



ADELAIDE HILLS COUNCIL

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE ROADS
(OPENING AND CLOSING) ACT 1991

15 SEPTEMBER 2023

Positions

| Abbreviation | Position |
|--|--|
| Chief Executive Officer (95) | Chief Executive Officer (95) |
| Director Corporate Services (41) | Director Corporate Services (41) |
| Elected Body | Elected Body |
| Manager Financial Services (214) | Manager Financial Services (214) |
| Manager Property Services (394) | Manager Property Services (394) |
| Manager Strategic Assets (403) | Manager Strategic Assets (403) |
| Not Applicable to Adelaide Hills Council | Not Applicable to Adelaide Hills Council |
| Property Officer (416) | Property Officer (416) |
| Team Leader Financial Accounting (482) | Team Leader Financial Accounting (482) |

Instrument of Delegation under the Roads (Opening and Closing) Act 1991

| Roads (Opening and Closing) Act 1991 | | | | |
|--------------------------------------|--|---|----------------------------|---------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 4 | Make a road process order | Elected Body | | |
| section 5 | Commence a road process in relation to a road or a proposed road | Chief Executive Officer (95), Director Corporate Services (41) | NIL | council |
| section 9(1) | Cause to be prepared: (a) a preliminary plan of the land subject to the proposed road process in a form approved by the Surveyor-General; and (b) a statement in a form approved by the Surveyor-General containing the names and addresses of those persons affected who can be identified by reasonable enquiry and such information in relation to the land subject to the proposed road process as is required by the Surveyor-General | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | council |

| Roads (Opening and Closing) Act 1991 | | | | |
|---|---|---|-----------------------------------|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 9(2) | Deposit a copy of the preliminary plan and statement at the Adelaide office of the Surveyor-General with the prescribed fee | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 10(1)(a) | Give public notice in accordance with the regulations of the proposed road process | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 10(1)(b) | Serve notice of the proposed road process on each person affected who can be identified by reasonable enquiry | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | relevant authority |
| section 10(2) | Deposit a copy of the notice at the Adelaide office of the Surveyor-General | Chief Executive Officer (95), Manager Strategic Assets (403), Manager | NIL | |

| Roads (Opening and Closing) Act 1991 | | | | |
|---|--|--|-----------------------------------|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| | | Property Services (394), Property Officer (416) | | |
| section 11(a)(ii) | Lodge a caveat with the Registrar-General forbidding any dealing with the land without the consent of the council | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 11(b)(iii) | Lodge a copy of the notice of the proposed road opening at the General Registry Office | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 11(b)(iii) | Serve a notice on any person requiring the person to deliver up to the Registrar-General any instrument evidencing the person's interest in the land | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |

| Roads (Opening and Closing) Act 1991 | | | | |
|---|---|---|-----------------------------------|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 12(1) | Make agreements for exchange or transfer in relation to land subject to a proposed road closure with the owners of land adjoining that land | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 12(3)(a) | Endeavour to secure an agreement for exchange with a person who owns adjoining land and land subject to a proposed road opening | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 12(3)(b) | Invite offers from the owners of land adjoining the land subject to the proposed road closure | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 13(3) | Receiving an objection or application in respect of a proposed road process | Chief Executive Officer (95), Manager Strategic Assets (403), Manager | NIL | |

| Roads (Opening and Closing) Act 1991 | | | | |
|---|--|---|-----------------------------------|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| | | Property Services (394), Property Officer (416) | | |
| section 14(1) | Notify a person who has made an objection or application in relation to a proposed road process of the time and place at which the relevant authority will meet to consider all such objections and applications | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 15(1) | Determine whether or not to make a road process order | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 15(3) | Give notice of a decision that no road process order is to be made to the Surveyor-General, any person who made an objection or application in relation to the proposed road process pursuant to Division 1, Part 3 and, in the case of a proposed road opening, to any person who has an interest in land over which a road was proposed to be opened | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |

| Roads (Opening and Closing) Act 1991 | | | | |
|---|--|---|-----------------------------------|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 17 | Make one or more of the orders listed in section 17 as part of a road process order dealing with land the subject of a road closure | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 18(1) | Make an order as part of a road process order for the granting of an easement over land subject to the road closure | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 19(a) | Give notice of the making of a road process order to any person who made an objection or application in relation to the proposed road process pursuant to Division 1, Part 3 | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 19(b)(i) | Give notice of the making of a road process order to any person who has an interest in land over which a road will be opened | Chief Executive Officer (95), Manager Strategic Assets (403), Manager | NIL | |

| Roads (Opening and Closing) Act 1991 | | | | |
|---|--|---|-----------------------------------|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| | | Property Services (394), Property Officer (416) | | |
| section 19(b)(i) | Give notice of the making of a road process order to any person who has an interest in land over which a road was proposed to be opened, but which does not form part of the land over which the road will be opened, advising of the discontinuance of the road process in respect of that land | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 19(c) | Deliver to the Adelaide Office of the Surveyor-General a copy of the minutes of all meetings held by the authority in relation to the proposed road process certified by the chief executive officer of the council | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 20(1) | Deposit at the Adelaide Office of the Surveyor-General prescribed documents after making a road process order and any fee prescribed by regulation | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |

| Roads (Opening and Closing) Act 1991 | | | | |
|---|--|---|-----------------------------------|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 20(3) | Give notice of the lapsing of a road process to any person who made an objection of application in relation to the proposed road process pursuant to Division 1, Part 3 and any person who has an interest in the land over which the road was proposed to be opened | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 22(1) | Request that the Surveyor-General amend a road process order to correct an error or deficiency prior to confirmation of the order by the Minister | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 22(1) | Participate in consultation with the Surveyor-General regarding the amendment of a road process order to correct an error or deficiency prior to confirmation of the order by the Minister | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 22(2)(a) | Receive notice of an amendment of a road process order from the Surveyor-General | Chief Executive Officer (95), Manager Strategic Assets (403), Manager | NIL | |

| Roads (Opening and Closing) Act 1991 | | | | |
|---|--|---|-----------------------------------|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| | | Property Services (394), Property Officer (416) | | |
| section 22(2)(b) | Give notice of an amendment of a road process order to any person who was required to be given notice of the road process order under sections 19(a) or 19(b) and, if the road authority is not the council, the council | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 22(2)(b) | Receive notice from the relevant authority of an amendment of a road process order | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |
| section 24(2)(b) | Give notice of a decision by the Minister to decline to confirm a road process order to any person who made an objection of application in relation to the proposed road process pursuant to Division 1, Part 3 and any person who has an interest in the land over which the road was proposed to be opened | Chief Executive Officer (95), Manager Strategic Assets (403), Manager Property Services (394), Property Officer (416) | NIL | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 31(1)(a) | Serve notice of the road process order on each person who had an interest in the land immediately before it vested in the council by virtue of the road opening and append to the notice an offer in writing stating the total amount of compensation that the council proposes to pay to the person and dividing that amount so far as practicable into separate components | Chief Executive Officer (95), Manager Property Services (394), Property Officer (416) | NIL | council |
| section 31(1)(b) | Assess and pay compensation in respect of a road opened over land not owned by the council as prescribed | Chief Executive Officer (95), Director Corporate Services (41) | NIL | council |
| section 32(3) | Assess and pay compensation in respect of a road opened over land not owned by the council as prescribed | Chief Executive Officer (95), Director Corporate Services (41) | NIL | council |
| section 33(1) | Acquire additional land adjoining or near the land to which the proposed road opening relates with the approval of the Minister | Elected Body | NIL | council |

