

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 26 June 2018
AGENDA BUSINESS ITEM**

Item: 12.4

Originating Officer: Dennis Rainsford, Team Leader Regulatory Services

Responsible Director: Marc Salver, Director Strategy & Development

Subject: Enforcement Policy

For: Decision

SUMMARY

The Adelaide Hills Council is responsible for the administration and enforcement of various pieces of legislation such as the *Local Government Act 1999*, *Dog and Cat Management Act 1995*, the *Development Act 1993* and the *South Australian Public Health Act 2011*. Council's role in relation to enforcing legislation includes taking action where necessary to protect the community and/or preserve the amenity of the Council area.

Council has relied upon an *Order Making Policy* and a *Reporting of Offences Policy* along with parameters defined by legislation to undertake enforcement action. The *Enforcement Policy* will bolster and clarify matters in this regard.

Public consultation on the draft Policy was undertaken between 21 February and 15 March 2018 to seek community input with a view to identifying and considering any changes required to the draft *Enforcement Policy*. The consultation undertaken attracted two responses from the community. This report presents the outcome of the public consultation undertaken, and recommends that the draft *Enforcement Policy* as contained in **Appendix 1** be adopted and that the *Reporting of Offences Policy* be revoked as it will no longer be required.

The *Order Making Policy* is to be retained as it provides clear direction to regulatory staff when a decision, guided by the proposed *Enforcement Policy*, has been made to undertake enforcement action by way of an order.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted**
 - 2. With an effective date of 10 July 2018, to rescind the February 2001 Reporting of Offences Policy and adopt the draft *Enforcement Policy* contained in *Appendix 1*.**
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1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal 1	People and business prosper
Strategy 1.12	We will seek opportunities to increase the wellbeing and resilience of our community to withstand, recover and grow in the face of challenges

The provision of education to the community is an important element in all compliance functions of Council to assist in the prevention of behaviours to avoid any breach of legislation. Educating the community and encouraging voluntary compliance will assist to build confidence and resilience in both the community and the Council.

➤ Legal Implications

As Adelaide Hills Council has the responsibility to administer and enforce legislation, an *Enforcement Policy* will assist procedural fairness where non-compliance with legislation has been identified. By adhering to the proposed *Enforcement Policy* Council staff can demonstrate consistency in the manner in which enforcement action is undertaken within the context of both legislative and policy frameworks.

➤ Risk Management Implications

Endorsement of the draft *Enforcement Policy* will assist in mitigating the risk of:

Not having an Enforcement Policy in place leading to a lack of consistency in enforcement decision making and a lack of community understanding of Council's enforcement action and the manner in which it is applied.

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

Adoption of the report recommendation in endorsing the *Enforcement Policy* will result in reducing the level of misunderstanding within the community about Council's enforcement responsibilities.

➤ Financial and Resource Implications

There are no material financial and resource implications with adopting the *Enforcement Policy*.

Subject to Council ultimately adopting an *Enforcement Policy*, there would not be any direct financial or resource based implications associated with the implementation of the Policy.

Existing regulatory and compliance staff routinely undertake enforcement action and therefore cost allowances are already included within Council's annual budget. There is not expected to be any increase or decrease in the number of expiations issued as a result of the introduction of the *Enforcement Policy*.

Indirect implications of having an *Enforcement Policy* in place is that, through the education of the community, the number of enforcements requiring legal action may be reduced with an associated reduction in enforcement legal costs. Cost recovery is an option in some enforcement matters but is largely by negotiated agreement between parties. Where an agreement cannot be reached, the extra legal fees incurred through a taxation of costs process often outweighs the amount awarded by the Court.

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

The implementation of an *Enforcement Policy* would ensure community confidence in Council's compliance and enforcement responsibilities. By providing guidance and direction to Council staff, an *Enforcement Policy* will allow procedural fairness where issues of non-compliance are identified. Adoption of an *Enforcement Policy* will also ensure a consistent approach is taken with members of the community in regard to enforcement activity.

➤ **Environmental Implications**

The draft *Enforcement Policy*, subject to Council adoption, will be used to guide enforcement activity in relation to non-compliance matters that Council's regulatory and compliance staff investigate.

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

Council Committees: Not applicable

Council Workshops: Workshop was held 20 September 2017

Advisory Groups: Not applicable

Administration: Director Strategy & Development
Manager Development Services
Manager Open Space
Manager Civil Services

Community: Council undertook 21 days of community consultation from 21 February to 15 March 2018. Limited feedback was received during the consultation process.

2. **BACKGROUND**

Adelaide Hills Council has legislative responsibilities which protect the community and individuals within its area. Enforcing compliance with legislation forms part of Council's responsibility as Authorised Officers are required to make decisions involving compliance issues on a daily basis.

Council currently has in place a *Reporting of Offences Policy* that was adopted on 27 February 2001. The intent of this Policy was to provide guidance to Council staff in the processing of reports of offences received from the public where Council has a regulatory responsibility.

Since the implementation of the Customer Records Management System (CRM) and improved reporting processes through the Service Improvement Program, along with the Customer Service Framework, the current Reporting of *Offences Policy* is considered obsolete.

As Adelaide Hills Council has the responsibility to administer and enforce legislation, a draft *Enforcement Policy* was developed to replace the *Reporting of Offences Policy* to assist staff in decision making and procedural fairness where non-compliance with legislation has been identified.

At the Special Council Meeting held 14 November 2017, Council resolved that:

5.5. Draft Enforcement Policy

Moved Cr John Kemp
S/- Cr Nathan Daniell

267/17

Council resolves that:

1. That the report be received and noted
2. To approve the draft *Enforcement Policy* at Appendix 1 for public consultation in accordance with the provisions of Council's Public Consultation Policy
3. That the CEO be authorised to make any formatting, nomenclature or other minor changes to the policy prior to being released for public consultation.

Carried Unanimously

This report looks to detail the result of the public consultation and related amendments to the draft *Enforcement Policy*.

3. ANALYSIS

Adoption of the *Enforcement Policy* will provide for consistency in enforcement action in areas of non-compliance, and ensure that action is proportionate to the alleged offence on a case-by-case basis. An *Enforcement Policy* will provide staff with a clear direction in the manner in which enforcement action is to be undertaken. The policy will be available to the public providing transparency to the community and demonstrating Council's commitment to procedural fairness and natural justice principles in regard to enforcement action.

In managing compliance, it is recognised that encouraging voluntary compliance and avoiding behaviours leading to a breach of legislation is optimal. Education is therefore a critical component of Council's role and forms a strong basis of the *Enforcement Policy*. It is recognised that prevention may not always be achievable and therefore encouragement and enforcement activities are included within the proposed policy.

Responsibilities of the Waste, Health and Regulatory Services and Development Services portfolios are unique and require careful consideration to ensure the right balance of education, encouragement and enforcement is achieved.

The draft *Enforcement Policy* provides a clear framework to staff and the community in respect to how Council intends to administer its powers under relevant legislation through the following principles of good enforcement:

- **Proportionality:** a proportionate response will see actions scaled to the seriousness of the offence.
- **Consistency:** Council will take a consistent approach to achieve similar outcomes in cases that are alike noting that regulatory staff will be able to take into account any unique or special circumstances when considering enforcement decisions
- **Transparency:** Council will be open about the manner in which it undertakes enforcement activities and the laws it enforces.

When making decisions on enforcement matters, an *Enforcement Policy* will ensure these decisions are balanced, consistent and relate to common standards ensuring the public are adequately protected. Where a decision is made to investigate or not investigate a concern raised, the decision and reason will be recorded in Council's records management system in accordance with staff responsibilities for maintaining adequate corporate records.

Where it is established Council intervention is required the (3Es) philosophy of Education, Encouragement and Enforcement will be applied.

Taking into account the 3Es approach, a number of enforcement options are available where issues of non-compliance are identified. Enforcement options are dependent on the merits of each matter being considered. Options include:

1. **No Action** - no action may be taken when, after investigation, no breaches of legislation are identified or where concerns raised are considered to be frivolous, vexatious or trivial in nature.
2. **Informal Action** - verbal or written warning on how to achieve compliance.
3. **Service of Orders/Notices** - an order or notice is a written direction of Council issued in exercise of a statutory power requiring specific action to be taken to secure legislative compliance, e.g. Section 105F notice under *the Fire and Emergency Services Act 2005*.
4. **Action in Regard to a default of Order/Notice** - failure to comply with an Order or a Notice may result in further enforcement action being taken, including possible issue of an expiation notice or prosecution being commenced.
5. **Service of Expiation Notice** – an expiation notice may be issued where there is substantial, reliable and admissible evidence that an identifiable person or organisation has committed an offence. There must be sufficient evidence to establish a person or organisation has committed an offence before an expiation notice is issued. Examples include where breaches of the Australian Road Rules are detected such as parking and stopping offences.
6. **Mediation** - after investigation, where an officer determines that the non-compliance is capable of resolution through mediation rather than enforcement, Council may

consider mediation. A mediation service may be an appropriate option where a positive outcome for Council, in the interest of the broader community, is considered through an alternative dispute resolution process in an effort to minimise costs to both Council and the individual.

7. **Prosecution** - before a prosecution is recommended there must be substantial, reliable and admissible evidence that an identifiable person or organisation has committed an offence. A decision to prosecute must be made in the public interest and where there is a reasonable prospect that an offence can be proved beyond reasonable doubt. The final decision to prosecute will be made by the Chief Executive Officer or their delegate.

The *Enforcement Policy* is relevant to all enforcement actions undertaken by Council staff in accordance with the relevant legislation which provides Council with the required powers in this regard. The *Enforcement Policy* outlines Council's method, approach and priorities for ensuring compliance with the legislation for which Council is responsible. To ensure the proposed *Enforcement Policy* was developed taking into consideration community views, it was released for community consultation from 21 February 2018 to 15 March 2018.

Consultation was conducted and undertaken in accordance with Council's *Public Consultation Policy*. Consultation included notices being placed in local newspapers, on Council's website, and through social media inviting interested persons to make submissions to Council.

There was limited feedback from the community with only two responses received. In regard to the two submissions that were received, neither related to the draft *Enforcement Policy*. Both respondents were contacted and the matters raised by them discussed directly with each. As neither of the responses related to the draft *Enforcement Policy* no amendments to the Policy have been recommended.

4. **OPTIONS**

Council has the following options:

- I. To approve the draft *Enforcement Policy* as contained in **Appendix 1** and to revoke the *Reporting of Offences Policy* This option is recommended as it will ensure community views were taken into consideration when developing a final draft policy for Council consideration (Recommended).
- II. To amend the draft *Enforcement Policy* as contained in **Appendix 1**. Should Council resolve to amend the draft *Enforcement Policy*, it is recommended that any substantive changes be referred back to Administration for analysis (Not Recommended).
- III. To not approve the draft *Enforcement Policy* as contained in **Appendix 1**. This option is not recommended as Administration have identified the lack of an *Enforcement Policy* leaves a deficiency in enforcement practices (Not Recommended).


5. **APPENDICES**

- (1) Draft *Enforcement Policy* for Adoption
- (2) Reporting Of Offences Policy

Appendix 1

Draft Enforcement Policy for Adoption

COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	<h2 style="margin: 0;">ENFORCEMENT</h2>
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Policy Number:	GOV-10
Responsible Department(s):	Waste, Health & Regulatory Services
Relevant Delegations:	Delegations made under legislation relevant to this policy including all regulations, codes and policies made thereunder
Other Relevant Policies:	Order Making Policy 140826 Code of Conduct For Council Employees 140213 Complaint Handling 140610
Relevant Procedure(s):	Standard Operating Procedures
Relevant Legislation:	<i>Local Government Act 1999</i>
Policies and Procedures Superseded by this policy on its Adoption:	Reporting of Offences , 27/02/2001, Item 15.2.2
Adoption Authority:	Council
Date of Adoption:	<i>To be entered administratively</i>
Effective From:	<i>To be entered administratively</i>
Minute Reference for Adoption:	<i>To be entered administratively</i>
Next Review:	No later than November 2020 or as required by legislation or changed circumstances

ENFORCEMENT POLICY

1. INTRODUCTION

The Adelaide Hills Council is responsible for the administration and enforcement of various legislation. This responsibility includes taking action where necessary to protect the community and/or preserve the amenity of the Council area.

This Policy outlines Council's approach, method and priorities for ensuring compliance with the legislation for which it is responsible, including by carrying out enforcement functions where necessary. The Policy provides a framework to promote consistency in enforcement action and to ensure that any action taken is proportionate to the alleged offence and, where applicable, the principles of natural justice are observed.

