in any event before the day prescribed by the Regulations; and</p> <p>38.2.2 comply with standards and principles prescribed by the Regulations; and</p> <p>38.2.3 include the information required by the Regulations.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s127(3)	<p>38. Financial Statements</p> <p>38.3 The duty pursuant to Section 127(3) of the Act to submit for auditing by the Council's auditor the statements prepared for each financial year.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s127(4)	<p>38. Financial Statements</p> <p>38.4 The duty pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s127(5)	<p>38. Financial Statements</p> <p>38.5 The duty pursuant to Section 127(5) of the Act to ensure that copies of the Council's audited statements are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s128(2), (3), (4), (4a), (5), (6), (7),	<p>39. The Auditor</p> <p>39.1 The power and duty pursuant to and in accordance with Section 128(2), (3), (4), (4a), (5), (6), (7) and (8) of the Act to appoint an auditor on the recommendation of the Council's audit committee.</p>	Chief Executive Officer (95), Elected Body	Submitted to Audit Committee prior to

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(8)			consideration by Council
s128(8)	39. The Auditor 39.2 The duty pursuant to Section 128(8) of the Act to comply with any requirements prescribed by the Regulations with respect to providing for the independence of the auditor.	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s128(9)	39. The Auditor 39.3 The duty pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report:  39.3.1 information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between:  39.3.1.1 remuneration payable for the annual audit of the Council's financial statements; and  39.3.1.2 other remuneration;  39.3.2 if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the Council's auditor came to an end.	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s129(9), s129(3)	40. Conduct of Audit 40.1 The duty pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act provided to Council under Section 129 of the Act accompany the financial statements of the Council.	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s130A(1), s130A(2)	41. Other Investigations 41.1 The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act	<del>Chief Executive Officer (95)</del> , Elected Body	

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	and that is considered by the Delegate to be of such significance as to justify an examination under this Section.		
s130A(7)	<p>41. Other Investigations</p> <p>41.2 Unless Section 130A(7) of the Act applies, the duty pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:</p> <p>41.2.1 unless Section 130A(6)(b) of the Act applies - at the next ordinary meeting of the Council in accordance with Section 130A(6)(a), of the Act;</p> <p>41.2.2 if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the Council - at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s131(1)	<p>42. Annual Report to be Prepared and Adopted</p> <p>42.1 The duty pursuant to Section 131(1) of the Act and in accordance with Sections 131(2) and (3) of the Act, to prepare and adopt on or before 30 November each year, an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Manager Financial Services (214)	NIL
s131(2) s131(3)	<p>42. Annual Report to be Prepared and Adopted</p> <p>42.2 The duty pursuant to Section 131(2) and (3) of the Act to include in that report the material, and include specific reports on the matters, specified in Schedule 4 as amended from time to time by regulation.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Manager Financial Services (214)	NIL
s131(4)	<p>42. Annual Report to be Prepared and Adopted</p> <p>42.3 The duty pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of</p>	Chief Executive Officer (95), Director Corporate	NIL

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	the Council.	Services (41), Director Community Capacity (350), Manager Financial Services (214)	
s131(5)	<p>42. Annual Report to be Prepared and Adopted</p> <p>42.4 The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:</p> <p>42.4.1 the Presiding Member of both Houses of Parliament; and</p> <p>42.4.2 to the persons or body prescribed by the Regulations, on or before the date determined under the Regulations.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Manager Financial Services (214)	NIL
s131(7)	<p>42. Annual Report to be Prepared and Adopted</p> <p>42.5 The power pursuant to Section 131(7) of the Act to provide to the electors for the area an abridged or summary version of the annual report.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Manager Financial Services (214)	NIL
s131(8)	<p>42. Annual Report to be Prepared and Adopted</p> <p>42.6 The duty pursuant to Section 131(8) of the Act to ensure that copies of Council's annual report are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Manager Financial Services (214)	NIL
s132(1)	<p>43. Access to Documents</p> <p>43.1 The duty pursuant to Section 132(1) of the Act to ensure a member of the public is able:</p> <p>43.1.1 to inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
	43.1.2 to purchase a document referred to in Schedule 5 to the Act at the principal office of the Council during ordinary office hours for a fee fixed by the Council.	Regulatory Services (70), Director Infrastructure and Operations (114)	
s132(2)	43. Access to Documents 43.2 The power pursuant to Section 132(2) of the Act to make a document available in electronic form for the purposes of Section 132(1)(a).	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s132(3)	43. Access to Documents 43.3 The power and duty, pursuant to and in accordance with Section 132 (3) of the Act, to make the following documents available for inspection on a website determined by the Chief Executive Officer within a reasonable time after they are available at the principal office of the Council:  43.3.1 agendas for meetings of the Council or Council committees;  43.3.2 minutes of meetings of the Council or Council committees;  43.3.3 codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999;  43.3.4 the Council's contract and tenders policies, public consultation policy and order-making policies;  43.3.5 the Council's draft annual business plan, annual business plan (as adopted by the council) and the summary of the annual business plan required under Part 2 of this Chapter;  43.3.6 the Council's budget (as adopted by the Council for a particular year);	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
	<p>43.3.7 a list of fees and charges imposed by the Council under this Act;</p> <p>43.3.8 by-laws made by the Council and any determination in respect of a by-law made under Section 246(3)(e) of the Act;</p> <p>43.3.9 procedures for the review of decisions established by the Council under Part 2 of Chapter 13;</p> <p>43.3.10 the audited financial statements of the Council;</p> <p>43.3.11 the annual report of the Council;</p> <p>43.3.12 the Council's most recent information statement under the Freedom of Information Act 1991, unless the Council provides it as part of the annual report of the Council.</p>		
s132A	<p>44. Related Administrative Standards</p> <p>44.1 The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order:</p> <p>44.1.2 to ensure compliance with any statutory requirements; and</p> <p>44.1.2 to achieve and maintain standards of good public administration.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s133	<p>45. Sources of Funds</p> <p>45.1 Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be appropriate in order to carry out the Council's functions under the Act or another Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL



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Section	Item Delegated	Delegate	Conditions and Limitations
s135(1)	<p>46. Ability of a Council to Give Security</p> <p>46.1 The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including:</p> <p>46.1.1 guarantees (including guarantees relating to the liability of a subsidiary of the Council);</p> <p>46.1.2 debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act);</p> <p>46.1.3 bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act.</p>	Chief Executive Officer (95), Elected Body	
s135(2)	<p>46. Ability of a Council to Give Security</p> <p>46.2 The power and duty pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to:</p> <p>46.2.1 assign a distinguishing classification to the debentures to be included in the issue so as to distinguish them from those included or to be included in previous or subsequent issues; and</p> <p>46.2.2 if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.</p>	Chief Executive Officer (95), Director Corporate Services (41)	NIL
s137	<p>47. Expenditure of Funds</p> <p>47.1 Subject to the Act or another Act, the power pursuant to Section 137 of the Act to expend the Council's approved budgeted funds in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts.</p>	Chief Executive Officer (95)	As per Staff Procurement Delegations
s139(1)	<p>48. Investment Powers</p> <p>48.1 The power pursuant to Section 139(1) of the Act to invest money under the Council's control.</p>	Chief Executive Officer (95), Director Corporate	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
		Services (41)	
s139(2)	<p>48. Investment Powers</p> <p>48.2 The duty pursuant to Section 139(2) of the Act in exercising the power of investment, to:</p> <p>48.2.1 exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and</p> <p>48.2.2 avoid investments that are speculative or hazardous in nature.</p>	Chief Executive Officer (95), Director Corporate Services (41)	NIL
s139(3)	<p>48. Investment Powers</p> <p>48.3 The duty pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters:</p> <p>48.3.1 the purposes of the investment;</p> <p>48.3.2 the desirability of diversifying Council investments;</p> <p>48.3.3 the nature of and risk associated with existing Council investments;</p> <p>48.3.4 the desirability of maintaining the real value of the capital and income of the investment;</p> <p>48.3.5 the risk of capital or income loss or depreciation;</p> <p>48.3.6 the potential for capital appreciation;</p> <p>48.3.7 the likely income return and the timing of income return;</p> <p>48.3.8 the length of the term of a proposed investment;</p>	Chief Executive Officer (95), Director Corporate Services (41)	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
	<p>48.3.9 the period for which the investment is likely to be required;</p> <p>48.3.10 the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment;</p> <p>48.3.11 the aggregate value of the assets of the Council;</p> <p>48.3.12 the likelihood of inflation affecting the value of a proposed investment;</p> <p>48.3.13 the costs of making a proposed investment;</p> <p>48.3.14 the results of any review of existing Council investments.</p>		
s139(3)	<p>48. Investment Powers</p> <p>48.4 Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to:</p> <p>48.4.1 the anticipated community benefit from an investment; and</p> <p>48.4.2 the desirability of attracting additional resources into the local community.</p>	Chief Executive Officer (95), Director Corporate Services (41)	NIL
s139(5)	<p>48. Investment Powers</p> <p>48.5 The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Council's investments from the person whom the Delegate reasonably believes to be competent to give the advice.</p>	Chief Executive Officer (95), Director Corporate Services (41)	NIL
s140	<p>49. Review of Investment</p> <p>49.1 The duty pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350)	NIL

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s141	<p>50. Gifts to a Council</p> <p>50.1 Within the confines of Section 44(3) of the Act:</p> <p>50.1.1 the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;</p> <p>50.1.2 the power pursuant to Section 141(2) of the Act to carry out the terms of any trust (if any) that affects a gift to Council;</p> <p>50.1.3 the power pursuant to Section 141(3) of the Act to apply to the Supreme Court for an order varying the terms of a trust for which the Council has been constituted a trustee;</p> <p>50.1.4 where a variation is sought in the terms of a trust, the duty pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other such manner as may be directed by the Supreme Court; and</p> <p>50.1.5 the duty pursuant to Section 141(6) of the Act to publish a copy of any order of the Supreme Court to vary the terms of the trust, in the Gazette, within 28 days after that order is made.</p>	Chief Executive Officer (95), Director Corporate Services (41)	NIL
s142	<p>51. Duty to Insure Against Liability</p> <p>51.1 The duty pursuant to Section 142 of the Act to take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Manager Financial Services (214)	NIL
s143(1)	<p>52. Writing off Bad Debts</p> <p>52.1 The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council:</p> <p>52.1.1 if the Council has no reasonable prospect of recovering the debts; or</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	Submitted to Audit Committee prior to consideration by Council

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Section	Item Delegated	Delegate	Conditions and Limitations
	52.1.2 if the costs of recovery are likely to equal or exceed the amount to be recovered, up to and including an amount of \$5,000.00 in respect of any one debt.		
s143(2)	<p>52. Writing off Bad Debts</p> <p>52.2 The duty pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified:</p> <p>52.2.1 reasonable attempts have been made to recover the debt; or</p> <p>52.2.2 the costs of recovery are likely to equal or exceed the amount to be recovered.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s144(1)	<p>53. Recovery of Amounts due to Council</p> <p>53.1 The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under this or another Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s144(2)	<p>53. Recovery of Amounts due to Council</p> <p>53.2 The power pursuant to Section 144(2), (3) and (4) of the Act to recover any fee, charge, expense or other amount as if it were a rate declared on the property, after giving at least 14 days notice requiring payment, where the fee, charge, expense or other amount payable to the Council relates to something done in respect of rateable or other property.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s148(2)	<p>54. Land Against Which Rates May be Assessed</p> <p>54.1 The power and duty pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the purposes of Section 148(1) of the Act fairly and in accordance with principles and practices that apply on a uniform basis across the area of the Council.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s151	55. Basis of Rating	Chief Executive Officer	

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Section	Item Delegated	Delegate	Conditions and Limitations
	<p>55.1 Before the Council:</p> <p>55.1.1 changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or</p> <p>55.1.2 changes the basis on which land is valued for the purposes of rating; or</p> <p>55.1.3 changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land; the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:</p> <p>55.1.4 prepare a report on the proposed change in accordance with Section 151(6) of the Act; and</p> <p>55.1.5 follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.</p>	(95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s151(8) s151(5)(d) s151(7)(a)(i)	<p>55. Basis of Rating</p> <p>55.2 The duty pursuant to Section 151(8) of the Act to ensure that copies of the report required under Section 151(5)(d) of the Act are available at the meeting held under Section 151(7)(a)(i) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s152(2)(d) s152(3)	<p>56. General Rates</p> <p>56.1 The power pursuant to Section 152(2)(d) and (3) of the Act to determine, on application, if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s155(6)	<p>57. Service Rates and Service Charges</p> <p>57.1 The duty pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with improving or replacing Council assets for the purposes of the relevant prescribed service.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
s155(7)	<p>57. Service Rates and Service Charges</p> <p>57.2 The power pursuant to Section 155(7) of the Act, if a prescribed service under Section 155(6) of the Act is, or is to be, discontinued, to apply any excess funds held by the Council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) for another purpose specifically identified in the Council's annual business plan as being the purpose for which the funds will now be applied.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s156(3), s156(9), s156(10), s156(11)	<p>58. Basis of Differential Rates</p> <p>58.1 The power pursuant to Section 156(3), (9), (10), (11) of the Act to attribute the use of the land for any basis for a differential rate and to decide objections to any of those attributions.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s156(14a)	<p>58. Basis of Differential Rates</p> <p>58.2 The power and duty pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to -</p> <p>58.2.1 prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and</p> <p>58.2.2 follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s156(14e), 156(14a)(a)	<p>58. Basis of Differential Rates</p> <p>58.3 The duty pursuant to Section 156(14e) of the Act to ensure that copies of the report required under Section 156(14a)(a) of the Act are available at the meeting held under Section 156(14d)(a)(i); and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s157	<p>59. Notice of Differentiating Factors</p> <p>59.1 If the Council declares differential rates, the duty pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or combination of factors that governs the calculation of rates on the land to which the account relates.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager	NIL

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		Financial Services (214)	
s159(1)	<p>60. Preliminary</p> <p>60.1 The power pursuant to Section 159(1) of the Act to determine the manner and form and such information as the Delegate may reasonably require, for a person or body to apply to the Council to determine if grounds exist for the person or body to receive a rebate of rates.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s159(3)	<p>60. Preliminary</p> <p>60.2 The power pursuant to Section 159(3) to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or on the Delegate's own initiative).</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s159(4)	<p>60. Preliminary</p> <p>60.3 The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100%.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s159(10)	<p>60. Preliminary</p> <p>60.4 The power pursuant to Section 159(10) of the Act to determine, for proper cause, that an entitlement to a rebate of rates in pursuance of Division 5 no longer applies.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s161(1) s161(3)	<p>61. Rebate of Rates - Community Services</p> <p>61.1 The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation:</p> <p>61.1.1 is incorporated on a not-for-profit basis for the benefit of the public; and</p> <p>61.1.2 provides community services without charge or for charge that is below the cost to the body of providing their services; and</p> <p>61.1.3 does not restrict its services to persons who are members of the body.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL



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s165(1), s165(2)	<p>62. Rebate of Rates - Educational Purposes</p> <p>62.1 The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land:</p> <p>62.1.1 occupied by a Government school under a lease or license and being used for educational purposes; or</p> <p>62.1.2 occupied by non-Government school registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or</p> <p>62.1.3 land being used by University or University College to provide accommodation and other forms of support for students on a not-for-profit basis.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s166(1a)	<p>63. Discretionary Rebates of Rates</p> <p>63.1 The duty pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j):</p> <p>63.1.1 the nature and extent of the Council's services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and</p> <p>63.1.2 the community need that is being met by activities being carried out on the land for which the rebate is sought; and</p> <p>63.1.3 the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;</p> <p>63.1.4 any other matter considered relevant by the Council or the Delegate.</p>	<del>Chief Executive Officer (95)</del> , Elected Body	

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Section	Item Delegated	Delegate	Conditions and Limitations
s166(1), s166(2), s166(4)	<p>63. Discretionary Rebates of Rates</p> <p>63.2 The power pursuant to Section 166(1), (2) and (4) of the Act and taking into account Section 166(1a) of the Act and in accordance with Section 166(3b) of the Act to grant a rebate of rates or service charges on such conditions as the Delegate sees fit and such rebate may be up to and including 100% of the relevant rates or service charge, in the following cases:</p> <p>63.2.1 where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;</p> <p>63.2.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area;</p> <p>63.2.3 where the rebate will be conducive to the preservation of buildings or places of historic significance;</p> <p>63.2.4 where the land is being used for educational purposes;</p> <p>63.2.5 where the land is being used for agricultural, horticultural or floricultural exhibitions;</p> <p>63.2.6 where the land is being used for a hospital or health centre;</p> <p>63.2.7 where the land is being used to provide facilities or services for children or young persons;</p> <p>63.2.8 where the land is being used to provide accommodation for the aged or disabled;</p> <p>63.2.9 where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre;</p> <p>63.2.10 where the land is being used by an organisation which, in the opinion of the Delegate, provides a benefit or a service to the local community;</p> <p>63.2.11 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;</p>	<p><del>Chief Executive Officer</del> (95), Elected Body</p>	

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Section	Item Delegated	Delegate	Conditions and Limitations
	<p>63.2.12 where the rebate is considered by the Delegate to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to:</p> <p>63.2.12.1 redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or</p> <p>63.2.12.2 change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.</p> <p>63.2.13 where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:</p> <p>63.2.13.1 liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Council in its annual business plan; or</p> <p>63.2.13.2 liability that is unfair or unreasonable;</p> <p>63.2.14 where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or</p> <p>63.2.15 where the rebate is contemplated under another provision of the Act.</p>		
s166(3)	<p>63. Discretionary Rebates of Rates</p> <p>63.3 The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not exceeding 10 years in the following cases:</p> <p>63.3.1 where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or</p> <p>63.3.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area; or</p>	<p>Chief Executive Officer (95), Elected Body</p>	

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Section	Item Delegated	Delegate	Conditions and Limitations
	63.3.3 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment.		
s166(3a)	63. Discretionary Rebates of Rates 63.4 The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(l) of the Act for a period exceeding 1 year but not exceeding 3 years.	Chief Executive Officer (95), Elected Body	
s167(1)	64. Valuation of Land for the Purposes of Rating 64.1 The power pursuant to Section 167(1) of the Act to adopt valuations that are to apply to land within the Council's area, for rating purposes for a particular financial year.	Chief Executive Officer (95)	Subject to Council Approval
s167(2)	64. Valuation of Land for the Purposes of Rating 64.2 For the purpose of adopting a valuation of land for rating, the duty pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt:  64.2.1 valuations made, or caused to be made, by the Valuer-General; or  64.2.2 valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council; or a combination of both.	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s167(6)	64. Valuation of Land for the Purposes of Rating 64.3 The duty pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the Gazette, within 21 days after the date of the adoption.	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s168(1)	65. Valuation of Land 65.1 The power pursuant to Section 168(1) of the Act to request the Valuer-General to value any land within the Council's area (being land that is capable of being separately rated).	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
s168(2)	65. Valuation of Land 65.2 The duty pursuant to Section 168(2) of the Act to furnish to the Valuer-General any information requested by the Valuer General for the purposes of valuing land within the area of the Council.	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s168(3)(b)	65. Valuation of Land 65.3 The power and duty pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations.	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s169(1), s169(2), s169(3), s169(4), s169(5)	66. Objections to Valuations Made by Council 66.1 The duty pursuant to Section 169(1), (2), (3), (4) and (5) of the Act to refer an objection to a valuation of land to the valuer who made the valuation and to request the valuer to reconsider the valuation, where:  66.1.1 the objection does not involve a question of law; and  66.1.2 the objection is made in writing (setting out a full and detailed statement of the grounds on which the objection is based); and  66.1.3 is made within 60 days after the date of service of the notice of the valuation to which the objection relates (unless the Delegate, in his/her discretion, allows an extension of time for making the objection).	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s169(3)(b)	66. Objections to Valuations Made by Council 66.2 The power pursuant to Section 169(3)(b) of the Act to grant an extension of time for making an objection to a valuation of land.	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s169(7)	66. Objections to Valuations Made by Council 66.3 The duty pursuant to Section 169(7) of the Act to give the objector written notice of the outcome of the reconsideration of the objection.	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s169(8)	66. Objections to Valuations Made by Council	Chief Executive Officer	

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>66.4 The duty pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is:</p> <p>66.4.1 in the prescribed manner and form;</p> <p>66.4.2 made within 21 days after the objector receives notice of the outcome of his or her initial objection; and</p> <p>66.4.3 accompanied by the prescribed fee.</p>	(95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s169(15)	<p>66. Objections to Valuations Made by Council</p> <p>66.5 The power pursuant to Section 169(15)(b) of the Act to apply to SACAT for a review of the decision of a valuer after a further review on a request under Section 169(8) of the Act, in accordance with Section 169(15a) of the Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s170	<p>67. Notice of Declaration of Rates</p> <p>67.1 The duty pursuant to Section 170 of the Act to ensure the notice of declaration of a rate or service charge is published in the Gazette and in a newspaper circulating in the area within 21 days after the date of the declaration.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s173(3), s173(5)	<p>68. Alterations to Assessment Record</p> <p>68.1 The power pursuant to Section 173(3) and (5) of the Act to determine the procedure for a review of a decision by the Chief Executive Officer on an application for alteration of the assessment record.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s173(6)	<p>68. Alterations to Assessment Record</p> <p>68.2 The duty pursuant to Section 173(6) of the Act to give a person written notice of Council's decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s174(1), s174(2)	<p>69. Inspection of Assessment Record</p> <p>69.1 The duty pursuant to Section 174(1) and (2) of the Act to ensure that the assessment record is available</p>	Chief Executive Officer (95), Director Corporate	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
	for inspection and purchase of an entry (on payment of a fee fixed by the Council), by the public at the principal office of the Council during ordinary office hours.	Services (41), Manager Financial Services (214)	
s178(3), s178(9)	<p>70. Liability for Rates</p> <p>70.1 The power pursuant to Section 178(3) of the Act and subject to Section 178(9) of the Act to recover rates as a debt from:</p> <p>70.1.1 the principal ratepayer; or</p> <p>70.1.2 any other person (not being a principal ratepayer) who is an owner or occupier of the land; or</p> <p>70.1.3 any other person who was at the time of the declaration of the rates an owner or occupier of the land.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s178(4)	<p>70. Liability for Rates</p> <p>70.2 The power pursuant to Section 178(4) of the Act by written notice to a lessee or a licensee of land in respect of which rates have fallen due, to require him or her to pay to the Council rent or other consideration payable under the lease or a licence in satisfaction of any liability for rates.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s178(4)	<p>70. Liability for Rates</p> <p>70.3 Where a notice under Section 178(4) of the Act is given to a lessee or a licensee of land, the power pursuant to Section 178(5) of the Act to make and give notice of an additional charge of 5% of the amount in arrears, as payable and recoverable as part of the debt for unpaid rates.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s178(6)	<p>70. Liability for Rates</p> <p>70.4 The power pursuant to Section 178(6) of the Act to remit the charge of 5% of the amount in arrears payable under the Act in whole or in part.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s179(2)	<p>71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year</p> <p>71.1 The power pursuant to Section 179(2) of the Act to adopt a valuation of land that has become rateable after the adoption of valuations by the Council for the relevant financial year.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s179(5)	71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year 71.2 The duty pursuant to Section 179(5) of the Act to refund to the principal ratepayer an amount proportionate to the remaining part of the financial year, if land ceases to be rateable during the course of a financial year and the rates have been paid.	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s180(1), s180(2)	72. Service of Rate Notice 72.1 The duty pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after:  72.1.1 the declaration of a rate; or  72.1.2 the imposition of a service charge; or  72.1.3 a change in the rates liability of land.	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s181(2)	73. Payment of Rates - General Principles 73.1 The power pursuant to Section 181(2) of the Act to determine the day on which each instalment of rates falls due in the months of September, December, March and June of the financial year for which the rates are declared.	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s181(3)	73. Payment of Rates - General Principles 73.2 If the Council declares a general rate for a particular financial year after 31 August in that financial year, the power, pursuant to Section 181(3) of the Act, to adjust the months in which instalments would otherwise be payable under Section 181(1) (taking into account what is reasonable in the circumstances).	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s181(4)(b)	73. Payment of Rates - General Principles 73.3 The power pursuant to Section 181(4)(b) of the Act to agree with the principal ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event, the ratepayer's rates will then be payable accordingly.	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s181(5)	73. Payment of Rates - General Principles	Chief Executive Officer	



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Section	Item Delegated	Delegate	Conditions and Limitations
	<p>73.4 The duty pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Sections 181(6) and (7) of the Act:</p> <p>73.4.1 the amount of the instalment; and</p> <p>73.4.2 the date on which the instalment falls due, or in the case where payment is to be postponed under another provision of the Act, the information prescribed by the Regulations.</p>	(95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s181(7a)	<p>73. Payment of Rates - General Principles</p> <p>73.5 The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal rate payer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s181(9)	<p>73. Payment of Rates - General Principles</p> <p>73.6 The power pursuant to Section 181(9) of the Act to remit any amount payable under Section 181(8) of the Act in whole or in part.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s181(11)	<p>73. Payment of Rates - General Principles</p> <p>73.7 The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage:</p> <p>73.7.1 the payment of instalments of rates in advance; or</p> <p>73.7.2 prompt payment of rates.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s181(12)(b)	<p>73. Payment of Rates - General Principles</p> <p>73.8 The power pursuant to Section 181(12)(b) of the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
s181(13)	<p>73. Payment of Rates - General Principles</p> <p>73.9 The power pursuant to Section 181(13) and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the address shown in the assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s181(15)	<p>73. Payment of Rates - General Principles</p> <p>73.10 The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case:</p> <p>73.10.1 the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and</p> <p>73.10.2 the Delegate must give at least 30 days notice before an instalment falls due.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s182(1)	<p>74. Remission and Postponement of Payment</p> <p>74.1 The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to:</p> <p>74.1.1 postpone payment in whole or in part for such period as the Delegate thinks fit; or</p> <p>74.1.2 remit the rates in whole or in part.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s182(2)	<p>74. Remission and Postponement of Payment</p> <p>74.2 The power pursuant to Section 182(2) of the Act on a postponement of rates:</p> <p>74.2.1 to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement at a rate fixed by the Delegate (but not exceeding the cash advance debenture rate);</p> <p>74.2.2 to grant the postponement on other conditions determined by the Delegate; and</p> <p>74.2.3 to revoke the postponement, at the Delegate's discretion (in which case the Delegate must give the</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
	ratepayer at least 30 days written notice of the revocation before taking action to recover rates affected by the postponement).		
s182(3)	<p>74. Remission and Postponement of Payment</p> <p>74.3 The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates:</p> <p>74.3.1 to assist or support a business in the Council's area; or</p> <p>74.3.2 to alleviate the affects of anomalies that have occurred in valuations under the Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s182(4)	<p>74. Remission and Postponement of Payment</p> <p>74.4 The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission Act 1986, (such remissions will be in addition to the remissions that are available under that Act).</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s182(5)	<p>74. Remission and Postponement of Payment</p> <p>74.5 The power pursuant to Section 182(5) of the Act to require a ratepayer who claims to be entitled to a remission of rates by virtue of a determination under Section 182(4) of the Act to provide evidence to the satisfaction of the Delegate verifying that entitlement.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s182(6)	<p>74. Remission and Postponement of Payment</p> <p>74.6 The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not affect an entitlement to remission in relation to rates declared before the revocation takes effect).</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s182A(2)	<p>75. Postponement of Rates - Seniors</p> <p>75.1 The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied by such information as the Delegate may reasonably require.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s182A(3)	<p>75. Postponement of Rates - Seniors</p> <p>75.2 The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1)</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager	NIL

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	and (2) of the Act to:  75.2.1 reject an application for the postponement of rates; or  75.2.2 impose conditions on the postponement of rates but only in accordance with the Regulations.	Financial Services (214)	
s183	76. Application of money in respect of rates 76.1 The power and the duty to apply monies received or recovered in respect of rates pursuant to and in accordance with Section 183 of the Act.	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s184(1)	77. Sale of Land for Non-Payment of Rates 77.1 The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more.	Chief Executive Officer (95), Director Corporate Services (41)	Subject to Council Approval
s184(2)	77. Sale of Land for Non-Payment of Rates 77.2 The duty pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record:  77.2.1 stating the period for which the rates have been in arrears; and  77.2.2 stating the amount of the total liability for rates presently outstanding in relation to the land; and  77.2.3 stating that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the Delegate may allow), the Council intends to sell the land for non-payment of rates.	Chief Executive Officer (95), Director Corporate Services (41)	NIL
s184(3)	77. Sale of Land for Non-Payment of Rates 77.3 The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act:	Chief Executive Officer (95), Director Corporate Services (41)	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
	<p>77.3.1 to any owner of the land who is not the principal ratepayer; and</p> <p>77.3.2 to any registered mortgagee of the land; and</p> <p>77.3.3 if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929.</p>		
s184(2), s184(3)	<p>77. Sale of Land for Non-Payment of Rates</p> <p>77.4 If:</p> <p>77.4.1 the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or</p> <p>77.4.2 the Delegate considers that it is unlikely that a notice sent under Section 184(2) or (3) of the Act would come to the attention of the person to whom it is to be sent, the power pursuant to Section 184(4) of the Act to effect service of the notice by:</p> <p>77.4.3 placing a copy of the notice in a newspaper circulating throughout the State; and</p> <p>77.4.4 leaving a copy of the notice in a conspicuous place on the land.</p>	Chief Executive Officer (95), Director Corporate Services (41)	NIL
s184(5)	<p>77. Sale of Land for Non-Payment of Rates</p> <p>77.5 The power pursuant to Section 184(5) of the Act to proceed to have the land sold, if the outstanding amount of rates is not paid in full within the time allowed in the notice given to the ratepayer under Section 184(2) of the Act.</p>	Chief Executive Officer (95), Director Corporate Services (41)	NIL
s184(6)	<p>77. Sale of Land for Non-Payment of Rates</p> <p>77.6 The duty pursuant to Section 184(6) and (7) of the Act to conduct the sale of land for non-payment of rates by public auction and the power to set the reserve price for the purposes of the auction, except in the case of land held from the Crown under a lease, licence or agreement to purchase, unless the Minister responsible for the administration of the Crown Lands Act 1929 grants consent to sale by public auction.</p>	Chief Executive Officer (95), Director Corporate Services (41)	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
s184(8)	77. Sale of Land for Non-Payment of Rates 77.7 The duty pursuant to Section 184(8) of the Act to advertise the auction of land under Section 184 of the Act on at least 2 separate occasions in a newspaper circulating throughout the State.	Chief Executive Officer (95), Director Corporate Services (41)	NIL
s184(9)	77. Sale of Land for Non-Payment of Rates 77.8 The duty pursuant to Section 184(9) of the Act to call off the auction, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council.	Chief Executive Officer (95), Director Corporate Services (41)	NIL
s184(10)	77. Sale of Land for Non-Payment of Rates 77.9 The power pursuant to Section 184(10) of the Act to sell the land by private contract for the best price that can be reasonably obtained, if an auction fails or an auction is not held because the land is held from the Crown under a lease, licence or agreement to purchase.	Chief Executive Officer (95), Director Corporate Services (41)	NIL
s184(11)	77. Sale of Land for Non-Payment of Rates 77.10 The power and duty to apply monies received by the Council in respect of the sale of land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act.	Chief Executive Officer (95), Director Corporate Services (41)	NIL
s184(12)	77. Sale of Land for Non-Payment of Rates 77.11 The duty pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of land to be sold for non-payment of rates and where the owner cannot be found, the power to deal with the amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1981.	Chief Executive Officer (95), Director Corporate Services (41)	NIL
s186(3), s186(4), s186(5)	78. Objection, Review or Appeal 78.1 If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act:  78.1.1 to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or  78.1.2 to recover an additional amount payable on account of an alteration of the value as arrears after at least 30 days have expired from the date on which notification of the alteration is given to the person who initiated the objection, review or appeal.	Chief Executive Officer (95), Director Corporate Services (41)	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
s187(1)	<p>79. Certificate of Liabilities</p> <p>79.1 The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:</p> <p>79.1.1 the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 or Schedule 1B of the Act (including rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act); and</p> <p>79.1.2 any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45)	NIL
s187B(6)	<p>80. Investigation by Ombudsman</p> <p>80.1 The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to:</p> <p>80.1.1 the Ombudsman; and</p> <p>80.1.2 if relevant, the person who made the complaint.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350)	NIL
s187B(7)	<p>80. Investigation by Ombudsman</p> <p>80.2 The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350)	NIL
s188(1), s188(2)	<p>81. Fees and Charges</p> <p>81.1 The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges:</p> <p>81.1.1 for the use of any property or facility owned, controlled, managed or maintained by the Council;</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349),	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
	<p>81.1.2 for services supplied to a person at his or her request;</p> <p>81.1.3 for carrying out work at a person's request;</p>	<p>Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Organisational Development (310), Director Fabrik (437), Manager Communications Engagement and Events (439), Manager Community Development (187), Manager Economic Development (386), Manager Libraries and Customer Service (12), Team Leader Customer Service (389), Team Leader Digital Services (344a), Team Leader Digital Services (344b), Team Leader Outreach Services (203), Team Leader Positive Ageing (208), Team Leader Programs (273), Manager Financial Services (214), Manager ICT (312), Manager Property</p>	



## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Services (394), Team Leader Information Management (433), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Supervisor Parks and Reserves (115)	
s188(3)	<p>81. Fees and Charges</p> <p>81.2 The power pursuant to Section 188(3) of the Act to provide for:</p> <p>81.2.1 specific fees and charges;</p> <p>81.2.2 maximum fees and charges and minimum fees and charges;</p> <p>81.2.3 annual fees and charges;</p> <p>81.2.4 the imposition of fees or charges according to specified factors;</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Organisational	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Development (310), Director Fabrik (437), Manager Communications Engagement and Events (439), Manager Community Development (187), Manager Economic Development (386), Manager Libraries and Customer Service (12), Team Leader Customer Service (389), Team Leader Digital Services (344a), Team Leader Digital Services (344b), Team Leader Outreach Services (203), Team Leader Positive Ageing (208), Team Leader Programs (273), Manager Financial Services (214), Manager ICT (312), Manager Property Services (394), Team Leader Information Management (433), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326),	

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Supervisor Parks and Reserves (115)	
s188(3)	<p>81. Fees and Charges</p> <p>81.2 The power pursuant to Section 188(3) of the Act to provide for:</p> <p>81.2.5 the variation of fees or charges according to specified factors in respect of fees and charges set under Section 188(1)(a) - (c) of the Act inclusive; and</p>	<p>Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Organisational Development (310), Director Fabrik (437), Manager Communications Engagement and Events (439), Manager Community Development (187), Manager Economic Development (386), Manager Libraries and</p>	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Customer Service (12), Team Leader Customer Service (389), Team Leader Digital Services (344a), Team Leader Digital Services (344b), Team Leader Outreach Services (203), Team Leader Positive Ageing (208), Team Leader Programs (273), Manager Financial Services (214), Manager ICT (312), Manager Property Services (394), Team Leader Information Management (433), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Supervisor Parks and Reserves (115)	

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
s188(3)	<p>81. Fees and Charges</p> <p>81.2.6 the reduction, waiver or refund, in whole or in part, of any fees and charges.</p>	<p>Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Organisational Development (310), Director Fabrik (437), Manager Communications Engagement and Events (439), Manager Community Development (187), Manager Economic Development (386), Manager Libraries and Customer Service (12), Team Leader Customer Service (389), Team Leader Digital Services (344a), Team Leader Digital Services (344b), Team Leader Outreach Services (203), Team Leader Positive Ageing (208), Team Leader</p>	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Programs (273), Manager Financial Services (214), Manager ICT (312), Manager Property Services (394), Team Leader Information Management (433), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Supervisor Parks and Reserves (115)	
s188(5)	81. Fees and Charges 81.3 The power pursuant to Section 188(5) of the Act to fix, vary or revoke those fees and charges set under Section 188(1)(a), (b) and (c) of the Act.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70),	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Director Infrastructure and Operations (114), Executive Manager Organisational Development (310), Director Fabrik (437), Manager Communications Engagement and Events (439), Manager Community Development (187), Manager Economic Development (386), Manager Libraries and Customer Service (12), Team Leader Customer Service (389), Team Leader Digital Services (344a), Team Leader Digital Services (344b), Team Leader Outreach Services (203), Team Leader Positive Ageing (208), Team Leader Programs (273), Manager Financial Services (214), Manager ICT (312), Manager Property Services (394), Team Leader Information Management (433), Manager Development Services (72), Team Leader Environmental	

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Supervisor Parks and Reserves (115)	
s188(6)	<p>81. Fees and Charges</p> <p>81.4 The duty pursuant to Section 188(6) of the Act to keep a list of fees and charges imposed under this Section on public display during ordinary office hours at the principal office of the Council.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Organisational Development (310), Director Fabrik (437), Manager Communications Engagement and Events (439), Manager	NIL



## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Community Development (187), Manager Economic Development (386), Manager Libraries and Customer Service (12), Team Leader Customer Service (389), Team Leader Digital Services (344a), Team Leader Digital Services (344b), Team Leader Outreach Services (203), Team Leader Positive Ageing (208), Team Leader Programs (273), Manager Financial Services (214), Manager ICT (312), Manager Property Services (394), Team Leader Information Management (433), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency	

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Mgmt (93), Supervisor Parks and Reserves (115)	
s188(7)	<p>81. Fees and Charges</p> <p>81.5 The duty pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, up-date the list referred to in Section 188(6) of the Act and take reasonable steps to bring the fee or charge, or variation of the fee or charge, to the notice of persons who may be affected.</p>	<p>Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Organisational Development (310), Director Fabrik (437), Manager Communications Engagement and Events (439), Manager Community Development (187), Manager Economic Development (386), Manager Libraries and Customer Service (12), Team Leader Customer Service (389), Team Leader Digital Services (344a), Team Leader Digital Services (344b),</p>	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Team Leader Outreach Services (203), Team Leader Positive Ageing (208), Team Leader Programs (273), Manager Financial Services (214), Manager ICT (312), Manager Property Services (394), Team Leader Information Management (433), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Supervisor Parks and Reserves (115)	
s190	82. Acquisition of Land by Agreement 82.1 The power pursuant to Section 190 of the Act to acquire land by agreement.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Regulatory Services (70), Director Infrastructure and Operations (114)	
s191(1)	83. Compulsory Acquisition of Land 83.1 The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s191(2)	83. Compulsory Acquisition of Land 83.2 The power pursuant to Section 191(2) of the Act to acquire land compulsorily for a purpose classified by the Regulations as an approved purpose.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s192(1)	84. Assumption of Care, Control and Management of Land 84.1 The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in the Council area that has been set aside for the use or enjoyment of the public or a section of the public under the circumstances specified in Section 192(1)(a) and (b) of the Act.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s192(4)	<p>84. Assumption of Care, Control and Management of Land</p> <p>84.2 The duty pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the Gazette.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s193(6)	<p>85. Classification</p> <p>85.1 The duty pursuant to Section 193(6) of the Act to give notice in the Gazette of a resolution:</p> <p>85.1.1 to exclude land from classification as community land under Section 193(4) of the Act; or</p> <p>85.1.2 to classify as community land, land that had previously been excluded from classification as such under Section 193(5) of the Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394)	NIL
s194(2)	<p>86. Revocation of Classification of Land as Community Land</p> <p>86.1 The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to:</p> <p>86.1.1 prepare and make publicly available a report on the proposal containing:</p> <p>86.1.1.1 a summary of reasons for the proposal; and</p> <p>86.1.1.2 a statement of any dedication, reservation or trust to which the land is subject; and</p> <p>86.1.1.3 a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and the statement of how the Council proposes to use the proceeds; and</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Property Officer (113)	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>86.1.1.4 an assessment of how implementation of the proposal would affect the area and the local community; and</p> <p>86.1.1.5 if the Council is not the owner of the land, a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and</p> <p>86.1.2 follow the relevant steps set out in the Council's public consultation policy.</p>		
s194(2)	<p>86. Revocation of Classification of Land as Community Land</p> <p>86.2 After complying with the requirements of Section 194(2) of the Act, the duty pursuant to Section 194(3) of the Act to prepare a report on all submissions made on it as part of the public consultation process.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Property Officer (113)	NIL
s194(4)	<p>86. Revocation of Classification of Land as Community Land</p> <p>86.3 The power pursuant to Section 194(4) of the Act to consult with the Minister in relation to a regulation made under Section 194(1) over a specific piece of land.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL
s195(2)	<p>87. Effect of Revocation of Classification</p> <p>87.1 If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the duty pursuant to Section 195(2) of the Act immediately after the revocation of the classification of the land as community land, to give notice of the revocation to the Registrar-General in the manner and form approved by the Registrar General.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Property Officer (113)	NIL
s196(1), s196(2), s196(3), s196(7),	<p>88. Management Plans</p> <p>88.1 The power and duty pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare and adopt management plan or management plans for the Council's community land, for which a management plan must be prepared, that:</p> <p>88.1.1 identifies the land to which it applies; and</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Property Officer (113)	Subject to Council Approval

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>88.1.2 states the purpose for which the land is held by the Council; and</p> <p>88.1.3 states the Council's objectives, policies (if any) and proposals for the management of the land; and</p> <p>88.1.4 states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.</p>		
s196(4)	<p>88. Management Plans</p> <p>88.2 If a management plan relates to land that is not in the Council's ownership, the power and duty pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must:</p> <p>88.2.1 identify the owner of the land; and</p> <p>88.2.2 state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and</p> <p>88.2.3 contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL
s196(5)	<p>88. Management Plans</p> <p>88.3 The duty pursuant to Section 196(5) of the Act to ensure (as far as practicable) that the management plan is consistent with other relevant official plans and policies about conservation, development and use of the land and contains any special provisions required under the Regulations.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL
s197(1)	<p>89. Public Consultation on Proposed Management Plan</p> <p>89.1 Before the Council adopts a management plan for community land, the duty to pursuant to Section 197(1) of the Act and subject to Section 197(2) of the Act:</p> <p>89.1.1 make copies of the proposed plan available for inspection or purchase at the Council's principal office; and</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	89.1.2 follow the relevant steps set out in Council's public consultation policy.		
s197(3)	89. Public Consultation on Proposed Management Plan 89.2 The duty pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.	Chief Executive Officer (95), Director Corporate Services (41)	NIL
s198(1)	90. Amendment or Revocation of Management Plan 90.1 The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or revocation.	<del>Chief Executive Officer (95)</del> , Elected Body	
s198(2), s198(3)	90. Amendment or Revocation of Management Plan 90.2 The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council or the Delegate adopting a proposal for amendment to or revocation of a management plan, unless in the opinion of the Delegate the amendment has no impact or no significant impact on the interests of the community.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s198(4)	90. Amendment or Revocation of Management Plan 90.3 The duty pursuant to Section 198(4) of the Act to give public notice of Council's or the Delegate's adoption of a proposal for the amendment or revocation of a management plan.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s199	91. Effect of Management Plan 91.1 The duty pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity	NIL



Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		(350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113)	
s200(1), s200(2), s200(3)	92. Use of Community Land for Business Purposes 92.1 The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person's use of community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate.	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Property Officer (113)	NIL
s201(1)	93. Sale or Disposal of Local Government Land 93.1 The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land:  93.1.1 vested in the Council in fee simple; or  93.1.2 vested in the Council as lessee.	<del>Chief Executive Officer (95)</del> , Elected Body	
s201(2)	93. Sale or Disposal of Local Government Land 93.2 The power pursuant to Section 201(2) of the Act to:  93.2.1 grant an easement (including a right of way) over community land; and  93.2.2 grant an easement (excluding a right of way) over a road or part of a road.	<del>Chief Executive Officer (95)</del> , Elected Body	
s202(1)	94. Alienation of Community Land by Lease or Licence 94.1 The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), and	Chief Executive Officer (95), Executive Manager Governance and	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>to make provision in a lease or licence for:</p> <p>94.1.1 the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;</p> <p>94.1.2 the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);</p> <p>94.1.3 any other matter relevant to the use or maintenance of the land.</p>	<p>Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Property Services (394), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Manager Development Services (72), Team Leader Regulatory Services (196), Manager Sustainability Waste &amp; Emergency Mgmt (93)</p>	
s202(2)	<p>94. Alienation of Community Land by Lease or Licence</p> <p>94.2 The duty pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council's public consultation policy, unless:</p> <p>94.2.1 the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the proposed lease or licence is 5 years or less; or</p> <p>94.2.2 the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.</p>	<p>Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394)</p>	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s202(4)	<p>94. Alienation of Community Land by Lease or Licence</p> <p>94.3 The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 42 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 42 years.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394)	NIL
s202(6)	<p>94. Alienation of Community Land by Lease or Licence</p> <p>94.4 The duty pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394)	NIL
s207(1)	<p>95. Register</p> <p>95.1 The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113), Manager Civil Services (402), Manager Open Space (409), Sport and Recreation Planner (391)	NIL
s207(2)(a), s207(2)(b)	<p>95. Register</p> <p>95.2 The duty pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register:</p>	Chief Executive Officer (95), Director Corporate Services (41), Director	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>95.2.1 contains the information required by the Regulations; and</p> <p>95.2.2 contains copies of current management plans.</p>	Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113), Manager Civil Services (402), Manager Open Space (409), Sport and Recreation Planner (391)	
s207(2)(c)	<p>95. Register</p> <p>95.3 The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant information.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113), Manager Civil Services (402), Manager Open Space (409), Sport and Recreation Planner (391)	NIL
s207(3), s207(4)	<p>95. Register</p> <p>95.4 The duty pursuant to Section 207(3) and (4) of the Act to make available the register of all community land in the Council's area for inspection (without charge) or purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113),	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Manager Civil Services (402), Manager Open Space (409), Sport and Recreation Planner (391)	
s208(4)	<p>96. Ownership of Public Roads</p> <p>96.1 The duty pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the Gazette.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Coordinator Civil Projects (109), Manager Civil Services (402), Manager Open Space (409), Project Officer (421), Project Officer (422), Technical Officer (104)	NIL
s209(3)	<p>97. Ownership of Fixtures and Equipment Installed on Public Roads</p> <p>97.1 The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of property in fixtures and equipment in the Council.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Coordinator Civil Projects (109), Manager Civil Services (402), Manager Open Space (409), Project Officer (421), Project Officer (422), Technical Officer (104)	NIL
s210(1)(b)	<p>98. Conversion of Private Road to Public Road</p> <p>98.1 The duty pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Services (394), Property Officer (113), Coordinator Civil Projects (109), Manager Civil Services (402), Manager Open Space (409), Project Officer (421), Project Officer (422), Technical Officer (104)	
s210(2)	<p>98. Conversion of Private Road to Public Road</p> <p>98.2 The duty pursuant to Section 210(2) of the Act at least 3 months before the Council makes a declaration under Section 210 of the Act to:</p> <p>98.2.1 if the identity and whereabouts of the owner of the road are known to the Council, give written notice to the owner of land subject to the proposed declaration; and</p> <p>98.2.2 if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council - give written notice to the person of the proposed declaration; and</p> <p>98.2.3 give public notice of the proposed declaration.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Coordinator Civil Projects (109), Manager Civil Services (402), Manager Open Space (409), Project Officer (421), Project Officer (422), Technical Officer (104)	NIL
s210(5)	<p>98. Conversion of Private Road to Public Road</p> <p>98.3 The duty pursuant to Section 210(5) to publish in the Gazette a declaration of the Council made in accordance with Section 210(1) of the Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Coordinator	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Civil Projects (109), Manager Civil Services (402), Manager Open Space (409), Project Officer (421), Project Officer (422), Technical Officer (104)	
s210(7)	<p>98. Conversion of Private Road to Public Road</p> <p>98.4 The duty pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Coordinator Civil Projects (109), Manager Civil Services (402), Manager Open Space (409), Project Officer (421), Project Officer (422), Technical Officer (104)	NIL
s211(1)(a)	<p>99. Highways</p> <p>99.1 The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Coordinator Civil Projects (109), Manager Civil Services (402), Manager Open Space (409), Project Officer (421), Project Officer (422)	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s212(1)	<p>100. Power to Carry Out Roadwork</p> <p>100.1 The power pursuant to Section 212(1) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Coordinator Civil Projects (109), Manager Civil Services (402), Manager Open Space (409), Project Officer (421), Project Officer (422)	NIL
s212(3)	<p>100. Power to Carry Out Roadwork</p> <p>100.2 The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that:</p> <p>100.2.1 the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and</p> <p>100.2.2 before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and</p> <p>100.2.3 the roadwork in relation to a private road is only carried out if:</p> <p>100.2.3.1 the owner agrees; or</p> <p>100.2.3.2 the Council has given the owner reasonable notice of the proposed roadwork and a reasonable opportunity to make representations and has considered any representations made in response to the notice; or</p> <p>100.2.3.3 the identity or whereabouts of the owner is unknown; and</p> <p>100.2.4 the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Coordinator Civil Projects (109), Manager Civil Services (402), Manager Open Space (409), Project Officer (421), Project Officer (422)	NIL



