



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 08 April 2025
6.30pm
63 Mt Barker Road Stirling

ORDER OF BUSINESS

1. COMMENCEMENT

2. OPENING STATEMENT

2.1. Acknowledgement of Country

Council acknowledges that we meet on the traditional Country of the Peramangk and Kaurna people. We pay our respects to Ancestors and Elders past and present as the Custodians of this ancient and beautiful land.

2.2. Together we will care for this place for the generations to come 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

3.2.1. Mayor Jan-Claire Wisdom - 11 March 2025 to 10 September 2025 - approved 11 March 2025

3.2.2. Cr Kirrilee Boyd - 19 April 2025 to 27 April 2025 - approved by Council 25 March 2025

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 25 March 2025

That the minutes of the ordinary meeting held on 25 March 2025 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
- 8.2. Deputations
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

- 10.1. Fallen Trees – Cr Adrian Cheater
 - a) *What is the current process for CFS and SES to communicate with Council in relation to tree and tree limb drops which may require Council attendance to remove?*
 - b) *Is there any existing method or technology for simple notification from emergency services outside of the current report an issue function on the Adelaide Hills Council website?*

11. MOTIONS ON NOTICE

Nil

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Towards zero emissions - A Carbon Management Plan for the Adelaide Hills
 - 1. *That the report be received and noted.*
 - 2. *To adopt the Towards zero emissions - A Carbon Management Plan for the Adelaide Hills contained within Appendix 1 of this report.*
 - 3. *That the programs and actions within the Towards zero emissions – A Carbon Management. Plan be considered as part of the long term financial plan.*

4. *That the CEO be authorised to make any formatting, nomenclature, or other minor changes to the Plan.*
- 12.2. Delegations under the Local Government Act 1999 and other changed legislation (excluding the Development Act 1993 and Planning, Development and Infrastructure Act 2016).
1. *That the report be received and noted*
 2. *The Adelaide Hills Council (Council) delegates each function or power of the Council:*
 - a. *as an administering agency under the Environment Protection Act 1993 are delegated pursuant to section 18C of the Environment Protection Act;*
 3. *The delegations are granted pursuant to section 44 of the Local Government Act 1999, excepting that the functions and powers of the Council:*
 - a. *as an administering agency under the Environment Protection Act 1993 are delegated pursuant to section 18C of the Environment Protection Act;*
 4. *The delegations granted pursuant to:*
 - a. *the Local Government Act to the Council's Chief Executive Officer (CEO) may be sub-delegated by the Chief Executive Officer in accordance with sections 44(4)(b) and 101 of the Local Government Act, but subject to section 44(3a) of the Local Government Act;*
 5. *If two or more delegates are nominated in respect of a power or function, then each nominated person is granted a delegation and may exercise the power or function independently of any other delegate.*
 6. *The delegations are granted subject to the following conditions and limitations:*
 - a. *the delegate must exercise a delegated function or power in accordance with:*
 - i. *applicable legislative and other legal requirements; and*
 - ii. *due regard to relevant policies and guidelines adopted by the Council;*
 - iii. *all other conditions and limitations noted in the instrument of delegations (Appendix 2)*
 - b. *in regard to the following delegations under the Local Government Act:*
 - i. *section 133: the power to obtain funds does not extend to imposing rates, borrowing money or obtaining other forms of*

- financial accommodation or fixing or varying fees under sections 188(1)(d) to 188(1)(h) of the Local Government Act;*
- ii. section 137: the power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the council;*
 - iii. section 143(1): the power to write off debts is limited to debts not exceeding \$5000;*
 - iv. section 188(3): the powers in regard to fees and charges are limited to fees and charges imposed under sections 188(1)(a), 188(1)(b) and 188(1)(c);*
7. *Each delegation of a power or function granted under this instrument is independent of, and severable from, every other delegation granted under this instrument.*
8. *If a delegation of a power or function under this instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this instrument and the remaining delegations will continue to operate according to their terms.*
9. *The delegations provided for in this instrument of delegation will come into operation on 14 April 2025.*
10. *Previous delegations granted by the Council of the powers and functions delegated by this instrument are revoked with effect from the date on which the delegations provided for in this instrument come into operation.*
11. *The delegations granted by this instrument will remain in force until varied or revoked by resolution of the Council.*
- 12.3. Delegations made under Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council.
- 1. *That the report be received and noted.*
 - 2. *Delegations made under Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council, a Designated Authority and a Designated Entity – (Instrument A)*
 - a. *In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (contained in the attachment of this Report) are hereby delegated this 14 April 2025 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. 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.*
- 3. Delegations made under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority – (Instrument B)*
 - a. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (contained in the attachment to this Report) are hereby delegated this 14 April 2025 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. 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. If two or more delegates are nominated in respect of a power or function, then each nominated person is granted a delegation and may exercise the power or function independently of any other delegate.*
- 5. The delegations are granted subject to the following conditions and limitations:*
 - a. the delegate must exercise a delegated function or power in accordance with:*
 - i. applicable legislative and other legal requirements; and*
 - ii. due regard to relevant policies and guidelines adopted by the Council;*
 - iii. all other conditions and limitations noted in the instrument of delegations*

6. *Each delegation of a power or function granted under this instrument is independent of, and severable from, every other delegation granted under this instrument.*
7. *If a delegation of a power or function under this instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this instrument and the remaining delegations will continue to operate according to their terms.*
8. *Previous delegations granted by the Council of the powers and functions delegated by this instrument are revoked with effect from the date on which the delegations provided for in this instrument come into operation.*
9. *The delegations granted by this instrument will remain in force until varied or revoked by resolution of the Council.*

12.4. Policy Review – Code of Practice for Council Meeting Procedures

1. *That the report on the revised Code of Practice for Council Meeting Procedures be received and noted.*
2. *With an effective date of 14 April 2025, to adopt the amendments as presented in the Code of Practice for Council Meeting Procedures as per Appendix 1.*
3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Code as per Appendix 1.*

12.5. Behavioural Standards Panel Contact Officer

1. *That the report be received and noted.*
2. *To appoint the CEO, or their delegate, as the Behavioural Standards Panel Contact Officer and to amend the Behavioural Management Policy accordingly.*
3. *With an effective date of 9 April 2025, to revoke the current Behavioural Management Policy and to adopt the revised Behavioural Management Policy as per Appendix 1.*
4. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Behavioural Management Policy.*

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

Nil

14. CORRESPONDENCE FOR NOTING

Nil

15. QUESTIONS WITHOUT NOTICE

16. MOTIONS WITHOUT NOTICE

17. REPORTS

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

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

17.3. CEO Report

18. REPORTS OF COMMITTEES

18.1. Council Assessment Panel
Nil

18.2. Audit Committee
Nil

18.3. CEO Performance Review Panel – 2 April 2025
See confidential items

18.4. Boundary Change Committee
Nil

19. CONFIDENTIAL ITEMS

19.1. CEO Performance Review Panel Confidential Minutes – 2 April 2025 Minutes

20. NEXT MEETING

Tuesday 22 April 2025 at 6.30pm, 63 Mt Barker Road, Stirling

21. CLOSE MEETING

Council Meetings, Information and Briefing Sessions, CAP and Committee Meetings for 2025

DATE	TYPE	LOCATION	MINUTE TAKER
JANUARY 2025			
Wednesday 15 January	CAP	Stirling	TBA
Tuesday 28 January	Ordinary Council	Stirling	Skye Ludzay
FEBRUARY 2025			
Monday 3 February	Workshop	Woodside	N/A
Tuesday 11 February	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 12 February	CAP	Stirling	TBA
Monday 17 February	Audit Committee	Stirling	Lauren Jak
Tuesday 18 February	Professional Development	Stirling	N/A
Tuesday 25 February	Ordinary Council	Stirling	Skye Ludzay
MARCH 2025			
Monday 3 March	Workshop	Woodside	N/A
Tuesday 11 March	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 12 March	CAP	Stirling	TBA
Tuesday 18 March	Professional Development	Stirling	N/A
Saturday 22 March	Workshop	Stirling	N/A
Tuesday 25 March	Ordinary Council	Stirling	Skye Ludzay
Wednesday 26 March	CEO PRP	Stirling	Zoë Gill
APRIL 2025			
Wednesday 2 April	CEO PRP	Stirling	Zoë Gill
Monday 7 April	Workshop	Woodside	N/A
Tuesday 8 April	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 9 April	CAP	Stirling	TBA
Monday 14 April	Audit Committee	Stirling	Lauren Jak
Tuesday 15 April	Professional Development	Stirling	N/A
Wednesday 16 April	CEO PRP	Stirling	Zoë Gill
Tuesday 22 April	Ordinary Council	Stirling	Skye Ludzay
MAY 2025			
Monday 5 May	Workshop	Woodside	N/A
Tuesday 13 May	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 14 May	CAP	Stirling	TBA
Monday 19 May	Audit Committee	Stirling	Lauren Jak
Tuesday 20 May	Professional Development	Stirling	N/A
Tuesday 27 May	Ordinary Council	Stirling	Skye Ludzay
JUNE 2025			
Monday 2 June	Workshop	Woodside	N/A
Tuesday 10 June	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 11 June	CAP	Stirling	TBA
Tuesday 17 June	Professional Development	Stirling	N/A
Tuesday 24 June	Ordinary Council	Stirling	Skye Ludzay
Wednesday 25 June	CEO PRP	Stirling	Zoë Gill
JULY 2025			
Monday 7 July	Workshop	Woodside	N/A

DATE	TYPE	LOCATION	MINUTE TAKER
Tuesday 8 July	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 9 July	CAP	Stirling	TBA
Tuesday 15 July	Professional Development	Stirling	N/A
Tuesday 22 July	Ordinary Council	Stirling	Skye Ludzay
AUGUST 2025			
Monday 4 August	Workshop	Woodside	N/A
Tuesday 12 August	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 13 August	CAP	Stirling	TBA
Monday 18 August	Audit Committee	Stirling	Lauren Jak
Tuesday 19 August	Professional Development	Stirling	N/A
Tuesday 26 August	Ordinary Council	Stirling	Skye Ludzay
SEPTEMBER 2025			
Monday 1 September	Workshop	Woodside	N/A
Tuesday 9 September	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 10 September	CAP	Stirling	TBA
Tuesday 16 September	Professional Development	Stirling	N/A
Tuesday 23 September	Ordinary Council	Stirling	Skye Ludzay
OCTOBER 2025			
Tuesday 7 October (Public Holiday)	Workshop	Woodside	N/A
Wednesday 8 October	CAP	Stirling	TBA
Tuesday 14 October	Ordinary Council	Stirling	Rebekah Lyons
Monday 20 October	Audit Committee	Stirling	Lauren Jak
Tuesday 21 October	Professional Development	Stirling	N/A
Tuesday 28 October	Ordinary Council	Stirling	Skye Ludzay
NOVEMBER 2025			
Monday 3 November	Workshop	Woodside	N/A
Tuesday 11 November	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 12 November	CAP	Stirling	TBA
Monday 17 November	Audit Committee	Stirling	Lauren Jak
Tuesday 18 November	Professional Development	Stirling	N/A
Tuesday 25 November	Ordinary Council	Stirling	Skye Ludzay
DECEMBER 2025			
Monday 1 December	Workshop	Woodside	N/A
Tuesday 9 December	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 10 December	CAP	Stirling	TBA

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 2025

6.00 for 6.30pm

(dates and venues to be confirmed)

DATE	LOCATION
Tuesday 29 April 2025	Uraidla Football Club

Council Member Attendance 2025

Information or Briefing Sessions

Meeting Date	Mayor Jan-Claire Wisdom	Cr Kirrilee Boyd	Cr Adrian Cheater	Cr Nathan Daniell	Cr Leith Mudge	Cr Louise Pascale	Cr Mark Osterstock	Cr Kirsty Parkin	Cr Pauline Gill	Cr Chris Grant	Cr Malcolm Herrmann	Cr Lucy Huxter	Cr Melanie Selwood
3 Feb 25 (WS)	F	AP	F	F	AP	F	AP	F	F	F	F	AP	F
18 Feb 25 (WS)	P	AP	F	F	F	P	AP	F	LOA	F	F	F	F
3 Mar 25 (WS)	F	F	F	F	F	F	F	AP	AP	F	F	AP	F
11 Mar 25 (WS)	LOA	F	F	F	LOA	A	F	F	AP	AP	P	F	F
18 Mar 25 (WS)	LOA	F	F	F	LOA	F	AP	F	P	F	F	F	F
22 Mar 25 (WS)	LOA	F	F	F	LOA	F	AP	F	F	F	F	F	F

Council Member Attendance 2025

Council Meetings (including Special Council Meetings)

Meeting Date	Mayor Jan-Claire Wisdom	Cr Kirrilee Boyd	Cr Adrian Cheater	Cr Nathan Daniell	Cr Leith Mudge	Cr Louise Pascale	Cr Mark Osterstock	Cr Kirsty Parkin	Cr Pauline Gill	Cr Chris Grant	Cr Malcolm Herrmann	Cr Lucy Huxter	Cr Melanie Selwood
28 Jan 25	AP	F	AP	AP	F	LOA	F	AP	F	F	F	F	F
11 Feb 25	F	AP	LOA	F	F	F	F	F	AP	F	F	F	LOA
25 Feb 25	AP	F	F	F	F	F	F	F	LOA	F	F	LOA	F
11 Mar 25	LOA	F	F	F	LOA	F	F	F	AP	AP	F	F	F
25 Mar 25	LOA	F	F	F	LOA	F	F	F	F	F	F	F	F

Index: F = Full Attendance / P = Partial Attendance / AP = Apology / LOA = Leave of Absence / A = Absent

Conflict of Interest Disclosure Form

CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS

Date: _____

Meeting Name (please tick one)

Ordinary Council ☐

Audit Committee ☐

Special Council ☐

Boundary Change Committee ☐

CEO Performance Review Panel ☐

Other: _____ ☐

Item No

Item Name:

(Only one conflict of interest entry per form)

I, Mayor / Cr _____ have identified a conflict of interest as:

GENERAL ☐

MATERIAL ☐

GENERAL

In considering a General Conflict of Interest (COI), an impartial, fair-minded person might consider that the Council Member's private interests might result in the Member acting in a manner that is contrary to their public duty.

MATERIAL

In considering a Material Conflict of Interest (COI), a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council if a class of persons as defined in s75(1)(a-l) in the Act would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting.

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)

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

- ☐ I intend to **stay** in the meeting (please complete details below)
- ☐ I intend to **stay** in the meeting as exempt under s75A (please complete details below)
- ☐ I intend to **leave** the meeting (*mandatory if you intend to declare a Material conflict of interest*)

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

(This section must be completed and ensure sufficient detail is recorded of the specific circumstances of your interest.)

Office use only: Council Member voted FOR / AGAINST the motion.

8. DEPUTATIONS

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

1. A request to make a deputation should be made by submitting a Deputation Request Form, (available on Council's website and at Service and Community Centres) to the CEO seven clear days prior to the Council meeting for inclusion in the agenda.
2. Each deputation is to be no longer than ten (10) minutes, 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
 - 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

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

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

Questions on Notice

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 8 April 2025
AGENDA BUSINESS ITEM**

Item: 10.1 Question on Notice

Originating from: Cr Adrian Cheater

Subject: Fallen Trees

1. QUESTION

- a) What is the current process for CFS and SES to communicate with Council in relation to tree and tree limb drops which may require Council attendance to remove?
- b) Is there any existing method or technology for simple notification from emergency services outside of the current report an issue function on the Adelaide Hills Council website?

2. BACKGROUND

An unfortunate byproduct of living in the beautiful, tree rich region of the Adelaide Hills is fallen trees and tree limbs. Noting that many of these do occur on road reserves which do not necessarily require removal and that many incidents do not relate to Council tree assets, clarity on a simple and streamlined option for emergency services is being sought. Clarification on options for CFS and SES units, brigades, groups and regions on how best to engage with Council, may help deliver positive outcomes for our community.

3. OFFICER'S RESPONSE – Greg Georgopoulos, Chief Executive Officer

- a) What is the current process for CFS and SES to communicate with Council in relation to tree and tree limb drops which may require Council attendance to remove?

The CFS and SES currently communicate with Council in relation to tree and tree limb drops through one of the following methods:

- the Customer Relationship Management (CRM) system on Council's website
- by phone to the Customer Service team (during business hours)
- by phone to Council's after-hours phone service

- b) Is there any existing method or technology for simple notification from emergency services outside of the current report an issue function on the Adelaide Hills Council website?

No, emergency services requests about tree and tree limb drops that require a response from Council are most effectively managed through this centralised and consistent process described above.

4. APPENDIX

Nil.

Administration Reports Decision Items

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 8 April 2025
AGENDA BUSINESS ITEM**

Item:	12.1.
Responsible Officer:	Greg Georgopoulos Chief Executive Officer Environment and Infrastructure
Subject:	Towards zero emissions - A Carbon Management Plan for the Adelaide Hills
For:	Decision

SUMMARY

The purpose of this report is to present the draft *Towards zero emissions - A Carbon Management Plan for the Adelaide Hills* (the Plan) contained within **Appendix 1** for endorsement.

Council has been working for many years on reducing its own emissions with an over 65% reduction of electricity emissions in the past 7 years due to building improvements, energy efficiencies and increasing renewable energy.

In 2019 Council endorsed a *Corporate Carbon Management Plan* with numerous actions completed and ongoing. It is now timely to review and set further directions to continue to reduce carbon emissions. At a Council Workshop it was recognised that the new Plan should also include community emissions and initiatives that the Council could support. Dsquared Consulting were engaged to prepare the Plan which included the formation of a community Focus Group to identify and review potential community carbon emission reduction actions.

Key initiatives within the Plan are identified for corporate and community carbon emission reduction and information is provided on resource requirements, timing, indicative budget, and emission reduction.

Key initiatives include:

- Implement a Community Renewables Program
- Reduction of embodied emissions in infrastructure projects
- Review of the fleet transition including EV charging stations
- Changing waste services in townships to weekly food organics green organics (FOGO)
- Undertake a review of the largest supply chain emissions and collaborate with suppliers
- Negotiate a 100% renewable electricity contract
- Continue to improve energy efficiency for Council facilities

Project briefs have been prepared for all these initiatives for consideration within the 2025/2026 budget deliberations and long-term financial planning process.

If all initiatives are implemented Council could achieve a further 30% reduction in corporate emissions in the next 10 years.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
 - 2. To adopt the Towards zero emissions - A Carbon Management Plan for the Adelaide Hills contained within *Appendix 1* of this report.**
 - 3. That the programs and actions within the *Towards zero emissions - A Carbon Management Plan* be considered as part of the long term financial plan.**
 - 4. That the CEO be authorised to make any formatting, nomenclature, or other minor changes to the Plan.**
-

1. BACKGROUND

Council has been reducing carbon emissions since 2011 when the first Greenhouse Gas Inventory was completed. In 2019 a *Corporate Carbon Management Plan* (CCMP) was prepared to guide the Council towards carbon neutrality. A number of these targets and actions in the CCMP have been completed.

The key achievements from the CCMP include:

- 100% renewable electricity purchased through the Green Power program.
- Solar PV panels installed on the Stirling Office and Library, Woodside Office, Nairne Road Office, the Summit Community Centre, Gumeracha Depot, and Birdwood Community Wastewater Management System (CWMS).
- 900 streetlights changed to LED with the remaining 400 being gradually changed to LED.
- Review of the Procurement Policy to incorporate sustainability objectives.
- Fourteen electric cars have been purchased with more on order.
- Undertook an electrical capacity report for Stirling, Woodside Offices and Heathfield Depot to determine any switchboard or transformer upgrade requirements for EV charging.
- Installation of electric vehicle charging stations at the Heathfield Depot, Fabrik, Woodside, Garrod and Stirling Office.
- New HVAC systems installed at the Woodside Library, Gumeracha Library and the Coventry Library, Stirling.
- Numerous lighting changes, instantaneous hot water systems, solar lights, and sensor light systems for the Heathfield Depot, Woodside Library, Woodside Office, Torrens Valley Community Centre, Stirling Office, and Library.
- Preparation of a sustainability audit for thirty-seven AHC facilities to determine a prioritised list of actions to improve energy and water efficiency. LED lighting change has been implemented.

- Preparation of Sustainable Building Guidelines for Council facilities.
- Involved in a local government partnership to investigate the potential for carbon offsetting between regional and metropolitan councils.
- Continuing to implement water conservation projects with the recent successful grant funding to install new irrigation systems on 2 key open spaces, install a central irrigation system and review groundwater use.
- Undertook a trial to change the kerbside bin collection frequency to reduce the landfill diversion rate and reduce emissions.
- Investigating the installation of a solar PV system and battery storage on the Fabrik gallery (old Onkaparinga Woollen Mill) as part of the substantial building upgrade.

Many of these actions have been to reduce electricity emissions which has resulted in a reduction of over 65% in the past 7 years due to building improvements, energy efficiencies and increasing renewable energy. Currently the remaining electricity use is offset through the GreenPower program to be a 100% renewable energy source. Contract negotiations are currently underway to direct purchase 100% renewable energy. In addition, the South Australian electricity grid is quickly decarbonising and is on track to achieve net 100% of electricity generation from renewables by 2030.

With numerous actions completed from the CCMP and a renewed emphasis on sustainability the Council decided to undertake a review of the CCMP and develop a new carbon management plan. The Council also requested that along with corporate emission reduction that support for the community to reduce their emissions be included in the new Plan.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2024

Goal	Natural Environment
Objective NE1	Pursue our adopted pathway to achieve net zero carbon emissions
Priority NE1.1	Deliver actions in the corporate carbon management plan to decarbonise Council operations, including embedded emissions.
Priority NE1.2	Continue to decarbonise the vehicle fleet and other energy consuming processes.
Priority NE1.3	Investigate opportunities for direct energy purchasing from renewable energy producers (power purchase agreement) and/or community virtual power plants.
Priority NE1.4	Demonstrate responsible governance by incorporating sustainable procurement (ISO 20400) into Council processes.
Goal	Natural Environment
Objective NE2	Support the community and businesses to decarbonise and transition to sustainable lifestyle practices (green communities)

- | | |
|----------------|--|
| Priority NE2.1 | Investigate the merits of a solar PV and battery bulk purchasing scheme and community virtual power plant to provide more affordable access to renewable energy and explore other ways of supporting practical actions by the community to adopt sustainable living practices. |
| Priority NE2.2 | Continue to promote the highest principles in the waste management hierarchy – avoid, reduce, reuse, and recycle – through education programs, services and by example. |
| Priority NE2.3 | Explore alternative kerbside waste collection models that divert more waste from landfill. |
| Priority NE2.4 | Support business, commerce associations, community associations and other groups to adopt sustainability targets and actions. |

Within the guiding principles section of the *Your Place Your Space Strategic Plan 2024* there are statements on climate change and sustainability as follows:

We are dedicated to reducing our impact upon climate change and seek to mitigate and adapt to its impacts in line with our declaration of a climate emergency.

We consider the environmental, economic, social and cultural implications of our decisions to ensure the ongoing sustainability of the Council and our community.

Consideration of net zero emissions and carbon emission management are in alignment with the Strategic Plan to reduce carbon emissions for Council and the community.

➤ **Legal Implications**

The relevant legislation is the *Climate Change and Greenhouse Emissions Reduction Act 2007*.

“An Act to provide for measures to address climate change with a view to assisting to achieve a sustainable future for the State; to set targets to achieve a reduction in greenhouse gas emissions within the State; to promote the use of renewable sources of energy; to promote business and community understanding about issues surrounding climate change; to facilitate the early development of policies and programs to address climate change; and for other purposes. “

This legislation is currently being reviewed and will be updated specifically to:

- Update emission reduction and renewable electricity targets.
- Strengthen requirements around government planning, risk assessment and action on climate change.

The development and implementation of the *Towards zero emissions- A Carbon Management Plan for the Adelaide Hills Plan* with numerous initiatives including to ensure 100% renewable energy use, continue towards zero emissions for corporate emissions and support the community to reduce emissions aligns with the legislation.

➤ **Risk Management Implications**

The draft *Towards zero emissions – A Carbon Management Plan for the Adelaide Hills* (the Plan) provides guiding actions for Council to continue its leadership role in reducing carbon emissions. The inclusion of community emissions and the role Council may play in supporting the community to reduce emissions is a new direction. The intent is to continue to undertake initiatives to achieve a zero emissions target for corporate emissions and support the community in striving towards emission reduction and assist with reducing costs associated with the cost of living.

Whilst implementing the initiatives of the Plan will ensure that Council progresses towards its targets, leads by example and supports the community it is acknowledged that implementation of the actions by Council alone will have minimal impact on global emissions. However, it is important to be part of the solution and not to ignore the implications of climate change.

The *Towards zero emissions- A Carbon Management Plan for the Adelaide Hills* and associated initiatives resulting in reduced emissions will assist in mitigating the risk of:

Contributing to a changing climate leading to increased energy costs, increasing carbon emissions, minimal adaptation, and lower resilience.

Inherent Risk	Residual Risk	Target Risk
High 3B	Medium 3C	Medium 2C

➤ Financial and Resource Implications

The draft Plan identifies emissions reduction initiatives and an indicative associated budget. These initiatives will require consideration as part of the Long-Term Financial Plan (LTFP), 2025/26 annual business planning and budget setting process. Key initiatives identified for possible inclusion in the 2025/2026 budget are as follows.

Key initiatives	Cost	Description
Infrastructure and capital works embodied emissions	\$60,000-\$90,000 (in addition to current capital works budget)	Increase for sealed road projects only to implement low embodied energy products.
Continue transition to low emissions vehicle	Already in LTFP and budget considerations within the fleet budget.	Review the current EV costs and savings, EV prices and future trends. Continue to transition to EVs through change from ICE vehicles.
Renewable energy contract	Unknown at this stage due to current contract negotiations.	There may be an increased cost for 100% renewable electricity, but this is still in progress.
Smart energy and improved energy efficiency	\$50,000-\$75,000 Possible ongoing cost savings.	Ongoing energy efficiency improvement program planning and implementation for Council facilities.
Community energy – ShineHub bulk buy	\$97,000 including .5FTE	Engage ShineHub to develop a solar PV and battery storage program for the Adelaide Hills

Key initiatives	Cost	Description
Community energy-AHC specific program for energy and transport	\$80,000 - \$240,000 Depending on approach.	Implement a community energy program to support residents and businesses reduce consumption, costs, and emissions. This could be linked with an increased grant and incentives program.
Sport and recreation facility emissions and cost reduction	\$20,000 for initial audits \$100,000 for implementation ongoing	Energy and water use audits for sporting clubs and facilities to reduce emissions and costs. Based on the audits undertake staged implementation.
Weekly organics waste service to townships	\$341,000 (includes 1 FTE) upfront capital cost	As per Council Report (dated 8 October 2024) to change to weekly FOGO service for townships areas
Supply chain and sustainable procurement	\$30,000-\$40,000	Expert consultant to develop a program, review top suppliers and undertake training of staff
Increased grant and incentive program	\$90,000	Identify grants and incentives that can support the community on reducing emissions. This could be developed in liaison with the community energy AHC specific program

The key critical corporate initiative is the contract negotiation to ensure that Council is purchasing 100% renewable electricity which would mean that Council would not reduce electricity carbon emissions any further and any improved energy efficiency would only result in a cost saving. Council have engaged consultants to provide expert advice as to the 100% renewable electricity contract tender process and the evaluation is currently ongoing. The outcome will be presented to Council on conclusion of the process.

The cost of \$341,000 for a change to the FOGO service in townships has been considered at a Council meeting on Tuesday 8 October 2024 and the project implementation is subject to a funding allocation in the 2025/26 budget. Council has also previously discussed the possibility of a community renewable program at a Council meeting on the 12 November 2024 and endorsed that this program should be further considered as part of the 2025/2026 annual business planning process.

There will be resource implications for many initiatives within the Plan. Specific staff resource changes are part of the indicative cost for the community renewables program with a .5FTE considered in the \$97,000 indicative cost and for the AHC specific community energy program where 1 FTE is incorporated. The FOGO project also has resource requirements included within the budget to assist with implementation. The other initiatives identified will have resource implications across the Council including finance, procurement, civil services, customer service, fleet management, asset management, waste management and sustainability.

➤ Customer Service and Community/Cultural Implications

Council has been working for many years to address the carbon footprint of its corporate operations, showing leadership, and aligning with the environmental awareness of the local community. The draft Plan provides further energy efficiency, reduced energy use and carbon management initiatives that will provide support and encouragement to the community to adopt better practises within their own homes and workplaces. Depending on which initiatives are approved through the budget process there will be increased customer service requirements due to the increased interface with Council.

➤ **Sustainability Implications**

The draft Plan has key initiatives which will continue to reduce carbon emissions for the Council and the community. The priority within the Plan is to follow the carbon management hierarchy and in the first instance avoid emissions and then improve energy and transport efficiency. The development and endorsement of the draft Plan will provide impetus and direction to further reduce emissions and improve environmental outcomes. Potential emission reduction for each of the key initiatives is provided below. If all initiatives are implemented Council could achieve a further 30% reduction in corporate emissions in the next 10 years. The reduction to community emissions is more complex and challenging to estimate and will also be dependent on the decarbonisation of the SA electricity grid.

➤ **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>	Tuesday 16 April 2024 - presentation on CCMP achievements, trends, developing an emissions inventory and reduction plan, Council and community emissions, discussion on key priorities and the role of Council in community emissions. Monday 5 August 2024 - presentation included Councils emissions inventory, Snapshot community emissions, emissions reduction priorities, pathway to achieving net zero emissions, emissions reduction strategy, possible reduction initiatives, priorities, and targets. At this workshop, the approach to community engagement was also discussed.
<i>Advisory Groups:</i>	Not Applicable
<i>External Agencies:</i>	Not Applicable
<i>Community:</i>	A community Focus Group was formed through an open Expression of Interest. The first session was held on Wednesday 25 September 2024. At this workshop, the latest greenhouse gas emissions profile for Council and the community was presented, emissions reduction trends and opportunities were explored, and community priorities discussed. The second session was held on Wednesday 16 October 2024. At this session key emissions reduction actions and initiatives identified in session one and the draft plan was discussed along with any further comments on what was liked, missing and any final ideas.

The draft Plan was also released for comment to Elected Members, key staff, and Focus Group members in February 2025. Comments were received up to the 11 March 2025. The intent was to enable comments to be incorporated prior to the Plan being presented to

Council at a formal meeting. Further information on the outcomes of the Plan review is provided in Additional Analysis.

➤ **Additional Analysis**

Through a comprehensive research and consultative approach numerous carbon emission reduction initiatives have been identified to continue to reduce corporate emissions and to support the community in reducing emissions.

The draft Plan approach has involved the following:

- Research and review of existing information, trends, data, and plans.
- Familiarisation with the existing Council carbon emissions inventory and achievements to date.
- Utilisation of the Snapshot Climate tool to identify a community carbon emission inventory.
- Consultative approach with the Project Coordinator, Elected Members, Executive Leadership Team, key Council staff and a community Focus Group with meetings and workshops.
- Analysis and understanding of existing and latest information.
- Development and confirmation of key priorities.
- Identification of key emission reduction opportunities; and
- High level costs, timing, and resource implications for budget consideration.

Council has continued to reduce its corporate carbon emissions, and the Plan is designed to build on these achievements and to also support the community further in reducing their emissions. Many of the initiatives are to continue to maintain the work that has been done to date such as the purchase of 100% renewable electricity and replacement of Internal Combustion Engine (ICE) vehicles (if not specifically for specific functions) with Electric Vehicles (EVs). All initiatives have been identified based on the carbon management hierarchy with avoidance and reduction of emissions as the highest priority.

Based on the community Focus Group sessions key community priorities were identified and these included:

- Public and Active transport – improving local public and active transport connections between townships
- Facilitate bulk buy solar and battery storage, virtual power plants, energy banks etc.
- Provide co-working spaces and advocating for better internet access to reduce city commuting
- Review public space use to allow community use of underutilised areas
- Carbon management initiatives should be cost neutral
- Advocate for improved building standards and planning codes
- Incentive schemes for energy efficiency upgrades, all-electric transitions, solar PV, and battery installations
- Implement more shared bike/pathways

A number of these priorities will be incorporated within other strategies and plans within Council such as shared bike/pathways.

The key categories developed for emission reduction within the Plan are:

- Road and construction
- Fleet fuel and transport
- Smart energy
- Waste, resources and supply chain
- Collaborate and advocate

Numerous corporate and community initiatives were identified based on the consultation outcomes, past Council resolutions, research, and current trends.

The draft Plan was released for review and comment to key staff, Elected Members and community Focus Group members in mid-February 2025 using an Engagement HQ interactive process. Three questions were asked:

- What you liked about the Plan?
- What could be added or changed in the Plan?
- Any other comments?

The review resulted in minimal comments and changes to the Plan. Changes included an emphasis on advocating for better transport options, re-iterating the importance of embodied energy and decision making of capital projects and the potential to decentralise the depot fleet and resources.

One community Focus Group member also reinforced that *“most of the recommendations flowing from the exercise are of dubious value where their cost is unlikely to deliver any measurable benefit to the community, and at worst are an exercise in virtue-signalling which ends up delivering worse outcomes to ratepayers by diverting scarce funds from the core business of Council”*.

Numerous initiatives within the Plan have been included in the 2025/2026 budget process and Project Briefs have been prepared.

3. OPTIONS

Council has the following options:

- I. To endorse the draft *Towards zero emissions – A Carbon Management Plan* for the Adelaide Hills provided in **Appendix 1**. This option is recommended as the draft Plan provides clear direction and initiatives for Council to further reduce its corporate carbon emissions and support the community in reducing their carbon emissions. Should the Council identify the need for substantial amendments to the revised Strategy/Policy, it is recommended that they be referred to staff for review to allow for analysis of the implications of the amendments, prior to the matter being brought back to the Council for further consideration. (Recommended)
- II. To not endorse the draft *Towards zero emissions – A Carbon Management Plan* for the Adelaide Hills. This option is not recommended as it will be in contradiction to the climate emergency declaration and will result in a minimal reduction of carbon emissions. (Not Recommended)

4. APPENDICES

- (1) *Towards zero emissions – A Carbon Management Plan for the Adelaide Hills*

Appendix 1

*Towards zero emissions – A Carbon Management Plan
for the Adelaide Hills*



Towards zero emissions

**A Carbon Management Plan
for the Adelaide Hills**

Final draft



Document Control

Issue	Date	Change	Checked	Approved
01	29/11/24	Draft for consultation	DD	JP
02	07/02/25	Minor updates	DD	JP
03	24/03/25	Final draft	DD	JP

This plan has been prepared by dsquared Consulting on behalf of Adelaide Hills Council.

About dsquared

Our Vision is to **think beyond the square**.

Our Mission is to create spaces, places, and communities that are positive for both the environment and for people. We will do this by providing our clients with sustainable and bespoke solutions that are innovative, challenge perceived ideas, and push the boundaries of achievement and excellence.

We confirm that all work has been undertaken in accordance with our ISO 9001 accredited quality management system.

Acknowledgement of country

The dsquared team wish to acknowledge the Traditional Custodians of all country throughout Australia, and their cultural, spiritual, physical, and emotional connection with their land, waters, and community. We pay our respects to all Elders past, present, and emerging.



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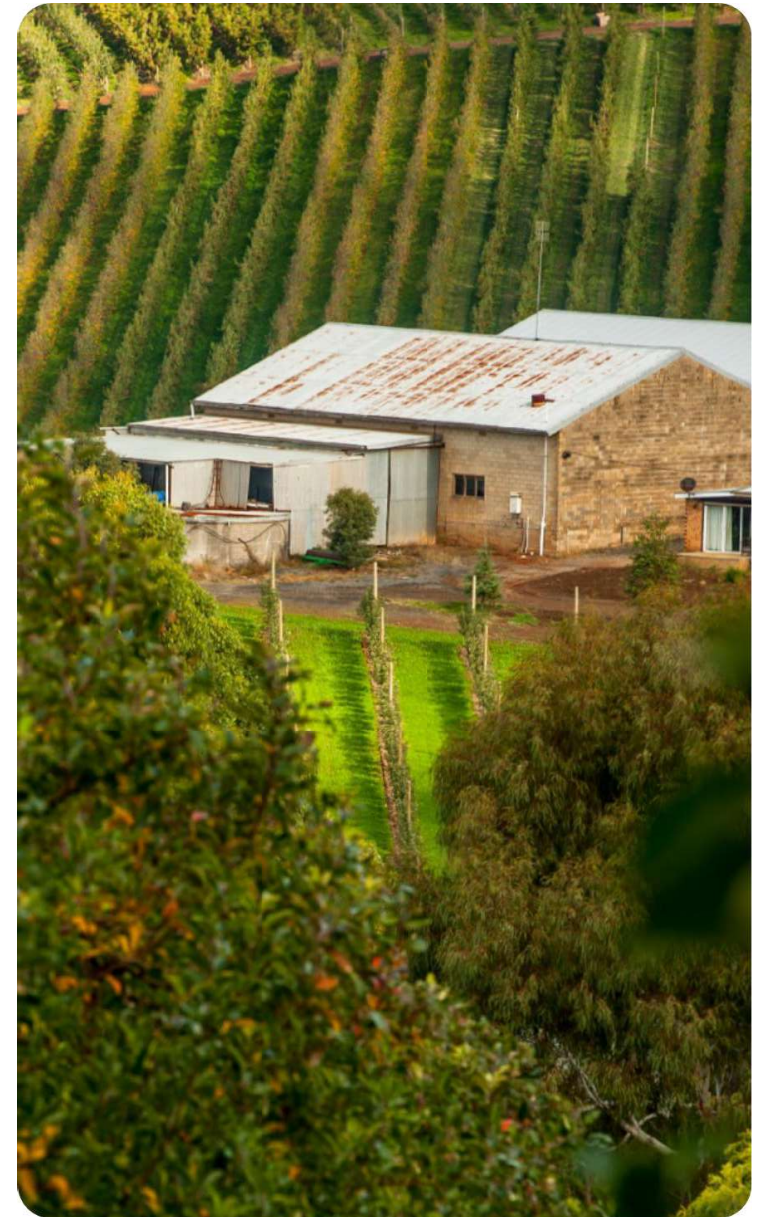
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Project Number: 3030



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Introduction

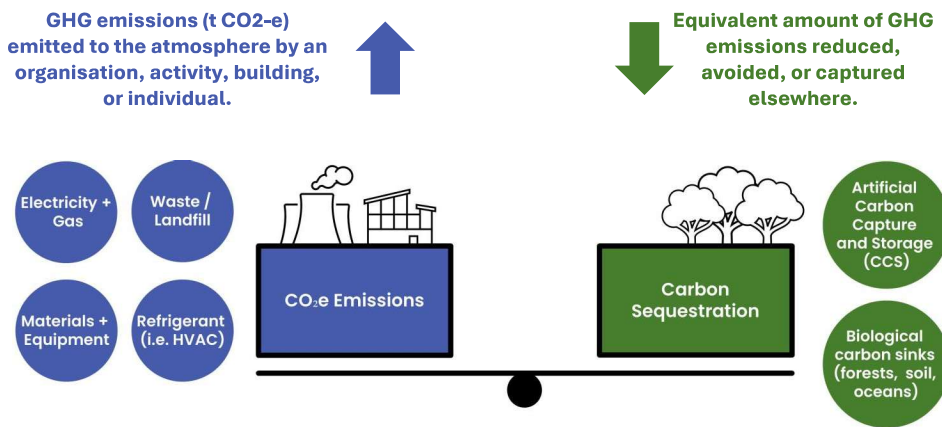
Adelaide Hills Council (Council) is committed to taking action to reduce the impacts of climate change, declaring a climate and biodiversity emergency in 2019. This Carbon Management Plan (the Plan) provides Council with an approach to reducing greenhouse gas (GHG) emissions across both corporate and community emissions. The Plan builds upon Council's Corporate Carbon Management Plan developed in 2019 and provides an updated pathway for Council's ongoing emissions reduction efforts.

Adelaide Hills Council has been demonstrating leadership in sustainability and managing emissions for many years including developing an emissions inventory, implementing emissions reduction initiatives, and supporting the community to reduce environmental impacts as part of education and grant programs. This Plan has been developed to continue this journey and support Council in continuing to demonstrate leadership in the local government sector.

The scope of this Plan is Adelaide Hills Council's emissions which are in direct control of the Council, emissions from its supply chain which it can minimise and influence, as well as community emissions where Council can support and facilitate community action. Where Council can implement initiatives and programs that support the community to reduce emissions, these opportunities have been identified to ensure Council is considering a holistic approach to transitioning to net zero emissions.

This Plan has been developed to set a pathway to reduce emissions in line with the following United Nations net zero definition which acknowledges that reducing emissions is required across society. The aim of the Plan is to reduce emissions as far as possible which will also reduce the amount of additional carbon sequestration required to balance GHG emissions.

“net zero means cutting greenhouse gas emissions to as close to zero as possible, with any remaining emissions re-absorbed from the atmosphere”



Why take action

GHG emissions have increased exponentially worldwide since the Industrial Revolution and are a major concern due to their ability to trap more heat in earth's atmosphere, resulting in changes to the climate which can have a negative impact on life. Some of the impacts include the following:



Greenhouse gas (GHG) emissions have increased exponentially and have been scientifically proven to trap more heat in the atmosphere, impacting the climate and resulting in increasing average temperatures, more variable and extreme weather, and rising sea levels.



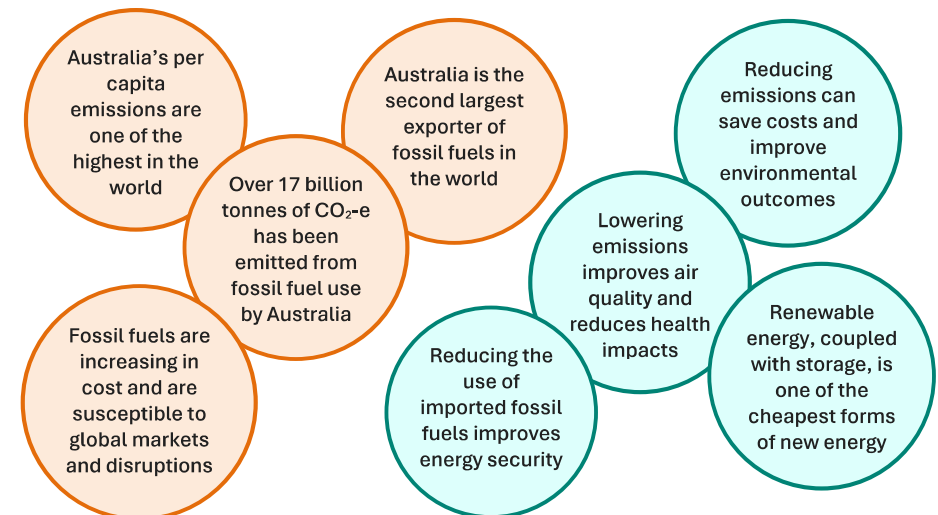
Extracting and burning fossils fuels negatively impacts natural environments, air quality, water quality, and flora and fauna. For example, there are over 6,500 coal mines worldwide covering approx. 100,000 square kilometres with 8.9 billion tonnes of coal mined each year.



Air quality impacts of burning fossils fuels have been shown to impact health including increasing the likelihood of asthma in children, respiratory complications, and increased likelihood of cancer and diabetes, which increases pressure on healthcare systems.



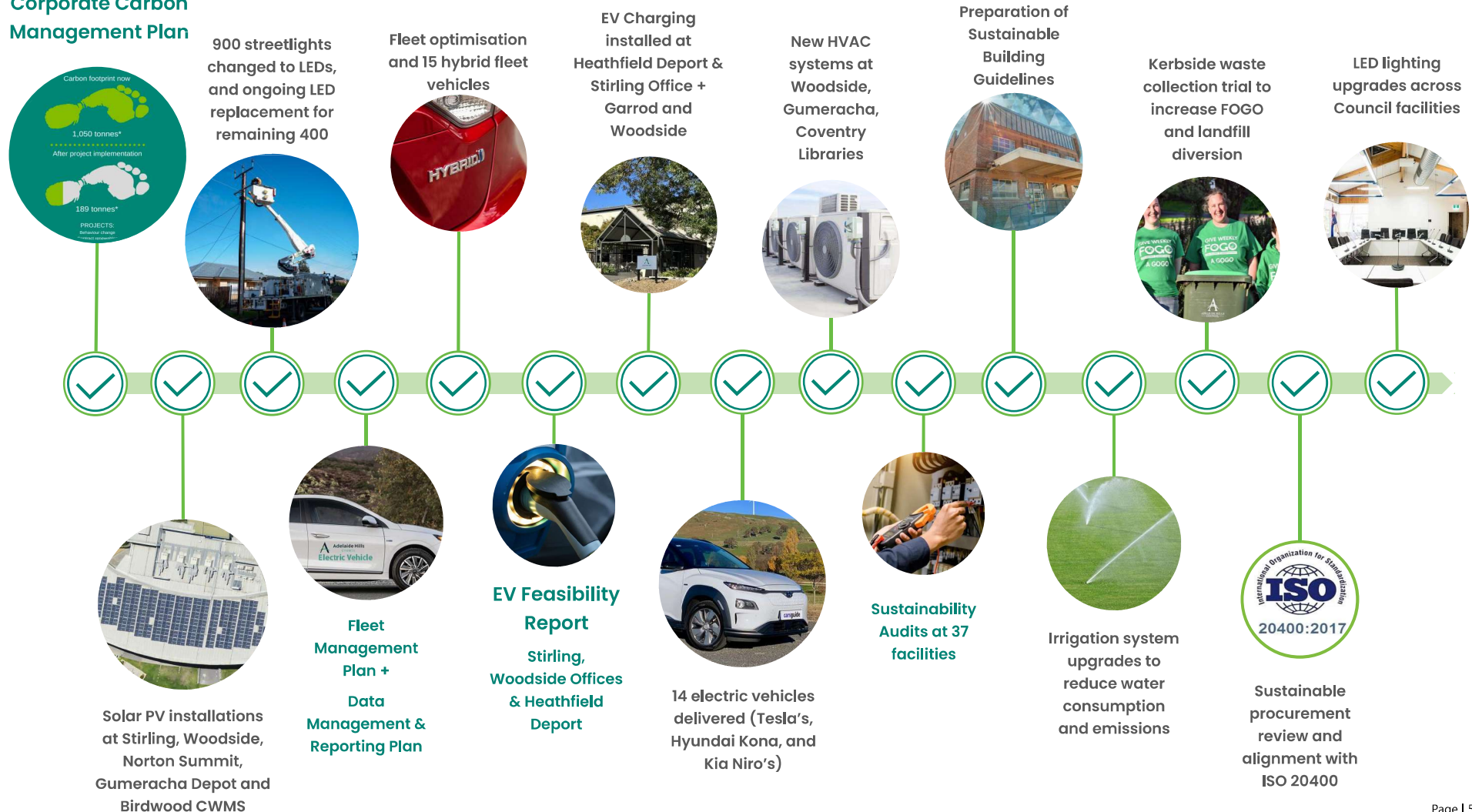
Fossil fuels are non-renewable, finite, becoming increasingly harder to mine and extract, and are susceptible to global supply interruptions and prices. The price of coal in Australia has doubled since 2020 largely due international markets and the war in Ukraine.



Council achievements

Council previously developed a corporate emissions inventory in 2019 which totalled 1,050 tCO₂-e and included electricity use in buildings and facilities, streetlighting electricity, fleet fuel use, and water. Since the 2019 inventory was developed, Council has implemented the following projects to reduce consumption, costs and emissions as part of Council operations and services:

Corporate Carbon Management Plan



Standards used

This Plan has been developed in line with the GHG Protocol Corporate Standard, Climate Active Carbon Neutral Organisation Standard, and Science Based Targets Manuals and reference documents. The GHG Protocol and Climate Active are the main standards used in this Plan and are summarised below.



The **GHG Protocol** is an internationally accepted set of standards and resources for GHG emissions accounting and reporting and is used by both public and private entities. The GHG Protocol is referenced by many GHG emissions tools and certifications including Climate Active and the Science Based Targets initiative (SBTi).

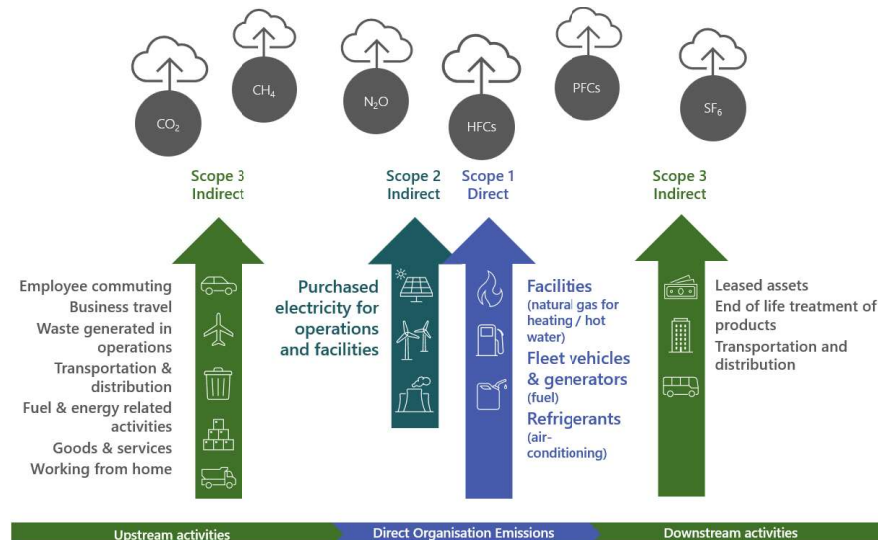


Climate Active Carbon Neutral Organisation Standards and Technical Guidance Manuals have been used throughout the development of this Plan and associated emission calculations, including setting an emissions boundary and baseline year, to ensure that in the event Council pursues Carbon Neutral certification, the emissions inventory and initiatives will meet the minimum requirements.