2. OBJECTIVES

This Policy is relevant to all enforcement actions undertaken by Council staff and its authorised contractors for and on behalf of the Council within the Adelaide Hills Council. This includes but is not limited to, enforcement activities relating to Adelaide Hills Council By-laws and the following legislation (including all regulations, codes and policies made thereunder):

- *Local Government Act 1999*
- *Expiation of Offences Act 1996*
- *Road Traffic Act 1961 and the Australian Road Rules*
- *Private Parking Areas Act 1986*
- *Dog and Cat Management Act 2005*
- *Fire and Emergency Services Act 2005*
- *Local Nuisance and Litter Control Act 2016*
- *The South Australian Public Health Act 2011*
- *The Food Act 2001*
- *The Environment Protection Act 1993*
- *The Development Act 1993*
- *The Water Industry Act 2012*

3. DEFINITIONS

"Compliance" means the act of adhering to and demonstrating adherence to an Act, By-Law, Regulation or similar.

"Enforcement" means a combination of the provision of education, encouragement and formal enforcement when required to assist achieve compliance.

"Formal Enforcement" means use of legislative or regulatory mechanisms to achieve compliance including orders, expiations, prosecution and notices.

"Prosecution" means the process of instituting legal proceedings.

“Order/Notice” means a written direction of Council requiring specific action to be taken to secure legislative compliance.

“3E’s “ means Educate, Encourage, Enforce.

“In writing” means - letter or email.

4. POLICY STATEMENT

4.1 Introduction

Council is charged with legislative responsibilities which protect individuals and the community. Council’s customers include those whom the law places a duty and those whom the law protects. Whilst it is ultimately the responsibility of individuals and other bodies to comply with the law, from time to time Council is required to carry out enforcement activities to secure compliance with legislative obligations.

This policy is an “umbrella” policy which outlines Council’s approach to enforcement matters and provides staff with direction about the manner in which enforcement activities are to be undertaken. Council will adopt an education, encouragement and enforcement approach where appropriate (3E’s philosophy) to secure legislative compliance. In line with the 3E’s, it is recognised that prevention of behaviours to avoid a breach of legislation is optimal. Education and encouragement is a critical component in achieving this objective.

Taking the above into account, the provision of education and encouragement to the community is an important element for all Regulatory and Compliance staff to influence the prevention of inappropriate practices and behaviours. It is recognised that prevention may not always be achievable, which is where encouragement and enforcement may take the lead role.

Compliance responsibilities under Council’s Regulatory and Compliance staff are unique and require careful consideration to ensure that the right balance of education, encouragement and formal enforcement is achieved. All compliance responsibilities are managed according to their merits, having regard to the evidence in Council’s possession.

4.2 Principles of Good Enforcement

Enforcement actions are taken within the context of both a legal and policy framework. Council staff will carry out their enforcement related duties with due regard to the following principles.

4.2.1 Proportionality

A proportionate response means that Council’s actions will be scaled to the seriousness of the breach. It is important to note however, that expiation amounts for offences (with the exception of offences under Council By-laws) are set by the State Government. Council does not have the discretion to reduce or set expiation fees.

Council recognises that most individuals want to comply with the law and will assist compliance by being open and helpful, offering informal advice and providing the chance to discuss compliance problems.

Attention will be focussed on those activities that give rise to the most serious risks, or where potential hazards are ineffectively controlled. Depending on the seriousness and persistence of the infringement, Council will minimise the costs to the person or body infringing the law by enforcing the minimum action necessary to secure future compliance. Mediation may also be considered and utilised where considered appropriate to resolve disputes.

Prosecution will generally be used as a last resort, or for continuous or serious offences.

4.2.2 Consistency

Council will take a consistent approach in similar cases to achieve similar outcomes. While decisions on enforcement require the use of professional judgement and discretion to assess varying circumstances, officers will:

- follow standard operating procedures wherever possible; and
- ensure fair, equitable and non-discriminatory treatment.

4.2.3 Transparency

Council will be open and transparent about the manner in which it undertakes enforcement activities and the laws it enforces. Council will consult on and provide ready access to published standards and levels of service and performance that can be expected, and be clear and open about what is expected from those on whom the law places a duty.

In educating the community, Council will make clear distinction between what is legally required and what is desirable but not compulsory.

Staff will be open to discussing potential and actual compliance failures before, during and after formal action has been taken. However, subject to legal requirements, information will not be disclosed that would likely prejudice an investigation of an alleged breach of legislation or enforcement action that is proposed to be taken.

When remedial action is required Council will explain clearly and in plain language why the action is necessary. Where practicable, Council will give notice of its intent to commence formal action and advice will be provided on the process for seeking a review of, or how to appeal against that decision.

Wherever practicable, people raising concerns will be advised of what action has been taken and why that action has been taken.

4.3 Authorised Officers

Only officers who are competent by training, qualification and/or experience will be authorised to take enforcement action. Officers will also have sufficient training and understanding of Council's policies and procedures to ensure a consistent approach to their duties. Any decision to act other than in accordance with this policy must have approval from relevant Manager or Director and the reasons for action recorded in accordance with Council's records management protocols.

Officers are required to show their Authorised Officer/Person Identification card on request or otherwise as required by legislation.

4.4 Decision Making

Where non-compliance is discovered as a result of enforcement investigations, options available to the Council to seek or promote compliance include:

- explaining legal requirements and, where appropriate, the means to achieve compliance;
- providing an opportunity to discuss points of issue where appropriate;
- allowing reasonable timeframes to achieve compliance, eg lodge a Development Application to seek retrospective approval;
- facilitating mediation between affected parties;
- issuing a verbal or written warning; or
- enforcement actions such as:
 - issuing an expiation;
 - issuing a an enforcement order notice; or
 - prosecution.

Enforcement decisions must be fair, consistent, balanced and relate to common standards that ensure the public is adequately protected. Where a decision is made not to investigate concerns raised, the decision and reasons will be recorded in accordance with Council's records management systems and protocols and the person raising the concerns will be advised verbally and/or in writing. Decisions will be evidence based and made taking into account any public interest considerations such as public safety and environmental risk and Council resources.

In coming to a decision on the most appropriate means of enforcement, the officer shall consider, amongst other relevant factors:

- severity of the incident including whether it resulted in injury to a person or damage to property and the seriousness of any injury or damage;
- the impact of the breach/offence on the community;
- the degree of wilfulness involved on the part of the offender;
- the consequences of non-compliance;
- the offender's attitude, history, degree of cooperation and consistency of approach to similar/repeat breaches or offences;
- the degree of any hazard/danger or risk to health/safety posed to the community or the environmental risk;
- the impact of any previous actions to address the breach/offence;
- the likely effectiveness of the various enforcement options at preventing any repeat offending;
- other public interest factors;
- whether there is sufficient evidence upon which Council may rely to exercise its powers;
- the personal situation of the individual concerned including health matters, hardship and family/relationship matters;
- consistency of approach to similar breaches/offences;
- if the property is on the market, the need to ensure the non-compliance is listed to inform the real estate agent and potential purchasers.

In the case of a decision to prosecute, such decision will only be made where Council is satisfied (having regard to any legal advice regarding the merits of the prosecution case) that there is a likelihood of securing a conviction and a prosecution is in the public interest.

Where a staff member has a personal association or relationship with the alleged offender or any other person involved, the Authorised Officer will ensure:

- the matter will be brought to the attention of the relevant Team Leader, Manager, Director and the Executive Manager Governance and Performance;
- facts about any conflict/relationship will be recorded in accordance with Council's records management protocols; and
- decisions on who will investigate the alleged contravention will be made by the relevant Manager, Director and the Executive Manager Governance and Performance.

Written documentation to the land owner and/or tenant will:

- include all the information necessary to make clear what needs to be done to comply with legal requirements, the required time frame and if necessary, the reasons for these actions and potential penalties for failing to comply with the request;
- include the legislation contravened, measures necessary to ensure compliance and the consequences of non-compliance; and
- clearly differentiate between legal requirements and recommendations of good practice.

Council will assess all reports of breaches of legislation received and will prioritise matters according to the seriousness of any alleged breach whilst ensuring the most effective use of resources.

4.5 Enforcement

Prior to considering any enforcement action Council Officers will, in the first instance, determine if any action is required or justified. Action will not be taken when, after investigation, no breach of legislation or other regulatory mechanism is discovered.

It may also be appropriate to take no action when:

- the concerns raised are frivolous, vexatious or trivial in nature;
- the alleged offence is outside Council's area of authority; or
- taking action may prejudice other major investigations.

If, after investigation, it is established that enforcement action is required the following enforcement activities will be utilised in line with the 3E's philosophy and in accordance with departmental standard operating procedures.

4.5.1 Education

Education is a key component in achieving voluntary compliance in a number of regulatory functions in which Council has a responsibility. This can be achieved a number of ways through several platforms such as websites, social media, community forums, local media outlets and one on one discussions with relevant Council staff.

Use of education aims to prevent or minimise the potential for community members to breach legislative or regulatory compliance in the first instance. Generally, education focuses on ensuring community members are aware of compliance requirements. In circumstances where a compliance breach occurs, and subject to the severity of the matter, Council will take into consideration the principles of good enforcement and educate rather than commence formal enforcement action.

The availability of Council policies is another form of education to ensure stakeholders have the ability to understand requirements and therefore compliance ensues. An example of using education to ensure voluntary compliance is the annual 'dog registration due' signs used to provide advance warning of dog registration requirements.

4.5.2 Encouragement

Encouraging community members will generally occur when a compliance breach has occurred but is not severe enough to warrant formal enforcement action.

Council places a strong emphasis on engaging with, educating and assisting stakeholders to build trust, confidence and encourage voluntary compliance. Council will listen, respond and provide information and opportunities for stakeholders to ask questions and discuss issues of concern. Where a contravention is detected, the party will be informed and given the opportunity to voluntarily comply. To assist the party to comply, Council will provide guidance to help them understand how to comply. An example of encouraging voluntary compliance is use of 'written warnings' affixed to motor vehicles when parking breaches of a minor nature have occurred.

Council may use informal actions to encourage compliance with legislation which may include:

- offering a verbal or written warning;
- verbal warnings and requests for action; or
- written warnings.

Advice from Council officers will be put clearly and simply and will be confirmed in writing. The circumstances in which informal action may be appropriate include:

- the act or omission is not serious enough to warrant formal action;
- past history reasonably suggests that informal action will secure compliance;
- confidence in the individual/other body is high;
- the consequences of non-compliance will not pose a significant risk; or
- where informal action may prove more effective than a formal approach.

Where a statutory action is not possible, but it would be beneficial in a wider public safety context to urge a particular outcome, informal action will be taken by a Council officer and the reasons recorded in accordance with Councils records management protocols.

Mediation is a useful tool for encouraging self-resolution between disputing parties and when successful negates the need for Council to undertake formal enforcement action against one or both parties.

Where appropriate and dependent upon the severity of the breach, Council may make mediation available. Mediation is a possible alternative where, after investigation, it is determined that the non-compliance is capable of resolution through mediation rather than enforcement. The use of mediation services may also be appropriate where a positive outcome for Council, in the interests of the broader community, is considered possible through this alternative dispute resolution process in order to minimise the costs to both Council and the individual.

4.5.3 Formal Enforcement Options

A number of formal enforcement options are available which will be dependent on the merits of each matter being considered. These options are outlined below.

Serving of Orders/Notices

An Order/Notice is a written direction of Council issued in exercise of a statutory power that requires specific action to be taken to secure legislative compliance. A range of legislation administered across the organisation provides Authorised Officers with the ability to issue an Order. To the extent that the legislation outlines process requirements for issuing of an Order/Notice, Council officers will ensure compliance with these requirements.

For example, some legislation requires the following steps be observed before an Order/Notice is issued:

- advise of the intention to issue an order;
- invite submissions with respect to the matter;
- order a person to do, or refrain from doing, a thing under a specified circumstances; and/or
- issue directions specifying how the Order may be complied with.

Council officers will use professional judgement and discretion to assess the variables relating to each matter under consideration, including the reasonableness of the actions required by an Order/Notice and the timeframe to comply.

If legislation does not prescribe requirements to advise of an intention to issue an Order/Notice, Council will determine whether it is appropriate in the circumstances to give such notice. In circumstances where there is a threat to life or immediate threat to public health and safety, an Order/Notice will be made without giving notice of intention. In these circumstances immediate compliance to resolve the situation can be required.

In circumstances when the threat to public health and safety is significant, and the property owner cannot reasonably undertake the required work within a reasonable time, Council may undertake the action required.

In many cases the person receiving the Order/Notice has a right of appeal to the appropriate Court or directly to Council. If an Order/Notice is served for which an appeal is possible, Council will advise the recipient in writing of the right to appeal and the relevant legal provisions at the time of serving the Order in accordance with the relevant legislation.

Where there is evidence that an offence has been committed, Council may issue an Expiation Notice or launch a prosecution in addition to serving an Order/Notice. This will only be done where it is determined that the conduct of the recipient justifies taking both steps.

Action in Regard to a default of Order/Notice

Failure to comply with an Order/Notice may result in further enforcement action being taken, such as the issuing of an Expiation Notice or commencement of a prosecution.