**Local Government Act 1999**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s213(1)	<p>101. Recovery of Cost of Roadwork</p> <p>101.1 Where roadwork has been carried by agreement, the power pursuant to Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of the agreement.</p> <p>101.2 Where roadwork has been carried out to repair damage to a road, the power pursuant to Section 213(2) of the Act to recover the cost of carrying out the work, as a debt, from:</p> <p>101.2.1 the person who caused the damage; or</p> <p>101.2.2 in the case of damage caused by the bursting, explosion or fusion of any pipe, wire, cable, fitting or other object - the person who is the owner, or who has control of that infrastructure.</p> <p>101.3 If the Council carries out roadwork on a private road, the power pursuant to Section 213(3) of the Act to recover the cost of the work or a contribution towards the cost of the work determined by the Delegate as a debt from the owner of the private road.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Financial Services (214), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403)	NIL
s214	<p>102. Contribution Between Councils where Road is on Boundary Between Council Areas</p> <p>102.1 Where roadwork is a carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is brought.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Financial Services (214), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403)	NIL
s215(1)	<p>103. Special Provisions for Certain Kinds of Roadwork</p> <p>103.1 If the Council changes the level of a road, the duty pursuant to Section 215(1) of the Act to:</p> <p>103.1.1 ensure that adjoining properties have adequate access to the road; and</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	103.1.2 construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.	Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Manager Strategic Assets (403), Technical Officer (104)	
s215(2)	<p>103. Special Provisions for Certain Kinds of Roadwork</p> <p>103.2 The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion:</p> <p>103.2.1 there is no significant risk of damage to the adjoining property; or</p> <p>103.2.2 the road work does not significantly increase the risk of damage to adjoining property.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Manager Strategic Assets (403), Technical Officer (104)	NIL
s215(4)	<p>103. Special Provisions for Certain Kinds of Roadwork</p> <p>103.3 The duty pursuant to Section 215(4) of the Act to give reasonable notice of proposed action to drain water into land under Section 215(2) of the Act to the owner of the land, except in a case of urgency.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Manager	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Strategic Assets (403), Technical Officer (104)	
s216(1)	<p>104. Power to Order Owner of Private Road to Carry out Specific Roadwork</p> <p>104.1 The power pursuant to Section 216(1) of the Act to, by order in writing in accordance with Section 216(2) of the Act to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Manager Strategic Assets (403), Technical Officer (104)	NIL
s216(2)	<p>104. Power to Order Owner of Private Road to Carry out Specific Roadwork</p> <p>104.2 The duty pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:</p> <p>104.2.1 any proposal to make an order; and</p> <p>104.2.2 if an order is made, any order, under Section 216(1) of the Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Manager Strategic Assets (403), Technical Officer (104)	NIL
s217(1)	<p>105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.</p> <p>105.1 The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner:</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>105.1.1 to carry out specified work by way of maintenance or repair; or</p> <p>105.1.2 to move the structure or equipment in order to allow the Council to carry out roadwork.</p>	(350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Manager Strategic Assets (403), Technical Officer (104)	
s217(1)	<p>105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.</p> <p>105.2 Where the order made pursuant to Section 217(1) of the Act is not complied with within a reasonable time fixed in the order, the power pursuant to Section 217(2)(a) of the Act to take action required by the order and to recover the cost of doing so as a debt from the owner.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Manager Strategic Assets (403), Technical Officer (104)	NIL
s218(1)	<p>106. Power to Require Owner of Adjoining Land to Carry Out Specific Work</p> <p>106.1 The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Officer (45), Manager Strategic Assets (403), Technical Officer (104)	
s218(2)	<p>106. Power to Require Owner of Adjoining Land to Carry Out Specific Work</p> <p>106.2 The duty pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:</p> <p>106.2.1 any proposal to make an order; and</p> <p>106.2.2 if an order is made, any order under Section 218(1) of the Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Manager Strategic Assets (403), Technical Officer (104)	NIL
s219(1)	<p>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</p> <p>107.1 The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or private road, or of a public place.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Manager Strategic Assets (403), Technical Officer (104)	NIL
s219(1a)	<p>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</p> <p>107.2 The duty pursuant to Section 219(1a) of the Act to assign a name to a public road created after the</p>	Chief Executive Officer (95), Director Corporate Services (41), Director	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	commencement of Section 219(1a) of the Act by land division.	Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Manager Strategic Assets (403), Technical Officer (104)	
s219(2)	<p>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</p> <p>107.3 Where it is proposed to change the name of a public road that runs into the area of an adjoining council, the duty pursuant to Section 219(2) of the Act to:</p> <p>107.3.1 give the adjoining council at least 2 months notice of the proposed change; and</p> <p>107.3.2 consider any representations made by the adjoining council in response to that notice.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Manager Strategic Assets (403), Technical Officer (104)	NIL
s219(3)	<p>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</p> <p>107.4 The duty pursuant to Section 219(3) of the Act to:</p> <p>107.4.1 immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and</p> <p>107.4.2 on request by the Registrar-General, the Surveyor-General or the Valuer-General, provide information about the names of roads or public places in the Council's area.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Officer (43), Senior Rates Officer (45), Manager Strategic Assets (403), Technical Officer (104)	
s219(4)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.5 The duty pursuant to Section 219(4) of the Act to give public notice of the assigning or changing of a name under Section 219(1) of the Act.	Chief Executive Officer (95), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Strategic Assets (403)	NIL
s219(5)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.6 The power pursuant to Section 219(5) of the Act to prepare and adopt a policy relating to the assigning of names under Section 219 of the Act.	Chief Executive Officer (95), Director Infrastructure and Operations (114)	Subject to Council Approval
s219(6)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.7 The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.	Chief Executive Officer (95), Director Infrastructure and Operations (114)	NIL
s219(7)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.8 The duty pursuant to Section 219(7) of the Act to publish notice of the adopting or altering of a policy under Section 219 of the Act:  107.8.1 in the Gazette; and  107.8.2 in a newspaper circulating in the area of the council; and  107.8.3 on a website determined by the Chief Executive Officer.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Manager Strategic Assets (403),	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Technical Officer (104)	
s220(1)	108. Numbering of Premises and Allotments 108.1 The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Asset Management System Analyst (455), Manager Strategic Assets (403), Senior Infrastructure Planning Engineer (264)	NIL
s220(1a)	108. Numbering of Premises and Allotments 108.2 The duty pursuant to Section 220(1a) of the Act to assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of Section 220(1a) of the Act by land division.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Asset Management System Analyst (455), Manager Strategic Assets (403), Senior Infrastructure	NIL



Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Planning Engineer (264)	
s220(1b)	108. Numbering of Premises and Allotments 108.3 The duty pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Asset Management System Analyst (455), Manager Strategic Assets (403), Senior Infrastructure Planning Engineer (264)	NIL
s220(2)	108. Numbering of Premises and Allotments 108.4 The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Asset Management System Analyst (455), Manager Strategic Assets (403), Senior Infrastructure	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Planning Engineer (264)	
s220(3)	108. Numbering of Premises and Allotments 108.5 The duty pursuant to Section 220(3) of the Act to give public notice of the adopting, altering or substituting of a numbering system for a particular road.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Asset Management System Analyst (455), Manager Strategic Assets (403), Senior Infrastructure Planning Engineer (264)	NIL
s220(4)	108. Numbering of Premises and Allotments 108.6 The duty pursuant to Section 220(4) of the Act to notify the Valuer-General of the decision to adopt, alter or substitute a numbering system.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Asset Management System Analyst (455), Manager Strategic Assets (403), Senior Infrastructure	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Planning Engineer (264)	
s220(6)	<p>108. Numbering of Premises and Allotments</p> <p>108.7 The power pursuant to Section 220(6) of the Act to request an owner of land to ensure that the appropriate number for the owner's building or allotment is displayed in a form directed or approved by the Delegate.</p>	<p>Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Infrastructure and Operations (114), Manager Financial Services (214), Rates Officer (43), Senior Rates Officer (45), Asset Management System Analyst (455), Manager Strategic Assets (403), Senior Infrastructure Planning Engineer (264)</p>	NIL
s221(1)	<p>109. Alteration of Road</p> <p>109.1 The power pursuant to Section 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as:</p> <p>109.1.1 altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or</p> <p>109.1.2 erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or</p> <p>109.1.3 changing or interfering with the construction, arrangement or materials of the road; or</p> <p>109.1.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or</p>	<p>Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Coordinator Civil Projects (109), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Project Officer (421), Project Officer (422), Senior Civil Engineer</p>	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	109.1.5 planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.	(184)	
s221(2)(b)	<p>109. Alteration of Road</p> <p>109.2 Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will:</p> <p>109.2.1 unduly obstruct the use of the road; or</p> <p>109.2.2 unduly interfere with the construction of the road; or</p> <p>109.2.3 have an adverse effect on road safety.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Coordinator Civil Projects (109), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Project Officer (421), Project Officer (422), Senior Civil Engineer (184)	NIL
s221(6)	<p>109. Alteration of Road</p> <p>109.3 The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act:</p> <p>109.3.1 for a particular act or occasion; or</p> <p>109.3.2 for a term which is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Coordinator Civil Projects (109), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403),	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Project Officer (421), Project Officer (422), Senior Civil Engineer (184)	
s222(1)	110. Permits for Business Purposes 110.1 The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for business purposes and to give a permit to do so.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Strategic Assets (403), Manager Sustainability Waste &	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Emergency Mgmt (93), Technical Officer (104)	
s222(2)	110. Permits for Business Purposes 110.2 Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93),	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Technical Officer (104)	
s222(3)	110. Permits for Business Purposes 110.3 The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for a particular occasion or for a term stated in the permit.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Technical Officer (104)	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
s223(1)	<p>111. Public Consultation</p> <p>111.1 The duty pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to follow the relevant steps set out in Council's public consultation policy, if the Delegate proposes to grant an authorisation or permit:</p> <p>111.1.1 that confers a right of exclusive occupation; or</p> <p>111.1.2 that would have the effect of restricting access to a road; or</p> <p>111.1.3 in relation to a use or activity for which public consultation is required under the Regulations.</p>	<p>Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Strategic Assets (403), Manager Sustainability Waste &amp; Emergency Mgmt (93), Technical Officer (104)</p>	NIL
s223(2)	<p>111. Public Consultation</p> <p>111.2 The duty pursuant to Section 223(2) of the Act to give written notice of the proposal to agencies that are,</p>	<p>Chief Executive Officer (95), Director Corporate</p>	NIL



## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
	under the Regulations, to be notified of the proposal to grant an authorisation to alter a public road or to permit the use of a public road for business purposes.	Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Technical Officer (104)	
s224	112. Conditions of Authorisation or Permit  112.1 The power pursuant to Section 224 of the Act subject to Sections 224(2) and (4) of the Act to grant an	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
	authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate.	(350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Technical Officer (104)	
s225(1)	<p>113. Cancellation of Authorisation or Permit</p> <p>113.1 The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit:</p> <p>113.1.1. in the case of a permit for the purposes of a mobile food vending business under Section 222 of</p>	<p>Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and</p>	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
	the Act – cancel the permit for breach of a condition if the breach is sufficiently serious to justify cancellation of the permit; or  113.1.2 in the any other case - cancel the authorisation or permit for breach of a condition.	Regulatory Services (70), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Technical Officer (104)	
s225(2)	113. Cancellation of Authorisation or Permit 113.2 The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to:  113.2.1 give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and  113.2.2 consider any representations made in response to the notice.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Technical Officer (104)	
s225(3)	113. Cancellation of Authorisation or Permit  113.3 The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Building Management	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Officer (108), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Technical Officer (104)	
s225(4)	<p>113. Cancellation of Authorisation or Permit</p> <p>113.4 The power pursuant to Section 225(4) of the Act if the Council cancels a permit under Section 225(1)(a) of the Act, to specify at the time of cancellation a period (not exceeding six months) that an application for a permit for the purposes of a mobile food vending business under Section 222 of the Act must not be made by or on behalf of the person who, before the cancellation, held the permit.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394),	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Technical Officer (104)	
s225A(1)	<p>113A Location Rules – General</p> <p>113A.1 The power pursuant to Section 225A(1) of the Act and subject to Section 225A(2) of the Act, to prepare and adopt rules (location rules) that set out locations within the Council area in which mobile food vending businesses may operate.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		(357), Ranger (358), Ranger (99), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Technical Officer (104)	
s225A(4)	<p>113A Location Rules – General</p> <p>113A.2 The power pursuant to Section 225A(4) of the Act to:</p> <p>113A.2.1 from time to time amend the Council’s location rules;</p> <p>113A.2.2 amend its location rules in order that the rules comply with:</p> <p>113A.2.2.1 any requirement specified by the Minister under Section 225A(2)(b) of the Act; or</p> <p>113A.2.2.2 any direction given by the Small Business Commissioner under Section 225A(7) of the Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Manager Property Services (394), Property Officer (113), Team Leader Regulatory Services (196), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s231(1)	114. Register	Chief Executive Officer	

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>114.1 The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which:</p> <p>114.1.1 includes the information required by regulation; and</p> <p>114.1.2 may consist (if the Delegate so decides) of a computer record of the relevant information.</p>	(95), Director Corporate Services (41), Director Development and Regulatory Services (70), Manager Property Services (394), Property Officer (113), Team Leader Regulatory Services (196), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s231(3)	<p>114. Register</p> <p>114.2 The duty pursuant to Section 231(3) and (4) of the Act to make the register available for public inspection (without charge) and purchase of extracts (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Manager Strategic Assets (403)	NIL
s232	<p>115. Trees</p> <p>The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement):</p> <p>115.1 giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account -</p> <p>115.1.1 environmental and aesthetic issues; and</p> <p>115.1.2 the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road); and</p> <p>115.1.3 road safety matters; and</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Biodiversity Officer (327), Biodiversity Officer (85), Coordinator Civil Projects (109), Field Supervisor (381), Field Supervisor (388), Manager Civil Services (402), Manager Open Space (409), Manager	NIL



Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>115.1.4 other matters (if any) considered relevant by the Delegate; and</p> <p>115.2 where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy.</p>	Strategic Assets (403), Senior Civil Engineer (184), Supervisor Parks and Reserves (115)	
s233(1), s233(2)	<p>116. Damage</p> <p>116.1 The power pursuant to Section 233(1) and (2) of the Act to recover damages, in the same way as damages for a tort, where a person, without the Council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Biodiversity Officer (327), Biodiversity Officer (85), Coordinator Civil Projects (109), Field Supervisor (381), Field Supervisor (388), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Senior Civil Engineer (184), Supervisor Parks and Reserves (115)	NIL
s234(1)	<p>117. Council's Power to Remove Objects etc from Roads</p> <p>117.1 The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if:</p> <p>117.1.1 it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter 11 of the Act; or</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
	117.1.2 an authorisation or permit has been granted but has later expired or been cancelled.	Regulatory Services (70), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Civil Services (402), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Technical Officer (104)	
s234(2)	117. Council's Power to Remove Objects etc from Roads 117.2 The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Regulatory Services (70), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Civil Services (402), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Technical Officer (104)	
s234(3)	117. Council's Power to Remove Objects etc from Roads 117.3 Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Regulatory Services (70), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Civil Services (402), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Technical Officer (104)	
s236(2)	119. Abandonment of Vehicles and Farm Implements 119.1 The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle abandoned on a public road or public place.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Regulatory Services (70), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Civil Services (402), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Technical Officer (104)	
s237(4)	<p>120. Removal of Vehicles</p> <p>120.1 The duty pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle:</p> <p>120.1.1 by written notice in the prescribed form:</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Ranger (333), Ranger (357), Ranger (358), Ranger	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>120.1.1.1 served on the owner personally; or</p> <p>120.1.1.2 served on the owner by the use of person-to-person registered post, as soon as practicable after the removal of the vehicle; or</p> <p>120.1.2 if the owner is unknown or cannot be found - by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.</p>	(99), Team Leader Regulatory Services (196), Manager Sustainability Waste & Emergency Mgmt (93)	
s237(5)	<p>120. Removal of Vehicles</p> <p>120.2 If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Team Leader Regulatory Services (196), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s237(6)	<p>120. Removal of Vehicles</p> <p>120.3 The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:</p> <p>120.3.1 the vehicle is offered for sale but not sold; or</p> <p>120.3.2 the Delegate reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle or the costs incidental to removing or holding the vehicle, or those costs combined.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Team Leader Regulatory Services (196), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s237(7)	<p>120. Removal of Vehicles</p> <p>120.4 The duty pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale</p>	Chief Executive Officer (95), Director	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>as follows:</p> <p>120.4.1 firstly, in payment of the costs of and incidental to the sale;</p> <p>120.4.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under Section 237 of the Act;</p> <p>120.4.3 thirdly, in payment of the balance to the owner of the vehicle.</p>	Infrastructure and Operations (114), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Team Leader Regulatory Services (196), Manager Sustainability Waste & Emergency Mgmt (93)	
s237(8)	<p>120. Removal of Vehicles</p> <p>120.5 The duty pursuant to Section 237(8) of the Act to make reasonable inquiry to find the owner of the vehicle following sale and, if after that reasonable inquiry, the owner cannot be found, the duty to pay the balance of the proceeds of sale to the Council.</p>	<p>Chief Executive Officer (95), Director Infrastructure and Operations (114), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Team Leader Regulatory Services (196), Manager Sustainability Waste &amp; Emergency Mgmt (93)</p>	NIL
s237(9)	<p>120. Removal of Vehicles</p> <p>120.6 The duty pursuant to Section 237(9) of the Act to take reasonable steps to return property found in the vehicle, and where the property cannot be returned, the duty to deal with the property as unclaimed goods under the Unclaimed Goods Act 1987 as if the Council were the bailee of those goods.</p>	<p>Chief Executive Officer (95), Director Infrastructure and Operations (114), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Team Leader Regulatory Services (196), Manager Sustainability Waste &amp; Emergency Mgmt (93)</p>	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s242(1), s242(2)	121. Time Limits for Dealing with Certain Applications 121.1 Where the power to decide upon certain applications to which the Section applies has been delegated, the duty pursuant to Section 242(1) and (2) of the Act within two months after the relevant date, to make a decision in respect of the application and, if not so decided, it is taken to have been refused.	Chief Executive Officer (95), Director Infrastructure and Operations (114), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), CWMS Technical Officer (423), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s242(3)	121. Time Limits for Dealing with Certain Applications 121.2 The duty pursuant to Section 242(3) of the Act to notify the applicant in writing as soon as practicable of a decision or presumptive decision on an application to which Section 242 of the Act applies.	Chief Executive Officer (95), Director Infrastructure and Operations (114), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), CWMS Technical Officer (423), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s243(1)	122. Registrar-General to Issue Certificate of Title 122.1 The duty pursuant to Section 243(1) of the Act to apply to the Registrar-General for the issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity	NIL



## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		(350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113), Manager Development Services (72)	
s243(2)	<p>122. Registrar-General to Issue Certificate of Title</p> <p>122.2 The duty pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows:</p> <p>122.2.1 in a manner and form approved by the Registrar-General; and</p> <p>122.2.2 accompanied by:</p> <p>122.2.2.1 Deliberately left blank.</p> <p>122.2.2.2 any surveys of the land and other materials that the Registrar-General may reasonably require; and</p> <p>122.2.2.3 a fee fixed by the Registrar-General.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Property Services (394), Property Officer (113), Manager Development Services (72)	NIL
s245	<p>123. Liability for Injury, Damage or Loss Caused by Certain Trees</p> <p>123.1 The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Field Supervisor (381), Field Supervisor (388),	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Supervisor Parks and Reserves (115)	
s245A	<p>124. Council May Require Bond or Other Security in Certain Circumstances</p> <p>124.1 Subject to Section 245A of the Act, if,</p> <p>124.1.1 a person has approval to carry out development under the Development Act 1993; and</p> <p>124.1.2 the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development,</p> <p>the power, pursuant to Section 245A of the Act, to, by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Field Supervisor (381), Field Supervisor (388), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Supervisor Parks and Reserves (115)	NIL
s37(b)	<p>124. Council May Require Bond or Other Security in Certain Circumstances</p> <p>124.2 The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the Development Act 1993 and a notice in writing has been served pursuant to Section 245A of the Act on the person who has the benefit of the approval, to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Field Supervisor (381), Field Supervisor (388), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Supervisor Parks and Reserves (115)	NIL
s246(4a)	125. Power to Make By-Laws	Chief Executive Officer	

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	125.1 The duty pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section 246(3)(e) of the Act, to ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the Council.	(95), Director Development and Regulatory Services (70), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s249(1)	<p>126. Passing By-Laws</p> <p>126.1 If it is proposed that the Council make a by-law, then at least 21 days before the Council resolves to make the by-law, the duty pursuant to Section 249(1) of the Act to:</p> <p>126.1.1 make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the Council, and so far as is reasonable practicable on the Internet; and</p> <p>126.1.2 by notice in a newspaper circulating in the area of the Council:</p> <p>126.1.2.1 inform the public of the availability of the proposed by law; and</p> <p>126.1.2.2 set out the terms of the by-law, or describe in general terms the by-law's nature and effect.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Development and Regulatory Services (70), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s249(4)	<p>126. Passing By-Laws</p> <p>126.2 Before the Council makes a by-law, the duty pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner:</p> <p>126.2.1 the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and</p> <p>126.2.2 the by-law is not in conflict with the Act.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Development and Regulatory Services (70), Manager Sustainability Waste & Emergency Mgmt (93)	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s249(5)	126. Passing By-Laws 126.3 The duty pursuant to Section 249(5) of the Act to publish a by-law in the Gazette.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Development and Regulatory Services (70), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s249(7)	126. Passing By-Laws 126.4 The duty pursuant to Section 249(7) of the Act to publish a notice of the making of a by-law under Section 249 of the Act in a newspaper circulating in the area of the Council.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Development and Regulatory Services (70), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s250(5)	127. Model By-Laws 127.1 The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the Gazette.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Development and Regulatory Services (70), Manager Sustainability Waste &	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Emergency Mgmt (93)	
s250(7)	127. Model By-Laws 127.2 The duty pursuant to Section 250(7) of the Act to publish a notice of the adoption of a model by-law or alteration made under Section 250 of the Act in a newspaper circulating in the area of the Council.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Development and Regulatory Services (70), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s252(1)	128. Register of By-Laws and Certified Copies 128.1 The duty pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council; such register to include a copy of any code, standard or other document referred to or incorporated in a by-law.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Development and Regulatory Services (70), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s252(3)	128. Register of By-Laws and Certified Copies 128.2 The duty pursuant to Section 252(3) and (4) of the Act to make available the register of by-laws for inspection or purchase an extract from the register (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Development and Regulatory Services (70), Manager	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Sustainability Waste & Emergency Mgmt (93)	
s252(5)	128. Register of By-Laws and Certified Copies 128.4 The duty pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Development and Regulatory Services (70), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s254	129. Power to Make Orders 129.1 The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table in Part 2 of Chapter 12, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.	Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Development Compliance Officer (211), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Building Services	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		(286), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Sustainability Waste & Emergency Mgmt (93)	
s255(1)	<p>130. Procedures to be Followed</p> <p>130.1 The duty pursuant to Section 255(1) of the Act before taking action to make an order under Part 2 of Chapter 12 (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing:</p> <p>130.1.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and</p> <p>130.1.2 stating the reasons for the proposed action; and</p> <p>130.1.3 inviting the person to show, within a specified time (being a reasonable period), why the proposed action should not be taken (by making representations to the Delegate).</p>	<p>Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Development Compliance Officer (211), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Building Services (286), Team Leader Environmental Health (96), Team Leader Regulatory Services</p>	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
		(196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Sustainability Waste & Emergency Mgmt (93)	
s255(2)	<p>130. Procedures to be Followed</p> <p>130.2 If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.</p>	<p>Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Development Compliance Officer (211), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Building Services (286), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager</p>	NIL



## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Sustainability Waste & Emergency Mgmt (93)	
s255(3)	<p>130. Procedures to be Followed</p> <p>130.3 The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act:</p> <p>130.3.1 to make an order in accordance with the terms of the original proposal; or</p> <p>130.3.2 to make an order with modifications from the terms of the original proposal; or</p> <p>130.3.3 to determine not to proceed with an order.</p>	<p>Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Development Compliance Officer (211), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Building Services (286), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Sustainability Waste &amp; Emergency Mgmt (93)</p>	NIL
s255(5)	130. Procedures to be Followed	Chief Executive Officer	

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
	<p>130.4 The power pursuant to Section 255(5) of the Act to:</p> <p>130.4.1 include two or more orders in the same instrument;</p> <p>130.4.2 direct two or more persons to do something specified in the order jointly.</p>	(95), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Development Compliance Officer (211), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Building Services (286), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s255(6)	<p>130. Procedures to be Followed</p> <p>130.5 The duty pursuant to Section 255(6) of the Act to ensure that the order:</p> <p>130.5.1 subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70),	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
	130.5.2 states the reasons for the order.	Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Development Compliance Officer (211), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Building Services (286), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Sustainability Waste & Emergency Mgmt (93)	
s255(7)	130. Procedures to be Followed 130.6 The duty pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed.	Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Property Services (394), Property	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Development Compliance Officer (211), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Building Services (286), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Sustainability Waste & Emergency Mgmt (93)	
s255(8)	130. Procedures to be Followed 130.7 If an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner.	Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Development	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Compliance Officer (211), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Sustainability Waste & Emergency Mgmt (93)	
s255(11)	<p>130. Procedures to be Followed</p> <p>130.8 The power pursuant to Section 255(11) of the Act at the request or with the agreement of the person to whom an order is directed, to vary the order on the Delegate's own initiative, or to revoke an order if satisfied that it is appropriate to do so.</p>	<p>Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Development Compliance Officer (211), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Building Services</p>	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		(286), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Sustainability Waste & Emergency Mgmt (93)	
s255(12)	<p>130. Procedures to be Followed</p> <p>130.9 If the Delegate, in the circumstances of a particular case, considers:</p> <p>130.9.1 that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or</p> <p>130.9.2 that an emergency situation otherwise exists, the Delegate has the power pursuant to Section 255(12) of the Act to:</p> <p>130.9.3 Proceed immediately to make an order under this Section without giving notice under Section 255(1); and</p> <p>130.9.4 require immediate compliance with an order despite Section 255(6)(a).</p>	<p>Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Development Compliance Officer (211), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Building Services (286), Team Leader Environmental Health (96), Team Leader Regulatory Services</p>	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		(196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Sustainability Waste & Emergency Mgmt (93)	
s256(1) and (2)	<p>131. Rights of Review</p> <p>131.1 The duty pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to seek review of the order under the Act, and to include the information specified by the Regulations to the Act.</p>	<p>Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Property Services (394), Property Officer (113), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Development Compliance Officer (211), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Building Services (286), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager</p>	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Sustainability Waste & Emergency Mgmt (93)	
s257(1)	<p>132. Action on Non-Compliance</p> <p>132.1 The power pursuant to Section 257(1) of the Act, where the requirements of an order are not complied with within the time fixed for compliance, or if there is an application for review, within 14 days after the determination of the review, to (subject to the outcome of any review) take the action required by the order.</p>	<p>Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Development Compliance Officer (211), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Sustainability Waste &amp; Emergency Mgmt (93)</p>	NIL
s257(2)	<p>132. Action on Non-Compliance</p> <p>132.2 The power pursuant to Section 257(2) of the Act to authorise an employee or another person to take action under Section 257(1) of the Act.</p>	<p>Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70),</p>	NIL



## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Director Infrastructure and Operations (114), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Development Compliance Officer (211), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Sustainability Waste & Emergency Mgmt (93)	
s257(3)	132. Action on Non-Compliance 132.3 The power pursuant to Section 257(3) of the Act to take action to recover the reasonable costs and expenses incurred by the Council in taking action for the non-compliance with an order, as a debt from the person who failed to comply with the requirements of the order.	Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Development Compliance Officer (211), Environmental Health	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Sustainability Waste & Emergency Mgmt (93)	
s257(5)	<p>132. Action on Non-Compliance</p> <p>132.4 The power pursuant to Section 257(5) of the Act where an amount is recoverable from a person by the Council for action of non-compliance with an order, by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period:</p> <p>132.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and</p> <p>132.4.2 if the person is the owner of the land to which the order relates - the power, in accordance with Schedule 6, to impose a charge over the land for the unpaid amount, together with interest.</p>	<p>Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Ranger (333), Ranger (357), Ranger (358), Ranger (99), Development Compliance Officer (211), Environmental Health Project Officer (97), Manager Development Services (72), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326),</p>	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		CWMS Technical Officer (423), Manager Sustainability Waste & Emergency Mgmt (93)	
s259(1)	<p>133. Councils to Develop Policies</p> <p>133.1 The power and duty pursuant to Section 259(1) of the Act to take reasonable steps to prepare and adopt policies concerning the operation of Part 2 of Chapter 12 of the Act.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s259(2)	<p>133. Councils to Develop Policies</p> <p>133.2 The power and duty pursuant to Section 259(2) of the Act to:</p> <p>132.2.1 prepare a draft of a Policy; and</p> <p>133.2.2 by notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council or the Delegate (being at least four weeks).</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s259(3)	<p>133. Councils to Develop Policies</p> <p>133.3 The duty pursuant to Section 259(3) of the Act to consider any submission made on a proposed policy in response to an invitation under Section 259(2) of the Act.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s259(4)	<p>133. Councils to Develop Policies</p> <p>133.4 The power pursuant to Section 259(4) of the Act to amend a policy at any time.</p>	Chief Executive Officer (95), Director	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Development and Regulatory Services (70), Manager Sustainability Waste & Emergency Mgmt (93)	
s259(5)	133. Councils to Develop Policies 133.5 The duty pursuant to Section 259(5) of the Act before adopting an amendment to a policy, to take the steps specified in Section 259(2) and (3) (as if the amendment were a new policy), unless the Council or the Delegate determines the amendment is only of minor significance.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s259(6), s259(7)	133. Councils to Develop Policies 133.6 The duty pursuant to Sections 259(6) and (7) of the Act to make a policy available for inspection (without charge) and purchase (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s259(8)	133. Councils to Develop Policies 133.7 The duty pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2 of Chapter 12 of the Act, to deal with the particular case on its merits and the duty to take into account any relevant policy under Division 3 of Part 2, Chapter 12 of the Act.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s260(1)	134. Appointment of Authorised Persons 134.1 The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Development and Regulatory Services (70), Director Infrastructure and Operations (114)	
s260(2)	<p>134. Appointment of Authorised Persons</p> <p>134.2 The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and specified in the instrument of appointment.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s260(3)	<p>134. Appointment of Authorised Persons</p> <p>134.3 The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card:</p> <p>134.3.1 containing a photograph of the authorised person; and</p> <p>134.3.2 identifying any conditions or limitations imposed under Section 260(2) of the Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Organisational Development (310), Manager Community Development (187), Manager Financial Services (214), Manager ICT (312), Manager Development Services (72), Team Leader	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Statutory Planning (326), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93)	
s260(5)	134. Appointment of Authorised Persons 134.4 The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s270(a1)	135. Procedures for Review of Decisions and Requests for Services 135.00 The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with:  135.00.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and  135.00.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Coordinator Service Strategy and Innovation (362)	NIL
s270(a2)	135. Procedures for Review of Decisions and Requests for Services 135.0 The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:	Chief Executive Officer (95), Executive Manager Governance and	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>135.0.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and</p> <p>135.0.2 using information gained from the Council's community to improve its services and operations.</p>	Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Coordinator Service Strategy and Innovation (362)	
s270(a1) s270(a2)	<p>135. Procedures for Review of Decisions and Requests for Services</p> <p>135.1 Without limiting Sections 270(a1) and (a2) of the Act, the power and duty pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions of:</p> <p>135.1.1 the Council;</p> <p>135.1.2 employees of the Council;</p> <p>135.1.3 other persons acting on behalf of the Council,</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Coordinator Service Strategy and Innovation (362)	NIL
s270(2)	<p>135. Procedures for Review of Decisions and Requests for Services</p> <p>135.2 The duty pursuant to Section 270(2) of the Act to ensure that the procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate or the Council determines to be relevant):</p> <p>135.2.1 the manner in which an application for review may be made;</p> <p>135.2.2 the assignment of a suitable person to reconsider a decision under review;</p> <p>135.2.3 the matters that must be referred to the Council itself for consideration or further consideration;</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Coordinator Service Strategy and	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>135.2.3A in the case of applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers - the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the Act;</p> <p>135.2.4 the notification of the progress and outcome of an application for review;</p> <p>135.2.5 the timeframes within which notifications will be made and procedures on a review will be completed.</p>	Innovation (362)	
s270(4)	<p>135. Procedures for Review of Decisions and Requests for Services</p> <p>135.3 The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if:</p> <p>135.3.1 the application was made by an employee of the Council and relates to an issue concerning his or her employment; or</p> <p>135.3.2 it appears that the application is frivolous or vexatious; or</p> <p>135.3.3 the applicant does not have a sufficient interest in the matter.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Coordinator Service Strategy and Innovation (362)	NIL
s270(5)	<p>135. Procedures for Review of Decisions and Requests for Services</p> <p>135.4 The power and duty pursuant to Section 270(5) of the Act to ensure that copies of a document concerning the policies, practices and procedures that apply under Section 270 of the Act are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.</p>	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Coordinator Service Strategy and Innovation (362)	NIL



Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s270(6)	135. Procedures for Review of Decisions and Requests for Services 135.5 The power pursuant to Section 270(6) of the Act to, from time to time, amend the policies, practices and procedures established under Section 270 of the Act.	Chief Executive Officer (95)	Policy to be adopted by Council
s270(8)	135. Procedures for Review of Decisions and Requests for Services 135.6 The power and duty pursuant to Section 270(8) of the Act to, on an annual basis, initiate and consider a report that relates to:  135.6.1 the number of applications for review made under Section 270; and  135.6.2 the kinds of matters to which the applications relate; and  135.6.3 the outcome of applications under this Section; and  135.6.4 such other matters as may be prescribed by the Regulations.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Coordinator Service Strategy and Innovation (362)	NIL
s270(9)	135. Procedures for Review of Decisions and Requests for Services 135.7 The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Coordinator Service Strategy and Innovation (362)	NIL
s271(1)	136. Mediation, Conciliation and Neutral Evaluation 136.1 The power pursuant to Section 271(1) of the Act as part of, or in addition to, the procedures established under Section 270 of the Act, to make provision for disputes between a person and the Council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		(350)	
s271(2)	136. Mediation, Conciliation and Neutral Evaluation 136.2 The duty pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator, if a dispute is to be dealt with under a Scheme established under Section 271(1) of the Act.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350)	NIL
s271A	136A. Provision of Information to Minister 136A.1 The power and duty, pursuant to Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council.	Chief Executive Officer (95)	NIL
s271A(3)	136A. Provision of Information to Minister 136A.2 The power pursuant to Section 271A(3) of the Act to, provide information in accordance with a request under Section 271A(1) of the Act, even if: 136AA.2.1 the information was given to the Council in confidence; or 136AA.2.2 is held on a confidential basis under Chapter 6 Part 4.	Chief Executive Officer (95)	NIL
s272(3)	136B. Minister May Refer Investigation of Council to Ombudsman 136B.1 The power pursuant to Section 272(3) of the Act, to, before the Minister refers a matter, explain the Council's actions and make submissions to the Minister.	Chief Executive Officer (95)	NIL
s272(5)	136B. Minister May Refer Investigation of Council to Ombudsman 136B.2 The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.	Chief Executive Officer (95)	NIL
s273(3)	136C. Action on a Report 136C.1 The power pursuant to Section 273(3) of the Act to make submissions to the Minister on the report on which the action is based.	Chief Executive Officer (95)	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
136D.	136D. Deliberately left blank 136D. Deliberately left blank	Chief Executive Officer (95); Deliberately left blank	Deliberately left blank
s275(2)	136E. Action on a Report 136E.1 The power pursuant to Section 275(2) of the Act to make submissions to the Minister.	Chief Executive Officer (95)	NIL
s276(1), s276(2)	137. Special Jurisdiction 137.1 The power pursuant to Section 276(1) and (2) of the Act to commence, defend or participate in the following proceedings before the District Court, on behalf of the Council:  137.1.1 proceedings to try the title of a member to an office;  137.1.2 proceedings to try the right of a person to be admitted or restored to an office;  137.1.3 proceedings to compel restoration or admission;  137.1.4 proceedings to compel the Council to proceed to an election, poll or appointment;  137.1.5 proceedings to try the validity of a rate or service charge;  137.1.6 proceedings to try the validity of a by-law;  137.1.7 proceedings to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession of which the Council or person is entitled under this Act.	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s279	138. Service of Documents by Councils etc 138.1 Where a document is required or authorised to be served on or given to a person by the Council, the power and duty to effect service in accordance with and pursuant to Section 279 of the Act.	Chief Executive Officer (95), Executive Manager Governance and	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Organisational Development (310), Collections Development Coordinator (14), Customer Service Officer Casual (197), Customer Service Officer Casual (20), Customer Service Officer Casual (21), Customer Service Officer Casual (267), Customer Service Officer Casual (281), Customer Service Officer Casual (359), Customer Service Officer Casual (60), Customer Service Officer (18), Customer Service Officer (23), Customer Service Officer (365), Customer Service Officer (382), Customer Service Officer	

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		(59), Customer Service Officer (62), Customer Service Officer (66), Customer Service Officer (68a), Customer Service Officer (68b), Customer Service Officer (8), Adult Collections Officer (226), Adult Collections Officer (266), Children's Program Support Officer (231), Collections Support Officer (301), Digital Learning Officer (440), Digital Services Officer (390), Library Acquisitions Officer (181), Library Youth Collections Officer (227), Manager Communications Engagement and Events (439), Manager Community Development (187), Manager Economic Development (386), Manager Libraries and Customer Service (12), Mobile Library Officer (32), Senior Customer Service Officer (307), Senior Customer Service Officer (34), Team Leader Customer Service (389), Team Leader Digital	

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Services (344a), Team Leader Digital Services (344b), Team Leader Outreach Services (203), Team Leader Positive Ageing (208), Team Leader Programs (273), Technical Services Officer (383), Information Management Admin Officer (436), Information Management Officer Tech Records (434), Manager Financial Services (214), Manager ICT (312), Manager Property Services (394), Team Leader Information Management (433), Technical Information Management Officer (435), Administration Building Support Officer (418), Administration Support Officer (369), Team Leader Administration (77), Building Officer (380), Building Officer (453), Building Officer (73), Development Administration Support Officer (76), Development Compliance Officer (211),	

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Development Services Assistant (Duty Planner)(265a), Development Services Assistant (Duty Planner)(265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Building Services (286), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Team Member Biodiversity (452), Building Officer (463),	

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Statutory Planner (462)	
s280(1)	<p>139. Service of Documents on Councils</p> <p>139.1 The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for service of documents on the Council and the power to accept or authorise a person to accept documents on Council's behalf.</p>	<p>Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Executive Manager Organisational Development (310), Collections Development Coordinator (14), Customer Service Officer Casual (197), Customer Service Officer Casual (20), Customer Service Officer Casual (21), Customer Service Officer Casual (267), Customer Service Officer Casual (281), Customer Service Officer Casual (359), Customer Service Officer Casual (60), Customer Service Officer (18),</p>	NIL



## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Customer Service Officer (23), Customer Service Officer (365), Customer Service Officer (382), Customer Service Officer (59), Customer Service Officer (62), Customer Service Officer (66), Customer Service Officer (68a), Customer Service Officer (68b), Customer Service Officer (8), Adult Collections Officer (226), Adult Collections Officer (266), Children's Program Support Officer (231), Collections Support Officer (301), Digital Learning Officer (440), Digital Services Officer (390), Library Acquisitions Officer (181), Library Youth Collections Officer (227), Manager Communications Engagement and Events (439), Manager Community Development (187), Manager Economic Development (386), Manager Libraries and Customer Service (12), Mobile Library Officer (32), Senior Customer	

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Service Officer (307), Senior Customer Service Officer (34), Team Leader Customer Service (389), Team Leader Digital Services (344a), Team Leader Digital Services (344b), Team Leader Outreach Services (203), Team Leader Positive Ageing (208), Team Leader Programs (273), Technical Services Officer (383), Information Management Admin Officer (436), Information Management Officer Tech Records (434), Manager Financial Services (214), Manager ICT (312), Manager Property Services (394), Team Leader Information Management (433), Technical Information Management Officer (435), Administration Building Support Officer (418), Administration Support Officer (369), Team Leader Administration (77), Building Officer (380), Building Officer (453),	

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Building Officer (73), Development Administration Support Officer (76), Development Compliance Officer (211), Development Services Assistant (Duty Planner)(265a), Development Services Assistant (Duty Planner)(265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Building Services (286), Team Leader Environmental Health (96), Team Leader Regulatory Services (196), Team Leader Statutory Planning (326), CWMS Technical Officer (423), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Manager	

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Sustainability Waste & Emergency Mgmt (93), Team Member Biodiversity (452), Building Officer (463), Statutory Planner (462)	
s281(1)	<p>140. Recovery of Amounts from Lessees or Licensees</p> <p>140.1 Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Building Management Officer (108), Manager Financial Services (214), Manager Property Services (394), Property Officer (113), Rates Officer (43), Senior Rates Officer (45)	NIL
s282(1)	<p>141. Ability of Occupiers to Carry out Works</p> <p>141.1 Where an owner of land fails to carry out work that the Council has required the owner to carry out under an Act, the power pursuant to Section 282(1) of the Act to give approval to the occupier of the land to cause the work to be carried out.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114),	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		Manager Financial Services (214), Manager Sustainability Waste & Emergency Mgmt (93)	
s294(1a)	<p>142. Power to Enter and Occupy Land in Connection with an Activity</p> <p>142.1 The duty pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Financial Services (214)	NIL
s294(3)	<p>142. Power to Enter and Occupy Land in Connection with an Activity</p> <p>142.2 The duty pursuant to Section 294(3) of the Act:</p> <p>142.2.1 to pay to the owner or occupier of the land rent on a quarterly or half-yearly basis, at a rate to be determined by agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and</p> <p>142.2.2 to pay to the owner or occupier of the land within 1 month after occupying the land - reasonable compensation for damage caused to any crops on the land; and</p> <p>142.2.3 within 6 months of ceasing to occupy the land:</p> <p>142.2.3.1 remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and</p> <p>142.2.3.2 to pay to the owner or occupier of the land reasonable compensation for any other loss or</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Financial Services (214)	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	damage caused by the Council, including the full value of any earth, minerals or resources taken from the land;		
s294(5)	142. Power to Enter and Occupy Land in Connection with an Activity 142.3 The duty pursuant to Section 294(5) of the Act, at the request of an owner of occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining land.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Financial Services (214)	NIL
s296(1)	143. Reclamation of Land 143.1 Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work has added to the land.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s296(2)	143. Reclamation of Land 143.2 The power pursuant to Section 296 (2) of the Act to appoint a valuer to determine the additional value added to the land by Council's activities, under Section 296(1) of the Act.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
s296(3)	143. Reclamation of Land 143.3 The duty pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s296(5)	143. Reclamation of Land 143.4 The duty pursuant to Section 296(5) of the Act to conduct an objection or review in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s297	144. Property in Rubbish 144.1 The power pursuant to Section 297 of the Act to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Team Leader Regulatory Services (196), Manager Civil Services (402), Manager Open Space (409), Manager Strategic	NIL

## Local Government Act 1999

Section	Item Delegated	Delegate	Conditions and Limitations
		Assets (403), Manager Sustainability Waste & Emergency Mgmt (93)	
s298(1)	145. Power of Council to Act in Emergency 145.1 Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Coordinator Civil Operations (117), Coordinator Civil Projects (109), Field Supervisor (381), Field Supervisor (388), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Senior Civil Engineer (184), Technical Officer (104)	NIL
146	146. Deliberately left blank 146.1 Deliberately left blank.	Chief Executive Officer (95), Deliberately left blank	Deliberately left blank
146.	146. Deliberately left blank	Chief Executive Officer	



Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	146.2 Deliberately left blank.	<del>(95)</del> , Deliberately left blank	Deliberately left blank
s300(1)	147. Costs of Advertisements 147.1 The duty pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that immediately necessitates the advertisement.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350), Manager Financial Services (214)	NIL
s302B	148. Deliberately left blank	<del>Chief Executive Officer (95)</del> , Deliberately left blank	Deliberately left blank
c13, Schedule 1A	148A Use of Facilities 148A.1 The power pursuant to Clause 13 of Schedule 1A of the Act to arrange with the Authority for the Authority to make use of the services of the staff, equipment or facilities of the Council.	Chief Executive Officer (95), Director Corporate Services (41), Director Community Capacity (350)	NIL
c13(4), Schedule 1A	149. Deliberately left blank	<del>Chief Executive Officer (95)</del> , Deliberately left blank	Deliberately left blank
c14, Schedule 1A	150. Deliberately left blank	<del>Chief Executive Officer (95)</del> , Deliberately left blank	Deliberately left blank
c16(4), Schedule 1A	151. Deliberately left blank 151.1 Deliberately left blank	<del>Chief Executive Officer (95)</del> , Deliberately left blank	Deliberately left blank
c16(5), Schedule	151. Deliberately left blank 151.2 Deliberately left blank	<del>Chief Executive Officer (95)</del> , Deliberately left	Deliberately left blank

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
1A		blank	
c16(6), Schedule 1A	151. Deliberately left blank 151.3 Deliberately left blank	Chief Executive Officer (95), Deliberately left blank	Deliberately left blank
C17(1), Schedule 1A	151A Preparation of Stormwater Management Plans by Councils 151A.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which: (a) complies with the guidelines issued by the Authority; and (b) is prepared in consultation with the relevant regional NRM board or boards; and (c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Strategic Assets (403)	NIL
c20(5), Schedule 1A	151B Authority May Issue Order 151B.1 The power pursuant to Clause 20(5) of Schedule 1A of the Act, before the Authority takes any action under Clause 20(4) of Schedule 1A of the Act, to make submissions to the Authority in relation to the matter.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Strategic Assets (403)	NIL
c20(6), Schedule 1A	151B.2 The power pursuant to Clause 20(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement with the Authority for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (and the power to agree the rate with the Authority).	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Strategic Assets (403)	NIL
c21(1), Schedule	152.1 Deliberately left blank	Chief Executive Officer (95), Deliberately left	Deliberately left blank

Local Government Act 1999				
Section	Item Delegated		Delegate	Conditions and Limitations
1A			blank	
c21(2), Schedule 1A	152. Deliberately left blank 152.2 Deliberately left blank		<del>Chief Executive Officer (95)</del> , Deliberately left blank	Deliberately left blank
c22(2), Schedule 1A	153.1 Deliberately left blank		<del>Chief Executive Officer (95)</del> , Deliberately left blank	Deliberately left blank
c22(3), Schedule 1A	153. Deliberately left blank 153.2 Deliberately left blank		<del>Chief Executive Officer (95)</del> , Deliberately left blank	Deliberately left blank
c22(4), Schedule 1A	153. Deliberately left blank 153.3 Deliberately left blank		<del>Chief Executive Officer (95)</del> , Deliberately left blank	Deliberately left blank
c24(1), Schedule 1A	154. Special Powers in Relation to Land 154.1 The power pursuant to Clause 24(1) of Schedule 1A of the Act and in accordance with Clause 24(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or a condition imposed on approval of a stormwater management plan or action required by an order under Clause 20 of Schedule 1 of the Act, to: (a) enter and occupy any land; and (b) construct, maintain or remove any infrastructure; and (c) excavate any land; and (d) inspect, examine or survey any land and for that purpose: (i) fix posts, stakes or other markers on the land; and (ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and (iii) remove samples for analysis. (e) alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and (f) hold any water in a watercourse or lake or by any other means; and		Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Strategic Assets (403)	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	(g) divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and (h) deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and (i) undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and (j) undertake any testing, monitoring or evaluation; and (k) undertake any other activity of a prescribed kind.		
c24(2)(b) and 25, Schedule 1A	154.2 The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Strategic Assets (403)	NIL
c25(2), Schedule 1A	155. Entry and Occupation of Land Other Than Council Land 155.1 The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A of the Act, to give reasonable notice of an intention to enter, or to enter and occupy, land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Strategic Assets (403)	NIL
c25(3)(b), Schedule 1A	155.2 The power pursuant to Clause 25(3)(b) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the delegate considers is reasonable in the circumstances.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Strategic Assets	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
		(403)	
c26(3), Schedule 1A	156. Vesting of Infrastructure, etc 156.1 The power pursuant to Clause 26(3) of Schedule 1A of the Act to, before the Minister publishes a notice vesting the care, control and management of infrastructure or land in the Council under Clauses 26(1) or (2) of Schedule 1A of the Act make submissions to the Minister in relation to the proposed notice.	Chief Executive Officer (95)	NIL
c2(1), Schedule 1B	157. Building Upgrade Agreement (May only be delegated to CEO) 157.1 The power pursuant to Clause 2(1) of Schedule 1B of the Act, subject to Clause 2 of Schedule 1B of the Act, to, in relation to a building situated on land within the area of the Council, enter into an agreement (a building upgrade agreement) under which: 157.1.1 the building owner agrees to undertake upgrade works in respect of the building; and 157.1.2 a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and 157.1.3 the Council agrees: 157.1.3.1 to levy a charge on the relevant land (a building upgrade charge), to be paid by the building owner, for the purpose of recouping the money advanced by the finance provider for the upgrade works (and any interest or other charges payable to the finance provider under the agreement); and 157.1.3.2 to pay to the finance provider any money paid to the Council by way of the building upgrade charge (other than any service fee or late payment fee that the Council is permitted by the agreement to deduct and retain).	Chief Executive Officer (95)	The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.
c2(3), Schedule 1B	157. Building Upgrade Agreement (May only be delegated to CEO) 157.2 The power pursuant to Clause 2(3) of Schedule 1B of the Act to include in a building upgrade agreement, payment to the finance provider of penalty interest on money advanced by the finance provider under the agreement, at such rate as determined in accordance with the regulations, and, if the regulations do not provide for the determination of the rate at such rate as determined in accordance with the agreement.	Chief Executive Officer (95)	The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
c2(4), Schedule 1B	157. Building Upgrade Agreement (May only be delegated to CEO) 157.3 The power pursuant to Clause 2(4) of Schedule 1B of the Act to agree that a building upgrade agreement may be entered into by any other persons that the delegate considers should be parties to the agreement.	Chief Executive Officer (95)	The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.
c4, Schedule 1B	158. Variation or Termination of Agreement (May only be delegated to CEO) 158.1 The power pursuant to Clause 4 of Schedule 1B of the Act to vary or terminate a building upgrade agreement by further agreement between the primary parties.	Chief Executive Officer (95)	The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.
c5(1), Schedule 1B	159. Contents of Agreement (May only be delegated to CEO) 159.1 The power pursuant to Clause 5(1) of Schedule 1B of the Act to make a building upgrade agreement in writing and specify: 159.1.1 the upgrade works to be undertaken by or on behalf of the building owner under the agreement; and 159.1.2 the amount of money to be advanced by the finance provider under the agreement; and 159.1.3 the amount of the building upgrade charge to be levied by the Council under the agreement; and 159.1.4 the schedule for the payment, by the building owner, of a building upgrade charge to the Council; and 159.1.5 the amount of, or a method for calculating the amount of, any service fee or late payment fee that the	Chief Executive Officer (95)	The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	Council may deduct and retain; and 159.1.6 any prescribed matters.		subdelegated by the Chief Executive Officer.
c5(2), Schedule 1B	159. Contents of Agreement (May only be delegated to CEO) 159.2 The power pursuant to Clause 5(2) of Schedule 1B of the Act to, in a building upgrade agreement: 159.2.1 provide for the early repayment of any amount payable under the agreement; and 159.2.2 include and agree to other provisions.	Chief Executive Officer (95)	The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.
c6(1), Schedule 1B	160. Declaration of Building Upgrade Charge (May only be delegated to CEO) 160.1 The power pursuant to Clause 6(1) of Schedule 1B of the Act, after the Council enters into a building upgrade agreement, to, in accordance with the terms of the agreement, declare a building upgrade charge in respect of the relevant land (being a charge of the agreed amount specified in the building upgrade agreement).	Chief Executive Officer (95), Building Officer (463)	The power to declare and levy a building upgrade charge under a building upgrade agreement may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.
c6(2), Schedule 1B	160. Declaration of Building Upgrade Charge (May only be delegated to CEO) 160.2 The power pursuant to Clause 6(2) of Schedule 1B of the Act, if the Council or delegate declares a building upgrade charge, to, within 28 days after the declaration give the building owner written notice in accordance with Clauses 6(3) and (4) of Schedule 1B of the Act specifying: 160.2.1 the name and address of the building owner; and 160.2.2 a description of the relevant land in respect of which the building upgrade charge is being levied; and	Chief Executive Officer (95)	The power to declare and levy a building upgrade charge under a building upgrade agreement may not, despite Section 44(4)(b) of the Local

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	160.2.3 the building upgrade agreement under which the building upgrade charge is being levied; and 160.2.4 the amount for which the building owner is liable; and 160.2.5 the manner of payment of the amount; and 160.2.6 the due date for payment of the amount, in accordance with the schedule for the payment of the building upgrade charge to the Council (specified in the building upgrade agreement); and 160.2.7 the amount of, or method of calculating, any service fee of the Council authorised by the building upgrade agreement and any late payment fee that may be imposed by the Council if the building owner fails to pay an amount for which the building owner is liable by the due date; and 160.2.8 any prescribed matters.		Government Act 1999, be subdelegated by the Chief Executive Officer.
c6(4), Schedule 1B	160. Declaration of Building Upgrade Charge (May only be delegated to CEO) 160.3 The power pursuant to Clause 6(4) of Schedule 1B of the Act, to, in relation to each payment in respect of a building upgrade charge for which a building owner is liable, give a notice under Clause 6(2) of Schedule 1B of the Act to the building owner at least 28 days before the date for payment specified in the notice.	Chief Executive Officer (95)	The power to declare and levy a building upgrade charge under a building upgrade agreement may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.
c7(2), Schedule 1B	161. Payment of Building Upgrade Charge 161.1 The power pursuant to Clause 7(2) of Schedule 1B of the Act, on payment of money in respect of a building upgrade charge to the Council, to deduct and retain any service fee and late payment fee authorised by the building upgrade agreement.	Chief Executive Officer (95)	NIL
c7(3), Schedule 1B	161. Payment of Building Upgrade Charge 161.2 The power pursuant to Clause 7(3) of Schedule 1B of the Act in relation to money paid to the Council in respect of a building upgrade charge, to, other than any service fee and late payment fee retained by the Council, 161.2.1 hold that money on behalf of the finance provider pending payment to the finance provider; and 161.2.2 pay that money to the finance provider in accordance with the terms of the building upgrade agreement under which the charge was levied.	Chief Executive Officer (95)	NIL
c9(1), Schedule	162. Sale of Land for Non-payment of Building Upgrade Charge 162.1 The power pursuant to Clause 9(1) of Schedule 1B of the Act, subject to clause 9 of Schedule 1B of the	Chief Executive Officer	NIL



Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
1B	Act to, if an amount for which a building owner is liable in respect of a building upgrade charge remains unpaid for more than 3 years, sell the relevant land in accordance with the regulations.	(95)	
c9(2), Schedule 1B	<p>162. Sale of Land for Non-payment of Building Upgrade Charge</p> <p>162.2 The power pursuant to Clause 9(2) of Schedule 1B of the Act to, apply any money received by the Council in respect of the sale of land under Clause 9 of Schedule 1B of the Act as follows:</p> <p>162.2.1 firstly – in paying the costs of the sale and any other costs incurred in proceeding under Clause 9 of Schedule 1B of the Act;</p> <p>162.2.2 secondly – in discharging any liabilities to the Council in respect of the land (other than any building upgrade charge, service fee or late payment fee in relation to a building upgrade charge);</p> <p>162.2.3 thirdly – in discharging any liability to the Council for a building upgrade charge, service fee or late payment fee in relation to a building upgrade charge;</p> <p>162.2.4 fourthly – in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;</p> <p>162.2.5 fifthly – in discharging any liabilities secured by registered mortgages, encumbrances or charges;</p> <p>162.2.6 sixthly – in discharging any other mortgages, encumbrances or charges of which the Council has notice;</p> <p>162.2.7 seventhly – in payment to the owner of the land.</p>	Chief Executive Officer (95)	NIL
c9(3), Schedule 1B	<p>162. Sale of Land for Non-payment of Building Upgrade Charge</p> <p>162.3 The power pursuant to Clause 9(3) of Schedule 1B of the Act, if the owner cannot be found after making reasonable inquiries as to his or her whereabouts, to deal with an amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1891.</p>	Chief Executive Officer (95)	NIL
c10(2), Schedule 1B	<p>163. Repayment of Advances to Finance Provider</p> <p>163.1 The power pursuant to Clause 10(2) of Schedule 1B of the Act, if a building upgrade agreement is terminated before all the money that the finance provider agreed to advance to the building owner is advanced, to:</p> <p>163.1.1 adjust the building upgrade charge to reflect the lower amount advanced to the building owner; and</p> <p>163.1.2 give the building owner written notice of the adjustment.</p>	Chief Executive Officer (95)	NIL
c10(3), Schedule 1B	<p>163. Repayment of Advances to Finance Provider</p> <p>163.2 The power pursuant to Clause 10(3) of Schedule 1B of the Act, if, as a result of an adjustment being made to a building upgrade charge under clause 10 of Schedule 1B of the Act:</p> <p>163.2.1 the building owner has made payment in respect of the charge in excess of the adjusted amount; and</p>	Chief Executive Officer (95)	NIL

Local Government Act 1999			
Section	Item Delegated	Delegate	Conditions and Limitations
	163.2.2 the excess amount has been paid by the Council to the finance provider, to refund the building owner the excess amount paid.		
c13(1), Schedule 1B	164. Register of Building Upgrade Agreements 164.1 The power pursuant to Clause 13(1) of Schedule 1B of the Act to keep a register of building upgrade agreements in accordance with Clause 13(2) of Schedule 1B of the Act.	Chief Executive Officer (95)	NIL
c13(3), Schedule 1B	164. Register of Building Upgrade Agreements 164.2 The power pursuant to Clause 13(3) of Schedule 1B of the Act to make available the register for inspection (without charge) by a member of the public at the principal office of the Council during ordinary office hours and to provide a person with an extract from the register (without charge).	Chief Executive Officer (95)	NIL

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## **Appendix 25**

*Private Parking Areas Act 1986 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Private Parking Areas Act 1986**

**21 January 2021**

## Delegation Sources

- Private Parking Areas Act 1986

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Director Development and Regulatory Services (70)	Director Development and Regulatory Services (70)	

**Instrument of Delegation under the Private Parking Areas Act 1986**

<b>Private Parking Areas Act 1986</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
section 9(1)	Enter into an agreement with the owner of a private parking area for council to enforce Part 3 of the Act with respect to the private parking area	Chief Executive Officer (95), Director Development and Regulatory Services (70)	NIL

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## **Appendix 26**

*Roads (Opening and Closing) Act 1991 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Roads (Opening and Closing) Act  
1991**

**21 January 2021**



## Delegation Sources

- Roads (Opening and Closing) Act 1991

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Director Corporate Services (41)	Director Corporate Services (41)	
Elected Body	Elected Body	
Manager Financial Services (214)	Manager Financial Services (214)	
Manager Property Services (394)	Manager Property Services (394)	
Manager Strategic Assets (403)	Manager Strategic Assets (403)	
Roads Officer (416)	Roads Officer (416)	

## Instrument of Delegation under the Roads (Opening and Closing) Act 1991

Roads (Opening and Closing) Act 1991			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 4	Make a road process order	Elected Body	
section 5	Commence a road process in relation to a road or a proposed road	Chief Executive Officer (95), Manager Property Services (394), Roads Officer (416)	NIL
section 9(1)	Cause to be prepared:  (a) a preliminary plan of the land subject to the proposed road process in a form approved by the Surveyor-General; and  (b) a statement in a form approved by the Surveyor-General containing the names and addresses of those persons affected who can be identified by reasonable inquiry and such information in relation to the land subject to the proposed road process as is required by the Surveyor-General	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 9(2)	Deposit a copy of the preliminary plan and statement at the Adelaide office of the Surveyor-General with the prescribed fee	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 10(1)(a)	Give public notice in accordance with the regulations of the proposed road process	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section	Serve notice of the proposed road process on each person affected who can be identified by	Chief Executive Officer (95), Manager Property Services (394), Manager	NIL

### Roads (Opening and Closing) Act 1991

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
10(1)(b)	reasonable inquiry	Strategic Assets (403), Roads Officer (416)	
section 10(2)	Deposit a copy of the notice at the Adelaide office of the Surveyor-General	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 11(a)(ii)	Lodge a caveat with the Registrar-General forbidding any dealing with the land without the consent of the council	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 11(b)(iii)	Lodge a copy of the notice of the proposed road opening at the General Registry Office	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 11(b)(iii)	Serve a notice on any person requiring the person to deliver up to the Registrar-General any instrument evidencing the person's interest in the land	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 12(1)	Make agreements for exchange or transfer in relation to land subject to a proposed road closure with the owners of land adjoining that land	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL

### Roads (Opening and Closing) Act 1991

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 12(3)(a)	Endeavour to secure an agreement for exchange with a person who owns adjoining land and land subject to a proposed road opening	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 12(3)(b)	Invite offers from the owners of land adjoining the land subject to the proposed road closure	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 13(3)	Receiving an objection or application in respect of a proposed road process	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 14(1)	Notify a person who has made an objection or application in relation to a proposed road process of the time and place at which the relevant authority will meet to consider all such objections and applications	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 15(1)	Determine whether or not to make a road process order	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 15(3)	Give notice of a decision that no road process order is to be made to the Surveyor-General, any person who made an objection or application in relation to the proposed road process pursuant to Division 1, Part 3 and, in the case of a proposed road opening, to any person who has an interest in land over which a road was proposed to be opened	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL

### Roads (Opening and Closing) Act 1991

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 17	Make one or more of the orders listed in section 17 as part of a road process order dealing with land the subject of a road closure	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 18(1)	Make an order as part of a road process order for the granting of an easement over land subject to the road closure	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 19(a)	Give notice of the making of a road process order to any person who made an objection or application in relation to the proposed road process pursuant to Division 1, Part 3	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 19(b)(i)	Give notice of the making of a road process order to any person who has an interest in land over which a road will be opened	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 19(b)(i)	Give notice of the making of a road process order to any person who has an interest in land over which a road was proposed to be opened, but which does not form part of the land over which the road will be opened, advising of the discontinuance of the road process in respect of that land	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 19(c)	Deliver to the Adelaide Office of the Surveyor-General a copy of the minutes of all meetings held by the authority in relation to the proposed road process certified by the chief executive officer of the council	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL

### Roads (Opening and Closing) Act 1991

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 20(1)	Deposit at the Adelaide Office of the Surveyor-General prescribed documents after making a road process order and any fee prescribed by regulation	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 20(3)	Give notice of the lapsing of a road process to any person who made an objection of application in relation to the proposed road process pursuant to Division 1, Part 3 and any person who has an interest in the land over which the road was proposed to be opened	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 22(1)	Request that the Surveyor-General amend a road process order to correct an error or deficiency prior to confirmation of the order by the Minister	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 22(1)	Participate in consultation with the Surveyor-General regarding the amendment of a road process order to correct an error or deficiency prior to confirmation of the order by the Minister	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 22(2)(a)	Receive notice of an amendment of a road process order from the Surveyor-General	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 22(2)(b)	Give notice of an amendment of a road process order to any person who was required to be given notice of the road process order under sections 19(a) or 19(b) and, if the road authority is not the council, the council	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL

### Roads (Opening and Closing) Act 1991

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 22(2)(b)	Receive notice from the relevant authority of an amendment of a road process order	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 24(2)(b)	Give notice of a decision by the Minister to decline to confirm a road process order to any person who made an objection of application in relation to the proposed road process pursuant to Division 1, Part 3 and any person who has an interest in the land over which the road was proposed to be opened	Chief Executive Officer (95), Manager Property Services (394), Manager Strategic Assets (403), Roads Officer (416)	NIL
section 31(1)(a)	Serve notice of the road process order on each person who had an interest in the land immediately before it vested in the council by virtue of the road opening and append to the notice an offer in writing stating the total amount of compensation that the council proposes to pay to the person and dividing that amount so far as practicable into sperate components	Chief Executive Officer (95), Manager Property Services (394), Roads Officer (416)	NIL
section 31(1)(b)	Assess and pay compensation in respect of a road opened over land not owned by the council as prescribed	Chief Executive Officer (95), Manager Property Services (394), Roads Officer (416)	NIL
section 32(3)	Assess and pay compensation in respect of a road opened over land not owned by the council as prescribed	Chief Executive Officer (95), Manager Property Services (394), Roads Officer (416)	NIL
section 33(1)	Acquire additional land adjoining or near the land to which the proposed road opening relates with the approval of the Minister	Chief Executive Officer (95), Manager Property Services (394), Roads Officer (416)	NIL
section 33(4)	Sell or otherwise deal with additional land acquired under section 33	Chief Executive Officer (95), Manager Property Services (394), Roads Officer	NIL

### Roads (Opening and Closing) Act 1991

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		(416)	
section 33(4)	Apply the proceeds from the sale of additional land to defraying expenses incurred by the council in connection with the road opening	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214), Manager Property Services (394)	NIL
section 33(5)	Comply with conditions imposed by the Minister on the manner in which additional land may be dealt with by the council	Chief Executive Officer (95), Manager Property Services (394)	NIL
section 34(1)(b)	Receive a notice of a proposal to close a road from the Surveyor-General	Chief Executive Officer (95), Manager Property Services (394)	NIL
section 34(2)	Make a representation to the Surveyor-General regarding the proposed road closure	Chief Executive Officer (95), Manager Property Services (394)	NIL
section 34B(2)(a)(i)	Receive notice of a proposal to open or close a road in an environmental impact statement, public environmental report or development report	Chief Executive Officer (95), Manager Property Services (394)	NIL
section 34B(2)(c)	Make written submissions on the proposal to open or close a road	Chief Executive Officer (95), Manager Property Services (394)	NIL
section 34G(1)	Apply to the Minister to make a road wider, narrower, longer or shorter pursuant to section 6B of the Roads (Opening and Closing) Act	Elected Body	
section 34G(4)(a)	Give public notice of the proposal, in accordance with the regulations, if the Minister determines that the application under section 34G(1) should be considered	Elected Body	



### Roads (Opening and Closing) Act 1991

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 34G(4)(b)	Give notice of the proposal to any State authority or council specified by the Minister	Elected Body	
section 34G(4)(c)	Give notice of the proposal to the Adelaide Park Lands Authority	Elected Body	
section 34G(6)	Forward to the Surveyor-General any representation in relation to the proposal made to the council within the period under section 34G(5) and any response that the council wishes to make in relation to those representations	Elected Body	
section 34G(9)	Consult with the Surveyor-General regarding survey plans and other documents to be prepared as required by the Registrar-General	Elected Body	
section 34G(9)	Submit survey plans and other documents as required by the Registrar-General to the Minister	Elected Body	
section 34G(14)	Provide any documentation required by the Registrar-General to the Registrar-General	Elected Body	
section 35(2)	Reserve any question of law for the consideration of the Supreme Court, prior to making any road process order	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Roads Officer (416)	NIL
section 36(2)(a)	Repay any amount paid to the council in pursuance of an agreement for exchange or transfer which is avoided by virtue of the operation of section 12(4)	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Roads Officer (416)	NIL

**Roads (Opening and Closing) Act 1991**

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 39	Fence along its boundaries a road as altered or diverted by the council with a substantial fence of the same nature as the fence previously in the boundary of the road and abutting the land	Chief Executive Officer (95), Manager Strategic Assets (403)	NIL

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## **Appendix 27**

*Roads (Opening and Closing) Act 1991 (Superseded)*

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**Adelaide Hills Council**

**Delegated Provisions for  
Instrument of Delegation under the Roads (Opening and Closing) Act  
1991 (Superseded)**

**Change Report**

**21 January 2021**

## Delegation Sources

- Roads (Opening and Closing) Act 1991

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	Andrew Aitken
Director Corporate Services (41)	Director Corporate Services (41)	Terry Crackett
Director Infrastructure and Operations (114)	Director Infrastructure and Operations (114)	Peter Bice
Elected Body	Council Members 2018 - 2022	AHC Council
Manager Property Services (394)	Manager Property Services (394)	Natalie Westover
Manager Strategic Assets (403)	Manager Strategic Assets (403)	David Collins

## Delegated Provisions for Instrument of Delegation under the Roads (Opening and Closing) Act 1991 (Superseded) Showing Changes

Roads (Opening and Closing) Act 1991			
Section	Item Delegated	Delegate	Conditions and Limitations
s5	<p>1. Commencement Of Road Process</p> <p>1.1 The power pursuant to Section 5 of the Roads (Opening and Closing) Act 1991 ("the Act") to commence a road process in relation to a road or proposed road within the area of the Council.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL
s9(1)	<p>2. Deposit of Preliminary Plan and Statement of Persons Affected</p> <p>2.1 The duty pursuant to Section 9(1) of the Act where the Council proposes to commence a road process, to cause to be prepared:</p> <p>2.1.1 a preliminary plan of the land subject to the proposed road process in a form approved by the Surveyor-General; and</p> <p>2.1.2 a statement in a form approved by the Surveyor-General containing -</p> <p>2.1.2.1 the names and addresses of those persons affected who can be identified by reasonable enquiry; and</p> <p>2.1.2.2 such information in relation to the land subject to the proposed road process as is required by the Surveyor-General.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL
s9(2)	<p>2. Deposit of Preliminary Plan and Statement of Persons Affected</p> <p>2.2 The duty pursuant to Section 9(2) of the Act where the Council has proposed a road process and a preliminary plan and statement has been prepared pursuant to the requirements of Section 9(1) of the Act, to deposit a copy of the said preliminary plan and statement at the Adelaide office of the Surveyor-General together with the prescribed fee.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property	NIL

Roads (Opening and Closing) Act 1991			
Section	Item Delegated	Delegate	Conditions and Limitations
		Services (394), Manager Strategic Assets (403)	
s10(1)	<p>3. Notification of Proposed Road Process</p> <p>3.1 The duty pursuant to Section 10(1) of the Act where the Council commences a road process (where the Council is the relevant authority in relation to the road process) to -</p> <p>3.1.1 after compliance with the requirements of Section 9 of the Act, give public notice, in accordance with the Regulations, of the proposal; and</p> <p>3.1.2 at the same time to give notice in writing of the proposal on each person affected who can be identified by reasonable enquiry.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL
s10(2)	<p>3. Notification of Proposed Road Process</p> <p>3.2 The duty pursuant to Section 10(2) of the Act to (where the Council is a relevant authority in relation to a proposed road process) as soon as practicable after giving public notice under Section 10(1) of the Act in relation to the process, deposit a copy of the notice at the Adelaide office of the Surveyor-General.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL
s11(a)(ii)	<p>4. Dealings in Land after Commencement of Road Process</p> <p>4.1 The power pursuant to Section 11(a)(ii) of the Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is land which has been brought under the Real Property Act 1886), to lodge a caveat with the Registrar-General forbidding any dealing with the land without the consent of the Council.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL
s11(b)(iii)	<p>4. Dealings in Land after Commencement of Road Process</p> <p>4.2 The power pursuant to Section 11(b)(iii) of Act where the Council commences a road process under which a</p>	Chief Executive Officer (95), Director Corporate	NIL

Roads (Opening and Closing) Act 1991			
Section	Item Delegated	Delegate	Conditions and Limitations
	road is proposed to be opened over land not owned by the Council (where that land is not land that has been brought under the Real Property Act 1886), to lodge a copy of the notice of the proposed road opening at the General Registry office, and by notice in writing served on any person, require the person to deliver up to the Registrar-General any instrument evidencing the person's interest in the land.	Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	
s12(1)	<p>5. Power to make Preliminary Agreements</p> <p>5.1 The power pursuant to Section 12(1) of the Act and in accordance with the provisions of Section 12 to make agreements for exchange or transfer in relation to land subject to a proposed road closure with the owner of land adjoining that land.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL
s12(3)	<p>5. Power to make Preliminary Agreements</p> <p>5.2 The duty pursuant to Section 12(3) of the Act where the Delegate seeks to make an agreement for transfer in relation to land subject to a proposed road closure pursuant to Section 12 of the Act -</p> <p>5.2.1 where adjoining land is owned by a person who owns land subject to a proposed road opening, to first endeavour to secure an agreement for exchange with that person;</p> <p>5.2.2 in any case, to first invite offers from the owners of land adjoining the land subject to the proposed road closure.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL
s14(1)	<p>6. Meeting to Consider Objection or Application</p> <p>6.1 The duty pursuant to Section 14(1) of the Act in circumstances where the Council is the relevant authority and where the Council has commenced a road process and a person has made an objection or application in relation to the proposed road process, to notify that person in writing of a time and place at which the Council will meet as the relevant authority to consider all such objections and applications.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager	NIL



Roads (Opening and Closing) Act 1991			
Section	Item Delegated	Delegate	Conditions and Limitations
		Strategic Assets (403)	
s15(1)	<p>7. Making of Road Process Order</p> <p>7.1 The duty pursuant to Section 15(1) of the Act to (as the relevant authority) as soon as practicable after the expiration of the time allowed for the making of objections and applications and after considering all objections and applications (if any) made in relation to a proposed road process -</p> <p>7.1.1 make a road process order in relation to all or part of the land to which the proposed road process relates; or</p> <p>7.1.2 determine that no road process order is to be made.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL
s15(3)	<p>7. Making of Road Process Order</p> <p>7.2 The duty pursuant to Section 15(3) of the Act where the Delegate (as the relevant authority) determines that no road process order is to be made, to as soon as practicable give notice in writing of that decision;</p> <p>7.2.1 to the Surveyor General; and</p> <p>7.2.2 to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and</p> <p>7.2.3 in addition, in the case of a proposed road opening, to any person who has an interest in land over which the road was proposed to be opened.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL
s16	<p>7. Making of Road Process Order</p> <p>7.3 The duty pursuant to Section 16 of the Act when acting as the relevant authority, in determining whether to make a road process order and what order should be made, to have regard to -</p> <p>7.3.1 any objections made by any person pursuant to the Act; and</p> <p>7.3.2 the plans, principles, regulations and other matters to which regard must be had by assessment authorities</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager	NIL

Roads (Opening and Closing) Act 1991			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>for determining applications for development authorisation under the Development Act 1993 in relation to developments in the area to which the proposed road process order relates; and</p> <p>7.3.3 whether the land subject to the road process is reasonably required as a road for public use in view of present and likely future needs in the area; and</p> <p>7.3.4 alternative uses of the land subject to the road process that would benefit the public or a section of the public; and</p> <p>7.3.5 any other matter that the Delegate considers relevant.</p>	Strategic Assets (403)	
s17	<p>7. Making of Road Process Order</p> <p>7.4 The duty pursuant to Section 17 of the Act where, when acting as the relevant authority, a road process order or a road closure has been made, to as part of that order make one or more of the following orders dealing, or together dealing, with all of the land subject to the road closure:</p> <p>7.4.1 if an agreement for exchange or transfer has been made in respect of land subject to the road closure, an order that the land be transferred or added to other land in accordance with the agreement;</p> <p>7.4.2 an order that the land be sold by public auction or tender, if the Delegate considers that land subject to the road closure can conveniently be used separately from other land and the power to so form that opinion;</p> <p>7.4.3 an order that land subject to the road closure be sold, or transferred, for use for some public, charitable or beneficial community purpose;</p> <p>7.4.4 if land subject to the road closure is required by the Council for some purpose - in order that the land be retained by the Council and the Certificate of Title be issued to the Council;</p> <p>7.4.5 an order that land subject to the road closure -</p> <p>7.4.5.1 be added to adjoining land that is dedicated under the Crown Lands Act 1929; or</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL

Roads (Opening and Closing) Act 1991			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>7.4.5.2 be transferred to the proprietor of adjoining land that is alienated in fee simple in trust under the Crown Lands Act 1929; or</p> <p>7.4.5.3 be vested in the Crown.</p>		
s18(1)	<p>7. Making of Road Process Order</p> <p>7.5 The power to pursuant to Section 18(1) of the Act and in accordance with the provisions in Section 18(2) of the Act, when acting as the relevant authority where a road process order for a road closure has been made, to make an order as part of that order for the granting of an easement over land subject to the road closure.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL
s18(2)(d)	<p>7. Making of Road Process Order</p> <p>7.6 The power pursuant to Section 18(2)(d) of the Act, where an application for an easement has been made pursuant to Division 1 of Part 3 of the Act by a person as the owner of adjoining or nearby land, to form the opinion that the persons use or enjoyment of that adjoining or nearby land would be substantially altered if the easement were not granted and therefore make an order for the granting of the easement in favour of that person.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL
s19	<p>7. Making of Road Process Order</p> <p>7.7 The duty pursuant to Section 19 of the Act when acting as the relevant authority to as soon as is practicable after a road process order is made;</p> <p>7.7.1 give notice in writing of the order to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and</p> <p>7.7.2 In addition, in the case of an order for a road opening -</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL

Roads (Opening and Closing) Act 1991			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>7.7.2.1 give notice in writing of the order to any person who has an interest in land over which a road is proposed by the order to be opened; and</p> <p>7.7.2.2 if the order does not deal with part of the land specified in the public notice of the proposed road opening given pursuant to Division 1 - give notice in writing of the discontinuance of the road process in respect of that land to any person who has an interest in that land; and</p> <p>7.7.2.3 deliver to the Adelaide office of the Surveyor-General a copy of the minutes of all meetings held by it in relation to the proposed road process certified by the Chief Executive Officer of the Council.</p>		
s20	<p>7. Making of Road Process Order</p> <p>7.8 The duty pursuant to Section 20 of the Act, within 3 months after a road process order is made to deposit at the Adelaide office of the Surveyor-General -</p> <p>7.8.1 2 copies of the order; and</p> <p>7.8.2 survey plans as required by the Registrar-General for the purposes of this Section; and</p> <p>7.8.3 in the case of an order for a road closure that includes an order that land be transferred or added to other land in accordance with an agreement for exchange or transfer - a copy of the agreement for exchange or transfer on which is denoted all stamp duty payable in respect of the agreement; and</p> <p>7.8.4 in the case of an order for a road opening or the narrowing of a road - a statement that the order complies with the requirements of Part 8 of the Act as to the minimum width of roads; and</p> <p>7.8.5 any other document required by the Surveyor-General; and</p> <p>7.8.6 any fee prescribed by regulation including any fee required to be paid by a person in whom land or an interest in land would be vested on publication in the Gazette of notice of the order and its confirmation by the Minister.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL

Roads (Opening and Closing) Act 1991			
Section	Item Delegated	Delegate	Conditions and Limitations
s20(3)	<p>7. Making of Road Process Order</p> <p>7.9 The duty pursuant to Section 20(3) of the Act in circumstances where a road process lapses by virtue of the provisions of Section 20(2) of the Act to, as soon as practicable, give notice in writing of that fact -</p> <p>7.9.1 to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and</p> <p>7.9.2 in addition, in the case of a proposed road opening - to any person who has an interest in land over which a road is proposed to be opened.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL
s22(2)(i)	<p>8. Review and Confirmation of Road Process Order</p> <p>8.1 The duty pursuant to Section 22(2)(i) of the Act as the relevant authority in circumstances where the Surveyor-General has amended a road process order under Section 22(1) of the Act and then provided a written notice of that amendment to the Council, to as soon as practicable give notice in writing of that amendment to any person who was required to be given notice in writing of the road process order under Section 19(a) or (b) of the Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL
s24(2)(b)	<p>8. Review and Confirmation of Road Process Order</p> <p>8.2 The duty pursuant to Section 24(2)(b) of the Act in circumstances where the Minister declines to confirm a road process order under Section 24(1) of the Act and has then provided written notice of that decision to the Council, to as soon as practicable give notice in writing of that decision -</p> <p>8.2.1 to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and</p> <p>8.2.2 in addition, in the case of a proposed road opening - to any person who has an interest in land over which a road was proposed to be opened.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL

Roads (Opening and Closing) Act 1991			
Section	Item Delegated	Delegate	Conditions and Limitations
s31(1)(a)	<p>9. Compensation</p> <p>9.1 The duty pursuant to Section 31(1)(a) of the Act where a road is opened pursuant to the Act over land not owned by the Council to -</p> <p>9.1.1 serve notice in writing of the road process order on each person who had an interest in the land immediately before it vested in the Council by virtue of the road opening; and</p> <p>9.1.2 append to the notice an offer in writing stating the total amount of compensation that the Council proposes to pay to the person and dividing that amount, so far as is practicable, into its separable components.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL
s33(1)	<p>10. Acquisition of Additional Land under Land Acquisition Act</p> <p>10.1 The power pursuant to Section 33(1) of the Act in circumstances where a Council proposes to open a road over any land pursuant to the Act, to -</p> <p>10.1.1 consider that the acquisition of additional land adjoining or near to the land to which the road opening relates is appropriate; and</p> <p>10.1.2 proceed to acquire the land, whether or not the land is required in connection with the proposed road.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL
s33(4)	<p>10. Acquisition of Additional Land under Land Acquisition Act</p> <p>10.2 The power pursuant to Section 33(4) of the Act, where additional land is acquired by the Council pursuant to Section 33 of the Act, to sell or otherwise deal with that land in such manner as the Delegate considers appropriate, and to use the proceeds from the sale of any such land toward defraying expenses incurred by the Council in connection with the road opening.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL
s34G(1)	<p>10A. Roads Associated with Adelaide Park Lands</p> <p>10A.1 The power pursuant to Section 34G(1) of the Act to prepare an application to be made by the Council to the Minister to make a road wider, narrower, longer or shorter pursuant to Section 6B of the Act.</p>	Elected Body	

Roads (Opening and Closing) Act 1991			
Section	Item Delegated	Delegate	Conditions and Limitations
s34G(2)	<p>10A. Roads Associated with Adelaide Park Lands</p> <p>10A.2 The duty pursuant to Section 34G(2) of the Act to ensure that an application pursuant to Section 34G of the Act is accompanied by -</p> <p>10A.2.1 a preliminary plan of the land subject to the proposed road process, in a form determined or approved by the Surveyor General; and</p> <p>10A.2.2 such other information as may be required by the Regulations.</p>	Elected Body	
s34G(4)	<p>10A. Roads Associated with Adelaide Park Lands</p> <p>10A.3 The duty pursuant to Section 34G(4) of the Act, if the Minister, after consultation under Section 34G(3) of the Act, determines that the application should be considered to, in accordance with Section 34G(5) of the Act, -</p> <p>10A.3.1 give public notice, in accordance with the Regulations, of the proposal; and</p> <p>10A.3.2 give notice of the proposal to any State authority or council specified by the Minister; and</p> <p>10A.3.3 give notice of the proposal to the Adelaide Park Lands Authority (unless the Authority has already been consulted under Section 34G(3) of the Act and indicated that it has no further comment to make in relation to the matter).</p>	Elected Body	
s34G(6)	<p>10A. Roads Associated with Adelaide Park Lands</p> <p>10A.4 The duty pursuant to Section 34G(6) of the Act to forward to the Surveyor-General, after the expiration of the period that applies under Section 34G(5) of the Act -</p> <p>10A.4.1 any representation in relation to the proposal made to the Council within the relevant period; and</p> <p>10A.4.2 any response that the Council wishes to make in relation to those representations.</p>	Elected Body	

Roads (Opening and Closing) Act 1991			
Section	Item Delegated	Delegate	Conditions and Limitations
s34G(9)	10A. Roads Associated with Adelaide Park Lands 10A.5 The power pursuant to Section 34G(9) of the Act, if the Minister is willing to approve the application, to, after consultation with the Surveyor-General, cause survey plans and other documents to be prepared as required by the Registrar-General and submit them to the Minister.	Elected Body	
s34G(14)	10A. Roads Associated with Adelaide Park Lands 10A.6 The power and duty pursuant to Section 34G(14) of the Act, after publication of the order, to provide any documentation required by the Registrar-General to the Registrar-General.	Elected Body	
s39	11. Duty to Fence 11.1 The duty pursuant to Section 39 of the Act in any case in which a road is fenced along one or both of its boundaries and the road is altered or diverted, to ensure that the road as altered or diverted is fenced along its boundaries with a substantial fence of the same nature as the fence previously on the boundary of the road and the abutting land.	Chief Executive Officer (95), Director Corporate Services (41), Director Infrastructure and Operations (114), Manager Property Services (394), Manager Strategic Assets (403)	NIL



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## **Appendix 28**

*State Records Act 1997 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the State Records Act 1997**

**21 January 2021**

## Delegation Sources

- State Records Act 1997

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	

## Instrument of Delegation under the State Records Act 1997

State Records Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 13	Maintain official records in the council's custody in good order and condition	Chief Executive Officer (95)	NIL
section 15(2)	Afford the manager of State records reasonable cooperation and assistance in conducting surveys of the official records and record management practices of agencies	Chief Executive Officer (95)	NIL
section 18(1)	Deliver records voluntarily into the custody of State Records	Chief Executive Officer (95)	NIL
section 19(1)	Deliver records into the custody of State Records on the earlier of the council ceasing to require access to the record for current administrative purposes or during the year occurring 15 years after the creation of the record	Chief Executive Officer (95)	NIL
section 19(3)(c)	Participate in consultation with the Manager of State Records in regard to the postponement of delivery of records into the custody of State Records on the basis that the records are required for the administrative purpose of the council or should be retained by the council for another special reason	Chief Executive Officer (95)	NIL
section 19(5)(a)	Apply to the Manager of State Records for the variation or revocation of an exemption granted under section 19(4)	Chief Executive Officer (95)	NIL
section 20(1)	Advise the Manager of State Records of any restriction on the disclosure of contents of a record delivered into the custody of State Records	Chief Executive Officer (95)	NIL
section 22(2)	Determine conditions reasonably required in regard to an arrangement under section 22(1)	Chief Executive Officer (95)	NIL

State Records Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 23(1)	Dispose of official records in accordance with a determination of the Manager of State Records	Chief Executive Officer (95)	NIL
section 23(2)	Request the Manager of State Records to make a determination as to the disposal of official records	Chief Executive Officer (95)	NIL
section 23(4)	Apply to the Minister to determine a dispute as to a determination under section 23	Chief Executive Officer (95)	NIL
section 24(3)	Consent to the disposal of a record under section 24(1)	Chief Executive Officer (95)	NIL
section 24(3)	Apply to the Minister to determine a dispute as to access under section 24	Chief Executive Officer (95)	NIL
section 26(1)	Determine in consultation with the Manager of State Records that access to a record delivered by the council into the custody of State Records is not subject to any restrictions other than those determined by the Manager	Chief Executive Officer (95)	NIL
section 26(2)	Determine in consultation with the Manager of State Records conditions excluding or restricting access to the record delivered by the council into the custody of State Records	Chief Executive Officer (95)	NIL

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## **Appendix 29**

*Strata Titles Act 1988 Updates*

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**Adelaide Hills Council**

**Instrument of Delegation**

**Instrument of Delegation under the Strata Titles Act 1988**

**21 January 2021**

## Delegation Sources

- Strata Titles Act 1988

## Titles

Title	Position	Name
Manager Development Services (72)	Manager Development Services (72)	
Manager Property Services (394)	Manager Property Services (394)	



## Instrument of Delegation under the Strata Titles Act 1988

Strata Titles Act 1988			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
section 12(2)(c)	Consent to an amendment of a deposited strata plan	Manager Development Services (72), Manager Property Services (394)	NIL
section 12(3a)(d)(i)	Consent to an encroachment over public land	Manager Property Services (394)	NIL
section 12A(b)	Issue a certificate certifying compliance with the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance	Manager Development Services (72), Manager Property Services (394)	NIL
section 28(1)(c)	Specify work to be carried out by a unit holder	Manager Property Services (394)	NIL

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## **Appendix 30**

*Strata Titles Act 1988 (Superseded)*

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**Adelaide Hills Council**

**Delegated Provisions for  
Instrument of Delegation under the Strata Titles Act 1988 (Superseded)  
Change Report**

**21 January 2021**

## Delegation Sources

- Strata Titles Act 1988

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	Andrew Aitken
Director Corporate Services (41)	Director Corporate Services (41)	Terry Crackett
Manager Property Services (394)	Manager Property Services (394)	Natalie Westover

## Delegated Provisions for Instrument of Delegation under the Strata Titles Act 1988 (Superseded) Showing Changes

Strata Titles Act 1988			
Section	Item Delegated	Delegate	Conditions and Limitations
s12(2)(b)	<p>1. Application for Amendment</p> <p>1.1 The power pursuant to Section 12(2)(b) of the Strata Titles Act 1988 (the Act), where the Council has an encumbrance registered in relation to units or common property affected by a proposed amendment, to consent to the amendment.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL
s12(2)(c)	<p>1. Application for Amendment</p> <p>1.2 The power pursuant to Section 12(2)(c) of the Act, where units or common property affected by the proposed amendment are subject to a statutory encumbrance held by the Council, to consent to the amendment.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL
s12(3a)	<p>1. Application for Amendment</p> <p>1.3 The power pursuant to Section 12(3a) of the Act, where:</p> <p>1.3.1 the erection or alteration of a building on the site causes an encroachment over public land in the area of the Council not included in the site; and</p> <p>1.3.2 the application for amendment relates (wholly or in part) to the erection or alteration of that building, to consent to the encroachment.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL
s12(8)	<p>1. Application for Amendment</p> <p>1.4 The power pursuant to Section 12(8) of the Act, where on amendment of a deposited strata plan, part, but not the whole, of an allotment within the meaning of Part 194AB of the Real Property Act 1886 is to be included in the site from outside the site, and the Council is the registered proprietor of the allotment to be divided, to make the application jointly with the strata corporation.</p>	Chief Executive Officer (95)	NIL
s12A	<p>2. Application May Deal with Statutory Encumbrances</p> <p>2.1 The power pursuant to Section 12A of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL

**Strata Titles Act 1988**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s13(3a)	2A. Amendment by Order of ERD Court 2A.2 The power pursuant to Section 13(3a) of the Act to make submissions to the Court in relation to the matter.	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL
s13(1) and (2), 13(3)	2A. Amendment by Order of ERD Court 2A.1 The power pursuant to Sections 13(1) and (2) of the Act and subject to Section 13(3) of the Act to make an application to the ERD Court.	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL
s16(2)(c)	3. Amalgamation of Adjacent Sites 3.1 The power pursuant to Section 16(2)(c) of the Act, where the Council has a registered interest in the units, to consent to an application for amalgamation.	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL
s16(2)(c)	3. Amalgamation of Adjacent Sites The power pursuant to Section 16(2)(c) of the Act, to endorse an application for amalgamation with the consent of the Council where the Council has a registered interest in the units.	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL
s17(2)(b)	4. Cancellation 4.1 The power pursuant to Section 17(2)(b) of the Act, where the Council has a registered interest in the unit or the common property to approve an instrument of cancellation.	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL
s17(2)(b)	4. Cancellation 4.2 The power pursuant to Section 17(2)(b) of the Act to, endorse an instrument of cancellation with the approval of the Council where the Council has a registered interest in a unit or the common property.	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL
s17(4)	4. Cancellation 4.3 The power pursuant to Section 17(4) of the Act to make an application for an order of the ERD Court cancelling a strata plan.	Chief Executive Officer (95)	NIL