Scope 1, 2 & 3 emissions

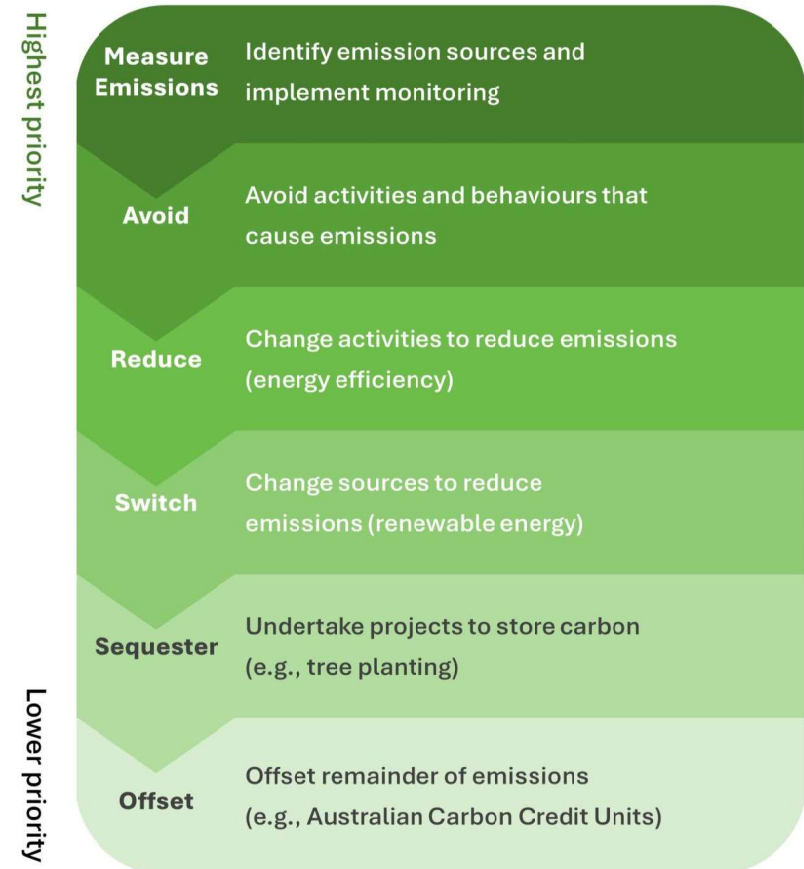
The emissions inventory includes Scope 1, 2 & 3 emissions for emissions sources associated with Council's operations and community emissions. Emissions scopes are categorised as follows:

- **Scope 1:** Direct emissions from sources that are owned or controlled by the reporting organisation.
- **Scope 2:** Indirect emissions associated with the purchase of energy (e.g., electricity).
- **Scope 3:** Scope 3 emissions are the result of activities from assets not owned or controlled by the reporting organisation, but that the organisation indirectly impacts in its value chain.



Carbon management hierarchy

The below carbon management hierarchy has been used to develop this Plan with a focus on initiatives that will avoid and reduce emissions as the highest priority, while also reducing costs for Council.

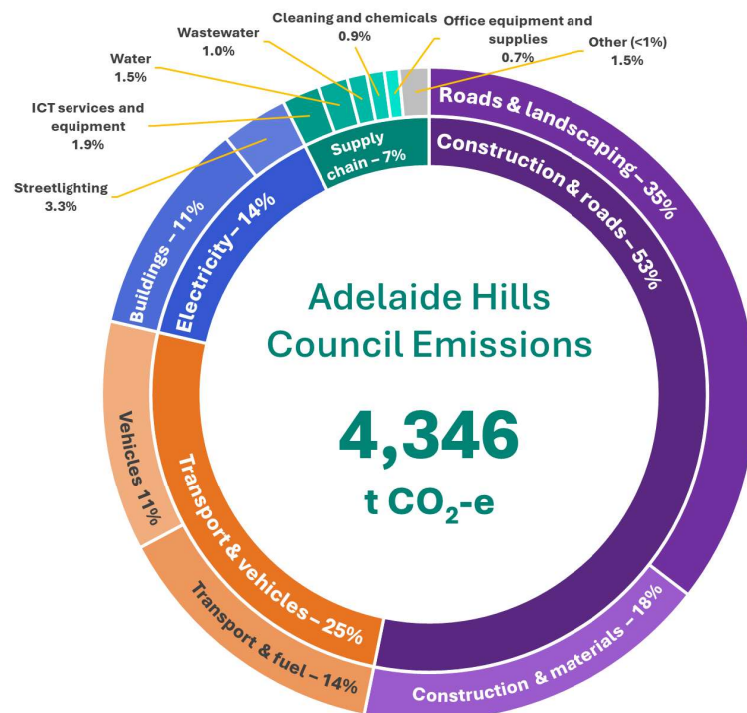


Council emissions inventory

An updated emissions inventory has been developed based on 2022/23 (FY23) data. The FY23 emissions inventory has been expanded to include additional emissions sources to align with the GHG Protocol and Climate Active Carbon Neutral standards, as well as the Best Practice Guide developed as part of the Local Government Association of SA Net Zero Accelerate Program.

The emissions inventory includes Scope 1, 2, and 3 emissions categories in Council's direct corporate control or where Council can influence emissions and totals 4,346 tCO₂-e (refer below).

2022/23 emissions inventory



Scope 1

Direct GHG emissions emitted by Council (fossil fuels burnt / gasses released)

354 tCO₂-e

Scope 2

Indirect GHG emissions from electricity consumption

343 tCO₂-e

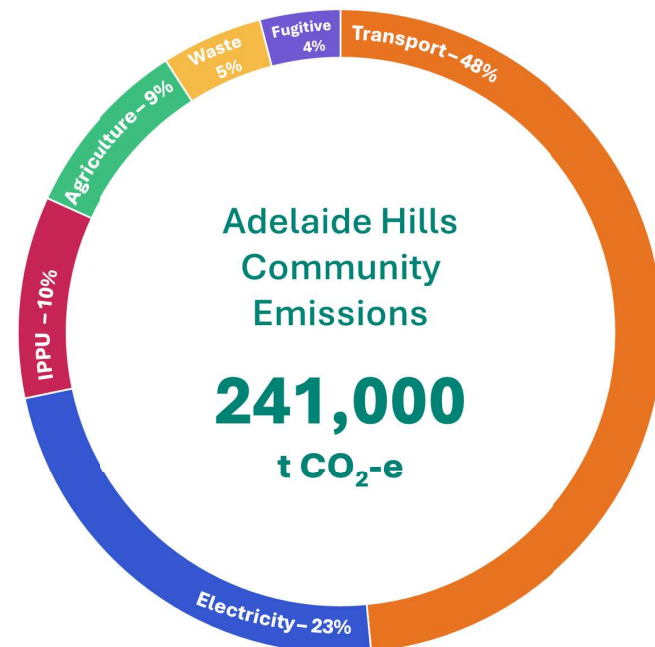
Scope 3

Indirect GHG emissions from Council's supply / value chain

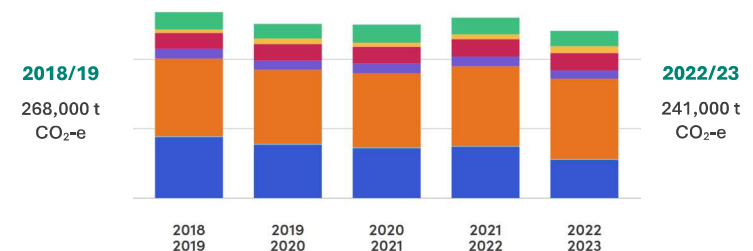
3,648 tCO₂-e

Community emissions inventory

The following community emissions inventory has been used to guide the identification of emissions reduction opportunities that Council can facilitate and support. The emissions inventory is based on the Snapshot Climate tool for FY23 to align with Council's corporate emissions. Based on the Snapshot tool Council's corporate emissions equate to approximately 1-2% of the total Adelaide Hills community emissions.



Community emissions have been reducing due to increasing renewable energy generation in the South Australian electricity grid as shown below.



Key priorities

Based on the FY23 emissions inventory for both corporate Council operations and the community, the following emissions reduction priorities for this Plan have been identified:

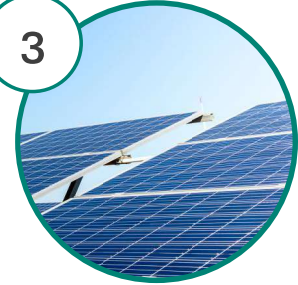
1



2



3



Road & construction emissions

Reducing the embodied emissions of new construction and road projects by incorporating low emissions materials, increased recycled content and improving construction practices and efficiencies. Targeting the highest emissions sources including roads, new buildings and major refurbishments.

Fleet fuel & transport

Transitioning to higher fuel efficiency vehicles such as hybrid electric in the short term, and fully electric vehicles in the medium term, while supporting increased accessibility and availability of electric vehicle charging. Support the community on using sustainable and active forms of transport.

Smart energy

Continue to improve the energy efficiency of Council facilities including supporting community groups and sporting clubs, optimise the installation of rooftop solar and battery storage, and facilitate innovative approaches to renewables and energy management. Support the community on accessing trusted, competitive and effective services to reduce emissions and costs.

4



5



Waste, resources & supply chain

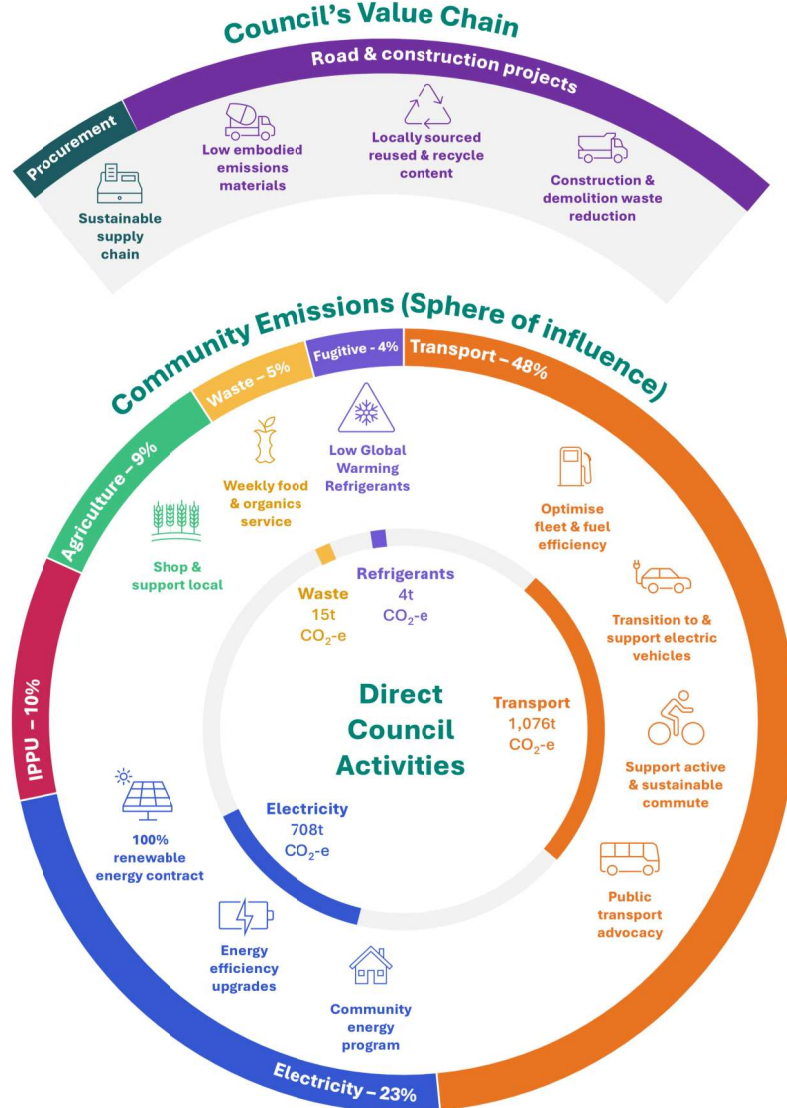
Implement sustainable procurement processes to transition to lower emissions and environmentally sustainable suppliers, targeting the largest suppliers and supply chain emissions sources. Support the local economy and businesses to buy local.

Collaborate & advocate

Advocate on behalf of community in support of emissions reduction actions and collaborate with other councils to reduce duplication and share resources. This includes improving public transport and supporting community energy programs. Share learnings and collaborate across government to drive outcomes.

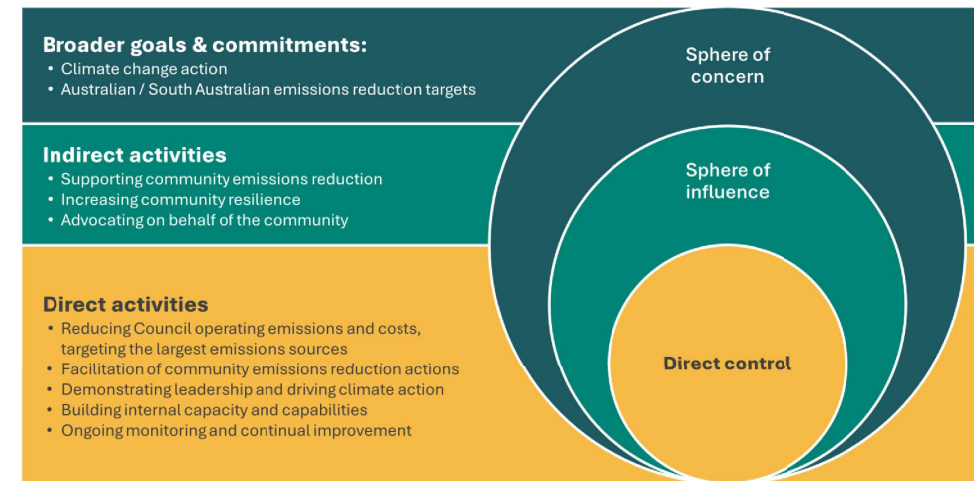
Emissions reduction opportunities

The below provides a summary of the key actions and recommendations identified in this Plan with both direct and indirect emissions reduction opportunities incorporated.



Approach

The following has been used to guide the recommendations with a focus on direct emissions reduction activities and where Council can use its influence to support the community on reducing emissions. The recommendations have also been aligned with broader goals and commitments on climate action.



Implementation

The following emissions reduction initiatives will reduce corporate and community emissions across numerous services, facilities and activities. The below emissions reduction initiatives are a recommendation and will be considered for implementation through the budget process. The initiatives are identified as corporate or community actions in line with the following, with some initiatives addressing both corporate and community emissions.





Legend










Direct Council / Corporate
emissions reduction
initiatives



Community emissions reduction
initiatives

Initiative	Summary	Indicative resources	Indicative budget	Timing	Indicative target	Emissions reduction
Road & construction emissions						
1  Infrastructure and capital works embodied emissions	Continue to implement initiatives to reduce embodied emissions in infrastructure projects and improve data availability and monitoring. This includes low embodied emissions materials that also support increased longevity and reduce maintenance costs. Implement a policy that all major capital works projects over a set threshold must consider embodied emissions.	Allocate an additional 2-3% budget for large capital works and road projects to specify low emissions materials that support local suppliers and services. To be reviewed against whole of life costs e.g., increased longevity and reduced maintenance costs to be quantified.	Approx. \$60,000-\$90,000 capital budget increase for sealed road projects	From 2025	All major projects aim for: 10% reduction embodied emissions reduction from 2027 20% embodied emissions reduction from 2030	TBC based on project type and assessment
Transport						
2a  Low emissions fleet transition	Continue to transition to low emissions vehicles aiming for the procurement of all light and commercial vehicles to be fully electric by 2030. Review current EV transition costs and savings, EV prices, and future trends as part of fleet transition planning.	Budget will be dependent on vehicle type, availability and replacement timeframe, aiming for price parity with combustion vehicles over time.	TBC based on EV rollout review and EV availability and pricing	2030	100% operational emissions reduction for light and commercial vehicles from 2030.	40-80 t CO ₂ -e reduction per annum for fleet fuel emissions
2b  EV transition support	Advocating on behalf of the community for improved EV charging infrastructure.	Existing internal resources	N/A	Ongoing	TBC – Based on overall uptake of low emissions vehicles and EVs in the community.	TBC
Smart energy						
3a  Renewable energy contract	Negotiating a 100% renewable electricity power purchase agreement to continue 100% renewable energy for Council facilities and services.	Requires training and expert advice to assess contract options and ensure the agreement is suitable for Council's operations and is cost competitive.	Expert consultant advice and training required \$30,000-\$40,000	2026	Zero electricity emissions	Approx. 900 t CO ₂ -e per annum (reducing over time)

Initiative		Summary	Indicative resources	Indicative budget	Timing	Indicative target	Emissions reduction
3b	Smart energy / energy efficiency 	Implement an annual energy efficiency program for Council facilities based on the sustainability audits, ESD Guidelines, and priorities identified in this Plan. Program to be based on initiatives that achieve a <7-year payback while supporting improved facilities and services, aiming for a 3-5 year payback.	Internal property and facilities management resources to manage program.	Annual budget: \$50,000-\$75,000	2025-2030	Energy consumption and costs reduced by 5-10% by 2030.	N/A – 100% renewable energy contract in place
3c	Community energy 	Implement a community energy program to support residents and businesses take advantage of new technologies and services that will reduce consumption, costs and emissions. Can also support Council facilities as part of a broader energy contract. Options include: 1. Engage ShineHub to implement a bulk buy solar PV, battery storage, and VPP program. 2. Implement an Adelaide Hills specific program and expand the scope to capture energy and transport.	1. The ShineHub bulk-buy and VPP program will require internal additional resources to deliver and budget for due diligence checks before proceeding	\$97,000 for staff and due diligence requirements	From 2026	To be reviewed and confirmed based on adopted approach.	Emissions reduction potential: 1-2% of community emissions
			2. Developing an EOI and implementing a community energy program will require additional internal resources (0.6-1 FTE) and expert advice / consultancy services. Business case will be developed.	Approx. \$100,000-\$250,000 (depending on delivery approach)			
3d	Sport & recreation facilities 	Undertake energy and water audits at sports and recreation facilities to identify consumption, cost and emissions reduction opportunities. To be progressed as part of a staged audit and implementation program.	External expert advice for energy and water audits.	Audits: \$20,000 Implementation: \$100,000	2025	TBC based on audits	TBC based on audits – typically a 3-5% energy reduction opportunity
Waste, resources and supply chain							
4a	Weekly organics waste services 	Changing waste service to weekly food organics green organics and fortnightly general waste collection.	Internal resources and operational cost required to implement alternative services. Green Industries SA grant may be available to reduce costs.	Operational cost for implementation \$341,000	From July 2025	5% reduction in community waste emissions	740 tCO ₂ -e reduction in waste emissions.
4b	Supply chain 	Undertake a review of the largest supply chain emissions (top 5) and collaborate with suppliers to identify and implement emissions and cost reduction initiatives. Update procurement processes for large supply contracts to include sustainability and emissions criteria, including opportunities for local suppliers.	Staff training and resources to undertake a supply chain review of top suppliers.	Expert consultant advice and training required \$30,000-\$40,000	From 2025	Target set by 2026 – To be confirmed based on engaging with suppliers and reviewing opportunities.	TBC

Initiative		Summary	Indicative resources	Indicative budget	Timing	Indicative target	Emissions reduction
Advocacy							
5	<div>Advocate</div> 	<p>Advocate on behalf of the community for improved standards and services that will reduce consumption, costs and emissions for residents and business. This includes advocating on improved energy efficiency standards, EV charging, and sustainable transport. This could include advocacy for:</p> <ul style="list-style-type: none">- Improved public transport and funding for cycleways (e.g., cycling trails supporting tourism)- Additional EV charging infrastructure (e.g., RAA EV charging program expansion) and EV incentives.- Statewide community energy programs and funding support.	Existing internal resources.	N/A	From 2025	N/A – Recommend advocacy actions undertaken annually.	N/A
Grant programs							
6	<div>Grants</div> 	<p>Identify grants and incentives that can support the community on reducing costs and emissions in line with this plan. The Community Development Grants program could be updated to include a focus on emissions reduction opportunities which also support reducing costs.</p> <p>In the event a community energy program does not proceed, consider a new grant program to support residents and businesses on implementing emissions reduction initiatives.</p>	<p>Existing grant programs for community facilities.</p> <p>New grant dependent on community energy outcomes and could be rolled out concurrently with the AHC specific community energy program.</p>	New grant program: \$90,000	From 2025	N/A – Community grants not expected to have a direct emissions impact that can be accurately quantified.	N/A

Corporate net zero pathway

The below net zero pathway has been developed to provide guidance on setting an emissions reduction target for Council's corporate emissions only. Due to the scope of this Plan including both corporate and community emissions, achieving net zero emissions will be dependent on both direct emissions reduction actions and the broader economy decarbonising which should be monitored over time.

Based on the projections, it is estimated that Council could achieve a 30% reduction in emission by 2034/35 compared to 2022/23. This will require Council to continue to investigate and implement emissions reduction programs in line with this Plan, as well as monitoring emerging technologies and solutions to fast track the pathway as the broader economy decarbonises.

The recommendations in this Plan will be assessed against Council's broader strategic priorities, budgets and operational planning.

The following emissions reduction assumptions have been included in the below pathway:



Ongoing 100% renewable energy contract



10% reduction in construction emissions by 2027, 20% by 2030



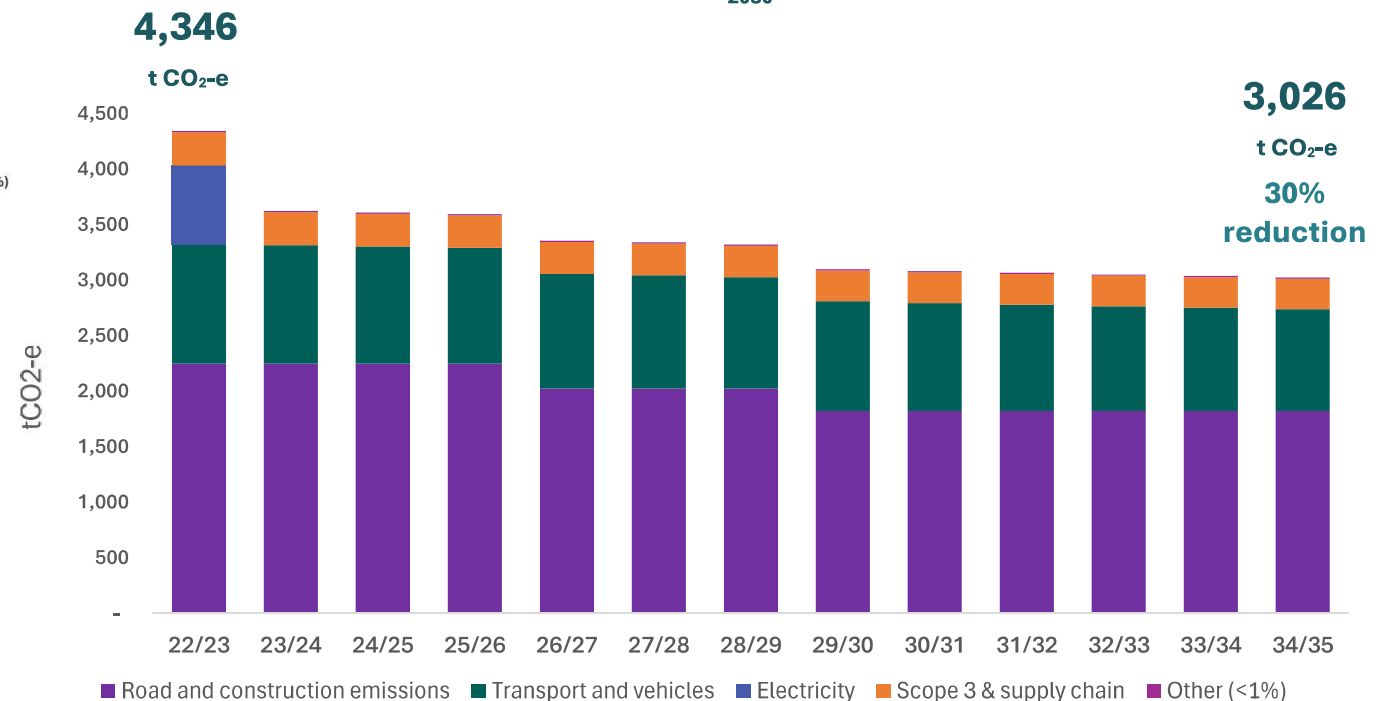
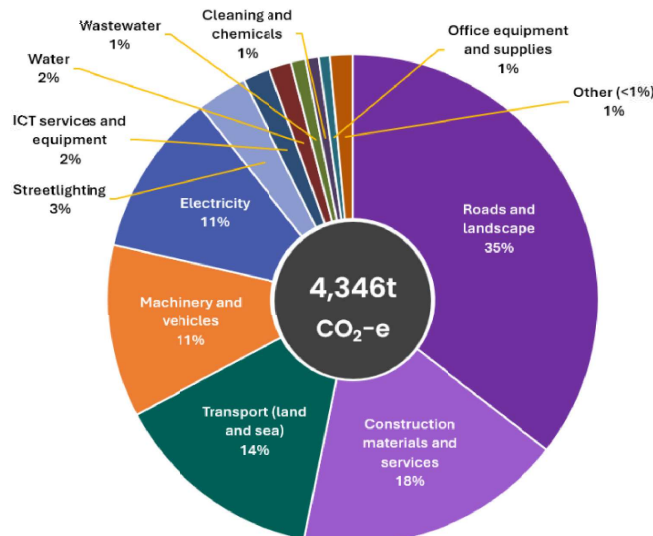
20% reduction in fuel emissions due to EV transition



10% reduction in supply chain emissions

Corporate emissions reduction pathway

2022/23 emissions inventory



Next steps

Council is committed to continuing to demonstrate leadership in emissions management and implementing programs to support the community on reducing emissions in line with the priorities identified in this Plan. The below provides a summary of the key actions and next steps to continue to work towards reducing emissions. A more detailed summary of the recommendations in the Plan is provided in a separate Detailed Summary Report.

FY23 Baseline	The FY23 inventory developed for this Plan should be used as a new baseline to monitor emissions reduction initiatives and set targets. This aligns with best practice approaches for emissions inventories and will enable Council to track its emissions and reduction measures moving forward.
Emissions reduction initiatives	Implementing immediate emissions reduction initiatives targeting the top 5 emissions sources is recommended. The largest opportunities include construction and road embodied emissions, transport, energy, and supply chain emissions with opportunities to reduce consumption, costs and emissions.
30% emissions reduction target	A 30% corporate emissions reduction target by 2035 is achievable to work towards net zero emissions while Council's supply chain and the economy decarbonises. The emissions inventory and target should be reviewed and updated every 3-5 years to track progression and revise the target if required, with the aim of reaching net zero emissions prior to 2050.
Community emissions	There are a number of ways Council can support the community on reducing emissions including advocacy, education, and collaborating across local, state and federal government to implement emissions reduction programs. A key opportunity for Council to support the community is considering a community energy program which will require dedicated resources and planning based on the needs of Adelaide Hills region.
Planning	This Plan has identified that achieving net zero emissions is dependent on Council's supply chain and the broader economy in decarbonising. However, there are actions Council can take to reduce emissions within its control. It is recommended Council review the opportunities identified in this Plan and incorporate into Council operations and planning.
Publicly commit	It is recommended Council publicly commit to emissions reduction initiatives and targets to work towards, demonstrate leadership, and enable Council to celebrate achievements. Learnings from the Council initiatives should also be shared to support community emissions reduction action.
Net zero pathway	The net zero emissions transition is a journey which is continually evolving as new approaches, technologies and data becomes available. A flexible approach based on a continual improvement model should be adopted to improve over time and work towards net zero emissions.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 8 April 2025
AGENDA BUSINESS ITEM**

Item:	12.2.
Responsible Officer:	Zoë Gill Executive Governance Officer Office of the CEO
Subject:	Delegations under the Local Government Act 1999 and other legislation (excluding the Development Act 1993 and Planning, Development and Infrastructure Act 2016)
For:	Decision

SUMMARY

This report seeks Council's delegation of its statutory powers and functions pursuant to section 44 of the *Local Government Act 1999*, along with delegations under legislation.

Delegations allow the Council to transfer its powers and duties to the Chief Executive Officer (CEO), and others as determined. An absence of appropriate delegations would require decisions to be made through formal meetings of Council only, inevitably resulting in significant inefficiencies, reduced customer service and excessive time delays for many of the diverse daily activities undertaken by administration.

Council undertook a full review of delegations under the *Local Government Act 1999* in September 2023.

There have been minor legislative changes since this date. New, updated and deleted provisions are detailed in *Appendix 1* for Council to review. The updated Instruments of Delegations at *Appendix 2* incorporate these new, updated and deleted provisions into the full instrument of delegations.

The instrument of delegation does not include delegations under the Development Act or the Planning, Development and Infrastructure Act. These delegations are considered in a separate report.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted**
- 2. The Adelaide Hills Council (Council) delegates each function or power of the Council:**
 - a. listed in the attached table (Appendix 2) to the delegate or delegates identified in respect of the function or power**

3. The delegations are granted pursuant to section 44 of the *Local Government Act 1999*, excepting that the functions and powers of the Council:
 - a. as an administering agency under the *Environment Protection Act 1993* are delegated pursuant to section 18C of the Environment Protection Act;
4. The delegations granted pursuant to:
 - a. the Local Government Act to the Council's Chief Executive Officer (CEO) may be sub-delegated by the Chief Executive Officer in accordance with sections 44(4)(b) and 101 of the Local Government Act, but subject to section 44(3a) of the Local Government Act;
5. If two or more delegates are nominated in respect of a power or function, then each nominated person is granted a delegation and may exercise the power or function independently of any other delegate.
6. The delegations are granted subject to the following conditions and limitations:
 - a. the delegate must exercise a delegated function or power in accordance with:
 - i. applicable legislative and other legal requirements; and
 - ii. due regard to relevant policies and guidelines adopted by the Council;
 - iii. all other conditions and limitations noted in the instrument of delegations (Appendix 2)
 - b. in regard to the following delegations under the Local Government Act:
 - i. section 133: the power to obtain funds does not extend to imposing rates, borrowing money or obtaining other forms of financial accommodation or fixing or varying fees under sections 188(1)(d) to 188(1)(h) of the Local Government Act;
 - ii. section 137: the power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the council;
 - iii. section 143(1): the power to write off debts is limited to debts not exceeding \$5000;
 - iv. section 188(3): the powers in regard to fees and charges are limited to fees and charges imposed under sections 188(1)(a), 188(1)(b) and 188(1)(c);
7. Each delegation of a power or function granted under this instrument is independent of, and severable from, every other delegation granted under this instrument.
8. If a delegation of a power or function under this instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this instrument and the remaining delegations will continue to operate according to their terms.
9. The delegations provided for in this instrument of delegation will come into operation on 14 April 2025.

- 10. Previous delegations granted by the Council of the powers and functions delegated by this instrument are revoked with effect from the date on which the delegations provided for in this instrument come into operation.**
- 11. The delegations granted by this instrument will remain in force until varied or revoked by resolution of the Council.**

1. BACKGROUND

Section 44 of the *Local Government Act 1999* (Act) enables Council to delegate powers or functions vested or conferred under this, or any other Act, for the day-to-day activities of the Council to be carried out in an effective and efficient manner. Delegations may be subject to conditions and limitations determined by Council or as specified in the Instrument of Delegation.

Council may delegate powers and functions to:

- A Committee of Council
- A subsidiary of Council
- An employee of Council
- An authorised person.

In line with general practice, all proposed delegations have been made to the position of Chief Executive Officer (CEO), unless otherwise specified. This enables Administration to undertake its functional and operational roles and responsibilities effectively and efficiently. In the case of the powers delegated to the CEO, these may be further delegated by the CEO as the CEO sees fit pursuant to s44 and s101 of the Act.

The instrument of delegation identifies:

- (a) the statutory power or powers to delegate the powers or functions subject to the instrument of delegation;
- (b) the statutory basis for any power to sub-delegate a delegated power or function;
- (c) the conditions and limitations applying to the exercise of a delegated power or function; and
- (d) in an attached table for each Act or regulation under which a delegation is granted by the instrument of delegation:
 - i. the delegated power or function; and
 - ii. the identity of the delegate or delegates in respect of that power or function.

If the Council resolves to grant the delegations provided for in the attached instrument of delegation, then delegations will come into operation on 14 April 2025.

If the Council resolves to grant the delegations provided for in the attached instrument of delegation, then previous delegations of the powers and functions subject to the instrument of delegation will be revoked from the date on which the delegations in the attached instrument of delegation come into operation.

2. ANALYSIS

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

Strategic Plan 2024 – Your place, your space

Goal	Organisation
Objective O2	Operate with integrity using best practice governance processes.
Priority 02.3	Enhance governance structures and systems to be agile and support our legislative obligations.

The recommended delegation updates ensure that Council's delegation framework is consistent with legislative updates.

➤ **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.

➤ **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	Desired Risk
Extreme (5C)	Medium (3D)	Low (3E)

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

➤ **Financial and Resource Implications**

There are no financial or resource implications in delegating Council's powers.

➤ **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:

<i>Council Committees:</i>	Not Applicable
<i>Council Workshops:</i>	Not Applicable
<i>Advisory Groups:</i>	Not Applicable
<i>External Agencies:</i>	Reliansys and Local Government Association of SA.
<i>Community:</i>	Not Applicable

➤ **Additional Analysis**

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.

Updates to Instruments

The following instruments require updates:

Local Government Act 1999
Independent Commission Against Corruption Act 2012
Disability Inclusion Regulations 2019
Environment Protection (Noise) Policy 2007

Appendix 1 contains a summary of the legislative updates that have occurred since the last delegation review.

Appendix 2 contains the updated table of instruments. The changes to these are restricted to the updates from Appendix 1 including New, Updated and Deleted provisions.

A fulsome delegations review will be undertaken when required.

3. 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 and that it be further workshopped.
(Option 2)

4. APPENDICES

(1) New, Updated and Deleted Delegations – **Appendix 1** (detailed in the table below)

Instrument of Delegation	Appendix Number
<i>Local Government Act 1999</i>	Appendix 1
<i>Independent Commission Against Corruption Act 2012</i>	Appendix 1
<i>Disability Inclusion Regulations 2019</i>	Appendix 1
<i>Environment Protection (Noise) Policy 2007</i>	Appendix 1

(2) Full Instrument of Delegation – **Appendix 2** (detailed in the table below)

Instrument of Delegation	Appendix Number
<i>Local Government Act 1999</i>	Appendix 2
<i>Independent Commission Against Corruption Act 2012</i>	Appendix 2
<i>Disability Inclusion Regulations 2019</i>	Appendix 2

Appendix 1

New, Updated and Deleted Delegations

ADELAIDE HILLS COUNCIL

RELIANSYS® DELEGATIONS - EXPORT OF UPDATES BY REGISTER - COMPLETE

LOCAL GOVERNMENT ACT 1999

Note - Exported provisions are separated by category into NEW and then CHANGED and then DELETED.

NEW Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
711482	Local Government Act 1999	section 125(3)	Ensure appropriate policies, systems and procedures relating to risk management are implemented and maintained	Chief Executive Officer (95)	Nil	council
711483	Local Government Act 1999	section 126(9)	Ensure annual report of audit and risk committee is included in annual report	Chief Executive Officer (95)	Nil	council
711484	Local Government Act 1999	section 126A(1)	Establish a regional audit and risk committee	Chief Executive Officer (95)	Nil	council
711485	Local Government Act 1999	section 126A(9)	Ensure annual report of regional audit and risk committee is included in annual report	Chief Executive Officer (95)	Nil	Council

CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
397102	Local Government Act 1999	section 128(2)	Appoint an auditor on the recommendation of the council's audit committee <u>relevant audit and risk committee.</u>	Council Members 2018–2022 , Elected Body	<u>NIL</u>	council
397212	Local Government Act 1999	section 184(12)	Deal with money under the Unclaimed Money Act 1891 <u>2021</u>	Chief Executive Officer (95),	<u>NIL</u>	council

DELETED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
397048	Local Government Act 1999	section 87(1)	Determine the times and places at which ordinary meetings of a council committee will be held	Chief Executive Officer (95),	Subject to the limitations of Chapter 6, Meetings, Local Government Act 1999.	council

ADELAIDE HILLS COUNCIL

RELIANSYS® DELEGATIONS - EXPORT OF UPDATES BY REGISTER - COMPLETE

INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 2012

Note - Exported provisions are separated by category into NEW and then CHANGED and then DELETED.

NEW Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
755270	Independent Commission Against Corruption Act 2012	section 39A(3)	Apply to the Supreme Court for an order authorising the council to withhold information relating to the determination from a person the subject of the investigation	Chief Executive Officer (95)	Nil	public authority

ADELAIDE HILLS COUNCIL

RELIANSYS® DELEGATIONS - EXPORT OF UPDATES BY REGISTER - COMPLETE

DISABILITY INCLUSION REGULATIONS 2019

Note - Exported provisions are separated by category into NEW and then CHANGED and then DELETED.

NEW Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
737078	Disability Inclusion Regulations 2019	regulation 12(2)(a)	Prepare a report on the operation of a disability access and inclusion plan	Chief Executive Officer (95)	Nil	State authority

ADELAIDE HILLS COUNCIL

RELIANSYS® DELEGATIONS - EXPORT OF UPDATES BY REGISTER - COMPLETE

ENVIRONMENT PROTECTION (NOISE) POLICY 2007

Note - Exported provisions are separated by category into NEW and then CHANGED and then DELETED.

DELETED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
396526	Environment Protection (Noise) Policy 2007	clause 4(2)	Participate in consultation with the Environment Protection Authority regarding what land uses are principally promoted by relevant development Plan provisions	Chief Executive Officer (95)	NIL	council
396527	Environment Protection (Noise) Policy 2007	clause 4(4)	Participate in consultation with the Environment Protection Authority regarding in what land use category a land use principally promoted by relevant Development Plan provisions falls	Chief Executive Officer (95)	Nil	council

Appendix 2

Combined Instrument of Delegation



ADELAIDE HILLS COUNCIL

COMBINED INSTRUMENT OF DELEGATION

01 APRIL 2025

Instrument of Delegation under the Local Government Act 1999

Local Government Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 7(a)	Plan at the local and regional level for the development and future requirements of the council area	Chief Executive Officer (95)	NIL	council
section 7(b)	Provide services and facilities that benefit its area, its ratepayers and residents, and visitors to the council area	Chief Executive Officer (95)	NIL	council
section 7(ba)	Determine appropriate financial contribution to be made by ratepayers to resources of the council	Chief Executive Officer (95)	NIL	council
section 7(c)	Provide for the welfare, well-being and interests of individuals and groups within the council's community	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 7(d)	Take measures to protect the council area from natural and other hazards and to mitigate the effects of such hazards	Chief Executive Officer (95)	NIL	council
section 7(e)	Manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity	Chief Executive Officer (95)	NIL	council
section 7(f)	Provide infrastructure for the council's community and for development within its area (including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any area)	Chief Executive Officer (95)	NIL	council
section 7(g)	Promote the council area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism	Chief Executive Officer (95)	NIL	council
section 7(h)	Establish or support organisations or programs that benefit people in the council area or local government generally	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 7(i)	Manage and, if appropriate, develop, public areas vested in, or occupied by, the council	Chief Executive Officer (95)	NIL	council
section 7(j)	Manage, improve and develop resources available to the council	Chief Executive Officer (95)	NIL	council
section 7(k)	Undertake other functions and activities conferred by or under an Act	Chief Executive Officer (95)	NIL	council
section 12(1)	Publish a notice in the Gazette altering the composition of the council or dividing, or redividing, the area of the council into wards, altering the division of the area of the council into wards or abolishing the division of the area of the council into wards	Chief Executive Officer (95)	NIL	council
section 12(2)	Publish a notice in the Gazette changing the council from a municipal council to a district council or vice versa, altering the name of the council or the name of the area of the council, or giving a name to, or altering the name of, a ward	Chief Executive Officer (95)	NIL	council

Local Government Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 12(3)	Undertake a review under section 12 of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 12(4)	Undertake a review under section 12 of the Local Government Act at least once in each relevant period prescribed by the regulations	Chief Executive Officer (95)	NIL	council
section 12(5)	Initiate the preparation of a presentation review report and form the opinion a person is qualified to address the representation and governance issues	Chief Executive Officer (95)	NIL	council
Section 12(7)	Undertake public consultation	Chief Executive Officer (95)	NIL	council
section 12(11)	Finalise the council report	Chief Executive Officer (95)	Subject to the approval of Council	council
section 12(11a)	Refer the report to Electoral Commissioner	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 12(11e)(a)	Take such action as is necessary (including by altering report)	Chief Executive Officer (95)	NIL	council
section 12(11e)(b)	Comply with requirements of section 12(7)	Chief Executive Officer (95)	NIL	council
section 12(11e)(c)	Refer the report to the Electoral Commissioner under section 12(12)	Chief Executive Officer (95)	NIL	council
section 12(12)	Refer report to the Electoral Commissioner	Chief Executive Officer (95)	NIL	council
section 12(12a)	Include with the report copies of any written submissions if received	Chief Executive Officer (95)	NIL	council
section 12(15)(b)	Provide for the operation of any proposal recommended in the council's report by notice in the Gazette	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 12(16)(a)	Take action on a report referred back to the council by the Electoral Commissioner	Chief Executive Officer (95)	NIL	council
section 12(16)(b)	Refer report back to the Electoral Commissioner	Chief Executive Officer (95)	Subject to the approval of Council	council
section 12(17)	Comply with requirements of section 12(7) (unless determine alteration of report is of a minor nature only)	Chief Executive Officer (95)	NIL	council
section 12(24)	Undertake a review within period specified by the Electoral Commissioner	Chief Executive Officer (95)	NIL	council
section 13(1)	Publish a notice in the Gazette changing the council from a municipal council to a district council or vice versa, altering the name of the council or the name of the area of the council, or altering the name of a ward	Chief Executive Officer (95)	NIL	council
section 13(2)(a)	Give public notice of the proposal to change the council from a municipal council to a district council or vice versa, alter the	Chief Executive Officer (95)	NIL	council

Local Government Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	name of the council or the name of the area of the council, or alter the name of a ward			
section 13(2)(b)	Invite written submissions	Chief Executive Officer (95)	NIL	council
section 13(2)(ba)	Publish a copy of the public notice in a newspaper circulating within the council area	Chief Executive Officer (95)	NIL	council
section 13(2)(c)	Give any person who makes a written submission in response to an invitation an opportunity to appear personally or by representative before the council or a council committee to be heard on the submission	Chief Executive Officer (95)	NIL	council
section 28(1)(c)	Refer a proposal for the making of a proclamation under Chapter 3 of the Local Government Act to the South Australian Local Government Grants Commission	Chief Executive Officer (95)	NIL	council
section 31(2)(b)	Participate in consultation with the South Australian Local Government Grants Commission on the appointment of an investigator	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 31(10)(c)	Participate in consultation with the South Australian Local Government Grants Commission on a recommendation that a proposal referred to the Commission not proceed	Chief Executive Officer (95)	NIL	council
section 36(1)(a)	Exercise the legal capacity of a natural person, including entering into contracts or arrangements, suing and being sued and acting in conjunction with another council or authority or person	Chief Executive Officer (95)	<p>The CEO sub-delegates subject to the following conditions and limitations:</p> <p>(a) the sub-delegate must exercise a sub-delegated function or power in accordance with:</p> <p>(i) applicable legislative and other legal requirements; and</p> <p>(ii) due regard to relevant policies and guidelines adopted by the Council; and</p> <p>(iii) due regard to sub-delegates employment terms and conditions, position requirements and or contractual arrangements; and</p> <p>(iv) the power to receive or expend funds in the performance or discharge of the council's powers, functions or duties; and</p> <p>(v) expenditure is limited to funds allocated as part of a budget adopted by</p>	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
			the council and to the limits prescribed in the Financial Delegation Register approved by the CEO.	
section 36(1)(c)	Do anything necessary, expedient or incidental to performing or discharging the council's functions or duties or achieving the council's objectives	Chief Executive Officer (95)	<hr/> The CEO sub-delegates subject to the following conditions and limitations: (a) the sub-delegate must exercise a sub-delegated function or power in accordance with: (i) applicable legislative and other legal requirements; and (ii) due regard to relevant policies and guidelines adopted by the Council; and (iii) due regard to sub-delegates employment terms and conditions, position requirements and or contractual arrangements; and (iv) the power to receive or expend funds in the performance or discharge of the council's powers, functions or duties; and (v) expenditure is limited to funds allocated as part of a budget adopted by the council and to the limits prescribed in	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
			the Financial Delegation Register approved by the CEO.	
section 36(2)	Act outside the council area to the extent necessary or expedient to the performance of the council's functions or in order to provide services to an unincorporated area of the State	Chief Executive Officer (95)	<p>The CEO sub-delegates subject to the following conditions and limitations:</p> <p>(a) the sub-delegate must exercise a sub-delegated function or power in accordance with:</p> <p>(i) applicable legislative and other legal requirements; and</p> <p>(ii) due regard to relevant policies and guidelines adopted by the Council; and</p> <p>(iii) due regard to sub-delegates employment terms and conditions, position requirements and or contractual arrangements; and</p> <p>(iv) the power to receive or expend funds in the performance or discharge of the council's powers, functions or duties; and</p> <p>(v) expenditure is limited to funds allocated as part of a budget adopted by the council and to the limits prescribed in</p>	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
			the Financial Delegation Register approved by the CEO.	
section 37(b)	Authorise an officer, employee or agent to enter into a contract on behalf of the council	Chief Executive Officer (95)	<p>The CEO sub-delegates subject to the following conditions and limitations:</p> <p>(a) the sub-delegate must exercise a sub-delegated function or power in accordance with:</p> <p>(i) applicable legislative and other legal requirements; and</p> <p>(ii) due regard to relevant policies and guidelines adopted by the Council; and</p> <p>(iii) due regard to sub-delegates employment terms and conditions, position requirements and or contractual arrangements; and</p> <p>(iv) the power to receive or expend funds in the performance or discharge of the council's powers, functions or duties; and</p> <p>(v) expenditure is limited to funds allocated as part of a budget adopted by the council and to the limits prescribed in</p>	council

Local Government Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
			the Financial Delegation Register approved by the CEO.	
section 42(3)	Obtain the approval of the Minister to the conferral of corporate status on a council subsidiary	Chief Executive Officer (95)	NIL	council
section 43(3)	Obtain the approval of the Minister to the conferral of corporate status on a regional subsidiary	Chief Executive Officer (95)	NIL	council
section 44(6)	Cause a separate record to be kept of all delegations under section 44 of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 44(6a)	Review the delegation in force under section 44 of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 45(2)	Determine the hours during which the principal office of the council will be open for the transaction of business	Chief Executive Officer (95)	The Director Community Capacity is limited to altering opening hours for once-off planned or unplanned occasions.	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 45(3)	Consult with the local community regarding the manner, places and times at which the council's offices will be open to the public and any significant changes to these arrangements	Chief Executive Officer (95)	The Director Community Capacity is limited to altering opening hours for once-off planned or unplanned occasions.	council
section 46(1)	Engage in a commercial enterprise or activity in the performance of the council's functions	Chief Executive Officer (95)	Subject to the approval of Council.	council
section 46(2)(a)	Establish a business in connection with a commercial project	Chief Executive Officer (95)	Subject to the approval of Council.	council
section 46(2)(b)	Participate in a joint venture, trust, partnership or other similar body in connection with a commercial project	Chief Executive Officer (95)	NIL	council
section 48(aa1)	Develop and maintain prudential management policies, practices and procedures for the assessment of projects	Chief Executive Officer (95)	Policy subject to the approval of Council upon recommendation from Audit Committee.	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 48(1)	Obtain a report addressing the prudential issues set out in section 48(2)	Chief Executive Officer (95)	NIL	council
section 48(6)	Take steps to prevent the disclosure of specific information in order to protect its commercial value or to avoid disclosing the financial affairs of a person (other than the council)	Chief Executive Officer (95)	NIL	council
section 49(a1)	Maintain procurement policies, practices and procedures directed towards: (a) obtaining value in the expenditure of public money; (b) providing for ethical and fair treatment of participants; and (c) ensuring probity, accountability and transparency in procurement operations	Chief Executive Officer (95)	Policy subject to the approval of Council upon recommendation from Audit Committee.	council
section 49(1)	Prepare and adopt policies on contracts and tenders, including policies on the following: (a) the contracting out of services; (b) competitive tendering and the use of other measures to ensure that services are delivered cost-effectively; (c) the use of local goods and services; and (d) the sale or disposal of land or other assets.	Chief Executive Officer (95)	Policy subject to the approval of Council upon recommendation from Audit Committee.	council

Local Government Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 49(3)	Alter or substitute a policy under section 49 of the Local Government Act	Chief Executive Officer (95)	Policy subject to the approval of Council upon recommendation from Audit Committee.	council
section 50(1)	Prepare and adopt a public consultation policy	Chief Executive Officer (95)	Policy subject to the approval of Council.	council
section 50(5)	Alter or substitute the public consultation policy	Chief Executive Officer (95)	Policy subject to the approval of Council.	council
section 50(6)(c)	Prepare a document setting out the council's proposal to adopt a public consultation policy or to alter or substitute a public consultation policy	Chief Executive Officer (95)	NIL	council
section 50(6)(d)	Publish in a newspaper circulating within the area of the council a notice of the proposal inviting interested persons to make submissions	Chief Executive Officer (95)	NIL	council