Where legislation confers power on Council to take action in default of an Order/Notice and the necessary work has not been carried out in the time allowed without good reason, Council may consider undertaking the required work. Where work in default is undertaken, Council will seek to recover all costs over a fair period, using all statutory means available.

Wherever practicable and appropriate, Council will notify the person who is in default of an Order/Notice before taking action.

The decision to carry out action in default will be made by the Authorised Officer in conjunction with the Team Leader and/or Manager.

Where an offence has been committed Council may issue an Expiation Notice or launch a prosecution in addition to taking action to fulfil an Order. This will only be done where the conduct of the recipient justifies taking such steps. Factors such as giving false information, the obstruction of Council staff and the harm or risk of harm caused by the recipient's delay will be considered in determining additional enforcement actions.

Service of an Expiation Notice

A person receiving an Expiation Notice is entitled to elect to be prosecuted for an alleged offence and there must be substantial, reliable and admissible evidence that an identifiable person or organisation has committed the alleged offence. In other words, there must be sufficient evidence to establish a person has committed an offence before an Expiation Notice is issued to that person.

The following circumstances are likely to warrant an Expiation Notice:

- certain breaches of legislation administered by Council, including parking and stopping offences under the Australian Road Rules;
- failure to correct an identified problem after having been given reasonable opportunity to do so by an Authorised Officer;
- failure to comply with the requirements of an Order/Notice (unless Council considers that the failure is sufficiently serious to warrant prosecution);
- confidence in the individual/other body is low; or
- a written warning has been given for a similar offence.

Prosecution

A prosecution will only proceed where there is a reasonable prospect that an offence can be proved beyond reasonable doubt.

The following circumstances are likely to warrant a prosecution:

- a blatant breach of the law such that public health, safety and welfare has been put at risk;
- the alleged breach is too serious, or the risks too great, to be dealt with by means of an expiation;
- a failure to correct an identified serious problem after having been given reasonable opportunity to do so;
- a failure to comply with the requirements of an Order/Notice;
- an established and recorded history of similar offences;
- a person or body elects to be prosecuted;
- an unwillingness, on the part of the individual or other body, to prevent a recurrence of the problem; or
- the recovery of the costs of the investigation or remedial work or financial compensation that are required by Council or an aggrieved party.

Where circumstances warrant a prosecution, all relevant evidence and information will be considered. Before a prosecution is recommended there must be substantial, reliable and admissible evidence that an identifiable individual or other body has committed an offence. A decision to prosecute must be in the public interest. In considering whether prosecution is in the public interest, the following additional factors will be considered:

- whether the offence was premediated;
- the need to influence the offenders future behaviour;
- the effect on the offenders or witnesses physical or mental health, balanced against the seriousness of the offence;
- the availability and efficiency of any alternatives to prosecution;
- the prevalence of the alleged offence and the need for deterrence, both personal and general; and
- the likely length, expense and outcome of a trial.

The final decision to prosecute will be made by the Chief Executive Officer or Council delegate.

5. DELEGATION

The Chief Executive Officer has the delegation to:

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

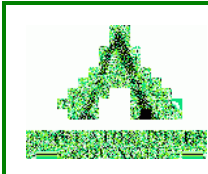
6. AVAILABILITY OF THE POLICY

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

Appendix 2

Reporting Of Offences Policy

COUNCIL POLICY



REPORTING OF OFFENCES

Policy Number:	SER-26
Responsible Department(s):	Services
Relevant Delegations:	None
Other Relevant Policies:	None
Relevant Procedure(s):	None
Relevant Legislation:	None
Policies and Procedures Superseded by this policy on its Adoption:	Complaints – Development Issues
Adoption Authority:	Council
Date of Adoption:	27 February 2001
Minute Reference for Adoption:	15.2.2
Next Review:	As required
Date of Previous Review:	

REPORTING OF OFFENCES

1. OBJECTIVE

This policy is intended to provide guidance in the processing of reports of offences received from the public where Council has a regulatory function to perform. (Examples include complaints of alleged unauthorised development, or persistent barking dogs).

This policy does not extend to the processes employed to record and respond to reports of matters requiring remedial action by Council (such as the reporting of blocked stormwater drains). Similarly this policy is not intended to address matters that are required to be processed in accordance with a procedure established pursuant to section 270 of the Local Government Act 1999 for the Internal Review of Council Actions.

2. POLICY

1. Council officers may investigate a suspected offence and/or give notice at any time and are not required to await a report from a member of the public before doing so.
2. All reports of suspected offences, whether lodged in writing, verbally or by other means, together with investigations initiated by Council members or officers shall be individually recorded in a manner determined by the relevant Director. A person making a verbal report will be encouraged to lodge the report in writing.
3. Anonymous reports will not be accepted, but a Council officer may elect to investigate the matter under their own initiative under point 1 above.
4. Where appropriate, a report received verbally shall be resolved immediately with a suitable explanation, and where the person agrees, the report need not be lodged and recorded. Instances where this provision may apply include:
 - The matter is already under investigation and the person does not wish to lodge another report,
 - The matter being reported is not an offence
5. All offences reported by members of the public and investigations initiated by Council members or officers, and the manner in which each matter is determined, shall be reported to a relevant Committee of Council in a manner determined by the Committee.
6. A person reporting a suspected offence should
 - (a) explain the nature of the suspected offence with sufficient particularity and information to enable reasonable investigations to commence.
 - (b) explain the reason for reporting the offence, where relevant, such as the effect that the matter has upon the person.
 - (c) identify the property or person in question to the best of their ability.
 - (d) provide their name, address and telephone number.

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7. All written complaints or reports shall be acknowledged in writing. Acknowledgment will normally be forwarded within 5 working days of the receipt of the complaint except where exceptional circumstances cause reasonable delay. The acknowledgment letter shall include the investigating officer's name and telephone number.
 8. Where a person has reported an offence in writing, he or she shall be advised of the outcome in writing. Where a person has requested to be informed of the progress of a matter and the matter has not been concluded within 20 working days, he or she will be advised of the progress of investigations at intervals of approximately 10 to 20 working days in a manner that is appropriate in the circumstances unless alternative arrangements are made.
 9. Any investigations, inspections, interview or other methods of collecting information relevant to a suspected offence shall be undertaken in a manner determined to be appropriate by the investigating officer and shall:
 - have regard to due legal process and principles
 - endeavour to collect relevant and admissible evidence, and
 - avoid undue influence from both the complainant and the person suspected of committing an offence.
 10. An investigating officer may, with concurrence of the relevant Director, decline to examine a matter or terminate investigations where:
 - the matter is trivial
 - an allegation cannot be substantiated
 - it is impractical to collect evidence
 - the matter is referred to another agency.
 - Council has no jurisdiction in the matter or its jurisdiction is unclear.
 - there is no reasonable prospect of taking successful action.
 - the offence ceases or matter corrects itself and there is no community benefit in pursuing the matter.
 - the person making the report withdraws the report or declines to cooperate with the investigating officer. However, where a report is withdrawn, an officer may elect to continue to investigate the matter.
 11. Upon completion of an investigation the officer may, subject to delegated powers:
 - prosecute the person committing an offence or initiate other legal action
 - issue a notice, order, or expiation notice
 - negotiate to resolve the matter with the person considered to be in breach of an Act or Regulation,
 - dismiss the matter and take no action,
 - refer the matter to a Council meeting for a decision,

as is appropriate in the circumstances.

(NOTE: Council has an automatic right to consider and decide upon a course of action by resolution, without relying upon it being referred to a meeting

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12. In considering the course of action to be taken in 11 above, regard will be given to:
- the seriousness of the offence (if any)
 - the purpose and objective of the relevant Act or Regulation
 - the extent of harm or annoyance caused to other parties, or the general community interest.
 - the extent or expected extent of cooperation in achieving compliance with the law.
 - the principle that the action should be proportionate to the circumstances surrounding the offence. The action taken should be neither inadequate nor excessive.
13. In negotiating to resolve the matter with the person considered to be in breach of an Act or regulation, an officer may elect at his or her own discretion to mediate between a complainant and other parties where the officer considers that it may lead to a reasonable resolution of the breach. (If the parties agree, Council may elect to appoint an independent mediator.) In any voluntary mediation, an officer shall not allow Council's discretionary powers to be compromised or allow the mediation process to take precedence over Council's primary responsibility of ensuring compliance with the law. In particular, Council or its officers are not obligated to accept a negotiated settlement between other parties.
14. Subject to any laws to the contrary, the identity of a person reporting an offence shall remain confidential. Requests for copies of Council documents shall be processed in accordance with standard 'Freedom of Information' procedures.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 26 June 2018
AGENDA BUSINESS ITEM**

Item: 12.5

Originating Officer: Kylie Hopkins, Governance & Performance Project Officer

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Review of Confidential Items Register

For: Decision

SUMMARY

Section 91 of the *Local Government Act 1999* requires Council to review confidential orders at least once every year.

A review of the Register of Confidential Items has been undertaken and there are three items that require a new confidentiality order. Council must determine the period of confidentiality for these items.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
2. 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 resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence for a period as specified below:

**Council Meeting 25 October 2016
CWMS Expression of Interest**

Section 90(3)(d) – commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.

Until 31 December 2019.

3. **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 resolves that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence for a period as specified below:**

**Council Meeting 28 February 2017
Community Wastewater Management Systems Review**

Section 90(3)(d) – commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.

Until 31 December 2019.

4. **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 resolves that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence for a period as specified below:**

**Council Meeting 22 August 2017
Adelaide Hills Region Waste Management Authority Tender Landfill Compactor**

Section 90(3)(d) – commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.

Until 3 August 2019.

5. **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 resolves that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence for a period as specified below:**

**Council Meeting 26 September 2017
Community Wastewater Management Systems Review**

Section 90(3)(d) – commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.

Until 31 December 2019.

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal	Organisational Sustainability
Strategy	Governance

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

Section 91(7) of the *Local Government Act 1999* sets out the provisions regarding the making of orders to retain documents and discussions considered at Council and Council Committees in confidence.

Section 91(9) requires that these orders must specify the duration of the order or the circumstances in which the order will cease to apply or must be reviewed. Any order that operates for a period exceeding 12 months must be reviewed at least once in every year.

➤ Risk Management Implications

Reviewing confidentiality orders assists with mitigating the risks of:

Confidential information is released which prejudices Council's and/or third parties' interests.

Inherent Risk	Residual Risk	Desired Risk
Extreme (3A)	Low (3E)	Low (3E)

Information scheduled for release under a confidentiality order is not duly released resulting in a breach of legislation and depriving the community of public information.

Inherent Risk	Residual Risk	Desired Risk
Extreme (3A)	Low (3E)	Low (3E)

Note: there are a number of other controls that assist with managing these risks.

➤ Financial and Resource Implications

Not applicable

➤ Customer Service and Community/Cultural Implications

Not applicable

➤ Environmental Implications

Not applicable

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

<i>Council Committees:</i>	Not applicable
<i>Council Workshops:</i>	Not applicable
<i>Advisory Groups:</i>	Not applicable
<i>Administration:</i>	Director Strategy & Development Director Corporate Services Executive Manager Governance & Performance Manager Property Services Manager ICT
<i>Community:</i>	Not applicable

2. BACKGROUND

The Register of Confidential Items is contained on Council's website and is reviewed on a monthly basis. Items that have progressed to the specified point and are no longer of a confidential nature are released in accordance with the respective council resolution. Items that remain in confidence are displayed on the Register as shaded. There is one item from 2014 that has a confidentiality order applied. All remaining items are from 2016, 2017 and 2018.

3. ANALYSIS

The Register of Confidential Items (**Appendix 1**) has been reviewed and there are three items that require a new confidentiality order applied at this time. An extract of the register is attached (**Appendix 2**) which provides a summary of all existing confidential orders highlighting those orders that require new confidentiality provisions, as follows:

- ***No. 290 – CWMS Expression of Interest***

The Period of Confidentiality for this item is currently 26 September 2018.

The CWMS Expression of Interest process is still being progressed. Council received a confidential report at its 19 June Special Council meeting on the status of the project. The Period of Confidentiality resolution from that report is 31 December 2019 and the Period of Confidentiality for Item 290 should coincide given that they deal with the same matter and confidential information and it is therefore recommended that a new order be applied to 'Remain confidential until 31 December 2019'.

- ***No. 301 – Community Wastewater Management Systems Review***

The Period of Confidentiality for this item is currently 30 June 2018.

As with Item 290 above, Item 301 is concerned with largely the same information as was considered by Council on 19 June 2018, as such the Period of Confidentiality for this item should coincide and it is therefore recommended that a new order be applied to 'Remain confidential until 31 December 2019'.

- **No. 309 – Adelaide Hills Region Waste Management Authority Tender Landfill Compactor**

The Period of Confidentiality for this item is currently 3 August 2018.