**Strata Titles Act 1988**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s17(4a)	4. Cancellation 4.4 The power pursuant to Section 17(4a) of the Act to make submissions to the Court in relation to the matter.	Chief Executive Officer (95)	NIL
s17AAA(2)	5. Application for Division 5.1 The power pursuant to Section 17AAA(2) of the Act where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886 to consent to a plan of division lodged with the application.	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL
s17AAA(2)	5. Application for Division 5.2 The power pursuant to Section 17AAA(2) of the Act to endorse the plan of division lodged with the application with the consent of the Council where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886.	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL
s19(3b)(e)	6. Articles of Strata Corporation 6.1 The power pursuant to Section 19(3b)(e) of the Act, to, within 60 days after service of the notice, apply to the Magistrates Court for revocation of the notice.	Chief Executive Officer (95)	NIL
s19A(1) and (2)	7. Certain Articles May be Struck Out by Court 7.1 The power pursuant to Sections 19A(1) and (2) of the Act to make an application to the Magistrates Court or the District Court under Part 3A of the Act.	Chief Executive Officer (95)	NIL
s27D(5)	8. Offences 8.1 The power pursuant to Section 27D(5) of the Act to make an application to the delegate of a strata corporation to be provided with, on a quarterly basis, a statement setting out details of dealings by the delegate with the corporation's money.	Chief Executive Officer (95)	NIL
s27D(7)	8. Offences 8.2 The power pursuant to Section 27D(7) of the Act to request a delegate of a strata corporation who holds records of the corporation to: 8.2.1 make those records available for the Council or the Council's delegate to inspect within 10 business days	Chief Executive Officer (95)	NIL

**Strata Titles Act 1988**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	of the request; and 8.2.2 provide the Council or the Council's delegate with a copy of any of the records on payment of a fee.		
s28(5), 28(4)	9. Power to Enforce Duties of Maintenance and Repair 9.1 The power pursuant to Section 28(5) of the Act, where: 9.1.1 the strata corporation recovers costs from the Council under Section 28(4) of the Act; and 9.1.2 the circumstances out of which the work was required are attributable to the act or default of another person, to recover those costs from that other person as a debt.	Chief Executive Officer (95)	NIL
s32(1)	10. Right of Unit Holders etc to Satisfy Themselves as to Insurance 10.1 The power pursuant to Section 32(1) of the Act, to request a strata corporation to produce for inspection all current policies of insurance taken out by the corporation.	Chief Executive Officer (95)	NIL
s33(2), 33(3), (3a), (4a) and (4b)	11. Holding of General Meetings 11.1 The power pursuant to and in accordance with Section 33(2) of the Act, subject to Sections 33(3), (3a), (4a) and (4b) of the Act, to convene a meeting.	Chief Executive Officer (95)	NIL
s33(2)(e)	11. Holding of General Meetings. 11.2 The power pursuant to Section 33(2)(e) of the Act to apply to the Magistrates Court for a meeting to be convened.	Chief Executive Officer (95)	NIL
s34(2a), 34(3a), (3b) and (3c)	12. Voting at General Meetings 12.1 The power pursuant to Section 34(2a) of the Act, subject to Sections 34(3a), (3b) and (3c) of the Act, to nominate another person to attend and vote at meetings on the Council's behalf.	Chief Executive Officer (95)	NIL
s34(4)	12. Voting at General Meetings. 12.2 The power pursuant to Section 34(4) of the Act to exercise an absentee vote on a proposed resolution by giving the secretary written notice of the proposed vote at least six hours before the time of the meeting.	Chief Executive Officer (95)	NIL



**Strata Titles Act 1988**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s37(1)	<p>13. Administrator of Strata Corporation's Affairs</p> <p>13.1 The power pursuant to Section 37(1) of the Act to make application to a relevant court to appoint an administrator of the strata corporation, or remove or replace an administrator previously appointed.</p>	Chief Executive Officer (95)	NIL
s41(1), 39A	<p>14. Information to be Furnished</p> <p>14.1 The power pursuant to Section 41(1) of the Act to make application to a strata corporation to:</p> <p>14.1.1 furnish:</p> <p>14.1.1.1 particulars of any contribution payable in relation to the unit (including details of any arrears of contribution related to the unit);</p> <p>14.1.1.2 particulars of the assets and liabilities of the corporation;</p> <p>14.1.1.3 particulars of any expenditure that the corporation has incurred, or has resolved to incur, and to which the unit holder of the unit must contribute, or is likely to be required to contribute;</p> <p>14.1.1.4 particulars in relation to any prescribed matter;</p> <p>14.1.2 provide copies of:</p> <p>14.1.2.1 the minutes of general meetings of the corporation and meetings of its management committee for such period, not exceeding two years, specified in the application;</p> <p>14.1.2.2 the statement of accounts of the corporation last prepared by the corporation;</p> <p>14.1.2.3 the articles for the time being in force;</p> <p>14.1.2.4 current policies of insurance taken out by the corporation;</p> <p>14.1.3 make available for inspection:</p> <p>14.1.3.1 a copy of the accounting records of the corporation;</p> <p>14.1.3.2 the minute books of the corporation;</p> <p>14.1.3.3 any other prescribed documentary material;</p> <p>14.1.4 if the strata corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract;</p> <p>14.1.5 make available for inspection the register maintained under Section 39A of the Act.</p>	Chief Executive Officer (95)	NIL
s41(1a), 41(2) and (3)	<p>14. Information to be Furnished</p> <p>14.2 The power pursuant to Section 41(1a) of the Act, subject to Sections 41(2) and (3) of the Act, to make application to a strata corporation to provide, on a quarterly basis, ADI statements for all accounts maintained by</p>	Chief Executive Officer (95)	NIL

**Strata Titles Act 1988**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	the corporation.		
s41AA and 41A, 41A(2)	15. Persons Who May Apply for Relief 15.1 The power pursuant to Sections 41AA and 41A of the Act to, subject to Section 41A(2) of the Act, apply for relief under Part 3 of the Act.	Chief Executive Officer (95)	NIL
s41A(3), 41A	16. Resolution of Disputes, etc 16.1 The power pursuant to Section 41A(3) of the Act to seek the permission of the District Court, to bring an application under Section 41A of the Act in the District Court.	Chief Executive Officer (95)	NIL
s41A(3), 41A	16. Resolution of Disputes, etc 16.2 The power pursuant to Section 41A(3) of the Act bring an application under Section 41A of the Act in the District Court.	Chief Executive Officer (95)	NIL
s 41A(4) , 41A	16. Resolution of Disputes, etc 16.3 The power pursuant to Section 41A(4) of the Act to apply to the District Court for proceedings under Section 41A of the Act that have been commenced in the Magistrates Court, to be transferred to the District Court.	Chief Executive Officer (95)	NIL
s41A(6), 41A	16. Resolution of Disputes, etc 16.4 The power pursuant to Section 41A(6) of the Act to make an application to a court to: 16.4.1 transfer an application under Section 41A to the Supreme Court on the ground that the application raises a matter of general importance; or 16.4.2 state a question of law for the opinion of the Supreme Court.	Chief Executive Officer (95)	NIL
s41A(10)(b)	16. Resolution of Disputes, etc 16.5 The power pursuant to Section 41A(10)(b) of the Act to make submissions to the court in relation to the matter.	Chief Executive Officer (95)	NIL
s42(1) and (2)	17. Unit Holder's Power of Entry 17.1 Where the Council is the unit holder of a unit (Unit A) and: 17.1.1 - 17.1.1.1 the proper supply of hot or cold water, gas, electricity, heating oil or air-conditioned air to Unit A fails; or	Chief Executive Officer (95)	NIL

## Strata Titles Act 1988

Section	Item Delegated	Delegate	Conditions and Limitations
	17.1.1.2 the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and 17.1.2 some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs, the power pursuant to Section 42(1) and (2) of the Act to, after giving such notice to the unit holder of Unit B as may be practicable in the circumstances, enter Unit B for that purpose.		
s42(1)	17. Unit Holder's Power of Entry 17.2 Where the Council is the unit holder of a unit (Unit A) and 17.2.1 - 17.2.1.1 the proper supply of hot or cold water, gas, electricity, heating oil or air-conditioned air to Unit A fails; or 17.2.1.2 the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and 17.2.2 some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs, the power pursuant to Sections 42(1) of the Act to authorise a person to, after giving such notice to the unit holder of Unit B as may be practicable in the circumstances, enter Unit B for that purpose.	Chief Executive Officer (95)	NIL
s44(2)	18. Dealing with Part of Unit 18.1 The power pursuant to Section 44(2) of the Act, subject to any other law, to grant a lease or licence over a part of a unit: 18.1.1 if all of the units comprised in the strata scheme consist of non residential premises; or 18.1.2 where Section 44(2)(a) does not apply: 18.1.2.1 if the lease or licence is granted to another unit holder; or 18.1.2.2 if the lease or licence is authorised by unanimous resolution of the strata corporation.	Chief Executive Officer (95)	NIL
S44A(2), 44A(2a), (2b) and (4)	19. Body Corporate May Act as Officer, etc 19.1 The power pursuant to Section 44A(2) of the Act, and subject to Sections 44A(2a), (2b) and (4) of the Act if the Council is appointed as the presiding officer, secretary or treasurer of a strata corporation, or as a member of a management committee, to, by instrument in writing, appoint a person to perform on its behalf any function that is conferred on the Council by virtue of the appointment.	Chief Executive Officer (95)	NIL

**Strata Titles Act 1988**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s46(1), 46(2)	<p>20. Relief Where Unanimous Resolution Required</p> <p>20.1 The power pursuant to Section 46(1) of the Act, and in accordance with Section 46(2) of the Act, where a unanimous resolution is necessary under the Act before an act may be done and that resolution is not obtained but the resolution is supported to the extent necessary for a special resolution, and the Council is included in the majority in favour of the resolution to apply to a relevant court to have the resolution declared sufficient to authorise the particular act proposed.</p>	Chief Executive Officer (95)	NIL

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## **Appendix 31**

*Development Act 1993 and Development Regulations  
2008*

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**Adelaide Hills Council**

**Delegated Provisions for**

**Instrument of Delegation under the Development Act 1993,  
Development (Development Plans) Amendment Act 2006 and  
Development Regulations 2008**

**Change Report**

**21 January 2021**

## Delegation Sources

- Development Act 1993
- Development Regulations 2008

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Elected Body	Council Members 2018 - 2022	

## Delegated Provisions for Instrument of Delegation under the Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008 Showing Changes

Development Act 1993			
Section	Item Delegated	Delegate	Conditions and Limitations
s34(8a)	<p>11. Determination of Relevant Authority</p> <p>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.</p>	<p>Chief Executive Officer (95), <del>Director Development and Regulatory Services (70), Information Management Officer Tech Records (434), Manager Development Services (72), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326),</del> Elected Body, <del>CAP (Council's Assessment Panel),</del></p>	<p><del>To be read in conjunction with CAP Delegation Policy</del> NIL</p>
s34(21)	<p>11. Determination of Relevant Authority</p> <p>11.4 The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel</p>	<p>Chief Executive Officer (95), <del>Director Development and Regulatory Services (70), Information Management Officer Tech Records (434), Manager Development Services (72), Senior Statutory Planner (80), Statutory</del></p>	<p><del>To be read in conjunction with CAP Delegation Policy</del> NIL</p>



**Development Act 1993**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		<del>Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326), Elected Body, CAP (Council's Assessment Panel),</del>	

**Development Regulations 2008**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Schedule 8	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.	Chief Executive Officer (95), Elected Body	NIL

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## **Appendix 32**

*Planning, Development and Infrastructure Act 2016*  
*Instrument A (until full PDI commencement)*

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**Adelaide Hills Council**

**Delegated Provisions for**

**Instrument of Delegation Under the Planning, Development and  
Infrastructure Act 2016 of Powers of a Council as: A Council: A  
Designated Authority: A Designated Entity (until full PDI  
commencement)**

**Change Report**

**21 January 2021**

## Delegation Sources

- Planning, Development and Infrastructure Act 2016

## Titles

Title	Position	Name
Assessment Manager (72)	Assessment Manager (72)	
Building Officer (380)	Building Officer (380)	
Building Officer (453)	Building Officer (453)	
Building Officer (463)	Building Officer (463)	
Building Officer (73)	Building Officer (73)	
CAP (Council's Assessment Panel)	CAP (Council's Assessment Panel)	
Chief Executive Officer (95)	Chief Executive Officer (95)	
Development Compliance Officer (211)	Development Compliance Officer (211)	
Director Corporate Services (41)	Director Corporate Services (41)	
Director Development and Regulatory Services (70)	Director Development and Regulatory Services (70)	
Director Infrastructure and Operations (114)	Director Infrastructure and Operations (114)	
Elected Body	Elected Body	
Manager Civil Services (402)	Manager Civil Services (402)	
Manager Development Services (72)	Manager Development Services (72)	
Manager Financial Services (214)	Manager Financial Services (214)	
Manager Property Services (394)	Manager Property Services (394)	
Senior Civil Engineer (184)	Senior Civil Engineer (184)	
Senior Statutory Planner (80)	Senior Statutory Planner (80)	
Senior Strategic and Policy Planner (200)	Senior Strategic and Policy Planner (200)	
Statutory Planner (195)	Statutory Planner (195)	
Statutory Planner (215)	Statutory Planner (215)	
Statutory Planner (230)	Statutory Planner (230)	
Statutory Planner (462)	Statutory Planner (462)	
Statutory Planner (82)	Statutory Planner (82)	
Team Leader Building Services (286)	Team Leader Building Services (286)	
Team Leader Statutory Planning (326)	Team Leader Statutory Planning (326)	

Adelaide Hills Council

Title	Position	Name
Technical Officer (104)	Technical Officer (104)	

**Delegated Provisions for Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 of  
Powers of a Council as: A Council: A Designated Authority: A Designated Entity (until full PDI commencement)  
Showing Changes**

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
s5(5)(b)	<p>1. Planning Regions and Greater Adelaide</p> <p>1.1 The power pursuant to Section 5(5)(b) of the Planning, Development and Infrastructure Act 2016 (the Act) to make submissions to the Minister on a proposed proclamation under Section 5 of the Act.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Strategic and Policy Planner (200)	NIL
s6(3)(b)	<p>2. Subregions</p> <p>2.1 The power pursuant to Section 6(3)(b) of the Act to make submissions to the Minister on the Minister's proposed course of action.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Strategic and Policy Planner (200)	Nil
s7(5)(b)	<p>3. Environment and Food Production Areas – Greater Adelaide</p> <p>3.1 The power pursuant to Section 7(5)(b) of the PDI Act, in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to concur in the granting of the development authorisation to the development.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Strategic and Policy Planner (200), CAP (Council's Assessment Panel)	Nil
s22(4)(a)(i)	<p>4. Functions</p> <p>4.1 The power pursuant to Section 22(4)(a)(i) of the PDI Act to, if an inquiry is conducted by the Commission under Section 22(1)(e) of the PDI Act make submissions or representations.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70),	NIL

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
		Assessment Manager (72)	
s35(1)(a)	<p>5. Planning Agreements</p> <p>5.1 The power pursuant to Section 35(1)(a) of the PDI Act and subject to Section 35 of the PDI Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State.</p>	Chief Executive Officer (95), <a href="#">Director Development and Regulatory Services (70)</a> , <a href="#">Senior Strategic and Policy Planner (200)</a> ,	In consultation with the Council & Assessment Manager.
s35(3)	<p>5. Planning Agreements</p> <p>5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>5.2.1 the setting of objectives, priorities and targets for the area covered by the agreement; and</p>	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager.
s35(4)	<p>5. Planning Agreements</p> <p>5.2.2 the constitution of a joint planning board including, in relation to such a board:</p> <p>5.2.2.1 the membership of the board, being between 3 and 7 members (inclusive); and</p> <p>5.2.2.2 subject to Section 35(4) of the PDI Act, the criteria for membership; and</p> <p>5.2.2.3 the procedures to be followed with respect to the appointment of members; and</p> <p>5.2.2.4 the terms of office of members; and</p> <p>5.2.2.5 conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and</p>	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager.

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
	5.2.2.6 the appointment of deputy members; and  5.2.2.7 the procedures of the board; and		
s35(4)	5. Planning Agreements  5.2.3 the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager.
s35(4)	5. Planning Agreements  5.2.4 the staffing and other support issues associated with the operations of the joint planning board; and	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager.
s35(4)	5. Planning Agreements  5.2.5 financial and resource issues associated with the operations of the joint planning board, including:  5.2.5.1 the formulation and implementation of budgets; and  5.2.5.2 the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager.
s35(4)	5. Planning Agreements  5.2.6 such other matters as the Delegate thinks fit.	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager.
s35(5)(a)	5. Planning Agreements  5.3 The power pursuant to Section 35(5)(a) of the PDI Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager.



Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
s35(5)(b)	<p>5. Planning Agreements</p> <p>5.4 The power pursuant to Section 35(5)(b) of the PDI Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.</p>	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager.
s41(2)(a)	<p>6. Appointment of Administrator</p> <p>6.1 The power pursuant to Section 41(2)(a) of the PDI Act to make submissions to the Minister on the Minister appointing an administrator under Section 41 of the PDI Act.</p>	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager.
s44(6)(a)	<p>7. Community Engagement Charter</p> <p>7.1 The power pursuant to Section 44(6)(a) of the PDI Act, to make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 of the PDI Act that is relevant to the Council (unless the proposal has been initiated by the Council).</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Strategic and Policy Planner (200)	In consultation with SPDPC & Assessment Manager.
s44(9)(b)	<p>7. Community Engagement Charter</p> <p>7.2 The power pursuant to Section 44(9)(b) of the PDI Act to the extent that Section 44(9)(a) of the PDI Act does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Strategic and Policy Planner (200)	In consultation with SPDPC & Assessment Manager.
s44(10)	<p>7. Community Engagement Charter</p> <p>7.3 The power pursuant to Section 44(10) of the PDI Act to:</p> <p>7.3.1 seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the Charter; and</p> <p>7.3.2 with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the Charter.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Strategic and Policy Planner (200)	In consultation with SPDPC & Assessment Manager.

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
s45(2)(c)	<p>8. Preparation and Amendment of Charter</p> <p>8.1 The power pursuant to Section 45(2)(c) of the PDI Act to make representations (including in writing or via the SA Planning portal) on a proposal to prepare or amend the Charter.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Strategic and Policy Planner (200)	In consultation with SPDPC & Assessment Manager.
s73(2)(b)(iv)	<p>9. Preparation and Amendment</p> <p>9.1 The power pursuant to Section 73(2)(b)(iv) of the PDI Act to:</p> <p>9.1.1 seek the approval of the Minister to initiate a proposal to amend a designated instrument; and</p> <p>9.1.2 initiate a proposal to amend a designated instrument with the approval of the Minister acting on the advice of the Commission.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Assessment Manager (72), Statutory Planner (462)	In consultation with SPDPC & Assessment Manager & Team Leader Statutory Planning.
s73(6)	<p>9. Preparation and Amendment</p> <p>9.2 The power pursuant to Section 73(6) of the PDI Act where the Council is authorised or approved under Section 73 of the PDI Act, after all of the requirements of Section 73 of the PDI Act have been satisfied:</p> <p>9.2.1 to prepare a draft of the relevant proposal; and</p> <p>9.2.2 to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and</p> <p>9.2.3 to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Assessment Manager (72), Statutory Planner	In consultation with SPDPC & Assessment Manager & Team Leader Statutory Planning.

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board – to consult with the joint planning board; and</p> <p>9.2.4 to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:</p> <p>9.2.4.1 an owner or occupier of the land; and</p> <p>9.2.4.2 an owner or occupier of each piece of adjacent land, a notice in accordance with the regulations; and</p> <p>9.2.5 to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and</p> <p>9.2.6 to carry out such investigations and obtain such information specified by the Commission; and</p> <p>9.2.7 to comply with any requirement prescribed by the regulations.</p>	(462)	
s73(7)	<p>9. Preparation and Amendment</p> <p>9.3 The power pursuant to Section 73(7) of the PDI Act, after complying with Section 73(6) of the PDI Act to prepare a report in accordance with any practice direction that applies for the purposes of Section 73 of the PDI Act (including information about any change to the original proposal that the delegate considers should be made) and furnish a copy of the report to the Minister.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Assessment Manager (72), Statutory Planner (462)	In consultation with SPDPC & Assessment Manager & Team Leader Statutory Planning.

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
s73(8)	<p>9. Preparation and Amendment</p> <p>9.4 The power pursuant to Section 73(8) of the PDI Act, after the Council has furnished a report to the Minister under Section 73(7) of the PDI Act, to ensure that a copy of the report is published on the SA planning portal in accordance with a practice direction that applies for the purposes of Section 73 of the PDI Act.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Strategic and Policy Planner (200), Assessment Manager (72)	NIL
s73(9)	<p>9. Preparation and Amendment</p> <p>9.5 The power pursuant to Section 73(9) of the PDI Act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the PDI Act (subject to the requirement to charge costs under Section 73(4)(b) of the PDI Act (if relevant)).</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	In consultation with SPDPC.
s74(8)	<p>10. Parliamentary Scrutiny</p> <p>10.1 The power pursuant to Section 74(8) of the PDI Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the PDI Act and the amendment is specifically relevant to the Council, to provide comment and a response within the period of 2 weeks.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Strategic and Policy Planner (200), Assessment Manager (72)	In consultation with the Assessment Manager.
s82(d)	<p>11. Entities Constituting Relevant Authorities</p> <p>11.1 The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel.</p>	Elected Body, <del>Elected Body,</del>	
s83(1)	<p>12. Panels Established by Joint Planning Boards or Councils</p> <p>12.1 The power pursuant to Section 83(1) of the PDI Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the PDI Act, to:</p> <p>12.1.1 appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of</p>	Elected Body, <del>Elected Body,</del>	In consultation with the CEO, Director Development & Regulatory Services & Assessment Manager.

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>development each assessment panel is to assess;</p> <p>12.1.2 determine:</p> <p>12.1.2.1 the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a Council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and</p> <p>12.1.2.2 the procedures to be followed with respect to the appointment of members; and</p> <p>12.1.2.3 the terms of office of members; and</p> <p>12.1.2.4 conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and</p> <p>12.1.2.5 the appointment of deputy members; and</p> <p>12.1.2.6 who will act as the presiding member of the panel and the process for appointing an acting presiding member.</p>		
s83(1)(h)	<p>12. Panels Established by Joint Planning Boards or Councils</p> <p>12.2 The power pursuant to Section 83(1)(h) of the PDI Act to arrange the staffing and support required for the purposes of the operations of the panel.</p>	Chief Executive Officer (95), Assessment Manager (72)	In consultation with Director Development & Regulatory Services.
s83(1)(i)	<p>12. Panels Established by Joint Planning Boards or Councils</p> <p>12.3 The power pursuant to Section 83(1)(i) of the PDI Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the PDI Act.</p>	Chief Executive Officer (95), <a href="#">Director Development and Regulatory Services (70)</a>	In Consultation with Director Development & Regulatory Services & Assessment Manager.

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
s83(2)	<p>12. Panels Established by Joint Planning Boards or Councils</p> <p>12.4 The power pursuant to Section 83(2) of the PDI Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a Council is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70)	In Consultation with the Assessment Manager.
s84(1)(c)(ii)(A)	<p>13. Panels Established by Minister</p> <p>13.1 The power pursuant to Section 84(1)(c)(ii)(A) of the PDI Act to request the Minister to constitute a regional assessment panel in relation to the combined areas of the Council and one or more other councils.</p>	Chief Executive Officer (95), <del>Elected Body,</del>	In Consultation with Director Development & Regulatory Services & Assessment Manager.
s84(1)(c)(ii)(B)	<p>13. Panels Established by Minister</p> <p>13.2 The power pursuant to Section 84(1)(c)(ii)(B) of the PDI Act to make submissions to the Minister about the constitution of a regional assessment panel in relation to the area of the Council and one or more other councils (or parts of such areas).</p>	Chief Executive Officer (95), <del>Elected Body,</del>	In Consultation with Director Development & Regulatory Services & Assessment Manager.
s86(2)(a)	<p>14. Substitution of Local Panels</p> <p>14.1 The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry.</p>	Chief Executive Officer (95), Assessment Manager (72)	In consultation with Council & with Director Development & Regulatory Services.
s89(b)	<p>15. Notification of Acting</p> <p>15.1 The power pursuant to Section 89(b) of the PDI Act to require an accredited professional to provide such information or documentation as the delegate may require.</p>	Chief Executive Officer (95), Assessment Manager (72)	NIL
s130(6)	<p>16. Essential Infrastructure – Alternative Assessment Process</p> <p>16.1 The power pursuant to Section 130(6) of the PDI Act to report to the Commission on any matters contained in a notice under Section 130(5) of the PDI Act.</p>	Chief Executive Officer (95), Team Leader Statutory Planning (326), <del>CAP (Council's Assessment Panel),</del> Assessment	NIL

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
		Manager (72)	
s130(14)	<p>16. Essential Infrastructure – Alternative Assessment Process</p> <p>16.2 The power pursuant to Section 130(14) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 130(5) of the PDI Act, expressed opposition to the proposed development in its report under Section 130(6) of the PDI Act, withdraw the Council's opposition.</p>	Chief Executive Officer (95), Team Leader Statutory Planning (326), <del>CAP (Council's Assessment Panel)</del> , Assessment Manager (72)	NIL
s163(3)(b)	<p>17. Initiation of Scheme</p> <p>17.1 The power pursuant to Section 163(3)(b) of the PDI Act to request the Minister initiate a proposal to proceed under Section 163 of the PDI Act.</p>	<del>Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Manager Property Services (394), Elected Body, Assessment Manager (72), Elected Body,</del>	
s163(10)	<p>17. Initiation of Scheme</p> <p>17.2 The power pursuant to Section 163(10) of the PDI Act to make submissions to the Minister in relation to the draft outline.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Property Services (394), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230),	In consultation with Director Infrastructure & Operations.

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
		Statutory Planner (82), Assessment Manager (72), Statutory Planner (462)	
s166(1)(c)	<p>18. Consideration of Proposed Scheme</p> <p>18.1 The power pursuant to Section 166(1)(c) of the PDI Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.</p>	<p>Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), <del>Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326),</del> Assessment Manager (72)</p>	In consultation with Director Infrastructure & Operations.
s167(7)	<p>19. Adoption of Scheme</p> <p>19.1 The power pursuant to Section 167(7) of the PDI Act to make submissions to the Minister in relation to a variation to an outline of a scheme.</p>	<p>Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), <del>Team Leader Statutory Planning (326),</del> Assessment Manager (72)</p>	In consultation with Director Infrastructure & Operations.
s169(2)(b)	<p>20. Funding Arrangements</p> <p>20.1 The power pursuant to Section 169(2)(b) of the PDI Act in relation to a scheme that provides for the</p>	<p>Chief Executive Officer (95), <del>Director Development and Regulatory Services (70),</del></p>	NIL



Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
	collection of contributions under Subdivision 8 of the PDI Act to apply for any matter to be considered or determined by ESCOSA or some other prescribed person or body as part of a periodic review of the levels and amounts of those contributions.	<del>Team Leader Statutory Planning (326), Assessment Manager (72),</del>	
s169(9)	20. Funding Arrangements  20.2 The power pursuant to Section 169(9) of the PDI Act to make submissions to the Commission in relation to a funding arrangement that is specifically relevant to the Council.	Chief Executive Officer (95), <del>Director Development and Regulatory Services (70), Team Leader Statutory Planning (326), Assessment Manager (72),</del>	NIL
s177(4)	21. Contributions by Constituent Councils  21.1 The power pursuant to Section 177(4) of the PDI Act to make submissions to the Minister in relation to the Council's share.	Chief Executive Officer (95), <del>Director Development and Regulatory Services (70), Team Leader Statutory Planning (326), Assessment Manager (72),</del>	NIL
s177(5)	21. Contributions by Constituent Councils  21.2 The power pursuant to Section 177(5) of the PDI Act to, at the request of the Minister, supply the Minister with information in the possession of the Council to enable the Minister to determine shares under Sections 177(2) and (3) of the PDI Act.	Chief Executive Officer (95), <del>Director Development and Regulatory Services (70), Team Leader Statutory Planning (326), Assessment Manager (72),</del>	NIL
s180(7)	22. Imposition of Charge by Councils	Chief Executive Officer (95), Director Corporate	

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
	22.1 The power pursuant to Section 180(7) of the PDI Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9, Division 1, Part 13 of the PDI Act.	Services (41), <del>Director Development and Regulatory Services (70)</del> , Manager Financial Services (214), <del>Team Leader Statutory Planning (326)</del> , <del>Assessment Manager (72)</del> ,	NIL
s187(1)	23. Authorised Works  23.1 The power pursuant to Section 187(1) of the PDI Act, subject to Section 187(3) of the PDI Act, to carry out any infrastructure works if the Council is authorised to so do by or under the PDI Act or any other Act.	Chief Executive Officer (95), <del>Director Development and Regulatory Services (70)</del> , Director Infrastructure and Operations (114), <del>Senior Statutory Planner (80)</del> , <del>Statutory Planner (195)</del> , <del>Statutory Planner (215)</del> , <del>Statutory Planner (230)</del> , <del>Statutory Planner (82)</del> , <del>Team Leader Statutory Planning (326)</del> , <del>Manager Civil Services (402)</del> , <del>Senior Civil Engineer (184)</del> , <del>Technical Officer (104)</del> , <del>Assessment Manager (72)</del> ,	NIL
s187(5)	23. Authorised Works  23.2 The power pursuant to Section 187(5) of the PDI Act, subject to Section 187(6) of the PDI Act, in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:  23.2.1 inform the relevant road maintenance authority of the proposal at least 28 days before the proposed	Chief Executive Officer (95), Director <del>Development and Regulatory Services (70)</del> , <del>Director</del> Infrastructure and Operations (114), <del>Team</del>	NIL

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>commencement of any work; and</p> <p>23.2.2 give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and</p> <p>23.2.3 ensure that proper consideration is given to the views of the road maintenance authority.</p>	<p><del>Leader Statutory Planning (326)</del>, Manager Civil Services (402), Senior Civil Engineer (184), Technical Officer (104), <del>Assessment Manager (72)</del>;</p>	
s187(5)(b)	<p>23. Authorised Works</p> <p>23.3 The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the relevant road maintenance authority in relation to the matter.</p>	<p>Chief Executive Officer (95), Director <del>Development and Regulatory Services (70)</del>, <del>Director</del> Infrastructure and Operations (114), <del>Team Leader Statutory Planning (326)</del>, Manager Civil Services (402), Senior Civil Engineer (184), Technical Officer (104), <del>Assessment Manager (72)</del>;</p>	NIL
s187(6)	<p>23. Authorised Works</p> <p>23.4 The power pursuant to Section 187(6) of the PDI Act, in a case of emergency, to only comply with Section 187(5) of the PDI Act to such extent as is practicable in the circumstances.</p>	<p>Chief Executive Officer (95), Director <del>Development and Regulatory Services (70)</del>, <del>Director</del> Infrastructure and Operations (114), <del>Team Leader Statutory Planning (326)</del>, Manager Civil Services (402), Senior Civil Engineer (184), Technical Officer (104), <del>Assessment Manager</del></p>	NIL

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
		<del>(72),</del>	
s188(1)	<p>24. Entry onto Land</p> <p>24.1 The power pursuant to Section 188(1) of the PDI Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the PDI Act to:</p> <p>24.1.1 enter and pass over any land; and</p> <p>24.1.2 bring onto any land any vehicles, plant or equipment; and</p> <p>24.1.3 temporarily occupy land; and</p> <p>24.1.4 do anything else reasonably required in connection with the exercise of the power.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114)	NIL
s188(4)	<p>24. Entry onto Land</p> <p>24.2 The power pursuant to Section 188(4) of the PDI Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the PDI Act.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114)	NIL
s189(1)	<p>25. Acquisition of Land</p> <p>25.1 The power pursuant to Section 189(1) of the PDI Act, to:</p> <p>25.1.1 seek the consent of the Minister to acquire land for a purpose associated with infrastructure works under and in accordance with the Land Acquisition Act 1969; and</p> <p>25.1.2 with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with the Land Acquisition Act 1969.</p>	Elected Body, <del>Elected Body,</del>	
s210(1)	26. Appointment of Authorised Officers	Chief Executive Officer	

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>26.1 The power pursuant to Section 210(1) of the PDI Act to:</p> <p>26.1.1 appoint a person to be an authorised officer for the purposes of the PDI Act; and</p> <p>26.1.2 appoint a person who holds the qualifications prescribed by the regulations to be an authorised officer for the purposes of the PDI Act if the Council is required to do so by the regulations.</p>	(95)	NIL
s210(2)	<p>26. Appointment of Authorised Officers</p> <p>26.2 The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions.</p>	Chief Executive Officer (95)	NIL
s210(3)	<p>26. Appointment of Authorised Officers</p> <p>26.3 The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:</p> <p>26.3.1 containing a photograph of the authorised officer; and</p> <p>26.3.2 stating any conditions of appointment limiting the authorised officer's appointment.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72)	NIL
s210(5)	<p>26. Appointment of Authorised Officers</p> <p>26.4 The power pursuant to Section 210(5) of the PDI Act to, at any time, revoke an appointment which the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.</p>	Chief Executive Officer (95)	NIL
s213(1)	27. Enforcement Notices	Chief Executive Officer (95), Director	NIL

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>27.1 The power pursuant to Section 213(1) of the PDI Act, if the delegate has reason to believe on reasonable grounds that a person has breached the PDI Act or the repealed Act, to do such of the following as the delegate considers necessary or appropriate in the circumstances:</p> <p>27.1.1 direct a person to refrain, either for a specified period or until further notice, from the PDI Act, or course of action, that constitutes the breach;</p> <p>27.1.2 direct a person to make good any breach in a manner, and within a period, specified by the delegate;</p> <p>27.1.3 take such urgent action as is required because of any situation resulting from the breach.</p>	<p>Development and Regulatory Services (70), Building Officer (380), Building Officer (453), Building Officer (73), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)</p>	
s213(2)	<p>27. Enforcement Notices</p> <p>27.2 The power pursuant to Section 213(2) of the PDI Act to give a direction under Section 213(1) of the PDI Act by notice in writing unless the delegate considers that the direction is urgently required.</p>	<p>Chief Executive Officer (95), Director Development and Regulatory Services (70), Building Officer (380), Building Officer (453), Building Officer (73), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82),</p>	NIL

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
		Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
s213(5)	<p>27. Enforcement Notices</p> <p>27.3 The power pursuant to Section 213(5) of the PDI Act, if a person fails to comply with a direction under Section 213(1)(b) of the PDI Act within the time specified in the notice, to cause the necessary action to be taken.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Building Officer (380), Building Officer (453), Building Officer (73), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	NIL
s213(6)	<p>27. Enforcement Notices</p> <p>27.4 The power pursuant to Section 213(6) of the PDI Act to recover the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 213 of the PDI Act, as a</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70),	NIL

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
	debt due from the person whose failure gave rise to the action.	Assessment Manager (72)	
s213(7)	<p>27. Enforcement Notices</p> <p>27.5 The power pursuant to Section 213(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 213 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s214(1)	<p>28. Applications to Court</p> <p>28.1 The power pursuant to Section 214(1) of the PDI Act to apply to the Court for an order to remedy or restrain a breach of the PDI Act or the repealed Act (whether or not any right of that person has been or may be infringed by or as a consequence of that breach).</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s214(2)	<p>28. Applications to Court</p> <p>28.2 The power pursuant to Section 214(2) of the PDI Act to consent to proceedings under Section 214 of the PDI Act being brought in a representative capacity on behalf of the Council.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s214(4)	<p>28. Applications to Court</p> <p>28.3 The power pursuant to Section 214(4) of the PDI Act to make an application without notice to any person and to make an application to the Court to serve a summons requiring the respondent to appear before the Court to show cause why an order should not be made under Section 214 of the PDI Act.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s214(6)	<p>28. Applications to Court</p> <p>28.4 The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Building Officer (380), Building Officer (453), Building Officer (73),	NIL



Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
		Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
s214(9)	<p>28. Applications to Court</p> <p>28.5 The power pursuant to Section 214(9) of the PDI Act to appear before a final order is made and be heard in proceedings based on the application.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Building Officer (380), Building Officer (453), Building Officer (73), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building	NIL

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
		Officer (463), Statutory Planner (462)	
s214(10)	<p>28. Applications to Court</p> <p>28.6 The power pursuant to Section 214(10) of the PDI Act to make an application to the Court to make an interim order under Section 214 of the PDI Act.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s214(11)	<p>28. Applications to Court</p> <p>28.7 The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s214(12)	<p>28. Applications to Court</p> <p>28.8 The power pursuant to Section 214(12) of the PDI Act, if the Court makes an order under Section 214(6)(d) of the PDI Act and the respondent fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and recover the costs of that work, as a debt, from the respondent</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s214(13)	<p>28. Applications to Court</p> <p>28.9 The power pursuant to Section 214(13) of the PDI Act, if an amount is recoverable from a person by the Council under Section 214(12) of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s214(17)	<p>28. Applications to Court</p> <p>28.10 The power pursuant to Section 214(17) of the PDI Act to apply to the Court to vary or revoke an order previously made under Section 214 of the PDI Act.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70),	NIL

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
		Assessment Manager (72)	
s219(1)	<p>29. Proceedings for Offences</p> <p>29.1 The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.</p>	Chief Executive Officer (95), Development Compliance Officer (211), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72)	The concurrence of the Assessment Manager must be obtained prior to commencement of proceedings.
s223(2)	<p>30. Adverse Publicity Orders</p> <p>30.1 The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.</p>	Chief Executive Officer (95)	The concurrence of the Assessment Manager must be obtained prior to commencement of proceedings.
s223(4)	<p>30. Adverse Publicity Orders</p> <p>30.2 The power pursuant to Section 223(4) of the PDI Act, if the offender fails to give evidence to the Council in accordance with Section 224(1)(b) of the PDI Act to:</p> <p>30.2.1 take the action or actions specified in the order; and</p> <p>30.2.2 authorise a person in writing to take the action or actions specified in the order.</p>	Chief Executive Officer (95), Assessment Manager (72)	NIL
s223(5)	<p>30. Adverse Publicity Orders</p> <p>30.3 The power pursuant to Section 223(5) of the PDI Act, if:</p>	Chief Executive Officer (95), Assessment Manager (72)	NIL

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>30.3.1 the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and</p> <p>30.3.2 despite the evidence, the delegate is not satisfied that the offender has taken the action or actions specified in the order in accordance with the order, to apply to the court for an order authorising the Council, or a person authorised in writing by the Council, to take the action or actions and to authorise a person in writing to take the action or actions.</p>		
s223(6)	<p>30. Adverse Publicity Orders</p> <p>30.4 The power pursuant to Section 223(6) of the PDI Act, if the Council, or a person authorised in writing by the Council, takes an action or actions in accordance with Section 223(4) of the PDI Act or an order under Section 223(5) of the PDI Act, to recover from the offender an amount in relation to the reasonable expenses of taking the action or actions, as a debt, due to the Council.</p>	Chief Executive Officer (95), Assessment Manager (72)	NIL
s225(1)	<p>31. Civil Penalties</p> <p>31.1 The power pursuant to Section 225(1) of the PDI Act, subject to Section 225 of the PDI Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the PDI Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Court, an amount as a civil penalty in respect of the contravention.</p>	Chief Executive Officer (95), Assessment Manager (72)	NIL
s225(2)	<p>31. Civil Penalties</p> <p>31.2 The power pursuant to Section 225(2) of the PDI Act, in respect of a contravention where the relevant offence does not require proof of intention or some other state of mind, to determine whether to initiate proceedings for an offence or take action under Section 225 of the PDI Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.</p>	Chief Executive Officer (95), Assessment Manager (72)	NIL
s225(3)	31. Civil Penalties	Chief Executive Officer (95), Assessment	NIL

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
	31.3 The power pursuant to Section 225(3) of the PDI Act to serve on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention.	Manager (72)	
s225(13)	31. Civil Penalties  31.4 The power pursuant to Section 225(13) of the PDI Act to seek the authorisation of the Attorney-General to the commencement of proceedings for an order under Section 225 of the PDI Act.	Chief Executive Officer (95), Assessment Manager (72)	NIL
s225(17)	31. Civil Penalties  31.5 The power pursuant to Section 225(17) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 225 of the PDI Act.	Chief Executive Officer (95), Assessment Manager (72)	NIL
s228(7)	32. Make Good Orders  32.1 The power pursuant to Section 228(7) of the PDI Act to apply to the Court to vary or revoke an order under Section 228 of the PDI Act.	Chief Executive Officer (95), Assessment Manager (72)	NIL
s229(5)	33. Recovery of Economic Benefit  33.1 The power pursuant to Section 229(5) of the PDI Act to apply an amount paid to the Council in accordance with an order under Section 229(1) of the PDI Act for the purpose of acquiring or developing land as open space and to hold it in a fund established for the purposes of Section 198 of the PDI Act.	Chief Executive Officer (95), Assessment Manager (72)	NIL
s230(1)	34. Enforceable Voluntary Undertakings  34.1 The power pursuant to Section 230(1) of the PDI Act to accept (by written notice) a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the PDI Act.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Building Officer (380),	NIL

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
		Building Officer (453), Building Officer (73), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
s230(4)	<p>34. Enforceable Voluntary Undertakings</p> <p>34.2 The power pursuant to Section 230(4) of the PDI Act if the delegate considers that a person has contravened an undertaking accepted by the Council, to apply to the Court for enforcement of the undertaking.</p>	Chief Executive Officer (95), Assessment Manager (72)	NIL
s230(7)	<p>34. Enforceable Voluntary Undertakings</p> <p>34.3 The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to:</p> <p>34.3.1 vary the undertaking; or</p> <p>34.3.2 withdraw the undertaking.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Building Officer (380), Building Officer (453), Building Officer (73), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215),	Subject to concurrence by the Assessment Manager.

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
		Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
s230(11)	<p>34. Enforceable Voluntary Undertakings</p> <p>34.4 The power pursuant to Section 230(11) of the PDI Act to accept an undertaking in respect of a contravention or alleged contravention before proceedings in respect of that contravention have been finalised.</p>	Chief Executive Officer (95), Assessment Manager (72)	NIL
s230(12)	<p>34. Enforceable Voluntary Undertakings</p> <p>34.5 The power pursuant to Section 230(12) of the PDI Act if the delegate accepts an undertaking before the proceedings are finalised, to take all reasonable steps to have the proceedings discontinued as soon as possible.</p>	Chief Executive Officer (95), Assessment Manager (72)	NIL
s230(14)	<p>34. Enforceable Voluntary Undertakings</p> <p>34.6 The power pursuant to Section 230(14) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 230 of the PDI Act.</p>	Chief Executive Officer (95), Assessment Manager (72)	NIL
s239(1)	<p>35. Charges on Land</p> <p>35.1 The power pursuant to Section 239(1) of the PDI Act if a charge on land is created under a provision of the PDI Act in favour of the Council, to deliver to the Registrar-General a notice in a form determined by the Registrar-General, setting out the amount of the charge and the land over which the charge is claimed.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Building Officer (380), Building Officer (453), Building Officer (73), Development Compliance Officer (211), Senior	NIL

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
		Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Building Officer (463), Statutory Planner (462)	
s239(6)	<p>35. Charges on Land</p> <p>35.2 The power pursuant to Section 239(6) of the PDI Act if a charge in the Council's favour exists and the amount to which the charge relates is paid, to by notice to the appropriate authority in a form determined by the Registrar-General, apply for the discharge of the charge.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Building Officer (380), Building Officer (453), Building Officer (73), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	Subject to concurrence by the Assessment Manager.



Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
s240(1)	<p>36. Registering Authorities to Note Transfer</p> <p>36.1 The power pursuant to Section 240(1) of the PDI Act to apply to the Registrar General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, to register or record in an appropriate manner the transfer to the Council of an asset, right or liability by regulation, proclamation or notice under the PDI Act.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Assessment Manager (72)	NIL
Clause 3(3) Schedule 4	<p>37. Review of Performance</p> <p>37.1 The power pursuant to Clause 3(3) of Schedule 4 of the PDI Act to explain the Council's actions, and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action), to the Minister.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
Clause 3(14) Schedule 4	<p>37. Review of Performance</p> <p>37.2 The power pursuant to Clause 3(14) of Schedule 4 of the PDI Act to make submissions to the Minister on the report on which the PDI Action to be taken by the Minister under Clause 3(13) of Schedule 4 of the PDI Act is based.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
Clause 3(15) Schedule 4	<p>37. Review of Performance</p> <p>37.3 The power pursuant to Clause 3(15) of Schedule 4 of the PDI Act, if the Minister makes a recommendation to the Council under Clause 3(13)(a) of Schedule 4 of the PDI Act and the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, to make submissions to the Minister in relation to the directions of the Minister.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	Must be reported to Council.
Clause 3(16) Schedule 4	<p>37. Review of Performance</p> <p>37.4 The power pursuant to Clause 3(16) of Schedule 4 of the PDI Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the PDI Act.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70),	Must be reported to Council.