Local Government Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 50(6)(e)	Consider submissions	Chief Executive Officer (95)	NIL	council
section 50(7)	Determine that the alteration of a public consultation policy is of minor significance that would attract little (or no) community interest	Chief Executive Officer (95)	NIL	council
section 50(8)	Provide a copy of a policy of the council under section 50 of the Local Government Act for inspection at the principal office of the council	Chief Executive Officer (95)	NIL	council
section 50(9)	Provide for the purchase of a copy of a policy of the council under section 50 of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 68(3b)	Apply to SACAT for an order disqualifying member of the council from the office of member under the Local Government Act	Chief Executive Officer (95)	NIL	council
section 70(a1)	Publish prescribed details contained in the Register	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 75F(1)	Prepare and adopt behavioural support policies	Chief Executive Officer (95)	Policy subject to the approval of Council.	council
section 75F(5)	Alter or substitute a behavioural support policy	Chief Executive Officer (95)	Policy subject to the approval of Council.	council
section 75F(6)	Undertake public consultation before adopting, altering or substituting a behavioural support policy	Chief Executive Officer (95)	Consultation to be approved by Council.	council
section 75F(7)(a)	Review the operation of the behavioural support policies and consider whether to adopt additional behavioural support policies	Chief Executive Officer (95)	Council to determine whether to adopt policies.	council
section 75F(7)(b)	Consider whether to adopt behavioural support policies	Chief Executive Officer (95)	Council to determine whether to adopt policies.	council
section 77(1)	Provide reimbursement of prescribed expenses of a member of council	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 80	Take out a policy of insurance insuring every member of the council and a spouse or domestic partner or another person who may be accompanying a member of the councils against the risks associated with the performance or discharge of official functions or duties by members	Chief Executive Officer (95)	NIL	council
section 80A(1)	Prepare a training and development policy for members	Chief Executive Officer (95)	Policy subject to the approval of Council.	council
section 80A(3)	Alter or substitute a training and development policy for members	Chief Executive Officer (95)	Policy subject to the approval of Council.	council
section 80B(3)	Revoke a suspension	Chief Executive Officer (95)	Delegation only for s80B(3)(a) - interim intervention order is revoked.	council
section 80B(9)	Apply to SACAT for an order disqualifying the member from the office of member of the council	Chief Executive Officer (95)	Subject to the approval of Council.	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 84(3)	Keep notice on public display and continue to publish notice in accordance with section 132(1)(a) of the Local Government Act until completion of meeting	Chief Executive Officer (95)	NIL	council
section 88(3)	Keep notice on public display and continue to publish notice in accordance with section 132(1)(a) of the Local Government Act until completion of meeting	Chief Executive Officer (95)	NIL	council
section 89(1)(b)	Determine procedures to apply to a meeting of a council committee	Chief Executive Officer (95)	Policy subject to the approval of Council.	council
section 90A(1)	Hold or arrange for the holding of an information or briefing session to which more than 1 member of the council is invited to attend or be involved in for the purposes of providing information or a briefing	Chief Executive Officer (95)	NIL	council
section 90A(4)	Order that an information or briefing session be closed to the public	Chief Executive Officer (95)	NIL	council
section 90A(5)	If an order under section 90A(4) of the Local Government Act is made, to make a record of the matters specified in section 90A(5)	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 90A(7)	Comply with the requirements of the regulations regarding the publication of prescribed information	Chief Executive Officer (95)	NIL	council
section 91(3)	Supply each member of the council with a copy of council or council committee minutes within 5 days of the meeting	Chief Executive Officer (95)	NIL	council
section 91(9)(c)	Revoke an order made under section 91(7) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 92(1)	Prepare 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 the Local Government Act	Chief Executive Officer (95)	Code subject to the approval of Council.	council
section 92(2)	Review code of practice	Chief Executive Officer (95)	NIL	council
section 92(3)	Alter or substitute a new code of practice	Chief Executive Officer (95)	Code subject to the approval of Council.	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 92(5)	Undertake public consultation on proposed code, alterations or substitute code	Chief Executive Officer (95)	Consultation to be approved by Council.	council
section 93(1)	Convene a meeting of electors of the council area or part of the council area	Chief Executive Officer (95)	NIL	council
section 93(11)	Supply each member of the council with a copy of the minutes of proceedings within 5 days of a meeting of electors	Chief Executive Officer (95)	NIL	council
section 93(14)	Determine the procedure to be observed to make a nomination for the purposes of sections 93(3)(a)(ii) or 93(3)(b)(ii) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 94(6)	Make submissions to the Minister	Chief Executive Officer (95)	NIL	council
section 94(7)	Comply with a direction of the Minister under section 94(5) of the Local Government Act	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 106(2)	Pay contribution to another council	Chief Executive Officer (95)	NIL	council
section 106(3)	Recover a contribution from another council as a debt	Chief Executive Officer (95)	NIL	council
section 106(4)	Provide details of the service of an employees or former employee to another council	Chief Executive Officer (95)	NIL	council
section 106(5)	Hold and apply a contribution under section 106 of the Local Government Act as prescribed by regulation	Chief Executive Officer (95)	NIL	council
section 111(b)	Declare that an officer or an officer of a class is subject to subdivision 2, Part 4, Chapter 7 of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 120A(1)	Prepare and adopt employee behavioural standards	Chief Executive Officer (95)	To be provided to Council post-adoption	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 120A(4)	Alter or substitute employee behavioural standards	Chief Executive Officer (95)	NIL	council
section 120A(5)	Consult with any registered industrial association that represents interests of employees of councils before adopting, altering or substituting employee behavioural standards	Chief Executive Officer (95)	NIL	council
section 120A(6)a)	Review the operation of the employee behavioural standards	Chief Executive Officer (95)	NIL	council
section 120A(6)(b)	Consider whether to adopt employee behavioural standards	Chief Executive Officer (95)	NIL	council
section 122(1)	Develop a strategic management plan	Chief Executive Officer (95)	NIL	council
section 122(1a)(a)	Develop a long-term financial plan	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 122(1a)(b)	Develop an infrastructure and asset management plan	Chief Executive Officer (95)	NIL	council
section 122(1c)	Provide information relating to long-term financial plan and infrastructure and asset management plan to designated authority	Chief Executive Officer (95)	NIL	council
section 122(1e)	Provide to the designated authority all relevant information on the matters specified in this section in accordance with guidelines determined by designated authority	Chief Executive Officer (95)	NIL	council
section 122(1h)	Ensure advice provided by designated authority and any response of the Council is published in the Council's annual business plan (draft and adopted) in the relevant financial year and subsequent financial year (until next relevant financial year)	Chief Executive Officer (95)	NIL	council
section 122(1j)	Provide to the designated authority within time and in manner specified in notice information the designated authority reasonably requires.	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 122(4)	Review strategic management plans	Chief Executive Officer (95)	NIL	council
section 122(6)	Adopt a process to ensure that members of the public are given reasonable opportunity to be involved in the development and review of the council's strategic management plans	Chief Executive Officer (95)	Subject to Policy observance and if silent, Council approval.	council
section 123(3)(a)	Prepare a draft annual business plan	Chief Executive Officer (95)	NIL	council
section 123(3)(b)	Follow relevant steps in the public consultation policy in regard to the draft annual business plan	Chief Executive Officer (95)	NIL	council
section 123(5)	Ensure that copies of the draft annual business plan are available at the meeting under section 123(4)(a)(i) of the Local Government Act, and for inspection and purchase (at the principal office of the council and on the council's website	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 123(5a)	Provide a facility for asking and answering questions and the receipt of submissions on the council's website	Chief Executive Officer (95)	NIL	council
section 123(9)(a)(i)	Prepare a summary of the annual business plan	Chief Executive Officer (95)	NIL	council
section 123(9)(a)(ii)	Provide a copy of the summary of the annual business plan to ratepayers	Chief Executive Officer (95)	NIL	council
section 124(1)(a)	Keep accounting records	Chief Executive Officer (95)	NIL	council
section 125	Implement and maintain appropriate policies, practices and procedures of internal control	Chief Executive Officer (95)	NIL	council
section 125(3)	Ensure appropriate policies, systems and procedures relating to risk management are implemented and maintained	Chief Executive Officer (95)	Nil	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 126(9)	Ensure annual report of audit and risk committee is included in annual report	Chief Executive Officer (95)	Nil	council
section 126A(9)	Ensure annual report of regional audit and risk committee is included in annual report	Chief Executive Officer (95)		Council
section 127(1)	Prepare financial statements, notes and other statement or documents as required by the regulations	Chief Executive Officer (95)	NIL	council
section 127(3)	Provide statements to auditor	Chief Executive Officer (95)	NIL	council
section 127(4)	Submit a copy of audited statements to persons or bodies prescribed by the regulations	Chief Executive Officer (95)	NIL	council
section 128(9)	Provide information prescribed in section 128(9) of the Local Government Act in the council's annual report	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 130A(1)	Request auditor or other suitably qualified person to examine a report on any matter relating to financial management, or the efficient and economy with which the council manages or uses its resources to achieve its objectives	Chief Executive Officer (95)	NIL	council
section 131(1)	Prepare annual report	Chief Executive Officer (95)	NIL	council
section 131(4)	Provide a copy of the annual report to each council member	Chief Executive Officer (95)	NIL	council
section 131(5)	Submit a copy of the annual report to the persons or bodies prescribed by regulation	Chief Executive Officer (95)	NIL	council
section 131(7)	Provide an abridged or summary version of the annual report to electors in the council area.	Chief Executive Officer (95)	NIL	council
section 131A(1)	Provide to the Minister the material specified in Schedule 4 of the Local Government Act and any other information specified by the Minister	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 132(1)(a)	Publish a document referred to in Schedule 5 of the Local Government Act on a website determined by chief executive officer	Chief Executive Officer (95)	NIL	council
section 132(1)(b)	Provide a printed copy of a document referred to in Schedule 5 of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 132(3a)	Publish a document or part of a document on a website determined by the chief executive officer where an order under section 91(7) of the Local Government Act expires or ceases to apply	Chief Executive Officer (95)	NIL	council
section 132A	Implement and maintain appropriate policies, practices and procedures to ensure compliance with statutory requirements and achievement and maintenance of good public administration	Chief Executive Officer (95)	NIL	council
section 133	Obtain funds as permitted by the Local Government Act or other Act	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 135(1)	Provide security	Chief Executive Officer (95)	NIL	council
section 135(2)(a)	Assign a distinguishing classification to a debenture	Chief Executive Officer (95)	NIL	council
section 135(2)(b)	Appoint a trustee for the debenture holders	Chief Executive Officer (95)	NIL	council
section 137	Expend funds in the performance or discharge of the council's powers, functions or duties under the Local Government Act or other Acts	Chief Executive Officer (95)	NIL	council
section 139(1)	Invest money under the council's control	Chief Executive Officer (95)	NIL	council
section 139(5)	Obtain and consider independent and impartial advice regarding the investment of funds	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 140	Review performance of investments at least annually	Chief Executive Officer (95)	NIL	council
section 141(1)	Accept a gift	Chief Executive Officer (95)	NIL	council
section 141(2)	Carry out the terms of a trust applying to a gift	Chief Executive Officer (95)	NIL	council
section 141(3)	Apply to the Supreme court for an order varying the terms of a trust for which the council is the trustee	Chief Executive Officer (95)	NIL	council
section 141(4)	Give notice of an application to the Supreme Court by public notice and in such other manner as directed by the Supreme Court	Chief Executive Officer (95)	NIL	council
section 141(6)	Publish an order of the made by the Supreme Court under section 141(5) of the Local Government Act in the Gazette	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 142(1)	Take out and maintain insurance to cover the council's civil liabilities at least to the extent prescribed by the regulations	Chief Executive Officer (95)	NIL	council
section 142(3)	Take out membership of the Local Government Association Mutual Liability Scheme	Chief Executive Officer (95)	NIL	council
section 143(1)	Write off bad debts	Chief Executive Officer (95)	Amounts less than \$5000 are sub-delegated and amounts above \$5,000 are to be submitted to the Audit Committee prior to consideration by Council.	council
section 144(1)	Recovery of fees, charges, expenses or other amounts as a debt by action in a court of competent jurisdiction	Chief Executive Officer (95)	NIL	council
section 144(2)	Provide notice of a fee, charge, expense or other amount relating to something done in respect of a rateable property to the owner or occupier of the property	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 144(2)	Recovery of a fee, charge, expense or other amount relating to something done in respect of a rateable property as if the fee, charge, expense or other amount was a rate on the property	Chief Executive Officer (95)	NIL	council
section 151(5)(d)	Prepare a report on a proposed change to the basis of the rating any land, the valuation of land for the purpose of rating or imposition of rates on land	Chief Executive Officer (95)	NIL	council
section 151(5)(e)	Follow the relevant steps in the public consultation policy with respect to a proposed change to the basis of the rating any land, the valuation of land for the purpose of rating or imposition of rates on land	Chief Executive Officer (95)	NIL	council
section 151(8)	Provide copies of the report required by section 151(5)(d) of the Local Government Act at the meeting held under section 151(7)(a)(i) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 156(10)	Extend the time period for lodging an objection	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 156(11)	Decide an objection to attribution of a particular use to land	Chief Executive Officer (95)	NIL	council
section 156(12)	Participate in a review of an attribution of a particular use to land by South Australian Civil and Administrative Tribunal	Chief Executive Officer (95)	NIL	council
section 156(14a)(a)	Prepare a report on a proposed change to the differentiating factor in relation to land	Chief Executive Officer (95)	NIL	council
section 156(14a)(b)	Follow the relevant steps in the public consultation policy with respect to a on a proposed change to the differentiating factor in relation to land	Chief Executive Officer (95)	NIL	council
section 156(14e)	Provide copies of the report required by section 156(14a)(a) of the Local Government Act at the meeting held under section 156(14d)(a)(i) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 159(1)	Determine the manner and form of an application for a rebate of rates	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 159(3)	Grant a rebate of rates	Chief Executive Officer (95)	NIL	council
section 159(4)	Increase a rebate of rates	Chief Executive Officer (95)	NIL	council
section 159(10)	Determine that proper cause for a rebate of rates no longer applies	Chief Executive Officer (95)	NIL	council
section 159(11)	Recover rates, or rates at an increased level, proportionate to the remaining part of the financial year if an entitlement to a rebate of rates no longer applies	Chief Executive Officer (95)	NIL	council
section 161(1)	Grant a rebate of rates greater than 75% on land used for service delivery or administration by a community service organisation	Chief Executive Officer (95)	Subject to Policy observance and if silent, Council approval.	council
section 165(1)	Grant a rebate of rates greater than 75% on land occupied by a school and being used for educational purposes	Chief Executive Officer (95)	Subject to Policy observance and if silent, Council approval.	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 165(2)	Grant a rebate of rates greater than 75% on land being used by a university or university college to provide accommodation and other forms of support on a not-for-profit basis	Chief Executive Officer (95)	Subject to Policy observance and if silent, Council approval.	council
section 166(1)	Grant a rebate of rates or service charges in prescribed circumstances	Chief Executive Officer (95)	Subject to Policy observance and if silent, Council approval.	council
section 166(2)	Attach conditions to the granting of a rebate of rates or service charges under section 166(1) of the Local Government Act	Chief Executive Officer (95)	Subject to Policy observance and if silent, Council approval.	council
section 167(1)	Adopt valuations	Chief Executive Officer (95)	Subject to Policy observance and if silent, Council approval.	council
section 167(6)	Publish a notice of the adoption of valuations in the Gazette	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 168(1)	Request the Valuer-General to value land in the council area	Chief Executive Officer (95)	NIL	council
section 168(2)	Furnish information to the Valuer-General requested information	Chief Executive Officer (95)	NIL	council
section 168(3)(b)	Enter valuation into the assessment record	Chief Executive Officer (95)	NIL	council
section 168(3)(c)	Provide notice to the principal ratepayer in respect of land of the valuation of that land	Chief Executive Officer (95)	NIL	council
section 169(3)(b)	Allow an extension of time in which to object to the valuation of land	Chief Executive Officer (95)	NIL	council
section 169(5)	Refer an objection to the valuation of land to the valuer who made the valuation with a request to reconsider the valuation	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 169(7)	Provide written notice to an objector of the outcome of the objection	Chief Executive Officer (95)	NIL	council
section 169(10)	Refer request for a review of the valuation of land to the Valuer-General	Chief Executive Officer (95)	NIL	council
section 169(11)	Make representations to the valuer in regard to the valuation of land which is the subject of the objection	Chief Executive Officer (95)	NIL	council
section 169(15)	Participate in a review of a valuation of land by South Australian Civil and Administrative Tribunal	Chief Executive Officer (95)	NIL	council
section 169(16)	Pay the prescribed fee to the Valuer-General	Chief Executive Officer (95)	NIL	council
section 170	Publish a notice of the declaration of a rate or service charge in the Gazette and a newspaper circulating in the council area	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 173(5)	Determine a review of the outcome of a request to alter the assessment record	Chief Executive Officer (95)	NIL	council
section 173(6)	Provide written notice of decision on review	Chief Executive Officer (95)	NIL	council
section 173(7)	Participate in a review of decision of council	Chief Executive Officer (95)	NIL	council
section 174(1)	Provide the assessment record for inspection at the principal offices of the council	Chief Executive Officer (95)	NIL	council
section 174(2)	Provide for the purchase of an entry in the assessment record	Chief Executive Officer (95)	NIL	council
section 178(3)	Recover rates as a debt	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 178(4)	Provide written notice requiring a lessee or licensee of land to pay rent or other consideration to the council under the lease or licence in satisfaction of the liability for rates	Chief Executive Officer (95)	NIL	council
section 178(6)	Remit a charge payable under section 178(5) of the Local Government Act in whole or in part	Chief Executive Officer (95)	NIL	council
section 179(2)	Adopt a valuation of land	Chief Executive Officer (95)	Subject to Policy observance and if silent, Council approval.	council
section 179(5)	Refund rates that have been paid to a principal ratepayer if land ceases to be rateable land	Chief Executive Officer (95)	Subject to Policy observance and if silent, Council approval.	council
section 180(1)	Provide a rates notice to the principal ratepayer	Chief Executive Officer (95)	NIL	council
section 181(2)	Determine the day on which an instalment of rates falls due	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 181(3)	Adjust the months in which instalments of rates are payable	Chief Executive Officer (95)	NIL	council
section 181(4)(b)	Agree with a principal ratepayer the dates on which instalments of rates are payable	Chief Executive Officer (95)	NIL	council
section 181(5)	Provide rates notice to principal ratepayer	Chief Executive Officer (95)	NIL	council
section 181(7a)	Agree with a principal ratepayer to vary the period for the provision of a rates notice	Chief Executive Officer (95)	NIL	council
section 181(9)	Remit the whole or any part of an amount payable under section 181(8) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 181(11)	Grant discounts or other incentives in relation to the payment of rates	Chief Executive Officer (95)	Subject to Policy observance and if silent, Council approval.	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 181(12)(b)	Impose a surcharge or administrative levy not exceeding 1 per cent of the rates payable in a particular financial year with respect to the payment of rates by instalments	Chief Executive Officer (95)	Subject to Policy observance and if silent, Council approval.	council
section 181(13)	Impose different requirements than those under section 181 of the Local Government Act in relation to the payment of separate rates or service rates	Chief Executive Officer (95)	Subject to Policy observance and if silent, Council approval.	council
section 181(15)	Determine that rates of a particular kind will be payable in more than four instalments in a particular financial year	Chief Executive Officer (95)	Subject to Policy observance and if silent, Council approval.	council
section 182(1)(a)	Postpone payment of rates	Chief Executive Officer (95)	NIL	council
section 182(1)(b)	Remit the whole or part payment of rates	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 182(2)(a)	Impose a condition that the ratepayer pay interest on postponed rates	Chief Executive Officer (95)	NIL	council
section 182(2)(b)	Impose other conditions on the postponement of rates	Chief Executive Officer (95)	NIL	council
section 182(2)(c)	Revoke a postponement of rates	Chief Executive Officer (95)	NIL	council
section 182(3)	Postpone the payment of rates	Chief Executive Officer (95)	NIL	council
section 182(4)	Grant a remission of rates	Chief Executive Officer (95)	NIL	council
section 182(5)	Require a ratepayer to verify an entitlement to the remission of rates	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 182(6)	Revoke a determination under section 182(4) of the Local Government Act to remit rates	Chief Executive Officer (95)	NIL	council
section 182A(1)	Receive an application for a postponement of the payment of the prescribed proportion of rates for the current or a future financial year	Chief Executive Officer (95)	NIL	council
section 182A(2)	Determine the manner and form of an application under section 182A(1) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 182A(3)(a)	Reject an application under section 182A(1) of the Local Government Act in accordance with the regulations	Chief Executive Officer (95)	NIL	council
section 182A(3)(b)	Impose conditions on the postponement of rates in accordance with the regulations	Chief Executive Officer (95)	NIL	council
section 183	Apply amount received in respect of rates in manner prescribed by section 183 of the Local Government Act	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 184(1)	Sell land where an amount of rates in respect of the land has been in arrears for more than three years	Chief Executive Officer (95)	NIL	council
section 184(2)	Send a notice to the principal ratepayer	Chief Executive Officer (95)	NIL	council
section 184(3)	Send a copy of the notice sent to the principal ratepayer to any other owner of the land, any registered mortgagee, the holder of any caveat over the land and, 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.	Chief Executive Officer (95)	NIL	council
section 184(4)(a)	Place a copy of the notice sent to the principal ratepayer in a newspaper circulating throughout the State	Chief Executive Officer (95)	NIL	council
section 184(4)(b)	Leave a copy of the notice sent to the principal ratepayer at a conspicuous place on the land	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 184(6)	Set a reserve price for the auction	Chief Executive Officer (95)	NIL	council
section 184(7)	Seek the consent of the Minister who is responsible for the administration of the Crown Lands Act 1929 to have the land sold by public auction	Chief Executive Officer (95)	NIL	council
section 184(8)	Advertise an auction to sell land under section 184 of the Local Government Act in a newspaper circulating throughout the State	Chief Executive Officer (95)	NIL	council
section 184(9)	Call off an auction	Chief Executive Officer (95)	NIL	council
section 184(10)	Sell land by private contract	Chief Executive Officer (95)	NIL	council
section 184(11)	Apply money receive in respect of the sale of land under section 184 of the Local Government Act as prescribed in section 184(11)	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 184(12)	Deal with money under the Unclaimed Money Act 2021	Chief Executive Officer (95)	NIL	council
section 185(1)	Apply to the Minister who is responsible for the administration of the Crown Lands Act 1929 for an order under section 185 of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 186(2)(a)	Repay an amount of overpaid rates	Chief Executive Officer (95)	NIL	council
section 186(2)(a)	Credit an amount of overpaid rates against future liabilities for rates on the land subject to the overpaid rates	Chief Executive Officer (95)	NIL	council
section 186(2)(b)	Take action to recover an additional amount in arrears payable on account of an alteration of the valuation or decision	Chief Executive Officer (95)	NIL	council
section 186(2)(b)	Give notice to recover an additional amount in arrears payable on account of an alteration of the valuation or decision	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 186(5)	Refund an amount to a person ceasing to be a ratepayer	Chief Executive Officer (95)	NIL	council
section 187(1)	Issue a certificate stating the amount of any liability for rates or charges on the land and any amount received on account of rates or charges that is held in credit against future liabilities for rates or charges on the land	Chief Executive Officer (95)	NIL	council
section 187A(5)(b)	Receive a report from the Ombudsman	Chief Executive Officer (95)	Where the CEO considers it appropriate, report the matter to Council.	council
section 187B(5)	Receive a report from the Ombudsman	Chief Executive Officer (95)	Where the CEO considers it appropriate, report the matter to Council.	council
section 187B(6)	Provide a written response to the Ombudsman and complainant	Chief Executive Officer (95)	Where the CEO considers it appropriate, report the matter to Council.	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 187B(7)	Grant a rebate or remission of any rate or service charge, or of any charge, fine or interest	Chief Executive Officer (95)	NIL	council
section 188(1)(a)	Impose fees and charges for the use of any property or facility owned, controlled, managed or maintained by the council	Chief Executive Officer (95)	Subject to the Fees and Charges Register observance, Policy observance and if silent, Council approval.	council
section 188(1)(b)	Impose fees and charges for services supplied to a person at his or her request	Chief Executive Officer (95)	Subject to the Fees and Charges Register observance, Policy observance and if silent, Council approval.	council
section 188(1)(c)	Impose fees and charges for carrying out work at a person's request	Chief Executive Officer (95)	Subject to the Fees and Charges Register observance, Policy observance and if silent, Council approval.	council
section 188(3)	Provide for: (a) specific fees and charges;	Chief Executive Officer (95)		council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	(b) maximum fees and charges and minimum fees and charges; (c) annual fees and charges; (d) the imposition of fees or charges according to specified conditions or circumstances; (e) the variation of fees or charges according to specified factors; (f) the reduction, waiver or refund, in whole or in part, of fees or charges.		Subject to the Fees and Charges Register observance, Policy observance and if silent, Council approval.	
section 188(5)(b)	Fix, vary or revoke fees and charges for the purposes of section 188(1)(a), 188(1)(b) and 188(1)(c) of the Local Government Act	Chief Executive Officer (95)	Subject to the Fees and Charges Register observance, Policy observance and if silent, Council approval.	council
section 188(7)	Take reasonable steps to bring a variation of a fee or charge to the notice of a person who may be affected	Chief Executive Officer (95)	Subject to the Fees and Charges Register observance, Policy observance and if silent, Council approval.	council
section 190	Agree to acquire land	Chief Executive Officer (95)	Subject to Council approval.	council

Local Government Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 191(1)	Seek the Minister's consent to acquire land compulsorily	Chief Executive Officer (95)	Subject to Council approval.	council
section 191(1)	Acquire land compulsorily	Chief Executive Officer (95)	Subject to Council approval.	council
section 191(2)	Acquire land compulsorily	Chief Executive Officer (95)	Subject to Council approval.	council
section 192(4)	Publish a copy of a resolution under section 192(1) of the Local Government Act in the Gazette	Chief Executive Officer (95)	NIL	council
section 193(2)	Follow steps on public consultation policy in respect of a proposal to exclude land from classification as community land	Chief Executive Officer (95)	NIL	council
section 193(3)	Obtain approval of owner of land to exclude land from classification as community land	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 193(6)	Give notice in the Gazette of a resolution to exclude land from classification as community land or to classify land as community land	Chief Executive Officer (95)	NIL	council
section 194(2)(a)	Prepare and make publicly available a report on a proposal to revoke the classification of community land	Chief Executive Officer (95)	NIL	council
section 194(2)(b)	Follow steps on public consultation policy in respect of a proposal to revoke the classification of land as community land	Chief Executive Officer (95)	NIL	council
section 194(3)(a)	Submit the proposal to revoke the classification of land as community land with a report on all submissions made in respect of the proposal to the Minister	Chief Executive Officer (95)	NIL	council
section 194(4)	Participate in consultation with the Minister	Chief Executive Officer (95)	NIL	council
section 195(2)	Give notice of the revocation of the classification of land as community land to the Registrar-General	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 196(1)	Prepare and adopt a management plan for community land	Chief Executive Officer (95)	Subject to Council adopting.	council
section 196(4)	Consult with the owner of land at an appropriate stage in the preparation of a management plan	Chief Executive Officer (95)	NIL	council
section 197(1)(a)	Make copies of a proposed management plan available or inspection of purchase at the council's principal office	Chief Executive Officer (95)	NIL	council
section 197(1)(b)	Follow the relevant steps in the council's public consultation policy	Chief Executive Officer (95)	NIL	council
section 197(3)	Give public notice of the adoption of the management plan	Chief Executive Officer (95)	NIL	council
section 198(1)	Amend or revoke a management plan	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 198(2)	Undertake public consultation of a proposal to amend or revoke a management plan	Chief Executive Officer (95)	NIL	council
section 198(4)	Give public notice of the adoption of a proposal to amend or revoke a management plan	Chief Executive Officer (95)	NIL	council
section 199	Manage community land in accordance with any relevant management plan	Chief Executive Officer (95)	NIL	council
section 200(1)	Approve the use of community land for a business purpose	Chief Executive Officer (95)	Subject to Policy observance and if silent, Council approval.	council
section 200(3)	Impose conditions on an approval to use community land for a business purpose	Chief Executive Officer (95)	NIL	council
section 201(1)	Sell or otherwise dispose of an interest in land	Chief Executive Officer (95)	Subject to Council approval.	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 202(1)	Grant a lease or licence over community land	Chief Executive Officer (95)	Subject to Policy observance and if silent, Council approval.	council
section 202(2)	Follow the relevant steps in the councils public consultation policy in regard to granting a lease or licence relating to community land	Chief Executive Officer (95)	NIL	council
section 207(1)	Keep a register of community land in the council area	Chief Executive Officer (95)	NIL	council
section 207(2)(c)	Determine that the register of community land in the council area will consist of a computer record	Chief Executive Officer (95)	NIL	council
section 208(4)	Cause a copy of a resolution declaring a road or land to be a public road or preserving an easement to be published in the Gazette	Chief Executive Officer (95)	NIL	council
section 209(3)	Enter an agreement in regard to the ownership of fixture and equipment installed on a public road	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 210(1)	Declare a private road to be a public road	Chief Executive Officer (95)	Subject to Council approval.	council
section 210(2)(a)	Give written notice to the owner of the private road of a proposed declaration	Chief Executive Officer (95)	NIL	council
section 210(2)(ab)	Give written notice to the holder of a registered interest over the private road of a proposed declaration	Chief Executive Officer (95)	NIL	council
section 210(2)(b)	Give public notice to the owner of the private road of a proposed declaration	Chief Executive Officer (95)	NIL	council
section 210(5)	Publish a declaration under section 210 of the Local Government Act in the Gazette	Chief Executive Officer (95)	NIL	council
section 210(7)	Furnish a copy of a declaration under section 210 of the Local Government Act to the Registrar-General	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 211(1)(a)	Enter an agreement with the Commissioner of Highways or other authority that has the care, control and management of a highway	Chief Executive Officer (95)	NIL	council
section 211(1)(b)	Act in accordance with a notice issued by the Commissioner of Highways	Chief Executive Officer (95)	NIL	council
section 212(1)	Carry out roadwork in the council area	Chief Executive Officer (95)	NIL	council
section 212(1)	Enter an agreement with another council to carry out roadwork in that other council's area	Chief Executive Officer (95)	NIL	council
section 212(2)	Do anything reasonably necessary for, or incidental to, roadwork	Chief Executive Officer (95)	NIL	council
section 212(3)(b)	Consult with the Commissioner of Highways	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 212(3)(c)(i)	Obtain the agreement of the owner of a private road	Chief Executive Officer (95)	NIL	council
section 212(3)(c)(ii)	Give notice to the owner of a private road and a reasonable opportunity to make representations on proposed roadwork	Chief Executive Officer (95)	NIL	council
section 212(3)(c)(ii)	Consider any representations by the owner of a private road on proposed roadwork	Chief Executive Officer (95)	NIL	council
section 212(3)(d)	Obtain the agreement of the owner of private land	Chief Executive Officer (95)	NIL	council
section 213(1)	Recover the whole cost or an agreed contribution to the cost of roadworks undertaken by agreement	Chief Executive Officer (95)	NIL	council
section 213(2)	Recover the cost of roadwork to repair damage to a road from the person who damaged a road or is the owner of infrastructure which damaged the road	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 213(3)(a)	Recover the cost of roadwork on private land or a contribution to the cost of the work determined by the council as a debt from the owner of the private land	Chief Executive Officer (95)	NIL	council
section 214(2)(a)	Agree the amount of contribution to roadwork with another council	Chief Executive Officer (95)	NIL	council
section 214(2)(b)	Seek a determination by a court as to the amount of contribution to roadwork to be paid by another council	Chief Executive Officer (95)	NIL	council
section 214(3)	Give notice to another council of proposed roadwork and provide reasonable opportunity to that other council to make representations	Chief Executive Officer (95)	NIL	council
section 215(2)	Carry out roadwork to allow water from a road to drain into adjoining property	Chief Executive Officer (95)	NIL	council
section 215(4)	Give notice to the owner of land in regard to the proposed action to drain water into the land	Chief Executive Officer (95)	NIL	council

Local Government Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 216(1)	Issue an order requiring the owner of private land to carry out specified road work or improve the road	Chief Executive Officer (95)	NIL	council
section 217(1)	Issue an order requiring the owner of a structure or equipment installed in, on, across, under or over a road to carry out specified road work by way of maintenance or repair or move the structure or equipment to allow the council to carry out roadwork	Chief Executive Officer (95)	NIL	council
section 217(2)(a)	Take action under an order issued under section 217(1) of the Local Government Act if it is not complied with by the owner of the structure or equipment	Chief Executive Officer (95)	NIL	council
section 217(2)(a)	Recover the cost of taking action under section 217(2)(a) of the Local Government Act as a debt from the owner of the structure or equipment	Chief Executive Officer (95)	NIL	council
section 218(1)	Issue an order requiring the owner of land adjoining a road to carry out specified work to construct, remove or repair a crossing place from the road to the land	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 219(1)	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 a public place	Chief Executive Officer (95)	NIL	council
section 219(1a)	Assign a name to a public road created by land division	Chief Executive Officer (95)	NIL	council
section 219(2)(a)	Give notice to an adjoining council of a proposed road name change where the road runs into the adjoining council	Chief Executive Officer (95)	NIL	council
section 219(2)(b)	Consider any representations of an adjoining council in response to a notice under section 219(2)(a) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 219(3)(a)	Notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a road name or change of a road name	Chief Executive Officer (95)	NIL	council
section 219(3)(b)	Provide information to the Registrar-General, the Surveyor-General and the Valuer-General about the name of roads and public places in the council area	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 219(4)	Provide public notice on the assigning or changing of a road name	Chief Executive Officer (95)	NIL	council
section 219(5)	Prepare and adopt a policy on the assigning of road names	Chief Executive Officer (95)	NIL	council
section 219(6)	Alter or substitute a policy on the assigning of road names	Chief Executive Officer (95)	NIL	council
section 219(7)	Publish notice of adopting or altering a policy on the assigning of road name in the Gazette, in a newspaper circulating within the council area and on a website determined by the chief executive	Chief Executive Officer (95)	NIL	council
section 220(1)	Adopt a numbering system for buildings and allotments adjoining the road	Chief Executive Officer (95)	NIL	council
section 220(1a)	Assign a number to all buildings and allotments adjoining a public road	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 220(2)	Alter or substitute a new numbering system	Chief Executive Officer (95)	NIL	council
section 220(3)	Give public notice of the adoption, alteration or substitution of a numbering system for a particular road	Chief Executive Officer (95)	NIL	council
section 220(4)	Notify the Valuer-General of a decision to adopt, alter or substitute of a numbering system	Chief Executive Officer (95)	NIL	council
section 220(6)	Request the 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 council	Chief Executive Officer (95)	NIL	council
section 221(1)	Grant an authorisation to alter a public road	Chief Executive Officer (95)	NIL	council
section 222(1)	Grant a permit authorising the use of a public road for business purposes	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 223(1)	Follow the relevant steps in the council's public consultation policy	Chief Executive Officer (95)	NIL	council
section 223(2)	Give written notice of the proposal to agencies prescribe by regulation	Chief Executive Officer (95)	NIL	council
section 224(1)	Attach conditions to an authorisation or permit	Chief Executive Officer (95)	NIL	council
section 224(2)	Comply with any requirements prescribed by the regulations in relation to attaching conditions under section 224(1) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 225(1)	Cancel an authorisation or permit	Chief Executive Officer (95)	NIL	council
section 225(2)(a)	Give the holder of an authorisation or permit written notice of the proposed cancellation of the authorisation or permit	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 225(2)(b)	Consider any representation by the holder of an authorisation or permit	Chief Executive Officer (95)	NIL	council
section 225(3)	Determine a shorter period than one month for a response from the holder of an authorisation or permit	Chief Executive Officer (95)	NIL	council
section 231(1)	Keep a register of public roads in the council area	Chief Executive Officer (95)	NIL	council
section 232	Plant vegetation on a road	Chief Executive Officer (95)	NIL	council
section 232	Authorise the planting of vegetation on a road	Chief Executive Officer (95)	NIL	council
section 233(2)	Take action to recover damages from a person who without the council's permission intentionally or negligently damages a road or structure belonging to the councils associated with a road	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 234(1)	Remove and dispose of any structure, object or substance from a road	Chief Executive Officer (95)	NIL	council
section 234(2)	Recover the cost of acting under section 234(1) from the person who erected, placed or deposited the structure, object or substance on the road	Chief Executive Officer (95)	NIL	council
section 234(3)	Clear a road of wreckage, objects or material on the road as a result of a vehicle accident	Chief Executive Officer (95)	NIL	council
section 234(3)	Recover the cost of clearing the road from a driver of a vehicle involved in the accident	Chief Executive Officer (95)	NIL	council
section 234A(5)	Erect barricades or other traffic control devices as necessary to give effect to a resolution to exclude vehicles from a road or public place	Chief Executive Officer (95)	NIL	council
section 234A(6)	Give public notice of a resolution under section 234A(1) or 234A(2) of the Local Government Act	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 236(2)	Apply to the court for an order that a person convicted of the offence under section 236(1) of the Local Government Act pay any costs incurred by the council in removing or disposing of the abandoned vehicle	Chief Executive Officer (95)	NIL	council
section 237(4)(a)	Notify the owner of a vehicle of the removal of the vehicle by written notice	Chief Executive Officer (95)	NIL	council
section 237(4)(b)	Notify the owner of a vehicle of the removal of the vehicle by public notice published in a newspaper circulating generally within the State	Chief Executive Officer (95)	NIL	council
section 237(5)	Sell a vehicle by public auction or public tender	Chief Executive Officer (95)	NIL	council
section 237(6)	Dispose of a vehicle	Chief Executive Officer (95)	NIL	council
section 237(7)	Apply the proceeds of the sale of a vehicle as prescribed in section 237(7) of the Local Government Act	Chief Executive Officer (95)	NIL	council

Local Government Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 238(3)	Erect a notice regarding access to or use of a particular piece of land under a council by-law in a prominent place or in the immediate vicinity of the land	Chief Executive Officer (95)	NIL	council
section 242(3)	Notify an applicant in writing of a decision or presumptive decision on an application which is subject to section 242 of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 242(4)	Fix a date as the 'relevant date' for the purposes of section 242 of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 243(1)	Apply to the Registrar-General for the issue of a certificate of title for land which has vested in fee simple in the council under the Local Government Act	Chief Executive Officer (95)	NIL	council
section 245(2)	Take reasonable action to respond to a request by the owner or occupier of property adjacent to a road to avert a risk of damage from a tree	Chief Executive Officer (95)	NIL	council
section 245A(1)	Require a person to enter into an agreement with the council in regard to work under an approval under the Planning, Development and Infrastructure Act 2016 which could cause	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	damage to any local government land (including a road) within the vicinity of the site of the development			
section 245A(3)	Participate in the hearing of an appeal by a person against the requirements to enter and agreement of the terms or conditions of the agreement	Chief Executive Officer (95)	NIL	council
section 246(4a)	Publish a notice of a determination under section 246(3)(b) in the Gazette and a newspaper circulating generally in the council area	Chief Executive Officer (95)	NIL	council
section 246(5)(b)	Fix an expiation fee for alleged offences against the by-laws	Chief Executive Officer (95)	NIL	council
section 249(1)	Make copies of a proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available to the public in accordance with section 132(1)	Chief Executive Officer (95)	NIL	council
section 249(2)	Consider submissions made on a proposed by-law	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 249(4)	Obtain a certificate signed by a legal practitioner	Chief Executive Officer (95)	NIL	council
section 249(5)	Publish a by-law in the Gazette	Chief Executive Officer (95)	NIL	council
section 249(7)	Publish a notice of making a by-law	Chief Executive Officer (95)	NIL	council
section 250(5)	Publish a resolution adopting a model by-law in the Gazette	Chief Executive Officer (95)	NIL	council
section 250(7)	Publish a resolution adopting a model by-law in a newspaper circulating in the council area	Chief Executive Officer (95)	NIL	council
section 252(1)	Maintain a register of the by-laws made or adopted by the council	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 252(5)	Provide for purchase a certified copy of a by-law	Chief Executive Officer (95)	NIL	council
section 254(1)	Order a person to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 255(1)	Provide a notice in writing prior to making an order under section 254(1) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 255(2)	Serve a copy of a notice under section 255(1) of the Local Government Act on the owner of the land	Chief Executive Officer (95)	NIL	council
section 255(3)	Consider any representations made in response to a notice under section 255(1) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 255(3)(a)	Order a person to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act	Chief Executive Officer (95)	NIL	council

Local Government Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 255(3)(b)	Order a person to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 255(3)(c)	Determine not to proceed to make an order to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 255(7)	Serve an order to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 255(8)	Serve a copy of a notice under section 255(1) of the Local Government Act on the owner of the land	Chief Executive Officer (95)	NIL	council
section 255(11)	Vary an order	Chief Executive Officer (95)	NIL	council
section 255(12)	Make an order	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 256(3)	Participate in a review of an order by the South Australian Civil and Administrative Tribunal	Chief Executive Officer (95)	NIL	council
section 257(1)	Take action required by an order made under section 255 of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 257(2)	Authorise a person to take action under section 257(1) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 257(3)	Recover the costs of taking action under section 257(1) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 257(5)	Provide notice fixing a period in which a person must pay an amount recoverable by the council under section 257 of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 257(5)(b)	Impose a charge over land for an unpaid amount recoverable by the council under section 257 of the Local Government Act	Chief Executive Officer (95)	NIL	council

Local Government Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 259(1)	Prepare and adopt policies concerning the operation of Part 2, Chapter 12 of the Local Government Act	Chief Executive Officer (95)	Policy subject to Council approval.	council
section 259(2)(a)	Prepare a draft policy	Chief Executive Officer (95)	NIL	council
section 259(2)(b)	Give notice in a newspaper circulating in the council area of the place or places where copies of the draft policy are available for inspection and purchase and invite written submissions	Chief Executive Officer (95)	NIL	council
section 259(3)	Consider submissions	Chief Executive Officer (95)	NIL	council
section 259(4)	Amend a policy	Chief Executive Officer (95)	NIL	council
section 259(5)	Take steps in section 259(2) and 259(3) prior to amending a policy	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 260(1)	Appoint an authorised person	Chief Executive Officer (95)	NIL	council
section 260(2)	Impose conditions or limitations on the appointment of an authorised person	Chief Executive Officer (95)	NIL	council
section 260(3)	Issue an identity card to an authorised person	Chief Executive Officer (95)	NIL	council
section 260(5)	Revoke the appointment of an authorised person	Chief Executive Officer (95)	NIL	council
section 262A(3)	Deal with a complaint in accordance with the council's behavioural management policy	Chief Executive Officer (95)	NIL	council
section 262B(1)	Prepare and adopt a behavioural management policy	Chief Executive Officer (95)	Policy subject to the approval of Council.	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 262B(6)	Alter or substitute a behavioural management policy	Chief Executive Officer (95)	Policy subject to the approval of Council.	council
section 262D	Provide complainant with written reasons for refusal or determination	Chief Executive Officer (95)	NIL	council
section 262W(3)(b)(ii)	Provide report to the Panel detailing: <ul style="list-style-type: none"> • member's compliance with the Panel's requirement; or • council's compliance with Panel's requirement 	Chief Executive Officer (95)	NIL	council
section 264(1)(a)	Authorise a person in writing for the purposes of this section to lodge a complaint with SACAT	Chief Executive Officer (95)	NIL	council
section 270(a1)	Develop and maintain policies, practices and procedures for dealing with requests for the provision of services by the council or complaints about the activities of the council, employees of the council or person acting on behalf of the council	Chief Executive Officer (95)	Policy subject to the approval of Council	council

Local Government Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 270(1)	Establish procedures for the review of decisions	Chief Executive Officer (95)	NIL	council
section 270(2a)(b)	Allow an application to be made more than 6 months after the reviewable decision	Chief Executive Officer (95)	NIL	council
section 270(3a)	Reduce, waive or refund a fee	Chief Executive Officer (95)	NIL	council
section 270(4)	Refuse an application for the review of a decision	Chief Executive Officer (95)	NIL	council
section 270(6)	Amend policies, practices and procedures applying under section 270 of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 270(8)	Initiate and consider a report for the purpose of section 270(8) of the Local Government Act	Chief Executive Officer (95)	NIL	council

Local Government Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 271(1)	Make provision in a procedure under section 270 of the Local Government Act 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)	NIL	council
section 271(2)	Constitute panels of mediators, conciliators and evaluators	Chief Executive Officer (95)	NIL	council
section 271(7)	Pay costs of mediation, conciliation and evaluation	Chief Executive Officer (95)	NIL	council
section 271A(1)	Provide requested information to the Minister	Chief Executive Officer (95)	NIL	council
section 271B(1)(a)	Obtain an independent assessment of the council's probity or compliance with any requirements placed on the council under legislation	Chief Executive Officer (95)	NIL	council
section 271B(1)(b)	Take specified action to meet standards in the conduct or administration of the affairs of the council identified by the Minister	Chief Executive Officer (95)	NIL	council

Local Government Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 272(3)	Provide an explanation and make submissions to the Minister	Chief Executive Officer (95)	NIL	council
section 272(5)	Make submissions to the Minister in relation to the subject matter of an interim report	Chief Executive Officer (95)	NIL	council
section 273(3)	Make submissions to the Minister in relation to a report under section 273(1) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 275(2)	Make submissions to the Minister in relation to a report under section 274 of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 276(2)(a)	Bring proceedings under section 276(1) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 276(5)(b)	Take necessary steps for and hold a ballot or poll in accordance with an order of the District Court	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 276(5)(f)	Produce or deliver books, voting-paper or documents in accordance with an order of the District Court	Chief Executive Officer (95)	NIL	council
section 279(1)	Serve a document	Chief Executive Officer (95)	NIL	council
section 281(1)	Notify a lessee or licensee of land to pay the council rent or other consideration payable under the lease or licence in satisfaction of the landowner's liability to the council	Chief Executive Officer (95)	NIL	council
section 281(2)(b)	Notify the owner of land of the imposition of a requirements under section 281(1) of the Local Government Act	Chief Executive Officer (95)	NIL	council
section 282(1)	Approve an occupier of land undertaking work	Chief Executive Officer (95)	NIL	council
section 294(1a)	Provide notice to an owner or occupier of land	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 294(3)(a)	Pay rent to the owner of occupier of land as determined by agreement or the Supreme Court	Chief Executive Officer (95)	NIL	council
section 294(3)(b)	Pay to the owner of occupier of land reasonable compensation for damage to any crops on land	Chief Executive Officer (95)	NIL	council
section 294(3)(c)(i)	Remedy damage to land caused by the council	Chief Executive Officer (95)	NIL	council
section 294(3)(c)(ii)	Pay compensation for any other loss or damage caused by the council	Chief Executive Officer (95)	NIL	council
section 294(5)	Erect a fence	Chief Executive Officer (95)	NIL	council
section 294(7)	Comply with the relevant requirements of the Mining Act 1971	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 296(1)	Recover the cost or a portion of the costs of works as a debt	Chief Executive Officer (95)	NIL	council
section 296(3)	Give notice of a valuation to the owner of land	Chief Executive Officer (95)	NIL	council
section 296(5)	Participate in an objection or review to a valuation	Chief Executive Officer (95)	NIL	council
section 297	Sell or dispose of rubbish collected by the council	Chief Executive Officer (95)	NIL	council
section 298(1)	Order action in response to flooding or imminent flooding	Chief Executive Officer (95)	NIL	council
section 300(1)	Pay the cost of advertising	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
clause 13(c), Schedule 1A	Enter an arrangement with the Stormwater Management Authority to make use of council staff, equipment or facilities	Chief Executive Officer (95)	NIL	council
clause 17(1), Schedule 1A	Prepare a stormwater management plan	Chief Executive Officer (95)	Notification to Council.	council
clause 18(1), Schedule 1A	Prepare a stormwater management plan or revise an existing stormwater management plan	Chief Executive Officer (95)	NIL	council
clause 18(2), Schedule 1A	Provide a stormwater management plan to the Stormwater Management Authority for approval	Chief Executive Officer (95)	NIL	council
clause 19(3), Schedule 1A	Take action required by the Stormwater Management Authority as a condition of approving a stormwater management plan	Chief Executive Officer (95)	NIL	council
clause 20(1), Schedule 1A	Comply with an order issued by the Stormwater Management Authority under clause 20(1), Schedule 1A of the Local Government Act	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
clause 20(5), Schedule 1A	Make submissions to the Stormwater Management Authority	Chief Executive Officer (95)	NIL	council
clause 20(6), Schedule 1A	Enter into an agreement with the Stormwater Management Authority for the repayment of costs and expenses of the authority by the council	Chief Executive Officer (95)	NIL	council
clause 24(1), Schedule 1A	<p>Take 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(a), schedule 1B of the Local Government Act by:</p> <p>(a) entering and occupying any land;</p> <p>(b) constructing, maintaining or removing any infrastructure;</p> <p>(c) excavating any land;</p> <p>(d) inspecting, examining or surveying any land and for that purpose:</p> <p>(i) fixing posts, stakes or other markers on the land;</p> <p>(ii) digging trenches or sink test holes in the land to determine the nature of the top soil and underlying strata;</p> <p>and</p>	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	<p>(iii) removing samples for analysis; and</p> <p>(e) altering water table levels, stopping or reducing the flow of water in a watercourse, diverting water flowing in a watercourse to another watercourse or to a lake or controlling the flow of water in any other manner;</p> <p>(f) holding water in a watercourse or lake or by any other means;</p> <p>(g) diverting water to an underground aquifer, disposing of water to a lake, underground aquifer or the sea, or dealing with water in any other manner;</p> <p>(h) deepening, widening or changing the course of a watercourse, deepening or widening a lake or taking action to remove any obstruction to the flow of water;</p> <p>(i) undertaking any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation);</p> <p>(j) undertaking any testing, monitoring or evaluation; and</p> <p>(k) undertaking any other activity of a prescribed kind.</p>			
clause 24(2)(a), Schedule 1A	Enter into an agreement with the owner of private land	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
clause 24(2)(b), Schedule 1A	Acquire an easement or other appropriate interest over land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws	Chief Executive Officer (95)	NIL	council
clause 24(3), Schedule 1A	Acquire land by agreement for the purposes of constructing any infrastructure or performing any work	Chief Executive Officer (95)	NIL	council
clause 25(2), Schedule 1A	Provide notice to the occupier of land of an intention to enter, or to enter and occupy, land in accordance with clause 24	Chief Executive Officer (95)	NIL	council
clause 25(3)(b), Schedule 1A	Provide notice to the occupier of land of an intention to enter, or to enter and occupy, land in accordance with clause 24	Chief Executive Officer (95)	NIL	council
clause 26(3), Schedule 1A	Make submissions to the Minister regarding the vesting of the care, control and management of infrastructure or land in the council	Chief Executive Officer (95)	NIL	public authority
clause 26(4), Schedule 1A	Maintain and repair infrastructure and maintain land vested in the council	Chief Executive Officer (95)	NIL	public authority