This report contains information which could prejudice the commercial position of the person who supplied the information. It is therefore recommended that a new order be applied to 'Remain confidential until 3 August 2019' to coincide with the confidentiality order release date for the 'Purchase of Hooklift Truck (Item 325).

- **No. 311 – Community Wastewater Management Systems Review**

The Period of Confidentiality for this item is currently 26 September 2018.

As with Items 290 and 301 above, Item 311 is concerned with largely the same information as was considered by Council on 19 June 2018, as such the Period of Confidentiality for this item should coincide and it is therefore recommended that a new order be applied to 'Remain confidential until 31 December 2019'.

4. OPTIONS

Council has the following options:

- I. To extend the period of confidentiality as per the recommendations
- II. Determine an alternative period of confidentiality
- III. Allow the confidentiality order to expire thus releasing the information

If the meeting wishes to discuss the status of any items in a manner that will result in the disclosure of information currently under a s91(7) confidentiality order, it should first consider making a s90 order to go into confidence.

5. APPENDICES

- (1) Register of Confidential Items
- (2) Extract from Register of Confidential Items

Appendix 1

Register of Confidential Items

REGISTER OF CONFIDENTIAL ITEMS

No.	Date	Council/ Committee	Item No.	Responsible Officer	Title	LGA 1999 Section	Release date	Original Resolution regarding Period of Confidentiality	New Confidentiality Recommendation or Date Released	Next Review Date
2014										
240	22/04/14	Council	18.2.1	Marc Salver	AHRWMA	90(3)(b,d,i)	22/04/15	Until legal action concluded	Resolution passed 24 November 2015 to remain confidential until legal action has concluded but no longer than 30 June 2016. Resolution passed 28 June 2016 to remain confidential until legal action has concluded but no longer than 31 December 2016. Resolution passed 13 December 2016 to remain confidential until Legal Action has concluded. Resolution passed 12 December 2017 to remain confidential until legal proceedings and deliberations have concluded.	12/12/18
2016										
290	25/10/16	Council	19.1	Marc Salver	CWMS Expression of Interest	90(3)(d)	31/12/17	Until 31 December 2017 except public statements which outline the rationale and process for seeking a review of options	Resolution passed 12 December 2017 to remain confidential until 26 September 2018	26/09/18
2017										
299	24/01/17	Council	19.1	Marc Salver	Preliminary Draft Report Gawler River 2016 Flood Review	90(2)(3)(j)		Until public consultation has commenced, but not longer than 24 January 2018	Released 4 July 2017	
300	13/02/17	Audit Committee	7.1	James Sinden	ICT Security Risk Assessment Action Implementation Update	90(3)(e)		Until ICT Security Risk Assessment actions have been addressed	Resolution passed 12 December 2017 to remain confidential until 6 November 2018 Released 6 June 2018 (under CEO delegated authority)	
301	28/02/17	Council	19.1	Marc Salver	Community Wastewater Management Systems Review	90(2)(b)	30/06/18	Until 30 June 2018	Related to 290	30/06/18
302	09/03/17	CEO Performance Review Panel	8.1	Megan Sutherland	CEO Employment Agreement	90(2)(a)		Until the execution of the Employment Agreement or no later than 30 July 2018	Released 28 June 2017	
303	28/03/17	Council	19.1	Megan Sutherland	CEO Employment Agreement	90(3)(a)		Until 30 July 2018	Released 1 July 2017 (under CEO delegated authority)	
304	26/04/17	Council	19.1	Marc Salver	Appointment of Independent Members to the Council's Development Assessment Panel	90(2)(l)		Until appointments, but no longer than 26 April 2018	Released 4 July 2017	
305	27/06/17	Council	19.1	Lachlan Miller	Internal Review of Council Decision - Verrall Road (North) Separate Rate	90(3)(a)		Until the applicant has been advised of Council's determination of the matter, but not longer than 6 months Until the relevant agreements are signed and the rates notices are announced by the relevant Minister, but not longer than 31 December 2017	Released 4 July 2017	
306	27/06/17	Council	19.2	David Waters	Event Opportunity, 2018 Santos Tour Down Under	90(3)(j)			Released 7 July 2017	
307	25/07/17	Council	19.1	Marc Salver	East Waste Constituent Council Membership	90(3)(d)		(Attachments only) Until the Minister of Local Government approves or otherwise the application by the City of Prospect to become a Constituent Council of the Eastern Waste Management Authority, but not longer than 30/6/2018.	Released 30 November 2017	
308	09/08/17	Special Council	5.1	John McArthur	Heathfield Resource Recovery Centre Management	90(3)(b)		Until contract for management and operation of HRRC is executed but not longer than 1 December 2017	Released 30 November 2017	
309	22/08/17	Council	19.1	Marc Salver	Adelaide Hills Region Waste Management Authority Tender Landfill Compactor	90(3)(d)	03/08/18	Report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until 3 August 2018.		03/08/18
310	26/09/17	Council	19.1	Terry Crackett	Assignment of Commercial Lease at AHBTC	90(3)(d)		Until the earlier of six months or until Udder Delights Australia Pty Ltd makes a public announcement regarding the business restructure.	Released 11 October 2017	
311	26/09/17	Council	19.2	Marc Salver	Community Wastewater Management Systems Review	90(3)(b)	26/09/18	Until 26 September 2018	Partially released 13 February 2017 (Resolution 3) Related to 290 & 301	26/09/18
312	26/09/17	Council	19.3	Marc Salver	Appointment of Independent Member with NRM Skills to CAP	90(3)(a)		Until the Independent Member referred to in the item is appointed, but not longer than 1 December 2017	Released 30 November 2017	
313	24/10/17	Council	19.1.2	Natalie Westover	Sale of Land at Adelaide Hills Business and Tourism Centre	90(3)(b)	24/10/18	Until the earlier of settlement of the property transactions or 12 months		24/10/18
314	06/11/17	Audit Committee	8.1.1	James Sinden	Internal Audit Actions Implementation	90(3)(e)		Until the Internal Audit actions have been addressed	Released 6 June 2018 (under CEO delegated authority)	
315	08/11/17	CEO Performance Review Panel	10.1	Megan Sutherland	CEO Performance Review 2017	90(3)(a)		Until the CEO has been advised in writing, but not longer than 1 month from the date of the decision of Council	Released 1 February 2018	
316	08/11/17	CEO Performance Review Panel	10.2.1	Megan Sutherland	2017 CEO Remuneration Review	90(3)(a)		Until the CEO has been advised in writing, but not longer than 1 month from the date of the decision of Council	Released 1 February 2018	
317	28/11/17	Council	19.1	Megan Sutherland	CEO Performance & Remuneration Review	90(3)(a)		Until the CEO has been advised in writing, but not longer than 1 month from the date of the decision of Council	Released 1 February 2018	

No.	Date	Council/ Committee	Item No.	Responsible Officer	Title	LGA 1999 Section	Release date	Original Resolution regarding Period of Confidentiality	New Confidentiality Recommendation or Date Released	Next Review Date
318	12/12/17	Council	19.1	Ebony Priest	Australia Day Awards 2018	90(3)(a)		Until presentation of Awards on 26 January 2018	Released 1 February 2018	
2018										
319	23/01/2018	Council	19.1	Lachlan Miller	CEO Performance Review & Audit Committee Independent Members Appointments	90(3)(a)		Until appointments have been made, but not longer than 2 months	Released 1 February 2018	
320	20/02/2018	Audit Committee	7.1	Terry Crackett	Internal Audit Actions Implementation	90(3)(e)		Until the Internal Audit actions have been addressed	Related to 273, 284, 300 & 314	
321	20/02/2018	Audit Committee	7.2	Lachlan Miller	Appointment of External Auditor	90(3)(d)		Until the completion of the contract (Agenda Report only)		20/02/19
322	27/02/2018	Council	19.1	Natalie Westover	Retirement Village Review	90(3)(b)		Until the sale has been finalised, but not longer than 12 months		27/02/19
323	27/02/2018	Council	19.2	Nick Taarnby	Adelaide Hills Swimming Centre Shade Sail	90(3)(i)		Until matter is determined but not longer than 12 months		27/02/19
324	27/02/2018	Council	19.3	Lachlan Miller	Appointment of External Auditor	90(3)(d)		Until the completion of the contract		27/02/19
325	27/03/18	Council	19.1	Marc Salver	AHRWMA Purchase of Hooklift Truck	90(3)(d)	03/08/19	Until 3 August 2019		03/08/19
326	24/04/18	Council	19.1	Terry Crackett	Sale of Land for Non Payment of Rates	90(3)(i)		Until advertisement published but no longer than 12 months		24/04/18
327	29/05/18	CEO PRP	10.1.1	Megan Sutherland	Appointment of Consultant to undertake CEO Performance & Remuneration Review	90(3)(d)	07/12/18	Until 7 December 2018		

Documents that are currently retained in confidence (in part or in full) are shaded

Appendix 2

Extract from Register of Confidential Items

REGISTER OF CONFIDENTIAL ITEMS

No.	Date	Council/ Committee	Item No.	Responsible Officer	Title	LGA 1999 Section	Release date	Original Resolution regarding Period of Confidentiality	New Confidentiality Recommendation or Date Released	Next Review Date	JUNE 2018 UPDATE
2014											
240	22/04/14	Council	18.2.1	Marc Salver	AHRWMA	90(3)(b,d,i)	22/04/15	Until legal action concluded	Resolution passed 24 November 2015 to remain confidential until legal action has concluded but no longer than 30 June 2016. Resolution passed 28 June 2016 to remain confidential until legal action has concluded but no longer than 31 December 2016. Resolution passed 13 December 2016 to remain confidential until Legal Action has concluded. Resolution passed 12 December 2017 to remain confidential until legal proceedings and deliberations have concluded.	12/12/18	As the legal proceedings have not concluded it is recommended that the current confidentiality order remains.
2016											
290	25/10/16	Council	19.1	Marc Salver	CWMS Expression of Interest	90(3)(d)	31/12/17	Until 31 December 2017 except public statements which outline the rationale and process for seeking a review of options	Resolution passed 12 December 2017 to remain confidential until 26 September 2018	26/09/18	The CWMS Expression of Interest process is still being progressed. Council received a confidential report at its 19 June Special Council meeting on the status of the project. The Period of Confidentiality resolution from that report is 31 December 2019 and the Period of Confidentiality for Item 290 should coincide given that they deal with the same matter and confidential information and it is therefore recommended that a new order be applied to 'Remain confidential until 31 December 2019'.
2017											
301	28/02/17	Council	19.1	Marc Salver	Community Wastewater Management Systems Review	90(2)(b)	30/06/18	Until 30 June 2018	Related to 290	30/06/18	As with Item 290 above, Item 301 is concerned with largely the same information as was considered by Council on 19 June 2018, as such the Period of Confidentiality for this item should coincide and it is therefore recommended that a new order be applied to 'Remain confidential until 31 December 2019'.
309	22/08/17	Council	19.1	Marc Salver	Adelaide Hills Region Waste Management Authority Tender Landfill Compactor	90(3)(d)	03/08/18	Until 3 August 2018.	Related to 325	03/08/18	This report contains information which could prejudice the commercial position of the person who supplied the information. It is therefore recommended that a new order be applied to 'Remain confidential until 3 August 2019' to coincide with the confidentiality order release date for the 'Purchase of Hooklift Truck (Item 325)'. As with Items 290 and 301 above, Item 311 is concerned with largely the same information as was considered by Council on 19 June 2018, as such the Period of Confidentiality for this item should coincide and it is therefore recommended that a new order be applied to 'Remain confidential until 31 December 2019'.
311	26/09/17	Council	19.2	Marc Salver	Community Wastewater Management Systems Review	90(3)(b)	26/09/18	Until 26 September 2018	Partially released 13 February 2017 (Resolution 3) Related to 290 & 301	26/09/18	As with Items 290 and 301 above, Item 311 is concerned with largely the same information as was considered by Council on 19 June 2018, as such the Period of Confidentiality for this item should coincide and it is therefore recommended that a new order be applied to 'Remain confidential until 31 December 2019'.
313	24/10/17	Council	19.1.2	Natalie Westover	Sale of Land at Adelaide Hills Business and Tourism Centre	90(3)(b)	24/10/18	Until the earlier of settlement of the property transactions or 12 months		24/10/18	It is anticipated that this order will expire on or before 24 October 2018
2018											
321	20/02/2018	Audit Committee	7.2	Lachlan Miller	Appointment of External Auditor	90(3)(d)		Until the completion of the contract (Agenda Report only)		20/02/19	
322	27/02/2018	Council	19.1	Natalie Westover	Retirement Village Review	90(3)(b)		Until the sale has been finalised, but not longer than 12 months		27/02/19	
323	27/02/2018	Council	19.2	Nick Taarnby	Adelaide Hills Swimming Centre Shade Sail	90(3)(i)		Until matter is determined but not longer than 12 months		27/02/19	
324	27/02/2018	Council	19.3	Lachlan Miller	Appointment of External Auditor	90(3)(d)		Until the completion of the contract		27/02/19	
325	27/03/18	Council	19.1	Marc Salver	AHRWMA Purchase of Hooklift Truck	90(3)(d)	03/08/19	Until 3 August 2019	Related to 309	03/08/19	
326	24/04/18	Council	19.1	Terry Crackett	Sale of Land for Non Payment of Rates	90(3)(i)		Until advertisement published but no longer than 12 months		24/04/18	
327	29/05/18	CEO PRP	10.1.1	Megan Sutherland	Appointment of Consultant to undertake CEO Performance & Remuneration Review	90(3)(d)	07/12/18	Until 7 December 2018			

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 26 June 2018
AGENDA BUSINESS ITEM**

Item: 12.6

Originating Officer: Megan Sutherland, Executive Manager Organisational Development

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: 2018-2019 CEO Performance Targets

For: Decision

SUMMARY

The Employment Agreement (the Agreement) between Council and the Chief Executive Officer (CEO) provides for a performance review process.