| Roads (Opening and Closing) Act 1991 | | | | |
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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 33(4) | Sell or otherwise deal with additional land acquired under section 33 | Elected Body | NIL | council |
| section 33(4) | Apply the proceeds from the sale of additional land to defraying expenses incurred by the council in connection with the road opening | Chief Executive Officer (95), Director Corporate Services (41), Manager Financial Services (214), Manager Property Services (394), Team Leader Financial Accounting (482) | NIL | |
| section 33(5) | Comply with conditions imposed by the Minister on the manner in which additional land may be dealt with by the council | Chief Executive Officer (95), Manager Property Services (394) | NIL | |
| section 34(1)(b) | Receive a notice of a proposal to close a road from the Surveyor-General | Chief Executive Officer (95), Manager Property Services (394) | NIL | |

| Roads (Opening and Closing) Act 1991 | | | | |
|---|---|---|-----------------------------------|---|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 34(2) | Make a representation to the Surveyor-General regarding the proposed road closure | Chief Executive Officer (95), Manager Property Services (394) | NIL | |
| section 34B(2)(a)(i) | Receive notice of a proposal to open or close a road in an environmental impact statement | Chief Executive Officer (95), Manager Property Services (394) | NIL | council |
| section 34B(2)(c) | Make written submissions on the proposal to open or close a road | Chief Executive Officer (95), Manager Property Services (394) | NIL | |
| section 34G(1) | Apply to the Minister to make a road wider, narrower, longer or shorter pursuant to section 6B of the Roads (Opening and Closing) Act | Not Applicable to Adelaide Hills Council | | Adelaide City Council or council adjoining the City of Adelaide |
| section 34G(4)(a) | Give public notice of the proposal, in accordance with the regulations, if the Minister determines that the application under section 34G(1) should be considered | Not Applicable to Adelaide Hills Council | | Adelaide City Council or council adjoining the City of Adelaide |

| Roads (Opening and Closing) Act 1991 | | | | |
|---|---|--|-----------------------------------|---|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 34G(4)(b) | Give notice of the proposal to any State authority or council specified by the Minister | Not Applicable to Adelaide Hills Council | | Adelaide City Council or council adjoining the City of Adelaide |
| section 34G(4)(c) | Give notice of the proposal to the Adelaide Park Lands Authority | Not Applicable to Adelaide Hills Council | | Adelaide City Council or council adjoining the City of Adelaide |
| section 34G(6) | Forward to the Surveyor-General any representation in relation to the proposal made to the council within the period under section 34G(5) and any response that the council wishes to make in relation to those representations | Not Applicable to Adelaide Hills Council | | Adelaide City Council or council adjoining the City of Adelaide |
| section 34G(9) | Consult with the Surveyor-General regarding survey plans and other documents to be prepared as required by the Registrar-General | Not Applicable to Adelaide Hills Council | | Adelaide City Council or council adjoining the City of Adelaide |
| section 34G(9) | Submit survey plans and other documents as required by the Registrar-General to the Minister | Not Applicable to Adelaide Hills Council | | Adelaide City Council or council adjoining the City of Adelaide |

| Roads (Opening and Closing) Act 1991 | | | | |
|---|---|---|-----------------------------------|---|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 34G(14) | Provide any documentation required by the Registrar-General to the Registrar-General | Not Applicable to Adelaide Hills Council | | Adelaide City Council or council adjoining the City of Adelaide |
| section 35(2) | Reserve any question of law for the consideration of the Supreme Court, prior to making any road process order | Chief Executive Officer (95), Director Corporate Services (41) | NIL | relevant authority |
| section 36(2)(a) | Repay any amount paid to the council in pursuance of an agreement for exchange or transfer which is avoided by virtue of the operation of section 12(4) | Chief Executive Officer (95), Director Corporate Services (41), Manager Property Services (394), Property Officer (416) | NIL | |
| section 39 | Fence along its boundaries a road as altered or diverted by the council with a substantial fence of the same nature as the fence previously in the boundary of the road and abutting the land | Chief Executive Officer (95), Manager Strategic Assets (403) | NIL | |