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
clause 2(1), Schedule 1B	Enter a building upgrade agreement	Chief Executive Officer (95)	NIL	council
clause 2(4), Schedule 1B	Agree to other parties entering a building upgrade agreement	Chief Executive Officer (95)	NIL	council
clause 4, Schedule 1B	Agree to vary or terminate a building upgrade agreement	Chief Executive Officer (95)	NIL	council
clause 6(1), Schedule 1B	Declare a building upgrade charge	Chief Executive Officer (95)	NIL	council
clause 6(2), Schedule 4B	Provide written notice of the declaration of a building upgrade charge	Chief Executive Officer (95)	NIL	council
clause 6(4), Schedule 1B	Give notice of each payment of a building upgrade charge	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
clause 7(2), Schedule 1B	Deduct and retain any service fee and late payment fee	Chief Executive Officer (95)	NIL	council
clause 7(3)(a), Schedule 1B	Hold money pending payment to the finance provider	Chief Executive Officer (95)	NIL	council
clause 7(3)(b), Schedule 1B	Pay money to the finance provider	Chief Executive Officer (95)	NIL	council
clause 9(1), Schedule 1B	Sell land if a building upgrade charge remains outstanding for more than 3 years	Chief Executive Officer (95)	NIL	council
clause 9(2), Schedule 1B	Apply money received on the sale of land as prescribed by clause 9(2), schedule 1B of the Local Government Act	Chief Executive Officer (95)	NIL	council
clause 9(3), Schedule 1B	Deal with unclaimed money in accordance with the Unclaimed Moneys Act 1891	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
clause 10(2)(a), Schedule 1B	Adjust a building upgrade charge	Chief Executive Officer (95)	NIL	council
clause 10(2)(a), Schedule 1B	Give notice to the building owner of the adjustment of a building upgrade charge	Chief Executive Officer (95)	NIL	council
clause 10(3)(d), Schedule 1B	Refund excess payments to the building owner	Chief Executive Officer (95)	NIL	council
clause 11(1), Schedule 1B	Recover a building upgrade charge in accordance with a building upgrade agreement	Chief Executive Officer (95)	NIL	council
clause 13(1), Schedule 1B	Keep a register of building upgrade agreements	Chief Executive Officer (95)	NIL	council
clause 13(3), Schedule 1B	Provide the register of building upgrade agreements for inspection at the principal office of the council	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
clause 13(4), Schedule 1B	Provide an extract of the register of building upgrade agreements	Chief Executive Officer (95)	NIL	council
clause 1(4), Schedule 2	Publish a copy of the charter of a subsidiary in the Gazette	Chief Executive Officer (95)	NIL	council
clause 3(1), Schedule 2	Prepare a charter for a subsidiary	Chief Executive Officer (95)	NIL	council
clause 3(4), Schedule 2	Review a charter for a subsidiary	Chief Executive Officer (95)	NIL	council
clause 3(5)(a), Schedule 2	Furnish a copy of an amended charter for a subsidiary to the Minister	Chief Executive Officer (95)	NIL	council
clause 3(5)(b), Schedule 2	Publish a copy of an amended charter for a subsidiary on a website determined by the chief executive officer	Chief Executive Officer (95)	NIL	council

Local Government Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
clause 3(5)(c), Schedule 2	Publish a notice in the Gazette of the fact of the amendment and website address at which the charter is available for inspection	Chief Executive Officer (95)	NIL	council
clause 10(2), Schedule 2	Make a copy of a direction given to a subsidiary available at the principal office of the council	Chief Executive Officer (95)	NIL	council
clause 11(1), Schedule 2	Request a subsidiary to furnish information or records in the possession or control of the subsidiary	Chief Executive Officer (95)	NIL	council
clause 11(2), Schedule 2	Act on advice of a board of management that information or a record should be treated as confidential	Chief Executive Officer (95)	NIL	council
clause 12(1), Schedule 2	Request a subsidiary to report on a matter to the council	Chief Executive Officer (95)	NIL	council
clause 12(2), Schedule 2	Receive a report on the work and operations of the subsidiary	Chief Executive Officer (95)	NIL	council

Local Government Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
clause 12(4), Schedule 2	Incorporate a report made under clause 12(2), Schedule 2 into the annual report of the council	Chief Executive Officer (95)	NIL	council
clause 19(5)(b), Schedule 2	Publish (in conjunction with the other constituent councils) a copy of the amended charter of a subsidiary on a website determined by the chief executive officer	Chief Executive Officer (95)	NIL	council
clause 21(9), Schedule 2	Act on advice of a board of management that a matter should be treated confidentially	Chief Executive Officer (95)	NIL	council
clause 27(2), Schedule 2	Act on advice of a board of management that information or a record should be treated as confidential	Chief Executive Officer (95)	NIL	council
clause 28(3), Schedule 2	Incorporate a report under clause 28(1), Schedule 2 of the Local Government Act in the annual report of the council	Chief Executive Officer (95)	NIL	council
clause 2(1), Schedule 6	Deliver a notice to the Registrar-General for the purpose of registering a charge over land	Chief Executive Officer (95)	NIL	council

Local Government Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
clause 3(1)(b), Schedule 6	Exercise the powers of a mortgagee given by the Real Property Act 1886 under a mortgage in respect of which default has been made in payment of money secured by the mortgage	Chief Executive Officer (95)	NIL	council
clause 4(1), Schedule 6	Provide notice to the Registrar-General that the amount a charge relates to has been repaid and apply for the discharge of the charge	Chief Executive Officer (95)	NIL	council

Instrument of Delegation under the Independent Commission Against Corruption Act 2012

Independent Commission Against Corruption Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 18B(4)(a)	Report to the Office for Public Integrity in accordance with the directions issued under section 18B of the Independent Commissioner Against Corruption Act	Chief Executive Officer (95)	NIL	public authority
section 18B(4)(b)	Report to the Office for Public Integrity any matter the council reasonably suspects involves corruption in public administration	Chief Executive Officer (95)	NIL	public authority
section 18E(3)(a)	Produce a specified document or document relating to specified matter	Chief Executive Officer (95)	NIL	public authority
section 18E(3)(b)	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 written notice so requires, verify the statement by statutory declaration	Chief Executive Officer (95)	NIL	public authority
section 18F(1)(b)	Act on a referral from the Office for Public Integrity	Chief Executive Officer (95)	NIL	public authority

Independent Commission Against Corruption Act 2012

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
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 investigation requires, verify the statement by statutory declaration	Chief Executive Officer (95)	NIL	public authority
section 34(1)	Undertake a joint investigation with the Independent Commission Against Corruption	Chief Executive Officer (95)	NIL	public authority
section 34(3)	Provide comments to the Independent Commission Against Corruption with respect to the terms of a notice issued under section 34(1) of the Independent Commission Against Corruption Act	Chief Executive Officer (95)	NIL	public authority
section 36(1)(b)	Act on a referral from the Independent Commission Against Corruption	Chief Executive Officer (95)	NIL	public authority
section 36(4)	Comply with direction or guidance given by the Independent Commission Against Corruption	Chief Executive Officer (95)	NIL	public authority
section 36(7)	Comply with varied or further direction or guidance issued by the Independent Commission Against Corruption	Chief Executive Officer (95)	NIL	public authority

Independent Commission Against Corruption Act 2012

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 36(8)	Provide comments to the Independent Commission Against Corruption	Chief Executive Officer (95)	NIL	public authority
section 39A(1)	Ensure each person who was the subject of an investigation in relation to a matter referred to the Council by the Independent Commission Against Corruption is informed of a determination of the council not to further investigate or deal with the matter	Chief Executive Officer (95)	NIL	public authority
section 39A(3)	Apply to the Supreme Court for an order authorising the council to withhold information relating to the determination from a person the subject of the investigation	Chief Executive Officer (95)	Nil	public authority
section 40(2)	Assist the Independent Commission Against Corruption in an evaluation of the practices, policies and procedures of the council	Chief Executive Officer (95)	NIL	public authority
section 41(1)	Comply with recommendations of the Independent Commission Against Corruption	Chief Executive Officer (95)	NIL	public authority
section 41(4)	Provide comments to the Independent Commission Against Corruption	Chief Executive Officer (95)	NIL	public authority

Independent Commission Against Corruption Act 2012

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 44(1)	Assist public officers of the council to comply with requirements and directions issued under the Independent Commission Against Corruption Act	Chief Executive Officer (95)	NIL	public authority
section 56A(1)(b)	Receive and use evidence or information for the purposes of any criminal investigation or proceedings, proceedings for the imposition of a penalty and any disciplinary investigation or action	Chief Executive Officer (95)	Nil	public authority/ prosecution authority
Clause 9(6), Schedule 4	Act on a referral of the inspector	Chief Executive Officer (95)	NIL	public authority

Instrument of Delegation under the Disability Inclusion Regulations 2019

Disability Inclusion Regulations 2019				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 9(2)	Determine the manner and form and time period for the calling of public submissions under section 16(4)(c) of the Disability Inclusion Act	Chief Executive Officer (95)	NIL	
regulation 9(3)	Publish the disability access and inclusion plan on a website	Chief Executive Officer (95)	NIL	
regulation 9(4)	Prepare and provide a report to the Chief Executive Officer of the administrative unit of the public service that is responsible for assisting a Minister in the administration of this Act	Chief Executive Officer (95)	NIL	
regulation 10	Keep residents informed of the preparation by the council of a single disability access and inclusion plan which is for more than one council	Chief Executive Officer (95)	NIL	
regulation 11(1)	Comply with the steps under regulation 9 in regard to the variation of a disability access and inclusion plan as if the variation were the plan	Chief Executive Officer (95)	NIL	

Disability Inclusion Regulations 2019

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 11(2)	Vary a disability access and inclusion plan	Chief Executive Officer (95)	NIL	
regulation 11(3)	Provide public notice of a variation to a disability access and inclusion plan	Chief Executive Officer (95)	NIL	
regulation 12(2)(a)	Prepare a report on the operation of a disability access and inclusion plan	Chief Executive Officer (95)	NIL	State authority

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 8 April 2025
AGENDA BUSINESS ITEM**

Item:	12.3.
Responsible Officer:	Zoë Gill Executive Governance Officer Office of the CEO
Subject:	Delegations made under <i>Planning, Development and Infrastructure Act 2016</i>, Regulations, Planning & Design Code and Practice Directions
For:	Decision

SUMMARY

This report seeks Council's delegation of its statutory powers and functions under the *Planning, Development and Infrastructure Act 2016* (PDI Act), Regulations, Planning & Design Code and Practice Directions.

Council undertook a full review of delegations under the PDI Act in September 2023. There have been minor legislative changes since this date. New, updated and deleted provisions are detailed in *Appendix 1* and *2* for Council to review. The updated Instruments of Delegations at *Appendix 3 and 4* incorporate these new, updated and deleted provisions into the full instrument of delegations.

Delegations under the PDI Act 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.

Section 100 of the PDI Act allows a relevant authority, other than an accredited professional, to delegate its powers and functions under this Act.

The relevant authorities under the PDI Act are the Minister, the State Planning Commission, an assessment panel appointed by a joint planning board or by a council, an assessment panel constituted by the Minister, an assessment manager, an accredited professional and a council. The CAP, the Council and the Assessment Manager can all sub-delegate their powers and functions.

Under the PDI Act each relevant authority has a set of delegations known as an Instrument of Delegation and Council has powers as both a relevant authority and as a designated entity so there are two instruments where Council makes delegations to staff.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
- 2. Delegations made under *Planning, Development and Infrastructure Act 2016*, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council, a Designated Authority and a Designated Entity – (Instrument A)**
 - a. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (contained in the attachment of this Report) are hereby delegated this 14 April 2025 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. 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.
- 3. Delegations made under the *Planning, Development and Infrastructure Act 2016*, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority – (Instrument B)**
 - a. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (contained in the attachment to this Report) are hereby delegated this 14 April 2025 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. 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. If two or more delegates are nominated in respect of a power or function, then each nominated person is granted a delegation and may exercise the power or function independently of any other delegate.**
- 5. The delegations are granted subject to the following conditions and limitations:**
 - a. the delegate must exercise a delegated function or power in accordance with:
 - i. applicable legislative and other legal requirements; and
 - ii. due regard to relevant policies and guidelines adopted by the Council;
 - iii. all other conditions and limitations noted in the instrument of delegations

6. **Each delegation of a power or function granted under this instrument is independent of, and severable from, every other delegation granted under this instrument.**
 7. **If a delegation of a power or function under this instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this instrument and the remaining delegations will continue to operate according to their terms.**
 8. **Previous delegations granted by the Council of the powers and functions delegated by this instrument are revoked with effect from the date on which the delegations provided for in this instrument come into operation.**
 9. **The delegations granted by this instrument will remain in force until varied or revoked by resolution of the Council.**
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1. BACKGROUND

The Planning, Development & Infrastructure Act 2016 delegations are separated into 4 Instruments of Delegations. These are:

Instrument A – Powers of a council as a council; designated authority; designated entity

Instrument B – Powers of a council as a relevant authority

Instrument C – Powers of an assessment panel (*Delegated by the Panel*)

Instrument D – Powers of an assessment manager (*Delegated by the Assessment Manager*)

The instruments are in essence a tool that has been created by the Local Government Association to pull together each of the powers and functions that relate to each relevant authority / entity for the purpose of issuing delegations.

Council's powers of delegations lay in Instruments A and B:

- Instrument A includes, but is not limited to its powers in relation to submissions to the Minister / Commission, ability to appoint a Council Assessment Panel etc.
- Instrument B includes, but is not limited to its powers of delegations as a relevant authority in relation to development and building assessments etc.

In addition, there is an instrument of delegation for the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017*. The delegation that relates to Council under these transitional provisions apply to any councils that may have had a Development Plan Amendment in progress during the change of Acts. This transitional provision provided the Minister the ability to approve a Development Plan Amendment during the transition period. Adelaide Hills Council did not have a Development Plan Amendment in process at the time and therefore this delegation will not be exercised by Council.

Delegations allow the Council to transfer its powers and duties to the Chief Executive Officer (CEO), and others as determined. An absence of appropriate delegations would require decisions to be made through formal meetings of Council only, inevitably resulting in

significant inefficiencies, reduced customer service and excessive time delays for many of the diverse daily activities undertaken by administration.

2. ANALYSIS

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

Strategic Plan 2024 – Your place, your space

Goal	Organisation
Objective O2	Operate with integrity using best practice governance processes.
Priority 02.3	Enhance governance structures and systems to be agile and support our legislative obligations.

The recommended delegation updates ensure that Council’s delegation framework is consistent with legislative updates.

➤ **Legal Implications**

Pursuant to Section 44 (6a) of the *Local Government Act 1999*, Council must review all delegations within 12 months after the conclusion of each periodic election. A review has already been undertaken however Council may need to make periodic updates to the delegations to account for any legislative updates that occur.

Section 100 of the *Planning, Development and Infrastructure Act 2016* (PDI Act) allows a relevant authority, other than an accredited professional, to delegate its powers and functions under this Act.

➤ **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	Desired Risk
Extreme (5C)	Low (3E)	Low (3E)

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

➤ **Financial and Resource Implications**

There are no financial or resource implications in delegating Council’s powers.

➤ **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:

<i>Council Committees:</i>	Not Applicable
<i>Council Workshops:</i>	Not Applicable
<i>Advisory Groups:</i>	Not Applicable
<i>External Agencies:</i>	Reliansys and Local Government Association of SA.
<i>Community:</i>	Not Applicable

➤ **Additional Analysis**

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.

Updates to Instruments

The following instruments require updates:

Instrument A
Instrument B

Appendix 1 and 2 contains a summary of the legislative updates that have occurred since the last delegation review.

Appendix 3 and 4 contains the updated table of instruments. The changes to these are restricted to the updates from Appendix 1 and 2 namely the New, Updated and Deleted provisions.

A fulsome delegations review will be undertaken when required.

3. 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 (Recommended). (Option 1)
- II. To determine not to delegate to the Chief Executive Officer some or all of the powers and functions contained in the appendices and that it be further workshopped.

4. APPENDICES

- (1) Instrument A- New, Updated and Deleted Delegations
- (2) Instrument B- New, Updated and Deleted Delegations
- (3) Instrument A- Full Instruments of Delegations
- (4) Instrument B- Full Instruments of Delegations

Appendix 1

Instrument A- New, Updated and Deleted Delegations

ADELAIDE HILLS COUNCIL

RELIANSYS® DELEGATIONS - EXPORT OF UPDATES BY REGISTER - COMPLETE

INSTRUMENT A - INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING & DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF A COUNCIL AS A COUNCIL; A DESIGNATED AUTHORITY; A DESIGNATED ENTITY 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

Note - Exported provisions are separated by category into NEW and then CHANGED and then DELETED.

NEW Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
753943	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 5(1)	<p>89. Initiating a Code Amendment</p> <p>89.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction – 2 Preparation and Amendment of Designated Instrument (PD2), to initiate a Code Amendment and lodge the following documents to the Department via the SA Planning Portal:</p> <p>89.1.1 a Proposal to Initiate;</p> <p>89.1.2 SA Planning Portal Publication Instructions – for Initiation;</p> <p>89.1.3 Heritage Report with datasheet(s) and analysis of historic themes (relevant proposals only);</p> <p>89.1.4 Significant Tree Report with description/s and assessment/s (relevant proposals only).</p>	Chief Executive Officer (95)	In consultation with Council and Assessment Manager and Team Leader Statutory Planning
753944	State Planning Commission Practice Direction 2 - Preparation and Amendment of	clause 5(2)	<p>89. Initiating a Code Amendment</p> <p>89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate:</p> <p>89.2.1 Code Policy</p> <p>89.2.1.1 an outline of:</p> <p>(a) any overlay, general development policy, zone, subzone or technical or numeric variation in the Code being proposed for amendment; and/or</p> <p>(b) the intended spatial application of an overlay, zone, subzone or technical or numeric variation in the Code over an identified area;</p>	Chief Executive Officer (95)	Nil

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Designated Instruments				
753945	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 5(2)	89. Initiating a Code Amendment 89.2.2 Affected Area 89.2.2.1 a map or description of the Affected Area;	Chief Executive Officer (95)	In consultation with Council and Assessment Manager and Team Leader Statutory Planning
753946	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 5(2)	89. Initiating a Code Amendment 89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate: 89.2.3 State Planning Policies 89.2.3.1 identification of the relevant principles or objectives of the State Planning Policies and an assessment of the proposed Code Amendment's alignment with those State Planning Policies;	Chief Executive Officer (95)	Nil

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
753947	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 5(2)	89. Initiating a Code Amendment 89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate: 89.2.4 Regional Plan 89.2.4.1 identification of relevant regional plans and assessment of how the matters or issues proposed to be addressed by the proposed Code Amendment will relate to the relevant regional plan;	Chief Executive Officer (95)	Nil
753948	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 5(2)	89. Initiating a Code Amendment 89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate: 89.2.5 Consultation 89.2.5.1 information regarding any consultation that has already occurred with respect to the proposed Code Amendment; 89.2.5.2 details of further consultation proposed to be undertaken with respect to the proposed Code Amendment;	Chief Executive Officer (95)	Nil
753949	State Planning Commission Practice	clause 5(2)	89. Initiating a Code Amendment 89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate: 89.2.6 Planning Merit Statement 89.2.6.1 provide a statement detailing how the proposed Code Amendment relates	Chief Executive Officer (95)	Nil

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Direction 2 - Preparation and Amendment of Designated Instruments		to strategic directions and outlines desired policy/development outcomes and anticipated residential/ employment yields;		
753950	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 5(2)	<p>89. Initiating a Code Amendment</p> <p>89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate:</p> <p>89.2.7 Investigation Information</p> <p>89.2.7.1 information regarding any investigations which have already been undertaken with respect to the proposed Code Amendment;</p> <p>89.2.7.2 commitment to undertake further investigations to support the proposed Code Amendment including the following as applicable:</p> <p>(a) infrastructure (road, civil, corridor);</p> <p>(b) service infrastructure (water, wastewater, stormwater, electricity, gas, telecommunications);</p> <p>(c) cultural and heritage significance (search of the Register of Aboriginal Sites and Objects);</p> <p>(d) Code policy (zone, overlay, TNVs, concept plan);</p> <p>(e) hazard risk (analysis of relevant overlays and site conditions);</p> <p>(f) the extent to which there are social, economic, land use, built form or environmental features that present a barrier to the outcomes sought;</p> <p>89.2.7.3 high-level details of any infrastructure required to support development arising through the proposed Code Amendment and how that infrastructure will be provided (for example potable water and sewerage connection requirements);</p>	Chief Executive Officer (95)	Nil

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			89.2.7.4 where known, details of any infrastructure agreement (or agreements) or infrastructure scheme which will need to be established or entered into in connection with the proposed Code Amendment.		
753951	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 5(2)	<p>89. Initiating a Code Amendment</p> <p>89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate:</p> <p>89.2.8 The power pursuant to clause 5(3) of PD2 to set out in the SA Planning Portal Publication Instructions – for Initiation:</p> <p>89.2.8.1 a summary of the Code Amendment in plain English, which will be published on the SA Planning Portal;</p> <p>89.2.8.2 where possible, an indication of when consultation may begin.</p>	Chief Executive Officer (95)	Nil
753952	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 5(2)	<p>89. Initiating a Code Amendment</p> <p>89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate:</p> <p>89.2.9 The power pursuant to clause 5(4) of PD2 to, in relation to initiating a Code Amendment which is intended to designate a place as a place of local heritage value, provide a report which:</p> <p>89.2.9.1 includes a heritage datasheet for each proposed Local Heritage Place, which includes:</p> <p>(a) all relevant property details and descriptions (including images);</p> <p>(b) historical background and thematic analysis;</p> <p>(c) a statement of heritage value;</p> <p>(d) an assessment against the Local Heritage Criteria; and</p>	Chief Executive Officer (95)	Nil

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			(e) the extent of listing (including any exclusions); 89.2.9.2 includes an analysis of historic themes of importance to the area; 89.2.9.3 is prepared by a heritage architect, historian or person with similar qualifications, skills or experience; and 89.2.9.4 is otherwise prepared in accordance with any guidelines prepared and published by the Commission under Section 67(2)(c) of the PDI Act.		
753953	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 5(2)	89. Initiating a Code Amendment 89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate: 89.2.10 The power pursuant to clause 5(5) of PD2 to, in relation to initiating a Code Amendment which is intended to designate a tree (or stand of trees) as a significant tree (or trees), provide a report which: 89.2.10.1 includes relevant details and descriptions of the tree or stand of trees (including images as necessary); 89.2.10.2 includes an assessment of the tree (or stand of trees) against the Significant Tree Criteria; 89.2.10.3 is prepared by an urban planner, arborist or person with qualifications, skills or experience relevant to the assessment in the report.	Chief Executive Officer (95)	Nil
753954	State Planning Commission Practice Direction 2 -	clause 6(1)	90. Preparation of a Draft Code Amendment (Prior to Consultation) 90.1 The power pursuant to clause 6(1) of PD2, to prior to consultation occurring on a draft Code Amendment: 90.1.1 carry out investigations and obtain such information: 90.1.1.1 as provided in the Proposal to Initiate approved by the Minister;	Chief Executive Officer (95)	Nil

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Preparation and Amendment of Designated Instruments		90.1.1.2 as required under any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act; and 90.1.1.3 as specified by the Commission under Sections 73(6)(e) or 73(6)(f) of the PDI Act;		
753955	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 6(1)	90. Preparation of a Draft Code Amendment (Prior to Consultation) 90.1 The power pursuant to clause 6(1) of PD2, to prior to consultation occurring on a draft Code Amendment: 90.1.2 provide the Department with: 90.1.2.1 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and 90.1.2.2 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Agreement;	Chief Executive Officer (95)	Nil
753956	State Planning Commission Practice Direction 2 - Preparation and Amendment of	clause 6(1)	90. Preparation of a Draft Code Amendment (Prior to Consultation) 90.1 The power pursuant to clause 6(1) of PD2, to prior to consultation occurring on a draft Code Amendment: 90.1.3 prepare the draft Code Amendment in accordance with the approved Proposal to Initiate and any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act and the requirements of this Practice Direction;	Chief Executive Officer (95)	In consultation with Council and Assessment Manager and Team Leader Statutory Planning

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Designated Instruments				
753957	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 6(1)	90. Preparation of a Draft Code Amendment (Prior to Consultation) 90.1 The power pursuant to clause 6(1) of PD2, to prior to consultation occurring on a draft Code Amendment: 90.1.4 provide the Department with written instructions (in a form acceptable to the Department) to prepare the SA Planning Portal for consultation on the draft Code Amendment; and	Chief Executive Officer (95)	Nil
753958	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 6(1)	90. Preparation of a Draft Code Amendment (Prior to Consultation) 90.1 The power pursuant to clause 6(1) of PD2, to prior to consultation occurring on a draft Code Amendment: 90.1.5 provide the Department with the engagement plan prepared (and approved, if required) under these Practice Directions, for the purpose of the Department publishing the engagement plan on the SA Planning Portal.	Chief Executive Officer (95)	Nil

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
753959	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 6(2)	90. Preparation of a Draft Code Amendment (Prior to Consultation) 90.2 The power pursuant to clause 6(2) of PD2, where an engagement plan is amended during any period of consultation or any time prior to finalisation of the engagement report under PD2, to provide the Department with the engagement plan (as updated) for the purpose of the Department publishing the updated engagement plan on the SA Planning Portal	Chief Executive Officer (95)	Nil
753960	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 7(1)	91. Requirements for a Draft Code Amendment 91.1 The power pursuant to clause 7(1) of PD2 to support a draft Code Amendment by the following information: 91.1.1 an explanation of the current code policy as it applies to the Affected Area (at the time of preparation of the draft Code Amendment); 91.1.2 an explanation of the amendments to the Code policy proposed for the Affected Area; 91.1.3 an assessment of the strategic planning outcomes intended to be achieved through the draft Code Amendment, including an analysis of the consistency of the draft Code Amendment with the relevant provisions of State Planning Policies, the Regional Plan and any other relevant strategic plans; 91.1.4 a summary and explanation of the investigations undertaken and how these support the draft Code Amendment; and 91.1.5 an explanation of any infrastructure or services required to support development facilitated by the proposed Code Amendment, and an explanation of	Chief Executive Officer (95)	In consultation with Council and Assessment Manager and Team Leader Statutory Planning

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			how and when the infrastructure will be provided.		
753961	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 9(1)	<p>92. Preparation of an Engagement Plan (Prior to Consultation)</p> <p>92.1 The power pursuant to clause 9(1) of PD2 to prepare an engagement plan that:</p> <p>92.1.1 meets the principles and performance outcomes of the Charter;</p> <p>92.1.2 describes the persons or bodies to be consulted on the proposed amendment of the Designated Instrument, which must include any persons or bodies:</p> <p>92.1.2.1 required to be consulted with under a condition imposed by the Minister under Section 73(5) of the PDI Act;</p> <p>92.1.2.2 specified by the Commission under Section 73(6)(e) of the PDI Act; and</p> <p>92.1.2.3 who must be consulted with under the Charter;</p> <p>92.1.3 outlines any relevant previous engagement undertaken to inform the proposal;</p> <p>92.1.4 describes the evaluation framework for the engagement.</p>	Chief Executive Officer (95)	Nil
753962	State Planning Commission Practice Direction 2 - Preparation and Amendment of	clause 9(2)	<p>92. Preparation of an Engagement Plan (Prior to Consultation)</p> <p>92.2 The power pursuant to clause 9(2) of PD2 to, in relation to engagement plans which relate to proposed preparation of or amendment to a State Planning Policy or a Regional Plan submit the engagement plan to the Commission for approval prior to commencement of formal engagement on the proposal.</p>	Chief Executive Officer (95)	Nil

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Designated Instruments				
753963	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 9(3)	92. Preparation of an Engagement Plan (Prior to Consultation) 92.3 The power pursuant to clause 9(3) of PD2 to, in relation to an engagement plan relating to a proposed amendment to the Code or a Design Standard, submit the engagement plan to the Commission or the Minister for approval, if a condition has been imposed by the Minister under Section 73(5) of the PDI Act which requires such approval.	Chief Executive Officer (95)	Nil
753964	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 10(1)	93. Preparation of an Engagement Report (Following Consultation) 93.1 The power pursuant to clause 10(1) of PD2 to, at the completion of engagement on a proposal prepare or amend a Designated Instrument, provide the Department with: 93.1.1 if amendments to the proposal are required: 93.1.1.1 written instructions (in a form acceptable to the Department) that set out any changes to the draft Designated Instrument for the purposes of the Department updating and providing the draft policy for inclusion in the draft Designated Instrument; and/or 93.1.1.2 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Designated	Chief Executive Officer (95)	Nil

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			Instrument; 93.1.2 the updated draft Designated Instrument or amendment to the Designated Instrument in the form of amendment instructions (once finalised by the Designated Entity, incorporating any amendments); and 93.1.3 a final engagement report as required under Section 73(7) of the PDI Act and prepared in accordance with PD2, for the purpose of the Department arranging for the engagement report and draft Designated Instrument to be furnished to the Minister.		
753965	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 10(2)	93. Preparation of an Engagement Report (Following Consultation) 93.2 The power pursuant to clause 10(2) of PD2 to set out in an engagement report required under Section 73(7) of the PDI Act: 93.2.1 details of the engagement undertaken and how that engagement met the engagement plan and reasons for variations (if any) to the engagement plan; 93.2.2 the outcome of the engagement including a summary of the written submissions or feedback received; 93.2.3 any proposed changes to the proposal to prepare or amend a Designated Instrument (when compared with the proposal that was engaged on) and the reasons for those proposed changes. This should specifically indicate: 93.2.3.1 where changes are proposed to the Designated Instrument based on or as a result of the engagement; and 93.2.3.2 any other changes which are proposed based on or as a result of additional investigations or information which was not available when the proposal was released for engagement.	Chief Executive Officer (95)	In consultation with Council and Assessment Manager and Team Leader Statutory Planning

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
753966	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 10(3)	93. Preparation of an Engagement Report (Following Consultation) 93.3 The power pursuant to clause 10(3) of PD2 to also include in the engagement report an evaluation of the effectiveness of the engagement that considers whether: 93.3.1 the principles of the Charter have been activated; and 93.3.2 all mandatory requirements identified in the Charter have been met (where the consultation category is applicable).	Chief Executive Officer (95)	Nil
753967	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 11(1)	94. Complying Changes to the Code of Conduct 94.1 The power pursuant to clause 11(1) of PD2 to, in relation to a request for the Minister to agree to a complying change to the Code under Section 75 of the PDI Act provide the request to the Department and include the following information: 94.1.1 description of the relevant recommendations in the Regional Plan which relate to the proposed Code Amendment, including any specific maps or other specific information which clearly and expressly identify the changes relevant to the proposed Code Amendment; 94.1.2 a summary of any consultation which has occurred in accordance with the Charter in relation to the proposed Code Amendment or the relevant Regional Plan. This should include a copy of the engagement report prepared for the relevant Regional Plan and any additional consultation that has occurred for the proposed Code Amendment; 94.1.3 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and 94.1.4 mapping instructions or a description of the Affected Area (in a form	Chief Executive Officer (95)	In consultation with Council and Assessment Manager and Team Leader Statutory Planning

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment.		
753968	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 12(1)	<p>95. Early Commencement of a Code Amendment</p> <p>95.1 The power pursuant to clause 12(1) of PD2 to provide a request for early commencement of a Code Amendment under Section 78 of the PDI Act to the Department and include:</p> <p>95.1.1 explanation, justification and evidence as necessary to demonstrate how early commencement of the Code Amendment is:</p> <p>95.1.1.1 necessary in the interest of the orderly and proper development of an area of the State; and</p> <p>95.1.1.2 required in order to counter applications for undesirable development (which should identify possible future development that would detract from or negate the object of the proposed Code Amendment) ahead of the outcome of consideration of the Code Amendment;</p> <p>95.1.2 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p> <p>95.1.3 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment.</p>	Chief Executive Officer (95)	In consultation with Council and Assessment Manager and Team Leader Statutory Planning

CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
309147	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)	s193(15)	4445 .Land Management Agreements – Development Applications 44 45.8 The power pursuant to Section 193(15) of the PDI Act to apply to the Registrar-General in relation to an agreement under Section 193 that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.	Chief Executive Officer (95)	Nil

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
609692	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103A(2)	<p>64<u>79</u>.Required Documentation</p> <p>64</p> <p><u>79</u>.2The power pursuant to Regulation 103A(2) of the General Regulations to, in relation to an application for the issuing on or after 1 July—October 2022<u>2024</u> of a certificate of occupancy relating to a Class 1a building under the Building Code, to require the following documentation:</p> <p>64</p> <p><u>79</u>.2.1if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that any conditions relevant to the suitability of the building for occupation have been satisfied,</p>	Chief Executive Officer (95)	Nil

DELETED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
385201	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	cl5(1)	<p>89. Requirements in Relation to Preparing an Engagement Plan</p> <p>89.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction – 2 Preparation and Amendment of Designated Instruments (PD2), to prepare an engagement plan that:</p> <p>89.1.1 meets the principles and performance outcomes of the Charter;</p> <p>89.1.2 describes the persons or bodies to be consulted on the proposed amendment of the Designated Instrument, which must include any persons or bodies:</p> <p>89.1.2.1 require to be consulted with under a condition imposed by the Minister under Section 73(5) of the PDI Act</p> <p>89.1.2.2 specified by the Commission under Section 73(6)(e) of the PDI Act;</p> <p>89.1.2.3 who must be consulted with under the Charter;</p> <p>89.1.3 outlines any relevant previous engagement undertaken to inform the proposal;</p> <p>89.1.4 describes the evaluation framework for the engagement.</p>	Chief Executive Officer (95)	NIL
385202	State Planning Commission Practice Direction 2 - Preparation and Amendment of	cl5(2)	<p>89. Requirements in Relation to Preparing an Engagement Plan</p> <p>89.2 The power pursuant to clause 5(2) of PD2 to submit all engagement plans which relate to proposed preparation of or amendment to a State Planning Policy or a Regional Plan to the Commission for approval prior to commencement of formal engagement on the proposal.</p>	Chief Executive Officer (95)	In consultation with Council.

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Designated Instruments				
622620	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	cl6(1)	90.Preparation of an Engagement Report (Following Consultation) 90.1The power pursuant to clause 6(1) of PD2, at the completion of engagement on a draft of a proposal to prepare or amend a designated instrument to provide an engagement report to the Minister.	Chief Executive Officer (95)	
385204	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	cl6(2)	90. Preparation of an Engagement Report (Following Consultation) 90.1 The power pursuant to clause 6(2) of PD2 to set out in an engagement report: 90.1.1 details of the engagement undertaken and how that engagement met the engagement plan, and reasons for variations, if any to the engagement plan; 90.1.2 the outcome of the engagement including a summary of the written submission or feedback made; 90.1.3 any proposed changes to the proposal to prepare or amend a Designated Instrument (when compared with the proposal that was engaged on) and the reasons for those proposed changes which specifically indicates: 90.1.3.1 where changes are proposed to the Designated Instrument based on or as a result of the engagement; and 90.1.3.2 any other changes which are proposed based on or as a result of additional investigations or information which was not available when the proposal was released for engagement.	Chief Executive Officer (95)	In consultation with Council.

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
385206	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	cl7(1)	<p>91. Initiating a Code Amendment</p> <p>91.1 The power pursuant to clauses 7(1) and (2) of PD2 to lodge a Proposal to initiate with the Department via the SA Planning Portal that sets out:</p> <p>91.1.1 Code Policy – an outline of:</p> <p>91.1.1.1 any overlay, general development policy, zone, subzone or technical or numeric variation in the Code being proposed for amendment; and/or</p> <p>91.1.1.2 the intended spatial application of an overlay, zone, subzone or technical or numeric variation in the Code over an identified area;</p> <p>91.1.2 Affected Area</p> <p>91.1.2.1 a map or description of the Affected Area;</p> <p>91.1.3 State Planning Policies</p> <p>91.1.3.1 identification of the relevant principles or objectives of the State Planning Policies and an assessment of the proposed Code Amendment's alignment with those State Planning Policies;</p> <p>91.1.4 Regional Plan</p> <p>91.1.4.1 Identification of relevant regional plans and assessment of how the matters or issues proposed to be addressed by the proposed Code Amendment will relate to the relevant regional plan;</p> <p>91.1.5 Consultation -</p> <p>91.1.5.1 information regarding any consultation that has already occurred with respect to the proposed Code Amendment;</p> <p>91.1.5.2 details of further consultation proposed to be undertaken with respect to the proposed Code Amendment;</p> <p>91.1.6 Investigations -</p> <p>91.1.6.1 information regarding any investigations which have already been undertaken with respect to the proposed Code Amendment</p> <p>91.1.6.2 an outline of the further investigations that will be undertaken to support the proposed Code Amendment;</p> <p>91.1.6.3 details of any infrastructure required to support development arising through proposed Code Amendment and how the infrastructure will be provided;</p>	Chief Executive Officer (95))	In consultation with Council, Assessment Manager and Team Leader Statutory Planning.

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>91.1.6.4 details of any infrastructure agreement (or agreements) or infrastructure scheme which will need to be established or entered into in connection with the proposed Code Amendment</p> <p>91.1.7 Timetable</p> <p>91.1.7.1 identification of a consultation start date;</p> <p>91.1.7.2 an outline of the proposed timetable for each step of the Code Amendment process (ensuring that the process is completed within reasonable time limits), and a commitment from the Proponent (where it is also the Designated Entity) that it will take steps to update the timetable and seek approval from the Department if it appears that timeframes will not be met.</p>		
622622	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	cl7(1) and (3)	<p>91. Initiating a Code Amendment</p> <p>91.2 The power pursuant to clauses 7(1) and (3) of PD2 to lodge the SA Planning Portal Publication Instructions – for Initiation that sets out:</p> <p>91.2.1 identification of a consultation start date, consistent with the Proposal to Initiate timetable;</p> <p>91.2.2 an outline of the consultation approach including period of consultation, key audience and consultation methods (noting the Commission may also recommend specific conditions); and</p> <p>91.2.3 a summary of the Code Amendment in plain English.</p>	Chief Executive Officer (95)	In consultation with Council Assessment Manager and Team Leader Statutory Planning
385207	State Planning Commission Practice	cl7(4)	<p>91.3 Initiating a Code Amendment</p> <p>The power pursuant to clause 7(4) of PD2, in addition to a Code Amendment which is intended to designate a place as a place of local heritage value, to provide a report which:</p> <p>91.3.1 includes a heritage datasheet for each proposed Local Heritage Place, which includes:</p>	Chief Executive Officer (95)	In consultation with Council, Assessment

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Direction 2 - Preparation and Amendment of Designated Instruments		91.3.1.1 all relevant property details and descriptions (including images); 91.3.1.2 historical background and thematic analysis; 91.3.1.3 a statement of heritage value; 91.3.1.4 an assessment against the Local Heritage Criteria; and 91.3.1.5 the extent of listing (including any exclusions); 91.3.2 includes an analysis of historic themes of importance to the area; 91.3.3 is prepared by a heritage architect, historian or person with similar qualifications, skills or experience; and 91.3.4 is otherwise prepared in accordance with any guidelines prepared and published by the Commission under Section 67(2)(c) of the PDI Act.		Manager and Team Leader Statutory Planning.
502513	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	cl 7(5)	91. Initiating a Code Amendment 91.4 The power pursuant to clause 7(5) of PD2 in relation to a Code Amendment which is intended to designate a tree (or stand of trees) as a significant tree (or trees), to provide a report which: 91.4.1 includes relevant details and descriptions of the tree or stand of trees (including images as necessary) 91.4.2 includes an assessment of the tree (or stand of trees) against the Significant Tree Criteria; 91.4.3 is prepared by an urban planner, arborist or person with qualifications, skills or experience relevant to the assessment in the report.	Chief Executive Officer (95)	In consultation with Council
385208	State Planning Commission Practice	cl8(1)	92. Preparation of a Draft Proposal Code Amendment (Prior to Consultation) 92.1 The power pursuant to clause 8(1) of PD 2 to, prior to consultation occurring on a draft Code Amendment, to: 92.1.1 carry out investigations and obtain such information:	Chief Executive Officer (95)	In consultation with Council, Assessment

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Direction 2 - Preparation and Amendment of Designated Instruments		<p>92.1.1.1 as provided in the Proposal to Initiate approved by the Minister;</p> <p>92.1.1.2 as required under any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act; and</p> <p>92.1.1.3 as specified by the Commission under Sections 73(6)(e) or 73(6)(f) of the PDI Act;</p> <p>92.1.2 provide the Department with:</p> <p>92.1.2.1 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p> <p>92.1.2.2 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment;</p> <p>92.1.3 prepare the draft Code Amendment in accordance with the approved Proposal to Initiate and any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act and the requirements of this Practice Direction;</p> <p>92.1.4 provide the Department with written instructions (in a form acceptable to the Department) to prepare the SA Planning Portal for consultation on the draft Code Amendment; and</p> <p>92.1.5 provide the Department with the engagement plan prepared (and approved, if required) under these Practice Directions, for the purpose of the Department publishing the engagement plan on the SA Planning Portal.</p>		Manager and Team Leader Statutory Planning.
385209	State Planning Commission Practice Direction 2 - Preparation and Amendment	cl8(2)	<p>92. Preparation of a Draft Proposal Code Amendment (Prior to Consultation)</p> <p>92.2 The power pursuant to clause 8(2) of PD2, where an engagement plan is amended during any period of consultation or at any time prior to finalisation of the engagement report under the Practice Directions, to provide the Department with the engagement plan (as updated) for the purpose of the Department publishing the updated engagement plan on the SA Planning Portal</p>	Chief Executive Officer (95),	In consultation with Council, Assessment Manager and Team Leader Statutory Planning.

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	of Designated Instruments				
385210	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	cl9(1)	<p>93. Requirements For a Draft Code Amendment</p> <p>93.1 The power pursuant to clause 9(1) of PD2 to support a draft Code Amendment by the following information:</p> <p>93.1.1 an explanation of the current code policy as it applies to the Affected Area (at the time of preparation of the draft Code Amendment)</p> <p>93.1.2 an explanation of the amendments to the Code policy proposed for the Affected Area;</p> <p>93.1.3 an assessment of the strategic planning outcomes intended to be achieved through the draft Code Amendment, including an analysis of the consistency of the draft Code Amendment with the relevant provisions of State Planning Policies, the Regional Plan and any other relevant strategic plans;</p> <p>93.1.4 a summary and explanation of the investigations undertaken and how these support the draft Code Amendment; and</p> <p>93.1.5 an explanation of any infrastructure or services required to support development facilitated by the proposed Code Amendment, and an explanation of how and when the infrastructure will be provided.</p>	Chief Executive Officer (95),	In consultation with Council, Assessment Manager, Team Leader Statutory Planning and Director Infrastructure & Operations.
385211	State Planning Commission Practice Direction 2 - Preparation and Amendment	cl11(1)	<p>94. Complying Changes to the Code</p> <p>94.1 The power pursuant to clause 11(1) of PD2, in relation to a proposal to agree to a complying change to the Code under Section 75 of the PDI Act, to provide the following information to the Department:</p> <p>94.1.1 description of the relevant recommendations in the Regional Plan which relate to the proposed Code Amendment, including any specific maps or other specific information which clearly and expressly identify the changes relevant to the proposed Code Amendment;</p>	Chief Executive Officer (95),	In consultation with Council.

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	of Designated Instruments		<p>94.1.2 a summary of any consultation which has occurred in accordance with the Charter in relation to the proposed Code Amendment or the relevant Regional Plan, including a copy of the engagement report prepared for the relevant Regional Plan and any additional consultation that has occurred for the proposed Code Amendment;</p> <p>94.1.3 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p> <p>94.1.4 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment</p>		
385212	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	cl12(1)	<p>95. Early Commencement of a Code Amendment</p> <p>95.1 The power pursuant to clause 12(1) of PD2, in relation to a request for early commencement of a Code Amendment under Section 78 of the PDI Act to provide to the Department:</p> <p>95.1.1 explanation, justification and evidence as necessary to demonstrate how early commencement of the Code Amendment is:</p> <p>95.1.1.1 necessary in the interest of the orderly and proper development of an area of the state; and</p> <p>95.1.1.2 required in order to counter applications for undesirable development (which should identify possible future development that would detract from or negate the object of the proposed Code Amendment) ahead of the outcome of consideration of the Code Amendment;</p> <p>95.1.2 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p> <p>95.1.3 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment</p>	Chief Executive Officer (95)	In consultation with Council, Assessment Manager and Team Leader Statutory Planning.

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
622621	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	cl6(3)	<p>90. Preparation of an Engagement Report (Following Consultation)</p> <p>90.3The power pursuant to clause 6(3) of PD2 to, in the engagement report also include an evaluation of the effectiveness of the engagement that considers whether:</p> <p>90.3.1the principles of the Charter have been achieved; and</p> <p>90.3.2all mandatory requirements identified in the Charter have been met (where the consultation category is applicable).</p>	Chief Executive Officer (95),	Nil

Appendix 2

Instrument B- New, Updated and Deleted Delegations

ADELAIDE HILLS COUNCIL

RELIANSYS® DELEGATIONS - EXPORT OF UPDATES BY REGISTER - COMPLETE

INSTRUMENT B – INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY

Note - Exported provisions are separated by category into NEW and then CHANGED and then DELETED.

12 MARCH 2025

NEW Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
752561	Planning, Development and Infrastructure (General) Regulations 2017	r57(2)(b)	24. Notice of Decision (Section 126(1)) 24.1 The power pursuant to Regulation 57(2)(b) of the General Regulations to provide notice via the SA Planning Portal and to determine if necessary to give notice to the applicant in some other way determined to be appropriate by the delegate.	Chief Executive Officer (95)	Nil
736925	State Planning Commission Practice Direction 18 Outline Consent	cl5(1)(b)	33. Circumstances in Which Outline Consent May be Granted 33.1 The power pursuant to clause 5(1)(b) of the State Planning Commission Practice Direction 18 Outline Consent (PD18) to provide advice to an applicant that if the application were to be for planning consent, the council would request the Minister to give notice under Section 94(1)(g) of the PDI Act.	Chief Executive Officer (95)	Nil

CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
309330	Planning, Development and Infrastructure (General) Regulations 2017	r57 (2)(b) <u>(a)</u>	<p>25<u>24</u>. Notice of Decision (Section 126(1))</p> <p>25</p> <p><u>24.1</u> The power pursuant to Regulation 57(2)(b) of the General Regulations to provide notice via the SA Planning Portal and to determine if necessary to give notice to the applicant in some other way determined to be appropriate by the delegate.</p> <p><u>24.2</u> The power pursuant to Regulation 57(4)<u>(a)</u> of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.</p>	Chief Executive Officer (95)	Nil
309341	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r7	<p>33<u>32</u>. Waiver or Refund of Fee</p> <p>33</p> <p>32.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:</p> <p>33</p> <p>32.1.1 waive the payment of the fee, or the payment of part of the fee; or</p> <p>33</p> <p>32.1.2 refund the whole or a part of the fee.</p>	Chief Executive Officer (95)	In accordance with Council Fee Waiver Policy. Refunds are limited to Manager Development Services, Assessment Manager, Team Leader Building, Team Leader Statutory Planning

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					and Team Leader Administration in accordance with Council Development Application Fee Refund Policy.

DELETED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
309285	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);	s120(1)	<p>6.Outline Consent</p> <p>6.1The 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)	In accordance with Practice Direction released by the SPC.
309286	Instrument of Delegation under the Planning, Development	s120(3)	<p>6.Outline Consent</p> <p>6.2The 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>	Chief Executive Officer (95)	In accordance with Practice Direction

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		6.2.1grant any consent contemplated by the outline consent; and 6.2.2not impose a requirement that is inconsistent with the outline consent.		released by the SPC.

Appendix 3

Instrument A- Full Instruments of Delegations



ADELAIDE HILLS COUNCIL

INSTRUMENT OF DELEGATION

INSTRUMENT A - INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING & DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF A COUNCIL AS A COUNCIL; A DESIGNATED AUTHORITY; A DESIGNATED ENTITY 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

03 APRIL 2025

Preamble

NOTES

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

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 (General) Regulations 2017
- Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019
- State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments
- State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019
- State Planning Commission Practice Direction (Council Inspections) 2020
- State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings) 2020
- Urban Tree Canopy Off-set Scheme

Positions

Abbreviation	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	Greg Georgopoulos

Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity 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 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)			
Provision	Power and Functions 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 PDI Act) to make submissions to the Minister on a proposed proclamation under Section 5 of the PDI Act.</p>	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager
s6(3)(b)	<p>2. Subregions</p> <p>2.1 The power pursuant to Section 6(3)(b) of the PDI Act to make submissions to the Minister on the Minister's proposed course of action.</p>	Chief Executive Officer (95)	In consultation with the Council & Assessment Manager
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 the PDI Act, in relation to proposed development in an environment and food production area that</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)**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
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)	Subject to consultation with Council
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 subject to Section 35 of the PDI Act.</p>	Chief Executive Officer (95)	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

**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)**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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>5.2.2 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> <p>5.2.2.6 the appointment of deputy members; and</p> <p>5.2.2.7 the procedures of the board; and</p>	Chief Executive Officer (95)	<hr/> <p>In consultation with the Council & Assessment Manager</p>

**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)**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	In consultation with Council & 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)	In consultation with Council & 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>	Chief Executive Officer (95)	In consultation with Council & 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)**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	7.3.2 with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the charter.		
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)	In consultation with Council & 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)	In consultation with Council & 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>	Chief Executive Officer (95)	9.2.1 - In consultation with Council & Assessment Manager & Team Leader Statutory Planning

**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)**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<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 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</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,</p> <p>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>		

**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)**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	In consultation with Council & Assessment Manager & Team Leader Statutory Planning
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)	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)	In consultation with Council.