The review is to assess the CEO's performance against the CEO's position description and performance targets.

The role of the CEO Performance Review Panel (the Panel) includes reviewing the CEO's performance over the preceding twelve months; reviewing performance against the performance targets; and to undertake a review of the CEO's performance targets to ensure they remain relevant and aligned to Council's strategic objectives.

The Panel is making a recommendation to Council regarding the suite of performance targets for 2018-2019 which will become the subject of future performance reviews under the Employment Agreement.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. To adopt the proposed 2018-2019 CEO Performance Targets recommended by the Panel in *Appendix 1* of this report.
-

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal	Organisational Sustainability
Strategy	Governance

We diligently adhere to legislative requirements to ensure public accountability and exceed these requirements where possible.

➤ **Legal Implications**

The Panel is a Section 41 Committee of Council under the *Local Government Act 1999*.

This process needs to be undertaken appropriately to ensure the CEO is provided with a fair and consistent approach to determining appropriate performance targets, as the performance targets are used in the annual performance review process that directly affects decisions made in relation to the CEO, his performance and remuneration decisions.

➤ **Risk Management Implications**

Undertaking regular reviews of the CEO's performance is an important control mitigating the risk of:

Deficient CEO performance review practices resulting in a lack of accountability and loss of stakeholder confidence in the organisation.

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

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

Non-achievement of CEO KPIs results in loss of community benefit and/or opportunities and/or stakeholder confidence in the organisation.

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

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

➤ **Financial and Resource Implications**

Not applicable.

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

There is a community expectation that the CEO will manage the organisation's human, financial and physical resources to ensure they are utilised for the best outcomes for the community.

➤ **Environmental Implications**

Not applicable.

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

Consultation on the proposed Performance Targets has been undertaken with those listed below.

<i>Council Committees:</i>	An initial discussion was held with the Panel at its 12 April 2018 meeting.
<i>Council Workshops:</i>	A discussion of the proposed performance targets occurred with Council Members at a Workshop on 15 May 2018.
<i>Advisory Groups:</i>	Not Applicable
<i>Administration:</i>	Chief Executive Officer Director Community and Customer Service Director Corporate Services Director Engineering and Assets Director Strategy and Development Executive Manager Governance and Performance Executive Manager Organisational Development
<i>Community:</i>	Not Applicable

2. BACKGROUND

CEO Performance Review Panel (the Panel)

The Panel Terms of Reference were adopted by Council on 25 July 2017 and state the Panel's specific functions as follows:

SPECIFIC FUNCTIONS

- 2.1 *The function of the Panel is to provide advice to Council on the CEO's performance and development, including the following matters:*
 - 2.1.1 *Determining the Performance Targets for the forthcoming 12 month performance period;*
 - 2.1.2 *Monitoring the progress on the CEO's agreed Performance Targets for the current 12 month performance period;*
 - 2.1.3 *Reviewing the CEO's performance over the preceding 12 month performance period, in particular the performance against the agreed Performance Targets and position description requirements;*
 - 2.1.4 *Identifying development opportunities for the CEO; and*
 - 2.1.5 *Reviewing the remuneration and conditions of employment of the CEO.*

The proposed suite of 2018-2019 CEO Performance Targets (**Appendix 1**) has been discussed with the Panel on 29 May 2018, with the following resolution as an outcome of that discussion:

7.2 Proposed CEO Performance Targets 2018 – 2019

Moved Paula Davies
S/- Cr Linda Green

PRP8/18

The CEO Performance Review Panel resolves:

1. That the report be received and noted
2. To recommend Council adopt the amended proposed 2018-2019 CEO Performance Targets from the 29 May 2018 CEO Performance Review Panel.

Carried Unanimously

CEO Employment Agreement

The CEO's current Employment Agreement commenced on 1 July 2017.

Clause 12 of the Agreement contains the provisions for a performance review process with the following key feature regarding performance indicators:

- 12.4 *The performance review will review the CEO's Position Description and any key performance indicator(s).*

CEO Performance Targets

The Performance Targets have been considered to ensure alignment with Council's Strategic, Corporate and Annual Business Plans. Discussions have been undertaken with the Panel, Council Members and relevant staff on the proposed 2018-2019 CEO Performance Targets. Feedback from the parties has been incorporated into the proposed 2018-2019 CEO Performance Targets.

3. ANALYSIS

Adopting a suite of CEO Performance Targets enables key strategic activities to be given a focus over the financial year they relate to. This ensures the CEO understands expectations for specific outcomes across the year from a Council Member perspective.

They also provide one of the elements used to monitor and assess the performance of the CEO each year, along with the Position Description.

In considering the 2018-2019 CEO Performance Targets, the Panel considered the degree to which the suite provides:

- an holistic indicator of CEO performance
- clarity in terms of what is to be measured (and what success looks like)
- how they will be measured.

It is also important to ensure the suite of Performance Targets is achievable over the year. One additional target was added from feedback received from Council Members at the 15 May 2018 Workshop.

The proposed suite of CEO Performance Targets has been discussed by the Panel with the CEO. If any changes are to be made or new performance targets identified by the Council, it is considered appropriate that the Mayor and Presiding Member of the Panel discuss these changes with the CEO to reach agreement.

4. OPTIONS

Council has the following options:

- I. To adopt the suite of CEO Performance Targets as recommended by the Panel in *Appendix 1*. (Recommended)
- II. To adopt the suite of CEO Performance Targets as recommended by the Panel in *Appendix 1* with amendments. (Not Recommended)
- III. To recommend the adoption of an alternate suite of CEO Performance Targets with the Mayor and Presiding Member of the Panel authorised to discuss these changes with the CEO to reach agreement. (Not Recommended)

5. APPENDIX

1. Proposed 2018-2019 CEO Performance Targets

Appendix 1

Proposed 2018-2019 CEO Performance Targets

	Target	Strategic Link	Strategic Reference
1.	<p>CWMS Review Provide a recommendation to Council following the EOI process on the future management model for Adelaide Hills Council's Community Wastewater Management System (CWMS).</p>	Strategic Plan	3.5 We will take a proactive approach and a long term view, to infrastructure maintenance and renewal.
2.	<p>Reconciliation Action Plan Establish a Reconciliation Action Plan (RAP) Working Group (comprising Aboriginal people, Council Members and local residents) to support the development of our RAP, with its membership and its draft Terms of Reference being subject to Council approval.</p>	Strategic Plan	2.1 We recognise and respect Aboriginal culture and the descendants of our first people. We will implement a Reconciliation Action Plan.
3.	<p>CRM Integration Enhance the use of the Customer Relationship Management system (CRM) by integrating CRM with the asset management software and the call centre software to enable more seamless management of customer enquiries and requests.</p>	Corporate Plan Strategic Plan	23 Improve customer experience interaction by Developing CRM as the first point of call system to manage customer requests, enquiries and feedback. Customer Service Commitment
4.	<p>Recycling/Waste Strategy Develop a strategy, to Council's satisfaction, that considers approaches, including long term approaches, for the future collection and processing of recyclables with a view to maximising environmental outcomes, reduce contamination rates and provide a cost effective kerbside recycling service.</p>	Strategic Plan	3.7 We will drive further reduction in waste consigned to landfill.
5.	<p>Customer Experience Survey/Action Plan Undertake a customer experience survey and present an action plan of identified improvement opportunities to Council Members. <i>(As a separate exercise, staff to consider a general satisfaction survey of a random sample of residents.)</i></p>	Corporate Plan Annual Business Plan	Establish regular customer service and experience reporting, as included in the CS (Customer Experience) Action Plan. Customer Experience Survey

CEO PERFORMANCE TARGETS 2018-2019

Proposed

	Target	Strategic Link	Strategic Reference
6.	<p>Library Services Review Review our library services to better understand community preferences in the context of a modern and progressive library service and provide the outcomes of the review with recommendations to Council.</p>	Strategic Plan	2.5 We will support opportunities for learning in our community to increase the confidence, wellbeing and health of our citizens.
7.	<p>Arts & Heritage Hub Provide a status report to Council on the implementation of the Business Development Framework within 6 months of the appointment of the Hub's director.</p>	Strategic Plan	2.4 We will implement the Adelaide Hills Business and Tourism Centre Masterplan to stimulate local job creation, boost tourism and create a vibrant cultural hub.
8.	<p>Stormwater Assets Use the stormwater asset class as a model for refining service levels to ensure they inform and drive asset maintenance plans and report to Council.</p>	Strategic Plan	<p>3.5 We will take a proactive approach, and a long term view, to infrastructure maintenance and renewal.</p> <p>Organisational Sustainability:</p> <ul style="list-style-type: none"> • Customer Service Commitment • Risk and responsibility

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 26 June 2018
AGENDA BUSINESS ITEM**

Item: 12.7

Originating Officer: Kylie Hopkins, Governance & Performance Project Officer

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Delegations Review – June 2018

For: Decision

SUMMARY

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

This report addresses delegations under the following Acts:

- *Development Act 1993 and Development Regulations 2008*
- *Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010*
- *Expiation of Offences Act 1996*
- *Fences Act 1975*
- *Freedom of Information Act 1991 & Freedom of Information (Fees & Charges) Regulations 2003*
- *Land & Business (Sale and Conveyancing) Act 1994*
- *Local Government Act 1999*
- *Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005*
- *Real Property Act 1886*
- *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*

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

RECOMMENDATION

Council resolves:

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

2.1 Revocation

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

- 2.1.1 *Development Act 1993 and Development Regulations 2008*
- 2.1.2 *Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010*
- 2.1.3 *Expiation of Offences Act 1996*
- 2.1.4 *Fences Act 1975*
- 2.1.5 *Freedom of Information Act 1991 & Freedom of Information (Fees & Charges) Regulations 2003*
- 2.1.6 *Land & Business (Sale and Conveyancing) Act 1994*
- 2.1.7 *Local Government Act 1999*
- 2.1.8 *Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005*
- 2.1.9 *Real Property Act 1886*
- 2.1.10 *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*

2.2 Delegations made under the *Local Government Act 1999*

2.2.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 4, 5, 6, 7, 8, 9, 10, 11 and 12 (each of which is individually identified as indicated below) are hereby delegated this 26th day of June 2018 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- *Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010 (Appendix 4)*
- *Expiation of Offences Act 1996 (Appendix 5)*
- *Fences Act 1975 (Appendix 6)*
- *Freedom of Information Act 1991 & Freedom of Information (Fees & Charges) Regulations 2003 (Appendix 7)*
- *Land & Business (Sale and Conveyancing) Act 1994 (Appendix 8)*
- *Local Government Act 1999 (Appendix 9)*
- *Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005 (Appendix 10)*

Management (Transitional Provisions - Levies) Regulations 2005 (Appendix 10)

- ***Real Property Act 1886 (Appendix 11)***
- ***Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 (Appendix 12)***

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

2.3 Delegations made under the *Development Act 1993*

2.3.1 In exercise of the power contained in Section 20 and 34(23) of the *Development Act 1993*, the powers and functions under the *Development Act 1993* and the *Development Regulations 2008* and specified in the proposed Instrument of Delegation contained in Appendix 3 are hereby delegated this 26th day of June 2018 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation under the *Development Act 1993*.

2.3.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*.

2.3.3 In exercise of the powers contained in Section 20 and 34(23) of the *Development Act 1993* the powers and functions under the *Development Act 1993* and the *Development Regulations 2008* and specified in the proposed Instrument of Delegation contained in Appendix 3, are hereby delegated on this 26th day of June 2018 to the Council's Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*:

2.4 Authorisations and Subdelegation under the *Road Traffic Act 1961*

2.4.1 In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the 'Instrument') the Council authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements: Peter Bice, Ashley Curtis.

2.4.2 In accordance with Clause A.7 of the Instrument, the Council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument: Peter Bice, Ashley Curtis.