Planning, Development and Infrastructure Act 2016			
Section	Item Delegated	Delegate	Conditions and Limitations
		Assessment Manager (72)	
Clause 9(6)(a) Schedule 8	<p>38. Planning and Design Code</p> <p>38.1 The power pursuant to Clause 9(6)(a) of Schedule 8 of the PDI Act to apply to the Minister for approval to commence the process under Section 25 of the repealed Act.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	Must be reported to Council.
Clause 30(3) Schedule 8	<p>39. General Schemes</p> <p>39.1 The power pursuant to Clause 30(3) of Schedule 8 of the PDI Act to request the Minister make a declaration under Clause 30(2) of Schedule 8 of the PDI Act in relation to a scheme.</p>	Elected Body, <del>Elected Body,</del>	

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## **Appendix 33**

*Planning, Development and Infrastructure Act 2016*  
*Instrument A*

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**Adelaide Hills Council**

**Delegated Provisions for**

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)**

**Change Report**

**21 January 2021**

## Delegation Sources

- Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)
- Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019
- Planning, Development and Infrastructure (General) Regulations 2017

## Titles

Title	Position	Name
Administration Building Support Officer (418)	Administration Building Support Officer (418)	
Administration Support Officer (369)	Administration Support Officer (369)	
Assessment Manager (72)	Assessment Manager (72)	
Building Fire Safety Committee	Building Fire Safety Committee	
Building Officer (380)	Building Officer (380)	
Building Officer (453)	Building Officer (453)	
Building Officer (463)	Building Officer (463)	
Building Officer (73)	Building Officer (73)	
CAP (Council's Assessment Panel)	CAP (Council's Assessment Panel)	
Chief Executive Officer (95)	Chief Executive Officer (95)	
Coordinator Civil Projects (109)	Coordinator Civil Projects (109)	
Development Administration Support Officer (76)	Development Administration Support Officer (76)	
Development Compliance Officer (211)	Development Compliance Officer (211)	
Development Services Assistant (Duty Planner)(265a)	Development Services Assistant (Duty Planner)(265a)	
Development Services Assistant (Duty Planner)(265b)	Development Services Assistant (Duty Planner)(265b)	
Director Corporate Services (41)	Director Corporate Services (41)	
Director Development and Regulatory Services (70)	Director Development and Regulatory Services (70)	
Director Infrastructure and Operations (114)	Director Infrastructure and Operations (114)	
Elected Body	Elected Body	
Manager Civil Services (402)	Manager Civil Services (402)	
Manager Financial Services (214)	Manager Financial Services (214)	
Manager Property Services (394)	Manager Property Services (394)	

Adelaide Hills Council

<b>Title</b>	<b>Position</b>	<b>Name</b>
Senior Civil Engineer (184)	Senior Civil Engineer (184)	
Senior Statutory Planner (80)	Senior Statutory Planner (80)	
Senior Strategic and Policy Planner (200)	Senior Strategic and Policy Planner (200)	
Statutory Planner (195)	Statutory Planner (195)	
Statutory Planner (215)	Statutory Planner (215)	
Statutory Planner (230)	Statutory Planner (230)	
Statutory Planner (462)	Statutory Planner (462)	
Statutory Planner (82)	Statutory Planner (82)	
Team Leader Administration (77)	Team Leader Administration (77)	
Team Leader Building Services (286)	Team Leader Building Services (286)	
Team Leader Statutory Planning (326)	Team Leader Statutory Planning (326)	
Technical Officer (104)	Technical Officer (104)	

## Delegated Provisions for Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A) Showing Changes

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)			
Section	Item Delegated	Delegate	Conditions and Limitations
s22(4)(a)(i)	<p><del>42.</del> Functions</p> <p><del>42.1</del> The power pursuant to Section 22(4)(a)(i) of the PDI Act to, if an inquiry is conducted by the Commission under Section 22(1)(e) of the PDI Act make submissions or representations.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s35(1)(a)	<p><del>53.</del> Planning Agreements</p> <p><del>53.1</del> The power pursuant to Section 35(1)(a) of the PDI Act and subject to Section 35 of the PDI Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State subject to Section 35 of the PDI Act.</p>	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager
s35(3)	<p><del>53.</del> Planning Agreements</p> <p><del>53.2</del> The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p><del>53.2.1</del> the setting of objectives, priorities and targets for the area covered by the agreement; and</p>	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager
s35(3)	<p><del>53.</del> Planning Agreements</p> <p><del>53.2</del> The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p><del>53.2.2</del> the constitution of a joint planning board including, in relation to such a board:</p> <p><del>53.2.2.1</del> the membership of the board, being between 3 and 7 members (inclusive); and</p> <p><del>53.2.2.2</del> subject to Section 35(4) of the PDI Act, the criteria for membership; and</p> <p><del>53.2.2.3</del> the procedures to be followed with respect to the appointment of members; and</p>	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager

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Section	Item Delegated	Delegate	Conditions and Limitations
	<p><del>53</del>.2.2.4 the terms of office of members; and</p> <p><del>53</del>.2.2.5 conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and</p> <p><del>53</del> <del>35</del>.2.2.6 the appointment of deputy members; and</p> <p><del>53</del>.2.2.7 the procedures of the board; and</p>		
s35(3)	<p><del>53</del>. Planning Agreements</p> <p><del>53</del>.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p><del>53</del>.2.3 the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and</p>	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager
s35(3)	<p><del>53</del>. Planning Agreements</p> <p><del>53</del>.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p><del>53</del>.2.4 the staffing and other support issues associated with the operations of the joint planning board; and</p>	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager
s35(3)	<p><del>53</del>. Planning Agreements</p> <p><del>53</del>.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p><del>53</del>.2.5 financial and resource issues associated with the operations of the joint planning board, including:</p> <p><del>53</del>.2.5.1 the formulation and implementation of budgets; and</p> <p><del>53</del>.2.5.2 the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and</p>	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager
s35(3)	<p><del>53</del>. Planning Agreements</p> <p><del>53</del>.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that</p>	Chief Executive Officer	In consultation with the



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	outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for: <del>53</del> .2.6 such other matters as the delegate thinks fit.	(95)	Council & Assessment Manager
s35(5)(a)	<del>53</del> . Planning Agreements <del>53</del> .3 The power pursuant to Section 35(5)(a) of the PDI Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager
s35(5)(b)	<del>53</del> . Planning Agreements <del>53</del> .4 The power pursuant to Section 35(5)(b) of the PDI Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager
s44(6)(a)	<del>74</del> . Community Engagement Charter <del>74</del> .1 The power pursuant to Section 44(6)(a) of the PDI Act, to make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 of the PDI Act that is relevant to the Council (unless the proposal has been initiated by the Council).	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Strategic and Policy Planner (200)	In consultation with SPDPC & Assessment Manager
s44(9)(b)	<del>74</del> . Community Engagement Charter <del>74</del> .2 The power pursuant to Section 44(9)(b) of the PDI Act to the extent that Section 44(9)(a) of the PDI Act does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Strategic and Policy Planner (200)	In consultation with SPDPC & Assessment Manager
s44(10)	<del>74</del> . Community Engagement Charter <del>74</del> .3 The power pursuant to Section 44(10) of the PDI Act to: <del>74</del> .3.1 seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the charter; and <del>74</del> .3.2 with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the charter.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Strategic and Policy Planner (200)	In consultation with SPDPC & Assessment Manager

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Section	Item Delegated	Delegate	Conditions and Limitations
s45(2)(c)	<p><del>85.</del> Preparation and Amendment of Charter</p> <p><del>85.1</del> The power pursuant to Section 45(2)(c) of the PDI Act to make representations (including in writing or via the SA planning portal) on a proposal to prepare or amend the charter.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Strategic and Policy Planner (200)	In consultation with SPDPC & Assessment Manager
s73(6)	<p><del>96.</del> Preparation and Amendment</p> <p><del>9.26.1</del> The power pursuant to Section 73(6) of the PDI Act where the Council is authorised or approved under Section 73 of the PDI Act, after all of the requirements of Section 73 of the PDI Act have been satisfied:</p> <p><del>9.26.1.1</del> to prepare a draft of the relevant proposal; and</p> <p><del>9.26.1.2</del> to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and</p> <p><del>9.26.1.3 to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board – consult with the joint planning board; and</del></p> <p><del>6.1.4</del> to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:</p> <p><del>9.26.1.4.1</del> an owner or occupier of the land; and</p> <p><del>9.26.1.4.2</del> an owner or occupier of each piece of adjacent land, a notice in accordance with the regulations; and</p> <p><del>9.26.1.5</del> to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and</p> <p><del>9.26.1.6</del> to carry out such investigations and obtain such information specified by the Commission; and</p> <p><del>9.26.1.7</del> to comply with any requirement prescribed by the regulations.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Assessment Manager (72), Statutory Planner (462)	9.2.1 - In consultation with SPDPC & Assessment Manager & Team Leader Statutory Planning
s73(8)	<p><del>96.</del> Preparation and Amendment</p> <p><del>9.46.2</del> The power pursuant to Section 73(8) of the PDI Act, after the Council has furnished a report to the Minister under Section 73(7) of the PDI Act, to ensure that a copy of the report is published on the SA planning portal in accordance with a practice direction that applies for the purposes of Section 73 of the PDI Act.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Strategic and	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
		Policy Planner (200), Assessment Manager (72)	
s73(9)	<del>96.</del> Preparation and Amendment <del>9-56.3</del> The power pursuant to Section 73(9) of the PDI Act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the PDI Act (subject to the requirement to charge costs under Section 73(4)(b) of the PDI Act (if relevant)).	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	In consultation with SPDPC
s74(8)(c)	<del>107.</del> Parliamentary Scrutiny <del>107.1</del> The power pursuant to Section 74(8)(c) of the PDI Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the PDI Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Strategic and Policy Planner (200), Assessment Manager (72)	In consultation with the Assessment Manager
s82(d)	<del>119.</del> Entities Constituting Relevant Authorities <del>119.1</del> The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel.	Elected Body, <del>Elected Body,</del>	NIL
s83(1)	<del>1210.</del> Panels Established by Joint Planning Boards or Councils <del>1210.1</del> The power pursuant to Section 83(1) of the PDI Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the PDI Act, to: <del>1210.1.1</del> appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess; <del>1210.1.2</del> determine: <del>1210.1.2.1</del> the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being	Elected Body, <del>Elected Body,</del>	In consultation with the CEO, Director Development & Regulatory Services & Assessment Manager

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Section	Item Delegated	Delegate	Conditions and Limitations
	<p>assessed by the assessment panel; and</p> <p><del>4210</del>.1.2.2 the procedures to be followed with respect to the appointment of members; and</p> <p><del>4210</del>.1.2.3 the terms of office of members; and</p> <p><del>4210</del>.1.2.4 conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and</p> <p><del>4210</del>.1.2.5 the appointment of deputy members; and</p> <p><del>4210</del>.1.2.6 who will act as the presiding member of the panel and the process for appointing an acting presiding member.</p>		
s83(1)(h)	<p><del>4210</del>. Panels Established by Joint Planning Boards or Councils</p> <p><del>4210</del>.2 The power pursuant to Section 83(1)(h) of the PDI Act to arrange the staffing and support required for the purposes of the operations of the panel.</p>	Chief Executive Officer (95), Assessment Manager (72)	In consultation with Director Development & Regulatory Services
s83(1)(i)	<p><del>4210</del>. Panels Established by Joint Planning Boards or Councils</p> <p><del>4210</del>.3 The power pursuant to Section 83(1)(i) of the PDI Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the PDI Act.</p>	Chief Executive Officer (95)	In Consultation with Director Development & Regulatory Services & Assessment Manager
s83(2)	<p><del>4210</del>. Panels Established by Joint Planning Boards or Councils</p> <p><del>4210</del>.4 The power pursuant to Section 83(2) of the PDI Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a council is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70)	In Consultation with the Assessment Manager
s86(2)(a)	<p><del>4411</del>. Substitution of Local Panels</p> <p><del>4411</del>.1 The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry.</p>	Chief Executive Officer (95), Assessment Manager (72)	In consultation with Council & with Director Development & Regulatory Services
s89(b)	<p><del>4512</del>. Notification of Acting</p> <p><del>4512</del>.1 The power pursuant to Section 89(b) of the PDI Act to require an accredited professional to provide</p>	Chief Executive Officer (95), Assessment	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
	such information or documentation as the delegate may require.	Manager (72)	
s102(1)(c)(iv)	<p><del>47</del>13. Matters Against which Development Must be Assessed</p> <p><del>47</del>13.1 The power pursuant to Section 102(1)(c)(iv) of the PDI Act in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) where land is to be vested in the Council, to consent to the vesting.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Manager Property Services (394), Assessment Manager (72)	NIL
s102(1)(d)(iv)	<p><del>47</del>13. Matters Against which Development Must be Assessed</p> <p><del>47</del>13.2 The power pursuant to Section 102(1)(d)(iv) of the PDI Act in relation to a proposed division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 where land is to be vested in the Council, to consent to the vesting.</p>	Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Manager Property Services (394), Assessment Manager (72)	NIL
s102(11)(b)	<p><del>47</del>13. Matters Against which Development Must be Assessed</p> <p><del>47</del>13.3 The power pursuant to Section 102(11)(b) of the PDI Act to impose a reasonable charge on account of an encroachment over land under the care, control and management of the Council when the relevant development is undertaken.</p>	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394)	NIL
s110(2)(b)	<p><del>48</del>14. Restricted Development</p> <p><del>48</del>14.1 The power pursuant to Section 110(2)(b) of the PDI Act to, in accordance with the regulations and within a period prescribed by the regulations, make representations to the Commission in relation to the granting or refusal of planning consent.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
		(215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	
s110(c)(ii)	<del>48</del> 14. Restricted Development <del>48</del> 14.2 The power pursuant to Section 110(c)(ii) of the PDI Act to appear personally or by representative before the Commission to be heard in support of the Council's representation.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	NIL
s110(7)	<del>48</del> 14. Restricted Development <del>48</del> 14.3 The power pursuant to Section 110(7) of the PDI Act to appeal against a decision on a development classified as restricted development.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Team Leader Statutory Planning (326), Assessment Manager (72)	NIL
s112(b)	<del>49</del> 15. Level of Detail	Chief Executive Officer (95), Director	

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Section	Item Delegated	Delegate	Conditions and Limitations
	<del>49</del> 15.1 The power pursuant to Section 112(b) of the PDI Act to express views in relation to the level of detail required in relation to an EIS.	Development and Regulatory Services (70), Team Leader Statutory Planning (326), Assessment Manager (72)	NIL
s130(6)	<del>22</del> 16. Essential Infrastructure – Alternative Assessment Process <del>22</del> 16.1 The power pursuant to Section 130(6) of the PDI Act to report to the Commission on any matters contained in a notice under Section 130(5) of the PDI Act.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Team Leader Statutory Planning (326), Assessment Manager (72)	NIL
s130(14)	<del>22</del> 16. Essential Infrastructure – Alternative Assessment Process <del>22</del> 16.2 The power pursuant to Section 130(14) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 130(5) of the PDI Act, expressed opposition to the proposed development in its report under Section 130(6) of the PDI Act, withdraw the Council's opposition.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Team Leader Statutory Planning (326), Assessment Manager (72)	NIL
s131(7)	<del>23</del> 17. Development Assessment – Crown Development <del>23</del> 17.1 The power pursuant to Section 131(7) of the PDI Act to report to the Commission on any matters contained in a notice under Section 131(6) of the PDI Act.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner	NIL



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Section	Item Delegated	Delegate	Conditions and Limitations
		(82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	
s131(15)	<p><b>2317.</b> Development Assessment – Crown Development</p> <p><b>2317.2</b> The power pursuant to Section 131(15) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 131(6) of the PDI Act expressed opposition to the proposed development in its report under Section 131(7) of the PDI Act, withdraw the Council's opposition.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	NIL
s138(1)	<p><b>2418.</b> Land Division Certificate</p> <p><b>2418.1</b> The power pursuant to Section 138(1) of the PDI Act to enter into a binding agreement supported by adequate security and if the regulations so require in a form prescribed by the regulations.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Assessment Manager (72)	NIL
s138(2)	<p><b>2418.</b> Land Division Certificate</p> <p><b>2418.2</b> The power pursuant to Section 138(2) of the PDI Act to furnish the Commission with appropriate information as to compliance with a particular condition and to comply with any requirement prescribed by the</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70),	NIL



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Section	Item Delegated	Delegate	Conditions and Limitations
	regulations.	Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	
s141(1)	<p><b>2519.</b> Action if Development Not Completed</p> <p><b>2519.1</b> The power pursuant to Section 141(1) of the PDI Act, if:</p> <p><b>2519.1.1</b> an approval is granted under the PDI Act; but</p> <p><b>2519.1.2</b> -</p> <p><b>2519.1.2.1</b> the development to which the approval relates has been commenced but not substantially completed within the period prescribed by the regulations for the lapse of the approval; or</p> <p><b>2519.1.2.2</b> in the case of a development that is envisaged to be undertaken in stages - the development is not undertaken or substantially completed in the manner or within the period contemplated by the approval, to apply to the Court for an order under Section 141 of the PDI Act.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s141(5)	<p><b>2519.</b> Action if Development Not Completed</p> <p><b>2519.1.3</b> The power pursuant to Section 141(5) of the PDI Act, if the Court makes an order under Section 141(3)(a), (b) or (d) of the PDI Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and to recover the costs of that work, as a debt from the person.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s141(6)	<p><b>2519.</b> Action if Development Not Completed</p> <p><b>2519.1.4</b> The power pursuant to Section 141(6) of the PDI Act, if an amount is recoverable from a person by the Council under Section 141(5) of the PDI Act:</p> <p><b>2519.1.4.1</b> to, by notice in writing to the person, fix a period, being not less than 28 days from the date of</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
	the notice, within which the amount must be paid by the person.	(72)	
s142(1)	<p><del>2620.</del> Completion of Work</p> <p><del>2620.</del>1 The power pursuant to Section 142(1) of the PDI Act, if:</p> <p><del>2620.</del>1.1 an approval is granted under the PDI Act; but</p> <p><del>2620.</del>1.2 the development to which the approval relates has been substantially but not fully completed within the period prescribed by the regulations for the lapse of the approval, to, by notice in writing, require the owner of the relevant land to complete the development within a period specified in the notice.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Building Officer (380), Building Officer (453), Building Officer (73), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	NIL
s142(2)	<p><del>2620.</del> Completion of Work</p> <p><del>2620.</del>2 The power pursuant to Section 142(2) of the PDI Act, if an owner fails to carry out work as required by a notice under Section 142(1) of the PDI Act, to cause the necessary work to be carried out.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s142(3)	<del>2620.</del> Completion of Work	Chief Executive Officer (95), Director Corporate	

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Section	Item Delegated	Delegate	Conditions and Limitations
	<del>26</del> 20.3 The power pursuant to Section 142(3) of the PDI Act to recover as a debt due from the owner, the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 142 of the PDI Act.	Services (41), Director Development and Regulatory Services (70), Manager Financial Services (214), Assessment Manager (72)	NIL
s142(4)	<del>26</del> 20. Completion of Work <del>26</del> 20.4 The power pursuant to Section 142(4) of the PDI Act, if an amount is recoverable from a person by the Council under Section 142 of the PDI Act: <del>26</del> 20.4.1 to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Manager Financial Services (214), Assessment Manager (72)	NIL
s146(3)	<del>27</del> 21. Notification During Building <del>27</del> 21.1 The power pursuant to Section 146(3) of the PDI Act to, subject to Section 146(4) of the PDI Act, direct a person who is carrying out building work to stop building work when a mandatory notification stage has been reached pending an inspection by an authorised officer who holds prescribed qualifications.	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Assessment Manager (72), Building Officer (463)	NIL
s151(2)	<del>28</del> 22. Classification of Buildings <del>28</del> 22.1 The power pursuant to Section 151(2) of the PDI Act to assign to a building erected in the Council's area a classification that conforms with the regulations.	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286),	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
		Building Officer (463)	
s151(3)	<p><del>2822</del>. Classification of Buildings</p> <p><del>2822</del>.2 The power pursuant to Section 151(3) of the PDI Act, if the Council assigns a classification under Section 151 of the PDI Act, to give notice in writing to the owner of the building to which the classification has been assigned, of the classification assigned to the building.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s152(2)	<p><del>2923</del>. Certificates of Occupancy</p> <p><del>2923</del>.1 The power pursuant to Section 152(2) of the PDI Act to issue a certificate of occupancy.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s152(3)(a)	<p><del>2923</del>. Certificates of Occupancy</p> <p><del>2923</del>.2 The power pursuant to Section 152(3)(a) of the PDI Act to require an application for a certificate of occupancy to include any information required by the delegate.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s152(3)(c)	<p><del>2923</del>. Certificates of Occupancy</p> <p><del>2923</del>.3 The power pursuant to Section 152(3)(c) of the PDI Act to determine the appropriate fee.</p>	Chief Executive Officer (95), Administration Building Support Officer (418), Administration Support Officer (369), Team Leader Administration (77), Building Officer (380),	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
		Building Officer (453), Building Officer (73), Development Administration Support Officer (76), Team Leader Building Services (286), Assessment Manager (72), Building Officer (463)	
s152(5)	<del>2923.</del> Certificates of Occupancy <del>2923.</del> 4 The power pursuant to Section 152(5) of the PDI Act to consider any report supplied under Section 152(4) of the PDI Act before deciding the application.	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s152(6)	<del>2923.</del> Certificates of Occupancy <del>2923.</del> 5 The power pursuant to Section 152(6) of the PDI Act to issue the certificate if the delegate is satisfied (in accordance with procedures set out in the regulations and on the basis of information provided or obtained under Section 152 of the PDI Act) that the relevant building is suitable for occupation and complies with such requirements as may be prescribed by the regulations for the purposes of Section 152(6) of the PDI Act.	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s152(10)	<del>2923.</del> Certificates of Occupancy <del>2923.</del> 6 The power pursuant to Section 152(10) of the PDI Act, if the Council refuses an application to notify the applicant in writing of: <del>2923.</del> 6.1 the refusal; and <del>2923.</del> 6.2 the reasons for the refusal; and <del>2923.</del> 6.3 the applicant's right of appeal under the PDI Act.	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	Delegate report to be countersigned by either the Director Development & Regulatory Services or Assessment Manager prior to the decision being

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Section	Item Delegated	Delegate	Conditions and Limitations
			issued.
s152(12)	<p><del>29</del>23. Certificates of Occupancy</p> <p><del>29</del>23.7 The power pursuant to Section 152(12) of the PDI Act to issue a certificate of occupancy that applies to the whole or part of a building.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s152(13)	<p><del>29</del>23. Certificates of Occupancy</p> <p><del>29</del>23.8 The power pursuant to Section 152(13) of the PDI Act to, in accordance with the regulations, revoke a certificate of occupancy in prescribed circumstances.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s153(1)	<p><del>30</del>24. Temporary Occupation</p> <p><del>30</del>24.1 The power pursuant to Section 153(1) of the PDI Act to grant an approval to a person to occupy a building on a temporary basis without a certificate of occupancy.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s153(2)	<p><del>30</del>24. Temporary Occupation</p> <p><del>30</del>24.2 The power pursuant to Section 153(2) of the PDI Act to grant an approval under Section 153(1) of the PDI Act on such conditions (if any) as the delegate thinks fit to impose.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
s153(3)	<p><del>3024.</del> Temporary Occupation</p> <p><del>3024.</del>3 The power pursuant to Section 153(3) of the PDI Act if the Council refuses an application to notify the applicant in writing of:</p> <p><del>3024.</del>3.1 the refusal; and</p> <p><del>3024.</del>3.2 the reasons for the refusal; and</p> <p><del>3024.</del>3.3 the applicant's right of appeal under the PDI Act.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s155(5)	<p><del>3425.</del> Emergency Orders</p> <p><del>3425.</del>1 The power pursuant to Section 155(5) of the PDI Act, if an owner fails to carry out work as required by an emergency order, to cause the necessary work to be carried out.</p>	Chief Executive Officer (95), Team Leader Building Services (286), Assessment Manager (72)	NIL
s155(6)	<p><del>3425.</del> Emergency Orders</p> <p><del>3425.</del>2 The power pursuant to Section 155(6) of the PDI Act to recover as a debt due from the owner the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 155 of the PDI Act.</p>	Chief Executive Officer (95), Team Leader Building Services (286), Assessment Manager (72)	NIL
s155(7)	<p><del>3425.</del> Emergency Orders</p> <p><del>3425.</del>3 The power pursuant to Section 155(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 155 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.</p>	Chief Executive Officer (95), Team Leader Building Services (286), Assessment Manager (72)	NIL
s157(16)	<p><del>3226.</del> Fire Safety</p> <p><del>3226.</del>1 The power pursuant to Section 157(16) of the PDI Act to establish a body and designate it as an appropriate authority under Section 157 of the PDI Act.</p>	Chief Executive Officer (95)	NIL
s157(17)	<p><del>3226.</del> Fire Safety</p> <p><del>3226.</del>2 The power pursuant to Section 157(17) of the PDI Act to:</p> <p><del>3226.</del>2.1 appoint to the appropriate authority:</p>	Chief Executive Officer (95)	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
	<del>3226</del> .2.1.1 a person who holds prescribed qualifications in building surveying; and <del>3226</del> .2.1.2 an authorised officer under Part 3 Division 5 or Section 86 of the Fire and Emergency Services Act 2005 who has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and <del>3226</del> .2.1.3 a person with expertise in the area of fire safety; and <del>3226</del> .2.1.4 if so determined by the delegate, a person selected by the delegate;		
s157(17)	<del>3226</del> . Fire Safety <del>3226</del> .2 The power pursuant to Section 157(17) of the PDI Act to: <del>3226</del> .2.2 specify a term of office of a member of the appropriate authority (other than a member under Section 157(17)(a)(ii) of the PDI Act;	Chief Executive Officer (95)	NIL
s157(17)	<del>3226</del> . Fire Safety <del>3226</del> .2 The power pursuant to Section 157(17) of the PDI Act to: <del>3226</del> .2.3 remove a member of the appropriate authority from office for any reasonable cause;	Chief Executive Officer (95)	NIL
s157(17)	<del>3226</del> . Fire Safety <del>3226</del> .2 The power pursuant to Section 157(17) of the PDI Act to: <del>3226</del> .2.4 appoint deputy members;	Chief Executive Officer (95)	NIL
s157(17)	<del>3226</del> . Fire Safety <del>3226</del> .2 The power pursuant to Section 157(17) of the PDI Act to: <del>3226</del> .2.5 determine the appropriate authority's procedures (including as to quorum).	Chief Executive Officer (95), Building Fire Safety Committee	NIL
s166(1)(c)	<del>3527</del> . Consideration of Proposed Scheme <del>3527</del> .1 The power pursuant to Section 166(1)(c) of the PDI Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Assessment Manager	In consultation with Director Infrastructure & Operations



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Section	Item Delegated	Delegate	Conditions and Limitations
		(72)	
s169(2)(b)	<p><del>37</del>28. Funding Arrangements</p> <p><del>37</del>28.1 The power pursuant to Section 169(2)(b) of the PDI Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the PDI Act to apply for any matter to be considered or determined by ESCOSA or some other prescribed person or body as part of a periodic review of the levels and amounts of those contributions.</p>	Chief Executive Officer (95)	NIL
s169(9)	<p><del>37</del>28. Funding Arrangements</p> <p><del>37</del>28.2 The power pursuant to Section 169(9) of the PDI Act to make submissions to the Commission in relation to a funding arrangement that is specifically relevant to the Council.</p>	Chief Executive Officer (95)	NIL
s187(1)	<p><del>40</del>30. Authorised Works</p> <p><del>40</del>30.1 The power pursuant to Section 187(1) of the PDI Act, subject to Section 187(3) of the PDI Act, to carry out any infrastructure works if the Council is authorised to so do by or under the PDI Act or any other Act.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114)	NIL
s187(5)	<p><del>40</del>30. Authorised Works</p> <p><del>40</del>30.2 The power pursuant to Section 187(5) of the PDI Act, subject to Section 187(6) of the PDI Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:</p> <p><del>40</del>30.2.1 inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and</p> <p><del>40</del>30.2.2 give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and</p> <p><del>40</del>30.2.3 ensure that proper consideration is given to the views of the road maintenance authority.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Coordinator Civil Projects (109), Manager Civil Services (402), Senior Civil Engineer (184), Technical Officer (104)	NIL
s187(5)(b)	<p><del>40</del>30. Authorised Works</p> <p><del>40</del>30.3 The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the designated entity in relation to the matter.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Coordinator Civil Projects (109), Manager Civil	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
		Services (402), Senior Civil Engineer (184), Technical Officer (104)	
s187(6)	<p><del>4030.</del> Authorised Works</p> <p><del>4030.</del>4 The power pursuant to Section 187(6) of the PDI Act, in a case of emergency, to only comply with Section 187(5) of the PDI Act to such extent as is practicable in the circumstances.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114), Coordinator Civil Projects (109), Manager Civil Services (402), Senior Civil Engineer (184), Technical Officer (104)	NIL
s188(1)	<p><del>4431.</del> Entry onto Land</p> <p><del>4431.</del>1 The power pursuant to Section 188(1) of the PDI Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the PDI Act to:</p> <p><del>4431.</del>1.1 enter and pass over any land; and</p> <p><del>4431.</del>1.2 bring onto any land any vehicles, plant or equipment; and</p> <p><del>4442.</del>1.3 temporarily occupy land; and</p> <p><del>4431.</del>1.4 do anything else reasonably required in connection with the exercise of the power.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114)	NIL
s188(4)	<p><del>4431.</del> Entry onto Land</p> <p><del>4431.</del>2 The power pursuant to Section 188(4) of the PDI Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the PDI Act.</p>	Chief Executive Officer (95), Director Infrastructure and Operations (114)	NIL
s192(1)	<p><del>4332.</del> Land Management Agreements</p> <p><del>4332.</del>1 The power pursuant to Section 192(1) of the PDI Act to enter into an agreement relating to the development, management, preservation or conservation of land with the owner of the land or a designated entity.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager	Excludes variation to waiver of terms or rescission to of Agreements signed under

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Section	Item Delegated	Delegate	Conditions and Limitations
		(72)	Seal of Council.
s192(2)	<p><b>4332.</b> Land Management Agreements</p> <p><b>4332.2</b> The power pursuant to Section 192(2) of the PDI Act to enter into an agreement relating to the management, preservation or conservation of the land with a greenway authority.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	Excludes variation to waiver of terms or rescission to of Agreements signed under Seal of Council.
s192(4)	<p><b>4332.</b> Land Management Agreements</p> <p><b>4332.3</b> The power pursuant to Section 192(4) of the PDI Act in considering whether to enter into an agreement under Section 192 of the PDI Act which relates to the development of land and, if such an agreement is to be entered into, in considering the terms of the agreement, to have regard to:</p> <p><b>4332.3.1</b> the provisions of the Planning and Design Code and to any relevant development authorisation under the PDI Act; and</p> <p><b>4332.3.2</b> the principle that the entering into of an agreement under Section 192 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	Excludes variation to waiver of terms or rescission to of Agreements signed under Seal of Council.
s192(5)	<p><b>4332.</b> Land Management Agreements</p> <p><b>4332.4</b> The power pursuant to Section 192(5) of the PDI Act to register agreements entered into under Section 192 of the PDI Act in accordance with the regulations.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s192(8)	<p><b>4332.</b> Land Management Agreements</p> <p><b>4332.5</b> The power pursuant to Section 192(8) of the PDI Act to carry out on private land any work for which provision is made by agreement under Section 192 of the PDI Act.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
		(72)	
s192(9)	<p><b>4332.</b> Land Management Agreements</p> <p><b>4332.6</b> The power pursuant to Section 192(9) of the PDI Act to include in an agreement under Section 192 of the PDI Act an indemnity from a specified form of liability or right of action, a waiver or exclusion of a specified form of liability or right of action, an acknowledgment of liability, or a disclaimer, on the part of a party to the agreement.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s192(10)	<p><b>4332.</b> Land Management Agreements</p> <p><b>4332.7</b> The power pursuant to Section 192(10) of the PDI Act to express a provision under Section 192(9) of the PDI Act as extending to, or being for the benefit of, a person or body who or which is not a party to the agreement.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s192(11)	<p><b>4332.</b> Land Management Agreements</p> <p><b>4332.8</b> The power pursuant to Section 192(11) of the PDI Act to consent to the owner of land entering into an agreement under Section 192 of the PDI Act where the Council has a legal interest in the land.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s192(12)	<p><b>4332.</b> Land Management Agreements</p> <p><b>4332.9</b> The power pursuant to Section 192(12) of the PDI Act to apply to the Registrar-General, to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Team Leader Statutory Planning (326), Assessment Manager (72)	NIL
s192(15)	<p><b>4332.</b> Land Management Agreements</p> <p><b>4332.10</b> The power pursuant to Section 192(15) of the PDI Act to apply to the Registrar-General in</p>	Chief Executive Officer (95), Director	NIL

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	relation to an agreement to which a note has been made under Section 192 of the PDI Act that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.	Development and Regulatory Services (70), Team Leader Statutory Planning (326), Assessment Manager (72)	
s192(16)	<del>4332.</del> Land Management Agreements <del>4332.11</del> The power pursuant to Section 192(16) of the PDI Act to provide in an agreement under Section 192 of the PDI Act for remission of rates or taxes on the land.	Chief Executive Officer (95)	NIL
s192(17)	<del>4332.</del> Land Management Agreements <del>43.1332.12</del> The power pursuant to Section 192(17) of the PDI Act to consent to an agreement entered into by the Minister under Section 192 of the PDI Act, providing for the remission of rates or taxes payable to the Council.	Chief Executive Officer (95)	NIL
s192(18)	<del>4332.</del> Land Management Agreements <del>43.1432.13</del> The power pursuant to Section 192(18) of the PDI Act to take into account the existence of an agreement under Section 192 of the PDI Act when assessing an application for a development authorisation under the PDI Act.	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	NIL
s193(1)	<del>4433.</del> Land Management Agreements – Development Applications <del>4433.1</del> The power pursuant to Section 193(1) of the PDI Act to, subject to Section 193 of the PDI Act, enter into an agreement under Section 193 of the PDI Act with a person who is applying for a development authorisation under the PDI Act that will, in the event that the relevant development is approved, bind:	Chief Executive Officer (95), Director Development and Regulatory Services (70),	Excludes variation to waiver of terms or rescission to of Agreements signed under

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>4433.1.1 the person; and</p> <p>4433.1.2 any other person who has the benefit of the development authorisation; and</p> <p>4433.1.3 the owner of the relevant land (if he or she is not within the ambit of Sections 193(a) or (b) of the PDI Act and if the other requirements of Section 193 of the PDI Act are satisfied).</p>	Assessment Manager (72)	Seal of Council.
s193(2)	<p>4433. Land Management Agreements – Development Applications</p> <p>4433.2 The power pursuant to Section 193(2) of the PDI Act to enter into an agreement under Section 193 of the PDI Act in relation to any matter that the delegate agrees is relevant to the proposed development (including a matter that is not necessarily relevant to the assessment of the development under the PDI Act).</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	Excludes variation to waiver of terms or rescission to of Agreements signed under Seal of Council.
s193(3)	<p>4433. Land Management Agreements – Development Applications</p> <p>4433.3 The power pursuant to Section 193(3) of the PDI Act to have regard to:</p> <p>4433.3.1 the provisions of the Planning and Design Code; and</p> <p>4433.3.2 the principle that the entering into of an agreement under Section 193 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	NIL
s193(5)	<p>4433. Land Management Agreements – Development Applications</p> <p>4433.4 The power pursuant to Section 193(5) of the PDI Act to register agreements entered into under Section 193 of the PDI Act in accordance with the regulations.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Senior Statutory Planner	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
		(80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	
s193(10)	<b>4433.</b> Land Management Agreements – Development Applications <b>4433.5</b> The power pursuant to Section 193(10) of the PDI Act to consent to an application to note the agreement against the relevant instrument of title or the land.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s193(11)	<b>4433.</b> Land Management Agreements – Development Applications <b>4433.6</b> The power pursuant to Section 193(11) of the PDI Act to consent to an owner of land entering into an agreement or giving a consent under Section 192(10) of the PDI Act where the Council has a legal interest in the land.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s193(13)	<b>4433.</b> Land Management Agreements – Development Applications <b>4433.7</b> The power pursuant to Section 193(13) of the PDI Act to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Team Leader Statutory Planning (326), Assessment Manager (72)	NIL

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Section	Item Delegated	Delegate	Conditions and Limitations
s193(15)	<p><del>4433.</del> Land Management Agreements – Development Applications</p> <p><del>4433.8</del> The power pursuant to Section 193(15) of the PDI Act to apply to the Registrar-General in relation to an agreement under Section 193 that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Team Leader Statutory Planning (326), Assessment Manager (72)	NIL
s193(16)	<p><del>4433.</del> Land Management Agreements – Development Applications</p> <p><del>4433.9</del> The power pursuant to Section 193(16) of the PDI Act, if an agreement under Section 193 of the PDI Act does not have effect under Section 193 of the PDI Act within the period prescribed by the regulations, to by notice given in accordance with the regulations, lapse the relevant development approval.</p>	Chief Executive Officer (95), Team Leader Statutory Planning (326), Assessment Manager (72)	NIL
s197(2)	<p><del>4534.</del> Off-setting Contributions</p> <p><del>45.234.1</del> The power pursuant to Section 197(2) of the PDI Act to establish a scheme under Section 197 of the PDI Act that is designed to support or facilitate:</p> <p><del>45.234.1.1</del> development that may be in the public interest or otherwise considered by the delegate as being appropriate in particular circumstances (including by the provision of facilities at a different site); or</p> <p><del>45.234.1.2</del> planning or development initiatives that will further the objects of the PDI Act or support the principles that relate to the planning system established by the PDI Act; or</p> <p><del>45.234.1.3</del> any other initiative or policy:</p> <p><del>45.234.1.3.1</del> designated by the Planning and Design Code for the purposes of Section 197(2)(c)(i) of the PDI Act;</p> <p><del>45.234.1.3.2</del> prescribed by the regulations for the purposes of Section 197(2)(c)(ii) of the PDI Act.</p>	Chief Executive Officer (95)	NIL
s197(3)	<p><del>4534.</del> Off-setting Contributions</p> <p><del>45.334.2</del> The power pursuant to Section 197(3) of the PDI Act to include in a scheme established under Section 197 of the PDI Act:</p> <p><del>45.334.2.1</del> an ability or requirement for a person who is proposing to undertake development (or who has</p>	Chief Executive Officer (95)	NIL



Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)			
Section	Item Delegated	Delegate	Conditions and Limitations
	<p>the benefit of an approval under the PDI Act):</p> <p><del>45.334.2.1.1</del> to make a contribution to a fund established as part of the scheme; or</p> <p><del>45.334.2.1.2</del> to undertake work or to achieve some other goal or outcome (on an 'in kind' basis); or</p> <p><del>45.334.2.1.3</del> to proceed under a combination of Sections 197(3)(a)(i) and (ii) of the PDI Act, in order to provide for or address a particular matter identified by the scheme; and</p> <p><del>45.334.2.2</del> an ability for a provision of the Planning and Design Code to apply with a specified variation under the terms of the scheme; and</p> <p><del>45.334.2.3</del> an ability for any relevant authority to act under or in connection with Sections 197(3)(a) or (b) of the PDI Act.</p>		
s197(4)	<p><del>4534.</del> Off-setting Contributions</p> <p><del>45.434.3</del> The power pursuant to Section 197(4)(b) of the PDI Act to apply the fund towards the purposes of the scheme in accordance with any directions or approvals of the Treasurer made or given after consultation with the Minister.</p>	Chief Executive Officer (95)	NIL
s197(4)(c)	<p><del>4534.</del> Off-setting Contributions</p> <p><del>45.534.4</del> The power pursuant to Section 197(4)(c) of the PDI Act to invest money that is not immediately required for the purposes of the fund in accordance with provisions included in the scheme.</p>	Chief Executive Officer (95), Director Corporate Services (41)	NIL
s198(1)	<p><del>4635.</del> Open Space Contribution Scheme</p> <p><del>4635.1</del> The power pursuant to Section 198(1) of the PDI Act, where an application for a development authorisation provides for the division of land in the Council's area into more than 20 allotments, and 1 or more allotments is less than 1 hectare in area to require:</p> <p><del>4635.1.1</del> that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or</p> <p><del>4635.1.2</del> that the applicant make the contribution prescribed by the regulations in accordance with the requirements of Section 198 of the PDI Act; or</p> <p><del>4635.1.3</del> that land be vested in the Council under Section 198(1)(c) of the PDI Act and that the applicant make a contribution determined in accordance with Section 198(8) of the PDI Act, according to the determination and specification of the delegate, and to have regard to any relevant provision of the Planning and Design Code that designates land as open space and to seek the concurrence of the</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	Where Vesting of land is proposed then this shall be Subject to Agreement by way of a Council resolution.

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)			
Section	Item Delegated	Delegate	Conditions and Limitations
	Commission to taking any action that is at variance with the Planning and Design Code.		
s198(3)	<del>4635.</del> Open Space Contribution Scheme <del>4635.2</del> The power pursuant to Section 198(3) of the PDI Act to enter into an agreement referred to in Section 198(2)(d) of the PDI Act.	Chief Executive Officer (95)	NIL
s198(4)(a)	<del>4635.</del> Open Space Contribution Scheme <del>4635.3</del> The power pursuant to Section 198(4)(a) of the PDI Act to concur with an area being vested in the Council.	Chief Executive Officer (95)	Where Vesting of land is proposed then this shall be Subject to Agreement by way of a Council resolution.
s198(11)	<del>4635.</del> Open Space Contribution Scheme <del>4635.4</del> The power pursuant to Section 198(11) of the PDI Act in relation to money received under Section 198 of the PDI Act to immediately pay it into a fund established for the purposes of Section 198 of the PDI Act and apply it for the purpose of acquiring or developing land as open space.	Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Manager Financial Services (214)	NIL
s198(12)	<del>4635.</del> Open Space Contribution Scheme <del>4635.5</del> The power pursuant to Section 198(12) of the PDI Act to form the opinion that the division of land is being undertaken in stages.	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)			
Section	Item Delegated	Delegate	Conditions and Limitations
s200(2)	<u>47.36.</u> Urban Trees Fund <u>47.236.1</u> The power pursuant to Section 200(2) of the PDI Act to effect the establishing of the fund by notice published in the Gazette.	Chief Executive Officer (95), Senior Strategic and Policy Planner (200)	Subject to Council resolution.
s200(3)	<u>47.36.</u> Urban Trees Fund <u>47.336.2</u> The power pursuant to Section 200(3) of the PDI Act to define a designated area by reference to an area established by the Planning and Design Code.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s200(5)	<u>47.36.</u> Urban Trees Fund <u>47.436.3</u> The power pursuant to Section 200(5) of the PDI Act to invest any money in an urban trees fund that is not immediately required for the purpose of the fund and to pay any resultant income into the fund.	Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Manager Financial Services (214)	NIL
s200(6)	<u>47.36.</u> Urban Trees Fund <u>47.536.4</u> The power pursuant to Section 200(6) of the PDI Act to apply money standing to the credit of an urban trees fund: <u>47.536.4.1</u> to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under the PDI Act; or <u>47.536.4.2</u> to purchase land within the designated area in order to maintain or plant trees which are or will (when fully grown) constitute significant trees under the PDI Act.	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214)	NIL
s200(7)	<u>47.36.</u> Urban Trees Fund <u>47.636.5</u> The power pursuant to Section 200(7) of the PDI Act if, the Council subsequently sells land purchased under Section 200(6)(b) of the PDI Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 200 of the PDI Act, subject to the qualifications in Sections 200(7)(a) and (b).	Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214), Manager Property	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)**

Section	Item Delegated	Delegate	Conditions and Limitations
		Services (394)	
s210(1)	<p><b>4837.</b> Appointment of Authorised Officers</p> <p><b>4837.1</b> The power pursuant to Section 210(1) of the PDI Act to:</p> <p><b>4837.1.1</b> appoint a person to be an authorised officer for the purposes of the PDI Act; and</p> <p><b>4837.1.2</b> appoint a person who holds the qualifications prescribed by the regulations to be an authorised officer for the purposes of the PDI Act if the Council is required to do so by the regulations.</p>	Chief Executive Officer (95)	NIL
s210(2)	<p><b>4837.</b> Appointment of Authorised Officers</p> <p><b>4837.2</b> The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions.</p>	Chief Executive Officer (95)	NIL
s210(3)	<p><b>4837.</b> Appointment of Authorised Officers</p> <p><b>4837.3</b> The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:</p> <p><b>4837.3.1</b> containing a photograph of the authorised officer; and</p> <p><b>4837.3.2</b> stating any conditions of appointment limiting the authorised officer's appointment.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72)	NIL
s210(5)	<p><b>4837.</b> Appointment of Authorised Officers</p> <p><b>4837.4</b> The power pursuant to Section 210(5) of the PDI Act to, at any time, revoke an appointment which the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.</p>	Chief Executive Officer (95)	NIL
s213(1)	<p><b>4938.</b> Enforcement Notices</p> <p><b>4938.1</b> The power pursuant to Section 213(1) of the PDI Act, if the delegate has reason to believe on reasonable grounds that a person has breached the PDI Act or the repealed Act, to do such of the following as the delegate considers necessary or appropriate in the circumstances:</p> <p><b>4938.1.1</b> direct a person to refrain, either for a specified period or until further notice, from the PDI Act, or</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Building Officer (380),	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)**

Section	Item Delegated	Delegate	Conditions and Limitations
	<p>course of action, that constitutes the breach;</p> <p><u>4938</u>.1.2 direct a person to make good any breach in a manner, and within a period, specified by the delegate;</p> <p><u>4938</u>.1.3 take such urgent action as is required because of any situation resulting from the breach.</p>	<p>Building Officer (453), Building Officer (73), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)</p>	
s213(2)	<p><u>4938</u>. Enforcement Notices</p> <p><u>4938</u>.2 The power pursuant to Section 213(2) of the PDI Act to give a direction under Section 213(1) of the PDI Act by notice in writing unless the delegate considers that the direction is urgently required.</p>	<p>Chief Executive Officer (95), Director Development and Regulatory Services (70), Building Officer (380), Building Officer (453), Building Officer (73), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader</p>	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)**

Section	Item Delegated	Delegate	Conditions and Limitations
		Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
s213(5)	<p><del>4938.</del> Enforcement Notices</p> <p><del>4938.</del>3 The power pursuant to Section 213(5) of the PDI Act, if a person fails to comply with a direction under Section 213(1)(b) of the PDI Act within the time specified in the notice, to cause the necessary action to be taken.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Building Officer (380), Building Officer (453), Building Officer (73), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	NIL
s213(6)	<p><del>4938.</del> Enforcement Notices</p> <p><del>4938.</del>4 The power pursuant to Section 213(6) of the PDI Act to recover the reasonable costs and expenses</p>	Chief Executive Officer (95), Director	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)			
Section	Item Delegated	Delegate	Conditions and Limitations
	incurred by the Council (or any person acting on behalf of the Council) under Section 213 of the PDI Act, as a debt due from the person whose failure gave rise to the PDI Action	Development and Regulatory Services (70), Assessment Manager (72)	
s213(7)	<del>4938.</del> Enforcement Notices <del>4938.5</del> The power pursuant to Section 213(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 213 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s214(1)	<del>5039.</del> Applications to Court <del>5039.1</del> The power pursuant to Section 214(1) of the PDI Act to apply to the Court for an order to remedy or restrain a breach of the PDI Act or the repealed Act.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s214(2)	<del>5039.</del> Applications to Court <del>5039.2</del> The power pursuant to Section 214(2) of the PDI Act to consent to proceedings under Section 214 of the PDI Act being brought in a representative capacity on behalf of the Council.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s214(4)	<del>5039.</del> Applications to Court <del>5039.3</del> The power pursuant to Section 214(4) of the PDI Act to make an application without notice to any person and to make an application to the Court to serve a summons requiring the respondent to appear before the Court to show cause why an order should not be made under Section 214 of the PDI Act.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)**

Section	Item Delegated	Delegate	Conditions and Limitations
s214(6)	<p><del>5039.</del> Applications to Court</p> <p><del>5039.</del>4 The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings.</p>	<p>Chief Executive Officer (95), Director Development and Regulatory Services (70), Building Officer (380), Building Officer (453), Building Officer (73), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)</p>	NIL
s214(9)	<p><del>5039.</del> Applications to Court</p> <p><del>5039.</del>5 The power pursuant to Section 214(9) of the PDI Act to appear before a final order is made and be heard in proceedings based on the application.</p>	<p>Chief Executive Officer (95), Director Development and Regulatory Services (70), Building Officer (380), Building Officer (453), Building Officer (73), Development Compliance Officer (211), Senior Statutory Planner</p>	NIL



**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)**

Section	Item Delegated	Delegate	Conditions and Limitations
		(80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
s214(10)	<del>5039.</del> Applications to Court <del>5039.6</del> The power pursuant to Section 214(10) of the PDI Act to make an application to the Court to make an interim order under Section 214 of the PDI Act.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s214(11)	<del>5039.</del> Applications to Court <del>5039.7</del> The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s214(12)	<del>5039.</del> Applications to Court <del>5039.8</del> The power pursuant to Section 214(12) of the PDI Act, if the Court makes an order under Section 214(6)(d) of the PDI Act and the respondent fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and recover the costs of that work, as a debt, from the respondent	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)			
Section	Item Delegated	Delegate	Conditions and Limitations
s214(13)	<del>5039.</del> Applications to Court <del>5039.</del> 9 The power pursuant to Section 214(13) of the PDI Act, if an amount is recoverable from a person by the Council under Section 214(12) of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	Chief Executive Officer (95), Director Corporate Services (41), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s214(17)	<del>5039.</del> Applications to Court <del>5039.</del> 10 The power pursuant to Section 214(17) of the PDI Act to apply to the Court to vary or revoke an order previously made under Section 214 of the PDI Act.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL
s219(1)	<del>5140.</del> Proceedings for Offences <del>5140.</del> 1 The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.	Chief Executive Officer (95), Development Compliance Officer (211), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72)	The concurrence of the Assessment Manager must be obtained prior to commencement of proceedings.
s223(2)	<del>5241.</del> Adverse Publicity Orders <del>5241.</del> 1 The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.	Chief Executive Officer (95)	The concurrence of the Assessment Manager must be obtained prior to commencement of proceedings.
s223(4)	<del>5241.</del> Adverse Publicity Orders <del>5241.</del> 2 The power pursuant to Section 223(4) of the PDI Act, if the offender fails to give evidence to the Council	Chief Executive Officer (95), Assessment	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)**

Section	Item Delegated	Delegate	Conditions and Limitations
	in accordance with Section 224(1)(b) of the PDI Act to: <del>5241</del> .2.1 take the PDI Action or actions specified in the order; and <del>5241</del> .2.2 authorise a person in writing to take the PDI Action or actions specified in the order.	Manager (72)	
s223(5)	<del>5241</del> . Adverse Publicity Orders <del>5241</del> .3 The power pursuant to Section 223(5) of the PDI Act, if: <del>5241</del> .3.1 the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and <del>5241</del> .3.2 despite the evidence, the delegate is not satisfied that the offender has taken the PDI Action or actions specified in the order in accordance with the order, to apply to the court for an order authorising the Council, or a person authorised in writing by the Council, to take the PDI Action or actions and to authorise a person in writing to take the PDI Action or actions.	Chief Executive Officer (95), Assessment Manager (72)	NIL
s223(6)	<del>5241</del> . Adverse Publicity Orders <del>5241</del> .4 The power pursuant to Section 223(6) of the PDI Act, if the Council, or a person authorised in writing by the Council, takes an action or actions in accordance with Section 223(4) of the PDI Act or an order under Section 223(5) of the PDI Act, to recover from the offender an amount in relation to the reasonable expenses of taking the PDI Action or actions, as a debt, due to the Council.	Chief Executive Officer (95), Assessment Manager (72)	NIL
s225(1)	<del>5342</del> . Civil Penalties <del>5342</del> .1 The power pursuant to Section 225(1) of the PDI Act, subject to Section 225 of the PDI Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the PDI Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Court, an amount as a civil penalty in respect of the contravention.	Chief Executive Officer (95), Assessment Manager (72)	NIL
s225(2)	<del>5342</del> . Civil Penalties <del>5342</del> .2 The power pursuant to Section 225(2) of the PDI Act, in respect of a contravention where the relevant offence does not require proof of intention or some other state of mind, to determine whether to initiate proceedings for an offence or take action under Section 225 of the PDI Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.	Chief Executive Officer (95), Assessment Manager (72)	NIL
s225(3)	<del>5342</del> . Civil Penalties <del>5342</del> .3 The power pursuant to Section 225(3) of the PDI Act to serve on the person a notice in the prescribed	Chief Executive Officer (95), Assessment	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)**

Section	Item Delegated	Delegate	Conditions and Limitations
	form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention.	Manager (72)	
s225(13)	<del>5342.</del> Civil Penalties <del>5342.4</del> The power pursuant to Section 225(13) of the PDI Act to seek the authorisation of the Attorney-General to the commencement of proceedings for an order under Section 225 of the PDI Act.	Chief Executive Officer (95), Assessment Manager (72)	NIL
s225(17)	<del>5342.</del> Civil Penalties <del>5342.5</del> The power pursuant to Section 225(17) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 225 of the PDI Act.	Chief Executive Officer (95), Assessment Manager (72)	NIL
s228(7)	<del>5443.</del> Make Good Order <del>5443.1</del> The power pursuant to Section 228(7) of the PDI Act to apply to the Court to vary or revoke an order under Section 228 of the PDI Act.	Chief Executive Officer (95), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Assessment Manager (72), Statutory Planner (462)	NIL
s229(5)	<del>5544.</del> Recovery of Economic Benefit <del>5544.1</del> The power pursuant to Section 229(5) of the PDI Act to apply an amount paid to the Council in accordance with an order under Section 229(1) of the PDI Act for the purpose of acquiring or developing land as open space and to hold it in a fund established for the purposes of Section 198 of the PDI Act.	Chief Executive Officer (95), Assessment Manager (72)	NIL
s230(1)	<del>5645.</del> Enforceable Voluntary Undertakings <del>5645.1</del> The power pursuant to Section 230(1) of the PDI Act to accept (by written notice) a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the PDI Act.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Building Officer (380), Building Officer (453), Building Officer (73), Development Compliance Officer (211),	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)			
Section	Item Delegated	Delegate	Conditions and Limitations
		Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
s230(4)	<p><del>5645.</del> Enforceable Voluntary Undertakings</p> <p><del>5645.2</del> The power pursuant to Section 230(4) of the PDI Act if the delegate considers that a person has contravened an undertaking accepted by the Council, to apply to the Court for enforcement of the undertaking.</p>	Chief Executive Officer (95), Assessment Manager (72)	NIL
s230(7)	<p><del>5645.</del> Enforceable Voluntary Undertakings</p> <p><del>5645.3</del> The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to:</p> <p><del>5645.3.1</del> vary the undertaking; or</p> <p><del>5645.3.2</del> withdraw the undertaking.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Building Officer (380), Building Officer (453), Building Officer (73), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader	Subject to concurrence by the Assessment Manager.