**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)**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s74(8)(c)	<p>10. Parliamentary Scrutiny</p> <p>10.1 The power pursuant to Section 74(8)(c) of the PDI Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the PDI Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks.</p>	Chief Executive Officer (95)	Subject to consultation with Council
s75(3)	<p>11. Complying Changes – Planning and Design Code</p> <p>11.2 The power pursuant to Section 75(3) of the PDI Act to effect an amendment under Section 75 of the PDI Act by an instrument deposited on the SA Planning database (in accordance with requirements established by the Chief Executive).</p>	Chief Executive Officer (95)	In consultation with Council, Assessment Manager and Team Leader Statutory Planning.
s83(1)(h)	<p>13. Panels Established by Joint Planning Boards or Councils</p> <p>13.2 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)	In consultation with Director Development & Regulatory Services.
s83(1)(i)	<p>13. Panels Established by Joint Planning Boards or Councils</p> <p>13.3 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)	Subject to consultation with Council

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s83(2)	<p>13. Panels Established by Joint Planning Boards or Councils</p> <p>13.4 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)	In Consultation with the Assessment Manager
s84(1)(c)(ii)(A)	<p>14. Panels Established by Minister</p> <p>14.1 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)	Subject to consultation with Council
s84(1)(c)(ii)(B)	<p>14. Panels Established by Minister</p> <p>14.2 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)	In consultation with Council & Assessment Manager & Team Leader Statutory Planning
s86(2)(a)	<p>15. Substitution of Local Panels</p> <p>15.1 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)	In consultation with Council & with Director Development & Regulatory Services.

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s89(b)	<p>16. Notification of Acting</p> <p>16.1 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)	NIL
s94(1)(g)	<p>17. Relevant Authority - Commission</p> <p>17.1 The power pursuant to Section 94(1)(g) of the PDI Act to make a request to the Minister that the Minister declare, by notice served on the proponent, that the Minister desires the Commission to act as the relevant authority in relation to the proposed development.</p>	Chief Executive Officer (95)	Nil
s102(1)(c)(iv)	<p>18. Matters Against which Development Must be Assessed</p> <p>18.1 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)	NIL
s102(1)(d)(iv)	<p>18. Matters Against which Development Must be Assessed</p> <p>18.2 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)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s102(11)(b)	<p>18. Matters Against which Development Must be Assessed</p> <p>18.3 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)	In consultation with Council
s110(2)(b)	<p>19. Restricted Development</p> <p>19.1 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)	NIL
s110(c)(ii)	<p>19. Restricted Development</p> <p>19.2 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.</p>	Chief Executive Officer (95)	NIL
s110(7)	<p>19. Restricted Development</p> <p>19.3 The power pursuant to Section 110(7) of the PDI Act to appeal against a decision on a development classified as restricted development.</p>	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s112(b)	<p>20. Level of Detail</p> <p>20.1 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.</p>	Chief Executive Officer (95)	NIL
s113(5)(a)(iii)	<p>21. EIS Process</p> <p>21.1 The power pursuant to Section 113(5)(a)(iii) of the PDI Act to comment and report within the time prescribed by the regulations on an EIS referred to the Council by the Minister.</p>	Chief Executive Officer (95)	Subject to consultation with Council
s114(2)(b)	<p>22. Amendment of EIS</p> <p>22.1 The power pursuant to Section 114(2)(b) of the PDI Act to make written submissions on the amendment to the Minister.</p>	Chief Executive Officer (95)	Nil
s130(6)	<p>23. Essential Infrastructure – Alternative Assessment Process</p> <p>23.1 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)	NIL
s130(14)	<p>23. Essential Infrastructure – Alternative Assessment Process</p> <p>23.2 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</p>	Chief Executive Officer (95)	NIL

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	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.		
s131(7)	24. Development Assessment – Crown Development 24.1 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)	NIL
s131(15)	24. Development Assessment – Crown Development 24.2 The power pursuant to Section 131(15) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 131(6) of the PDI Act expressed opposition to the proposed development in its report under Section 131(7) of the PDI Act, withdraw the Council's opposition.	Chief Executive Officer (95)	NIL
s138(1)	25. Land Division Certificate 25.1 The power pursuant to Section 138(1) of the PDI Act to enter into a binding agreement supported by adequate security and if the regulations so require in a form prescribed by the regulations.	Chief Executive Officer (95)	NIL
s138(2)	25. Land Division Certificate	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	25.2 The power pursuant to Section 138(2) of the PDI Act to furnish the Commission with appropriate information as to compliance with a particular condition and to comply with any requirement prescribed by the regulations.		
s141(1)	<p>26. Action if Development Not Completed</p> <p>26.1 The power pursuant to Section 141(1) of the PDI Act, if:</p> <p>26.1.1 an approval is granted under the PDI Act; but</p> <p>26.1.2 -</p> <p>26.1.2.1 the development to which the approval relates has been commenced but not substantially completed within the period prescribed by the regulations for the lapse of the approval; or</p> <p>26.1.2.2 in the case of a development that is envisaged to be undertaken in stages - the development is not undertaken or substantially completed in the manner or within the period contemplated by the approval,</p> <p>to apply to the Court for an order under Section 141 of the PDI Act.</p>	Chief Executive Officer (95)	NIL
s141(5)	<p>26. Action if Development Not Completed</p> <p>26.1.3 The power pursuant to Section 141(5) of the PDI Act, if the Court makes an order under Section 141(3)(a), (b) or (d) of the PDI Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and to recover the costs of that work, as a debt from the person.</p>	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s141(6)	<p>26. Action if Development Not Completed</p> <p>26.1.4 The power pursuant to Section 141(6) of the PDI Act, if an amount is recoverable from a person by the Council under Section 141(5) of the PDI Act:</p> <p>26.1.4.1 to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.</p>	Chief Executive Officer (95)	NIL
s142(1)	<p>27. Completion of Work</p> <p>27.1 The power pursuant to Section 142(1) of the PDI Act, if:</p> <p>27.1.1 an approval is granted under the PDI Act; but</p> <p>27.1.2 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,</p> <p>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)	NIL
s142(2)	<p>27. Completion of Work</p> <p>27.2 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)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s142(3)	<p>27. Completion of Work</p> <p>27.3 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.</p>	Chief Executive Officer (95)	NIL
s142(4)	<p>27. Completion of Work</p> <p>27.4 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:</p> <p>27.4.1 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.</p>	Chief Executive Officer (95)	NIL
s146(3)	<p>28. Notification During Building</p> <p>28.1 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.</p>	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s151(2)	<p>29. Classification of Buildings</p> <p>29.1 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.</p>	Chief Executive Officer (95)	NIL
s151(3)	<p>29. Classification of Buildings</p> <p>29.2 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)	NIL
s152(2)	<p>30. Certificates of Occupancy</p> <p>30.1 The power pursuant to Section 152(2) of the PDI Act to issue a certificate of occupancy.</p>	Chief Executive Officer (95)	NIL
s152(3)(a)	<p>30. Certificates of Occupancy</p> <p>30.2 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)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s152(5)	<p>30. Certificates of Occupancy</p> <p>30.3 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.</p>	Chief Executive Officer (95)	NIL
s152(6)	<p>30. Certificates of Occupancy</p> <p>30.4 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.</p>	Chief Executive Officer (95)	NIL
s152(10)	<p>30. Certificates of Occupancy</p> <p>30.5 The power pursuant to Section 152(10) of the PDI Act, if the Council refuses an application to notify the applicant in writing of:</p> <p>30.5.1 the refusal; and</p> <p>30.5.2 the reasons for the refusal; and</p> <p>30.5.3 the applicant's right of appeal under the PDI Act.</p>	Chief Executive Officer (95)	Delegate report to be countersigned by either the Director Development & Regulatory Services or Assessment Manager prior to the decision being issued.

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s152(12)	<p>30. Certificates of Occupancy</p> <p>30.6 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)	NIL
s152(13)	<p>30. Certificates of Occupancy</p> <p>30.7 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)	NIL
s153(1)	<p>31. Temporary Occupation</p> <p>31.1 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)	NIL
s153(2)	<p>31. Temporary Occupation</p> <p>31.2 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)	NIL
s153(3)	<p>31. Temporary Occupation</p>	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>31.3 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>31.3.1 the refusal; and</p> <p>31.3.2 the reasons for the refusal; and</p> <p>31.3.3 the applicant's right of appeal under the PDI Act.</p>		
s155(5)	<p>32. Emergency Orders</p> <p>32.1 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)	NIL
s155(6)	<p>32. Emergency Orders</p> <p>32.2 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)	NIL
s155(7)	<p>32. Emergency Orders</p> <p>32.3 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</p>	Chief Executive Officer (95)	NIL

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	from the date of the notice, within which the amount must be paid by the person.		
s163(3)(b)	<p>34. Initiation of Scheme</p> <p>34.1 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>	Chief Executive Officer (95)	In consultation with Council & Director Infrastructure and Operations & Assessment Manager & Team Leader Statutory Planning
s163(10)	<p>34. Initiation of Scheme</p> <p>34.2 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)	In consultation with Council & Director Infrastructure and Operations & Assessment Manager & Team Leader Statutory Planning
s164(3)	<p>35. Initiation of Scheme</p> <p>35.1 The power pursuant to Section 164(3) of the PDI Act to request the Minister initiate a proposal to proceed under Section 164 of the PDI Act.</p>	Chief Executive Officer (95)	In consultation with Council & Director Infrastructure and Operations & Assessment Manager & Team Leader Statutory Planning
s164(12)	<p>35. Initiation of Scheme</p> <p>35.2 The power pursuant to Section 164(12) of the PDI Act to make submissions to the Minister in relation to the draft outline.</p>	Chief Executive Officer (95)	In consultation with Council & Director Infrastructure and Operations & Assessment Manager & Team Leader Statutory Planning

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s166(1)(c)	<p>36. Consideration of Proposed Scheme</p> <p>36.1 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>	Chief Executive Officer (95)	In consultation with Director Infrastructure & Operations
s167(7)	<p>37. Adoption of Scheme</p> <p>37.1 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>	Chief Executive Officer (95)	In consultation with Council & Director Infrastructure and Operations & Assessment Manager & Team Leader Statutory Planning
s169(2)(b)	<p>38. Funding Arrangements</p> <p>38.1 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>38. Funding Arrangements</p> <p>38.2 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

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s177(4)	<p>39. Contributions by Constituent Councils</p> <p>39.1 The power pursuant to Section 177(4) of the PDI Act to make submissions to the Minister in relation to the Council's share.</p>	Chief Executive Officer (95)	In consultation with Council & Director Infrastructure and Operations & Assessment Manager
s177(5)	<p>39. Contributions by Constituent Councils</p> <p>39.2 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.</p>	Chief Executive Officer (95)	Nil
s180(7)	<p>40. Imposition of Charge by Councils</p> <p>40.1 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.</p>	Chief Executive Officer (95)	NIL
s187(1)	<p>41. Authorised Works</p> <p>41.1 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)	NIL

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s187(5)	<p>41. Authorised Works</p> <p>41.2 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>41.2.1 inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and</p> <p>41.2.2 give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and</p> <p>41.2.3 ensure that proper consideration is given to the views of the road maintenance authority.</p>	Chief Executive Officer (95)	NIL
s187(5)(b)	<p>41. Authorised Works</p> <p>41.3 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)	NIL
s187(6)	<p>41. Authorised Works</p> <p>41.4 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)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s188(1)	<p>42. Entry onto Land</p> <p>42.1 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>42.1.1 enter and pass over any land; and</p> <p>42.1.2 bring onto any land any vehicles, plant or equipment; and</p> <p>42.1.3 temporarily occupy land; and</p> <p>42.1.4 do anything else reasonably required in connection with the exercise of the power.</p>	Chief Executive Officer (95)	NIL
s188(4)	<p>42. Entry onto Land</p> <p>42.2 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)	NIL
s192(5)	<p>44. Land Management Agreements</p> <p>44.4 The power pursuant to Section 192(5) of the PDI Act to register agreements entered into under Section 192 of the PDI Act in accordance with the regulations.</p>	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s192(8)	<p>44. Land Management Agreements</p> <p>44.5 The power pursuant to Section 192(8) of the PDI Act to carry out on private land any work for which provision is made by agreement under Section 192 of the PDI Act.</p>	Chief Executive Officer (95)	NIL
s192(12)	<p>44. Land Management Agreements</p> <p>44.9 The power pursuant to Section 192(12) of the PDI Act to apply to the Registrar-General, to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.</p>	Chief Executive Officer (95)	NIL
s192(15)	<p>44. Land Management Agreements</p> <p>44.10 The power pursuant to Section 192(15) of the PDI Act to apply to the Registrar-General in relation to an agreement to which a note has been made under Section 192 of the PDI Act that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.</p>	Chief Executive Officer (95)	NIL
s192(18)	<p>44. Land Management Agreements</p> <p>44.14 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</p>	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	when assessing an application for a development authorisation under the PDI Act.		
s193(1)	<p>45. Land Management Agreements – Development Applications</p> <p>45.1 The power pursuant to Section 193(1) of the PDI Act to, subject to Section 193 of the PDI Act, enter into an agreement under Section 193 of the PDI Act with a person who is applying for a development authorisation under the PDI Act that will, in the event that the relevant development is approved, bind:</p> <p>45.1.1 the person; and</p> <p>45.1.2 any other person who has the benefit of the development authorisation; and</p> <p>45.1.3 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>	Chief Executive Officer (95)	Excludes variation to waiver of terms or rescission to of Agreements signed under Seal of Council.
s193(2)	<p>45. Land Management Agreements – Development Applications</p> <p>45.2 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</p>	Chief Executive Officer (95)	Excludes variation to waiver of terms or rescission to of Agreements signed under Seal of Council.

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	that is not necessarily relevant to the assessment of the development under the PDI Act).		
s193(3)	<p>45. Land Management Agreements – Development Applications</p> <p>45.3 The power pursuant to Section 193(3) of the PDI Act to have regard to:</p> <p>45.3.1 the provisions of the Planning and Design Code; and</p> <p>45.3.2 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)	NIL
s193(5)	<p>45. Land Management Agreements – Development Applications</p> <p>45.4 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)	NIL
s193(10)	<p>45. Land Management Agreements – Development Applications</p> <p>45.5 The power pursuant to Section 193(10) of the PDI Act to consent to an application to note the agreement against the relevant instrument of title or the land.</p>	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s193(11)	<p>45. Land Management Agreements – Development Applications</p> <p>45.6 The power pursuant to Section 193(11) of the PDI Act to consent to an owner of land entering into an agreement or giving a consent under Section 192(10) of the PDI Act where the Council has a legal interest in the land.</p>	Chief Executive Officer (95)	NIL
s193(13)	<p>45. Land Management Agreements – Development Applications</p> <p>45.7 The power pursuant to Section 193(13) of the PDI Act to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.</p>	Chief Executive Officer (95)	NIL
s193(15)	<p>45. Land Management Agreements – Development Applications</p> <p>45.8 The power pursuant to Section 193(15) of the PDI Act to apply to the Registrar-General in relation to an agreement under Section 193 that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.</p>	Chief Executive Officer (95)	NIL
s193(16)	<p>45. Land Management Agreements – Development Applications</p> <p>45.9 The power pursuant to Section 193(16) of the PDI Act, if an agreement under Section 193 of the PDI Act does not have effect under Section 193 of the PDI Act within the period prescribed by the regulations, to by notice given in accordance with the regulations, lapse the relevant development approval.</p>	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s197(1)(b)	<p>46. Off-setting Contributions</p> <p>46.1 The power pursuant to Section 197(1)(b) of the PDI Act to seek the approval of the Minister to act under Section 197 of the PDI Act.</p>	Chief Executive Officer (95)	In consultation with Council.
s197(2)	<p>46. Off-setting Contributions</p> <p>46.2 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>46.2.1 development that may be in the public interest or otherwise considered by the delegate as being appropriate in particular circumstances (including by the provision of facilities at a different site); or</p> <p>46.2.2 planning or development initiatives that will further the objects of the PDI Act or support the principles that relate to the planning system established by the PDI Act; or</p> <p>46.2.3 any other initiative or policy:</p> <p>46.2.3.1 designated by the Planning and Design Code for the purposes of Section 197(2)(c)(i) of the PDI Act;</p> <p>46.2.3.2 prescribed by the regulations for the purposes of Section 197(2)(c)(ii) of the PDI Act.</p>	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s197(3)	<p>46. Off-setting Contributions</p> <p>46.3 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>46.3.1 an ability or requirement for a person who is proposing to undertake development (or who has the benefit of an approval under the PDI Act):</p> <p>46.3.1.1 to make a contribution to a fund established as part of the scheme; or</p> <p>46.3.1.2 to undertake work or to achieve some other goal or outcome (on an 'in kind' basis); or</p> <p>34.2.1.3 to proceed under a combination of Sections 197(3)(a)(i) and (ii) of the PDI Act,</p> <p>in order to provide for or address a particular matter identified by the scheme; and</p> <p>46.3.2 an ability for a provision of the Planning and Design Code to apply with a specified variation under the terms of the scheme; and</p> <p>46.3.3 an ability for any relevant authority to act under or in connection with Sections 197(3)(a) or (b) of the PDI Act.</p>	Chief Executive Officer (95)	NIL
s197(4)	<p>46. Off-setting Contributions</p> <p>46.4 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

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s197(4)(c)	<p>46. Off-setting Contributions</p> <p>46.5 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)	NIL
s197(7)	<p>46. Off-setting Contributions</p> <p>46.6.1 seek the approval of the Minister to vary or wind up a scheme under Section 197 of the PDI Act; and</p> <p>46.6.2 to vary or wind up a scheme under Section 197 of the PDI Act with the approval of the Minister.</p>	Chief Executive Officer (95)	In consultation with Council.
s198(1)	<p>47. Open Space Contribution Scheme</p> <p>47.1 The power pursuant to Section 198(1) of the PDI Act, where an application for a development authorisation provides for the division of land in the Council's area into more than 20 allotments, and 1 or more allotments is less than 1 hectare in area to require:</p> <p>47.1.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or</p> <p>47.1.2 that the applicant make the contribution prescribed by the regulations in accordance with the requirements of Section 198 of the PDI Act; or</p>	Chief Executive Officer (95)	Where Vesting of land is proposed then this shall be Subject to Agreement by way of a Council resolution.

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	47.1.3 that land be vested in the Council under Section 198(1)(c) of the PDI Act and that the applicant make a contribution determined in accordance with Section 198(8) of the PDI Act, according to the determination and specification of the delegate, and to have regard to any relevant provision of the Planning and Design Code that designates land as open space and to seek the concurrence of the Commission to taking any action that is at variance with the Planning and Design Code.		
s198(3)	47. Open Space Contribution Scheme 47.2 The power pursuant to Section 198(3) of the PDI Act to enter into an agreement referred to in Section 198(2)(d) of the PDI Act.	Chief Executive Officer (95)	NIL
s198(4)(a)	47. Open Space Contribution Scheme 47.3 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)	47. Open Space Contribution Scheme 47.4 The power pursuant to Section 198(11) of the PDI Act in relation to money received under Section 198 of the PDI Act to immediately pay it into a	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
s198(12)	47. Open Space Contribution Scheme 47.5 The power pursuant to Section 198(12) of the PDI Act to form the opinion that the division of land is being undertaken in stages.	Chief Executive Officer (95)	NIL
s200(1)	48. Urban Trees Fund 48.1 The power pursuant to Section 200(1) of the PDI Act to, 48.1.1 seek the approval of the Minister to establish a fund (an urban trees fund) for an area designated by the delegate; and 48.1.2 to, with the approval of the Minister establish a fund (an urban trees fund) for an area designed by the delegate (a designated area).	Chief Executive Officer (95)	Subject to Council resolution.
s200(2)	48. Urban Trees Fund 48.2 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)	Subject to Council resolution.
s200(3)	48. Urban Trees Fund	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	48.3 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.		
s200(5)	<p>48. Urban Trees Fund</p> <p>48.4 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.</p>	Chief Executive Officer (95)	NIL
s200(6)	<p>48. Urban Trees Fund</p> <p>48.5 The power pursuant to Section 200(6) of the PDI Act to apply money standing to the credit of an urban trees fund:</p> <p>48.5.1 to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under the PDI Act; or</p> <p>48.5.2 to purchase land within the designated area in order to maintain or plant trees which are or will (when fully grown) constitute significant trees under the PDI Act.</p>	Chief Executive Officer (95)	NIL
s200(7)	<p>48. Urban Trees Fund</p> <p>48.6 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</p>	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	under Section 200 of the PDI Act, subject to the qualifications in Sections 200(7)(a) and (b).		
s210(1)	<p>49. Appointment of Authorised Officers</p> <p>49.1 The power pursuant to Section 210(1) of the PDI Act to:</p> <p>49.1.1 appoint a person to be an authorised officer for the purposes of the PDI Act; and</p> <p>49.1.2 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>	Chief Executive Officer (95)	NIL
s210(2)	<p>49. Appointment of Authorised Officers</p> <p>49.2 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>49. Appointment of Authorised Officers</p> <p>49.3 The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:</p> <p>49.3.1 containing a photograph of the authorised officer; and</p>	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	49.3.2 stating any conditions of appointment limiting the authorised officer's appointment.		
s210(5)	<p>49. Appointment of Authorised Officers</p> <p>49.4 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)	<p>50. Enforcement Notices</p> <p>50.1 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>50.1.1 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>50.1.2 direct a person to make good any breach in a manner, and within a period, specified by the delegate;</p> <p>50.1.3 take such urgent action as is required because of any situation resulting from the breach</p>	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s213(2)	<p>50. Enforcement Notices</p> <p>50.2 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>	Chief Executive Officer (95)	NIL
s213(5)	<p>50. Enforcement Notices</p> <p>50.3 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)	NIL
s213(6)	<p>50. Enforcement Notices</p> <p>50.4 The power pursuant to Section 213(6) of the PDI Act to recover the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 213 of the PDI Act, as a debt due from the person whose failure gave rise to the PDI Action</p>	Chief Executive Officer (95)	NIL
s213(7)	<p>50. Enforcement Notices</p> <p>50.5 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)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s214(1)	<p>51. Applications to Court</p> <p>51.1 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.</p>	Chief Executive Officer (95)	NIL
s214(2)	<p>51. Applications to Court</p> <p>51.2 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)	NIL
s214(4)	<p>51. Applications to Court</p> <p>51.3 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)	NIL
s214(6)	<p>51. Applications to Court</p> <p>51.4 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)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s214(9)	<p>51. Applications to Court</p> <p>51.5 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)	NIL
s214(10)	<p>51. Applications to Court</p> <p>51.6 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)	NIL
s214(11)	<p>51. Applications to Court</p> <p>51.7 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)	NIL
s214(12)	<p>51. Applications to Court</p> <p>51.8 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)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s214(13)	<p>51. Applications to Court</p> <p>51.9 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)	NIL
s214(17)	<p>51. Applications to Court</p> <p>51.10 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)	NIL
s219(1)	<p>52. Proceedings for Offences</p> <p>52.1 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)	The concurrence of the Assessment Manager must be obtained prior to commencement of proceedings.
s223(2)	<p>53. Adverse Publicity Orders</p> <p>53.1 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.

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s223(4)	<p>53. Adverse Publicity Orders</p> <p>53.2 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>53.2.1 take the PDI Action or actions specified in the order; and</p> <p>53.2.2 authorise a person in writing to take the PDI Action or actions specified in the order.</p>	Chief Executive Officer (95)	NIL
s223(5)	<p>53. Adverse Publicity Orders</p> <p>53.3 The power pursuant to Section 223(5) of the PDI Act, if:</p> <p>53.3.1 the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and</p> <p>53.3.2 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,</p> <p>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.</p>	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s223(6)	<p>53. Adverse Publicity Orders</p> <p>53.4 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.</p>	Chief Executive Officer (95)	NIL
s225(1)	<p>54. Civil Penalties</p> <p>54.1 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)	NIL
s225(2)	<p>54. Civil Penalties</p> <p>54.2 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)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s225(3)	<p>54. Civil Penalties</p> <p>54.3 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.</p>	Chief Executive Officer (95)	NIL
s225(13)	<p>54. Civil Penalties</p> <p>54.4 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.</p>	Chief Executive Officer (95)	NIL
s225(17)	<p>54. Civil Penalties</p> <p>54.5 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.</p>	Chief Executive Officer (95)	NIL
s228(7)	<p>55. Make Good Order</p> <p>55.1 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.</p>	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s229(5)	<p>56. Recovery of Economic Benefit</p> <p>56.1 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.</p>	Chief Executive Officer (95)	NIL
s230(1)	<p>57. Enforceable Voluntary Undertakings</p> <p>57.1 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.</p>	Chief Executive Officer (95)	NIL
s230(4)	<p>57. Enforceable Voluntary Undertakings</p> <p>57.2 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)	NIL
s230(7)	<p>57. Enforceable Voluntary Undertakings</p> <p>57.3 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>57.3.1 vary the undertaking; or</p>	Chief Executive Officer (95)	Subject to concurrence by the Assessment Manager.

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	57.3.2 withdraw the undertaking.		
s230(11)	<p>57. Enforceable Voluntary Undertakings</p> <p>57.4 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)	NIL
s230(12)	<p>57. Enforceable Voluntary Undertakings</p> <p>57.5 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)	NIL
s230(14)	<p>57. Enforceable Voluntary Undertakings</p> <p>57.6 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)	NIL
s231(1)	<p>58. Advertisements</p> <p>58.1 The power pursuant to Section 231(1) of the PDI Act, if, in the opinion of the delegate, an advertisement or advertising hoarding:</p> <p>58.1.1 disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality; or</p>	Chief Executive Officer (95)	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)**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>58.1.2 is contrary to the character desired for a locality under the Planning and Design Code,</p> <p>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).</p>		
s231(3)	<p>58. Advertisements</p> <p>58.2 The power pursuant to Section 231(3) of the PDI Act if a person on whom a notice is served under Section 231(1) of the PDI Act fails to comply with a notice within the time allowed in the notice to enter on the land and take the necessary steps for carrying out the requirements of the notice and to recover the costs of so doing, as a debt, from the person on whom the notice was served.</p>	Chief Executive Officer (95)	NIL
s235(1)	<p>59. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>59.1 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)	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)**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s235(2)	<p>59. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>59.2 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)	NIL
s239(1)	<p>60. Charges on Land</p> <p>60.1 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)	NIL
s239(6)	<p>60. Charges on Land</p> <p>60.2 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)	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)**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s240(1)	<p>61. Registering Authorities to Note Transfer</p> <p>61.1 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)	NIL
cl13(3)(b) sch2	<p>62. Reporting</p> <p>62.1 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.</p>	Chief Executive Officer (95)	If a Joint Planning Board and subsidiary is established.
cl3(3)	<p>63. Review of Performance</p> <p>63.1 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)	Must be reported to Council.
cl3(14)	<p>63. Review of Performance</p> <p>63.2 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</p>	Chief Executive Officer (95)	Must be reported to Council.

**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)**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	taken by the Minister under Clause 3(13) of Schedule 4 of the PDI Act is based.		
cl3(15)	<p>63. Review of Performance</p> <p>63.3 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)	Must be reported to Council.
cl3(16) sch4	<p>63. Review of Performance</p> <p>63.4 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)	Must be reported to Council.
cl9(6)(a)	<p>64. Planning and Design Code</p> <p>64.1 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)	In consultation with Council & 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)**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl30(3)	<p>65. General Schemes</p> <p>65.1 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>	Chief Executive Officer (95)	In consultation with Council & Assessment Manager.

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r11B(1)	<p>67. Mutual Liability Scheme – Rights of Indemnity</p> <p>67.1 The power pursuant to Regulation 11B(1) of the Planning, Development and Infrastructure (General) Regulations 2019 (the General Regulations) to:</p> <p>67.1.1 in being responsible under Section 83(1)(h)(ii) of the PDI Act for the costs and other liabilities associated with the activities of an assessment panel appointed by the Council; and</p> <p>67.1.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 84(1)(a) and (i) of the PDI Act,</p> <p>have arrangements in place to indemnify the members of any such panel in respect of a claim against a member of the panel arising out of the performance, exercise or</p>	Chief Executive Officer (95)	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as a member of the panel.		
r11B(5)	<p>67. Mutual Liability Scheme – Rights of Indemnity</p> <p>67.2 The power pursuant to Regulation 11B(5) of the General Regulations to:</p> <p>67.2.1 in being responsible under Section 87(f) of the PDI Act for the costs and other liabilities associated with the activities of an assessment manager for an assessment panel appointed by the Council; and</p> <p>67.2.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 87(1)(a) and (i) of the PDI Act,</p> <p>have arrangements in place to indemnify an assessment manager for any such panel in respect of a claim against the assessment manager arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as an assessment manager.</p>	Chief Executive Officer (95)	NIL
r47(4)(d)	<p>68. Performance Assessed Development and Restricted Development</p> <p>68.1 The power pursuant to Regulation 47(4)(d) of the General Regulations to determine the fee payable by the applicant as being appropriate to cover the reasonable costs of placing the notice on the land.</p>	Chief Executive Officer (95)	As set during the Annual Business Plan process in the Fees & Charges Register.

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r78(1)	<p>69. Underground Main Areas</p> <p>69.1 The power pursuant to Regulation 78(1) of the General Regulations if the delegate considers an area should be declared an underground mains area to seek a report from the relevant electricity authority in relation to the matter.</p>	Chief Executive Officer (95)	NIL
r78(2)	<p>69. Underground Main Areas</p> <p>69.2 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.</p>	Chief Executive Officer (95)	NIL
r81(4)	<p>70. Width of Roads and Thoroughfares</p> <p>70.1 The power pursuant to Regulation 81(4) of the General Regulations to dispense with a width prescribed by Regulations 81(1) or (3) of the General Regulations (and specify a different width) if the delegate is of the opinion that the width so prescribed is not necessary for the safe and convenient movement of vehicles or pedestrians, or for underground services.</p>	Chief Executive Officer (95)	In Consultation with Council's Engineering and Assets Officers
r81(5)	<p>70. Width of Roads and Thoroughfares</p> <p>70.2 The power pursuant to Regulation 81(5) of the General Regulations to subject to Regulation 81(6) of the General Regulations specify the width of the road at the head of every cul-de-sac in such dimensions as may be acceptable to the delegate.</p>	Chief Executive Officer (95)	In Consultation with Council's Engineering and Assets Officers

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r81(6)	<p>70. Width of Roads and Thoroughfares</p> <p>70.3 The power pursuant to Regulation 81(6) of the General Regulations to dispense with a requirement under Regulation 81(5) of the General Regulations if it appears to the delegate that the cul-de-sac is likely to become a through road.</p>	Chief Executive Officer (95)	In Consultation with Council's Engineering and Assets Officers
r82(1)	<p>71. Road Widening</p> <p>71.1 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)	In Consultation with Council's Engineering and Assets Officers
r83(1)	<p>72. Requirement as to Forming of Roads</p> <p>72.1 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)	In Consultation with Council's Engineering and Assets Officers
r83(2)	<p>72. Requirement as to Forming of Roads</p> <p>72.2 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)	In Consultation with Council's Engineering and Assets Officers

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r83(4)	<p>72. Requirement as to Forming of Roads</p> <p>72.3 The power pursuant to Regulation 83(4) of the General Regulations, to dispense with the requirements under Regulation 83(3) of the General Regulations, if the delegate is of the opinion that the cul-de-sac is likely to become a through road.</p>	Chief Executive Officer (95)	In Consultation with Council's Engineering and Assets Officers
r83(5)	<p>72. Requirement as to Forming of Roads</p> <p>72.4 The power pursuant to Regulation 83(5) of the General Regulations, subject to Regulation 83(6) of the General Regulations to require every footpath, water-table, kerbing, culvert and drain of every proposed road to be formed in a manner satisfactory to the delegate.</p>	Chief Executive Officer (95)	In Consultation with Council's Engineering and Assets Officers
r83(6)	<p>72. Requirement as to Forming of Roads</p> <p>72.5 The power pursuant to Regulation 83(6) of the General Regulations, to dispense with a requirement under Regulation 83(5) of the General Regulations.</p>	Chief Executive Officer (95)	In Consultation with Council's Engineering and Assets Officers
r84(1)	<p>73. Construction of Roads, Bridges, Drains and Services</p> <p>73.1 The power pursuant to Regulation 84(1) of the General Regulations to require the roadway of every proposed road within the relevant division to be constructed and paved and sealed with bitumen, tar or asphalt or other material approved by the delegate.</p>	Chief Executive Officer (95)	In Consultation with Council's Engineering and Assets Officers

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r85(1)	<p>74. Supplementary Provisions</p> <p>74.1 The power pursuant to Regulation 85(1) of the General Regulations to approve the road location and grading plan for the manner of forming any proposed road, footpath, water-table, kerbing, culvert or drain required under Division 6 of the General Regulations.</p>	Chief Executive Officer (95)	In Consultation with Council's Engineering and Assets Officers
r85(2)	<p>74. Supplementary Provisions</p> <p>74.2 The power pursuant to Regulation 85(2) of the General Regulations, subject to Regulation 85(4) of the General Regulations, to require all work referred to in Regulations 83 and 84 of the General Regulations to be carried out in a manner satisfactory to the delegate and in conformity with detailed construction plans and specifications signed by a professional engineer or, at the discretion of the delegate, a licensed surveyor, and approved by the delegate before the commencement of the work.</p>	Chief Executive Officer (95)	In Consultation with Council's Engineering and Assets Officers
r85(4)	<p>74. Supplementary Provisions</p> <p>74.3 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 and any other water industry entity identified under Regulation 79(1) of the General Regulations in relation to any such allotment are necessary and need to be laid under the surface of the proposed road, have been made.</p>	Chief Executive Officer (95)	In Consultation with Council's Engineering and Assets Officers

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r89(1)	<p>75. General Provisions</p> <p>75.1 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)	NIL
r89(3)	<p>75. General Provisions</p> <p>75.2 The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which:</p> <p>75.2.1 evidences the consent of the Council to an encroachment by a building over other land; and</p> <p>75.2.2 sets out:</p> <p>75.2.2.1 the date on which any relevant building was erected (if known); and</p> <p>75.2.2.2 the postal address of the site.</p>	Chief Executive Officer (95)	NIL
r89(6)(b)	<p>75. General Provisions</p> <p>75.3 The power pursuant to Regulation 89(6)(b) of the General Regulations to request a written copy of the certificate and plan (or certificates and plans) referred to in Regulation 89(3) of the General Regulations.</p>	Chief Executive Officer (95)	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r89(8)	<p>75. General Provisions</p> <p>75.4 The power pursuant to Regulation 89(8) of the General Regulations to make submissions to the Commission before the Commission grants an extension of the period prescribed by Regulation 89(7).</p>	Chief Executive Officer (95)	NIL
r93(1)(b)	<p>76. Notifications During Building Work</p> <p>76.1 The power pursuant to Regulation 93(1)(b) of the General Regulations to specify by notice to the building owner and to the licensed building work contractor responsible for carrying out the relevant building work (if any), when development approval is granted in respect of the work, any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.</p>	Chief Executive Officer (95)	NIL
r93(1)(c)	<p>76. Notifications During Building Work</p> <p>76.2 The power pursuant to Regulation 93(1)(c) of the General Regulations to specify by notice in writing to the building owner on the granting of development approval in respect of the work any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.</p>	Chief Executive Officer (95)	NIL
r94(13)	<p>77. Essential Safety Provisions</p> <p>77.1 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>77.1.1 the essential safety provisions were installed</p>	Chief Executive Officer (95)	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>77.1.1.1 under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the Building Code; or</p> <p>77.1.1.2 as part of a performance solution under the Building Code; or</p> <p>77.1.2 the building has been the subject of a notice under Section 157 of the PDI Act.</p>		
r102(3)	<p>78. Classification of Buildings</p> <p>78.1 The power pursuant to Regulation 102(3) of the General Regulations to require an application under Regulation 102(1) or (2) of the General Regulations to be accompanied by:</p> <p>78.1.1 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)	NIL
r102(4)	<p>78. Classification of Buildings</p> <p>78.2 The power pursuant to Regulation 102(4) of the General Regulations, to subject to Regulation 102(5) of the General Regulations, assign the appropriate classification under the Building Code to a building if the delegate is satisfied, on the basis of the owner's application, and accompanying documentation, that the building,</p>	Chief Executive Officer (95)	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.		
r102(5)	<p>78. Classification of Buildings</p> <p>78.3 The power pursuant to Regulation 102(5) of the General Regulations, if an application under Regulation 102 of the General Regulations is made in respect of an existing Class 2 to Class 9 building, to require the applicant to satisfy the delegate that the provisions of any relevant Ministerial building standard relating to upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).</p>	Chief Executive Officer (95)	NIL
r102(6)	<p>78. Classification of Buildings</p> <p>78.4 The power pursuant to Regulation 102(6) of the General Regulations, on assigning a classification to a building (or part of a building) to, if relevant, determine and specify in the notice to the owner under Section 151(3) of the PDI Act:</p> <p>78.4.1 the maximum number of persons who may occupy the building (or part of the building); and</p> <p>78.4.2 if the building has more than 1 classification—the part or parts of the building to which each classification relates and the classifications currently assigned to the other parts of the building.</p>	Chief Executive Officer (95)	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Regulation 103A(1)	<p>79. Required Documentation</p> <p>79.1 The power pursuant to Regulation 103A(1) of the General Regulations to, in relation to an application for the issuing of a certificate of occupancy relating to a Class 1b to 9 (inclusive) building under the Building Code, require the following documentation:</p> <p>79.1.1 if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that the conditions have been satisfied;</p> <p>79.1.2 if the application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, such further evidence as the delegate may reasonably require to show –</p> <p>79.1.2.1 in the case of a building more than 1 storey – that the requirements of any relevant Ministerial building standard have been complied with; or</p> <p>79.1.2.2 in any other case – that the building is suitable for occupation.</p>	Chief Executive Officer (95)	Nil
Regulation 103A(2)	<p>79. Required Documentation</p> <p>79.2 The power pursuant to Regulation 103A(2) of the General Regulations to, in relation to an application for the issuing on or after 1 October 2024 of a certificate of occupancy relating to a Class 1a building under the Building Code, to require the following documentation:</p>	Chief Executive Officer (95)	Nil

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	79.2.1 if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that any conditions relevant to the suitability of the building for occupation have been satisfied,		
Regulation 103A(3)	<p>79. Required Documentation</p> <p>79.3 The power pursuant to Regulation 103A(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 subregulation (1)(a) or (2)(a) if –</p> <p>79.3.1 the delegate is satisfied that a person required to complete 1 or both parts of the statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification or certifications; and</p> <p>79.3.2 it appears to the delegate, after undertaking an inspection, that the relevant building is suitable for occupation.</p>	Chief Executive Officer (95)	Subject to concurrence by the Team Leader Building Services or an Accredited Professional Level 1 Building.
Regulation 103C(1)(c)	<p>80. Statement of site suitability</p> <p>80.1 The power pursuant to Regulation 103C(1)(c) of the General Regulations, in relation to a building on a site to which Schedule 8 clause 2A of the General Regulations applies and upon which remediation on the site is necessary, to not grant a certificate of occupancy until a statement of site suitability is issued certifying</p>	Chief Executive Officer (95)	Nil

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	that the required remediation has been undertaken and the land is suitable for the proposed use.		
Regulation 103D(1)	<p>81. Report from fire authority</p> <p>81.1 The power pursuant to Regulation 103D(1) of the General Regulations, if –</p> <p>81.1.1 a building is –</p> <p>81.1.1.1 to be equipped with a booster assembly for use by a fire authority; or</p> <p>81.1.1.2 to have installed a fire alarm that transmits a signal to a fire station or to a monitoring service approved by the relevant authority; and</p> <p>81.1.2 facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act,</p> <p>to not grant a certificate of occupancy unless or until the delegate has sought a report from the fire authority as to whether those facilities have been installed and operate satisfactorily.</p>	Chief Executive Officer (95)	Nil
Regulation 103D(2)	<p>81. Report from fire authority</p> <p>81.2 The power pursuant to Regulation 103D(2) of the General Regulations, if a report from the fire authority is not received within 15 business days, to presume that the fire authority does not desire to make a report.</p>	Chief Executive Officer (95)	Nil

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Regulation 103D(3)	<p>81. Report from fire authority</p> <p>81.3 The power pursuant to Regulation 103D(3) of the General Regulations to have regard to any report received from a fire authority under subregulation (1) before it issues a certificate of occupancy.</p>	Chief Executive Officer (95)	Nil
Regulation 103E(1)(b)	<p>82. Issue of certificate of occupancy</p> <p>82.1 The power pursuant to Regulation 103E(1)(b) of the General Regulations to, on receipt of notification of intended completion of building work under Regulation 93(1)(f) of the General Regulations, determine that the building work will be inspected by an authorised officer.</p>	Chief Executive Officer (95)	Nil
Regulation 103E(3)(c)	<p>82. Issue of certificate of occupancy</p> <p>82.2 The power pursuant to Regulation 103E(3)(c) of the General Regulations, in respect of a Class 1a building, to determine not to inspect the building work.</p>	Chief Executive Officer (95)	Nil
Regulation 103F	<p>83. Revocation</p> <p>83.1 The power pursuant to Regulation 103F of the General Regulations to revoke a certificate of occupancy –</p> <p>83.1.1 if –</p> <p>83.1.1.1 there is a change in the use of the building; or</p> <p>83.1.1.2 the classification of the building changes; or</p>	Chief Executive Officer (95)	Subject to concurrence by the Team Leader Building Services or an Accredited Professional Level 1 Building.

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>83.1.1.3 building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300m² is about to commence, or is being or has been carried out; or</p> <p>83.1.1.4 the building is about to undergo, or is undergoing or has undergone, major refurbishment,</p> <p>83.1.2 if the delegate considers that the building is no longer suitable for occupation because of building work undertaken, or being undertaken, on the building, or because of some other circumstance; or</p> <p>83.1.3 if the 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); or</p> <p>83.1.4 if the delegate considers –</p> <p>83.1.4.1 that a condition attached to a relevant development authorisation has not been met, or has been contravened, and that, in the circumstances, the certificate should be revoked; or</p> <p>83.1.4.2 that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.</p>		

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r109(1)(b)	<p>84. Mining Production Tenements</p> <p>84.1 The power pursuant to Regulation 109(1)(b) of the General Regulations to make submissions to the appropriate Authority and object to the granting of the tenement.</p>	Chief Executive Officer (95)	Subject to consultation with Council
r111(2)	<p>85. Register of Land Management Agreements (Section 193)</p> <p>85.1 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)	NIL
r111(3)	<p>85. Register of Land Management Agreements (Section 193)</p> <p>85.2 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)	NIL
r112(1)	<p>86. Authorised Officers and Inspections</p> <p>86.1 The power pursuant to Regulation 112(1) of the General Regulations to appoint at least 1 authorised officer under Section 210(1)(b) of the PDI Act:</p> <p>86.1.1 who is an accredited professional who is:</p> <p>86.1.1.1 an Accredited professional - building level 1; or</p>	Chief Executive Officer (95)	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>86.1.1.2 an Accredited professional - building level 2; or</p> <p>86.1.1.3 an Accredited professional - building level 3; or</p> <p>86.1.1.4 an Accredited professional - building level 4; or</p> <p>86.1.2 who holds a current accreditation recognised by the Chief Executive for the purposes of this Regulation; or</p> <p>86.1.3 who holds an approval from the Chief Executive.</p>		

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r5(1)	<p>87. Calculation of Assessment of Fees</p> <p>87.1 The power pursuant to Regulation 5(1) of the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application</p>	Chief Executive Officer (95)	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>which is duly lodged under a related set of regulations (including via the SA planning portal):</p> <p>87.1.1 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</p> <p>87.1.2 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).</p>		
r5(2)	<p>87. Calculation of Assessment of Fees</p> <p>87.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate acting under Regulation 5(1) of the Fees Regulations, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.</p>	Chief Executive Officer (95)	NIL
r5(3)	<p>87. Calculation or Assessment of Fees</p> <p>87.3 The power pursuant to Regulation 5(3) of the Fees Regulations to at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of Regulations.</p>	Chief Executive Officer (95)	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r7	<p>88. Waiver or Refund of Fee</p> <p>88.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:</p> <p>88.1.1 waive the payment of the fee, or the payment of part of the fee; or</p> <p>88.1.2 refund the whole or a part of the fee.</p>	Chief Executive Officer (95)	In accordance with Council Fee Waiver Policy. Refunds are limited to Manager Development Services, Assessment Manager, Team Leader Building, Team Leader Statutory Planning and Team Leader Administration.

State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
clause 5(1)	<p>89. Initiating a Code Amendment</p> <p>89.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction – 2 Preparation and Amendment of Designated Instrument (PD2), to initiate a Code Amendment and lodge the following documents to the Department via the SA Planning Portal:</p> <p>89.1.1 a Proposal to Initiate;</p> <p>89.1.2 SA Planning Portal Publication Instructions – for Initiation;</p> <p>89.1.3 Heritage Report with datasheet(s) and analysis of historic themes</p>	Chief Executive Officer (95)	In consultation with Council and Assessment Manager and Team Leader Statutory Planning.