2.4.3 In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council pursuant to Clause G of the Instrument and contained in the proposed Instrument of Subdelegation (Appendix 10) is hereby sub-delegated this 26th day of June to the person occupying the office of Chief Executive Officer of the Council subject to:

- (i) the conditions contained in the Instrument; and**
- (ii) any conditions contained in this Resolution or in the Instrument of Subdelegation; and**
- (iii) the creation of a separate instrument in writing reflecting such subdelegation under the Instrument and this Resolution.**

2.4.4 In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of traffic management Plans: Peter Bice and Ashley Curtis.

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal Organisational Sustainability
Strategy Governance

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

➤ **Legal Implications**

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

➤ **Risk Management Implications**

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

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

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

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

➤ **Financial and Resource Implications**

Not directly applicable

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

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

➤ **Environmental Implications**

Not directly applicable

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

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Director Corporate Services
Director Strategy & Development
Director Community & Customer Services
Director Engineering & Assets
Executive Manager Governance & Performance
Executive Manager Organisational Development
Manager Property Services
Manager Development Services
Manager Waste Health & Regulatory Services
Manager Civil Services
Manager Financial Services
Manager Information Systems
Manager Sustainable Assets
Manager Open Space
Team Leader Regulator Services
Team Leader Environmental Health
Services Coordinator

Community: Not Applicable

2. **BACKGROUND**

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

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

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

3. ANALYSIS

This report incorporates the updates identified in the 'Table of Updates' (**Appendix 2**), dated 31 March 2018, provided by the Local Government Association in Circular 19.6.

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

- *Development Act 1993 and Development Regulations 2008* (**Appendix 3**)
- *Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010* (**Appendix 4**)
- *Expiation of Offences Act 1996* (**Appendix 5**)
- *Fences Act 1975* (**Appendix 6**)
- *Freedom of Information Act 1991 & Freedom of Information (Fees & Charges) Regulations 2003* (**Appendix 7**)
- *Land & Business (Sale and Conveyancing) Act 1994* (**Appendix 8**)
- *Local Government Act 1999* (**Appendix 9**)
- *Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005* (**Appendix 10**)
- *Real Property Act 1886* (**Appendix 11**)
- *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014* (**Appendix 12**)

The Acts/Regulations with amendments in this review are:

- *Development Act 1993 and Development Regulations 2008*
- *Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010*
- *Expiation of Offences Act 1996*
- *Local Government Act 1999*

All changes have been tracked on the attached instruments.

3.1 Development Act 1993 and Development Regulations 2008

The delegation of power under regulation 83(3) of the *Development Regulations 2008* now excludes power in relation to a designated building on which building work involving the use of a designated building product is carried out after the commencement of the *Development (Building Cladding) Variation Regulations 2018*.

3.2 Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010

The delegations for the Environment Protection (Waste to Resources) Policy 2010 have been updated.

3.3 Expiation of Offences Act 1996

An omission in paragraph 3.4 has been corrected.

3.4 Local Government Act 1999

New and amended delegations regarding the issuing/cancelling of permits and adopting/amending location rules for the purposes of mobile food vending businesses have been added to the delegations for the *Local Government Act 1999*.

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

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

As with all Council delegations, delegating a power under these Acts does not transfer that power from the Council to the delegate, it merely replicates it. As such, where the situation requires, the CEO may determine to bring a delegated matter to Council for decision.

4. OPTIONS

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

5. APPENDICES

- (1) Delegations Review Schedule
- (2) Table of updates dated 31 March 2018
- (3) Instrument of Delegation under the *Development Act 1993 and Development Regulations 2008*
- (4) *Instrument of Delegation under the Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010*
- (5) Instrument of Delegation under the *Expiation of Offences Act 1996*
- (6) Instrument of Delegation under the *Fences Act 1975*
- (7) Instrument of Delegation under the *Freedom of Information Act 1991 & Freedom of Information (Fees & Charges) Regulations 2003*
- (8) Instrument of Delegation under the *Land & Business (Sale and Conveyancing) Act 1994*
- (9) Instrument of Delegation under the *Local Government Act 1999*
- (10) Instrument of Delegation under the *Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005*
- (11) Instrument of Delegation under the *Real Property Act 1886*
- (12) Instrument of Delegation under the *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*

Appendix 1

Delegations Review Schedule

DELEGATIONS REVIEW SCHEDULE

Act	Mar-18	Jun-18	Sep-18	Dec-18
LGA Circular Number	6.11			
Burial & Cremation Act 2013 and the Burial and Cremation Regulations 2014	27-Mar			
Community Titles Act 1996				
Crown Land Management Act 2009				
Development Act 1993 and Development Regulations 2008	27-Mar	26-Jun		
Dog & Cat Management Act 1995				
Electronic Conveyancing National Law (SA) Act				
Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010	27-Mar	26-Jun		
Expiation of Offences Act 1996	27-Mar	26-Jun		
Fences Act 1975		26-Jun		
Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005				
Food Act 2001	27-Mar			
Freedom of Information Act 1991 & Freedom of Information (Fees & Charges) Regulations 2003		26-Jun		
Heavy Vehicle National Law (South Australia) Act 2013				
Land & Business (Sale and Conveyancing) Act 1994		26-Jun		
Liquor Licensing Act 1997				
Local Government Act 1999		26-Jun		
Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017	27-Mar			
Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005		26-Jun		
Planning, Development and Infrastructure Act 2016				
Private Parking Areas Act 1986				
Real Property Act 1886		26-Jun		
Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014		1-Jul		
Roads (Opening & Closing) Act 1991				
Safe Drinking Water Act 2011	27-Mar			
South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013				
Strata Titles Act 1999				
Supported Residential Facilities Act 1992	27-Mar			
Unclaimed Goods Act 1987	27-Mar			
Water Industry Act 2012 and Water Industry Regulations 2012	27-Mar			
Work Health Safety Act 2012				

Appendix 2

Table of updates 31 March 2018

LOCAL GOVERNMENT ASSOCIATION
UPDATES OF DELEGATION TEMPLATES ON WEBSITE

(Note: Paragraph references below refer to updated version – As at 31 March 2018)

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Webpage entitled – 'Delegations – Introduction'						
Webpage entitled – 'General Information'						
Instrument of Delegation under the Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014						
Instrument of Delegation under the Community Titles Act						
Instrument of Delegation under the Development Act, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008	98.3	Reg 83(3)	Amendment	Legislative Amendment	31 March 2018	Use updated Instrument at new review
Instrument of Delegation under the Dog & Cat Management Act						
Instrument of Delegation under the Electronic Conveyancing National Law (South Australia) Act 2013						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Environment Protection Act						
Instrument of Delegation under the Expiation of Offences Act						
Instrument of Delegation under the Fences Act						
Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017						
Instrument of Delegation under the Fire & Emergency Services Act						
Instrument of Delegation under the Food Act						
Instrument of Delegation under the Freedom of Information Act						
Instrument of Delegation under the Heavy Vehicle National Law Act						
Instrument of Delegation under the Land & Business (Sale & Conveyancing) Act						
Instrument of Delegation under the Liquor Licensing Act						
Instrument of Delegation under the Local Government Act 1999	112.1	224	Amendment	Legislative Amendment	31 March 2018	Adopt updated Instrument as soon as possible.
	113.1	225(1)	Amendment	Legislative Amendment	31 March 2018	

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
	113.4	225(4)	Addition	Legislative Amendment	31 March 2018	
	113A.1	225A(1)	Addition	Legislative Amendment	31 March 2018	
	113A.2	225A(4)	Addition	Legislative Amendment	31 March 2018	
Instrument of Delegation under the Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017						
Instrument of Delegation under the Natural Resources Management Act						
Instrument of Delegation under the Planning, Development and Infrastructure Act 2016						
Instrument of Delegation under the Public & Environmental Health Act 1987, the Public & Environmental Health (Waste Control) Regulations 2010 and the Public & Environmental Health (Legionella) Regulations 2008						
Instrument of Delegation under the Real Property Act						
Instrument of Delegation under the Roads (Opening & Closing) Act						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Road Traffic Act 1961, Road Traffic (Miscellaneous_Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014						
Subdelegations to Chief Executive Officer under the Road Traffic Act 1961						
Authorisations under Road Traffic Act 1961						
Instrument of Delegation under the Safe Drinking Water Act 2011						
Instrument of Delegation under the South Australian Public Health Act 2011						
Instrument of Delegation under the South Australian Public Health (Legionella) Regulations 2013						
Instrument of Delegation under the South Australian Public Health (Wastewater) Regulations 2013						
Instrument of Delegation under the Strata Titles Act 1988						
Instrument of Delegation under the Supported Residential Facilities Act						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Water Industry Act 2012 and Water Industry Regulations 2012						
Instrument of Delegation under the Work Health Safety Act 2012						
Instrument of Delegation under the Unclaimed Goods Act 1987						
Webpage entitled – 'Guide for use – Template Resolutions'						
Draft Resolutions for the making of Delegations						
Webpage entitled – 'Documents for Making Subdelegations'						
Template Instrument of Subdelegation						
Notification of Subdelegations for Council Officers						
Notification of delegations to Officers who are 'acting' in a position						
Webpage entitled – 'Legislative Requirements'						
Webpage entitled – 'Best Practice Recommendations'						

Appendix 3

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

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

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

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

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

		Direct Delegation from Council	Conditions/ Limitations
5.13.2	subject to Section 25(11)(b) of the Act and in accordance with the Regulations, hold within the area of the Council at least 1 meeting where members of the public may attend and make representations in relation to the matter,		
5.13.3	appoint a committee (which may, but need not, include members of the Council) to consider any representations made under Sections 25(11)(a) or 25(11)(b) of the Act and to provide advice in relation to those representations.		
5.14	If a proposed amendment designates a place as a place of local heritage value, the duty pursuant to Section 25(12) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land constituting a place proposed as a place of local heritage value a written notice:	CEO	NIL
5.14.1	informing the owner of the proposed amendment, and		
5.14.2	inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.		
5.15	If a proposed amendment declares a tree to be a significant tree or a stand of trees to be significant trees, the duty pursuant to Section 25(12a) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land where the tree or trees are located a written notice:	CEO	NIL
5.15.1	informing the owner of the proposed amendment; and		
5.15.2	inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.		
5.16	The duty pursuant to Section 25(13)(a) of the Act, after complying with the requirements of Sections 25(1)-(12a) of the Act, to, in accordance with the Regulations prepare a report on the matters raised during the consultation period, on the reasons for any failure to comply with any time set for any step under Sections 25(1)-(12a) of the Act, and on any recommended alterations to the proposed amendment.	CEO	NIL
5.17	The power pursuant to Section 25(13)(b) of the Act, if the Delegate thinks fit, by notice in writing to the Minister, to decline to proceed any further with an amendment.	CEO	Subject to sign-off by SPDPC
5.18	The duty to send to the Minister:	CEO	NIL
5.18.1	a copy of a report under Section 25(13)(a); and		
5.18.2	a certificate from the Chief Executive Officer;		
	pursuant to and in accordance with Section 25(14) of the Act and the Regulations.		
5.19	The power pursuant to Sections 25(15)(d) and 25(15)(f) of the Act to consult with the Minister.	CEO	Subject to sign-off by SPDPC
5.20	The power pursuant to and in accordance with Section 25(21) of the Act to consult with, and make submissions to the Minister.	CEO	Subject to sign-off by SPDPC
5.21	The power pursuant to Section 25(23) of the Act to consult with the Minister.	CEO	Subject to sign-off by SPDPC
6.	Amendments by the Minister		
6.1	The power pursuant to Section 26(5)(d)(i) of the Act, in relation to a DPA referred to the Council by the	CEO	Subject to sign-