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)			
Section	Item Delegated	Delegate	Conditions and Limitations
		Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
s230(11)	<del>5645.</del> Enforceable Voluntary Undertakings <del>5645.4</del> The power pursuant to Section 230(11) of the PDI Act to accept an undertaking in respect of a contravention or alleged contravention before proceedings in respect of that contravention have been finalised.	Chief Executive Officer (95), Assessment Manager (72)	NIL
s230(12)	<del>5645.</del> Enforceable Voluntary Undertakings <del>5645.5</del> The power pursuant to Section 230(12) of the PDI Act if the delegate accepts an undertaking before the proceedings are finalised, to take all reasonable steps to have the proceedings discontinued as soon as possible.	Chief Executive Officer (95), Assessment Manager (72)	NIL
s230(14)	<del>5645.</del> Enforceable Voluntary Undertakings <del>5645.6</del> The power pursuant to Section 230(14) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 230 of the PDI Act.	Chief Executive Officer (95), Assessment Manager (72)	NIL
s231(1)	<del>5746.</del> Advertisements <del>5746.1</del> The power pursuant to Section 231(1) of the PDI Act, if, in the opinion of the delegate, an advertisement or advertising hoarding: <del>5746.1.1</del> disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality; or <del>5746.1.2</del> is contrary to the character desired for a locality under the Planning and Design Code, to, by notice served in accordance with the regulations on the advertiser or the owner or occupier of the land on which the advertisement or advertising hoarding is situated, whether or not a development authorisation has been granted in respect of the advertisement or advertising hoarding, order that person to remove or obliterate the advertisement or to remove the advertising hoarding (or both) within a period specified in the notice (of at least 28 days from the date of service of the notice).	Chief Executive Officer (95), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner	Concurrence by Assessment Manager or Team Leader Statutory Planning required prior to notice being issued.

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)**

Section	Item Delegated	Delegate	Conditions and Limitations
		(462)	
s231(3)	<p><del>5746.</del> Advertisements</p> <p><del>5746.2</del> The power pursuant to Section 231(3) of the PDI Act if a person on whom a notice is served under Section 231(1) of the PDI Act fails to comply with a notice within the time allowed in the notice to enter on the land and take the necessary steps for carrying out the requirements of the notice and to recover the costs of so doing, as a debt, from the person on whom the notice was served.</p>	<p>Chief Executive Officer (95), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)</p>	NIL
s235(1)	<p><del>5847.</del> Professional Advice to be Obtained in Relation to Certain Matters</p> <p><del>5847.1</del> The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.</p>	<p>Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment</p>	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)			
Section	Item Delegated	Delegate	Conditions and Limitations
		Manager (72), Building Officer (463), Statutory Planner (462)	
s235(2)	<p><del>5847.</del> Professional Advice to be Obtained in Relation to Certain Matters</p> <p><del>5847.2</del> The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	NIL
s239(1)	<p><del>5948.</del> Charges on Land</p> <p><del>5948.1</del> The power pursuant to Section 239(1) of the PDI Act if a charge on land is created under a provision of the PDI Act in favour of the Council, to deliver to the Registrar-General a notice in a form determined by the Registrar-General, setting out the amount of the charge and the land over which the charge is claimed.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Building Officer (380), Building Officer (453), Building Officer (73), Development	NIL



**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)**

Section	Item Delegated	Delegate	Conditions and Limitations
		Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Building Officer (463), Statutory Planner (462)	
s239(6)	<p><del>5948.</del> Charges on Land</p> <p><del>5948.2</del> The power pursuant to Section 239(6) of the PDI Act if a charge in the Council's favour exists and the amount to which the charge relates is paid, to by notice to the appropriate authority in a form determined by the Registrar-General, apply for the discharge of the charge.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Building Officer (380), Building Officer (453), Building Officer (73), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer	Subject to concurrence from the Assessment Manager.

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)**

Section	Item Delegated	Delegate	Conditions and Limitations
		(463), Statutory Planner (462)	
s240(1)	<del>6049.</del> Registering Authorities to Note Transfer <del>6049.</del> 1 The power pursuant to Section 240(1) of the PDI Act to apply to the Registrar General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, to register or record in an appropriate manner the transfer to the Council of an asset, right or liability by regulation, proclamation or notice under the PDI Act.	Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Assessment Manager (72)	NIL
cl13(3)(b) sch2	<del>6150.</del> Reporting <del>6150.</del> 1 The power pursuant to Clause 13(3)(b) of Schedule 2 of the PDI Act to require a report under Clause 13(2) of Schedule 2 of the PDI Act to contain any other information or report required by the delegate.	Chief Executive Officer (95)	If a Joint Planning Board and subsidiary is established.
cl3(16) sch4	<del>6251.</del> Review of Performance <del>62.451.1</del> The power pursuant to Clause 3(16) of Schedule 4 of the PDI Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the PDI Act.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	Must be reported to Council.

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

Section	Item Delegated	Delegate	Conditions and Limitations
r78(2)	<del>6854.</del> Underground Main Areas <del>6854.</del> 2 The power pursuant to Regulation 78(2) of the General Regulations after having received and considered a report from the electricity authority to declare the area to be an underground mains area.	Chief Executive Officer (95), Director Development and Regulatory Services (70)	NIL
r81(4)	<del>6955.</del> Width of Roads and Thoroughfares	Chief Executive Officer (95), Senior Statutory	In Consultation with

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

Section	Item Delegated	Delegate	Conditions and Limitations
	<b>6955.1</b> The power pursuant to Regulation 81(4) of the General Regulations to dispense with a width prescribed by Regulations 81(1) or (3) of the General Regulations (and specify a different width) if the delegate is of the opinion that the width so prescribed is not necessary for the safe and convenient movement of vehicles or pedestrians, or for underground services.	Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	Council's Engineering and Assets Officers
r81(5)	<b>6955.</b> Width of Roads and Thoroughfares <b>6955.2</b> The power pursuant to Regulation 81(5) of the General Regulations to subject to Regulation 81(6) of the General Regulations specify the width of the road at the head of every cul-de-sac in such dimensions as may be acceptable to the delegate.	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	In Consultation with Council's Engineering and Assets Officers
r81(6)	<b>6955.</b> Width of Roads and Thoroughfares <b>6955.3</b> The power pursuant to Regulation 81(6) of the General Regulations to dispense with a requirement under Regulation 81(5) of the General Regulations if it appears to the delegate that the cul-de-sac is likely to become a through road.	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	In Consultation with Council's Engineering and Assets Officers

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

Section	Item Delegated	Delegate	Conditions and Limitations
r82(1)	<p><del>7056.</del> Road Widening</p> <p><del>7056.</del>1 The power pursuant to Regulation 82(1) of the PDI Act, subject to Regulation 82(2) of the General Regulations, if an existing road abuts land which is proposed to be divided, to form the view that the road should be widened in order to provide a road of adequate width having regard to existing and future requirements of the area.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	In Consultation with Council's Engineering and Assets Officers
r83(1)	<p><del>7457.</del> Requirement as to Forming of Roads</p> <p><del>7457.</del>1 The power pursuant to Regulation 83(1) of the General Regulations, subject to Regulation 83(2) of the General Regulations, to specify the width and manner of the formation of the roadway of every proposed road on a plan of division.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	In Consultation with Council's Engineering and Assets Officers
r83(2)	<p><del>7457.</del> Requirement as to Forming of Roads</p> <p><del>7457.</del>2 The power pursuant to Regulation 83(2) of the General Regulations to form the opinion that it is necessary to specify a width for a roadway to be formed under Regulation 83(1) in excess of 7.4m, in view of the volume or type of traffic that is likely to traverse that road.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory	In Consultation with Council's Engineering and Assets Officers

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

Section	Item Delegated	Delegate	Conditions and Limitations
		Planner (462)	
r83(4)	<p><del>7457.</del> Requirement as to Forming of Roads</p> <p><del>7457.3</del> The power pursuant to Regulation 83(4) of the General Regulations, to dispense with the requirements under Regulation 83(3) of the General Regulations, if the delegate is of the opinion that the cul-de-sac is likely to become a through road.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	In Consultation with Council's Engineering and Assets Officers
r83(5)	<p><del>7457.</del> Requirement as to Forming of Roads</p> <p><del>7457.4</del> The power pursuant to Regulation 83(5) of the General Regulations, subject to Regulation 83(6) of the General Regulations to require every footpath, water-table, kerbing, culvert and drain of every proposed road to be formed in a manner satisfactory to the delegate.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	In Consultation with Council's Engineering and Assets Officers
r83(6)	<p><del>7457.</del> Requirement as to Forming of Roads</p> <p><del>7457.5</del> The power pursuant to Regulation 83(6) of the General Regulations, to dispense with a requirement under Regulation 83(5) of the General Regulations.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment	In Consultation with Council's Engineering and Assets Officers

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

Section	Item Delegated	Delegate	Conditions and Limitations
		Manager (72), Statutory Planner (462)	
r84(1)	<p><del>7258.</del> Construction of Roads, Bridges, Drains and Services</p> <p><del>7258.1</del> The power pursuant to Regulation 84(1) of the General Regulations to require the roadway of every proposed road within the relevant division to be constructed and paved and sealed with bitumen, tar or asphalt or other material approved by the delegate.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	In Consultation with Council's Engineering and Assets Officers
r85(1)	<p><del>7359.</del> Supplementary Provisions</p> <p><del>7359.1</del> The power pursuant to Regulation 85(1) of the General Regulations to approve the road location and grading plan for the manner of forming any proposed road, footpath, water-table, kerbing, culvert or drain required under Division 6 of the General Regulations.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	In Consultation with Council's Engineering and Assets Officers
r85(2)	<p><del>7359.</del> Supplementary Provisions</p> <p><del>7359.2</del> The power pursuant to Regulation 85(2) of the General Regulations, subject to Regulation 85(4) of the General Regulations, to require all work referred to in Regulations 83 and 84 of the General Regulations to be carried out in a manner satisfactory to the delegate and in conformity with detailed construction plans and specifications signed by a professional engineer or, at the discretion of the delegate, a licensed surveyor, and approved by the delegate before the commencement of the work.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning	In Consultation with Council's Engineering and Assets Officers

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

Section	Item Delegated	Delegate	Conditions and Limitations
		(326), Assessment Manager (72), Statutory Planner (462)	
r85(4)	<p><del>7359.</del> Supplementary Provisions</p> <p><del>7359.</del>3 The power pursuant to Regulation 85(4) of the General Regulations to form the opinion that all connections for water supply and sewerage services to any allotment delineated on the plan which, in the opinion of the Chief Executive of the South Australian Water Corporation are necessary and need to be laid under the surface of the proposed road, have been made.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	In Consultation with Council's Engineering and Assets Officers
r89(1)	<p><del>7460.</del> General Provisions</p> <p><del>7460.</del>1 The power pursuant to Regulation 89(1) of the General Regulations to form the opinion that another form of arrangement is satisfactory for the purposes of Section 138(1) of the PDI Act.</p>	Chief Executive Officer (95), Team Leader Statutory Planning (326), Assessment Manager (72)	NIL
r89(3)	<p><del>7460.</del> General Provisions</p> <p><del>7460.</del>2 The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which:</p> <p><del>7460.</del>2.1 evidences the consent of the Council to an encroachment by a building over other land; and</p> <p><del>7460.</del>2.2 sets out:</p> <p><del>7460.</del>2.2.1 the date on which any relevant building was erected (if known); and</p> <p><del>7460.</del>2.2.2 the postal address of the site.</p>	Chief Executive Officer (95), Team Leader Statutory Planning (326), Assessment Manager (72)	NIL
r89(6)(b)	<p><del>7460.</del> General Provisions</p> <p><del>7460.</del>3 The power pursuant to Regulation 89(6)(b) of the General Regulations to request a written copy of the</p>	Chief Executive Officer (95), Statutory Planner (195), Statutory Planner	NIL

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

Section	Item Delegated	Delegate	Conditions and Limitations
	certificate and plan (or certificates and plans) referred to in Regulation 89(3) of the General Regulations.	(215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	
r93(1)(b)	<p><del>7561.</del> Notifications During Building Work</p> <p><del>7561.1</del> The power pursuant to Regulation 93(1)(b) of the General Regulations to specify by notice to the building owner and to the licensed building work contractor responsible for carrying out the relevant building work (if any), when development approval is granted in respect of the work, any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Assessment Manager (72), Building Officer (463)	NIL
r94(13)	<p><del>7662.</del> Essential Safety Provisions</p> <p><del>7662.1</del> The power pursuant to Regulation 94(13) of the General Regulations to require compliance with Regulation 94(10) of the General Regulations if:</p> <p><del>7662.1.1</del> the essential safety provisions were installed</p> <p><del>7662.1.1.1</del> under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the Building Code; or</p> <p><del>7662.1.1.2</del> as part of a performance solution under the Building Code; or</p> <p><del>7662.1.2</del> the building has been the subject of a notice under Section 157 of the PDI Act.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Assessment Manager (72), Building Officer (463)	NIL
r102(3)	<p><del>7763.</del> Classification of Buildings</p> <p><del>7763.1</del> The power pursuant to Regulation 102(3) of the General Regulations to require an application under Regulation 102(1) or (2) of the General Regulations to be accompanied by:</p> <p><del>7763.1.1</del> such details, particulars, plans, drawings, specifications, certificates and other documents as the delegate may reasonably require to determine the building's classification.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286),	NIL



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

Section	Item Delegated	Delegate	Conditions and Limitations
		Assessment Manager (72), Building Officer (463)	
r102(4)	<p><del>7763.</del> Classification of Buildings</p> <p><del>7763.2</del> The power pursuant to Regulation 102(4) of the General Regulations, to subject to Regulation 102(5) of the General Regulations, assign the appropriate classification under the Building Code to a building if the delegate is satisfied, on the basis of the owner's application, and accompanying documentation, that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
r102(5)	<p><del>7763.</del> Classification of Buildings</p> <p><del>7763.3</del> The power pursuant to Regulation 102(5) of the General Regulations, if an application under Regulation 102 of the General Regulations is made in respect of an existing Class 2 to Class 9 building, to require the applicant to satisfy the delegate that the provisions of any relevant Ministerial building standard relating to upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
r102(6)	<p><del>7763.</del> Classification of Buildings</p> <p><del>7763.4</del> The power pursuant to Regulation 102(6) of the General Regulations, on assigning a classification to a building (or part of a building) to, if relevant, determine and specify in the notice to the owner under Section 151(3) of the PDI Act:</p> <p><del>7763.4.1</del> the maximum number of persons who may occupy the building (or part of the building); and</p> <p><del>7763.4.2</del> if the building has more than 1 classification—the part or parts of the building to which each classification relates and the classifications currently assigned to the other parts of the building.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
r103(2)	<p><del>7864.</del> Certificates of Occupancy</p> <p><del>7864.1</del> The power pursuant to Regulation 103(2) of the General Regulations to, require the following documentation:</p> <p><del>7864.1.1</del> if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that the conditions have been satisfied;</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader	NIL

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

Section	Item Delegated	Delegate	Conditions and Limitations
	<p><b>7864.1.2</b> if the application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, such evidence as the delegate may reasonably require to show:</p> <p><b>7864.1.2.1</b> in the case of a building more than 1 storey - that the requirements of any relevant Ministerial building standard have been complied with; or</p> <p><b>7864.1.2.2</b> in any other case - that the building is suitable for occupation.</p>	Building Services (286), Building Officer (463)	
r103(3)	<p><b>7864.</b> Certificates of Occupancy</p> <p><b>7864.2</b> The power pursuant to Regulation 103(3) of the General Regulations, to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after 12 March 2018, dispense with the requirement to provide a Statement of Compliance under Regulation 103(2)(a) of the General Regulations if:</p> <p><b>7864.2.1</b> the delegate is satisfied that a person required to complete 1 or both parts of the statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification or certifications; and</p> <p><b>7864.2.2</b> it appears to the delegate, after undertaking an inspection, that the relevant building is suitable for occupation.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	Subject to concurrence by the Team Leader Building Services or the Level 1 Building Surveyor
r103(4)	<p><b>7864.</b> Certificates of Occupancy</p> <p><b>7864.3</b> The power pursuant to Regulation 103(4) of the General Regulations if:</p> <p><b>7864.3.1</b> a building is:</p> <p><b>7864.3.1.1</b> to be equipped with a booster assembly for use by a fire authority; or</p> <p><b>7864.3.1.2</b> to have installed a fire alarm that transmits a signal to a fire station or to a monitoring service approved by the relevant authority; and</p> <p><b>7864.3.2</b> facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the PDI Act,</p> <p>to not grant a certificate of occupancy unless or until the delegate has sought a report from the fire authority as to</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	Subject to concurrence by the Team Leader Building Services or the Level 1 Building Surveyor

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

Section	Item Delegated	Delegate	Conditions and Limitations
	whether those facilities have been installed and operate satisfactorily and to seek such a report from the fire authority.		
r103(5)	<p><del>7864.</del> Certificates of Occupancy</p> <p><del>7864.4</del> The power pursuant to Regulation 103(5) of the General Regulations if a report is not received from the fire authority within 15 business days, to presume that the fire authority does not desire to make a report.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Assessment Manager (72), Building Officer (463)	NIL
r103(6)	<p><del>7864.</del> Certificates of Occupancy</p> <p><del>7864.5</del> The power pursuant to Regulation 103(6) of the General Regulations to have regard to any report received from a fire authority under Regulation 103(4) of the General Regulations before the delegate issues a certificate of occupancy.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
r103(9)	<p><del>7864.</del> Certificates of Occupancy</p> <p><del>78.664.7</del> The power pursuant to Regulation 103(9) of the General Regulations to revoke a certificate of occupancy:</p> <p><del>78.664.7.1</del> if:</p> <p><del>78.664.7.1.1</del> there is a change in the use of the building; or</p> <p><del>78.664.7.1.2</del> the classification of the building changes; or</p> <p><del>78.664.7.1.3</del> building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300m<sup>2</sup> is about to commence, or is being or has been carried out; or</p> <p><del>78.664.7.1.4</del> the building is about to undergo, or is undergoing or has undergone, major refurbishment, and the delegate considers that in the circumstances the certificate should be revoked and a new certificate sought; or</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	Subject to concurrence by the Team Leader Building Services or the Level 1 Building Surveyor

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

Section	Item Delegated	Delegate	Conditions and Limitations
r103(9)	<p><del>7864.</del> Certificates of Occupancy</p> <p><del>78.664.7</del> The power pursuant to Regulation 103(9) of the General Regulations to revoke a certificate of occupancy:</p> <p><del>78.664.7.2</del> if the delegate considers that the building is no longer suitable for occupation because of building work undertaken, or being undertaken, on the building, or because of some other circumstance; or</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	Subject to concurrence by the Team Leader Building Services or the Level 1 Building Surveyor
r103(9)	<p><del>7864.</del> Certificates of Occupancy</p> <p><del>78.664.7</del> The power pursuant to Regulation 103(9) of the General Regulations to revoke a certificate of occupancy:</p> <p><del>78.664.7.3</del> if a schedule of essential safety provisions has been issued in relation to the building and the owner of the building has failed to comply with the requirements of Regulation 94(10) of the General Regulations; or</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	Subject to concurrence by the Team Leader Building Services or the Level 1 Building Surveyor
r103(9)	<p><del>7864.</del> Certificates of Occupancy</p> <p><del>78.664.7</del> The power pursuant to Regulation 103(9) of the General Regulations to revoke a certificate of occupancy:</p> <p><del>78.664.7.4</del> if the delegate considers:</p> <p><del>78.664.7.4.1</del> that a condition attached to a relevant development authorisation has not been met, or has been contravened, and that, in the circumstances, the certificate should be revoked; or</p> <p><del>78.664.7.4.2</del> that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	Subject to concurrence by the Team Leader Building Services or the Level 1 Building Surveyor
r109(1)(b)	<p><del>7965.</del> Mining Production Tenements</p> <p><del>7965.1</del> The power pursuant to Regulation 109(1)(b) of the General Regulations to make submissions to the appropriate Authority and object to the granting of the tenement.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Assessment Manager (72)	NIL

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

Section	Item Delegated	Delegate	Conditions and Limitations
r111(2)	<p><del>8066.</del> Register of Land Management Agreements (Section 193)</p> <p><del>8066.</del>1 The power pursuant to Regulation 111(2) of the General Regulations to establish a register of agreements entered into by the Council under Section 193 of the PDI Act.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	NIL
r111(3)	<p><del>8066.</del> Register of Land Management Agreements (Section 193)</p> <p><del>8066.</del>2 The power pursuant to Regulation 111(3) of the General Regulations to include in a register, or provide access to a copy of each agreement entered into by the Council under Section 193 of the PDI Act and such other information the delegate considers appropriate.</p>	Chief Executive Officer (95), Administration Building Support Officer (418), Administration Support Officer (369), Development Administration Support Officer (76), Development Services Assistant (Duty Planner)(265a), Development Services Assistant (Duty Planner)(265b), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner	NIL

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

Section	Item Delegated	Delegate	Conditions and Limitations
		(462)	
r112(1)	<p><del>8467.</del> Authorised Officers and Inspections</p> <p><del>8467.1</del> The power pursuant to Regulation 112(1) of the General Regulations to appoint at least 1 authorised officer under Section 210(1)(b) of the PDI Act:</p> <p><del>8467.1.1</del> who is an accredited professional who is:</p> <p><del>8467.1.1.1</del> an Accredited professional - building level 1; or</p> <p><del>8467.1.1.2</del> an Accredited professional - building level 2; or</p> <p><del>8467.1.1.3</del> an Accredited professional - building level 3; or</p> <p><del>8467.1.1.4</del> an Accredited professional - building level 4; or</p> <p><del>8467.1.2</del> who holds a current accreditation recognised by the Chief Executive for the purposes of this Regulation; or</p> <p><del>8467.1.3</del> who holds an approval from the Chief Executive.</p>	Chief Executive Officer (95), Assessment Manager (72)	NIL

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

Section	Item Delegated	Delegate	Conditions and Limitations
r5(1)	<p><del>6668.</del> Calculation <del>or of</del> Assessment of Fees</p> <p><del>6668.1</del> The power pursuant to Regulation 5(1) of the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged under a related set of regulations (including via the SA planning portal):</p> <p><del>6668.1.1</del> to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and</p> <p><del>6668.1.2</del> to make any other determination for the purposes of the Fees Regulations or a related set of</p>	Chief Executive Officer (95), Administration Building Support Officer (418), Administration Support Officer (369), Team Leader Administration (77), Building Officer (380),	NIL

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

Section	Item Delegated	Delegate	Conditions and Limitations
	regulations (even if the Council is not a relevant authority).	Building Officer (453), Building Officer (73), Development Administration Support Officer (76), Development Services Assistant (Duty Planner)(265a), Development Services Assistant (Duty Planner)(265b), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
r5(2)	<del>6668.</del> Calculation <del>of</del> Assessment of Fees <del>6668.2</del> The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate acting under Regulation 5(1) of the Fees Regulations, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.	Chief Executive Officer (95), Administration Building Support Officer (418), Administration Support Officer (369), Team Leader Administration (77), Building Officer (380), Building Officer (453), Building Officer (73), Development	NIL

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

Section	Item Delegated	Delegate	Conditions and Limitations
		Administration Support Officer (76), Development Services Assistant (Duty Planner)(265a), Development Services Assistant (Duty Planner)(265b), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
r5(3)	<del>6668.</del> Calculation or Assessment of Fees <del>6668.</del> 3 The power pursuant to Regulation 5(3) of the Fees Regulations to at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of Regulations.	Chief Executive Officer (95), Administration Building Support Officer (418), Administration Support Officer (369), Team Leader Administration (77), Building Officer (380), Building Officer (453), Building Officer (73), Development Administration Support Officer (76), Development Services Assistant (Duty	NIL



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

Section	Item Delegated	Delegate	Conditions and Limitations
		Planner)(265a), Development Services Assistant (Duty Planner)(265b), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
r7	<p><del>6769.</del> Waiver or Refund of Fee</p> <p><del>6769.</del>1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:</p> <p><del>6769.</del>1.1 waive the payment of the fee, or the payment of part of the fee; or</p> <p><del>6769.</del>1.2 refund the whole or a part of the fee.</p>	Chief Executive Officer (95), Team Leader Statutory Planning (326), Assessment Manager (72)	In accordance with Council's Fee Waiver Policy and Fee Refund Policy.

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## **Appendix 34**

*Planning, Development and Infrastructure Act 2016 of  
Power of a Council as a Relevant Authority*

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**Adelaide Hills Council**

**Delegated Provisions for**

**Instrument of Delegation Under the Planning, Development and  
Infrastructure Act 2016 of Power of a Council as a Relevant Authority**

**Change Report**

**21 January 2021**

## Delegation Sources

- Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority

## Titles

Title	Position	Name
Assessment Manager (72)	Assessment Manager (72)	
Chief Executive Officer (95)	Chief Executive Officer (95)	
Director Development and Regulatory Services (70)	Director Development and Regulatory Services (70)	

## Delegated Provisions for Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority Showing Changes

Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority			
Section	Item Delegated	Delegate	Conditions and Limitations
s7(5)(a) and (d)	<p>1. Environment and Food Production Areas – Greater Adelaide</p> <p>1.1 The power pursuant to Section 7(5)(a) and (d) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments:</p> <p>1.1.1 to seek the concurrence of the Commission in the granting of the development authorisation to the development;</p> <p>1.1.2 to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.</p>	<p>Chief Executive Officer (95), Director Development and Regulatory Services (70), <del>Manager Development Services (72)</del>, Assessment Manager (72)</p>	NIL

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## **Appendix 35**

*Planning Development and Infrastructure Act 2016*  
*Instrument B*

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**Adelaide Hills Council**

**Delegated Provisions for**

**Instrument of Delegation under the Planning, Development and  
Infrastructure Act 2016, Regulations, Planning and Design Code and  
Practice Directions of Powers of a Council as a Relevant Authority  
(Instrument B)**

**Change Report**

**21 January 2021**

## Delegation Sources

- Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);
- Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019
- Planning, Development and Infrastructure (General) Regulations 2017

## Titles

Title	Position	Name
Administration Building Support Officer (418)	Administration Building Support Officer (418)	
Administration Support Officer (369)	Administration Support Officer (369)	
Assessment Manager (72)	Assessment Manager (72)	
Building Officer (380)	Building Officer (380)	
Building Officer (453)	Building Officer (453)	
Building Officer (463)	Building Officer (463)	
Building Officer (73)	Building Officer (73)	
CAP (Council's Assessment Panel)	CAP (Council's Assessment Panel)	
Chief Executive Officer (95)	Chief Executive Officer (95)	
Development Administration Support Officer (76)	Development Administration Support Officer (76)	
Development Compliance Officer (211)	Development Compliance Officer (211)	
Development Services Assistant (Duty Planner)(265a)	Development Services Assistant (Duty Planner)(265a)	
Development Services Assistant (Duty Planner)(265b)	Development Services Assistant (Duty Planner)(265b)	
Senior Statutory Planner (80)	Senior Statutory Planner (80)	
Statutory Planner (195)	Statutory Planner (195)	
Statutory Planner (215)	Statutory Planner (215)	
Statutory Planner (230)	Statutory Planner (230)	
Statutory Planner (462)	Statutory Planner (462)	
Statutory Planner (82)	Statutory Planner (82)	
Team Leader Administration (77)	Team Leader Administration (77)	
Team Leader Building Services (286)	Team Leader Building Services (286)	
Team Leader Statutory Planning (326)	Team Leader Statutory Planning (326)	



## Delegated Provisions for Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B) Showing Changes

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Section	Item Delegated	Delegate	Conditions and Limitations
s7(5)(a)	<p>1. Environment and Food Production Areas – Greater Adelaide</p> <p>1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72), Statutory Planner (462)	Staff to seek concurrence from Team Leader Statutory Planning or Assessment Manager with delegate report signed.
s7(5)(d)	<p>1. Environment and Food Production Areas – Greater Adelaide</p> <p>1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72), Statutory Planner (462)	Staff to seek concurrence from Team Leader Statutory Planning or Assessment Manager with delegate report signed where the matter is not reported to CAP.

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s99(2)(b)(ii)	<p>2. Related Provisions</p> <p>2.1 The power pursuant to Section 99(2)(b)(ii) of the PDI Act to, if appropriate, grant development approval in the case of Section 99(1)(d) of the PDI Act.</p>	<p>Chief Executive Officer (95), Administration Building Support Officer (418), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)</p>	<p>Administration Building Support Officer is limited to issuing development approvals only relating to Class 10A buildings.</p>
s99(3)	<p>2. Related Provisions</p> <p>2.2 The power pursuant to Section 99(3) of the PDI Act where a proposed development is to be undertaken within the area of the Council, to, subject to the regulations, if appropriate, grant the final development approval after all elements of the development have been approved by one or more relevant authorities under Section 99 of the PDI Act.</p>	<p>Chief Executive Officer (95), Administration Building Support Officer (418), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services</p>	<p>Administration Building Support Officer is limited to issuing development approvals only relating to Class 10A buildings.</p>

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		(286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
s102(1)	<p>3. Matters Against Which Development Must be Assessed</p> <p>3.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against and grant or refuse a consent in respect of the relevant provisions of the Building Rules (building consent).</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	Delegate Report for Refusal must be countersigned by Assessment Manager or Team Leader Building prior to decision being issued.
s102(8)	<p>3. Matters Against Which Development Must be Assessed</p> <p>3.2 The power pursuant to Section 102(8) of the PDI Act, when all relevant consents have been granted in relation to a development, to in accordance with the PDI Act, indicate that the development is approved.</p>	Chief Executive Officer (95), Administration Building Support Officer (418), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner	Administration Building Support Officer is limited to issuing development approvals relating to Class 10A buildings only.

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);**

Section	Item Delegated	Delegate	Conditions and Limitations
		(462)	
s118(1)	<p>4. Building Consent</p> <p>4.1 The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent (subject to such conditions or exceptions as may be prescribed by the regulations).</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s118(2)(a)	<p>4. Building Consent</p> <p>4.2 The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s118(2)	<p>4. Building Consent</p> <p>4.3 The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if:</p> <p>4.3.1 the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied:</p> <p>4.3.1.1 that:</p> <p>(a) the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and</p> <p>(b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or</p> <p>4.3.1.2 in a case where the consent is being sought after the development has occurred - that the variance is justifiable in the circumstances of the particular case.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s118(4)	<p>4. Building Consent</p> <p>4.4 The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial building standard.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s118(6)	<p>4. Building Consent</p> <p>4.5 The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building <del>rules</del> consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in respect of the development that are as good as can reasonably be achieved in the circumstances.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s118(7)	<p>4. Building Consent</p> <p>4.6 The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s118(8)	<p>4. Building Consent</p> <p>4.7 The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that:</p> <p>4.7.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or</p> <p>4.7.2 such compliance is certified by a building certifier.</p>	Chief Executive Officer (95), Administration Building Support Officer (418), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	Administration Building Support Officer is limited to accepting compliance certified by a building certifier in relation to Class 10A buildings only.

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Section	Item Delegated	Delegate	Conditions and Limitations
s118(10)	<p>4. Building Consent</p> <p>4.8 The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	Delegate Report for Refusal must be countersigned by Assessment Manager or Team Leader Building Services prior to decision being issued.
s118(11)	<p>4. Building Consent</p> <p>4.9 The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document):</p> <p>4.9.1 the variance; and</p> <p>4.9.2 the grounds on which the decision is being made.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s119(1)(b)	<p>5. Application and Provision of Information</p> <p>5.1 The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);**

Section	Item Delegated	Delegate	Conditions and Limitations
		(462)	
s119(3)	<p>5. Application and Provision of Information</p> <p>5.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant:</p> <p>5.2.1 to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;</p> <p>5.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;</p> <p>5.2.3 to consult with an authority or body prescribed by the regulations;</p> <p>5.2.4 to comply with any other requirement prescribed by the regulations.</p>	Chief Executive Officer (95), Administration Building Support Officer (418), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Building Officer (463), Statutory Planner (462)	Administration Building Support Officer is limited to 5.2.2.
s119(9)	<p>5. Application and Provision of Information</p> <p>5.4 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>5.4.1 permit an applicant:</p> <p>5.4.1.1 to vary an application;</p> <p>5.4.1.2 to vary any plans, drawings, specifications or other documents that accompanied an application, (provided that the essential nature of the proposed development is not changed);</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Development Services Assistant (Duty Planner)(265a), Development Services Assistant (Duty Planner)(265b), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215),	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);**

Section	Item Delegated	Delegate	Conditions and Limitations
		Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
s119(9)	<p>5. Application and Provision of Information</p> <p>5.4 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>5.4.2 permit an applicant to lodge an application without the provision of any information or document required by the regulations;</p>	<p>Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Development Services Assistant (Duty Planner)(265a), Development Services Assistant (Duty Planner)(265b), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)</p>	NIL



Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Section	Item Delegated	Delegate	Conditions and Limitations
s119(9)	<p>5. Application and Provision of Information</p> <p>5.4 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>5.4.3 to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);</p>	Chief Executive Officer (95), Team Leader Statutory Planning (326), Assessment Manager (72)	In accordance with Council Fee Waiver Policy and Council Development Application Fee Refund Policy.
s119(9)	<p>5. Application and Provision of Information</p> <p>5.4 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>5.4.4 if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	NIL
s119(10)	<p>5. Application and Provision of Information</p> <p>5.5 The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Section	Item Delegated	Delegate	Conditions and Limitations
		Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
s119(12)	<p>5. Application and Provision of Information</p> <p>5.6 The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	NIL
s119(14)	<p>5. Application and Provision of Information</p> <p>5.7 The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.</p>	Chief Executive Officer (95), Team Leader Statutory Planning (326), Assessment Manager (72)	In accordance with the Development Application Fee Refund Policy.

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s120(1)	<p>6. Outline Consent</p> <p>6.1 The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72), Statutory Planner (462)	In accordance with Practice Direction released by the SPC.
s120(3)	<p>6. Outline Consent</p> <p>6.2 The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:</p> <p>6.2.1 grant any consent contemplated by the outline consent; and</p> <p>6.2.2 not impose a requirement that is inconsistent with the outline consent.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	In accordance with Practice Direction released by the SPC.
s122(1)	<p>7. Referrals to Other Authorities or Agencies</p> <p>7.1 The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to:</p> <p>7.1.1 refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and</p> <p>7.1.2 not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team	Exception: Where a response is not received from the body within the prescribed period it will be presumed, unless the body notifies the relevant authority within that

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Section	Item Delegated	Delegate	Conditions and Limitations
	where the regulations so provide, subject to Section 122 of the PDI Act.	Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72), Statutory Planner (462)	prescribed period that the body requires an extension of time, that the body does not desire to make a response or concurs (as the case requires).
s122(5)(b)	<p>7. Referrals to Other Authorities or Agencies</p> <p>7.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:</p> <p>7.2.1 to refuse the application; or</p> <p>7.2.2 consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body)</p> <p>where the regulations so provide.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Statutory Planner (462)	<p>1. Refusal: Delegate Report for Refusal must be countersigned by Assessment Manager or Team Leader Statutory Planning prior to decision being issued.</p> <p>2. New dwellings outside of townships: Delegate Report must be countersigned by another Statutory Planner prior to decision being issued.</p> <p>3. Licensed premises Delegate Report must be countersigned by another Statutory Planner prior to the decision being issued.</p>
s122(7)	<p>7. Referrals to Other Authorities or Agencies</p> <p>7.3 The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.</p>	Chief Executive Officer (95), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);**

Section	Item Delegated	Delegate	Conditions and Limitations
		(72)	
s122(10)	<p>7. Referrals to Other Authorities or Agencies</p> <p>7.4 The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	Relevant Authority must comply with the request unless it is inconsistent with the Regulations.
s124(1)	<p>8. Proposed Development Involving Creation of Fortifications</p> <p>8.1 The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	NIL
s124(5)	<p>8. Proposed Development Involving Creation of Fortifications</p> <p>8.2 The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:</p> <p>8.2.1 if the proposed development consists only of the creation of fortifications – refuse the application;</p> <p>8.2.2 in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortification.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning	Refusal: Delegate Report for Refusal must be countersigned by Assessment Manager or Team Leader Statutory Planning prior to decision being issued where CAP

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		(326), CAP (Council's Assessment Panel), Assessment Manager (72), Statutory Planner (462)	is not the relevant authority.
s124(6)	<p>8. Proposed Development Involving Creation of Fortifications</p> <p>8.3 The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72), Statutory Planner (462)	NIL
s124(7)	<p>8. Proposed Development Involving Creation of Fortifications</p> <p>8.4 The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act, to apply to the Court to be joined as a party to the appeal.</p>	Chief Executive Officer (95), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72)	NIL
s126(1)	<p>9. Determination of Application</p> <p>9.1 The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);**

Section	Item Delegated	Delegate	Conditions and Limitations
		Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
s126(3)	<p>9. Determination of Application</p> <p>9.2 The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72), Building Officer (463), Statutory Planner	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		(462)	
s127(1)	<p>10. Conditions</p> <p>10.1 The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.</p>	<p>Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72), Building Officer (463), Statutory Planner (462)</p>	NIL
s127(2)(c)	<p>10. Conditions</p> <p>10.2 The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.</p>	<p>Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services</p>	NIL



**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);**

Section	Item Delegated	Delegate	Conditions and Limitations
		(286), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
s128(2)(d)	<p>11. Variation of Authorisation</p> <p>11.1 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	NIL
s133(3)	<p>12. Saving Provisions</p> <p>12.1 The power pursuant to Section 133(3) of the PDI Act to, in order to avoid or reduce hardship, extend the limitation period referred to in Section 133(2) of the PDI Act.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory	Subject to concurrence by the Assessment Manager or Team Leader Statutory

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);**

Section	Item Delegated	Delegate	Conditions and Limitations
		Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Statutory Planner (462)	Planning.
s134(1)	13. Requirement to Up-grade 13.1 The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s134(1)	13. Requirement to Up-grade 13.2 The power pursuant to Section 134(1) of the PDI Act, if: 13.2.1.1 building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or 13.2.1.2 a change of classification of a building; and 13.2.2 the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition, to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s134(2)	13. Requirement to Up-grade 13.3 The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed.	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s134(3)	<p>13. Requirement to Up-grade</p> <p>13.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:</p> <p>13.4.1 subject to Section 134(3)(b) of the PDI Act - on the basis that the relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and</p> <p>13.4.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s134(4)	<p>13. Requirement to Up-grade</p> <p>13.5 The power pursuant to Section 134(4) of the PDI Act if:</p> <p>13.5.1 an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and</p> <p>13.5.2 the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities, to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be).</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s134(5)	<p>13. Requirement to Up-grade</p> <p>13.6 The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:</p> <p>13.6.1 subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority will grant building consent; and</p> <p>13.6.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
s135(2)(d)	<p>14. Urgent Building Work</p> <p>14.1 The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286),	Concurrence of Assessment Manager must be sought before the Direction is issued to reinstate the land or

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);**

Section	Item Delegated	Delegate	Conditions and Limitations
		Building Officer (463)	building as far is practical to the state that existed immediately prior to the commencement of the work.
s143(1)	<p>15. Cancellation of Development Authorisation</p> <p>15.1 The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.</p>	<p>Chief Executive Officer (95), Administration            Building Support Officer (418), Administration            Support Officer (369),            Team Leader            Administration (77),            Building Officer (380),            Building Officer (453),            Building Officer (73),            Development            Administration Support            Officer (76), Development            Services Assistant (Duty            Planner)(265a),            Development Services            Assistant (Duty            Planner)(265b), Senior            Statutory Planner (80),            Statutory Planner (195),            Statutory Planner (215),            Statutory Planner (230),            Statutory Planner (82),            Team Leader Building            Services (286), Team            Leader Statutory Planning            (326), Assessment</p>	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Section	Item Delegated	Delegate	Conditions and Limitations
		Manager (72), Building Officer (463), Statutory Planner (462)	
s143(2)	<p>15. Cancellation of Development Authorisation</p> <p>15.2 The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	NIL
s235(1)	<p>16. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>16.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.</p>	Chief Executive Officer (95), Administration Building Support Officer (418), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel),	Administration Building Support Officer in relation to private certification for Class 10 Buildings only.