State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	(relevant proposals only); 89.1.4 Significant Tree Report with description/s and assessment/s (relevant proposals only).		
clause 5(2)	<p>89. Initiating a Code Amendment</p> <p>89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate:</p> <p>89.2.1 Code Policy</p> <p>89.2.1.1 an outline of:</p> <p>(a) any overlay, general development policy, zone, subzone or technical or numeric variation in the Code being proposed for amendment; and/or</p> <p>(b) the intended spatial application of an overlay, zone, subzone or technical or numeric variation in the Code over an identified area;</p>	Chief Executive Officer (95)	Nil

State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
clause 5(2)	<p>89. Initiating a Code Amendment</p> <p>89.2.2 Affected Area</p> <p>89.2.2.1 a map or description of the Affected Area;</p>	Chief Executive Officer (95)	In consultation with Council and Assessment Manager and Team Leader Statutory Planning.
clause 5(2)	<p>89. Initiating a Code Amendment</p> <p>89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate:</p> <p>89.2.3 State Planning Policies</p> <p>89.2.3.1 identification of the relevant principles or objectives of the State Planning Policies and an assessment of the proposed Code Amendment's alignment with those State Planning Policies;</p>	Chief Executive Officer (95)	Nil
clause 5(2)	<p>89. Initiating a Code Amendment</p> <p>89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate:</p> <p>89.2.4 Regional Plan</p> <p>89.2.4.1 identification of relevant regional plans and assessment of how the matters or issues proposed to be addressed by the proposed Code Amendment will relate to the relevant regional plan;</p>	Chief Executive Officer (95)	Nil

State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
clause 5(2)	<p>89. Initiating a Code Amendment</p> <p>89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate:</p> <p>89.2.5 Consultation</p> <p>89.2.5.1 information regarding any consultation that has already occurred with respect to the proposed Code Amendment;</p> <p>89.2.5.2 details of further consultation proposed to be undertaken with respect to the proposed Code Amendment;</p>	Chief Executive Officer (95)	Nil
clause 5(2)	<p>89. Initiating a Code Amendment</p> <p>89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate:</p> <p>89.2.6 Planning Merit Statement</p> <p>89.2.6.1 provide a statement detailing how the proposed Code Amendment relates to strategic directions and outlines desired policy/development outcomes and anticipated residential/ employment yields;</p>	Chief Executive Officer (95)	Nil
clause 5(2)	<p>89. Initiating a Code Amendment</p> <p>89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate:</p>	Chief Executive Officer (95)	Nil

State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>89.2.7 Investigation Information</p> <p>89.2.7.1 information regarding any investigations which have already been undertaken with respect to the proposed Code Amendment;</p> <p>89.2.7.2 commitment to undertake further investigations to support the proposed Code Amendment including the following as applicable:</p> <ul style="list-style-type: none"> (a) infrastructure (road, civil, corridor); (b) service infrastructure (water, wastewater, stormwater, electricity, gas, telecommunications); (c) cultural and heritage significance (search of the Register of Aboriginal Sites and Objects); (d) Code policy (zone, overlay, TNVs, concept plan); (e) hazard risk (analysis of relevant overlays and site conditions); (f) the extent to which there are social, economic, land use, built form or environmental features that present a barrier to the outcomes sought; <p>89.2.7.3 high-level details of any infrastructure required to support development arising through the proposed Code Amendment</p> <p>and how that infrastructure will be provided (for example potable water and sewerage connection requirements);</p> <p>89.2.7.4 where known, details of any infrastructure agreement (or agreements) or infrastructure scheme which will need to be</p>		

State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	established or entered into in connection with the proposed Code Amendment.		
clause 5(2)	<p>89. Initiating a Code Amendment</p> <p>89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate:</p> <p>89.2.8 The power pursuant to clause 5(3) of PD2 to set out in the SA Planning Portal Publication Instructions – for Initiation:</p> <p>89.2.8.1 a summary of the Code Amendment in plain English, which will be published on the SA Planning Portal;</p> <p>89.2.8.2 where possible, an indication of when consultation may begin.</p>	Chief Executive Officer (95)	Nil
clause 5(2)	<p>89. Initiating a Code Amendment</p> <p>89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate:</p> <p>89.2.9 The power pursuant to clause 5(4) of PD2 to, in relation to initiating a Code Amendment which is intended to designate a place as a place of local heritage value, provide a report which:</p> <p>89.2.9.1 includes a heritage datasheet for each proposed Local Heritage Place, which includes:</p> <p>(a) all relevant property details and descriptions (including images);</p> <p>(b) historical background and thematic analysis;</p> <p>(c) a statement of heritage value;</p>	Chief Executive Officer (95)	Nil

State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>(d) an assessment against the Local Heritage Criteria; and</p> <p>(e) the extent of listing (including any exclusions);</p> <p>89.2.9.2 includes an analysis of historic themes of importance to the area;</p> <p>89.2.9.3 is prepared by a heritage architect, historian or person with similar qualifications, skills or experience; and</p> <p>89.2.9.4 is otherwise prepared in accordance with any guidelines prepared and published by the Commission under Section 67(2)(c) of the PDI Act.</p>		
clause 5(2)	<p>89. Initiating a Code Amendment</p> <p>89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate:</p> <p>89.2.10 The power pursuant to clause 5(5) of PD2 to, in relation to initiating a Code Amendment which is intended to designate a tree (or stand of trees) as a significant tree (or trees), provide a report which:</p> <p>89.2.10.1 includes relevant details and descriptions of the tree or stand of trees (including images as necessary);</p> <p>89.2.10.2 includes an assessment of the tree (or stand of trees) against the Significant Tree Criteria;</p>	Chief Executive Officer (95)	Nil

State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	89.2.10.3 is prepared by an urban planner, arborist or person with qualifications, skills or experience relevant to the assessment in the report.		
clause 6(1)	<p>90. Preparation of a Draft Code Amendment (Prior to Consultation)</p> <p>90.1 The power pursuant to clause 6(1) of PD2, to prior to consultation occurring on a draft Code Amendment:</p> <p>90.1.1 carry out investigations and obtain such information:</p> <p>90.1.1.1 as provided in the Proposal to Initiate approved by the Minister;</p> <p>90.1.1.2 as required under any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act; and</p> <p>90.1.1.3 as specified by the Commission under Sections 73(6)(e) or 73(6)(f) of the PDI Act;</p>	Chief Executive Officer (95)	Nil
clause 6(1)	<p>90. Preparation of a Draft Code Amendment (Prior to Consultation)</p> <p>90.1 The power pursuant to clause 6(1) of PD2, to prior to consultation occurring on a draft Code Amendment:</p> <p>90.1.2 provide the Department with:</p> <p>90.1.2.1 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p>	Chief Executive Officer (95)	Nil

State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	90.1.2.2 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Agreement;		
clause 6(1)	90. Preparation of a Draft Code Amendment (Prior to Consultation) 90.1 The power pursuant to clause 6(1) of PD2, to prior to consultation occurring on a draft Code Amendment: 90.1.3 prepare the draft Code Amendment in accordance with the approved Proposal to Initiate and any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act and the requirements of this Practice Direction;	Chief Executive Officer (95)	In consultation with Council and Assessment Manager and Team Leader Statutory Planning
clause 6(1)	90. Preparation of a Draft Code Amendment (Prior to Consultation) 90.1 The power pursuant to clause 6(1) of PD2, to prior to consultation occurring on a draft Code Amendment: 90.1.4 provide the Department with written instructions (in a form acceptable to the Department) to prepare the SA Planning Portal for consultation on the draft Code Amendment; and	Chief Executive Officer (95)	Nil
clause 6(1)	90. Preparation of a Draft Code Amendment (Prior to Consultation) 90.1 The power pursuant to clause 6(1) of PD2, to prior to consultation occurring on a draft Code Amendment:	Chief Executive Officer (95)	Nil

State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	90.1.5 provide the Department with the engagement plan prepared (and approved, if required) under these Practice Directions, for the purpose of the Department publishing the engagement plan on the SA Planning Portal.		
clause 6(2)	<p>90. Preparation of a Draft Code Amendment (Prior to Consultation)</p> <p>90.2 The power pursuant to clause 6(2) of PD2, where an engagement plan is amended during any period of consultation or any time prior to finalisation of the engagement report under PD2, to provide the Department with the engagement plan (as updated) for the purpose of the Department publishing the updated engagement plan on the SA Planning Portal</p>	Chief Executive Officer (95)	Nil
clause 7(1)	<p>91. Requirements for a Draft Code Amendment</p> <p>91.1 The power pursuant to clause 7(1) of PD2 to support a draft Code Amendment by the following information:</p> <p>91.1.1 an explanation of the current code policy as it applies to the Affected Area (at the time of preparation of the draft Code Amendment);</p> <p>91.1.2 an explanation of the amendments to the Code policy proposed for the Affected Area;</p> <p>91.1.3 an assessment of the strategic planning outcomes intended to be achieved through the draft Code Amendment, including an analysis of the consistency of the draft Code Amendment with the relevant provisions of State Planning Policies, the Regional Plan and any other relevant strategic plans;</p>	Chief Executive Officer (95)	In consultation with Council and Assessment Manager and Team Leader Statutory Planning

State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>91.1.4 a summary and explanation of the investigations undertaken and how these support the draft Code Amendment; and</p> <p>91.1.5 an explanation of any infrastructure or services required to support development facilitated by the proposed Code Amendment, and an explanation of how and when the infrastructure will be provided.</p>		
clause 9(1)	<p>92. Preparation of an Engagement Plan (Prior to Consultation)</p> <p>92.1 The power pursuant to clause 9(1) of PD2 to prepare an engagement plan that:</p> <p>92.1.1 meets the principles and performance outcomes of the Charter;</p> <p>92.1.2 describes the persons or bodies to be consulted on the proposed amendment of the Designated Instrument, which must include any persons or bodies:</p> <p>92.1.2.1 required to be consulted with under a condition imposed by the Minister under Section 73(5) of the PDI Act;</p> <p>92.1.2.2 specified by the Commission under Section 73(6)(e) of the PDI Act; and</p> <p>92.1.2.3 who must be consulted with under the Charter;</p> <p>92.1.3 outlines any relevant previous engagement undertaken to inform the proposal;</p> <p>92.1.4 describes the evaluation framework for the engagement.</p>	Chief Executive Officer (95)	Nil
clause 9(2)	<p>92. Preparation of an Engagement Plan (Prior to Consultation)</p> <p>92.2 The power pursuant to clause 9(2) of PD2 to, in relation to engagement plans which relate to proposed preparation of or amendment to a State Planning Policy or a Regional</p>	Chief Executive Officer (95)	Nil

State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Plan submit the engagement plan to the Commission for approval prior to commencement of formal engagement on the proposal.		
clause 9(3)	<p>92. Preparation of an Engagement Plan (Prior to Consultation)</p> <p>92.3 The power pursuant to clause 9(3) of PD2 to, in relation to an engagement plan relating to a proposed amendment to the Code or a Design Standard, submit the engagement plan to the Commission or the Minister for approval, if a condition has been imposed by the Minister under Section 73(5) of the PDI Act which requires such approval.</p>	Chief Executive Officer (95)	Nil
clause 10(1)	<p>93. Preparation of an Engagement Report (Following Consultation)</p> <p>93.1 The power pursuant to clause 10(1) of PD2 to, at the completion of engagement on a proposal prepare or amend a Designated Instrument, provide the Department with:</p> <p>93.1.1 if amendments to the proposal are required:</p> <p>93.1.1.1 written instructions (in a form acceptable to the Department) that set out any changes to the draft Designated Instrument for the purposes of the Department updating and providing the draft policy for inclusion in the draft Designated Instrument; and/or</p> <p>93.1.1.2 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the</p> <p>Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Designated</p>	Chief Executive Officer (95)	Nil

State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>Instrument;</p> <p>93.1.2 the updated draft Designated Instrument or amendment to the Designated Instrument in the form of amendment instructions (once finalised by the Designated Entity, incorporating any amendments); and</p> <p>93.1.3 a final engagement report as required under Section 73(7) of the PDI Act and prepared in accordance with PD2, for the purpose of the Department arranging for the engagement report and draft Designated Instrument to be furnished to the Minister.</p>		
clause 10(2)	<p>93. Preparation of an Engagement Report (Following Consultation)</p> <p>93.2 The power pursuant to clause 10(2) of PD2 to set out in an engagement report required under Section 73(7) of the PDI Act:</p> <p>93.2.1 details of the engagement undertaken and how that engagement met the engagement plan and reasons for variations (if any) to the engagement plan;</p> <p>93.2.2 the outcome of the engagement including a summary of the written submissions or feedback received;</p> <p>93.2.3 any proposed changes to the proposal to prepare or amend a Designated Instrument (when compared with the proposal that was engaged on) and the reasons for those proposed changes. This should specifically indicate:</p> <p>93.2.3.1 where changes are proposed to the Designated Instrument based on or as a result of the engagement; and</p>	Chief Executive Officer (95)	In consultation with Council and Assessment Manager and Team Leader Statutory Planning

State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	93.2.3.2 any other changes which are proposed based on or as a result of additional investigations or information which was not available when the proposal was released for engagement.		
clause 10(3)	<p>93. Preparation of an Engagement Report (Following Consultation)</p> <p>93.3 The power pursuant to clause 10(3) of PD2 to also include in the engagement report an evaluation of the effectiveness of the engagement that considers whether:</p> <p>93.3.1 the principles of the Charter have been activated; and</p> <p>93.3.2 all mandatory requirements identified in the Charter have been met (where the consultation category is applicable).</p>	Chief Executive Officer (95)	Nil
clause 11(1)	<p>94. Complying Changes to the Code of Conduct</p> <p>94.1 The power pursuant to clause 11(1) of PD2 to, in relation to a request for the Minister to agree to a complying change to the Code under Section 75 of the PDI Act provide the request to the Department and include the following information:</p> <p>94.1.1 description of the relevant recommendations in the Regional Plan which relate to the proposed Code Amendment, including any specific maps or other specific</p>	Chief Executive Officer (95)	In consultation with Council and Assessment Manager and Team Leader Statutory Planning

State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>information which clearly and expressly identify the changes relevant to the proposed Code Amendment;</p> <p>94.1.2 a summary of any consultation which has occurred in accordance with the Charter in relation to the proposed Code Amendment or the relevant Regional Plan. This should include a copy of the engagement report prepared for the relevant Regional Plan and any additional consultation that has occurred for the proposed Code Amendment;</p> <p>94.1.3 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p> <p>94.1.4 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment.</p>		
clause 12(1)	<p>95. Early Commencement of a Code Amendment</p> <p>95.1 The power pursuant to clause 12(1) of PD2 to provide a request for early commencement of a Code Amendment under Section 78 of the PDI Act to the Department and include:</p> <p>95.1.1 explanation, justification and evidence as necessary to demonstrate how early commencement of the Code Amendment is:</p> <p>95.1.1.1 necessary in the interest of the orderly and proper development of an area of the State; and</p>	Chief Executive Officer (95)	In consultation with Council and Assessment Manager and Team Leader Statutory Planning

State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>95.1.1.2 required in order to counter applications for undesirable development (which should identify possible future development that would detract from or negate the object of the proposed Code Amendment) ahead of the outcome of consideration of the Code Amendment;</p> <p>95.1.2 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p> <p>95.1.3 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment.</p>		

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl6(3)(b)	<p>96. Responsibility to Undertake Notification</p> <p>96.1 The power pursuant to clause 6(3)(b) of the State Planning Commission Practice Direction – 3 (Notification of Performance Assessed Development Applications) 2019 (PD3) to determine the relevant fee as being appropriate to cover the relevant authority's</p>	Chief Executive Officer (95)	As set during the Annual Business Plan process in the Fees & Charges Register.

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	reasonable costs in giving public notice of the application under Section 107(3)(a)(i) of the PDI Act.		

State Planning Commission Practice Direction (Council Inspections) 2020

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl2(2)	<p>97. Mandatory Inspections</p> <p>97.1 The power pursuant to clause 2(2) of Part 2 of the State Planning Commission Practice Direction (Council Inspections) 2020 (PD9) to, in carrying out an inspection under PD9, take all reasonable steps to ensure each inspection includes an inspection and assessment of the following elements (elements), as may be present at the time of inspection:</p> <p>97.1.1 primary structural elements;</p> <p>97.1.2 structural framing and roof trusses;</p> <p>97.1.3 wet areas and waterproofing;</p> <p>97.1.4 barriers to prevent falls;</p> <p>97.1.5 cladding;</p> <p>97.1.6 egress provisions;</p> <p>97.1.7 bushfire protection systems;</p> <p>97.1.8 passive and active fire safety elements;</p>	Chief Executive Officer (95)	NIL

State Planning Commission Practice Direction (Council Inspections) 2020

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	97.1.9 private bushfire shelters; and 97.1.10 performance solutions.		
cl3(2)	98. Additional Inspections 98.1 The power pursuant to clause 3(2) of Part 2 of PD9 to consider carrying out an inspection in addition to any specified in clause 2 of Part 2 of PD9 (additional inspections) if the delegate has information to indicate that the circumstances warrant it, having regard to the objects of PD9.	Chief Executive Officer (95)	NIL
cl4(3)	99. Inspections Generally 99.1 The power pursuant to clause 4(3) of Part 2 of PD9, in relation to building work listed in Schedule 7 of the General Regulations to consider if an additional inspection may be appropriate.	Chief Executive Officer (95)	NIL
cl1(2)	100. General Requirements 100.1 The power pursuant to clause 1(2) of Part 3 of PD9 to ensure that an inspection under PD9 and subsequent assessment of each of the applicable elements in clause 2(2) of Part 2 of PD9 is carried out by a person who has the appropriate qualifications, skills, knowledge and experience to carry out an inspection assigned to that officer under PD9.	Chief Executive Officer (95)	NIL

State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings) 2020

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl5(2)	<p>101. Conditions that Must be Met for the Staged Occupation of a Partially Completed Building</p> <p>101.1 The power pursuant to clause 5(2) of the State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings 2020 (PD10) to, agree to partial occupancy of a partially completed multistorey building.</p>	Chief Executive Officer (95)	In consultation with an Accredited Professional Building Level 1.

Urban Tree Canopy Off-set Scheme

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl 9	<p>83. Use of Money from Fund</p> <p>83.1 The power pursuant to clause 9 of the Urban Tree Canopy Off-set Scheme (UTCOS) to use money distributed from the fund for any of the following purposes (and for no other purpose):</p> <p>83.1.1 to provide for the planting, establishment and maintenance of trees within reserves or public land anywhere within a designated local government area; or</p> <p>83.1.2 the purchase of land within a designated local government area to ensure:</p> <p>83.1.2.1 the preservation of trees; or</p> <p>83.1.2.2 that trees can be established in an area with a low urban tree canopy level or a demonstrated urban tree canopy loss.</p>	Chief Executive Officer (95)	In consultation with Council

Urban Tree Canopy Off-set Scheme			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations

Appendix 4

Instrument B- Full Instruments of Delegations



ADELAIDE HILLS COUNCIL

INSTRUMENT OF DELEGATION

INSTRUMENT B – INSTRUMENT OF DELEGATION
UNDER THE PLANNING, DEVELOPMENT AND
INFRASTRUCTURE ACT 2016, REGULATIONS,
PLANNING AND DESIGN CODE AND PRACTICE
DIRECTIONS OF POWERS OF A COUNCIL AS A
RELEVANT AUTHORITY

03 APRIL 2025

Preamble

NOTES

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

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 (General) Regulations 2017
- Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019
- State Planning Commission Practice Direction 18 Outline Consent

Positions

Abbreviation	Position	Name
Chief Executive Officer (95)	Chief Executive Officer (95)	Greg Georgopoulos

Instrument B – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority

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);			
Provision	Power and Functions 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)	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)	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
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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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>	Chief Executive Officer (95)	Administration Building Support Officer is limited to issuing development approvals only relating to Class 1A, 1B, 7B (privately certified only), 10A, 10B (except swimming pools and spas).
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>	Chief Executive Officer (95)	Administration Building Support Officer is limited to issuing development approvals only relating to Class 1A, 1B, 7B (privately certified only), 10A, 10B (except swimming pools and spas).
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)	Assessment Report for Refusal must be countersigned by Assessment Manager, Manager Development Services or Team Leader Building prior to decision being issued.

**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);**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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 is limited to issuing development approvals only relating to Class 1A, 1B, 7B (privately certified only), 10A, 10B (except swimming pools and spas).
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)	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)	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice
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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	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 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)	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)	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice
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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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 is limited to issuing development approvals only relating to Class 1A, 1B, 7B (privately certified only), 10A, 10B (except swimming pools and spas).
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)	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</p>	Chief Executive Officer (95)	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice
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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>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>		
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)	NIL
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>	Chief Executive Officer (95)	Administration Building Support Officer is limited to 5.2.2.

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice
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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	5.2.4 to comply with any other requirement prescribed by the regulations.		
s119(6)(b)	<p>5. Application and Provision of Information</p> <p>5.3 The power pursuant to Section 119(6)(b) of the PDI Act if a request is made under Section 119(3) of the PDI Act and the request is not complied with within the time specified by the Regulations, subject to Section 119(6)(b)(ii), to refuse the application.</p>	Chief Executive Officer (95)	Where not reported to CAP, Assessment Report for Refusal must be concurred by Assessment Manager, Manager Development Services or Team Leader Statutory Planning prior to decision being issued.
s119(7)	<p>5. Application and Provision of Information</p> <p>5.4 The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.</p>	Chief Executive Officer (95)	Refer to special circumstances section of Development Applications Involving Regulated Tree(s) Policy.
s119(9)	<p>5. Application and Provision of Information</p> <p>5.5 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>5.5.1 permit an applicant:</p> <p>5.5.1.1 to vary an application;</p> <p>5.5.1.2 to vary any plans, drawings, specifications or other documents that accompanied an application,</p>	Chief Executive Officer (95)	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice
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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	(provided that the essential nature of the proposed development is not changed);		
s119(9)	<p>5. Application and Provision of Information</p> <p>5.5 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>5.5.2 permit an applicant to lodge an application without the provision of any information or document required by the regulations;</p>	Chief Executive Officer (95)	NIL
s119(9)	<p>5. Application and Provision of Information</p> <p>5.5 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>5.5.3 to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);</p>	Chief Executive Officer (95)	In accordance with Council Fee Waiver Policy. Refunds are limited to Manager Development Services, Assessment Manager, Team Leader Building, Team Leader Statutory Planning and Team Leader Administration in accordance with Council Development Application Fee Refund Policy.
s119(9)	<p>5. Application and Provision of Information</p> <p>5.5 The power pursuant to Section 119(9) of the PDI Act to:</p>	Chief Executive Officer (95)	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice
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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	5.5.4 if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.		
s119(10)	5. Application and Provision of Information 5.6 The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.	Chief Executive Officer (95)	NIL
s119(12)	5. Application and Provision of Information 5.7 The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.	Chief Executive Officer (95)	NIL
s119(14)	5. Application and Provision of Information	Chief Executive Officer (95)	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
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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	5.8 The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.		
s122(1)	<p>6. Referrals to Other Authorities or Agencies</p> <p>6.1 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>6.1.1 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>6.1.2 not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made</p> <p>where the regulations so provide, subject to Section 122 of the PDI Act.</p>	Chief Executive Officer (95)	<hr/> <p>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 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).</p>
s122(5)(b)	<p>6. Referrals to Other Authorities or Agencies</p> <p>6.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:</p> <p>6.2.1 to refuse the application; or</p>	Chief Executive Officer (95)	<hr/> <p>1.Refusal: Delegate Report for Refusal must be countersigned by Assessment Manager or Team Leader Statutory Planning prior to decision being issued.</p>

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice
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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	6.2.2 consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body) where the regulations so provide.		2. Where not reported to CAP, New dwellings in the Productive Rural Landscape Zone (excluding those in the Crest estate) must have a referral for concurrence support response in the Portal from the Assessment Manager, Team Leader Statutory Planning, Senior Statutory Planner or another Statutory Planner prior to the decision being issued. 3. Licensed premises Delegate Report must be countersigned by another Statutory Planner prior to the decision being issued.
s122(7)	6. Referrals to Other Authorities or Agencies 6.3 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.	Chief Executive Officer (95)	NIL
s122(10)	7. Referrals to Other Authorities or Agencies 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.	Chief Executive Officer (95)	Relevant Authority must comply with the request unless it is inconsistent with the Regulations.

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s124(1)	<p>7. Proposed Development Involving Creation of Fortifications</p> <p>7.1 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)	NIL
s124(5)	<p>7. Proposed Development Involving Creation of Fortifications</p> <p>7.2 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>7.2.1 if the proposed development consists only of the creation of fortifications – refuse the application;</p> <p>7.2.2 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)	Refusal: Delegate Report for Refusal must be countersigned by Assessment Manager or Team Leader Statutory Planning prior to decision being issued where CAP is not the relevant authority.
s124(6)	<p>7. Proposed Development Involving Creation of Fortifications</p> <p>7.3 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</p>	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.		
s124(7)	<p>7. Proposed Development Involving Creation of Fortifications</p> <p>7.4 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)	NIL
s126(1)	<p>8. Determination of Application</p> <p>8.1 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)	NIL
s126(3)	<p>8. Determination of Application</p> <p>8.2 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)	File Note to be prepared for the concurrence of Assessment Manager or Team Leader Statutory Planning or Team Leader Building Services (in circumstances where there is no Planning Consent) prior to extension being determined. File Note to be uploaded to Plan SA Portal.

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s127(1)	<p>9. Conditions</p> <p>9.1 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>	Chief Executive Officer (95)	NIL
s127(2)(c)	<p>9. Conditions</p> <p>9.2 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>	Chief Executive Officer (95)	NIL
s128(1) and (2)	<p>10. Variation of Authorisation</p> <p>10.1 The power pursuant to Sections 128(1) and (2) of the PDI Act to determine an application seeking the variation of a development authorisation previously given under the PDI Act (including an application seeking the variation of a condition imposed with respect to the development authorisation).</p>	Chief Executive Officer (95)	Except Variations to development decisions previously made by the CAP where a condition is requested to be completely revoked either by the lodgment of a separate application or simply by written request, or where the variation is adding new elements or substantively amending the proposal. In the above circumstances the variation shall be submitted to CAP.
s128(2)(d)	<p>10. Variation of Authorisation</p> <p>10.2 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development</p>	Chief Executive Officer (95)	File Note to be prepared for the concurrence of Assessment Manager or Manager Development Services or Team Leader

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice
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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.		Statutory Planning or Team Leader Building Services (in circumstances where there is no Planning Consent) prior to extension being determined. File Note to be uploaded to Plan SA Portal.
s133(3)	<p>11. Saving Provisions</p> <p>11.1 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)	Subject to concurrence by the Assessment Manager or Team Leader Statutory Planning.
s134(1)	<p>12. Requirement to Up-grade</p> <p>12.1 The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.</p>	Chief Executive Officer (95)	NIL
s134(1)	<p>12. Requirement to Up-grade</p> <p>12.2 The power pursuant to Section 134(1) of the PDI Act, if:</p> <p>12.2.1.1 building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or</p> <p>12.2.1.2 a change of classification of a building; and</p>	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	12.2.2 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.		
s134(2)	12. Requirement to Up-grade 12.3 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)	NIL
s134(3)	12. Requirement to Up-grade 12.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act: 12.4.1 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	Chief Executive Officer (95)	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice
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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	12.4.2 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		
s134(4)	<p>12. Requirement to Up-grade</p> <p>12.5 The power pursuant to Section 134(4) of the PDI Act if:</p> <p>12.5.1 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>12.5.2 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,</p> <p>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)	NIL
s134(5)	<p>12. Requirement to Up-grade</p> <p>12.6 The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:</p>	Chief Executive Officer (95)	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice
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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>12.6.1 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>12.6.2 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>		
s135(2)(d)	<p>13. Urgent Building Work</p> <p>13.1 The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.</p>	Chief Executive Officer (95)	Concurrence of Assessment Manager must be sought before the Direction is issued to reinstate the land or building as far is practical to the state that existed immediately prior to the commencement of the work.
s143(1)	<p>14. Cancellation of Development Authorisation</p> <p>14.1 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>	Chief Executive Officer (95)	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s143(2)	<p>14. Cancellation of Development Authorisation</p> <p>14.2 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)	NIL
s235(1)	<p>15. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>15.1 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 is limited to issuing development approvals only relating to Class 1A, 1B, 7B (privately certified only), 10A, 10B (except swimming pools and spas).
s235(2)	<p>15. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>15.2 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)	NIL
cl18(2) sch8	<p>16. Continuation of Processes</p> <p>16.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:</p>	Chief Executive Officer (95)	Administration Building Support Officer is limited to issuing development approvals only relating to Class 1A, 1B, 7B

**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);**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>16.1.1 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>16.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>16.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and</p> <p>16.1.4 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>16.1.5 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>		(privately certified only), 10A, 10B (except swimming pools and spas).

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r25(7)(c)	<p>17. Accredited Professionals</p> <p>17.1 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)	NIL
r31(1)	<p>18. Verification of Application</p> <p>18.1 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>18.1.1 determine the nature of the development; and</p>	Chief Executive Officer (95)	NIL
r31(1)	<p>18. Verification of Application</p> <p>18.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the</p>	Chief Executive Officer (95)	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>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>18.1.2 if the application is for planning consent - determine:</p> <p>18.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and</p> <p>18.1.2.2 the category or categories of development that apply for the purposes of development assessment; and</p>		
r31(1)	<p>18. Verification of Application</p> <p>18.1 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>18.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and</p>	Chief Executive Officer (95)	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r31(1)	<p>18. Verification of Application</p> <p>18.1 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>18.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application):</p> <p>18.1.4.1 check that the appropriate documents and information have been lodged with the application; and</p> <p>18.1.4.2 confirm the prescribed fees required to be paid at that point ; and</p> <p>18.1.4.3 provide an appropriate notice via the SA planning portal; and</p>	Chief Executive Officer (95)	NIL
r31(1)	<p>18. Verification of Application</p> <p>18.1 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>	Chief Executive Officer (95)	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>18.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application):</p> <p>18.1.5.1 provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and</p> <p>18.1.5.2 provide an appropriate notice via the SA planning portal.</p>		
r35(3)	<p>19. Amended Applications</p> <p>19.1 The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.</p>	Chief Executive Officer (95)	NIL
r35(4)	<p>19. Amended Applications</p> <p>19.2 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>	Chief Executive Officer (95)	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r38(1)	<p>20. Withdrawing/Lapsing Applications</p> <p>20.1 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>20.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and</p> <p>20.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations, of the withdrawal.</p>	Chief Executive Officer (95)	NIL
r38(2)	<p>20. Withdrawing/Lapsing Applications</p> <p>20.2 The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.</p>	Chief Executive Officer (95)	NIL
r38(3)	<p>20. Withdrawing/Lapsing Applications</p> <p>20.3 The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations to:</p> <p>20.3.1 take reasonable steps to notify the applicant of the action under consideration; and</p>	Chief Executive Officer (95)	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	20.3.2 allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.		
r40	<p>21. Court Proceedings</p> <p>21.1 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>	Chief Executive Officer (95)	NIL
r42(1)	<p>22. Additional Information or Amended Plans</p> <p>22.1 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)	NIL
r45(1)	<p>23. Building Matters</p> <p>23.1 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>	Chief Executive Officer (95)	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>23.1.1 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>23.1.2 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>23.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code, refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the relevant authority that a referral is not required.</p>		
r45(2)	<p>23. Building Matters</p> <p>23.2 The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.</p>	Chief Executive Officer (95)	NIL
r45(3)	23. Building Matters	Chief Executive Officer (95)	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	23.3 The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations.		
r45(4)	<p>23. Building Matters</p> <p>23.4 The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:</p> <p>23.4.1 recommends against the granting of building consent; or</p> <p>23.4.2 concurs in the granting of consent on conditions specified in its report,</p> <p>but the delegate:</p> <p>23.4.3 proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or</p> <p>23.4.4 does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent,</p> <p>to:</p> <p>23.4.5 refer the application to the Commission; and</p> <p>23.4.6 not grant consent unless the Commission concurs in the granting of the consent.</p>	Chief Executive Officer (95)	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r45(5)	<p>23. Building Matters</p> <p>23.5 The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.</p>	Chief Executive Officer (95)	NIL
r57(2)(b)	<p>24. Notice of Decision (Section 126(1))</p> <p>24.1 The power pursuant to Regulation 57(2)(b) of the General Regulations to provide notice via the SA Planning Portal and to determine if necessary to give notice to the applicant in some other way determined to be appropriate by the delegate.</p>	Chief Executive Officer (95)	Nil
r57(4)(a)	<p>24. Notice of Decision (Section 126(1))</p> <p>24.2 The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.</p>	Chief Executive Officer (95)	Nil
r60	<p>25. Consideration of Other Development Authorisations</p> <p>25.1 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</p>	Chief Executive Officer (95)	Administration Building Support Officer is limited to issuing development approvals only relating to Class 1A, 1B, 7B

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.		(privately certified only), 10A, 10B (except swimming pools and spas).
r61(4)(c)	<p>26. Certificate of Independent Technical Expert in Certain Cases</p> <p>26.1 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)	NIL
r63(1)	<p>27. Urgent Work</p> <p>27.1 The power pursuant to Regulation 63(1) of the General Regulations to,</p> <p>27.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and</p> <p>27.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.</p>	Chief Executive Officer (95)	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r63(2)	<p>27. Urgent Work</p> <p>27.2 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)	NIL
r63(3)	<p>27. Urgent Work</p> <p>27.3 The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.</p>	Chief Executive Officer (95)	NIL
r65(1)(a)	<p>28. Variation of Authorisation (Section 128)</p> <p>28.1 The power pursuant to Regulation 65(1)(a) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a 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.</p>	Chief Executive Officer (95)	Except variations to development decisions previously made by the CAP where a condition is requested to be completely revoked either by the lodgment of a separate application or simply by written request or where the variation is adding new elements or substantively amending the proposal.
r99(4)	<p>29. Construction Industry Training Fund</p> <p>29.1 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate</p>	Chief Executive Officer (95)	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	levy has been paid under the Construction Industry Training Fund Act 1993 or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable.		
r99(5)	<p>29. Construction Industry Training Fund</p> <p>29.2 The power pursuant to Regulation 99(5) of the General Regulations, if a notification has been given under Regulation 99(4) of the General Regulations and if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification to, if the delegate thinks fit, determine that the application has lapsed.</p>	Chief Executive Officer (95)	NIL
cl4(3) sch8	<p>30. Plans for Building Work</p> <p>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:</p> <p>30.1.1 the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or</p> <p>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,</p>	Chief Executive Officer (95)	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.		

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r5(1)	<p>31. Calculation or Assessment of Fees</p> <p>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):</p> <p>31.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate a prescribed fee; and</p>	Chief Executive Officer (95)	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	31.1.2 to make any other determination for the purposes of the Fees Regulations a related set of regulations or a fee notice (even if the Council is not a relevant authority)		
r5(2)	<p>31. Calculation or Assessment of Fees</p> <p>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 a prescribed fee on the basis of estimates made by the delegate.</p>	Chief Executive Officer (95)	NIL
5(3)	<p>31. Calculation or Assessment of Fees</p> <p>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.</p>	Chief Executive Officer (95)	NIL
r7	<p>32. Waiver or Refund of Fee</p> <p>32.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:</p> <p>32.1.1 waive the payment of the fee, or the payment of part of the fee; or</p>	Chief Executive Officer (95)	In accordance with Council Fee Waiver Policy. Refunds are limited to Manager Development Services, Assessment Manager, Team Leader Building, Team Leader Statutory Planning and Team Leader Administration in accordance with Council Development Application Fee Refund Policy.

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	32.1.2 refund the whole or a part of the fee.		

State Planning Commission Practice Direction 18 Outline Consent

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl5(1)(b)	<p>33. Circumstances in Which Outline Consent May be Granted</p> <p>33.1 The power pursuant to clause 5(1)(b) of the State Planning Commission Practice Direction 18 Outline Consent (PD18) to provide advice to an applicant that if the application were to be for planning consent, the council would request the Minister to give notice under Section 94(1)(g) of the PDI Act.</p>	Chief Executive Officer (95)	Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 8 April 2025
AGENDA BUSINESS ITEM**

Item: 12.4.

Responsible Officer: Zoë Gill
Executive Governance Officer
Office of the CEO

Subject: Policy Review – Code of Practice for Council Meeting Procedures

For: Decision

SUMMARY

The purpose of this report is to seek Council endorsement of the first stage of review of the *Code of Practice for Council Meeting Procedures* (the Code).

The review of the Code will be undertaken as a two-staged process.

In this first stage of the review a proposed new section on Work, Health and Safety has been added to the Code.

These proposed changes will ensure that Council is compliant with legislative provisions and will ensure a best practice approach to managing any risks to health and safety that may arise at Council meetings.

The second stage of the review will consider the other provisions of the Code.

RECOMMENDATION

Council resolves:

1. That the report on the revised *Code of Practice for Council Meeting Procedures* be received and noted.
 2. With an effective date of 14 April 2025, to adopt the amendments as presented in the *Code of Practice for Council Meeting Procedures* as per Appendix 1.
 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Code as per Appendix 1.
-

1. BACKGROUND

The Code is being reviewed due to several factors.

In the past 12 months elected members have provided feedback, both by resolution and informally that they would like a review to be undertaken on processes that are covered by the code. In particular:

Leave of Absence - 23 July 2024 Resolution 268/24

VARIATION

Cr Nathan Daniell with consent of the Mover, sought and was granted leave of the meeting to vary the motion as follows:

Moved Cr Kirsty Parkin
S/- Cr Nathan Daniell

As part of the review of the ‘Code of Practice for Meeting Procedures’ the approval process for leave of absences for elected members be a focus for a workshop.

Carried Unanimously

Mayor’s Opening Remarks – 25 February 2025 Resolution 62/25

MOTION AS VARIED

Moved Cr Mark Osterstock
S/- Cr Adrian Cheater

62/25

1. Council receives and notes the Code of Practice for Council Meeting Procedures [the Policy], Appendix 1.

2. Effective forthwith, Council

g) amends clause 3.8.1 [Mayor’s Opening Remarks] of the Policy:

FROM - “At each ordinary Council, the Mayor may present opening remarks which will be generally related to matters regarding the conduct

of the meeting (e.g. acknowledging members of the gallery, advising break times, proposals to reorder the agenda) or to acknowledge a significant civic, cultural or other event. A brief summary of these remarks will be minuted.”

TO - “At each ordinary Council, the Mayor may present opening remarks which will be ~~generally related~~ confined to matters regarding the conduct of the meeting (e.g. acknowledging members of the gallery, advising break times, proposals to reorder the agenda) or to acknowledge a significant civic, cultural or other event. A brief summary of these remarks will be minuted.”

h) Adds clauses 3.8.2-3.8.3 as follows:

- vii) 3.8.2 The Mayor will not use the Mayor’s Opening remarks to make a personal explanation to Council
- viii) 3.8.3 Should the Mayor wish to make a personal explanation to Council, the Mayor should seek leave of Council in accordance with regulation 15 and section 4.6 of this Code of Practice.

3. Effective forthwith, Council amends clause 4.6.1 [Addresses by Members] of the Policy:

- FROM – “A personal explanation should provide the member’s account of the reasons or factors regarding an event or situation in which they had an involvement. The explanation should not: (a) make imputations of improper motives or contain personal opinions on fellow Council Members, the Administration or members of the public; or be used for making statements regarding Council resolutions.”
- TO – “A personal explanation should:
 - a) provide the member’s account of the reasons or factors regarding an event or situation in which they had an involvement, or
 - b) address a requirement of Council or satisfy a Council resolution

The explanation will not, under any circumstances, either directly or indirectly, make imputations of improper motives or conduct, or

contain personal opinions on fellow Council Members, the Administration or members of the public; or be used for making statements regarding Council resolutions (except where the personal explanation is to satisfy clause (b) above)."

4. That the CEO prepare a report for councils' consideration as to the merits of retaining the mayor's opening remarks as an agenda item.

Carried

The Code was also overdue for a periodic review and clauses had not been reviewed to account for any changes since the Council meetings were changed to occur twice a month.

Additionally, the Administration has recently received a provisional improvement notice from SafeWork SA to consult and undertake a review of the code to demonstrate that a system of work has been developed for meeting processes and that the code was up to date.

Administration determined to undertake a two-staged review to best progress a fulsome review whilst being compliant with SafeWork SA directions (and timelines).

A workshop on the code was held on the 18 March 2025 to consult with elected members on the addition of new safety clauses and to ask their feedback on the operation of existing clauses.

Stage One

Utilising the feedback gathered, a draft version of the code was circulated to elected members and staff incorporating the new work, health and safety sections for further review and feedback.

This feedback has been incorporated into the proposed amendments in *Appendix 1*.

Stage Two

The next stage of the review will be to incorporate the feedback received about existing clauses in the Code. This is currently scheduled to occur in May.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2024 – Your place, your space

Goal	Organisation
Objective O2	Operate with integrity using best practice governance processes.
Priority 02.3	Enhance governance structures and systems to be agile and support our legislative obligations.

The recommended policy updates align with the Strategic Plan 2024 - *Your place, your space*, specifically supporting the goal of fostering an effective and transparent organisation. The

proposed amendments to the Code of Practice for Council Meeting Procedures directly contribute to Priority O2.3 by promoting safety and compliance with legislative obligations and ensuring that meeting processes are clear, consistent, and reflective of best practices.

➤ **Legal Implications**

The new sections added to the Code ensure that Council is compliant with work, health and safety obligations under the Work, Health and Safety Act 2012 and section 75G of the Local Government Act 1999.

➤ **Risk Management Implications**

The proposed amendments to the Code of Practice for Council Meeting Procedures aim to mitigate the risk of:

Poor governance practices leading to a loss of stakeholder confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (SC)	Low (3E)	Low

The recommendation involves the creation of a work, health and safety section in the Code of Practice. This will serve as a control measure to ensure compliance with legislative requirements, and the maintenance of public trust in Council's meeting processes.

➤ **Financial and Resource Implications**

Not Applicable.

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

The addition of the proposed sections will enhance safety for members of the Community who attend Council meetings.

➤ **Sustainability Implications**

Not applicable.

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

In preparing the proposed changes, staff and elected members were consulted on the proposed changes to the Code of Practice of Council Meeting Procedures.

Consultation on the development of this report was as follows:

Council Committees: Not applicable.
Council Workshops: 18 March 2025.
Advisory Groups: Not applicable.
External Agencies: SafeWork SA.
Community: Not applicable.

➤ **Additional Analysis**

The feedback on the consultation of the proposed new Work Health and Safety clauses is summarised in **Appendix 2**. Key changes from the consultation draft include:

- Expanded examples of the expected behaviour at Council Meetings
- Clarifying the legislative obligations under s75G, including the direction to not attend a meeting and reporting these directions to the behavioural standards panel

3. OPTIONS

Council has the following options:

- I. To receive and note the report and to amend the *Code of Practice for Council Meeting Procedures* as recommended. (Recommended)
- II. To receive and note the report and not amend the *Code of Practice for Council Meeting Procedures*. (Not Recommended as this may mean Council will not meet the due date for the SafeWork SA improvement notice.)

4. APPENDICES

- (1) Revised Code of Practice for Council Meeting Procedures with amendments in tracked changes.
- (2) Table of feedback provided during consultation and administration response.

Appendix 1


*Revised Code of Practice for Council Meeting
Procedures with amendments in tracked
changes*

Council Policy

Code of Practice for Council Meeting Procedures



COUNCIL POLICY

	CODE OF PRACTICE FOR COUNCIL MEETING PROCEDURES
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Policy Number:	GOV-14
Responsible Department(s):	Governance & Performance
Relevant Delegations:	As per the delegations schedule and as included in this Code
Other Relevant Policies:	<i>Acknowledgement and Welcome to Country Policy</i> <i>Council Member Conduct Policy</i> <i>Code of Practice for Access to Council and Council Committee and Information or Briefing Sessions Meetings & Documents</i> <i>Petitions Policy</i> <i>Information or Briefing Sessions Policy</i> <i>One Team – Communication Protocols for Council Members and the Administration</i>
Relevant Procedure(s):	None
Relevant Legislation:	<i>Local Government Act 1999</i> <i>Local Government (Procedures at Meetings) Regulations 2013</i>
Policies and Procedures Superseded by this policy on its Adoption:	Code of Practice for Council Meeting Procedures, 22 March 2022, 65/22
Adoption Authority:	Council
Date of Adoption:	25 February 2025
Effective From:	25 February 2025
Minute Reference for Adoption:	62/25
Next Review:	At the end of the Council term (November 2026) or as required by legislation or changed circumstances

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
1.0	28/1/2020	Code adopted	Council – Res 17/20
1.1	25/2/2020	Amendments to clause 3.10 to provide consistency with changes to Council <i>Petitions Policy</i>	Council - Res 47/20
1.2	21/4/2020	Amendments to provide consistency with <i>Electronic Participation in Council Meetings Notice (No 1) 2020</i>	Council - Res 63/20
1.3	22/9/2020	Amendments to provide for the broadcasting of Council meetings	Council – Res 198/20
1.4	31/1/2021	Amendment to provide consistency with the <i>Acknowledgement and Welcome to Country Policy</i>	Council – Res 295/20
1.5	10/11/2021	Consequential amendments from adoption of Information or Briefing Sessions Policy and changes to Local Government Act regarding question and motion notice periods.	Council – Res 226/21
1.6	11/11/2021	Updated legislative references relating to publication of <i>Electronic Participation in Council Meetings Notice (No 5) 2021</i>	N/A
2.0	5/4/2022	Multiple amendment to Sections 3 and 4	Council – Res 65/22
2.1	21/6/22	Provisions relating to Notice No 5 (electronic participation) removed following 28 day elapsed period after Public Health Emergency Declaration cessation	Council – Res 65/22
2.2a	17/7/23	Removed all electronic meetings provisions regarding for Council Members, updated the conflict of interest provision references and the leave of the meeting definition, inserted reference to the Behavioural Standards for Council Members and provisions regarding suspension of Members	Council – Res 187/23
3.	25/2/25	Amendment to clause 4.6.1 (addresses by members) and clause 3.8.1 (Mayor’s Opening Remarks)	Council – Res 62/25
4.	XX	Additional of WHS sections (Clauses XX)	Council – Res X

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CODE OF PRACTICE FOR COUNCIL MEETING PROCEDURES

1. INTRODUCTION

- 1.0.1 Adelaide Hills Council (AHC) is committed to the principle of honest, open and transparent governance and encourages community participation in the business of Council. The rules and procedures for all meetings of Council and its Committees are outlined in the:
 - a. *Local Government Act 1999* (the Act)
 - b. *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations)
- 1.0.2 These Regulations provide that a council may develop and adopt a Code of Practice for its own meetings of Council and Committees that add to, or vary certain aspects of, these provisions. Committees, in this regard, refer to committees established under section 41 of the Act.
- 1.0.3 The purpose of this Code is to establish a consistent approach and provide clear expectations to Council Members, staff, residents, ratepayers and guests for the order of business, procedures and etiquette of AHC Council meetings.
- 1.0.4 This Code supplements the legislation, with any procedures that are required by legislation inserted into the document with reference to the relevant regulation (provided in boxes, with wording in italics). This enables the Code to be read in conjunction with AHC's meeting procedure requirements. Please note that this only applies to procedures at the meeting, rather than those aspects that relate to frequency, timing, and notice of meetings, where reference has only been made to the relevant section within the Act.

1.1. Application of the Code of Practice

- 1.1.1 This Code applies to all ordinary and special meetings of Council.
- 1.1.2 The section 41 committees of Council will be guided by the Act and Regulations as applicable to those committees and any provisions set out in the committee terms of reference. For clarity, Parts 1, 3 and 4 of the Regulations will apply to the committee but not the provisions of Part 2 of the Regulations.
- 1.1.3 References to the Mayor also include the acting Presiding Member in the Mayor's absence.

1.2. Guiding Principles

- 1.2.1 Regulation 4 of the Regulations prescribes guiding principles that should be applied with respect to the procedures to be observed at a meeting of a council or council committee.
- 1.2.2 In determining a matter of meeting procedure, the Mayor should consider the extent to which the proposed action upholds the following principles:

Legislation – Regulation 4

The following principles (the Guiding Principles) should be applied with respect to the procedures to be observed at a meeting of a Council or Council Committee.

- a) procedures should be fair and contribute to open, transparent and informed decision making.*
- b) procedures should encourage appropriate community participation in the affairs of the Council.*
- c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting.*
- d) procedures should be sufficiently certain to give the community and decision makers confidence in the deliberations undertaken at the meeting.*

1.2.3 These Guiding Principles underpin the details documented in this Code of Practice.

2. WORK, HEALTH AND SAFETY DUTIES¹

2.0.1 Adelaide Hills Council values the safety of all Council meeting attendees.

2.0.2 Safety includes physical and psychological health and safety.

2.0.3 Adelaide Hills Council does not accept unsafe behaviour and encourages everyone to address safety concerns, including speaking out if they personally experience or witness unsafe behaviour .

2.0.4 Complaints made in accordance with this Policy will be managed on a confidential basis where practicable.

2.1. Council

Legislation – Work health and safety Act – s19

(1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of—

- (a) workers engaged, or caused to be engaged by the person; and*
- (b) workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.*

(2) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

2.1.1. Council is a person conducting a business or undertaking (PCBU) under the *Work Health and Safety Act 2012*.

¹ Work Health and Safety terms are defined in the *Council Member Work Health and Safety Policy*

2.1.2. Council has a duty of care to ensure the work health and safety of people attending Council meetings.

~~2.1.3.~~ The CEO and Executive Leadership Team may be 'officers' under the Work, Health and Safety Act.

~~2.1.4.2.1.3.~~ Under s27 of the Work, Health and Safety Act, officers must exercise due diligence to ensure Council meets its Work, Health and Safety duties to protect workers and other persons against harm to health and safety at Council meetings.

~~2.1.5.2.1.4.~~ Council will take all reasonable and practicable steps to eliminate or minimise risks to safety at Council meetings.

~~2.1.6.2.1.5.~~ The principles followed by Council in management of risks includes:

- a. Identifying reasonably foreseeable physical and psychosocial hazards that could give rise to risks
- b. Carrying out risk assessments to assess potential risks
- c. Implementing control measures
- d. Reviewing control measures

2.2. Public

2.2.1. The public have work, health and safety obligations during council meetings. These obligations arise from s29 of the Work, Health and Safety Act 2012.

Legislation – Work health and safety Act – s29

A person at a workplace (whether or not the person has another duty under this Part) must—

- (a) take reasonable care for his or her own health and safety; and*
- (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and*
- (c) comply, so far as the person is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person conducting the business or undertaking to comply with this Act.*

2.2.2. The public is expected to:

- a. Comply with the procedures set out in this Code of ~~Practice~~Conduct.
- b. Comply with conditions of entry for the meeting.
- c. Comply with reasonable instructions given by the Presiding Member or Council Staff
- d. Take reasonable care for their own health and safety including ensuring that their action or inaction does not negatively affect their own health and ~~safet~~safety.
- ~~e.~~ Take reasonable care that their actions or inactions do not negatively affect the health and safety of other persons attending the meeting, including not using threatening, abusive, insulting, intimidating or bullying language or behaviour to other persons.
- ~~e.f.~~ Take reasonable care to not incite others to take actions that negatively affect the health and safety of other persons attending the meeting.

2.3. Council Members

2.3.1. Council Members have work, health and safety obligations during council meetings. These obligations arise from s 75G of the *Local Government Act 1999*

and s 29 of the *Work, Health and Safety Act 2012*.

Legislation – Local Government Act – s75G

(1) A member of a council must—

- (a) take reasonable care that the member's acts or omissions do not adversely affect the health and safety of other members of council or employees of the council; and*
- (b) comply, so far as the member is reasonably able, with any reasonable direction that is given by a responsible person for the purposes of ensuring that the member's acts or omissions do not adversely affect the health and safety of other members of the council or employees of the council.*

Legislation – Work health and safety Act – s29

A person at a workplace (whether or not the person has another duty under this Part) must—

- (a) take reasonable care for his or her own health and safety; and*
- (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and*
- (c) comply, so far as the person is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person conducting the business or undertaking to comply with this Act.*

2.3.2. Details of these obligations are set out in the Council Members Work Health and Safety Policy.

2.3.3. Council Members must ~~are expected to~~:

- a. Comply with the procedures set out in this Code of Practice ~~Conduct~~.
- b. Comply with reasonable instructions given by the Presiding Member or the Chief Executive Officer or the Executive Leadership Team.
- c. Take reasonable care for their own health and safety including ensuring that their action or inaction does not negatively affect their own health and safety.
- d. Take reasonable care that their actions or inactions do not negatively affect the health and safety of other persons attending the meeting including not using threatening, abusive, insulting, intimidating or bullying language or behaviour to other persons.
- d.e. Take reasonable care to not incite others to take actions that negatively affect the health and safety of other persons attending the meeting.

2.4. Staff

2.4.1 Council workers have work, health and safety rights and obligations during council meetings. These obligations arise from s28 of the *Work, Health and Safety Act 2012*.

Legislation – Work health and safety Act – s28

While at work, a worker must—

- (a) take reasonable care for his or her own health and safety; and*
- (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and*
- (c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and*
- (d) co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.*

2.4.2. Details of these rights and obligations are set out in the Work Health and Safety and Return to Work Policy.

2.4.3. Council workers must ~~are expected to~~:

- a. Comply with the procedures set out in this Code of Practice ~~Conduct~~.
- b. Comply with reasonable instructions given by the Presiding Member or the Chief Executive Officer or the Executive Leadership Team.
- c. Take reasonable care for their own health and safety including ensuring that their action or inaction does not negatively affect their own health and safety
- d. Take reasonable care that their actions or inactions do not negatively affect the health and safety of other persons attending the meeting, including not using threatening, abusive, insulting, intimidating or bullying language or behaviour to other persons.
- d.e. Take reasonable care to not incite others to take actions that negatively affect the health and safety of other persons attending the meeting.

3. WORK, HEALTH AND SAFETY PROCEDURES – BEFORE THE MEETING

3.1. Risk Assessment

3.1.1 Administration have adopted a Risk Assessment for Public Notifiable Meetings Procedure and the Public Notifiable Meeting Risk Assessment Tool which outlines a process for responding to identified potential hazards and risks for Council Meetings.

3.1.2 Prior to each scheduled meeting Administration will undertake a risk assessment utilising the Risk Assessment for Public Notifiable Meetings Procedure and the Public Notifiable Meeting Risk Assessment Tool.

3.1.3 Council Members and Council workers must provide the information requested by Administration to inform the risk assessment.

3.1.3.1.4 Council Members must notify the Administration were possible of any emerging risks to health and safety at an upcoming Council Meeting that they become aware of.

3.1.4 3.1.5 Administration will implement appropriate hazard management controls based on the outcome of the Public Notifiable Meeting Risk Assessment Tool.