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

		Direct Delegation from Council	Conditions/ Limitations
	8.1.4.2 required by the Minister.		
8.2	The duty pursuant to Section 30(2) of the Act to prepare and complete a report under Section 30 of the Act:	CEO	Subject to sign-off by SPDPC
8.2.1	within 12 months after an alteration is made to the Planning Strategy, or within such longer period as the Minister may allow, if:		
8.2.1.1	the Minister declares, by notice in the Gazette, that the alteration is considered to be a significant alteration that should trigger a review of Development Plans, or specified Development Plans, under Section 30 of the Act in relation to issues specified by the Minister; and		
8.2.1.2	the Development Plan that applies in relation to the Council's area (or a part of its area) falls within the ambit of the declaration; and		
8.2.2	in any event, within 5 years after the completion of the last report under Section 30 of the Act.		
8.3	The duty, pursuant to Section 30(3) of the Act, in connection with the preparation of a report under Section 30 of the Act, to:	CEO	Subject to sign-off by SPDPC
8.3.1	by public advertisement, invite interested persons to make written submissions to the Council within 2 months of the date of the advertisement or such longer period as may be allowed by the advertisement; and		
8.3.2	consult with any prescribed authority or body in the manner specified by the regulations.		
8.4	The duty, pursuant to Section 30(4) of the Act, in connection with the operation of Section 30(3) of the Act, to prepare and make available the documentation prescribed by the regulations.	CEO	
8.5	The duty pursuant to Section 30(5) of the Act to give a person who makes a written response to an invitation under Section 30(3)(a) of the Act an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions.	CEO	
8.6	The duty pursuant to Section 30(6) of the Act, in preparing a report under Section 30 of the Act, to:	CEO	Subject to sign-off by SPDPC
8.6.1	reach agreement with the Minister on a Statement of Intent with respect to any proposed amendments to a Development Plan that applies within the area of the Council; and		
8.6.2	if relevant, prepare a DPA that is suitable for consideration under Section 25(3) of the Act.		
8.7	The duty pursuant to Section 30(7) of the Act to furnish a report under Section 30 of the Act to the Minister.	CEO	
8.8	The duty pursuant to Section 30(8) of the Act to, then, in accordance with any reasonable request of the Minister, enter into an agreement with the Minister on the steps that the Council will take as a result of the matters contained in the report (and the report will not be taken to have been completed unless or until such an agreement is reached with the Minister).	CEO	Subject to sign-off by SPDPC
8.9	The power pursuant to Section 30(9) of the Act to request the Minister to exempt the Council:	CEO	Subject to sign-off by SPDPC

		Direct Delegation from Council	Conditions/ Limitations
8.9.1	from a requirement to prepare a particular report under Section 30 of the Act; or		
8.9.2	from a particular requirement with respect to a report under Section 30 of the Act.		
8.10	The duty pursuant to Section 30(12) of the Act to make copies of a report prepared under Section 30 of the Act available for inspection (without charge) by the public at the principal office of the Council.	CEO	
8.11	The duty pursuant to Section 30(13) of the Act, if a report proposes amendments to a Development Plan that applies within the area of the Council, to ensure that it releases a DPA for public consultation under Section 25 within the period prescribed by the regulations.	CEO	Subject to sign-off by SPDPC
8.12	The power pursuant to Section 30(14) of the Act, to request in accordance with the regulations a Minister identified by the regulations for the purposes of this provision to furnish to the Council within the prescribed period a statement of the nature and extent of any infrastructure that, according to the Minister's assessment, should be taken into account in connection with the preparation of a report under Section 30 of the Act.	CEO	Subject to sign-off by SPDPC
8.13	The power pursuant to Section 30(15) of the Act to act jointly with two or more councils under Section 30 of the Act and to act on behalf of, and with the agreement of, the other council or councils in undertaking any process or procedure under Section 30 of the Act.	CEO	Subject to sign-off by SPDPC
9.	Copies of Plans to be Made Available to the Public		
9.1	The duty pursuant to Section 31(3) of the Act to make copies of a Development Plan published under Section 31(1) of the Act that applies in relation to the area of the Council available for inspection (without charge) and purchase by the public at an office of the Council.	CEO	NIL
10.	Matters Against Which Development Must be Assessed		
10.1	The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):	CEO/CAP	NIL
10.1.1	the provisions of the appropriate Development Plan;	CEO/CAP	Except: 1. <u>new dwellings</u> outside of townships which must have the delegate report countersigned by another Statutory Planner prior

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		<p>to decision being issued.</p> <p>2. Licensed premises which must have the delegate report countersigned by another Statutory Planner prior to the decision being issued</p> <p>3. <u>refusals</u> which must be countersigned by either the Director Strategy & Development or Manager Development Services prior to decision being issued.</p> <p>4. <u>non-complying</u> applications determined as minor (only in accordance with Clause</p>

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		3 of Schedule 9 of the Development Regulations 2008 and not where CAP delegation) – but delegate report must be <u>countersigned by</u> another Statutory Planner prior to SCAP concurrence being sought
10.1.2 the provisions of the Building Rules;	CEO	Except: 1. <u>refusals</u> which must be countersigned by either the Director Strategy & Development or Manager Development Services prior to decision being issued
10.1.3 in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or	CEO/CAP	With the

	Direct Delegation from Council	Conditions/ Limitations
the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;		exception of minor boundary realignments involving two allotments, delegate report to be countersigned by either the Director Strategy & Development or Manager Development Services, or Team Leader Statutory Planning prior to decision being issued
10.1.4 in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;	CEO/CAP	With the exception of minor boundary realignments involving two allotments, delegate report to be countersigned by either the Director Strategy & Development or Manager Development Services, or Team Leader

		Direct Delegation from Council	Conditions/ Limitations
			Statutory Planning prior to decision being issued
10.1.5	the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner; and	CEO/CAP	NIL
10.1.6	such other matters as may be prescribed.	CEO/CAP	NIL
10.2	The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.	CEO/CAP	Delegate report to be countersigned by either the Director Strategy & Development or Manager Development Services, or Team Leader Statutory Planning prior to decision being issued
10.3	If:	CEO	NIL
10.3.1	a development only requires an assessment under paragraph (b) of Section 33(1) of the Act; and		
10.3.2	the Council:		
10.3.2.1	is the relevant authority; and		
10.3.2.2	is to make the assessment under that paragraph; and		
10.3.3	the Council determines to grant consent under that paragraph, the duty, pursuant to Section 33(4b) of the Act as the relevant authority, to issue the relevant development approval with the consent.		
11.	Determination of Relevant Authority		
11.1	The power pursuant to Section 34(1)(b)(iii) of the Act to request the Minister to declare the State Commission Assessment Panel to be the relevant authority for a proposed development.	CEO/CAP	NIL
11.2	The power pursuant to Section 34(1a) of the Act, where the Minister has made a declaration under Section 34(1)(b)(vi) of the Act, to provide the State Commission Assessment Panel with a report, relating to the application for development authorisation, within the time prescribed by the Regulations.	CEO/CAP	NIL

		Direct Delegation from Council	Conditions/ Limitations
11.3	The power pursuant to Section 34(8a) of the Act to, in conjunction with the Councils for the areas in relation to which a regional development assessment panel has been constituted, remove a member from the panel for a failure to comply with the requirements of Section 34(6a) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.		
11.4	The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel		
11.5	The duty pursuant to Section 34(27)(a) of the Act to establish a policy relating to the basis upon which the Council will make the various delegations required by Section 34(23) of the Act.	CEO	NIL
11.6	The duty pursuant to Section 34(27)(b) of the Act to ensure that a copy of the policy established by the Council under Section 34(27)(a) of the Act is available for inspection at the principal office of the council during ordinary office hours and for inspection on the internet.	CEO	NIL
12.	Special Provisions Relating to Assessment Against Development Plans		
12.1	The duty pursuant to Section 35(1) of the Act to grant a development plan consent if the Regulations or the relevant Development Plan describes any proposed development as a complying development (subject to such conditions or exceptions as may be prescribed by the Regulations or the relevant Development Plan and subject to any other provision made by the Act or applying under the Regulations).	CEO	NIL
12.2	The power pursuant to Section 35(1b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development.	CEO	NIL
12.3	Subject to Sections 35 (1d) and (1e) of the Act, if a proposed development meets all but 1 criteria necessary for the development to be complying development, the duty, pursuant to Section 35(1c) of the Act to regard the aspect or aspects of the development that are consistent with the development being complying development accordingly and to assess the balance of the development as merit development.	CEO	NIL
12.4	The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan.	CEO/CAP	NIL
12.5	The power pursuant to Section 35(3)(a) of the Act in appropriate cases, to concur in the granting of consent to a development described as a non-complying development.	CEO/CAP	<u>only non-complying</u> applications determined as minor or as Category 3 providing there were no representations in opposition in accordance with Clause 3 of

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			Schedule 9 of the Development Regulations 2008 may be concurred with by staff. Where concurrence is <u>not supported</u> or where a development is a non-complying category 3 with opposing representations development the matter must be reported to CAP
12.6	Subject to the Act, the power and duty pursuant to Section 35(6) of the Act, to accept that a proposed development complies with the provisions of the appropriate development plan to the extent that such compliance is certified by a private certifier.	CEO	NIL
13.	Special Provisions Relating to Assessment Against the Building Rules		
13.1	The duty pursuant to Section 36(1) of the Act to grant a building rules consent if the Regulations provide that any proposed building work complies with the Building Rules.	CEO	NIL
13.2	The power pursuant to and in accordance with Section 36(2) of the Act:		
13.2.1	to assess whether a development is at variance with the Building Rules;	CEO	NIL
13.2.2	to determine whether to grant building rules consent where the variance is with the performance requirements of the Building Code and the Building Rules Assessment Commission concurs in the granting of consent;	CEO	NIL
13.2.3	to determine whether to grant building rules consent where the variance is with a part of the Building Rules other than the Building Code and to determine that it is appropriate to grant the consent despite the variance on the basis that the Delegate is satisfied that:		
13.2.3.1	the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building fails to conform with the Building Rules only in minor respects and the variance is justifiable having regard to the objects of the Development Plan or the performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than if the variance	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	were not to be allowed; or		
	13.2.3.2 in circumstances where the development has already occurred the variance is justifiable in the circumstances of the particular case.	CEO	NIL
13.3	The duty pursuant to Section 36(3) of the Act to modify the application of the Building Rules to avoid an inconsistency between the Building Rules and the Development Plan in relation to a State heritage place or a local heritage place.	CEO	NIL
13.4	The duty pursuant to Section 36(3a) of the Act to seek and consider the advice of the Building Rules Assessment Commission before imposing or agreeing to a requirement under Section 36(3) of the Act that would be at variance with the performance requirements of the Building Code.	CEO	NIL
13.5	The duty pursuant to Section 36(4)(a) and (b) of the Act to accept that proposed building work complies with the Building Rules to the extent that:	CEO	NIL
	13.5.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the Regulations; or		
	13.5.2 such compliance is certified by a private certifier.		
13.6	The power pursuant to Section 36(6) of the Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification.	CEO	Delegate report to be countersigned by either the Director Strategy & Development or Manager Development Services prior to the decision being issued
14. Consultation With Other Authorities or Agencies			
14.1	Subject to Section 37AA of the Act, the duty pursuant to Section 37(1)(a) and (b) of the Act where an assessment is required of an application for the consent or approval of a proposed development of a prescribed class to:		
	14.1.1 refer the application, together with a copy of any relevant information provided by the applicant to a body prescribed by the Regulations and including the State Commission Assessment Panel, and	CEO/CAP	NIL
	14.1.2 not make a decision until a response has been received from the prescribed body in relation to the matter or matters for which the referral was made or the presumption is made that the body does not desire to make a response or concur (as the case requires).		
14.2	The duty pursuant to Section 37(5)(a) of the Act where an application has been refused or conditions	CEO/CAP	NIL

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	imposed in respect of a development authorisation by direction of a prescribed body, to notify the applicant that the application was refused, or the conditions imposed, by direction under Section 37 of the Act.		
14.3	If a relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the Act, the power, pursuant to Section 37(6) of the Act to make application for the relevant authority to be joined as a party to the proceedings.	CEO	NIL
15. Preliminary Advice and Agreement			
15.1	The power pursuant to and in accordance with Section 37AA(2)(e) of the Act to be satisfied that an application accords with an agreement indicated by a prescribed body in accordance with Section 37AA(2)(c) of the Act.	CEO/CAP	NIL
15.2	The power pursuant to and in accordance with Section 37AA(4) of the Act to determine that an agreement under Section 37AA of the Act is no longer appropriate due to the operation of Section 53 of the Act.	CEO/CAP	NIL
16. Proposed Development Involving Creation of Fortifications			
16.1	The duty pursuant to Section 37A(1) of the Act where the Delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police ('the Commissioner').	CEO/CAP	NIL
16.2	The power pursuant to Section 37A(2)(b) of the Act to receive the Commissioner's written determination under Section 37A(2)(a) of the Act.	CEO/CAP	NIL
16.3	The duty pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development involves the creation of fortifications to:		
16.3.1	if the proposed development consists only of the creation of fortifications – refuse the application; or	CEO/CAP	Delegate report to be countersigned by either the Director Strategy & Development or Manager Development Services prior to the decision being issued
16.3.2	in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications.	CEO/CAP	NIL
16.4	The duty pursuant to Section 37A(6) of the Act, if the Delegate acting on the basis of a determination of the Commissioner under subsection 37A(2) refuses an application or imposes conditions in respect of a	CEO/CAP	NIL