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Section	Item Delegated	Delegate	Conditions and Limitations
		Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
s235(2)	<p>16. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>16.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.</p>	Chief Executive Officer (95), Administration Building Support Officer (418), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	Administration Building Support Officer in relation to private certification for Class 10 Buildings only.
cl18(2) sch8	<p>17. Continuation of Processes</p> <p>17.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:</p> <p>17.1.1 adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>17.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p>	Chief Executive Officer (95), Administration Building Support Officer (418), Building Officer (380), Building Officer (453), Building Officer	Administration Building Support Officer in relation to private certification for Class 10 Buildings only.

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);**

Section	Item Delegated	Delegate	Conditions and Limitations
	<p>17.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and</p> <p>17.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>17.1.5 take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.</p>	(73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	

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

Section	Item Delegated	Delegate	Conditions and Limitations
r25(7)(c)	<p>18. Accredited Professionals</p> <p>18.1 The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to form the opinion and be satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services	NIL

Planning, Development and Infrastructure (General) Regulations 2017			
Section	Item Delegated	Delegate	Conditions and Limitations
		(286), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
r31(1)	<p>19. Verification of Application</p> <p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>19.1.1 determine the nature of the development; and</p>	Chief Executive Officer (95), Development Services Assistant (Duty Planner)(265a), Development Services Assistant (Duty Planner)(265b), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	NIL
r31(1)	<p>19. Verification of Application</p> <p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>19.1.2 if the application is for planning consent - determine:</p> <p>19.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and</p>	Chief Executive Officer (95), Development Services Assistant (Duty Planner)(265a), Development Services Assistant (Duty Planner)(265b), Senior	NIL



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

Section	Item Delegated	Delegate	Conditions and Limitations
	19.1.2.2 the category or categories of development that apply for the purposes of development assessment; and	Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	
r31(1)	19. Verification of Application 19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act: 19.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and	Chief Executive Officer (95), Development Services Assistant (Duty Planner)(265a), Development Services Assistant (Duty Planner)(265b), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	NIL
r31(1)	19. Verification of Application 19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act: 19.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application):	Chief Executive Officer (95), Administration Building Support Officer (418), Team Leader Administration (77),	NIL

Planning, Development and Infrastructure (General) Regulations 2017			
Section	Item Delegated	Delegate	Conditions and Limitations
	19.1.4.1 check that the appropriate documents and information have been lodged with the application; and 19.1.4.2 confirm the fees required to be paid at that point under the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019; and 19.1.4.3 provide an appropriate notice via the SA planning portal; and	Building Officer (380), Building Officer (453), Building Officer (73), Development Administration Support Officer (76), Development Services Assistant (Duty Planner)(265a), Development Services Assistant (Duty Planner)(265b), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
r31(1)	19. Verification of Application 19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act: 19.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application): 19.1.5.1 provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and 19.1.5.2 provide an appropriate notice via the SA planning portal.	Chief Executive Officer (95), Administration Building Support Officer (418), Team Leader Administration (77), Building Officer (380), Building Officer (453), Building Officer (73), Development Administration Support	NIL

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

Section	Item Delegated	Delegate	Conditions and Limitations
		Officer (76), Development Services Assistant (Duty Planner)(265a), Development Services Assistant (Duty Planner)(265b), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
r35(3)	20. Amended Applications 20.1 The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72), Statutory Planner (462)	NIL
r35(4)	20. Amended Applications	Chief Executive Officer	

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

Section	Item Delegated	Delegate	Conditions and Limitations
	<p>20.2 The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.</p>	<p>(95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72), Statutory Planner (462)</p>	<p>NIL</p>
r38(1)	<p>21. Withdrawing/Lapsing Applications</p> <p>21.1 The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:</p> <p>21.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and</p> <p>21.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations, of the withdrawal.</p>	<p>Chief Executive Officer (95), Administration Building Support Officer (418), Team Leader Administration (77), Development Administration Support Officer (76), Development Services Assistant (Duty Planner)(265a), Development Services Assistant (Duty Planner)(265b), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), CAP (Council's Assessment</p>	<p>NIL</p>

Planning, Development and Infrastructure (General) Regulations 2017			
Section	Item Delegated	Delegate	Conditions and Limitations
		Panel), Assessment Manager (72), Statutory Planner (462)	
r38(3)	<p>21. Withdrawing/Lapsing Applications</p> <p>21.2 The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations to:</p> <p>21.2.1 take reasonable steps to notify the applicant of the action under consideration; and</p> <p>21.2.2 allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.</p>	<p>Chief Executive Officer (95), Development Services Assistant (Duty Planner)(265a), Development Services Assistant (Duty Planner)(265b), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)</p>	NIL
r40	<p>22. Court Proceedings</p> <p>22.1 The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.</p>	<p>Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader</p>	NIL

Planning, Development and Infrastructure (General) Regulations 2017			
Section	Item Delegated	Delegate	Conditions and Limitations
		Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
r42(1)	<p>23. Additional Information or Amended Plans</p> <p>23.1 The power pursuant to Regulation 42(1) of the General Regulations if the relevant authority has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.</p>	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	NIL
r45(1)	<p>24. Building Matters</p> <p>24.1 The power pursuant to Regulation 45(1) of the General Regulations to, if, in assessing an application for building consent, the delegate considers that:</p> <p>24.1.1 a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p> <p>24.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p> <p>24.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,</p> <p>refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the relevant authority that a referral is not required.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
r45(2)	<p>24. Building Matters</p> <p>24.2 The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire</p>	Chief Executive Officer (95), Building Officer	

Planning, Development and Infrastructure (General) Regulations 2017			
Section	Item Delegated	Delegate	Conditions and Limitations
	authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.	(380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
r45(3)	24. Building Matters 24.3 The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations.	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
r45(4)	24. Building Matters 24.4 The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority: 24.4.1 recommends against the granting of building consent; or 24.4.2 concurs in the granting of consent on conditions specified in its report, but the delegate: 24.4.3 proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or 24.4.4 does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent, to: 24.4.5 refer the application to the Commission; and 24.4.6 not grant consent unless the Commission concurs in the granting of the consent.	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	NIL
r45(5)	24. Building Matters 24.5 The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286),	NIL

Planning, Development and Infrastructure (General) Regulations 2017			
Section	Item Delegated	Delegate	Conditions and Limitations
		Building Officer (463)	
r57(4)(a)	<p>25. Notice of Decision (Section 126(1))</p> <p>25.1 The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.</p>	<p>Chief Executive Officer (95), Administration Building Support Officer (418), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)</p>	<p>Administration Building Support Officer in relation to private certification for Class 10 Buildings only.</p>
r60	<p>26. Consideration of Other Development Authorisations</p> <p>26.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.</p>	<p>Chief Executive Officer (95), Administration Building Support Officer (418), Building Officer (380), Building Officer (453), Building Officer (73), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team</p>	<p>Administration Building Support Officer in relation to private certification for Class 10 Buildings only.</p>



Planning, Development and Infrastructure (General) Regulations 2017			
Section	Item Delegated	Delegate	Conditions and Limitations
		Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
r61(4)(c)	<p>27. Certificate of Independent Technical Expert in Certain Cases</p> <p>27.1 The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Assessment Manager (72), Building Officer (463)	NIL
r63(1)	<p>28. Urgent Work</p> <p>28.1 The power pursuant to Regulation 63(1) of the General Regulations to,</p> <p>28.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and</p> <p>28.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Assessment Manager (72), Building Officer (463)	NIL
r63(2)	<p>28. Urgent Work</p> <p>28.2 The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.</p>	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Assessment Manager	NIL

Planning, Development and Infrastructure (General) Regulations 2017			
Section	Item Delegated	Delegate	Conditions and Limitations
		(72), Building Officer (463)	
r63(3)	28. Urgent Work 28.3 The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.	Chief Executive Officer (95), Development Compliance Officer (211), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), Assessment Manager (72), Statutory Planner (462)	NIL
r65(1)	29. Variation of Authorisation (Section 128) 29.1 The power pursuant to Regulation 65(1) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.	Chief Executive Officer (95), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Statutory Planning (326), CAP (Council's Assessment Panel), Assessment Manager (72), Statutory Planner (462)	Variations of a development authorisation determined by CAP must be reported to CAP prior to being approved unless the variation is minor in nature.
cl4(3) sch8	30. Plans for Building Work 30.1 The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building if: 30.1.1 the applicant is applying for a change in the classification of the building to a classification other than Class	Chief Executive Officer (95), Administration Building Support Officer (418), Building Officer	NIL

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

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	10 under the Building Code; or 30.1.2 the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building, to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.	(380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Building Officer (463)	

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

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r5(1)	31. Calculation or Assessment of Fees 31.1 The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged with the Council under a related set of regulations (including via the SA planning portal): 31.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and 31.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).	Chief Executive Officer (95), Building Officer (380), Building Officer (453), Building Officer (73), Team Leader Building Services (286), Assessment Manager (72), Building Officer (463)	NIL
r5(2)	31. Calculation or Assessment of Fees 31.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.	Chief Executive Officer (95), Administration Building Support Officer (418), Team Leader Administration (77), Building Officer (380), Building Officer (453), Building Officer (73), Development Services Assistant (Duty	NIL

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

Section	Item Delegated	Delegate	Conditions and Limitations
		Planner)(265a), Development Services Assistant (Duty Planner)(265b), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
f5(3)	31. Calculation or Assessment of Fees 31.3 The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.	Chief Executive Officer (95), Administration Building Support Officer (418), Team Leader Administration (77), Building Officer (380), Building Officer (453), Building Officer (73), Development Services Assistant (Duty Planner)(265a), Development Services Assistant (Duty Planner)(265b), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215),	NIL

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

Section	Item Delegated	Delegate	Conditions and Limitations
		Statutory Planner (230), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326), Assessment Manager (72), Building Officer (463), Statutory Planner (462)	
r7	32. Waiver or Refund of Fee 32.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so: 32.1.1 waive the payment of the fee, or the payment of part of the fee; or 32.1.2 refund the whole or a part of the fee.	Chief Executive Officer (95), Team Leader Statutory Planning (326), Assessment Manager (72)	In accordance with Council Fee Waiver Policy and Development Application Fee Refund Policy.

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## **Appendix 36**

*Road Traffic Act 1961, the Road Traffic (Miscellaneous)  
Regulations 2014 and the Road Traffic (Road  
Rules - Ancillary and Miscellaneous Provisions)  
Regulations 2014 (Superseded)*

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**Adelaide Hills Council**

**Delegated Provisions for**

**Instrument of Delegation under the Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 2014 and the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 (Superseded)**

**Change Report**

**21 January 2021**

## Delegation Sources

- Road Traffic (Miscellaneous) Regulations 2014
- Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014
- Road Traffic Act 1961

## Titles

Title	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	
Coordinator Civil Projects (109)	Coordinator Civil Projects (109)	
Director Community Capacity (350)	Director Community Capacity (350)	
Director Development and Regulatory Services (70)	Director Development and Regulatory Services (70)	
Director Infrastructure and Operations (114)	Director Infrastructure and Operations (114)	
Manager Civil Services (402)	Manager Civil Services (402)	
Manager Open Space (409)	Manager Open Space (409)	
Manager Strategic Assets (403)	Manager Strategic Assets (403)	
Manager Sustainability Waste & Emergency Mgmt (93)	Manager Sustainability Waste & Emergency Mgmt (93)	
Project Officer (421)	Project Officer (421)	
Project Officer (422)	Project Officer (422)	
Team Leader Regulatory Services (196)	Team Leader Regulatory Services (196)	
Technical Officer (104)	Technical Officer (104)	



**Delegated Provisions for Instrument of Delegation under the Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 2014 and the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 (Superseded) Showing Changes**

Road Traffic Act 1961			
Section	Item Delegated	Delegate	Conditions and Limitations
s17(1)	1. Installation etc of traffic control devices – general provision 1.1 The power pursuant to Section 17(1) of the Road Traffic Act 1961 ('the Act'), to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), install, maintain, alter or operate, or cause to be installed, maintained, altered or operated, a traffic control device on, above or near a road.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Team Leader Regulatory Services (196), Manager Civil Services (402), Manager Open Space (409), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s17(2)	1. Installation etc of traffic control devices – general provision 1.2 The power pursuant to Section 17(2) of the Act, to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), remove a traffic control device or cause a traffic control device to be removed.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Team Leader Regulatory Services (196), Manager Civil Services (402), Manager Open Space (409), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s17(3)	Installation etc of traffic control devices – general provision	Chief Executive Officer	

**Road Traffic Act 1961**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>1.3 The power pursuant to Section 17(3) of the Act, to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), install, display, alter, operate or remove traffic control devices:</p> <p>1.3.1 in relation to an area where persons are engaged in work or an area affected by works in progress; or</p> <p>1.3.2 in relation to a part of a road temporarily closed to traffic under the Act or any other Act; or</p> <p>1.3.3 for any temporary purposes.</p>	(95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Team Leader Regulatory Services (196), Manager Civil Services (402), Manager Open Space (409), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s17(5)	<p>1. Installation etc of traffic control devices – general provision</p> <p>1.4 The power pursuant to Section 17(5) of the Act to make an application for an approval of the Minister in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and to accompany the application with the fee fixed by, or calculated in accordance with, the regulations.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s18(5)	<p>2. Direction as to installation etc of traffic control devices</p> <p>2.1 The duty pursuant to Section 18(5) of the the Act to carry out a direction which the Minister directs the Council (as a road authority) to carry out pursuant to Section 18(6) of the Act in circumstances where another road authority has failed to comply with the direction.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Team Leader Regulatory Services (196), Manager Civil Services (402), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s18(7)	<p>2. Direction as to installation etc of traffic control devices</p> <p>2.2 The power pursuant to Section 18(7) of the Act where the Minister has directed the Council to carry out a</p>	Chief Executive Officer (95), Director	

## Road Traffic Act 1961

Section	Item Delegated	Delegate	Conditions and Limitations
	direction pursuant to Section 18(6) of the Act, to recover as a debt due from the defaulting road authority any expenses incurred in carrying out the direction under Section 18(6) of the Act, subject to Section 18(8) of the Act.	Development and Regulatory Services (70), Director Infrastructure and Operations (114), Team Leader Regulatory Services (196), Manager Civil Services (402), Manager Sustainability Waste & Emergency Mgmt (93)	
s20(3)	<p>3. Work areas and work sites</p> <p>3.1 The power pursuant to Section 20(3) of the Act to, with a relevant authorisation and in accordance with Part 2 of the Act and any regulations made for the purposes of Part 2 of the Act, place signs on a road for the purpose of indicating a maximum speed to be observed by drivers while driving on, by or towards a work area or work site where workers are engaged, or works are in progress, at the direction of the Council or the Council's delegate.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s20(4)	<p>3. Work areas and work sites</p> <p>3.2 The power pursuant to Section 20(4) of the Act to place speed limit signs on a road:</p> <p>3.2.1 if the Council holds a permit issued by the Minister under Section 20 of the Act (a 'roadworks permit') and the signs are placed on the road in accordance with the permit; or</p> <p>3.2.2 if:</p> <p>3.2.2.1 the work is required to be undertaken by the Council as a matter of urgency; and</p> <p>3.2.2.2 the signs are placed on the road in accordance with an approval of the Minister under Part 2 of the Act; and</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Civil Services (402), Manager Open Space (409), Manager	NIL

**Road Traffic Act 1961**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>3.2.2.3 the Minister is notified of the placement of the signs as soon as is practicable (and, in any case, within two hours after the signs are placed on the road); and</p> <p>3.2.2.4 the signs are placed on the road for a period not exceeding 24 hours or such longer period as may be determined by the Minister on an application under Section 20(9) of the Act; or</p> <p>3.2.3 if:</p> <p>3.2.3.1 the signs will not relate to any prescribed roads; and</p> <p>3.2.3.2 the signs are placed on the road in accordance with an approval of the Minister under Part 2 of the Act.</p>	Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93)	
s20(6)	<p>3. Work areas and work sites</p> <p>3.3 The power pursuant to Section 20(6) of the Act to make an application for a roadworks permit in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and to accompany the application with the fee fixed by, or calculated in accordance with, the regulations.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93)	NIL
s20(9)	<p>3. Work areas and work sites</p> <p>3.4 The power pursuant to Section 20(9) of the Act to make an application to the Minister for an extension of the 24 hour period referred to in Section 20(4)(b)(v) of the Act:</p> <p>3.4.1 by telephone or any other manner prescribed by the regulations; and</p> <p>3.4.2 at least three hours before the end of that 24 hour period (unless the Minister is satisfied that there were good reasons for a delay in making the application).</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency	NIL

Road Traffic Act 1961			
Section	Item Delegated	Delegate	Conditions and Limitations
		Mgmt (93)	
s20A(1)	<p>4. Appeal to District Court</p> <p>4.1 The power pursuant to Section 20A(1) of the Act, if the Council having applied for an approval of the Minister under Section 17 of the Act or for a roadworks permit under Section 20 of the Act, is dissatisfied with a decision of the Minister in relation to the application, or in relation to an approval or permit granted as a result of the application, to appeal to the District Court against the decision.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s31(2)	<p>5. Action to deal with false devices or hazards to traffic</p> <p>5.1 The power pursuant to Section 31(2) of the Act to remove from any road the care, control or management of which is vested in the Council and dispose of any false traffic control device or any device, structure or thing that the Delegate is satisfied might constitute a hazard to traffic.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Team Leader Regulatory Services (196), Manager Strategic Assets (403), Manager Sustainability Waste & Emergency Mgmt (93), Technical Officer (104)	NIL
s33(2)	<p>6. Road Closing and Exemptions for Certain Events</p> <p>6.1 The power pursuant to Section 33(2) of the Act, to consent to an order under Section 33(1) of the Act to close a road in the Council's area.</p>	Chief Executive Officer (95)	NIL
s40P(3)	<p>7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed</p> <p>7.1 The duty pursuant to Section 40P(3) of the Act and subject to Section 40P(4) to offer a vehicle, which was removed by an officer of the Council under Section 40N of the Act and for which there had been notice given according to Section 40P(2) of the Act and the owner of the vehicle failed to take possession of the vehicle and pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice, within one month after service or publication of the notice in accordance with Section 40P(2) of the Act, for sale by public auction.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL

## Road Traffic Act 1961

Section	Item Delegated	Delegate	Conditions and Limitations
s40P(4)	<p>7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed</p> <p>7.2 The power pursuant to Section 40P(4) of the Act, where a vehicle is offered for sale by public auction but is not sold at the auction or the relevant authority reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle, to dispose of the vehicle in such manner as the Delegate thinks fit.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
S40P(5)	<p>7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed</p> <p>7.3 The duty pursuant to Section 40P(5) of the Act to apply the proceeds of the sale of a vehicle as follows:</p> <p>7.3.1 firstly, in payment of the costs of and incidental to the sale;</p> <p>7.3.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under this section; and</p> <p>7.3.3 thirdly, in payment of the balance to the owner of the vehicle.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s40P(6)	<p>7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed</p> <p>7.4 The power pursuant to Section 40P(6) of the Act, if after reasonable inquiry following sale of the vehicle the owner of the vehicle cannot be found, to pay the balance of the proceeds of the sale to the Council.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s86	<p>8. Council May Determine That Ticket for Parking be Obtained Without Fee</p> <p>8.1 The power pursuant to Section 86 of the Act, if the Council has installed, or determined that it will install, permissive parking signs to apply to a length of road or area, to (in addition to any other action the Council may be empowered to take by or under the Act):</p> <p>8.1.1 determine that a ticket must be obtained for parking in the length of road or the area through the operation of parking ticket-vending machines installed or to be installed in or near the length of road or area without payment of a fee; or</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Team Leader Regulatory	NIL

**Road Traffic Act 1961**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	8.1.2 vary or revoke a determination made under Section 86 of the Act.	Services (196), Manager Sustainability Waste & Emergency Mgmt (93)	
s163ZC(2)	9. Compensation Orders for Damage to Road Infrastructure The power, pursuant to Section 163ZC(2) of the Act and in accordance with Section 163ZC(5) of the Act to make an application for a compensation order.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s163ZD(2)	10. Assessment of Compensation 10.1 The power pursuant to Section 163ZD(2) of the Act and in accordance with Section 163ZE of the Act to use in proceedings for the court to take into account in assessing the amount of any compensation:  10.1.1 any evidence not adduced in connection with the prosecution of the offence but adduced in connection with the making of the proposed order; and  10.1.2 any certificate of the Council, as the road authority stating that the Council maintains the road concerned; and  10.1.3 any other certificate of the Council as the road authority, such as a certificate:  10.1.3.1 estimating the monetary value of all or any part of the road infrastructure or of the damage to it; or  10.1.3.2 estimating the cost of remedying the damage; or  10.1.3.3 estimating the extent of the offender's contribution to the damage.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL
s163ZE(1)	11. Service of Certificates 11.1 The duty, pursuant to Section 163ZE(1) of the Act, if the Council, as the road authority, proposes to use a certificate referred to in Section 163ZD in proceedings, to serve a copy of the certificate on the defendant at least 28 working days before the day on which the matter is set down for hearing.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure	NIL

**Road Traffic Act 1961**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		and Operations (114)	
s174C(1)	12. Exemptions 12.1 The power pursuant to Section 174C(1) of the Act to exempt any person, or any persons of specified class, or any specified vehicle, or any vehicles of a specified class, from compliance with a prescribed provision of the Act, subject to the payment of such fee and to such other conditions (if any) as the Delegate thinks fit and specifies in the exemption.	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL

**Road Traffic (Miscellaneous) Regulations 2014**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r6(2)	13. Event Management Plan 13.1 The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with an applicant in the preparation of an event management plan for the purpose of Section 33(1) of the Act.	Chief Executive Officer (95), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Team Leader Regulatory Services (196), Coordinator Civil Projects (109), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Project Officer (421), Project Officer (422), Technical Officer (104)	NIL



**Road Traffic (Miscellaneous) Regulations 2014**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r6(2)	<p>13. Event Management Plan</p> <p>13.2 The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with the Commissioner of Police or the Commissioner of Highways in the preparation of an event management plan for the purpose of Section 33(1) of the Act.</p>	Chief Executive Officer (95), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Team Leader Regulatory Services (196), Coordinator Civil Projects (109), Manager Civil Services (402), Manager Open Space (409), Manager Strategic Assets (403), Project Officer (421), Project Officer (422), Technical Officer (104)	NIL

**Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r17(2)	<p>14. Permit Zones</p> <p>14.1 The power pursuant to Regulation 17(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to determine –</p> <p>14.1.1 the class of permits required for vehicles to stop in a permit zone established by the Council;</p> <p>14.1.2 the persons entitled to such permits;</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Team Leader Regulatory Services (196)	NIL

**Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014**

<b>Section</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>14.1.3 any fees to be paid for such permits;</p> <p>14.1.4 the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles). and to vary any such determination.</p>		
r17(3)	<p>14. Permit Zones</p> <p>14.2 The power pursuant to Regulation 17(3) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to issue permits in respect of permit zones to persons entitled to them, on payment of a fee (if any) and subject to the conditions, determined by the Delegate.</p>	Chief Executive Officer (95), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114), Team Leader Regulatory Services (196)	NIL
r22(2)	<p>15. Parking and Parking Ticket-Vending Machines or Parking Meters</p> <p>15.1 The power pursuant to Regulation 22(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 if the Council has installed or determined that it will install permissive parking signs to apply to a length of road or an area, to determine fees that will be payable for parking in the length of road or the area by the operation of parking ticket-vending machines or parking meters, installed or to be installed in or near the length of road or area, and the power to vary such fees.</p>	Chief Executive Officer (95)	NIL

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## **Appendix 37**

*Road Traffic Act 1961 - General Approval Instrument of  
Authorisation*

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## **Adelaide Hills Council**

### **Instrument of authorisation**

1. The Minister for Transport and Infrastructure granted:
  - (a) approvals to the Council for the purposes of specific powers under sections 17 and 20 of the *Road Traffic Act 1961*; and
  - (b) appointed the Council as the Minister's delegate in respect of specific powers under sections 17 and 33(1) of the Road Traffic Act,by the Instrument of General Approval and Delegation (dated 22 August 2013) **(General Approval)**.
2. Pursuant to the General Approval, the Council authorises the employees of the Council named in the attached table to exercise the powers under sections 17 and 20 of the Road Traffic Act conferred on or delegated to the Council by the General Approval subject to the conditions set out in the General Approval and any additional conditions noted in the table with respect to the exercise of the power.

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Signature of the Chief Executive Officer

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Name of the Chief Executive Officer

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Date

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Wednesday 27 January 2021  
AGENDA BUSINESS ITEM**

**Item:** 12.6

**Responsible Officer:** Lachlan Miller  
Executive Manager Governance and Performance  
Office of the Chief Executive

**Subject:** Council Resolutions Update including 2 year update to  
outstanding resolutions

**For:** Decision

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**SUMMARY**

The Action List is updated each month by the responsible officer and outlines actions taken on resolutions passed at Council meetings. In some cases actions can take months or years to be completed due to the complexity and/or the level of influence Council has in the matter.

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**

**Council resolves:**

1. That the report be received and noted
2. The following completed items be removed from the Action List:

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
24/11/2020	Ordinary Council	265/20	Road Resurfacing Albert Street Gumeracha (PLEC project)	None declared
24/11/2020	Ordinary Council	267/20	Road Exchange Pomona Road Stirling	None declared
24/11/2020	Ordinary Council	282/20	Policy Review - Cemetery Operating Policy	None declared
15/12/2020	Ordinary Council	294/20	MON Council Boundary Reform Legislative Provisions	None declared
15/12/2020	Ordinary Council	297/20	Submission Revised Draft Planning & Design Code	None declared
15/12/2020	Ordinary Council	298/20	Adoption of the Crafers Village Design Guidelines	None declared
15/12/2020	Ordinary Council	299/20	Declaration of Public Roads - Houghton & Aldgate	None declared
15/12/2020	Ordinary Council	301/20	Appointment of Independent Members of CAP	None declared
15/12/2020	Ordinary Council	303/20	Strategic Internal Audit Plan Update	None declared
24/11/2020	Ordinary Council	265/20	Road Resurfacing Albert Street Gumeracha (PLEC project)	None declared
24/11/2020	Ordinary Council	267/20	Road Exchange Pomona Road Stirling	None declared
24/11/2020	Ordinary Council	282/20	Policy Review - Cemetery Operating Policy	None declared
15/12/2020	Ordinary Council	294/20	MON Council Boundary Reform Legislative Provisions	None declared
15/12/2020	Ordinary Council	297/20	Submission Revised Draft Planning & Design Code	None declared
15/12/2020	Ordinary Council	298/20	Adoption of the Crafers Village Design Guidelines	None declared

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

*Strategic Plan 2020-24 – A brighter future*

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

### ➤ Sustainability Implications

Not applicable

### ➤ Engagement/Consultation conducted in the development of the report

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.

## **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



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**Appendix 1**  
*Action List*

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Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
22/03/2016	Ordinary Council	69/16	Land Acquisition Colonial Drive Norton Summit	None declared	Negotiate with the Anglican Church and CFS regarding the proposed boundary realignment and the preparation of preliminary plans	Terry Crackett	In Progress	Final plans and valuation are being considered by the Anglican Church State Diocese and upon confirmation from them a report will be presented to Council for consideration. Council staff met with the State Diocese to discuss the matter and work through some of their queries. It is now in the hands of the State Diocese to present a formal position to Council for consideration. The Norton Summit Church has advised that the State Diocese has consented to progress the matter and Council is awaiting contact from them to progress.
26/04/2016	Ordinary Council	83/16	Croft & Harris Road Precinct, Lenswood	None declared	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	Director Infrastructure & Operations is now representing AHC on a Project Steering Group to assist in development of the ForestrySA Cudlee Creek Forest Trails Fire Recovery Strategy. First meeting occurred in May which incorporated visioning exercise and SWOT Analysis with a broad range of stakeholders  Public Feedback currently being sought on the draft Cudlee Creek Forest Trails Fire Recovery Strategy
24/01/2017	Ordinary Council	7/17	Cromer Cemetery Revocation of Community Land	None declared	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	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. DEW advised on 4/12/18 that there are some impediments to the progression of the proposed boundary realignment due to the mining operations on the adjacent land, which are being negotiated with the Dept for Mining. Advice is that these negotiations could take considerable time (2yrs). In the interim, consideration will be given to the granting of a right of way to ensure that the cemetery has legal access. DEW staff member dealing with this matter has left DEW so there may be an extended delay whilst it is reallocated and assessed. DEW awaiting finalisation of negotiations with Dept for Mining

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
28/08/2018	Ordinary Council	200/18	Proposal to enter 11 AHC Reserves into Heritage Agreements 2018	None declared	<p>1. That the report be received and noted.</p> <p>2. That the Biodiversity Officer be authorised to enter: Doris Coulls Reserve, 152 Old Mt Barker Road, Aldgate Heathfield Waste Facility, 32 Scott Creed Road, Heathfield Kiley Reserve, 15 Kiley Road, Aldgate Shanks Reserve, 1 Shanks Road, Aldgate Stock Reserve, Stock Road, Mylor Leslie Creek Reserve, Leslie Creek Road, Mylor Mi Mi Reserve, 125 Aldgate Valley Road, Mylor Aldgate Valley 2 Reserve, 114 Aldgate Valley Road, Mylor Kyle Road Nature Reserve, Kyle Road, Mylor Carey Gully Water Reserve, Deviation Road, Carey Gully Heathfield Stone Reserve, 215 Longwood Road, Heathfield Mylor Parklands, Mylor all being of significant biodiversity value, into Heritage Agreements.</p> <p>3. That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves.</p>	Peter Bice	In Progress	<p>Heritage Agreement applications lodged for and still in progress:</p> <ul style="list-style-type: none"> <li>• Mylor Parklands</li> <li>• Heathfield Waste Facility</li> </ul> <p>Heritage Agreement have been registered over:</p> <ul style="list-style-type: none"> <li>• Kiley Reserve</li> <li>• Shanks Reserve</li> <li>• Kyle Road Nature Reserve,</li> <li>• Leslie Creek Reserve</li> <li>• Aldgate Valley 2 Reserve</li> <li>• Doris Coulls Reserve</li> </ul>
28/08/2018	Ordinary Council	203/18	Community Wastewater Management Systems Review - Update and Consultation Outcomes	Cr Andrew Stratford (Material), Cr Linda Green (Material), Cr Malcolm Herrmann (Material)	<p>The report be received and noted. The CEO undertakes a request for tender process for the divestment of Council's CWMS assets to inform Council's decision to sell or retain these assets. The resolution to undertake a request for tender process is subject to there being no matters of material impact identified through further due diligence and request for tender preparation activities, as determined by the CEO. Subject to Council resolving to proceed to a request for tender for the divestment of Council's CWMS assets, the CEO be delegated to prepare and approve an evaluation plan for the purposes of assessing responses received including but not limited to the following criteria: CWMS customer pricing and fees, Sale price for CWMS assets, Respondents financial capacity, Respondents operational capacity and capability, Network investment and expansion. That ongoing analysis be undertaken on continued Council ownership of CWMS assets for request for tender comparison purposes to inform future decision making. The Prudential Review Report and the Probity Report be received and noted. The Council acknowledges that whilst S48 of the Local Government Act 1999 does not require a prudential review to be undertaken, the report in relation to this project is consistent with the provisions of S48. The Administration is to continue to work collaboratively with the City of Onkaparinga and Rural City of Murray Bridge for the potential divestment of Council's CWMS. That probity advisory services continue to be maintained throughout the CWMS review process. That a further report be provided to Council detailing the outcomes of the second stage request for tender and evaluation process with recommended next steps.</p>	Peter Bice	In Progress	<p>Council Report (Confidential) proposed for January 2021 Council Meeting.</p> <p>The Registration of Interest was launched on 8/9/2020 to the market. Following this process a report is anticipated to be brought to Council in December 2020 regarding next step options and a decision to proceed or otherwise to further stages.</p> <p>The Expression of Interest process has been delayed in consideration of Covid-19 impacts. In collaboration with project partners currently progressing with preparation of request for expression of interest tender process and documentation. Council staff continue to work with project partners towards request for tender release forecast to be in July 2020.</p> <p>Commercial advisory services have been engaged to ensure the approach to market is undertaken in such a manner to maximise return.</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
11/09/2018	Special Council	229/18	Road Exchange McBeath Drive, Skye Horsnell Gully	None declared	<p>In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, as regards the land within the Adelaide Hills Council area, enter into an Agreement for Exchange with Boral Resources (SA) Ltd and issue a Road Process Order to open as road portions of Section 906 Hundred of Adelaide numbered "1", "2" and "3" on Preliminary Plan No. 17/0066 (Appendix 1) and in exchange to close portions of McBeath Drive marked "A", "B", "C" and "D" on Preliminary Plan No. 17/0066, subject to the following: Boral Resources (SA) Ltd agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs; Boral Resources (SA) Ltd agreeing to pay all costs associated with a Council boundary adjustment between Adelaide Hills Council and the City of Burnside to rectify the resulting Council boundary anomaly from the road exchange process</p> <p>The closed road is excluded as Community Land pursuant to the <i>Local Government Act 1999</i>.</p> <p>Council approves the sale of the differential between the total area of closed road and the total area of opened road of approximately 1,242m<sup>2</sup> to Boral Resources (SA) Ltd for the amount of \$6,210 as determined by an independent valuation.</p> <p>Subject to the successful completion of the road exchange process, Council undertakes a process in conjunction with the City of Burnside to realign the local government boundary along the new location of McBeath Drive to the south side of pieces 42, 52 and 62 of the proposed residential allotments in accordance with the provisions of the Local Government (Boundary Adjustment) Amendment Act 2017 (to commence on 1 January 2019) and/or Part 2 of Chapter 3 of the Local</p>	Terry Crackett	In Progress	Road exchange documentation has been executed and provided to Boral for lodgement with the Surveyor-General. Submission has been prepared and lodged with the Boundaries Commission jointly on behalf of the City of Burnside and Adelaide Hills Council. The Boundaries Commission has agreed to investigate the proposal and that process is underway. Further feedback has been provided to the Boundaries Commission to progress. Boral are negotiating a Land Management Agreement with the State Government which has delayed the completion of the land division and road exchange. Awaiting advice that land division has been completed so that the boundary realignment can occur
11/09/2018	Special Council	232/18	Revocation of Community Land – Bridgewater Retirement Village	None declared	<p>To commence a process to revoke the Community Land classification of the land located on the corner of Mt Barker Road and Second Avenue Bridgewater known as 511 Mt Barker Road Bridgewater contained in Certificate of Title Volume 5488 Folio 788 (Land) on which a portion of the Bridgewater Retirement Village is located by: Preparing a report as required under section 194(2)(a) of the Local Government Act 1999 and making it publicly available. Undertaking consultation in accordance with its Public Consultation Policy as required under section 194(2)(b) of the Local Government Act 1999.</p> <p>To commence a process to vary the charitable trust affecting the Land by investigating land parcels owned by the Adelaide Hills Council, including Carripook Park, Candlebark Reserve and Vincent Playground Reserve, that may be suitable for the development of a landscaped garden for the benefit of the community and for the construction of a memorial to the Ash Wednesday Bushfires of 1983 as contemplated by the charitable trust over the Land and invite community suggestions and feedback in relation to any appropriate land parcels.</p> <p>To approve a budget allocation in the amount of \$10,000 for legal expenses for the preparation of an Application to the Supreme Court to vary the charitable trust.</p> <p>That a further report be presented to Council for consideration after community consultation and further investigations have been completed</p>	Terry Crackett	In Progress	<p>Initial consultation to identify possible locations for the establishment of a garden and memorial concluded on 28 January 2019 with only one submission received being a suggestion from the Retirement Village residents to investigate Carripook Park as their preferred option.</p> <p>Council, at the meeting of 27 August 2019, approved Carripook Park as the location to vary the trust to. Community consultation is open and runs until 20th December 2020.</p> <p>The Attorney-General has provided in-principle support to the proposal so a design for the landscaped garden and bushfire memorial at Carripook Park will be prepared for submission to the Supreme Court.</p>
11/09/2018	Special Council	238/18	Ashton Landfill – Confidential Item	None declared	<p>Until 10 September 2019.</p> <p>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.</p> <p>Refer to confidential minute</p>	Peter Bice	In Progress	Matter continues to be progressed. Further update will be provided when a material change occurs.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
26/03/2019	Ordinary Council	70/19	Aboriginal Place Naming	Nil	That advice on the potential for Aboriginal place naming be sought from the Reconciliation Working Group, including a proposed approach for progressive implementation	David Waters	In Progress	This matter has been worked through with the Reconciliation Working Group and is likely to be an ongoing topic of discussion. The Group is at this stage advising the Council to focus on some 'easy wins' with places like Uraidla, Gumeracha and Cudlee Creek, whose names are anglicised versions of traditional Aboriginal names, to start building awareness in community. The Administration is continuing to work with the Group on how this should be done in practice. This will also be incorporated in the Innovate Reconciliation Action Plan
26/03/2019	Ordinary Council	77/19	Randell's Cottages, Beavis Court, Gumeracha	None declared	That, acknowledging that a land division in Watershed (Primary Production) is non-complying, an initial approach be made to the State Commission Assessment Panel to determine the possibility of a land division to create a separate allotment for the potentially local heritage listed building located at 1 Beavis Court, Gumeracha known as Randell's Cottages being supported. That subject to the response from the State Commission Assessment Panel, a Development Application be lodged for a non-complying land division. That, if a land division is not supported, an expression of interest (EOI) process be undertaken in respect of the local heritage listed building located at 1 Beavis Court, Gumeracha known as Randell's Cottages to determine any interest in restoring the building for tourism or other purpose (other than long term residential) under a long term lease arrangement. That the CEO be delegated to prepare the necessary documentation to undertake the EOI. That a report be presented to Council following the EOI detailing the results of that process and providing further options.	Terry Crackett	Not Started	The land sits within the Environmental Food Protection Area and proposed use is not supported. An application will be made to DPTI for a review once the Minister announces the review, likely to be in mid 2020. Subject to a removal of the land from the EFPA, a development application will then be lodged for the division of the cottages (noting that it will be a non-complying development). Note that the implementation of the new legislation has been deferred.
26/03/2019	Ordinary Council	78/19	Scott Creek Cemetery Reserve Fund	None declared	That the reserve funds held in relation to the Scott Creek Cemetery be expended to achieve the following outcomes: Marking of unmarked graves with a small and simple identification piece detailing the name and date of death of the deceased; Installation of a single plaque with the names of the deceased who are buried in unmarked graves where the exact location of the graves is unknown; Renewal of existing gravel driveways; and Creation/extension of driveways to facilitate expansion of the cemetery	Terry Crackett	In Progress	Investigations as to options for marking of graves has commenced and once collated will be finalised for installation. Council staff have met with the Scott Creek Progress Association Committee to progress. Construction of concrete plinths is progressing and plaques will be finalised for installation. A fenced area is proposed for the unmarked grave area. Works for driveway upgrade will be scheduled this financial year. Works will be undertaken upon recruitment of cemetery maintenance team member

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
7/05/2019	Special Council	94/19	Stonehenge Reserve Masterplan Update and Findings from Consultation	None declared	That the report be received and noted.To not proceed with any of the masterplanning options at Stonehenge Reserve at this point in time.To proceed with resurfacing works at both the Stonehenge Reserve and Heathfield sites.To delegate to the CEO to seek variations and finalise arrangements to the grant funding agreements with the Office for Recreation, Sport & Racing, and Tennis SA that allow new court construction at alternative sites. The CEO to report back to Council on those finalised arrangements.To notify those who have registered through the Stonehenge Reserve Project's engagement site of the outcome of the consultation and this report.	Peter Bice	In Progress	<p>As per the original grant agreement, resurfacing works at the Heathfield (Council owned) site have been completed. Works to the existing courts at the Stonehenge site will commence shortly.</p> <p>Council staff are in the process of submitting a formal variation to the grant funding agreement with the ORSR that will allow the third component of the project (works originally intended for the creation of new courts at the Stonehenge site) to be undertaken at the Heathfield High School site instead.</p> <p>Over the past few months Council staff have been working with staff from Heathfield High School and the Department for Education to facilitate an agreement that will allow these works to occur.</p> <p>Project scoping and preparation for a tender process has begun. Works funded by the ORSR grant funding will include the extension and reconstruction</p>
7/05/2019	Special Council	104/19	Unsolicited Approach to Purchase Community Land – Period of Confidentiality	None declared	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 matter is further presented to Council for a decision, but not longer than 12 months.	Terry Crackett	In Progress	Matter not requiring action at this time.
25/06/2019	Ordinary Council	173/19	Library Services Review	None declared	That the report be received and noted.That the Administration proceed with the replacement of the mobile library as per the provision in the 2018-19 Capital Works Budget and the Long Term Financial Plan as budgeted for in the 2018/19 Annual Business Plan, with the Council noting that the budget will need to be carried forward into 2019-20.That a Library Services Strategy be developed during 2019-20.That Council consults with the community on any changes to operating hours and services.	David Waters	In Progress	<p>Tenders for Mobile Library received. The procurement process was suspended pending a review of the effectiveness of alternative service delivery models resulting from the Covid-19 pandemic restrictions and higher than expected tender prices. Matter under review and to be brought back to Council for consideration.</p> <p>Strategic Plan presented at a Council Workshop 10 November 2020 for feedback and further consideration before return to Council.</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
23/07/2019	Ordinary Council	188/19	LED Street Lighting Upgrade	None declared	That the report be received and noted.To approve an increase of \$365k in Council's 2019/20 capital budget to commence the transition of 900 P – category public streetlights to LED with the funding source to be recommended to Council at its next budget review.That Council engage SAPN to commence the changeover of P-Category lights to LED public lighting on Council roads and that authority is given to the CEO to finalise a contract with SAPN and sign that agreement.That Council enter into a PLC tariff agreement for public lighting with SAPN until 30 June 2020 and subsequently move to the tariff set by the Australian Energy Regulator from July 2020.That Council continues to liaise with SAPN and DPTI on the changeover of Council public lighting on roads under the care and control of the State Government.That a further report be provided to Council on the outcome of the continued discussions with SAPN and DPTI.	Peter Bice	In Progress	<p>The Public Lighting Working Group has established a sub-group to work with DIT on the transition of V Category lights on state maintained roads.</p> <p>V Category lights identified and process to update on Council roads being developed.</p> <p>A new customer portal has been developed by SAPN and this will assist in light ownership and validation of V-Category (road category lighting from the Aust Standards) lighting owned by Council.DPTI request for all new lights to be V3 or V4 standard for DPTI roads. Council is also reviewing V category lighting on Council roads to determine the appropriate LED options and costs.Meeting with DPTI and SAPN undertaken to discuss main road requirements. Assessment of requirements being investigated.Phase One roll-out of P Category street lights on Council roads has been completed.SAPN Letter of Offer accepted.Hardware supplier agreed and</p>
27/08/2019	Ordinary Council	223/19	Review of Primary Production Incentive Grant Funding	None declared	<p>1. That the report be received and noted.</p> <p>2. That the Primary Production Incentive Grant be discontinued and the balance of the funds be redirected to community education on rural land management issues and European Wasp control for the benefit of the primary production sector.</p>	Marc Salver	In Progress	The successful tenderer has been formally engaged to undertake the work which will commence in February.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
17/09/2019	Special Council	239/19	Circular Procurement Pilot Project	None declared	Council resolves: That the report be received and noted. To approve participation in the Circular Procurement Pilot Project. That the Chief Executive Officer be authorised to execute the Memorandum of Understanding as contained in Appendix 1 of this report. That the Council endorses, in principle, the following targets: subject to the procurement needs and requirements of Council in 2020/21 purchasing recycled plastic products or materials equivalent to 10% of the weight of plastic collected within the Council area, which is equivalent to approximately 25 tonnes based on 2017/18 data. subject to the procurement needs and requirements of Council, commencing in 2021/22 Council will incrementally increase its purchasing of recycled plastic products or materials thereafter until it is equivalent to 50% of the weight of plastic collected within the Council area, which is equivalent to 124 tonnes based on 2017/18 data. That a report be provided to Council in early 2021/22 providing an update on the Council's participation in the Circular Procurement Pilot Project for the period 2020/21.	Peter Bice	In Progress	<p>The Circular Procurement Project is now underway, and the Memorandum of Understanding has been executed.</p> <p>Amendments to Council's procurement processes has been completed to provide effect to Council's participation in the Circular Procurement trial.</p> <p>Staff training in the Circular Procurement Project has been undertaken.</p> <p>Recording of goods purchased with recycled content has commenced including bin surrounds, wheelie bins, office paper, fence posts and road construction materials.</p> <p>To date council has purchased 3446 tonnes of recycled product including predominantly recycled road base and other items such as wheelie bins, bollards, picket fence panels and steel rails.</p> <p>Training is ongoing as required, staff</p>
24/09/2019	Ordinary Council	252/19	Kenton Valley War Memorial Park	None declared	That the report be received and noted That no further action be taken at this time to progress the revocation of community land classification for the land located at the intersection of Kenton Valley and Burfords Hill Roads known as the Kenton Valley War Memorial Park, being Allotment 64 in Filed Plan No. 155479 contained in Certificate of Title Volume 5718 Folio 775 ("Land") That Council staff provide assistance to the proposed community group to form plans for the use and maintenance of the Land within existing budget and resources, including assistance to identify grant opportunities that may be available to the group A review be undertaken with the community working group in 12 months and an update report be provided to Council by 31 December 2020.	Terry Crackett	In Progress	<p>The park was impacted by the Cudlee Creek Bushfire.</p> <p>The community group remains active in looking at opportunities to improve the park and a new sign is due to be installed.</p>



Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
22/10/2019	Ordinary Council	249/19	Crown Land Review	None declared	<p>That the report be received and notedThat Council commence a community land revocation process in relation to the following land:</p> <p>CR 5752/186, Lot 32 Fullgrave Road, CrafersCR 5753/725, Section 1609 Illert Road, Mylor CR 5753/729, Section 1657 Scott Creek Road, Scott CreekCR 5753/741, Sections 53 and 54 Sandy Waterhole Road, WoodsideCR 5753/742, Section 547 Schuberts Road, LobethalCR 5753/744, Section 553 Pedare Park Road, WoodsideCR 5753/745, Section 556 Tiers Road, WoodsideCR 5753/746, Section 565 Old Carey Gully Road, StirlingCR 5753/751, Section 489 Chapman Road, InglewoodCR 5753/754, Section 511 North East Road, Inglewood CR 5753/758, Section 262 Reserve Road, ForrestonCR 5763/631, Section 1591 Silver Road, BridgewaterCR 5763/634, Section 71 Magarey Road, Mount TorrensCR 5763/635, Section 72 Magarey Road, Mount TorrensCR 5763/636, Section 84 Forreston Road, ForrestonCR 6142/329, Lot 501 Greenhill Road, BalhannahCR 5926/487, Lot 20 Bell Springs Road, CharlestonCR 5753/718, Section 1544 Reserve Terrace, AldgateCR 5753/753, Section 495 off Kersbrook Road, Kersbrook Community consultation be undertaken in accordance with the Council's Public Consultation Policy. A further report be presented to Council following completion of the community consultation process.</p>	Terry Crackett	In Progress	Consultation has closed with a report to be presented to Council in March 2021
26/11/2019	Ordinary Council	277/19	MON Water Usage from Bores	None declared	<p>1. That the CEO investigates any circumstances where Council provides water to or receives water from a person/organisation.</p> <p>2. Following the investigation, a report detailing, among other things, any contractual arrangements, costs, risks and liabilities, be provided to Council by 30 April 2020</p>	Terry Crackett	In Progress	Investigations as to various arrangements is being undertaken with a report being presented to Council early in 2021
17/12/2019	Ordinary Council	314/19	Road Exchange Montacute Road Montacute	None declared	<p>1. That the report be received and noted</p> <p>2. To execute under seal a Deed of Assignment of Rights to Occupation to bring land identified as proposed Allotment 11 in DP 72622 under the <i>Real Property Act 1886</i></p> <p>3. To, in conjunction with Giuseppe Meccariello, Filomena Sanche, Vincenzo Meccariello and Telstra Corporation Ltd, undertake the road widening process in accordance with the plan attached as Appendix 2, to vest allotments 12 and 14 as public road for nil consideration</p> <p>4. The road to be closed as identified as "A" in Preliminary Plan 05/0056 be excluded as Community Land pursuant to the Local Government Act 1999</p> <p>5. To authorise the Chief Executive Officer and Mayor to finalise and sign all documentation, including under seal if necessary, to give effect to this resolution.</p>	Terry Crackett	In Progress	<p>Council has executed documents to support a process to bring land under the provisions of the Real Property Act 1886.</p> <p>Awaiting completion of that process before the road exchange can progress.</p>
28/01/2020	Ordinary Council	11/20	Revocation of Community Land - Bridgewater Retirement Village	None declared	<p>That the report be received and notedSubject to the Supreme Court issuing an order granting approval for a trust variation scheme, a report be prepared and submitted to the Minister for Planning seeking approval to revoke the community land classification of Allotment 220 in Filed Plan No. 8131 known as 511 Mount Barker Road Bridgewater.The Mayor and CEO be authorised to sign all necessary documentation to give effect to this resolution.</p>	Terry Crackett	In Progress	<p>Application to the Minister for Planning will be made once the trust variation scheme has been approved by the Supreme Court. Currently awaiting feedback from the Attorney-General.</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
26/05/2020	Ordinary Council	93/20	Support for Road Closures - 2020 Shannons Adelaide Rally & 2020 Gorge Rallysprint	Cr Chris Grant - Perceived	That the report be received and noted. That, in relation to the 2020 Shannons Adelaide Rally and 2020 Gorge Rallysprint, Council supports the event contingent on the organisers, to the satisfaction of the Chief Executive Officer: Providing evidence of satisfactory insurance to cover any damage to third party property caused by the event Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event Providing confirmation that the affected business owners are aware of the road closures Providing written confirmation that the concerns raised by affected residents have been adequately addressed and that arrangements for egress and regress for those properties can be managed within the event where possible Written confirmation from the organisers that they will erect advance notice of road closures on the affected roads, at least three weeks prior to the event. That subject to the requirements of item 2. being undertaken, Council provides consent for road closure orders in relation to the two events, to be held on Sunday 13 September and between Wednesday 25 and Saturday 28 November as follows: Refer to Minutes 4. That the Council confirms that the Chief Executive Officer may use existing powers under delegation to consider, and determine whether or not to provide consent to, any proposals for minor changes to the road closures in the lead up to the event. 5. That organisers of the 2020 Shannons Adelaide Rally be required to attend a Council workshop by February 2021 to provide feedback on the 2020 event and allow elected members the opportunity to ask questions in relation to the event.	David Waters	In Progress	The Shannons Adelaide Rally has been postponed from 25-28 November 2020 to new dates from 24 - 27 March 2021.  Evidence of all requirements will be sought prior to the event in line with the resolution. The event organiser is attending a workshop in February 2021.
23/06/2020	Ordinary Council	105/20	Community & Recreation Facility Framework Project Update	None declared	That the report be received and noted That Council endorses the Community & Recreation Facilities Framework - Community Consultation Implementation Plan, contained in <i>Appendix 1</i> .	Peter Bice	In Progress	The CRFFIWG members will continue to progress & develop models, service levels & policy positions, which will be presented to a Council Member workshop in early 2021. In addition, CRFFIWG members & staff recently held a targeted stakeholder consultation session to discuss various service level options.
23/06/2020	Ordinary Council	122/20	Event Opportunity - Confidential Item	None declared	Refer to Confidential Minute	David Waters	In Progress	The matter remains subject to the confidentiality order.
23/06/2020	Ordinary Council	123/20	Event Opportunity - Period of Confidentiality	None declared	....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 event agreements are signed and the relevant event details are announced by the relevant Minister, but not longer than 31 December 2021.	David Waters	In Progress	This items remains in confidence under the provisions contained in the resolution and a report will be going to Council to extend this period.
28/07/2020	Ordinary Council	147/20	Citizen of the Year Awards Presentation Location	None declared	That the report be received and noted. That the winners of the three primary Australia Day Awards – Citizen of the Year, Young Citizen of the Year and Community Event of the Year – be given the opportunity to receive their award at a community celebration of their choice, commencing in January 2021.	David Waters	In Progress	Award recipients were notified in December and given the opportunity to receive thier award at the community celebration of their choice.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
28/07/2020	Ordinary Council	148/20	Road Closure adj Posen Road Birdwood	None declared	<p>1. That the report be received and noted</p> <p>2. To make a Road Process Order pursuant to the <i>Roads (Opening &amp; Closing) Act 1991</i> to close and merge the piece of land identified as "A" in the Preliminary Plan No. 20/0005 attached to this report with Piece 14 in Deposited Plan No. 63287 comprised in Certificate of Title Volume 5911 Folio 108.</p> <p>3. Subject to the closure of the road identified in the Preliminary Plan attached, that: The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i>; and The piece marked "A" be sold to Mrs Elizabeth Addams-Williams, the owner of the property with which it is merging for the amount of \$8,000 plus GST (if applicable) and all fees and charges associated with the road closure process.</p> <p>4. Authorise the Chief Executive 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	<p>Commenced in accordance with the resolution.</p> <p>Awaiting gazettal notification of completion of the road closure process</p>
28/07/2020	Ordinary Council	149/20	Road Widening Netherhill Road Kenton Valley	None declared	<p>1. That the report be received and noted</p> <p>2. To purchase the areas of land totalling 335 sqm identified in red on the Land Acquisition Plan attached as <i>Appendix 2</i> ("land") from Stephen Paul Cowie the land owner at 67 Nether Hill Road, Kenton Valley, for the purchase price of \$6,700 (excl GST) plus all reasonable costs to vest the Land as public road.</p> <p>3. To purchase the area of land being 188 sqm identified in red on the Land Acquisition Plan attached as <i>Appendix 2</i> ("land") from Paul Andrew Arnup and Danielle Marie Beatrice Helbers the land owner at 109 Nether Hill Road, Kenton Valley, for the purchase price of \$3,760 (excl GST) plus all reasonable costs to vest the Land as public road.</p> <p>4. The road land being acquired to be excluded as Community Land pursuant to the <i>Local Government Act 1999</i>; and</p> <p>5. That the Mayor and CEO be authorised to sign all necessary documentation, including affixing the common seal, to give effect to this resolution.</p> <p>6. To approve an expenditure budget of \$10,460 to purchase the two areas of land on Nether Hill Road, Kenton Valley, with funding to be sourced from favourable capital revenue identified within the 2020-21 Capital Works budget.</p>	Terry Crackett	In Progress	<p>Progress has commenced in accordance with the resolution</p> <p>Conveyancer has been instructed to prepare boundary realignment documents</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
25/08/2020	Ordinary Council	165/20	Replacement LMA 3 & 5 Pomona Road Stirling	None declared	<p>1. That the report be received and noted</p> <p>2. To enter into a deed of rescission, rescinding Land Management Agreement 10923983 dated 10 March 2008 and Variation of Land Management Agreement 12221145 dated 22 October 2014 noted on the land comprised and described in Certificate of Title Book Volume 6127 Folio 47, known as 3 Pomona Road, Stirling</p> <p>3. To enter into a deed of rescission, rescinding Land Management Agreement 13038239 dated 29 November 2018 noted on the land comprised and described in Certificate of Title Book Volume 6218 Folio 57, known as 5 Pomona Road, Stirling</p> <p>4. To enter into the new Land Management Agreement with Aldi Foods Pty Ltd attached in Appendix 1 of this report for Certificate of Title Volume 6127 Folio 47 and Certificate of Title Volume 6128 Folio 57, known as 3 &amp; 5 Pomona Road, Stirling, subject to the acceptance by the Council Assessment Panel to the variation of the approved landscaping plan for Development Application 16/463/473 and subject to the acceptance of the State Commission Assessment Panel to the variation of the approved landscaping plan for Development Application 19/272/473 (19/E9/473)</p> <p>5. The Mayor &amp; CEO are authorised to affix the Council Seal and execute the new Land Management Agreement, the Deeds of Rescission, and Consents to Note the new Land Management Agreement and Rescissions for 3 &amp; 5 Pomona Road Stirling, and</p> <p>6. The costs associated with the preparation, review by Council's lawyers and registration of the new Land Management Agreement and the rescission of the existing Land Management Agreements and Variation of Land Management Agreement shall be borne by the Aldi</p>	Marc Salver	In Progress	The new LMA approved by Council on 25 August has been forwarded to the applicant for execution and will then be registered on the respective titles. They awaiting SCAP approval to the amended landscaping plan before the LMA in this regard can be registered.
25/08/2020	Ordinary Council	168/20	Gumeracha Court Resurfacing Project	None declared	<p>1. That the report be received and noted.</p> <p>2. To approve the 2020-21 capital expenditure budget of \$220k to be funded by \$220k in capital grants income from the Federal Government Community Development Grants Program in accordance with initial funding documentation.</p> <p>3. That \$150,000 be brought forward from the 2021-22 LTFP allocation into the 2020-21 Capital Program to enable the lighting and associated works at the Gumeracha courts to be undertaken.</p> <p>4. That \$50,000 from the 2019-20 Capital Program be carried forward into the 2020-21 Capital Program to enable the lighting and associated works at the Gumeracha courts to be undertaken.</p>	Peter Bice	In Progress	<p>Update 14/9 - Staff are progressing the funding agreement with the relevant Federal Government agency, &amp; have organised to meet with community representatives in the coming weeks.</p> <p>Update 8/10 - Staff are finalising the funding agreement with the relevant Federal Government agency. Staff have also met with a club representative to understand their needs &amp; ensure that these are reflected in the project scope. Project scoping works, in preparation for tender have begun.</p> <p>Update 17/11 - As per above update.</p> <p>Update - 7/12 - After an unsuccessful initial tender process, staff have considered some alternative options &amp; will engage a consultant to produce Detailed Concept Documentation for the project, which then be used in tender documentation for a Design &amp; Construct project.</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
25/08/2020	Ordinary Council	169/20	Heathfield Change Room & Cricket Net Project	None declared	<p>That the report be received and noted.</p> <p>To approve an increase in the 2020-21 Capital Expenditure Budget of \$1,088,949, resulting in a total project cost of \$1,414,851, to be funded by \$1,088,949 in grants and associated contributions for the Heathfield Oval Change Room and Cricket Net Project, in accordance with the Funding Agreements.</p>	Peter Bice	In Progress	<p>Update - 14/9 -Council staff &amp; project managers are currently waiting for outcomes of planning assessment. Tender documentation continues to be progressed.</p> <p>Update 8/10 - Development Plan Consent has been completed for the project, &amp; the Building Rules Consent process has begun. Staff &amp; club representatives have formed a Building Reference Group that will meet throughout the duration of the project to ensure that all necessary outcomes are met. Tender documentation continues to progress.</p> <p>Update 17/11 - The various clubs have started some site preparation works, that form part of their in-kind &amp; cash contributions towards the project. Detailed design documents continue to progress, for use in the tender process, as does the Building Rules Consent process.</p> <p>Update 7/12 - Club representatives &amp;</p>
8/09/2020	Special Council	184/20	MON Woodforde/Rostrevor Boundary Reform FOI Release	None declared	<p>Receive the documents contained in Appendix 1, offered to Council by Cr Mark Osterstock as the product of a Freedom of information (FOI) request in his private capacity to Campbelltown City Council. The documents are in satisfaction of the FOI application dated 23 June 2020 and released in a determination dated 20 August 2020 with the following requested information:Copies of ALL correspondence (including yet not limited to email correspondence) received from, or to, residents residing in Rostrevor (Adelaide Hills Council), and Woodforde (Adelaide Hills Council), relating to the issue of 'boundary realignment' andFrom, or to, any person, business, government or non-government agency, in relation to the issue of 'boundary realignment', andFrom, or to, any or all Elected Members of Council in relation to the issue of 'boundary realignment' (10 November 2018 – 23 June 2020, inclusive).Copies of all correspondence (including yet not limited to email correspondence) from any member of the Council Administration to any one, or all, of the Elected Members of Council, concerning requests from Adelaide Hills Council for a deputation on the issue of 'boundary realignment', particularly in relation to the 2nd June 2020 deputation that Council received from the Adelaide Hills Council. (01 February 2020 – 23 June 2020, inclusive).Copies of all correspondence (including yet not limited to email correspondence) from any Elected Members of Council, to any person, concerning requests from Adelaide Hills Council for a deputation on the issue of 'boundary realignment', particularly in relation to the 2nd June 2020 deputation that Council received from the Adelaide Hills Council (01 February 2020 – 23 June 2020, inclusive).The Chief Executive Officer prepare a report for a future meeting analysing the contents of the released documents to identify</p>	Andrew Aitken	In Progress	<p>Report included in the 27 January 2021 Council agenda.</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
22/09/2020	Ordinary Council	203/20	Long Term Strategic Tree Planting Program	None declared	That the Chief Executive Officer provides a report to inform the 2021/2022 budget process on the establishment of a long term (approximately 10 years) tree planting program. Such a report to address, inter alia: Possible locations including roadsides, reserves, council and community owned land Potential involvement of schools, volunteers and/or community groups Priorities for plantings which may inform the number of trees to be planted, and/or a \$ cost per annum	Peter Bice	In Progress	Draft Program will be prepared for consideration of the 21/22 ABP.
22/09/2020	Ordinary Council	205/20	100 Old Mt Barker Road Stirling	Material - Cr Kirrilee Boyd	<ol style="list-style-type: none"> <li>1. That the report be received and noted</li> <li>2. To progress the budgeted upgrade of the old school building located at 100 Old Mt Barker Road Stirling including the replacement of the roof, gutters, fascia boards, downpipes and damaged internal ceilings, with the anticipated cost to be \$155,000.</li> <li>3. To apply to the Minister for Environment and Water for approval to lease the land located at 100 Old Mt Barker Road Stirling, including the old school building, to The Old School Community Garden Inc.</li> <li>4. Subject to obtaining the approval specified in 3 above, offer to The Old School Community Garden a 2 year lease over the land located at 100 Old Mt Barker Road Stirling, including the old school building. The rent under the lease to be \$1 per annum (if demanded).</li> <li>5. That the Mayor and Chief Executive Officer be authorised to sign all necessary documents, including affixing the common seal, to give effect to this resolution.</li> </ol>	Terry Crackett	In Progress	Initial information provided to Crown Lands in relation to approval for lease, awaiting their response. Designs and scope of works have been completed with a development application being lodged.
22/09/2020	Ordinary Council	207/20	S210 Conversion to Public Road	None declared	<ol style="list-style-type: none"> <li>1. That the report be received and noted.</li> <li>2. To undertake a process pursuant to Section 210 of the <i>Local Government Act 1999</i> for the conversion of private road to public road for the land described as: Russell Terrace, Bridgewater being the land comprised in CT 5411/603 of 1494m2 currently owned by Bridgewater Park Ltd (In Liquidation). Lot 82 Western Branch Road, Lobethal being the land comprised in CT 5696/27 of 105m2 currently owned by Margaret Dixon Dearman, Ernest William Dearman &amp; Burton Stirling Dearman. 1 Robert Street Woodside being the land comprised in CT 5695/342 of 58m2 currently owned by James Johnston and William Johnston. Pieces 29 and Lot 30 in FP 156206 on Western Branch Road, Lobethal being the land comprised in CT 5696/31 of 446m2 and 337m2 currently owned by South Australian Company. Norman Road, Bridgewater being Allotment 16 and 17 in DP 2167 as the land comprised in CT 5890/905 of 738m2 and 1265m2 currently owned by Donald Frederick Canham &amp; Eileen Agnes Canham.</li> <li>3. That the Mayor and the Chief Executive be authorised to finalise the above matter including signing all necessary documentation to complete all transactions.</li> <li>4. That a further report be presented to Council following the completion of the notice period required under Section 210(2) of the Act detailing the outcome of the attempts to locate the owners of the roads detailed above.</li> </ol>	Terry Crackett	In Progress	Advertisements seeking land owners or beneficiaries of land owners have been undertaken. A report will be presented to Council in February 2021.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
27/10/2020	Ordinary Council	224/20	MON Speed Limit Reduction Longwood & Red Hill Roads	None declared	That Council: 1. receives the residents' request as contained in Appendix 1 and 2. undertakes a speed limit review on sections of Longwood and Red Hill Roads in response to the submission received from local residents, and 3. communicates the outcome of the review and proposed action to Council Members via the Council and Committee Meeting Action Tracker.	Peter Bice	In Progress	Council's Technical officer has reviewed available data for the roads in question, including site inspection, and conducted a desk top analysis using the AustRoads Infrastructure Risk Rating Tool. This investigation found there may be some merit in reducing the speed on longwood Rd, however the case for a reduced speed on Redhill Rd was more marginal.  Council staff have now outlined the above in a letter to the community and commenced the community consultation phase.
27/10/2020	Ordinary Council	226/20	Memorial Seat for former Cr Bill Gale	None declared	That, in conjunction with the Gale family, Council purchase and install a park seat with a plaque to commemorate the contribution the late ex Cr Bill Gale made to the Adelaide Hills Council and, in particular, to the Woodside area.	Peter Bice	In Progress	Process underway.
27/10/2020	Ordinary Council	227/20	Lew Brickhill Memorial	None declared	Council resolves:That the report be received and noted.That Council approve a \$5,600 expenditure budget to undertake an engineering design for the restoration and reinstatement of the lookout tower at Lobethal Bushland Park.Subject to recommendation 2 above, a quote for restoration and reinstatement works of the lookout tower at Lobethal Bushland Park be obtained.That consideration be given to funding the restoration and reinstatement of the Lobethal Bushland Park lookout tower in the development of the 2021-2022 budget.	Peter Bice	In Progress	Design has been completed and a indicative price recieved to be considered as part of 21/22 ABP
27/10/2020	Ordinary Council	228/20	Disability Access and Inclusion Plan	None declared	Council resolves:That the report be received and noted.To endorse the provisional <i>Adelaide Hills Council Disability Access and Inclusion Plan (DAIP) 2020-2024: A brighter future for all</i> , as contained in <i>Appendix 1</i> , for publication on Council's website and further community consultation.To delegate to the Chief Executive Officer to determine the timings, media and processes around further community consultation while ensuring consistency and compliance with the provisions of applicable legislation and Council's Public Consultation Policy.That an amended edition of the DAIP incorporating further community and stakeholder feedback on the provisional DAIP (received during further community consultation) be referred back to the Council for consideration and adoption at the Council Meeting scheduled for 27 January 2021.	David Waters	In Progress	Council's provisional Disability Access and Inclusion Plan (DAIP) 2020-2024 was published on the AHC website on Wednesday 28 October 2020. The Chief Executive of the Department of Human Services (DHS) was notified of the publication of AHC's DAIP on 29 October 2020. Phase 2 of community consultation closed 24/12/20. Community feedback and submissions on Council's provisional DAIP have been analysed and used to update Council's Plan. An Amended Plan has been prepared (under review by ELT), scheduled to go back to Council for adoption at the Council Meeting to be held 27 January 2021.
27/10/2020	Ordinary Council	229/20	Mylor BMX Consultation Findings	Perceived - Cr Leith Mudge	Council resolves:That the report be received and noted.That Council approve a \$15,000 expenditure budget to undertake remediation of the Aldgate Quarry site.That funds be considered as part of Council's 2021-22 Annual Budget and Business Planning process for the construction of a pump track at Sherry Park in Mylor.	Peter Bice	In Progress	Investigations are underway to identify options for consideration of a pump track at Sherry Park in Mylor to be included as part of the 21-22 ABP.  Update 7/12 - In addition to above, safety / remediation works have begun at the Aldgate Quarry site.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
27/10/2020	Ordinary Council	231/20	Draft Road, Footpath & Kerb Asset Management Plan 2020	None declared	Council resolves: 1. That the report be received and noted. 2. That the Draft Road, Footpath and Kerb Asset Management Plan 2020 as contained in <i>Appendix 1</i> be released for community consultation. 3. That the CEO be authorised to determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's Public Consultation Policy.	Peter Bice	In Progress	Community consultation completed and report on consultation outcomes and Asset Management Plan presented for adoption at January 2021 Council meeting.
27/10/2020	Ordinary Council	233/20	Resilient Hills and Coasts Sector Agreement	None declared	That the report be received and noted.To note the achievements of the Resilient Hills & Coasts partnership to date, and its future priorities for action.To recommit to the partnership by authorising the Mayor to sign the RH&C Sector Agreement 2020-2025, as contained in Appendix 1.	Peter Bice	In Progress	Signing of the Sector Agreement now needs to wait on other Council's formally endorsing the process.
27/10/2020	Ordinary Council	235/20	Revocation of Community Land - Closed Road R855 Upper Hermitage	None declared	That the report be received and notedTo commence a revocation of community land process for the land described as "A" in Road Plan No. 855 ("Closed Road") including consultation in accordance with Council's Public Consultation Policy and the <i>Local Government Act 1999</i> with the intention of selling the Closed Road to the adjoining owners. That a further report be presented to Council at the completion of the consultation.	Terry Crackett	In Progress	Community consultation plans are being developed and community consultation will be commenced in respect of the proposal to revoke the community land classification
27/10/2020	Ordinary Council	237/20	Strategic Boundary Review	None declared	1. That the report be received and noted. 2. That the Strategic Boundary Review Report in Appendix 1 be received and noted. 3. To conduct a workshop session in the first quarter of 2021 to further explore the boundary reform options identified in the Strategic Boundary Review Report.	Andrew Aitken	In Progress	Part 1 - COMPLETED  Part 2 - COMPLETED  Part 3 - Scheduled for 9 February 2021 workshop
27/10/2020	Ordinary Council	261/20	Confidential - Event Opportunity	None declared	As per confidential minute	David Waters	Not Started	Subject to confidentiality order.
27/10/2020	Ordinary Council	262/20	Confidential - Event Opportunity - Period of Confidentiality	None declared	until the event agreements are signed and the relevant event details are announced by the relevant Minister, but not longer than 31 December 2020	David Waters	Not Started	Triggers for bringing this item out of confidence have not yet occurred.
24/11/2020	Ordinary Council	265/20	Road Resurfacing Albert Street Gumeracha (PLEC project)	None declared	That the Mayor writes to the State Minister for Infrastructure and Transport requesting the Department of Infrastructure and Transport to bring forward the reseal of Albert Street, Gumeracha to the 2021/22 financial year's capital works program in order to schedule the works to align with the completion of the Gumeracha Main Street Upgrade Project.	Peter Bice	Completed	Letter has been sent
24/11/2020	Ordinary Council	267/20	Road Exchange Pomona Road Stirling	None declared	That this item be deferred to the December 2020 meeting with a report to be provided on how an agreement can be reached with the applicant for a plan to enhance and preserve the amenity of the Pomona Road streetscape.	Terry Crackett	Completed	Council passed a resolution on 15 December 2020
24/11/2020	Ordinary Council	270/20	Community Development Grants	Material - Cr Ian Bailey Perceived - Cr Andrew Stratford	That the report be received and noted.That Council approves the awarding of Community Development Grants totalling \$49,800.78 as follows - see minute	David Waters	In Progress	



Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
24/11/2020	Ordinary Council	278/20	Shannons Adelaide Rally 2020 proposed date changes	None declared	<p>1. That the report be received and noted.</p> <p>2. That the Council determines that, due to the extraordinary situation posed by the COVID-19 emergency declaration and directions, the normal provisions of the Festivals and Events Policy as they apply to motorsport events regarding consultation with residents on affected sections of road, not be required to be applied in this instance, on the basis that: It is the same event, postponed to a new date. The roads, times and days of week that sections of road are proposed to be closed are the same as that previously consulted on and consented to by the Council. The requirement to undertake the usual process of consultation would jeopardise the ability for the organisers to reschedule the event and maintain existing entries.</p> <p>3. That, in relation to the 2020 Shannons Adelaide Rally, Council supports rescheduling of the event to March 2021 contingent on the organisers, to the satisfaction of the Chief Executive Officer: Providing evidence of satisfactory insurance to cover any damage to third party property caused by the event. Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event. Working in collaboration with Council staff to inform the community of the new event date and seek their feedback regarding issues, concerns or support. Providing written confirmation that the concerns raised by affected residents have been taken into account and that arrangements for egress and regress for those properties can be managed within the event where possible. Written confirmation from the organisers that they will erect advance notice of road closures on the affected roads, at least three weeks prior to the event.</p>	David Waters	In Progress	
24/11/2020	Ordinary Council	282/20	Policy Review - Cemetery Operating Policy	None declared	<p>1. That the report be received and noted</p> <p>2. With an effective date of 19 January 2021, to revoke the 9 May 2017 Cemetery Operating Policy and to adopt the revised Cemetery Operating Policy in Appendix 1.</p>	Terry Crackett	Completed	
24/11/2020	Ordinary Council	283/20	Policy Review - Debt Recovery Policy	None declared	<p>1. That the report be received and noted</p> <p>2. With an effective date of 19 January 2021, to revoke the 28 November 2017 <i>Debt Recovery Policy</i> and to adopt the revised <i>Debt Recovery Policy</i> in Appendix 1.</p> <p>3. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the <i>Debt Recovery Policy</i> prior to the effective date.</p>	Terry Crackett	Not Started	
24/11/2020	Ordinary Council	284/20	Policy Review - Grant & External Funding (Acceptance) Policy	None declared	<p>1. That the report be received and noted</p> <p>2. With an effective date of 19 January 2021, to revoke the 14 March 2017 <i>Acceptance of External Funding Policy</i> and to adopt the revised <i>Grant &amp; External Funding (Acceptance) Policy</i> in Appendix 1.</p> <p>3. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the <i>Grant &amp; External Funding (Acceptance) Policy</i> prior to the effective date.</p>	Terry Crackett	Not Started	
24/11/2020	Ordinary Council	285/20	Policy Review - Treasury Policy	None declared	<p>That the report be received and noted. With an effective date of 19 January 2021, to revoke the 26 September 2017 <i>Treasury Policy</i> and to adopt the revised <i>Treasury Policy</i> in Appendix 1. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the <i>Treasury Policy</i> prior to the effective date.</p>	Terry Crackett	Not Started	

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
15/12/2020	Ordinary Council	294/20	MON Council Boundary Reform Legislative Provisions	None declared	<p>1. That a copy of Council's resolution of 28 January 2020, including annexures, 'Council Boundary Change Survey Responses' be forwarded to the current Minister for Planning and Local Government, Hon Vickie Chapman MP, for information.</p> <p>2. That the Minister be advised that it would appear that the Campbelltown City Council is acting in a predatory manner by refusing to listen to and accept the views of the affected residents, and the Adelaide Hills Council, in relation to their boundary change proposal.</p> <p>3. That the Minister be requested to consider amendments to the existing legislation and boundary reform guidelines to ensure that the affected community and relinquishing councils are consulted and their views are properly considered prior to a council-initiated Stage 1 submission being lodged with the Boundaries Commission and that where substantial community objection exists that the proposal not proceed.</p>	Andrew Aitken	Completed	Letter sent to Minister and provided to Council Members out of session.
15/12/2020	Ordinary Council	295/20	Acknowledgement & Welcome to Country Policy	None declared	That the report be received and noted. With an effective date of 31 January 2021, adopt the 15 December 2020 Acknowledgement and Welcome to Country Policy as per Appendix 1. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 15 December 2020 Acknowledgement and Welcome to Country Policy prior to the effective date of adoption. With an effective date of 31 January 2021, to amend clause 3.4 – Opening Statement of the Code of Practice for Council Meeting Procedures to reflect the provisions of clause 4.3 of the 15 December 2020 Acknowledgement and Welcome to Country Policy.	David Waters	In Progress	
15/12/2020	Ordinary Council	296/20	Youth Action Plan	None declared	That the report be received and noted. That the Youth Action Plan 2021-24 be adopted for implementation. That the Chief Executive Officer, or delegate, be authorised to make any formatting or minor changes to the Plan for publication purposes.	David Waters	In Progress	The plan is being finalised for publication.
15/12/2020	Ordinary Council	297/20	Submission Revised Draft Planning & Design Code	None declared	That the report be received and noted. To approve the letter of response to the State Planning Commission as contained in Appendix 1 of this report. That the Chief Executive Officer be authorised to make any additional non-substantive technical additions and minor amendments to the submission and via the online Code Feedback Tool prior to lodgement with the State Planning Commission by the 18 December 2020 deadline.	Marc Salver	Completed	Submission forwarded to the State Planning Commission on 16/12/20
15/12/2020	Ordinary Council	298/20	Adoption of the Crafers Village Design Guidelines	None declared	That the report be received and noted. To approve the Crafers Village Design Guidelines as contained in Appendix 1, for publication, circulation and application. To delegate to the Chief Executive Officer the authority to make minor changes to the Crafers Village Design Guidelines. That the Community Engagement Outcomes Report Stage 1 & 2 as contained in Appendix 2 be made available to engagement participants and the general public.	Marc Salver	Completed	The Community Engagement Outcomes report has been uploaded to the Council's website in accordance with Council's resolution.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
15/12/2020	Ordinary Council	299/20	Declaration of Public Roads - Houghton & Aldgate	None declared	That the report be received and noted.To declare Allotment 13 in Deposited Plan No. 26030 contained in Certificate of Title Volume 5421 Folio 887 being Allotment 13 Horn Street, Houghton as public road pursuant to Section 208 of the Local Government Act 1999.To declare Allotment 51 in Deposited Plan No. 82071 contained in Certificate of Title Volume 6058 Folio 751 being Allotment 51 Strathalbyn Road, Aldgate as public road pursuant to Section 208 of the Local Government Act 1999.To authorise the publication of the resolution in the Government Gazette as required by section 208(4) of the Local Government Act 1999 to declare the roads to be public roads.To delegate to the Chief Executive Officer to execute the necessary documentation to give effect to this resolution.	Terry Crackett	Completed	Road Openings are to be gazetted on 21 January 2021
15/12/2020	Ordinary Council	300/20	Road Exchange Pomona Road Stirling	None declared	<b>1. That the report be received and noted.</b> <b>2. In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, enter into an Agreement for Exchange with the owner of the land of 21 Pomona Road Stirling and issue a Road Process Order to open as public road the area identified as "Road to be opened 1" on the Preliminary Plan No 20/0038 and in exchange to close a portion of Pomona Road as identified on the Preliminary Plan No 20/0038 as "Public Road A", subject to the owner of the land at 21 Pomona Road Stirling agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs.</b> <b>3. The closed road be excluded as Community Land pursuant to the Local Government Act 1999.</b> The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution	Terry Crackett	In Progress	Awaiting receipt of road process documents from surveyor
15/12/2020	Ordinary Council	301/20	Appointment of Independent Members of CAP	None declared	That the report be received and noted.That the term of the current Independent Members of Council's Assessment Panel be extended for 12 months ending on 31 May 2022 (inclusive).	Marc Salver	Completed	CAP members notified of their appointments
15/12/2020	Ordinary Council	302/20	Enforcement Policy Review	None declared	That the report be received and notedWith an effective date of 22 December 2020, to revoke the 26 June 2018 Enforcement Policy and to adopt the revised draft Enforcement Policy contained in Appendix 1 of this report.	Marc Salver	Not Started	
15/12/2020	Ordinary Council	303/20	Strategic Internal Audit Plan Update	None declared	That the report be received and noted.To adopt the revised Strategic Internal Audit Plan (v1.6a) as contained in Appendix 1.	Andrew Aitken	Completed	SIAP updated
15/12/2020	Ordinary Council	310/20	Confidential Item - Citizen of the Year 2021	None declared	Refer to confidential minute	David Waters	In Progress	
15/12/2020	Ordinary Council	311/20	Citizen of the year 2021 - Period of Confidentiality	None declared	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 presentation of the awards on 26 January 2021, with the exception of appropriate release of information to media outlets to enhance coverage of the awards.	David Waters	Not Started	
15/12/2020	Ordinary Council	313/20	Confidential Item - External Audit Contract	None declared	Refer to confidential minute	Terry Crackett	In Progress	Resolution in progress
15/12/2020	Ordinary Council	314/20	External Audit Contract - Period of Confidentiality	None declared	that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until Council has determined its position in relation to the exercise of the two-year option under the Professional Services Agreement	Terry Crackett	In Progress	Subject to resolution being completed

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Wednesday 27 January 2021  
AGENDA BUSINESS ITEM**

**Item:** 13.1

**Responsible Officer:** Lachlan Miller  
Executive Manager Governance & Performance  
Office of the Chief Executive

**Subject:** Campbelltown City Council Boundary Reform - Freedom of  
Information Release - Analysis

**For:** Information

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**SUMMARY**

On 8 September 2020, Council resolved to receive documents released to Cr Mark Osterstock under the *Freedom of Information Act (SA) 1991* from the Campbelltown City Council (CCC) regarding their boundary realignment proposal. The Freedom of Information (FOI) application was made by Cr Osterstock in a private capacity.

Further, Council's resolution was for the Chief Executive Officer to prepare a report for a future meeting analysing the contents of the released documents to identify any points of interest and/or implications in relation to the boundary realignment proposal.

The purpose of this report is to provide Council with the outcomes of the abovementioned analysis. There are a number of points of interest from the records that were released and these are discussed herein. One of the most significant conclusions was the lack of documentation that could reasonably be expected from a council undertaking a general proposal for boundary realignment.

The implications for the continuation of CCC boundary realignment proposal is for the affected community, with the assistance of AHC, to continue to hold CCC to their undertakings to be fully communicated with, listened to and have answered all the concerns of residents and to make their decision in the best interests of the residents.

**RECOMMENDATION**

**Council resolves that the report be received and noted.**

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## 1. GOVERNANCE

### ➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

*Strategic Plan 2020-24 – A brighter future*

Goal 5 A Progressive ORGANISATION

Objective O4 We actively represent our community

Priority O4.4 Explore council boundary reform options that best serve the community

### ➤ Legal Implications

Part 2 – Reform Proposals of Charter 3 of the *Local Government Act 1999* (Act) sets out the provisions relating to (amongst other matters) the alteration of council boundaries. These provisions are further detailed in a series of guidelines prepared by the Boundaries Commission<sup>1</sup>.

There are two broad forms of proposal: Administrative Proposals (which are for the tidying up of minor boundary anomalies) and General Proposals (which are for substantial boundary changes such as the current Woodforde/Rostrevor proposal and also amalgamations).

Where a General Proposal is initiated by a council (the initiating council), that council is solely responsible for the preparation of the required submissions to the Boundaries Commission and for funding an investigation of the proposal should it progress to that stage of the boundary change process. As such CCC is the initiating council for the Woodforde/Rostrevor proposal.

The key objects of the *Freedom of Information Act (SA) 1991* (FOI Act) are to promote openness and accountability in government agencies and to facilitate more effective participation by members of the public in the making and administration of laws and policies.

### ➤ Risk Management Implications

*Realignment of Council boundaries bordering Campbelltown City Council leading to financial, resource allocation, social and representation changes*

Inherent Risk	Residual Risk	Target Risk
High (2B)	High (2B)	Medium

Council has very limited ability to manage (control) the financial and associated risks associated with a reform proposal prior to the investigations stage by the Boundaries Commission during which submissions regarding financial and other impacts can be made by the relinquishing council.

### ➤ Financial and Resource Implications

There are no direct costs or resource implications associated with the preparation of this report. Any actions that Council resolves to undertake arising from the report findings may have their own financial and resource implications.

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<sup>1</sup> See *Guidelines for preparing a proposal*, [Local Government Reform - Department for Infrastructure and Transport - South Australia \(dit.sa.gov.au\)](https://www.dit.sa.gov.au)

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

All community members and in particular those being affected by a boundary realignment proposal should have a reasonable expectation that the initiating council conducts itself in an honest, open and transparent manner in the information that it provides to its community. Further, that the council should fully engage with that community to understand the aspirations of that community prior to making decisions that could compromise those aspirations.

➤ **Sustainability Implications**

There are no direct sustainability implications from this report however there may be implications from boundary realignment.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not Applicable
<i>Council Workshops:</i>	Not Applicable.
<i>Advisory Groups:</i>	Not Applicable
<i>Administration:</i>	Chief Executive Officer Governance & Risk Coordinator
<i>External Agencies:</i>	Not Applicable
<i>Community:</i>	Not Applicable

## **2. BACKGROUND**

On 23 June 2020 Cr Mark Osterstock lodged a Freedom of Information (FOI) application, in a private capacity, with the Campbelltown City Council (CCC) for documents relating to the CCC-initiated boundary realignment. The FOI application contained specific criteria (see Council resolution below) as to the records for which access was being sought.

On 20 August 2020, the CCC determined to release a number of documents that satisfied the application criteria.

At the 8 September 2020 AHC Council meeting, Cr Osterstock moved a Motion on Notice (MON) in relation to the released documents and Council resolved as follows:

**Moved Cr Mark Osterstock  
S/- Cr Pauline Gill**

**184/20**

**That Council resolves to:**

- 1.1. Receive the documents contained in Appendix 1, offered to Council by Cr Mark Osterstock as the product of a Freedom of information (FOI) request in his private capacity to Campbelltown City Council. The documents are in satisfaction of the FOI application dated 23 June 2020 and released in a determination dated 20 August 2020 with the following requested information:**
  - 1.1.1. Copies of ALL correspondence (including yet not limited to email correspondence) received from, or to, residents residing in Rostrevor (Adelaide Hills Council), and Woodforde (Adelaide Hills Council), relating to the issue of 'boundary realignment' and**
  - 1.1.2. From, or to, any person, business, government or non-government agency, in relation to the issue of 'boundary realignment', and**
  - 1.1.3. From, or to, any or all Elected Members of Council in relation to the issue of 'boundary realignment' (10 November 2018 – 23 June 2020, inclusive).**
  - 1.1.4. Copies of all correspondence (including yet not limited to email correspondence) from any member of the Council Administration to any one, or all, of the Elected Members of Council, concerning requests from Adelaide Hills Council for a deputation on the issue of 'boundary realignment', particularly in relation to the 2nd June 2020 deputation that Council received from the Adelaide Hills Council. (01 February 2020 – 23 June 2020, inclusive).**
  - 1.1.5. Copies of all correspondence (including yet not limited to email correspondence) from any Elected Members of Council, to any person, concerning requests from Adelaide Hills Council for a deputation on the issue of 'boundary realignment', particularly in relation to the 2nd June 2020 deputation that Council received from the Adelaide Hills Council (01 February 2020 – 23 June 2020, inclusive).**
- 1.2. The Chief Executive Officer prepare a report for a future meeting analysing the contents of the released documents to identify any points of interest and/or implications in relation to the Campbelltown City Council's current Rostrevor/Woodforde boundary change proposal.**

<b>Carried Unanimously</b>
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### **3. ANALYSIS**

FOI applications are processed in accordance with the provisions of the FOI Act. A FOI application typically states the description (or criteria) of records for which access is being sought. Too broad a description potentially captures many hundreds or even thousands of records whereas too narrow (or specific) a description may potentially exclude records that the applicant would anticipate falling within the scope of interest.

Where the criteria are too broad an agency has the power under the FOI Act to request the applicant to narrow the search thereby making it less onerous from a resource perspective and (for those applicants that are required to pay for their applications) it also significantly reduces the cost of the application, generally payable prior to the documents being released to the applicant.

Cr Osterstock's FOI application criteria as contained in the resolution above (in the Background section) were specific but there was a reasonable expectation that there would be a considerable number of records which satisfied the criteria. While a number of records within the criteria scope were refused under the various exemption provisions of the FOI Act, a total of 68 documents were released under CCC's FOI determination.

A boundary realignment proposal is a significant undertaking for any council requiring considerable research, consultation, liaison, etc. There is no reason to believe that this would be any different for CCC.

Nevertheless, the overall observation from the analysis of the records released is that there was significantly less than expected for such a significant undertaking (i.e. a General Proposal). There was little in the way of documents between members of the Administration, between the Administration and the Elected Body and between Elected Members on the subject of boundary realignment. In fact the vast majority of the documentation released related to communications between CCC and AHC and between CCC and affected residents.

All local government entities are bound by the provisions of the *State Records Act 1997* however, within these parameters, each organisation will have different documentation standards. While a count of AHC's documentation has not been undertaken, the author (as the originator or recipient of much of this documentation), would estimate that significantly more records than 68 are in AHC's possession regarding boundary realignment. This in itself is surprising as unlike CCC, AHC is not in the second stage of a self-initiated realignment process.

Within the confines of all of the above discussion, a number of points of interest came to light from the analysis of the released documents, as follows:

- Mayor Whittaker has continually stated that the main justification for CCC initiating the boundary realignment process was in response to requests from residents in the affected areas. This statement is contained in multiple pieces of correspondence between February 2019 and June 2020. This position was amplified further in February 2020 in a response to a media enquiry from the Courier in which Mayor Whittaker responded that the process was '...started after a significant number of residents of the area told us that they identify with Campbelltown.'

These assertions were comprehensively negated as repeated questions from affected residents and then the media as to the number of requests resulted in the CEO having to disclose to the media and also in a letter to an affected resident that in '..our records system we found evidence of 3 residents who expressed a desire to join Campbelltown. We also have records of 6 verbal conversations with residents passionate supporting the move to Campbelltown that have been had since the boundary realignment proposal was raised'

- Since the commencement of the process in January 2019, CCC received a number of letters from affected residents indicating their objection to the proposal (and one letter in favour). There do not appear to be any records detailing the CCC Administration's efforts to communicate these sentiments to their Elected Body either via email or in council reports.



- Mayor Whittaker has often claimed verbally and in correspondence that there have been discussions over the years with AHC in relation to boundary realignment, the released documents do not evidence any of these claimed discussions prior to the lodgement of the Stage 1 proposal in January 2019.
- An example of correspondence that would have been expected to exist was when AHC convened the Community Meeting at Rostrevor College in September 2019. There is no communication to the CCC Elected Members from either the Mayor or the Administration regarding the upcoming event. Equally when Mayor Wisdom and Deputy Mayor Daniell were seeking a deputation at a CCC meeting between February and June 2020 and even when the deputation was approved, there is no correspondence between the CCC Administration and the Elected Members (except the Mayor) or between CCC Elected Members regarding this matter. Although (in balance) the deputation was listed in the Council agenda which was received by all Elected Members.
- In a letter to affected residents on 26 September 2019, Mayor Whittaker advised that ‘...after consultation with both communities, a decision will be made as to whether the proposal is in the best interests of residents.’ It will be pleasing to see this commitment honoured.

Given the paucity of records that were provided it is difficult to identify any implications arising from the FOI process. Nevertheless, from the records that were provided, CCC has made a number of commitments and it is for the affected community, with the assistance of AHC, to continue to hold CCC to their undertakings to fully communicate with, listen to and answer the concerns of affected residents and to make their decision in the best interests of these residents.

#### **4. OPTIONS**

Council has the following options:

- I. As this is an information report, it is recommended that Council receive and note the report (Recommended)
- II. Council may determine to make additional/alternative resolutions based on the information contained within the report.

#### **5. APPENDIX**

Nil

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Wednesday 27 January 2021  
CONFIDENTIAL AGENDA BUSINESS ITEM**

**Item:** 18.1

**Responsible Officer:** Ashley Curtis  
Manager Civil Services  
Infrastructure & Operations

**Subject:** AHC Tender 2020/21-12 – Supply of Limestone Rubble

**For:** Decision

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**1. AHC Tender 2020/21–12 – Supply of Limestone Rubble – 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:

- Chief Executive Officer, Andrew Aitken
- Director Infrastructure & Operations, Peter Bice
- Director Development & Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Civil Services, Ashley Curtis
- Governance & Risk Coordinator, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.1: (AHC Tender 2020/21-12 – Supply of Limestone Rubble) 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)(k) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is tenders for the supply of goods, the provision of services or the carrying out of works; the disclosure of which could reasonably be expected to prejudice the commercial position of the business who supplied the information by disclosing specific quotes and modelling by the tenderer.

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. Supply of Limestone Rubble – 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 18.1 in confidence under sections 90(2) and 90(3)(k) 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 and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the contracts are signed, but not longer than 12 months.
- Appendix 1 be retained in confidence until 28 February 2023.

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Wednesday 27 January 2021  
CONFIDENTIAL AGENDA BUSINESS ITEM**

**Item:** 18.2

**Responsible Officer:** David Collins  
Manager Strategic Assets  
Infrastructure and Operations Directorate

**Subject:** Community Wastewater Management System (CWMS) Review

**For:** Decision

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**1. CWMS Divestment – 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:

- Chief Executive Officer, Andrew Aitken
- Director Infrastructure & Operations, Peter Bice
- Director Development & Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Strategic Assets, David Collins
- Manager Sustainability Waste and Emergency Management, Sustainability, Waste & Emergency Management, John McArthur
- Governance & Risk Coordinator, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.2: CWMS Divestment 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) 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;

**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 could reasonably be expected to provide a commercial advantage to another party as it relates closely to a proposed tendering process and may influence market responses and that disclosure may have a detrimental effect on the efficient and effective conduct of government functions.**

**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.**

**3. CWMS Divestment – 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 18.2 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 discussion and considerations of the subject matter be retained in confidence until 30 July 2021.

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.