3.1.6 These hazard management controls may include:

- a) Increased security measures.
- b) Attendance of security personnel.
- c) Restrictions on attendance for non-essential staff and others.
- ~~a)d) Other reasonable directions that control hazards. issuing reasonable directions to Council meeting attendees. Reasonable directions may include restrictions on attendance at a Council meeting~~

3.2. Council Member work health and safety concerns regarding an upcoming meeting

Legislation – Local Government Act – s75G
<p>(1) A member of a council must—</p> <p>....</p> <p>(b) comply, so far as the member is reasonably able, with any reasonable direction that is given by a responsible person for the purposes of ensuring that the member's acts or omissions do not adversely affect the health and safety of other members of the council or employees of the council.</p> <p>(2) For the purposes of subsection (1)(b), the responsible person is—</p> <p>.....</p> <p>(b) if the person whose health and safety may be adversely affected is the principal member of the council—the deputy or another member chosen by the council; or</p> <p>(c) if the person whose health and safety may be adversely affected is another member or the chief executive officer of the council—</p> <p>(i) unless subparagraph (ii) applies, the principal member of the council; or</p> <p>(ii) if the relevant acts or omissions are those of the principal member of the council—the deputy or another member chosen by the council.</p> <p>(3) Without limiting subsection (1)(b), a reasonable direction may include a direction that a member of a council not attend a meeting of the council or a council committee (and a member the subject of such a direction will be taken to have been granted leave of absence from attending council meetings for the duration of the direction).</p> <p>(4) However, a reasonable direction under subsection (1)(b) that a member not attend a meeting of a council may only be given if there are no other reasonable directions considered appropriate in the circumstances to ensure the health and safety of the affected person.</p> <p>(5) If a reasonable direction under subsection (1)(b) that a member not attend a meeting of a council is given, the responsible person must ensure that a</p>

complaint relating to the matter is referred to the Behavioural Standards Panel

Conduct of Council Members

- 3.2.1 In the first instance, if Council Members have concerns that the conduct of another Council Members may impact work health and safety at an upcoming Council meeting, they may raise this with the responsible person under s75G of Local Government Act 1999.
- 3.2.2 The responsible person under s75G may issue reasonable directions. These directions may include but are not limited to:
- a. where Council Members can sit
 - b. limiting communication with others
 - c. Council member conduct prior to and after a meeting
 - d. To ~~Not~~ attend a meeting, in limited circumstances
- 3.2.3 In rare and exceptional circumstances, and only where no other reasonable control measures are available to manage ~~a serious and immediate~~ risks to health and safety, a direction to not attend a meeting may ~~be only be given if there are no other reasonable directions considered appropriate in the circumstances to ensure the health and safety of the affected person.~~ Any such decision will be made with consideration of the potential impact on the individual's psychological welfare. This approach will be used only as a last resort, and in line with work health and safety obligations under the WHS Act, and principles of procedural fairness where appropriate.
- 3.2.4 If a direction that a member not attend a meeting of a council is given, the responsible person must ensure that a complaint relating to the matter is referred to the Behavioural Standards Panel to ensure compliance with legislative requirements (s75G(5)).
- 3.2.5 After raising concerns with the responsible person under s75G of Local Government Act 1999, if the Council Members continues to have Work Health and Safety concerns, they may raise these concerns with the Chief Executive Officer or their delegate. The Chief Executive Officer or their delegate will undertake the steps outlined in section 3.2.6 - 3.2.8 below.

Other Work Health and Safety Concerns (not related to the conduct of Council Members)

- 3.2.6 If Council Members have work health and safety concerns (not related to the conduct of Council Members) about an upcoming Council meeting, they may raise these with the Chief Executive Officer, or their delegate.
- 3.2.7 If the work, health and safety concerns relates to the Chief Executive Officer or they have a conflict of interest in the matter, the matter should be raised with a member of the Executive Leadership Team.

~~3.2.7~~3.2.8 The Chief Executive Officer, or their delegate (or the member of the Executive Leadership Team where applicable) will ensure the matter is included in the risk assessment for the meeting.

3.3. Council worker health and safety concerns regarding an upcoming meeting

Conduct of Council Members

3.3.1 In the first instance, if Council Workers have concerns that the conduct of a Council Member may impact work health and safety of staff at an upcoming Council meeting, they may raise this with the Chief Executive Officer as the responsible person under s75G of Local Government Act 1999.

3.3.2 The Chief Executive Officer may issue reasonable directions. These directions may include but are not limited to:

- a. where Council Members can sit
- b. limiting communication with others
- c. Council member conduct prior to and after a meeting
- ~~a.~~ to not attend a meeting in limited circumstances

3.3.3 In rare and exceptional circumstances, and only where no other reasonable control measures are available to manage risks to health and safety, a direction to not attend a meeting may be given Any such decision will be made with consideration of the potential impact on the individual's psychological welfare. This approach will be used only as a last resort, and in line with work health and safety obligations , and principles of procedural fairness where appropriate.

~~3.3.3 A direction to not attend a meeting may only be given if there are no other reasonable directions considered appropriate in the circumstances to ensure the health and safety of the affected person.~~

3.3.4 If a direction that a member not attend a meeting of a council is given, the responsible person must ensure that a complaint relating to the matter is referred to the Behavioural Standards Panel to ensure compliance with legislative requirements (s75G(5)).

Other Work Health and Safety Concerns (not related to the conduct of Council Members)

3.3.5 Council workers should raise work health and safety concerns they have about an upcoming Council meeting in the usual way of reporting work health and safety hazards (via Skytrust).

3.3.6 If the work health and safety concern is identified immediately prior to a Council Meeting, the Council worker should also directly contact the Governance team.

3.4. Public health and safety concerns regarding an upcoming meeting

3.4.1 The public may raise work health and safety concerns with the Executive Governance Officer before a meeting via email governanceandperformance@ahc.sa.gov.au or via 8408 0400.

4. WORK, HEALTH AND SAFETY PROCEDURES – DURING MEETING PROCEEDINGS

4.1.1 Should an incident occur during a Council meeting the Presiding Member is responsible

for managing work health and safety issues that relate to the conduct of Council members under section 75G. They may undertake the steps outlined in sections 3.2.1 – 3.2.4.

- 4.1.2 Should a work health and safety matter arise during a Council meetings that is related to Councils responsibilities as a 'person conducting a business or undertaking' the Chief Executive Officer is responsible for managing these issues.
- 4.1.3 If an incident occurs during a Council meeting that requires immediate action to ensure the safety of participants, the Presiding Member should be notified and will cease meeting proceedings to enable the Chief Executive Officer to take appropriate action to ensure the safety of participants.
- 4.1.4 If the instance that the Presiding Member ceases meeting proceedings due to a work health and safety incident the Public, Council Members and Council Workers must follow the directions of the Chief Executive Officer, which may include directions to evacuate the meeting room.

5. WORK, HEALTH AND SAFETY – AFTER MEETING PROCEEDINGS

5.1. Reporting Incidents

Council Members

- 5.1.1 Council Members may report work health and safety incidents after a Council Meeting by following the Council Members Work Health and Safety Policy.

Council Workers

- 5.1.2 Council Workers may report work health and safety incidents after a Council Meeting by following the WHS Incident Reporting and Investigation Procedure.

Public

- 5.1.3 The Public may report work health and safety incidents by reporting an incident to the Executive Governance Officer via email governanceandperformance@ahc.sa.gov.au or via 8408 0400.

5.2. Incident Investigation

- 5.2.1 All incident reports received about a Council meeting will be investigated following the *WHS Incident Reporting and Investigation Procedure* or the *Council Members Work Health and Safety Policy*, whichever is applicable.

6. OPERATING PROCEDURES – BEFORE THE MEETING

6.1. Calling Meetings

Ordinary Meetings

- 6.1.1 Section 81 of the Act prescribes the legislative requirements for the frequency and timing of Ordinary Council Meetings.
- 6.1.2 The schedules for Ordinary Council Meetings are resolved in advance

and are maintained on the Council website.

Special Meetings

6.1.3 Section 82 of the Act prescribes the legislative requirements for the calling of Special Meetings of council.

6.1.4 Details of Special meetings of Council will be placed on the Council website as soon as possible after the decision to call the meeting.

6.2. Notice and Agendas

for Meetings

Ordinary Meetings

6.2.1 Sections 83 and 84 of the Act prescribe the legislative requirements for providing Council Members and the public with notice for Council meetings.

6.2.2 At least three (3) clear days¹ before the Council meeting the Chief Executive Officer (CEO) must give written notice of the meeting to all Council Members setting out the date, time and place of the meeting.

¹ 'clear days' means that the time between the giving of the notice and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting, (e.g. notice is given on a Thursday for a following Monday meeting, the clear days are Friday, Saturday and Sunday). If a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day

- 6.2.3 The notice must contain or be accompanied by the agenda² and, as far as practicable, the documents and reports that are to be considered at the meeting. Council's practice, whenever possible, is to provide the notice four (4) clear days before the meeting (i.e. by 5.00pm Thursday for a Tuesday evening meeting).
- 6.2.4 Each Council Member may indicate their preference for delivery of the notice of meeting, agenda and reports for all Council meetings. Any changes to the delivery arrangements must be requested in writing.
- 6.2.5 For members of the public, a copy of the notice of meeting, agenda and reports (with the exception of confidential items) will be displayed for viewing on Council's website www.ahc.sa.gov.au and on public display at the principal office as soon as practicable after the time when the document or report is supplied to members of the Council³.
- 6.2.6 The notice will remain on the website and on public display until the completion of the meeting. In practice these notices remain available indefinitely.

Special Meetings

- 6.2.7 For Special Meetings, the CEO must ensure that each Member of the Council is given at least four (4) hours' notice of a special meeting of the Council.
- 6.2.8 Notices of special meetings will be distributed by email to the Council-provided email address for each Member, and will be displayed on Council's website for viewing by members of the public. Where notice of Special Meetings is provided with less than 24 hours' notice, best endeavours will be used to bring the notice to the attention of each Member by making contact by phone, message service or similar.

6.3. Public Access to Meetings

- 6.3.1 Council has adopted a *Code of Practice for Access to Council, Council Committee and Information or Briefing Sessions Meetings & Documents* which outlines the arrangements for public access to Council meetings.

6.4. Questions for Clarification Prior to the Meetings

- 6.4.1 To facilitate efficient and effective meetings, Council Members are encouraged to contact the CEO or nominated delegate prior to Council meetings to clarify matters appearing on the agenda. For Administration Reports, the nominated delegate is the Council Officer whose name is listed as the Responsible Officer.

² 'agenda' under s4(1) of the Act means a list of items of business to be considered in a meeting. For clarity, reports and documents that accompany those business items are not considered to be the 'agenda'.

³ For more information on public access to the Council agenda, please see the *Code of Practice for Access to Council and Council Committee and Designated Informal Gatherings Meetings & Documents*

7. OPERATING PROCEDURES – THE ORDER OF BUSINESS

7.1. Commencement of Meetings and Quorums

Legislation – Regulation 7

- (1) *A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.*
- (2) *If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.*
- (3) *If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.*
- (4) *If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.*
- (5) *If a meeting is adjourned to another day, the chief executive officer must-*
 - (a) *give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and*
 - (b) *give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be published on a website determined by the chief executive officer.*

7.1.1 A quorum for Council is determined under s85(1) of the Act by ‘dividing the total number of members of the council for the time being in office by 2, ignoring any fraction resulting from the division, and adding one’. For the purposes of s85(1) the members of council in office used to calculate the quorum does not include a member of council who is suspended from office or a member of council who has taken a leave of absence under s55 (to contest a state election) – see s85(2).

7.1.2 In the normal course of events, AHC’s quorum is seven (7) Council Members (this includes the Mayor).

7.2. Order of Business

7.2.1 The order of business for Council meetings will generally be in accordance with the attached agenda template – refer **Appendix A**. However the Mayor at their own initiative or at the request of a Member of Council may bring forward items, with the leave of the meeting, for debate and resolution where:

- a. a large contingent of interested parties is present in the gallery
- b. contractors or consultants are present to make presentations; or
- c. it may otherwise be considered expedient or appropriate.

7.3. Length of Council Meetings

7.3.1 Council meetings will commence upon a quorum being present at the time set down in the Notice of Meeting.

- 7.3.2 Council meetings will conclude at or before 10.00pm, or 3.5 hours after the commencement, whichever is the earlier, unless the meeting formally resolves on each specific occasion to continue beyond that time.
- 7.3.3 Where the business of a meeting is unlikely to be completed before 10.00pm, or within 3.5 hours of the commencement, a motion is to be put to the meeting whether to continue or adjourn to another date and time. Extensions of the meeting will normally be in 30 minute blocks.
- 7.3.4 During the course of a Council meeting, a motion may be put to adjourn the meeting for a specified period (e.g. for 10 minutes).

7.4. Opening Statement

- 7.4.1 After calling a Council meeting to order, the meeting shall be opened with an Acknowledgement of Country consistent with the Council's *Acknowledgement and Welcome to Country Policy*, as amended from time to time.

7.5. Attendees, Apologies and Absences

- 7.5.1 If a Member expects to be late or unable to attend a meeting, the Governance & Performance Department (governanceandperformance@ahc.sa.gov.au) is to be advised prior to the commencement of the meeting or as soon as possible.
- 7.5.2 If a Member intends to seek a leave of absence, the request must be made in writing via the Governance & Performance Department, specifying the period of leave that is being requested, prior to the commencement of the meeting.
- 7.5.3 A leave of absence will only be granted by a resolution of the Council and will involve leave from all Council duties (including roles on council committees, panels and advisory groups).
- 7.5.4 Where a Member is intending to be interstate, overseas or otherwise not able to attend to the full range of duties, they should seek a leave of absence at the preceeding meeting.
- 7.5.5 Where a Member recommences duties prior to the expiry of the approved period, the leave of absence will cease. For the sake of clarity, the leave of absence does not recommence without a new resolution of the Council to grant leave.
- 7.5.6 A leave of absence will not be retrospective.
- 7.5.7 All apologies and leaves of absence will be listed in the Minutes for each Council meeting that it relates to.
- 7.5.8 If no apology has been received by the commencement of the meeting and there is no leave of absence and the Member is not present, they will be recorded in the Minutes as being absent.
- 7.5.9 If a Member arrives after the meeting commences, the time of arrival will be included in the Minutes.

- 7.5.10 If a Member has to leave a meeting (for longer than a comfort break), the Member should draw their impending departure to the attention of the Mayor to ensure that the presence of a quorum can be monitored.
- 7.5.11 Council Officers who address the Council meeting will be recorded in the Minutes as being in attendance.
- 7.5.12 The number of members of the public or representation of any other organisations will not be recorded in the minutes, unless presenting on a specific item in the agenda.

7.6. Confirmation of Minutes

Legislation – Regulation 8
<p><i>(1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting</i></p> <p><i>(2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.</i></p> <p><i>(3) On the confirmation of the minutes, the presiding member will-</i></p> <p><i>(a) initial each page of the minutes, which pages are to be consecutively numbered; and</i></p> <p><i>(b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.</i></p>

- 7.6.1 The Minutes included in an Ordinary meeting agenda will be those unconfirmed minutes of any previous meetings less any information that is subject to an order under section 90 of the Act.

7.7. Declaration of Interest

- 7.7.1 The provisions in relation to a Council Member's interests are set out in sections 73, 74, 75 and 75A-C of the Act and Reg 8AAA in the *Local Government (General) Regulations 2013*.
- 7.7.2 It is a Council Member's responsibility to ensure they are aware of, and understand, the legislative provisions relating to declarations of interest.
- 7.7.3 A Council Member who has an interest in a matter, as defined under sections 74 and 75 of the Act, must disclose the interest to the Council in accordance with the provisions of sections 75B and 75C of the Act. Disclosures will be recorded in the Minutes in accordance with the relevant provisions of the Act and Regulations.
- 7.7.4 Council Members may seek advice about a possible interest before a meeting by contacting the CEO or the Governance & Performance Department. If necessary, the Governance & Performance Department will facilitate the Member to contact the Council's lawyers directly for advice, at Council's expense.

7.8. Mayor's Opening Remarks

- 7.8.1 At each ordinary Council, the Mayor may present opening remarks which will be confined to matters regarding the conduct of the meeting (e.g. acknowledging members of the gallery, advising break times, proposals to reorder the agenda) or to acknowledge a significant civic, cultural or other event. A brief summary of these remarks will be minuted.
- 7.8.2 The Mayor will not use the Mayor's Opening remarks to make a personal explanation to Council.
- 7.8.3 Should the Mayor wish to make a personal explanation to Council, the Mayor should seek leave of Council in accordance with regulation 15 and section 4.6 of this Code of Practice.

7.9. Questions Adjourned/Lying on the Table

- 7.9.1 Sometimes 'questions'⁴ being debated in the Chamber may need to be adjourned for reasons such as required information not being available at that time. In these cases a 'formal motion'⁵ can be resolved to adjourn the matter for a later time.

Questions Adjourned

Legislation – Regulation 19

- (1) If a formal motion for a substantive motion to be adjourned is carried:*
- (a) The adjournment may either be to a later hour of the same day, to another day, or to another place; and*
 - (b) The debate, will, on resumption, continue at the point at which it was adjourned.*
- (2) If debate was interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was adjourned.*
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting*

- 7.9.2 The resolution to adjourn a question will nominate the time and place that debate on the question will continue and therefore they do not require a resolution for debate to resume (at the point of interruption) however these questions must be considered prior to any new business being dealt with.

Questions Lying on the Table

- 7.9.3 Questions Lying on the Table require a resolution for the question to be retrieved (and debate resumed at the point of interruption).

Legislation – Regulation 12

- (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.*
- (20) The chief executive must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.*

⁴ Regulation 12 (14) refers to a motion that has been moved and seconded as a 'question'.

⁵ For more information on formal motions see clause 4.3 of this Code.

7.10. Petitions

- 7.10.1 Petitions may be submitted to Council in line with Council's *Petition Policy*. If the petition is a compliant petition for the purposes of the Act and the *Petition Policy*, it will be placed on the agenda for the next scheduled meeting of Council.
- 7.10.2 The Council agenda will contain a report regarding petition(s) received. The report will contain the nature of the request or submission, the name and locality of the Principal Signatory, a brief statement as to the nature of the request or submissions, the number of signatories and an Officer's Response providing a brief commentary on the relationship/relevance of the petition topic to Council services/activities/plans/strategies/ resolutions and options available to Council to address the petition request. Further the report will recommend, as a minimum, that:
- The report be received and noted; and
 - The CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter
 - The recommendation may also include further actions for the Council to consider taking in relation to the matter
- 7.10.3 A full copy of the petition will not be included in the agenda to protect the privacy of individuals. Council Members may request a copy of the petition and it is the Members' responsibility not to distribute or publish a copy of the full petition.
- 7.10.4 If, in consideration of a petition, a Council Member determines to move a Motion Without Notice, the Council will deal with the motion at that point in the agenda, subject to the compliance with the applicable requirements of legislation/policy.

7.11. Deputations

- 7.11.1 A deputation is a formal opportunity to address the Council on a particular matter during a meeting.

Legislation – Regulation 11

Deputation means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter.

(1) A person or persons wishing to appear as a deputation at a meeting must deliver) a written request to the council.

(2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.

Making a Deputation Request

- 3.11.2 A person or persons wishing to appear as a deputation at a Council meeting must forward a written request to the CEO, indicating the reasons for the deputation. Deputations will be limited ordinarily to a maximum of two (2) per Ordinary Council meeting.

- 3.11.3 In the normal course of events, the deputation request must be received no less than seven (7) clear days prior to the Council meeting, for inclusion in the Agenda. Details of Council meeting dates are contained on the Council website.
- 3.11.4 If however the matter relates to an item of business on the Agenda and there are not two (2) deputations already approved for the meeting, the Deputation Request Form may be lodged up to 5.00pm on the day prior to the Council meeting.
- 3.11.5 A request to make a deputation should be made by submitting a *Deputation Request Form*, which is available on Council's website. The Form, which must be completed in full, includes an acknowledgment of the deputation obligations and procedures to be observed at the meeting.
- 3.11.6 A deputation may comprise one (1) or a number of persons. When a deputation appears at a meeting up to two (2) members of the deputation (e.g. deputies) will be allowed to speak, and to reply to questions from Council Members.
- 3.11.7 Should a deputy be speaking on behalf of an association, organisation or other body, they may be required to provide a copy of the constitution and rules of that organisation, association or other body, and evidence, such as committee meeting minutes, that they are authorised to make a deputation of behalf of the body prior to the deputy's address.

Processing a Deputation Request

Legislation – Regulation 11

<i>(3) The presiding member may refuse to allow the deputation to appear at a meeting.</i>
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- 3.11.8 Whether or not a deputation may appear is to be determined on a case-by-case basis by the Mayor. In determining whether a deputation request is granted the following considerations will be taken into account:
- a. the subject matter of the proposed deputation;
 - b. relevance to the Council agenda nominated – and if not, relevance to the Council's powers or purpose;
 - c. the integrity of the request (i.e. whether it is considered to be frivolous and/or vexatious);
 - d. the size and extent of the agenda for the particular meeting; and
 - e. the number of times the deputy has addressed Council (either in a deputation or public forum) on the subject matter or a similar subject matter.
- 3.11.9 Upon the expiration of seven (7) clear days prior to the Council meeting, the Mayor will consider the Deputation requests received and determine, as per clause 3.11.8, the requests that will be granted.
- 3.11.10 Notwithstanding clause 3.11.2, the Mayor has the delegation to accept one (1) additional deputation if it is determined that the matter of sufficient importance and urgency that it must be heard at that meeting.

Legislation – Regulation 11 (cont.)
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(4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.

- 3.11.11 Written notification will be forwarded to the person who made the request for a deputation notifying them of the outcome of the deputation request. If approved they will be notified of the date and time of the meeting at which the deputation will be heard and the method by which the person or persons are to appear at the meeting. For deputation requests received in accordance with clause 3.11.4, phone/email contact will be made with the depute.

<p>Legislation – Regulation 11 (cont.)</p> <p>(5) <i>If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).</i></p> <p>(6) <i>The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.</i></p> <p>(7) <i>A council may refer the hearing of a deputation to a council committee.</i></p>

Presenting a Deputation at a Council Meeting

- 3.11.12 If the depute wishes for notes or other documents are to be distributed for the deputation, these are to be provided to the Minute Secretary up to 5.00pm on the day prior to the Council meeting to distribute electronically to the Council Members. The depute will remain legally liable for the content of any documents distributed.

- 3.11.13 The depute(s) microphone will be unmuted and they will be invited by the Mayor to make the deputation on the topic or issue which has been nominated. The depute must state their name and locality, which will be recorded in the minutes to the meeting (which is a public document).

- 3.11.14 Powerpoint (or similar) presentations are to be lodged up to 5.00pm on the day prior to the Council meeting for the purposes of confirming software compatibility and content suitability. The depute will remain legally liable for the content of any presentation.

- 3.11.15 Deputies may address questions to the Council. The Mayor will determine if an answer is to be provided.

- 3.11.16 In the interests of fairness, each deputation is to be no longer than ten (10) minutes in duration. Deputies may address questions to the Council which must be accommodated within the 10 minute allocation. The Mayor will determine if an answer is to be provided to any questions asked.

- 3.11.17 Following the Deputation, a maximum of five (5) minutes will be allocated for Members to direct questions to the depute(s) if required. Members of Council may ask questions of the depute(s) presenting. Care should be exercised in framing questions to ensure they clearly relate to the subject of the deputation. The Mayor will use their best endeavours to manage this process fairly.

- 3.11.18 Notes or presentation material provided as part of the deputation will be referenced in the minutes of the meeting.

Deputation Conduct

- 3.11.19 All deputations are to be conducted in an orderly manner. Deputations should reflect levels of formality appropriate to the nature and scope of the Council meeting. Any

comments that may amount to a criticism of individual Council Members or Officers must not be made during the depute's address. If this conduct occurs the Mayor will warn the depute, if the conduct is repeated the deputation will be ceased. Any such criticism or comments should properly be directed in writing to the CEO outside of the meeting.

3.11.20 Council meetings are also open to the public including being livestreamed/broadcast and there is unlikely to be any legal protection or other privilege attached to any statements made during a deputation in this forum. This means that anything said during the depute's address is subject to the normal laws of defamation. Consequently all deputees should take care in the statements they make and how they make their address.

3.11.21 An 'Information Sheet – Deputations and Public Forums – How to Address Council or Council Committees on Issues of Concern' provides a summary of the above requirements and is available on the Council website.

7.12. Public Forums

7.12.1 The Public Forum is a less formal opportunity to address Council on a particular matter during the meeting.

7.12.2 The guidelines which apply to Public Forum are:

- a. The total time allocation for the Public Forum will be ten (10) minutes, except with leave from the Council, in which case the time allocation can be increased.
- b. Each speaker in the Public Forum will have no longer than five (5) minutes (including questions), except with leave from the Council.
- c. If a large number of presentations have been requested, with leave from the Council, the time allocation of five (5) minutes per speaker may be reduced.
- d. People wishing to speak in the public forum (speakers) must advise the Mayor of their intention at the beginning of this section of the meeting. Those who do not flag their desire to speak at this time will only be permitted to speak at the discretion of the Mayor.
- e. Where an intending speaker has made a deputation at the same meeting of Council they will not be permitted to speak in the public forum on the same or similar subject matter at that meeting.
- f. Upon being requested to come forward to address the Council, the Mayor will ask the speaker to state their name and locality of residence and the subject matter they wish to speak on.
- g. These details will be recorded in the minutes of the meeting (which is a public document).
- h. The speaker will then wait for the Mayor to invite them to commence their speech.
- i. The speaker may address questions to the Council which must be accommodated within the five (5) minute allocation. The Mayor will determine if an answer is to be provided to any questions asked.
- j. Where a number of speakers are speaking on the same topic, the Mayor may encourage subsequent speakers to avoid repeating previous points and to focus on new points.

- k. Members may ask questions of all speakers appearing relating to the subject of their presentation.

Public Forum Conduct

- 7.12.3 All public forum presentations are to be conducted in an orderly manner. These should reflect levels of formality appropriate to the nature and scope of the Council meeting. Any comments that may amount to a criticism of individual Council Members or Officers must not be made during the presentation. If this conduct occurs, the Mayor will warn the depute, if the conduct is repeated the deputation will be ceased. Any such criticism or comments should properly be directed in writing to the CEO outside of the meeting.
- 7.12.4 Council meetings are also open to the public including being livestreamed/broadcast and there is unlikely to be any legal protection or other privilege attached to any statements made during a presentation in this forum. This means that anything said during the speaker's address is subject to the normal laws of defamation. Consequently all speakers should take care in the statements they make and how they make their address.

7.13. Presentations

- 7.13.1 Presentations are defined as an opportunity for an organisation, community group, Council Officer(s) or member of the public to address Council to provide information relevant to the Council at the invitation of Council.
- 7.13.2 Such presentations do not include deputations or representations under the *Planning, Development and Infrastructure Act 2016*.
- 7.13.3 The duration of each presentation is to be no longer than fifteen (15) minutes plus five (5) minutes for questions, if required. There is to be a limit of two (2) presentations per scheduled meeting, except with the leave of the meeting.
- 7.13.4 If notes or other documents are to be distributed for the presentation, these are to be provided to the Minute Secretary up to 5.00pm on the day prior to the Council meeting to distribute electronically to the Council Members
- 7.13.5 Powerpoint (or similar) presentations are to be lodged up to 5.00pm on the day prior to the Council meeting for the purposes of confirming software compatibility and content suitability. The presenter will remain legally liable for the content of any presentation.
- 7.13.6 Notes or presentation material referred to as part of the presentation will be referenced in the minutes of the meeting.

7.14. Questions on Notice

Legislation – Regulation 9
(1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 7 clear days before the date of the meeting at which the question is to be asked.
(2) If notice of a question is given under subregulation (1) -

- (a) *the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and*
 - (b) *the question and the reply must be entered in the minutes of the relevant meeting.*
- (6) *The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.*

7.14.1 When sending the questions to the CEO, the Member asking the question should provide a brief history, context, or reason why the question is being asked. This preamble will be included in the agenda with the question(s). Subject to the provisions of the Act, the Member submitting the information is legally liable for its content

7.14.2 On receipt of the questions the CEO will forward the questions to Mayor. The Mayor will inform the CEO on one of the following processes:

- Request that the CEO (or delegate) respond to the questions; or
- Respond to the questions themselves; or
- Make a determination at the nominated meeting regarding the response.

Process 1

7.14.3 If the Mayor opts that the CEO (or delegate) responds to the questions and there is sufficient time to consider and respond to the questions, the questions and answers will appear in the Agenda and would then be replicated in the minutes in accordance with Regulation 9.

7.14.4 If the referral to the CEO (or delegate) does not allow for sufficient time to consider and respond to the questions and include the answers in the agenda, the CEO (or delegate) will arrange for answers to be tabled at the relevant meeting. The questions and answers will be included in the minutes in accordance with Regulation 9.

OR

Process 2

7.14.5 If the Mayor opts to respond to the questions they can either:

- Provide the response to the CEO and, if these answers are provided in sufficient time, the questions and answers will be included in the Agenda and would be replicated in the minutes in accordance with Regulation 9.
- Table at the meeting the written responses to the questions on the night of the nominated meeting and the questions and answers will be included in the minutes in accordance with Regulation 9.

OR

Process 3

7.14.6 If the Mayor opts to make a determination at the nominated meeting regarding a response, the questions will appear in the Agenda and these questions and the answers will be included in the minutes in accordance with Regulation 9.

7.14.7 This could include the Mayor answering the questions, referring it to the CEO (or delegate) for a response on the night or rule not to accept the questions in accordance with Regulation 9(6).

7.14.8 If a Mayor makes a determination that a question shall not be answered as per Regulation 9(6) the question and the reason for the determination shall be stated and recorded in the minutes.

7.15. Motions on Notice

Legislation – Regulation 12

- (1) *A member may bring forward any business in the form of a written notice of motion.*
- (2) *The notice of motion must be given to the chief executive officer at least 7 clear days before the date of the meeting at which the motion is to be moved.*
- (3) *A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.*
- (4) *If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought-*
 - (a) *until after the expiration of 12 months; or*
 - (b) *until after the next general election, whichever is sooner*

7.15.1 Prior to lodging a motion, Members should liaise with the CEO (or nominated delegates) and may consult with the Mayor on the content of the proposed motion to explore options and implications.

7.15.2 In circumstances where a Motion on Notice has been placed on the Agenda and the Member who placed the Motion on Notice is not in attendance at the meeting, another Member may move the motion in their stead.

7.15.3 The following are desirable characteristics when framing a motion⁶:

- a. *Form* – a motion should be in a positive, affirmative form. It should not be in a negative form, unless it achieves some specific advantage or value;
- b. *Content* – a motion should be complete and plain, so that a resultant resolution when read in the future, identifies with certainty its object and substance;
- c. *Wording* – It should be in precise and definite language. Its intention and import should be clear; and
- d. *Drafting* – a motion should be framed and phrased in a way to enable persons to vote in favour of or against the proposal, and thus facilitate the ability of the meeting to make a decision,

7.15.4 The attached proforma should be used when framing Notices of Motion – refer **Appendix B**.

7.16. Administration Reports

7.16.1 Each Council agenda includes report items prepared by the Council Administration, which may include recommendations. These recommendations are not a motion, and have no status until moved by a Member. Alternatively Members may move a completely different motion.

⁶ A. D. Lang (2015) *Horsley's Meetings procedure, Law and Practice* (7th ed.), 119.

- 7.16.2 Administration Reports to Council will be prepared using the standard format – refer **Appendix C**.
- 7.16.3 Administration Reports in the Order of Business will be grouped into the following categories:
- a. **Decision Items** – these are agenda items that are seeking the Council’s resolution in relation to a course of action in relation to the matter; and
 - b. **Information Items** – these are agenda items that are informing the Council of the status of the matter. Generally, the recommendation in these reports will be for the receiving and noting of the item.
- 7.16.4 Where additional information is required this may be included as attachments to the report which will be inserted in the agenda papers immediately following the report.
- 7.16.5 In order to contain the number of reports going before Council, report writers should consider any subsequent steps and, wherever practical, include them in the initial report and set of recommendations. Examples of these subsequent steps that should be included in the initial report include:
- a. the authorisation for the Mayor and/or CEO to sign and seal documents
 - b. authorising the Chief Executive Officer or relevant Director to make minor amendments to an associated document
 - c. if a working party or sub-committee is required, to indicate that in the report and include a recommendation seeking nominations for Membership of the working party, etc.
 - d. indicating a price or value range within which a delegated staff member can negotiate rather than a single fixed price.
- 7.16.6 Reports are to be prepared so as to communicate the required information in a clear and succinct way. The information presented should be impartial, balanced and evidence-based (where reasonably possible).
- 7.16.7 As per clause 2.4, to facilitate efficient and effective meetings, Council Members are encouraged to contact the CEO or nominated delegate as early as possible prior to Council meetings to clarify matters appearing on the agenda. The nominated delegate is the Council Officer whose name is listed as the Responsible Officer.
- 7.16.8 In the normal course of business, report authors will not introduce their report unless requested by the Mayor. However the Mayor will ask the author whether there are any updates to be provided based on queries received or recent events since agenda distribution.
- 7.16.9 Where practicable, Council Officers may utilise online meeting functionality to provide information to the Council meeting rather than physically attending the meeting.

Status Report – Council and Committee Resolutions Update

- 7.16.10 A report will be provided monthly for noting, setting out the status of each resolution from Council meetings until the item is completed.

7.17. Questions Without Notice

Legislation – Regulation 9

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| <p>(3) <i>A member may ask a question without notice at a meeting.</i></p> <p>(4) <i>The presiding member may allow the reply to a question without notice to be given at the next meeting.</i></p> <p>(5) <i>A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.</i></p> <p>(6) <i>The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.</i></p> |
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- 7.17.1 To facilitate the efficiency of meetings, Members are encouraged to use the availability of the CEO or nominated delegates prior to the meetings to clarify issues of concern.
- 7.17.2 Questions Without Notice can be asked at a meeting and the Mayor has the discretion to accept the questions in accordance with Regulation 9(6).
- 7.17.3 If the question is accepted, the Mayor will make the determination to choose to answer the questions or refer them to the CEO (or delegate) for a response. Where an answer is not possible at the meeting, the questions may be taken “on notice” and a response provided by email to all Council Members within 14 days.
- 7.17.4 In accordance with Regulation 9(5) Questions Without Notice and the reply will not be included in the minutes unless the Council meeting resolves to do so.

7.18. Motions Without Notice

Legislation – Regulation 12

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| <p>(5) <i>Subject to the Act and these regulations, a Member may also bring forward any business by way of a motion without notice.</i></p> <p>(6) <i>The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.</i></p> <p>(7) <i>The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be)</i></p> |
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- 7.18.1 As they have not been foreshadowed to Members or the broader community and do not have an accompanying analysis (as do Motions On Notice and Administration Reports), it is not considered to be in the interests of good governance practice, and is a denial of natural justice, to consider Motions Without Notice other than those that meet the criteria set out in clause 3.18.2.

7.18.2 In general, Motions Without Notice should be restricted to:

- a. A request that a report on a particular topic be presented at a future meeting;
- b. A simple matter, requiring little information to be considered, and the impact of which on Council is deemed to be minor;
- c. A matter arising from an item before Council that has been considered in detail at that meeting, and where a Motion Without Notice is seen as the best way to resolve or progress the matter in a timely manner; and/or
- d. A matter of such urgency and importance that failure to consider it at the meeting would be likely to result in detriment to the Council or community.

7.18.3 Wherever practicable, Members wishing to move a Motion Without Notice (including a motion different from a report recommendation) are encouraged to make available a written copy of their motion to assist the Mayor in the conduct of the meeting and in the subsequent preparation of the minutes of the meeting.

7.18.4 Following the moving of a Motion Without Notice and prior to the seeking of a seconder, the Mayor will seek advice from the CEO or nominated delegate regarding the perceived implications of the motion.

7.18.5 The Mayor may refuse to accept the Motion Without Notice if, after taking into account the Guiding Principles (Regulation 4 and clause 1.2 of this Code), it is considered that the motion should be dealt with by way of a written Motion On Notice.

7.18.6 Any Motions Without Notice which, in the opinion of the Mayor, require action involving the expenditure of unbudgeted resources should be on the basis of a Motion On Notice.

7.19. Council Member Reports

7.19.1 At each ordinary Council meeting, Council Members may present a written or verbal report detailing those functions or activities on the business of Council.

7.19.2 Council Members are encouraged to submit their written reports seven (7) clear business days before the date of the meeting to enable the report to be incorporated into the Agenda.

7.19.3 Reports will be recorded in the minutes in summary form and will not include commentary on the activities or functions reported or the attendance of other Council Members or the personal details of residents/ratepayers.

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

7.20.1 At each Ordinary Council meeting, Members or Officers who are appointed as Council representatives on external organisations (e.g. regional subsidiaries) may provide a verbal or written report on their involvement in activities associated with that organisation.

7.20.2 Members and Officers are encouraged to submit their written reports seven (7) clear days before the date of the meeting to enable the report to be incorporated into the Agenda.

7.21. CEO Report

- 7.21.1 At each ordinary Council meeting, the CEO will present a verbal report detailing the status of key activities and initiatives and/or other items of importance which the CEO determines should be brought to the Council's attention. A brief record of the items raised will be noted in the minutes.

7.22. Reports of Committees

- 7.22.1 Committees will report to Council in accordance with the reporting requirements detailed in their respective terms of reference.
- 7.22.2 Council Committees will report to Council at the next Council meeting following the Committee meeting. The form of report will be by way of a verbal report from the Presiding Member (or other Member of the Committee should the Presiding Member not being present) in support of the minutes of the Committee meeting.
- 7.22.3 A copy of these minutes will be included in the Agenda of the next Council meeting. All recommendations from the Committee will be considered by Council in the form of an Administration Report.
- 3.22.3 Recommendations to Council arising from a Committee meeting will either be the subject of a separate Administration Report or consolidated in a report under this section accompanying the Committee minutes.

7.23. Confidential Items

- 7.23.1 Before Council orders that the public be excluded to enable the receipt, discussion and consideration of a particular matter, the meeting must, in public, formally determine if this is necessary and appropriate, and then pass a resolution to exclude the public while dealing with that particular matter.
- 7.23.2 This means that all members of the public (including staff), unless exempted by being named in the resolution as entitled to remain, will not be able to view or listen to the meeting proceedings. For the operation of section 90(2) of the Act a member of the public does not include a Member of Council.
- 7.23.3 Once discussion on that particular matter is concluded, the public will be permitted to re-enter the meeting. If there is a further matter that needs to be considered in confidence it is necessary to again undertake the formal determination process and to resolve to exclude the public as above.
- 7.23.4 Additional information of the use of the confidentiality provisions of the Act are contained in Council's *Code of Practice for Access to Council, Council Committee and Information or Briefing Sessions Meetings & Documents*.

8. OPERATING PROCEDURES – CONDUCT AT THE MEETING

8.1. Leave of the Meeting

Legislation – Regulation 3

(4) For the purposes of these regulations, a vote on whether leave of the meeting is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in relation to the vote)

8.2. Motions in General, Speaking to Motions and Rights of Reply

Legislation – Regulation 12

- (5) Subject to the Act and these regulations, a Member may also bring forward any business by way of a motion without notice.*
- (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.*
- (7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be)*
- (8) A motion will lapse if it is not seconded at the appropriate time.*
- (9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.*
- (10) A member may only speak once to a motion except-*
 - (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or*
 - (b) with leave of the meeting ; or*
 - (c) as the mover in reply.*
- (11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion*
- (21) Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.*

Seconding Speaking to a Motion

- 8.2.1 Regulation 12(9) is able to be varied at the discretion of Council and therefore Council has determined that the seconder has the option of reserving their right to speak to the motion at the time of seconding but if they choose to exercise this right it must be done prior to the mover in reply.
- 8.2.2 For clarity, where a Member seconds a motion and reserves their right to speak to it, they will not be considered to have spoken to the motion until they have exercised that right.

Questions Regarding a Motion

- 8.2.3 Council Members may ask questions of the Administration and/or other Members and answer questions directed to them regarding a motion for the purpose of clarification (but not debate) and this will not be considered as speaking to the motion. Members should ensure that it is clearly a question and not used as an opportunity to contribute to the debate.

Contributing to the debate

- 8.2.4 There is no legislative requirement for any or all Members to contribute to the debate (only to vote as per clause 4.7). In considering whether to contribute, particularly where there is a large agenda to be transacted, Members may wish to evaluate whether their contribution will facilitate a more informed and/or progressive debate. Further, Members are not required to advise whether they will/not support the motion as the voting process will reveal their intentions.

Prevention of inaccurate or misleading information during debates

- 8.2.5 If during the course of debate a Council Member or Officer becomes aware that the debate is predicated on incorrect/misleading information and could lead to any erroneous outcome (and may be a breach of the Behavioural Standards for Council Members), they may signal to the Mayor that they wish to advise the meeting to correct the record. It will be at the Mayor's discretion as to whether the Officer is to be heard.
- 8.2.6 If an opportunity to advise the meeting is granted, the Officer will limit their comments, to the best of their knowledge, the factual information related to the matter. For clarity, the Officer will take due care to ensure that they do not enter the debate.

Rights of Reply

- 8.2.7 Only the mover of the original motion will be granted the right to reply (this shall close the debate). This will occur after any or all amendments have been dealt with and immediately prior to the original motion or substantive motion being put to the meeting (i.e. immediately prior to the final vote).
- 8.2.8 The right of reply should be utilised to reinforce the rationale for moving the motion and to respond to issues raised in debate. Where possible, it should not be used to introduce new material into the debate.

8.3. Formal Motions

Legislation – Regulation 12

- (12) *A member who has not spoken in the debate on a question may move a formal motion.*
- (13) *A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).*
- (14) *If the formal motion is:-*
- (a) *that **the meeting proceed to the next business**, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or*
 - (b) *that **the question be put**, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or*
 - (c) *that **the question lie on the table**, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by*

- resolution (and, if so retrieved, debate is then resumed at the point of interruption); or*
- (d) that **the question be adjourned**, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or*
- (e) that **the meeting be adjourned**, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.*
- (15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).*
- (16) A formal motion does not constitute an amendment to a substantive motion.*
- (17) If a formal motion is lost-*
- (a) the meeting will be resumed at the point at which it was interrupted ; and*
- (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (i.e., a motion to the same effect) cannot be put until at least 1 member has spoken on the question.*
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.*
- (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.*

8.3.1 For clarity, a ‘question’ as referred to Regulation 12 (14)(b-d) is a motion that has been moved and seconded.

8.3.2 A formal motion “the question be adjourned” must include the reasons for the adjournment and the details of time and place for the resumption of the debate.

8.3.3 If a formal motion that ‘the question lie on the table’ or “the question or meeting be adjourned” as per Regulation 14(c), (d) and (e) is carried, the minutes shall record those that have spoken in the debate. This will ensure that the debate can recommence at the point of the interruption.

8.4. Amendments to Motions

Legislation – Regulation 12

(11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.

Legislation – Regulation 13

(1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.

(2) An amendment will lapse if it is not seconded at the appropriate time.

(3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.

(4) If an amendment is lost, only 1 further amendment may be moved to the original motion.

(5) If an amendment is carried, only 1 further amendment may be moved to the original motion.

(6) Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

- 8.4.1 The purpose of an amendment is to refine or modify the substantive motion but not to substantially change the intent of the motion or contradict it. The Mayor will not accept a proposed amendment that is direct negative of the motion.
- 8.4.2 For the avoidance of doubt, any Member (including the mover and seconder of the original motion and any other person who has spoken to the original motion at an earlier stage) is entitled to speak to the amendment and, in doing so, is not taken to have spoken to the original motion.
- 8.4.3 Members speaking in a debate on an amendment must confine their remarks to the amendment and not debate the substantive motion.
- 8.4.4 There is no right of reply to an amendment because it is not a motion. Likewise, no division can be called on an amendment because it is not a motion.

8.5. Variations

Legislation – Regulation 14

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.*
- (2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.*

- 8.5.1 The withdrawal of a motion does not preclude another motion on the same matter being moved. Variations, alterations or withdrawal of a motion will be minuted in accordance with Regulation 8(4)(d).

8.6. Addresses by Members

Legislation – Regulation 15

- (1) A member must not speak for longer than 5 minutes at any 1 time without leave of the meeting*
- (2) A member may, with leave of the meeting, raise a matter of urgency*
- (3) A member may, with leave of the meeting, make a personal explanation*
- (4) The subject matter of a personal explanation may not be debated*
- (5) The contribution of a member must be relevant to the subject matter of the debate*
- (6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.*

- 4.6.1 A personal explanation should:
- a) provide the Member's account of the reasons or factors regarding an event or situation in which they had an involvement, or
 - b) address a requirement of Council or satisfy a Council resolution.

The explanation will not, under any circumstances, either directly or indirectly, make imputations of improper motives or conduct, or contain personal opinions on

fellow Council Members, the Administration or members of the public; or be used for making statements regarding Council resolutions (except where the personal explanation is to satisfy clause (b) above).

- 4.6.2 If a Member making a personal explanation wishes that the full text of that Personal Explanation be included in the minutes, it may be included by resolution of the Council, if not, only a brief account shall be included.

8.7. Voting

Council Meetings

- 8.7.1 Voting in Council meetings is applied as follows:

Legislation – Regulation 16

- (1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.*
- (2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.*
- 3) A person who is not in his or her seat is not permitted to vote.*
- 4) Subregulation (3)—*
 - a) may be varied at the discretion of the council pursuant to regulation 6; and*
 - b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.*

- 8.7.2 Each Member present at the meeting of council, must, subject to the provisions of the Act to the contrary, vote on a question arising from that meeting [section 86(4)].
- 8.7.3 The Mayor, or another member presiding in the absence of the Mayor, at a meeting of council, does not have a deliberative vote on a question arising but has, in the event of an equality of votes, a casting vote [section 86(6)].
- 8.7.4 In most cases the requirement is a simple majority of the Members present and entitled to vote however there are provisions in both the Act and the Regulations that require either a two-thirds or an absolute majority of the Members of Council for resolutions on specified matters [section 84(5)].
- 8.7.5 A vote in relation to a question for decision before the Council may be taken a show of hands.
- 8.7.6 The Mayor, or any other Member, may ask the CEO to read out a motion or amendment before a vote is taken.
- 8.7.7 In relation to a Member participating in a Council meeting by electronic means, a member is not permitted to vote in circumstances where there has been a disconnection of the electronic means.

Appointments to Positions

- 8.7.8 Due to the potential implications of the Conflict of Interest provisions under s74 and

s75 regarding the appointment of Council Members to positions (particularly those with potential personal or pecuniary benefits), the Council should adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person for the positions.

8.7.9 As the Indicative Voting Process involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council, it is an Information or Briefing Session that is required to be open to the public under s90A(3) (see the *Information or Briefing Sessions Policy* (the Policy)). As an Information or Briefing Session that is required to be open to the public, the Chief Executive will conduct the meeting in accordance with the Policy.

8.7.10 The Indicative Voting Process is:

- a. The Mayor seeks a motion to adjourn the meeting for the purpose of conducting an Indicative Voting Process.
- b. Once the meeting is adjourned (and the Information or Briefing Session has commenced), the Chief Executive Officer calls for self-nominations for the position(s). If Council Officers or Independent Committee Members are eligible for appointment to the position, they can also self-nominate. If Council Officers are being put forward for consideration by the CEO this will be included in the report.
- c. If the number of nominees is equal to or less than the number of positions, no election will be required. If the number of nominees is greater, an election will be necessary.
- d. The CEO will appoint a Council Officer as the Returning Officer and may enlist other Council Officers to assist with the conduct of the vote and the count.
- e. The method of voting will be by secret ballot utilising the preferential counting system
- f. Each Council Member (including the Mayor) shall have one vote.
- g. Ballot papers will be provided to each Council Member
- h. The nominee's names will be drawn by the Returning Officer to determine the order on the ballot paper.
- i. Each Member will write the nominee's names on the ballot paper in the order they are drawn.
- j. Each nominee will have two (2) minutes to speak to the Information or Briefing Session in support of their candidacy. The speaking order will be as listed on the ballot paper.
- k. Members will cast their votes and the completed ballot papers will be collected by the Returning Officer and the count will be undertaken in a separate room with an observer [another Council Member (not being a nominee for the position being determined) or an Officer] present.
- l. In the event of a tie, the result will be decided by the Returning Officer drawing lots, the candidate first drawn being the candidate excluded.
- m. After all votes have been counted, the Returning Officer shall return to the Gathering and publicly declare the result of the election (i.e. the preferred person).
- n. The ballot papers will be shredded.
- o. With the conclusion of the Indicative Voting Process, the Council meeting will resume in accordance with the adjournment resolution.

- p. Upon resumption, any Council Members who nominated for the positions would be advised to consider their obligations under s75B or s75C of the Act (as applicable).
- q. Council can then consider a motion for the preferred person to be appointed to the position(s)

8.8. Divisions

Legislation – Regulation 17
<p><i>(1) A division will be taken at the request of a member.</i></p> <p><i>(2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.</i></p> <p><i>(3) The division will be taken as follows:</i></p> <ul style="list-style-type: none"> <i>(a) subject to subregulation (3a), the members voting in the affirmative will, until the vote is recorded, stand in their places;</i> <i>(b) subject to subregulation (3a), the members voting in the negative will, until the vote is recorded, sit in their seats;</i> <i>(c) the presiding member will count the number of votes and then declare the outcome.</i> <p><i>(3a) Where a member is participating in a meeting by electronic means which has audio only, the member will provide a verbal indication of voting in the affirmative or voting in the negative.</i></p> <p><i>(4) The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).</i></p> <p><i>(5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6</i></p>

8.9. Tabling of Information

Legislation – Regulation 18
<p><i>(1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).</i></p> <p><i>(2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.</i></p>

- 8.9.1 A record of any request for documents tabled at the meeting and a record of any documents tabled at the meeting must be made in the minutes of the meeting.
- 8.9.2 If the tabling of documents is crucial to the consideration of the matter and the documents are not able to be tabled in an expeditious manner, the meeting may consider a formal motion to adjourn the question.

8.10. Short-Term Suspension of Proceedings

Legislation – Regulation 20

- (1) *If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.*
- (2) *The Guiding Principles must be taken into account when considering whether to act under subregulation (1).*
- (3) *If a suspension occurs under subregulation (1)—*
 - (a) *a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and*
 - (b) *the meeting may proceed provided that a quorum is maintained but, during the period of suspension—*
 - (i) *the provisions of the Act must continue to be observed; and*
 - (ii) *no act or discussion will have any status or significance under the provisions which have been suspended; and*
 - (iii) *no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and*
 - (c) *the period of suspension should be limited to achieving the purpose for which it was declared; and*
 - (d) *the period of suspension will come to an end if—*
 - (i) *the presiding member determines that the period should be brought to an end; or*
 - (ii) *at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.*

- 8.10.1 Use of a short term suspension can be useful when Members could benefit from some informal sharing of ideas, opinions without the constraints of speaking to motions.

8.11. Points of Order

Legislation – Regulation 28

- (1) *The presiding member may call to order a member who is in breach of the Act or these regulations*
- (2) *A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach*
- (3) *A point of order takes precedence over all other business until determined*
- (4) *The presiding member will rule on a point of order*
- (5) *If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately*
- (6) *The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put*

- (7) *A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with –*
- (a) *the ruling has no effect; and*
 - (b) *the point of order is annulled*

8.11.1 Points of order are not recorded in the minutes. The only entry in the minutes in relation to a point of order would be to record the process of a motion to disagree with a ruling by the Mayor.

8.12. Exclusion of member from meeting by Presiding Member

Legislation – Regulation 28A
<ul style="list-style-type: none"> (1) <i>For the purposes of section 86(6b) of the Act, before giving a direction under that subsection, the presiding member must allow the member to make a personal explanation.</i> (2) <i>If a member is excluded from a meeting for a contravention of section 86(6a) of the Act, action cannot be taken under regulation 29 in respect of the contravention.</i> (3) <i>A member will not be taken to contravene section 86(6a) of the Act merely because the member is—</i> <ul style="list-style-type: none"> (a) <i>objecting to words used by a member who is speaking; or</i> (b) <i>calling attention to a point of order; or</i> (c) <i>calling attention to want of a quorum.</i> (4) <i>For the purposes of section 86(6e) of the Act, if a member the subject of a direction excluding them from a meeting under section 86(6b) of the Act refuses to comply with the direction or enters the meeting in contravention of the direction, the remaining members at the meeting may, by resolution—</i> <ul style="list-style-type: none"> (a) <i>censure the member; or</i> (b) <i>suspend the member for a part, or for the remainder, of the meeting.</i>

8.12.1 For clarity regulation 28A (1) is entirely at the Presiding Members discretion.

8.12.2 Section 86(6b) provides that any suspension resolved by the Council in accordance with Regulation 28A will be for a period not exceeding 15 minutes as determined by the presiding member. Further, a matter must not be put to the vote while a member is suspended [section 68(6d)].

8.12.3 The suspended member must for the duration of the suspension, leave the meeting room (including any area set aside for the public) such that the member cannot view or hear and discussion at the meeting [section 86(6b)].

8.13. Interruption of Meetings by Members

Legislation – Regulation 29	
(1)	<i>A member of a council or council committee must not, while at a meeting</i>
	<i>(a) behave in an improper or disorderly manner or</i>
	<i>(b) cause an interruption or interrupt another member who is speaking</i>
(2)	<i>Subregulation (1)(b) does not apply to a member who is –</i>
	<i>(a) objecting to words used by a member who is speaking or</i>
	<i>(b) calling attention to a point of order or</i>
	<i>(c) calling attention to want of a quorum</i>
(3)	<i>If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation</i>
(4)	<i>Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting</i>
(5)	<i>If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution –</i>
	<i>(a) censure the member or</i>
	<i>(b) suspend the member for a part, or for the remainder, of the meeting</i>
(6)	<i>A member who –</i>
	<i>(a) refuses to leave a meeting in contravention of subregulation (4) or</i>
	<i>(b) enters a meeting in contravention of a suspension under subregulation (5)</i>
	<i>is guilty of an offence.</i>

4.12.1 Offences under Regulation 29 carry a financial penalty of \$1,250.

4.12.2 In contrast to Regulation 28A(1) above Regulation 29 (5) requires a resolution of Council

8.14. Interruption of Meetings by Others

Legislation – Regulation 30	
<i>A member of the public who is present at a meeting of a council or council committee must not –</i>	
	<i>(a) behave in a disorderly manner or</i>
	<i>(b) cause an interruption</i>

4.13.1 Offences under Regulation 30 carry a financial penalty of \$500.

8.15. Meeting Protocols

Mobile Phones/Pagers

4.14.1 Mobile phones/pagers should be switched off or silent during Council meetings unless prior approval is granted by the Mayor for the phone/pager to remain active.

Speaking during meetings

4.14.2 Council Members and Council Officers will raise their hand and wait to be invited to speak by the Mayor prior to addressing the Council.

4.14.3 Upon being invited to speak, the Member or Officer will lower their hand, unmute their microphone for the duration of their speech and will mute their microphone when concluded.

4.14.4 When addressing Council, the Member or Officer will speak 'through the chair' (e.g. 'through your Worship').

Forms of Address

4.14.5 The Mayor shall be addressed as Your Worship or Mayor.

4.14.6 Councillors should be referred to as 'Councillor' followed by their surname.

4.14.7 Council Officers should be referred to by the relevant prefix followed by their surname or by their position title (i.e. CEO, Director Community Capacity).

Interaction with the Gallery

4.14.8 The Mayor may speak to members of the Gallery for the purposes of welcoming attendees, arranging Deputies and Public Forum speakers and providing other information related to the functioning of the meeting.

4.14.9 Councillors must not speak to members of the Gallery during the meeting or accept notes from those present in the Gallery. The only exception is when Members of the Gallery are making a Deputation or speaking in the Public Forum.

4.14.10 Council Officers should also minimise discussion with members of the Gallery during the meeting other than to provide guidance regarding meeting logistics.

9. OPERATING PROCEDURES – RECORDING/BROADCASTING OF THE MEETING

9.1. Recording of Meetings

9.1.1 Council meetings will be recorded using the electronic meeting software (i.e. audio and visual).

9.1.2 As a general rule, the recordings will be captured by the Administration of open Council meetings to be used for the purpose of:

- a. assisting in the preparation of minutes
- b. ensuring decisions are accurately recorded
- c. verifying the accuracy of minutes prior to their confirmation.

9.1.3 Recordings will be managed in accordance with the provisions of the *State Records Act 1997*, *Surveillance Devices Act 2016* and the *Freedom of Information Act 1991* (FOI Act).

9.1.4 The recording is an internal working document and is not the official record of the meeting. The official record of the meeting is the meeting minutes which require confirmation by resolution and are signed by the Mayor.

9.1.5 In the absence of any technical difficulties, recordings of Council meetings [with any provisions subject to s90(3) redacted] will be placed on the Council website to coincide with the publication of the Council minutes.

9.2. Livestreaming/broadcasting of Meetings

- 9.2.1 Council meetings will be livestreamed/broadcast using the electronic meeting software (i.e. audio and visual) into social media channels and/or Council's website as determined by the Chief Executive Officer.
- 9.2.2 Details of the livestream/broadcast will be included on the Council website to enable members of the public to observe the meeting. The livestream/broadcast settings will not allow the public to participate in the meeting, other than by deputation.
- 9.2.3 Further information on the public access to Council Meetings can be found in the *Code of Practice for Access to Council, Council Committee and Information or Briefing Session Meetings & Documents*.

9.3. Minutes of Meetings

- 9.3.1 In accordance with section 91 of the *Local Government Act 1999*, the CEO must ensure that minutes are kept of the proceedings at every meeting of Council.
- 9.3.2 If the CEO is excluded from a meeting, the Mayor must ensure the minutes are kept.
- 9.3.3 Each Member of the Council must, within five (5) days after a meeting of a Council, be supplied with a copy of all minutes of the proceedings of the meeting.
- 9.3.4 Minutes of all Council meetings will be posted on Council's website as soon as practicable after they are completed.
- 9.3.5 More information of public access to Council documents is contained in the *Code of Practice for Access to Council, Council Committee and Information or Briefing Session Meetings & Documents*.

Legislation – Regulation 8
<p>(1) <i>The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.</i></p> <p>(2) <i>No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.</i></p> <p>(3) <i>On the confirmation of the minutes, the presiding member will -</i></p> <ul style="list-style-type: none"> (a) <i>initial each page of the minutes, which pages are to be consecutively numbered; and</i> (b) <i>place his or her signature and the date of confirmation at the foot of the last page of the minutes.</i> <p>(3a) <i>For the purposes of subregulation (3), the presiding member may initial or sign the minutes in hardcopy or electronically.</i></p> <p>(4) <i>The minutes of the proceedings of a meeting must include –</i></p> <ul style="list-style-type: none"> (a) <i>the names of the members present at the meeting; and</i> (b) <i>in relation to each member present -</i> <ul style="list-style-type: none"> (i) <i>the time at which the person entered or left the meeting; and</i>

- (ii) *unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and*
- (c) *each motion or amendment, and the names of the mover and seconder; and*
- (d) *any variation, alteration or withdrawal of a motion or amendment; and*
- (e) *whether a motion or amendment is carried or lost; and*
- (f) *any disclosure of interest made by a member; and*
- (g) *an account of any personal explanation given by a member; and*
- (h) *details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and*
- (i) *a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and*
- (j) *details of any adjournment of business; and*
- (k) *a record of any request for documents to be tabled at the meeting; and*
- (l) *a record of any documents tabled at the meeting; and*
- (m) *a description of any oral briefing given to the meeting on a matter of council business; and*
- (n) *any other matter required to be included in the minutes by or under the Act or any regulation.*

9.3.6 As the minutes are a reflection of decisions made by meeting as a whole, minutes of the meeting do not record (with the exception of a Division in accordance with Regulation 17 and as required under section 75B – *Dealing with general conflicts of interest*) the manner in which the Member voted and the manner in which the majority of persons who were entitled to vote at the meeting voted on the matter

9.3.7 Minutes will also not record or reflect specifics of debate of an item.

10. ADMINISTRATIVE ARRANGEMENTS

10.1. Availability of the Code

10.1.1 This Code is available via the Council's website www.ahc.sa.gov.au.

10.2. Delegation

10.2.1 The CEO has the delegation to:

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

APPENDIX A - AGENDA TEMPLATE FOR ORDINARY COUNCIL MEETINGS

- 1. COMMENCEMENT**
- 2. OPENING STATEMENT**
- 3. APOLOGIES/LEAVE OF ABSENCE**
 - 3.1. Apology**
 - 3.2. Leave of Absence**
 - 3.3. Absent**
- 4. MINUTES OF PREVIOUS MEETINGS**
- 5. DECLARATION OF INTEREST BY MEMBERS**
- 6. MAYOR'S OPENING REMARKS**
- 7. QUESTIONS ADJOURNED/LYING ON THE TABLE**
 - 7.1. Questions Adjourned**
 - 7.2. Questions Lying on the Table**
- 8. PETITIONS / DEPUTATIONS / PUBLIC FORUM**
 - 8.1. Petitions**
 - 8.2. Deputations**
 - 8.3. Public Forum**
- 9. PRESENTATIONS**
- 10. QUESTIONS ON NOTICE**
- 11. MOTIONS ON NOTICE**
- 12. ADMINISTRATION REPORTS – DECISION ITEMS**
- 13. ADMINISTRATION REPORTS – INFORMATION ITEMS**
- 14. QUESTIONS WITHOUT NOTICE**
- 15. MOTIONS WITHOUT NOTICE**
- 16. REPORTS**
 - 16.1. Council Member Reports**
 - 16.2. Reports of Members/Officers as Council Representatives on External Organisations**
 - 16.3. CEO Report**
- 17. REPORTS OF COMMITTEES**
- 18. CONFIDENTIAL ITEMS**
- 19. NEXT MEETING**
- 20. CLOSE MEETING**

APPENDIX B – MOTION ON NOTICE TEMPLATE

ADELAIDE HILLS COUNCIL ORDINARY COUNCIL MEETING <day> <date> AGENDA BUSINESS ITEM

Item: 12.1 Motion on Notice

Originating from:

Subject:

1. MOTION

I move... <body of motion>

2. BACKGROUND

3. OFFICER'S RESPONSE – Officer Name, Position

ANALYSIS

- Strategic Management Plan/ Functional Strategy/Council Policy Alignment
- Legal Implications
- Risk Management Implications
- Financial and Resource Implications
- Customer Service and Community/Cultural Implications
- Sustainability Implications
- Engagement/Consultation conducted in the development of the report
- Other Matters

APPENDIX C – ADMINISTRATION REPORT TEMPLATE

ADELAIDE HILLS COUNCIL ORDINARY COUNCIL MEETING <day> <date> AGENDA BUSINESS ITEM

Item: 12.

Responsible Officer:

Subject:

For: Decision/Information

SUMMARY

RECOMMENDATION

That Council resolves:

1. To receive and note the report
 - 2.
-

1. BACKGROUND

2. ANALYSIS

- Strategic Management Plan/ Functional Strategy/Council Policy Alignment
- Legal Implications
- Risk Management Implications
- Financial and Resource Implications
- Customer Service and Community/Cultural Implications
- Sustainability Implications
- Engagement/Consultation conducted in the development of the report
- Other Matters

3. OPTIONS

4. APPENDICES

Appendix 2

*Table of feedback provided during consultation and
administration response.*

Table of feedback received during consultation and administration response

Clause	Feedback	Administration Response
2.14	By not accepting stress leave due to Council business, officers are contravening this clause.	Not adopted - Leave of Absence will be addressed in stage 2 of the Code review
2.2.2	Tracked Changes - explicitly identify some of the behaviour that we want to not occur	Adopted - Tracked changes have been added to the document.
2.3.3	Tracked Changes-explicitly identify some of the behaviour that we want to not occur	Adopted - Tracked changes have been added to the document.
2.3.3	There is nothing here about bystander accountability. If you see something and do nothing you are as guilty as the perpetrator. Considering this would allow for a cultural change I believe the Chamber could really benefit from.	<p>Addressed/Adopted – This is addressed via point 2.3.3 d. “Take reasonable care that their actions or <i>inactions</i> do not negatively affect the health and safety of other persons attending the meeting. Inaction covers bystanders.” (emphasis added)</p> <p>Additional clause also added at 2.03 - “Adelaide Hills Council does not accept unsafe behaviour and encourages everyone to address safety concerns, including speaking out if they personally experience or witness unsafe behaviour”</p>
2.3.3 (c)	I'm not clear how this is able to be enacted when 'officers' are determining what actions people are allowed to take. my experience is that when steps are taken to protect one's psychosocial safety,	<p>Not adopted</p> <p>There is a legislative duty to take reasonable care for your own health and safety</p>

	administration have rejected them. You can't change policy, but perhaps you can change practice or stigmatising behaviour?	
2.4.3	There is nothing in the LG Act which stipulates staff must respect the Chamber or EMs, however it would be good if we could include that. Our role in Governance is important and should be respected too.	Addressed in point d – “Council workers must.... take reasonable care that their actions or inactions do not negatively affect the health and safety of other persons attending the meeting, including not using threatening, abusive, insulting, intimidating or bullying language or behaviour to other persons.” This includes elected members
3.1.4	Track Changes “I think that it is important that Council Members notify the Administration of any risks in this area e.g. threats to disrupt meetings. I am pretty sure than some of our Elected Members have been aware of previous disruptions before they happened.”	Adopted - Tracked changes have been added to the document.
3.1.6	What does that look like and will we get training on it?	Addressed - The assessment tool itself will remain confidential due to security concerns. Additions made in tracked changes to 3.1.6 to include more examples on what this will look like. Once the Code has been endorsed by Council – training will be provided which will include risk assessment and hazard controls.
3.2.2 (d)	My biggest concern with this isolating and ostracising the victim	Addressed/adopted –

	<p>rather than addressing the bully. This is stigmatising behaviour and prevents an EM from enacting their duties which is a democratic and human right. I see this clause as a violation of those principles.</p>	<p>The legislation specifically provides for a direction to not attend a meeting</p> <p>Clarification has been provided in track changes that a direction to not attend a meeting is a last resort measure</p>
3.2.3	<p>To avoid the violations I have raised in the previous comment I would suggest referencing the bully so as to not look like you are stigmatising the victim.</p>	<p>Not adopted</p> <p>See comments above.</p> <p>The policy has avoided the terms ‘bully’ and ‘victim’. This language can be unclear. Often a complainant is the ‘victim’ but with a vexatious complaint they may be the “bully”.</p> <p>Policy has focused on WHS as the guiding principle.</p>
3.2.4	<p>Raising a complaint can be traumatic and incur legal fees. This process also means you are not accepting someone's psychosocial safety as a priority but instead risk them being exploited in the process. You need a better trauma informed conflict resolution.</p> <p>Should this read “raised under the Behaviour Management Policy”. I am not sure whether a compliant should be forced to go directly to the</p>	<p>Not adopted</p> <p>Section 3.2.4 refers to the legal obligation of referring a direction to not attend a meeting to the BSP.</p> <p>This allows the BSP to provide oversight to Council’s issuing the serious direction to not attend a meeting.</p>

	panel when there might be an opportunity to resolve before this stage. I think it is conceivable that a order to not attend a meeting may be given and the complain may be of minor enough to be resolved before the panel.	
3.2.5	What if the CEO has a conflict of interest or relationship with the offender? Need an alternative in here for psychosocial safety.	<p>Addressed - Have added "or delegate" after "CEO".</p> <p>Clause 3.2.5 refers to 3.2.7 which provides " If the work, health and safety concerns relates to the Chief Executive Officer or they have a conflict of interest in the matter, the matter should be raised with a member of the Executive Leadership Team."</p>
3.2.7	But they end up consulting with the CEO. You should have a clearer path of confidentiality and process spelt out here.	<p>Addressed</p> <p>Clause 2.0.4 about confidentiality added to address this concern</p>
3.3.1	The CEO is not responsible for psychosocial safety under the Act, the Mayor is. This is incorrect.	<p>Not adopted</p> <p>3.3 relates to health and safety of staff (have added track change to clarify this)</p> <p>As this clause relates to the health and safety of workers as it may be affected by Council Members, under the Act the CEO is the responsible person (s75G(2)(a))</p> <p>The Maoir is the responsible person when it is an elected member's health and safety being impacted. (s75G(2)(c))</p>

3.3.3	I would suggest getting LGA advise on this. I believe this oversteps the powers of the Mayor and the CEO is not the reasonable person for this	As above.
3.3.3 and 3.3.4	Same comments as before, stigmatising and violation of democratic and human rights.	Not adopted 3.3.3 and 3.3.4 relate the a direction to not attend a meeting. See comments on 2.2.2(d) – this is provided for in the legislation
3.3.4	As per the rationale above, should this read “raised under the Behaviour Management Policy” instead.	Not adopted See response to 3.2.4 – this is a legal obligation
3.4.1	Track Changes - To cover very late advice or situations where a member of the public does not have ready access to email.	Adopted Tracked changes accepted to add phone number
5.1.1	outside of would be a better term than after, it opens more scope of when.	Not adopted. The policy is structured as ‘before’, ‘during’ and ‘after’ the meeting. ‘Outside’ may be confused with physically outside the meeting room
5.2.1	Never seen these policies - do we get to?	Addressed The Council Members Work Health and Safety Policy is the applicable policy for Council Members and the draft was circulated for the 18 March workshop.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 8 April 2025
AGENDA BUSINESS ITEM**

Item: 12.5.

Responsible Officer: Zoë Gill
Executive Governance Officer
Office of the CEO

Subject: Behavioural Standards Panel Contact Officer

For: Decision

SUMMARY

This report presents an amended *Behavioural Management Policy* to designate the CEO, or their delegate, as the Behavioural Standards Panel (BSP) Contact Officer. The revised policy also requires the BSP Contact Officer to consider any potential conflicts of interest in each matter and delegate the responsibility to an appropriate person (their delegate) where necessary. These changes will ensure clear, efficient, and accountable communication between Council and the BSP.

The Contact Officer is *not* a decision-making role, but rather, is responsible for administrative functions such as responding to requests for information from the BSP. The key decision-making role in regards to complaints about elected members is the ‘person responsible for managing the complaint’, who is usually the Deputy Mayor.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. To appoint the CEO, or their delegate, as the Behavioural Standards Panel Contact Officer and to amend the *Behavioural Management Policy* accordingly.
 3. With an effective date of 9 April 2025, to revoke the current *Behavioural Management Policy* and to adopt the revised *Behavioural Management Policy* as per Appendix 1.
 4. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the *Behavioural Management Policy*.
-

1. BACKGROUND

On 28 January 2025, Council resolved as follows:

19.2.1 Motion on Notice – Behavioural Matter – Cr Nathan Daniell – Confidential Item

Moved Cr Mark Osterstock
S/- Cr Chris Grant

28/25

Council resolves:

1. Notes that Mayor Wisdom has been referred to the Behavioural Standards Panel for misbehaviour.
2. Notes that Council has not appointed a Behavioural Standards Panel Contact Officer under the *Behavioural Management Policy*.
3. Appoints the Executive Governance Officer (and any person acting in the role) as the Behavioural Standards Panel Contact Officer under the Behavioural Management Policy for the purposes of providing and receiving information in relation to the referral of Mayor Wisdom to the Behavioural Standards Panel.
4. Require the administration to report to Council by the end of March 2025 on permanently appointing a Behavioural Standards Panel Contact Officer under the Behavioural Management Policy.

Carried Unanimously

In accordance with point 4 of the above resolution, a revised *Behavioural management policy* has been drafted for Council's consideration. The revised policy stipulates that the CEO, or their delegate, will serve as the BSP Contact Officer. For specific amendments, see the "Additional Analysis" section below and **Appendix 1** (amendments in track changes).

2. ANALYSIS

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

Strategic Plan 2024 – Your Place, Your Space

Goal 4 Organisation

Objective 02 Operate with integrity using best practice governance processes.

Priority 02.4 Review and renew protocols for communication and work between the administration and elected body.

➤ **Legal Implications**

Section 262B of the *Local Government Act 1999* (the Act) requires Councils to adopt a Behavioural Management Policy, outlining how behaviour complaints will be managed in alignment with the legislative framework.

Section 262F of the Act establishes the BSP. Under s262N the BSP may publish practice directions. Practice Direction 3 – Inquiry Process refers to "the person authorised by the council to produce certain documents or records". Currently Council has not authorised a person to produce documents and records to the BSP.

There are no identified legal implications arising from the proposed amendments.

➤ **Risk Management Implications**

The amendments will assist to mitigate the risk of:

Poor governance practices leading to a loss of stakeholder confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (SC)	Low (3E)	Low

➤ **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**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable
Council Workshops: Not Applicable
Advisory Groups: Not Applicable
External Agencies: Not Applicable
Community: Not Applicable

➤ **Additional Analysis**

The BSP plays a critical role in ensuring the integrity and accountability of council members. As an independent statutory authority, the BSP has broad powers to impose sanctions where breaches of behavioural standards occur.

Efficient and structured communication between the Council and the BSP is essential to ensure timely and effective complaint resolution. The BSP's Practice Direction 3 – Inquiry Process refers to "the person authorised by the council to produce certain documents or records".

Currently, the *Behavioural Management Policy* does not prescribe a specific role within the council administration for the BSP Contact Officer. This omission creates uncertainty regarding responsibility and accountability for managing communication with the BSP.

It should be noted that the BSP Contact Officer role is not a decision-making role. The decision-making role within the policy is the person responsible for managing the complaint, who is usually the Deputy Mayor.

Clause 5 of the current policy (highlighted section) refers to the BSP Contact Officer is as follows:

5. Responsibilities

The Deputy Mayor, or the person responsible for managing complaints is responsible under this Policy to:

- Perform the tasks bestowed upon the person responsible for dealing with a complaint pursuant to this Policy
- In consultation with the CEO, facilitate access to resources to support impacted parties and resolve the concerns raised in a timely manner prior to the matter becoming serious, or escalating to a formal complaint.
- In consultation with the CEO, engage external resources to assist with investigation and resolution of matters.

The CEO (or delegate) is responsible under this Policy to:

- manage the administrative receipt, acknowledgement, record keeping and allocation of a complaint lodged in accordance with this Policy
- facilitate access to external resources to support the resolution of complaints lodged in accordance with this Policy.

The Behavioural Standards Panel Contact Officer (appointed by the council) is responsible under this Policy to:

- comply with any lawful request of the Panel for information related to a matter under consideration.
- receive and respond to notices relating to matters under consideration by the Panel.

Where the Behavioural Standards Panel Contact Officer is not the CEO, the Contact Officer should keep the CEO informed of the status of matters under consideration by the Panel.

The proposed amendment (to highlighted section of clause 5) is as follows:

The Behavioural Standards Panel Contact Officer (the CEO or their delegate) is responsible under this Policy to:

- *comply with any lawful request of the Panel for information related to a matter under consideration*
- *receive and respond to notices relating to matters under consideration by the Panel*
- *consider any potential conflicts of interest for each matter, and where necessary, delegate the responsibility to an appropriate person, in accordance with this Policy.*

Where the Behavioural Standards Panel Contact Officer is not the CEO, they should keep the CEO informed of the status of matters under consideration by the Panel.

By formally designating the CEO, or their delegate, as the Contact Officer, the Council will:

- enhance procedural clarity by ensuring a designated officer is responsible for all correspondence with the BSP
- provides consistency within the policy

- ensures consistency and compliance with the legislative framework by having a clear point of contact.

This amendment will ensure effective implementation of the Behavioural Management Policy while reinforcing the Council's commitment to accountability and proper conduct management.

3. OPTIONS

Council has the following options:

- I. To receive and note the report and appoint the CEO, or their delegate, as the Behavioural Standards Panel Contact Officer under the *Behavioural Management Policy* and to amend the *Behavioural Management Policy* accordingly. (Recommended)
- II. To receive and note the report and not amend the *Behavioural Management Policy*. (Not Recommended)

4. APPENDICES

- (1) The *Behavioural Management Policy* with proposed amendments in track changes

Appendix 1


*The Behavioural Management Policy with proposed
amendments in track changes*

Council Policy

Behavioural Management



COUNCIL POLICY

 Adelaide Hills COUNCIL	BEHAVIOURAL MANAGEMENT
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Policy Number:	CM -01
Responsible Department(s):	Governance & Performance
Relevant Delegations:	As per the Delegations Register and as detailed in this Policy
Other Relevant Policies:	Nil
Relevant Procedure(s):	Nil
Relevant Legislation:	Local Government Act 1999
Policies and Procedures Superseded by this policy on its Adoption:	<i>Council Member Conduct Policy</i>
Adoption Authority:	Council
Date of Adoption:	As per Government Gazette No.79, 17 November 2022
Effective From:	4 March 2025
Minute Reference for Adoption:	25 February 2025 Res 77/25
Next Review:	At the end of the Council term (November 2026) or as required by legislation or changed circumstances.

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
1.0	17/11/22	Mandated policy as gazetted on 17 November 2022	Council - Res 317/22
2.0	25/02/25	Replacement of “Mayor” with “Deputy Mayor” and other minor changes in clauses 4.1, 4.4, and 5, as per the requirements of resolution 430/24.	Council – Res 77/25
3.0	25/03/25	Amendment of Section 5 (Responsibilities) of the policy to specify the Behavioural Standards Panel Contact Officer.	Council – Res XX/25

BEHAVIOURAL MANAGEMENT POLICY

1. Purpose

This Policy has been prepared and adopted pursuant to section 262B of the *Local Government Act 1999* (the Local Government Act).

This *Behavioural Management Policy* forms part of the Behavioural Management Framework for council members and sets out the approach to the management of complaints about the behaviour of council members. It sets out the process to be adopted where there has been an alleged breach of the *Behavioural Standards for Council Members*, this *Behavioural Management Policy* and/or any *Behavioural Support Policy* adopted by the Council (the **behavioural requirements**).

2. Glossary

Behavioural Management Framework – comprises four components:

- The legislative framework within which all council members must operate;
- The *Behavioural Standards for Council Members*, determined by the Minister for Local Government, which apply to all council members in South Australia;
- The mandatory *Behavioural Management Policy* (this document) relating to the management of behaviour of council members and adopted pursuant to section 262B of the Local Government Act;
- Optional *Behavioural Support Policy* (or policies) designed to support appropriate behaviour by council members and adopted pursuant to section 75F of the Local Government Act.

behavioural requirements – in this document refers collectively and individually to the *Behavioural Standards for Council Members*, the *Behavioural Management Policy* and any *Behavioural Support Policies* adopted by the Council.

Behavioural Standards for Council Members – established by the Minister for Local Government, and published as a notice in the SA Government Gazette, specifying standards of behaviour to be observed by members of councils; and providing for any other matter relating to behaviour of members of councils.

frivolous – includes without limitation, a matter of little weight or importance, or lacking in seriousness.

misbehaviour – is defined in section 262E of the *Local Government Act 1999* as:

- a) A failure by a member of a council to comply with a requirement of the council under section 262C(1); or
- b) A failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or
- c) A failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1

person responsible for managing the complaint means, subject to any resolution of the Council to the contrary –

- a) the Deputy Mayor;
- b) if the complaint relates to or involves the Deputy Mayor:
 - i. an elected member selected by the CEO, taking into account perceived conflicts of interest, apprehended bias, and other matters;
 - ii. Should it not be appropriate for the CEO to select an elected member (such as if they have a conflict of interest), an elected member selected by the Executive Governance Officer, taking into account perceived conflicts of interest, apprehended bias, and other matters
- c) .

repeated misbehaviour – is defined in section 262E of the *Local Government Act 1999* as a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2 (Ch 5-Members of council, Pt 4-Member integrity and behaviour, Div 2-Member behaviour)

serious misbehaviour – is defined in section 262E of the *Local Government Act 1999* as a failure by a member of a council to comply with section 75G (Health and safety duties)

trivial – includes without limitation, a matter of little worth or importance; that is trifling; or insignificant.

vexatious – includes a matter raised without reasonable grounds or for the predominate purpose of causing annoyance, delay or detriment, or achieve another wrongful purpose

3. Principles

Nothing in this Policy is intended to prevent council members from seeking to resolve disputes and complaints in a proactive, positive and courteous manner before they are escalated.

The following principles will apply:

- Where a council member considers there has been behaviour that is inconsistent with the **behavioural requirements**, a council member may, in appropriate circumstances, seek to respectfully and constructively raise this issue with the member concerned, without the need to lodge a complaint under this Policy;
- If a matter proceeds to a complaint, all council members will continue to comply with the procedures set out in this Policy and support the person responsible for managing the complaint;
- a consistent approach to the assessment, investigation and resolution of complaints will be adopted to facilitate timely and efficient resolution and minimisation of costs;
- Where required, Council may engage the assistance of skilled advisors and support persons in the assessment, investigation and resolution of complaints and avoid adopting an unreasonably legalistic approach.
- ongoing training and relevant resources will be provided to all council members to ensure they have the skills and knowledge necessary to perform their role in accordance with the **behavioural requirements** and the *Local Government Act 1999*.
- Training and relevant support will be provided to persons with specific obligations under this Policy to facilitate the management, reporting and resolution of complaints alleging a breach of the **behavioural requirements**.

Council will manage complaints under this Policy with as little formality and technicality and with as much expedition as the requirements of the matter and the Local Government Act allow and with proper consideration of the matter. Council is not bound by rules of evidence but will inform itself in the manner considered most appropriate given the nature of the complaint.

4. The Complaint Management Process

This Policy sets out the procedures for dealing with an allegation of a breach of the **behavioural requirements** applying to council members. These procedures do not apply to complaints about council employees or the council as a whole.

A complaint made in accordance with this Policy must be lodged within 6 months of the behaviour that is inconsistent with the **behavioural requirements** occurring. A decision may be made to accept a complaint lodged more than 6 months after the behaviour that is inconsistent with the **behavioural requirements** occurring on a case-by-case basis, at the discretion of the person responsible for managing the complaint.

Community members can lodge a complaint with the Council in accordance with this Policy but cannot lodge a complaint directly with the Behavioural Standards Panel.

4.1. Dispute versus Complaint

It is important to distinguish between a dispute and a complaint. A dispute is generally a difference of opinion or disagreement between two parties. It may involve a heated discussion or some other unsatisfactory exchange between parties but may not amount to conduct inconsistent with the **behavioural requirements**. Ideally disputes will be handled directly by the parties involved and will not escalate to a complaint requiring action (even informal action) under this Policy. The Deputy Mayor (or another person) may play a role in facilitating a resolution to a dispute.

This Policy is intended to deal with matters where conduct is alleged to have been inconsistent with the behavioural requirements, rather than where members of council have differences of opinion, even when robustly put.

4.2. Confidentiality

Complaints made in accordance with this Policy will be managed on a confidential basis until such a time as they are required to be reported to Council in a public meeting in accordance with this Policy or are otherwise lawfully made public or disclosed.

Access to information relating to complaints and information about complaints will be limited to parties to the complaint and individuals with a responsibility within the complaint handling process or as otherwise provided for within this Policy¹.

A person who has access to information about a complaint (including the complainant and the person complained about) must not directly, or indirectly disclose to any person (including to a council member) that information except:

- For the purpose of dealing with the complaint
- Where required by law
- For the purpose of obtaining legal advice or legal representation, or medical or psychological assistance from a medical practitioner, psychologist or counsellor
- Where the disclosure is made to an external party, investigating the complaint, or mediator/ conciliator engaged in accordance with this Policy

¹ There are circumstances in the *Work Health and Safety Act 2012* where information must be disclosed, for example where the health and safety of an employee is at risk.

- Where the information has been made public in accordance with this Policy or this Policy otherwise authorises or requires the disclosure of the information.

This is not to be confused with formal consideration at a Council Meeting of any matter arising from application of this Policy. Items presented to Council must be assessed on a case-by-case basis in accordance with the requirements of section 90 of the *Local Government Act 1999*.

A complainant may request their identity be kept confidential from the person complained about. This does not constitute an anonymous complaint. The person responsible for managing the complaint will consider such requests on a case-by-case basis, having regard to any applicable legal requirements.

4.3. Stages of Action

This Policy has three distinct stages to the approach that will be taken to address complaints about the behaviour of Council Members:

- Part 1: Informal Action: Where the matter can be resolved directly between the parties.
- Part 2: Formal Action: Where the matter cannot be resolved using informal action and a formal process of consideration is required.
- Part 3: Referrals to the Behavioural Standards Panel: the circumstance under which the Mayor, the Council or other authorised person(s) will make a referral.

4.4. Part 1: Informal action

Council encourages informal resolution of concerns regarding behaviour alleged to be contrary to the ***behavioural requirements***. A person may therefore consider raising the matter directly with the council member concerned.

Alternatively, a person may raise their concern with the Deputy Mayor on an informal basis. If the concerns relate to or involve the Deputy Mayor the person may raise the matter with the person responsible for managing complaints under this Policy.

If the Deputy Mayor or person responsible for managing the complaint considers that access to resources to support impacted parties and facilitate early resolution of the matter should be provided, the Deputy Mayor or person responsible for managing the complaint will request the CEO to facilitate access to relevant resources. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

4.4.1. Record keeping

Where the Deputy Mayor or person responsible for managing the complaint addresses the matter through informal action, a record should be made setting out:

- Details of the complainant
- Details of the person complained about
- A summary of the matter
- A summary of actions taken in response
- Details of agreed actions (if any)

If informal action does not successfully resolve the matter, the record may be made available to an investigation process as provided for under this Policy or to the Behavioural Standards Panel.

4.5. Part 2: Formal action

This Part sets out the process for formal action in response to a complaint regarding the behaviour of council members and addresses the manner in which a complaint will be:

- Received
- Assessed
- Investigated
- Resolved
- Recorded

A complaint made under the Behavioural Management Policy must:

- Be received in writing. Subject to an alternative resolution of the Council, a complaint should be marked with “Confidential Council Member Complaint” and forwarded to the relevant email or physical address as published on the Council’s website.
- Provide the name of the council member who has allegedly breached the ***behavioural requirements***, the name and contact details of the complainant, the name and contact details of the person submitting the complaint (if different to the complainant) and the name and contact details of any witnesses or other persons able to provide information about the complaint.
- Be specific (including identifying the ***behavioural requirements*** the complainant alleges have been breached)
- Provide as much supporting evidence as possible to assist an investigation, including the grounds and circumstances of the complaint (e.g. where, when, impact of the behaviour, actions taken to try to resolve the issue, relevant records or documents)
- Identify the outcome being sought
- Be lodged within six (6) months of the alleged conduct occurring on the basis that it is important to address alleged breaches of behavioural requirements in a timely manner (with discretion provided to the person responsible for managing the complaint to allow a longer time limit to apply in particular cases. This will be assessed on a case-by-case basis).

4.5.1. Receipt of a Complaint

This step is an administrative process undertaken by the CEO or delegate:

- receipt
- initial acknowledgement
- record keeping; and
- allocation of the matter to the person responsible for managing the complaint.

The CEO or delegate does not undertake an assessment of the merits of the complaint.

Receipt of the complaint will be acknowledged within 2 business days or as soon as reasonably practicable and a copy of this Policy will be provided to the person making the complaint.

The complaint should be directed to the person responsible for managing the complaint in accordance with this Policy.

A complainant may withdraw their complaint at any stage.

4.5.2. Initial complaint assessment

An initial assessment is not an investigation or adjudication of a complaint and no findings as to the merits of the complaint will be made at this stage.

Step 1

The person responsible for managing the complaint will undertake an assessment of it to determine whether the content of the complaint relates to the **behavioural requirements** and whether the conduct occurred in the context of the council member carrying out their official functions and duties.

In undertaking the assessment, the person responsible for managing the complaint will have regard to the following matters² :

- the person that is making the complaint (or on whose behalf the complaint has been made) has a sufficient interest in the matter
- the complaint is trivial, frivolous or vexatious or not made in good faith
- the complaint has been lodged with another authority
- the subject matter of the complaint has been or is already being investigated by the Council or another body
- it is unnecessary or unjustifiable for the Council to deal with the complaint
- the council has dealt with the complaint adequately.

Step 2

If the person responsible for managing the complaint considers the matter warrants further consideration, the person complained about should be advised that a complaint has been received and is undergoing an initial assessment in accordance with this Policy. They should be provided a summary of the matter, at a sufficient level of detail, to understand the nature of the allegations and enable them to provide a preliminary response. This may be achieved by a discussion between the person responsible for managing the complaint and the person complained about, taking into account the principles of this Policy. The person complained about may have a support person present during any discussions.

The person complained about should be given a reasonable opportunity, but no more than ten business days, to provide a response to support the initial assessment. The person responsible for managing the complaint may provide a longer period of time for provision of a response at their discretion. The person responsible for managing the complaint should have regard to any response provided in determining the action resulting from the initial assessment.

Action from initial assessment

The person responsible for managing the complaint will determine what action will result from the initial assessment. A matter may proceed to formal consideration under this Policy, unless there are grounds to take one of the following actions pursuant to section 262B(2)(b):

- refusing to deal with the complaint³
- determining to take no further action

² The person responsible for managing the complaint will also have regard to whether the council has obligations to report the matter to either the Local Government Association Mutual Liability Scheme (LGAMLS) or the Local Government Association Workers Compensation Scheme (LGAWCS), pursuant to the Rules of those Schemes and council's agreement with those bodies.

³ Section 270(4a)(a)(i) of the *Local Government Act 1999* precludes a review of a decision to refuse to deal with the complaint.

- referring to an alternative resolution mechanism or to propose training for relevant parties (e.g. facilitated discussion, provision of training, mediation, arbitration, conflict resolution, etc.)
- referring the matter to another body or agency (e.g., the Ombudsman SA or the Behavioural Standards Panel)

The outcome of the initial assessment will be advised to the complainant and person complained about in writing as far as is permitted by law.

Refusing to deal with the complaint/Determining to take no further action

Where the person responsible for managing the complaint makes a decision not to proceed with formal consideration of the matter the following steps should be taken:

- the complainant must be provided written reasons explaining the decision⁴
- the person complained about should be provided with a brief summary of the complaint and the reasons for not proceeding.
- a record of these steps and the decision not to proceed should be made.

Whilst a matter may not proceed, the person responsible for managing the complaint may discuss the issues informally with the parties and identify strategies to build skills, facilitate positive relationship development and reduce the likelihood of repeat occurrences.

Decision to refer to alternative resolution mechanism

The person responsible for managing the complaint may form the view that the optimal way to deal with the complaint is to implement an alternative resolution mechanism such as facilitated discussion, mediation, arbitration, conflict resolution or training.

The person responsible for managing the complaint should discuss the use of a proposed alternative resolution mechanism with the complainant and the person complained about to determine whether there is support for this approach.

If so, the person responsible for managing the complaint should request the CEO take steps to facilitate access to appropriate internal or external support (not being for the purposes of obtaining legal advice) for parties to the complaint. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

The complainant and the person complained about should be provided written confirmation of the alternative resolution mechanism to be used for the purposes of resolving the complaint.

Decision to refer to another body or agency

Where the person responsible for managing the complaint makes a decision to refer the matter to another body or agency the person will follow any direction from that body or agency regarding what information is to be provided to the complainant and the elected member complained about regarding the referral.

Decision to proceed to formal consideration

Where the person responsible for managing the complaint makes a decision to proceed to formal consideration the following steps should be taken:

- the person complained about should be provided with a copy of this Policy, contact details of the person responsible for managing the complaint and a summary document setting out:

⁴ Section 262D, Local Government Act 1999

- the specific provision(s) of the **behavioural requirements** alleged to have been breached; and
- the circumstances where this breach is alleged to have occurred.
In circumstances where the complainant has not requested their identity be kept confidential, a copy of the complaint may be provided in full.
- the complainant should be advised of the decision to proceed and the contact details of the person responsible for managing the complaint.

4.5.3. Formal consideration

Where a decision to formally consider the complaint has been made the person responsible for managing the complaint will determine how to proceed:

- The person responsible for managing the complaint may determine that they are the appropriate person to formally consider the complaint; or
- The person responsible for managing the complaint may determine to engage a third party to formally consider the complaint, for example:
 - an investigator who will report to the person responsible for managing the complaint; or
 - an external service provider with skills relevant to the matter who will report to the person responsible for managing the complaint.

If the person responsible for managing the complaint determines a third party should be engaged, they will request the CEO to facilitate engagement of an appropriate service provider. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

The person responsible for managing the complaint will advise both the complainant and the person complained about that they are able to have a support person accompany them during discussions relating to the complaint.

It is the expectation of Council that both the complainant and the person complained about will cooperate with any such process to consider the complaint and, if requested, participate in meetings in a timely manner.

Failure by the elected member complained about to comply with this requirement may be taken into account when considering the actions to be taken under section 262B(2)(e) of the Local Government Act and may constitute grounds for referral to the Behavioural Standards Panel for misbehaviour.

Further consideration by the person responsible for managing the complaint (or the third party engaged), may (at the discretion of that person) involve:

- explore the complaint with the complainant and the person who is the subject of the complaint
- speaking with other persons who have been nominated by the parties to have observed the behaviour
- speaking directly with witnesses to the conduct complained about
- requesting the provision of information or documents relevant to the investigation, which may include access to audio or video recordings of meetings.

During the formal consideration of a matter appropriate records should be kept by the person responsible for managing the complaint.

4.5.4. Report

The person responsible for managing the complaint (or the third party engaged) should ensure a report is prepared summarising the matter and setting out their findings, conclusions and recommendations. The report should set out:

- Allegations made in the complaint
- Summary of evidence to which the investigation had regard
- Findings
- Conclusions
- Recommendations

A report will generally include a recommended action for the parties to consider and/or participate in such as, but not limited to the imposition of sanctions as per the Local Government Act:

- Discussions with parties to the complaint to seek agreement
- Formal mediation if not already undertaken
- Conciliation
- Arbitration
- Education and further training

A copy of the draft report should be provided to the parties to the complaint who should be given a reasonable opportunity, but no more than ten business days, to make submissions in relation to the draft report. The person responsible for managing the complaint (or the third party engaged) may provide a longer period of time for lodgement of submissions to the draft report at their discretion. The person responsible for managing the complaint (or the third party engaged) should have regard to any submissions made in preparing a final report.

Outcome – No breach found

Where the finding is that no breach of the ***behavioural requirements*** has occurred, a final report should be prepared by the person responsible for managing the complaint (or third party engaged) and provided to the complainant and the person complained about.

The complaint will remain confidential in accordance with the requirements of this Policy, except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled⁵ at the next practicable Council meeting. If no such request is received, no further action will be taken.

Outcome – agreed actions (breach found)

Where the finding is that a breach of the ***behavioural requirements*** has occurred and the complainant and the person complained about⁶ agree to a path for resolution, that agreement will be documented including matters such as:

- actions to be undertaken
- responsibility for completing actions
- timeframes for completion of actions
- what will occur if there is a repeat of the behaviours complained about
- monitoring arrangements for completion of actions

⁵ Note that the complainants identity may need to be redacted

⁶ Where the conduct complained about is not raised by the person directly affected by the conduct it will usually be appropriate to discuss the proposed resolution with that person prior to finalising agreement. This is intended to apply in a circumstance where the 'victim' is not the complainant to provide them a reasonable opportunity to have input into the resolution

- what will occur if the actions aren't completed
- confirmation that the matter is considered resolved

The agreement reached will be made in writing, including a commitment by parties to the complaint to abide by the agreement (which may be by electronic means). A copy of the agreement will be retained by each party and a copy held in Council records.

The complaint will remain confidential in accordance with the requirements of this Policy except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled⁷ at the next practicable Council meeting. The matter must be reported in the Council's Annual Report which must contain the information required by the regulations⁸.

Outcome – no agreed action (breach found)

Where the finding is that a breach of the ***behavioural requirements*** has occurred and the parties to the complaint have failed to reach agreement as to the resolution of the matter a final report should be presented to Council for determination. The person responsible for managing the complaint should request the CEO to include the final report in the Council Agenda as soon as practicable.

4.5.5. Actions of Council

Where the parties are not able to agree on an approach to resolve the matter, the matter will be provided to Council for determine the actions to be taken which may include:

- taking no further action;
- passing a censure motion in respect of the member;
- requiring the member to issue a public apology (in a manner determined by the Council)
- requiring the member to undertake a specified course of training or instruction;
- removal or suspension from one or more offices held in the member's capacity as a member of the Council or by virtue of being a member of the Council – but not the office of Member of the Council.

If Council determines to take action, a report on the matter must be considered at a meeting open to the public⁹.

Where Council determines to take no further action, the complainant will be advised of this along with reasons, which may include:

- a) the ground that, having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the council to deal with or continue to deal with the complaint;
- b) the ground that the subject matter of the complaint has been or is already being investigated, whether by the council or another person or body; or
- c) the ground that the council has dealt with the complaint adequately.

In making a determination under section 262C(1) Council should be reasonably prescriptive about the manner and time periods in which the action must be completed. Section 262E defines a failure to comply with a requirement of the council under 262C(1) as 'misbehaviour' which may result in a referral to the Behavioural Standards Panel.

⁷ Note that the complainants identity may need to be redacted.

⁸ Schedule 4(1)(d), *Local Government Act 1999*

⁹ Section 262C(2), *Local Government Act 1999*

The matter must be reported in the Council's Annual Report which must contain the information required by the regulations¹⁰.

4.6. Behavioural Standards Panel

The Behavioural Standards Panel is an independent statutory authority consisting of three members and has powers to impose sanctions on council members who breach the **behavioural requirements**.

In accordance with section 262Q of the *Local Government Act 1999* a complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour may be made to the Panel by certain persons as set out below. The Panel's jurisdiction arises in the circumstances set out below:

Legislative definition	Plain language explanation
<p>misbehaviour means—</p> <p>(a) a failure by a member of a council to comply with a requirement of the council under section 262C(1); or</p> <p>(b) a failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or</p> <p>(c) a failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1;</p>	<p>Misbehaviour means:</p> <p>(a) a council member fails to take the action required by council; or</p> <p>(b) a council member fails to comply with this policy; or</p> <p>(c) a council member fails to comply with an agreement reached pursuant to this policy</p>
<p>repeated misbehaviour means a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2;</p>	<p>A second or subsequent breach of the behavioural requirements</p>
<p>serious misbehaviour means a failure by a member of a council to comply with section 75G.</p>	<p>A breach of health and safety duties (including sexual harassment) as set out in section 75G of the <i>Local Government Act 1999</i></p>

A complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour by a member of council may be referred to the Panel by¹¹:

- A resolution of the council;
- the Mayor; or
- at least 3 members of the council
- Responsible person under 75G – direction not to attend meeting.

¹⁰ Schedule 4(1)(d), *Local Government Act 1999*

¹¹ Section 262Q, *Local Government Act 1999*

Behavioural Standards Panel Contact Officer

Council must appoint a person as the contact officer for matters referred to the Behavioural Standards Panel. The contact officer is responsible for the provision of information to and receipt of notice from the Behavioural Standards Panel. [For the purposes of this policy, the Behavioural Standards Panel Contact Officer will be the CEO, or their delegate.](#)

5. Responsibilities

The Deputy Mayor, or the person responsible for managing complaints is responsible under this Policy to:

- Perform the tasks bestowed upon the person responsible for dealing with a complaint pursuant to this Policy
- In consultation with the CEO, facilitate access to resources to support impacted parties and resolve the concerns raised in a timely manner prior to the matter becoming serious, or escalating to a formal complaint.
- In consultation with the CEO, engage external resources to assist with investigation and resolution of matters.

The CEO, ~~(or their delegate)~~ is responsible under this Policy to:

- manage the administrative receipt, acknowledgement, record keeping and allocation of a complaint lodged in accordance with this Policy
- facilitate access to external resources to support the resolution of complaints lodged in accordance with this Policy.

The Behavioural Standards Panel Contact Officer ~~(the CEO, or their delegate) appointed by the council)~~ is responsible under this Policy to:

- comply with any lawful request of the Panel for information related to a matter under consideration-
- ~~receive and respond to notices relating to matters under consideration by the Panel-~~
- [consider any potential conflicts of interest for each matter, and where necessary, delegate the responsibility to an appropriate person, in accordance with this Policy.](#)

Where the Behavioural Standards Panel Contact Officer is not the CEO, the ~~y -Contact Officer-~~ should keep the CEO informed of the status of matters under consideration by the Panel.

6. Related Legislation

Independent Commission Against Corruption Act 2012

Local Government Act 1999

Ombudsman Act 1972

Public Interest Disclosure Act 2018

Confidential Items

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 8 April 2025
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.1

Responsible Officer: Zoë Gill
Executive Governance Officer
Office of the CEO

Subject: CEO Performance Review Panel Confidential Minutes (2 April 2025)

For: Decision

1. CEO Performance Review Panel Confidential Minutes (2 April 2025) – 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, Greg Georgopoulos
- Director Corporate Services, Gary Lewis
- Director Community & Development, Jess Charlton
- Executive Governance Officer, Zoë Gill
- Governance Officer, Skye Ludzay
- Minute Secretary, Brittany Priwer
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.1: (*CEO Performance Review Panel Confidential Minutes (2 April 2025)*) 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)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to this Agenda Item is Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

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. CEO Performance Review Panel Confidential Minutes (2 April 2025) – Confidential Item

3. CEO Performance Review Panel Confidential Minutes – 2 April 2025 – Duration of Confidentiality

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3)(a) 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* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Nil
Related Attachments	Until Further Order
Minutes	Nil
Other (presentation, documents, or similar)	Nil

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.