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development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 37A of the Act.			
17. Public Notice and Consultation			
17.1	The duty, pursuant to Section 38(3) of the Act, where a person applies for a consent in respect of the Development Plan for a Category 1 development, to not on the Delegate's own initiative seek the views of the owners or occupiers of adjacent or other land in relation to the granting or refusal of development plan consent.	CEO	NIL
17.2	Where a person applies for a consent in respect of the Development Plan for a Category 2A development, -	CEO	NIL
17.2.1	the duty pursuant to Section 38(3a)(a) of the Act to:		
17.2.1.1	subject to any exclusion or qualification prescribed by the Regulations – give an owner or occupier of each piece of adjoining land; and		
17.2.1.2	give any other person of a prescribed class, notice of the application; and		
17.2.2	the duty pursuant to Section 38(3a)(b) of the Act, to:		
17.2.2.1	give consideration to any representations in writing made in accordance with the Regulations by a person who is entitled to be given notice under paragraph (a) of Section 38(3a) of the Act; and		
17.2.2.2	forward to the applicant a copy of any representations that the relevant authority must consider under subparagraph (i) of Section 38(3a)(b) of the Act and allow the applicant an opportunity to respond in writing, to those representations within the period prescribed by the Regulations; and		
17.2.3	if a representation is received under paragraph (b) of Section 38(3a) of the Act within the prescribed number of days, the power pursuant to Section 38(3a)(c) of the Act to, in the Delegate's absolute discretion, allow the person who made the representation to appear personally or by representative before it to be heard in support of the representation.	CEO/CAP	NIL
17.3	The duty pursuant to Section 38(4) of the Act to give notice of a proposal for a Category 2 development.	CEO	NIL
17.4	The duty pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development.	CEO	NIL
17.5	The duty pursuant to Section 38(8) of the Act to forward to an applicant a copy of any representation made regarding the proposed development, and to allow the applicant to respond in writing to those representations.	CEO	NIL
17.6	The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate.	CEO/CAP	NIL
17.7	The duty pursuant to Section 38(10)(b) of the Act, in respect of a Category 3 development, to allow a person who made a representation and who as part of that representation indicated an interest in	CEO/CAP	NIL

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	appearing before the Delegate, a reasonable opportunity to appear personally or by representative to be heard in support of the representation.		
17.8	The duty pursuant to Section 38(11) of the Act to allow an applicant to appear personally or by representative before the Delegate or the CAP in order to respond to any relevant matter.	CEO/CAP	NIL
17.9	The duty pursuant to Section 38(12) of the Act, where representations have been made under Section 38 of the Act, to give notice of the decision on the application to each person who made a representation and in respect of a Category 3 development of the person's appeal rights under the Act, and give notice to the Court.	CEO	NIL
17.10	The power, pursuant to subsection 38(17) of the Act, where a relevant authority is acting under Section 38 of the Act in relation to a Category 2A or Category 2 development, to not take into account under Section 38 of the Act a representation made by a person who is not entitled to be given notice of the relevant application under Section 38 of the Act.	CEO/CAP	Subject to delegate report sign off by Team Leader Statutory Planning Senior Statutory Planner, Manager Development Services or Director Strategy & Development
17.11	The power, pursuant to subsection 38(18) of the Act, to not take into account under Section 38 of the Act, a representation that is not made in accordance with any requirement prescribed by the Regulations for the purposes of Section 38.	CEO/CAP	Subject to delegate report sign off by Team Leader Statutory Planning Senior Statutory Planner, Manager Development Services or Director Strategy & Development
18.	Application and Provision of Information		
18.1	The power pursuant to Section 39(2) of the Act to request an applicant to:	CEO/CAP	NIL
18.1.1	provide such additional documents or information to enable assessment of the application;		

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

		Direct Delegation from Council	Conditions/ Limitations
18.4.1	subject to Section 39(3)(b)(ii) of the Act, refuse the application; and		
18.4.2	refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).		
18.5	The duty, pursuant to Section 39(3a) of the Act, in dealing with an application that relates to a regulated tree, to seek to make any assessment as to whether the tree is a significant tree without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.	CEO/CAP	Refer to special circumstances policy
18.6	The duty, pursuant to Section 39(3b) of the Act, in dealing with an application that relates to a regulated tree that is not a significant tree, to seek to assess the application without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.	CEO/CAP	Refer to special circumstances policy
18.7	The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application.	CEO/CAP	NIL
18.8	The power pursuant to Section 39(4)(b) and Section 39(5) of the Act to permit an applicant to lodge an application without the provision of any information or document required by the Regulations.	CEO	NIL
18.9	The power pursuant to Section 39(4)(c) and Section 39(5) of the Act to waive payment of whole or part of the application fee or refund an application fee (to the extent that such fees are payable to the Council).	CEO	In accordance with Council Fee Waiver Policy
18.10	The power pursuant to Section 39(4)(d) of the Act and Regulation 17(3)(a) of the regulations to refuse an application that relates to a development of the kind that is described as a non-complying development under the Development Plan without proceeding to make an assessment of the application.	CEO/CAP	Delegate report to be countersigned by either the Director Strategy & Development or Manager Development Services prior to the decision being issued
18.11	The power pursuant to Section 39(4)(e) of the Act, if there is an inconsistency between any documents lodged with the Council for the purposes of Division 1 of Part 4 of the Act, or between any such document and a development authorisation that has already been given that is relevant in the circumstances, to return or forward any document to the applicant or to any other person and to determine not to finalise the matter until any specified matter is resolved, rectified or addressed.	CEO	NIL
18.12	The power pursuant to Section 39(7) of the Act to approve an application for variation of the conditions of	CEO/CAP	Refer to CAP

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

		Direct Delegation from Council	Conditions/ Limitations
	the duty pursuant to Section 41(5)(d) of the Act, subject to any exclusion or qualification prescribed by the Regulations, to refund the fee received by the relevant authority under Section 39(1)(d) in relation to the application.		
21. Conditions			
21.1	The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.	CEO/CAP	NIL
21.2	The duty, pursuant to Section 42(4) of the Act, in accordance with Section 42(5) of the Act and subject to Sections 42(6) and (8) of the Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the Delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).	CEO/CAP	NIL
21.3	The power, pursuant to Section 42(6) of the Act, on the application of the applicant, to determine that a payment of an amount calculated in accordance with the Regulations be made into the relevant fund in lieu of planting one or more replacement trees under Section 42(4) of the Act.	CEO/CAP	Subject to sign off by Team Leader Statutory Planning, Manager Development Services or Director Strategy & Development
21.4	The power, pursuant to Section 42(8)(b) of the Act, after taking into account any criteria prescribed by the Regulations and if the Minister concurs, to determine that it is appropriate to grant an exemption under Section 42 of the Act in a particular case.	CEO/CAP	NIL
22. Cancellation by a Relevant Authority			
22.1	The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate.	CEO/CAP	NIL
23. Investigation of Development Assessment Performance			
23.1	The power pursuant to Section 45A(2) of the Act to explain the Council's actions and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action) to the Minister within a period (being at least 28 days) specified by the Minister.	CEO/CAP	NIL
23.2	The duty pursuant to Section 45A(14) of the Act to comply with a direction under Section 45A(11) or (13) of the Act.	CEO/CAP	NIL
23.3	The power pursuant to Section 45A(12) of the Act to make submissions to the Minister on the report on	CEO/CAP	NIL

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

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

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

		Direct Delegation from Council	Conditions/ Limitations
credit of the car parking fund.			
28. Urban Trees Fund			
28.1	The power, pursuant to Section 50B(1) of the Act, with the approval of the Minister, to establish an urban trees fund for an area designated by the Delegate (a designated area).	CEO	Subject to SPDPC approval
28.2	The duty, pursuant to Section 50B(2) of the Act, to effect establishment of the fund by notice in the Gazette.	CEO	NIL
28.3	The duty, pursuant to Section 50B(3) of the Act, to define a designated area by reference to an area established by the relevant Development Plan.	CEO	Subject to SPDPC approval
28.4	The power, pursuant to Section 50B(5) of the Act, to invest any money in an urban trees fund that is not for the time being required for the purpose of the fund and the duty to pay any resultant income into the fund.	CEO	Subject to concurrence by Director Strategy & Development and Director Corporate Services
28.5	The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to:		
	28.5.1 maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act; or	CEO	NIL
	28.5.2 purchase land within the designated area in order to maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act.	NIL	NIL
28.6	The duty, pursuant to Section 50B(7) of the Act, if the Council subsequently sells land purchased under Section 50B(6)(b) of the Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 50B of the Act subject to the following qualifications as prescribed by Sections 50B(7)(a) and (b) of the Act:	NIL	NIL
	28.6.1 if an urban trees fund is no longer maintained by the Council, the proceeds must be applied for a purpose or purpose consistent with Section 50B(6)(a) or (b) of the Act;	CEO	Subject to concurrence by Director Strategy & Development and Director Corporate Services
	28.6.2 if money from an urban trees fund only constituted a proportion of the purchase price of the land	NIL	NIL

		Direct Delegation from Council	Conditions/ Limitations
	(the designated proportion), the money that is subject to these requirements is the designated proportion of the proceeds of sale.		
29. Certificate in Respect of the Division of Land			
29.1	The duty pursuant to Section 51(2) of the Act to provide appropriate information to the State Commission Assessment Panel (upon request by the State Commission Assessment Panel) before it issues a certificate in respect of the division of land.	CEO	NIL
30. Saving Provisions			
30.1	The power pursuant to Section 52(4) of the Act to extend the limitation period referred to in Section 52(2) of the Act in order to avoid or reduce hardship.	CEO/CAP	NIL
31. Avoidance of Duplication of Procedures Etc			
31.1	The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (and defined in Section 52A(9) of the Act, as a 'Commonwealth Act document') as an application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act.	CEO/CAP	NIL
31.2	The power pursuant to Section 52A(2)(b) of the Act where a document has been accepted for the purposes of the Act, to direct that a procedure taken under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 in relation to the said document will be taken to have fulfilled the requirements for a procedure in relation to the relevant document under the Act, if the requirements of the Act in relation to the procedure have been complied with under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	CEO/CAP	NIL
31.3	The power pursuant to Section 52A(2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement, assessment or other document of the same kind or not) used or to be used for the purposes of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of the Act.	CEO/CAP	NIL
31.4	The power pursuant to Section 52A(5) of the Act where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity or includes an activity for which a development authorisation is required under the Act to, when considering an application for a development authorisation or for the variation of a development authorisation, for the activity, use information and other material provided to the Commonwealth Minister under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	CEO/CAP	NIL
31.5	Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development	CEO/CAP	NIL

		Direct Delegation from Council	Conditions/ Limitations
authorisation is required under the Act:			
31.5.1	in circumstances where:		
31.5.1.1	the Commonwealth Minister has given his or her approval to the controlled action; and		
31.5.1.2	the applicant for the development authorisation or the Commonwealth Minister has informed the relevant authority of that fact;		
	the duty pursuant to Section 52A(6)(a) of the Act to consider whether the conditions (if any) to be attached to the development authorisation should be consistent with the conditions (if any) attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999; and		
31.5.2	the power pursuant to Section 52A(6)(b) of the Act to attach a condition to the development authorisation that requires compliance with all or some of the conditions attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.		
32.	Requirement to Upgrade Building in Certain Cases		
32.1	Where an application is made for building rules consent for building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of subsection 53A(1) of the Act, the power pursuant to Section 53A(1) of the Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition and therefore require as a condition of consent that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.	CEO	NIL
32.2	Where an application is made for building rules consent for building work in the nature of an alteration of a class prescribed by the Regulations the power pursuant to Section 53A(2) and subject to Section 53A(3) of the Act, to form the opinion that the affected part of the building does not comply with the performance requirements of the Building Code in relation to access to buildings and facilities and services within buildings, for people with disabilities and therefore require as a condition of consent that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code.	CEO	NIL
33.	Urgent Building Work		
33.1	The power pursuant to Section 54(2)(d) of the Act to issue any directions and specify a period of time with respect to building work performed as a matter of urgency.	CEO	NIL
34.	Action if Development Not Substantially Completed		
34.1	The power pursuant to Section 55(1) of the Act to apply to the Court for an order under Section 55(3) of the Act where the development to which an approval relates has been commenced but not substantially completed within the period prescribed by the Regulations for the lapse of the approval.	CEO/CAP	NIL
34.2	The power pursuant to Section 55(5) of the Act where the Court makes an order under Section 55(3)(a),	CEO/CAP	NIL

		Direct Delegation from Council	Conditions/ Limitations
	(b) or (ca) of the Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out and to recover the cost of that work as a debt from the person.		
34.3	The power pursuant to Section 55(6) of the Act where an amount is recoverable from a person under Section 55(5) of the Act, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice within which the amount must be paid.	CEO	NIL
35. Completion of Work			
35.1	The power pursuant to Section 56(1) of the Act to issue a notice in writing requiring an owner of land to complete a development on the land within a period specified in the notice.	CEO/CAP	NIL
35.2	The power pursuant to the Section 56(2) of the Act to cause the necessary work to be carried out where an owner has failed to carry out work as required by a notice under Section 56(1) of the Act.	CEO/CAP	NIL
35.3	The power pursuant to Section 56(3) of the Act to recover the reasonable costs and expenses incurred by the Council or any person acting on behalf of the Council under Section 56 of the Act as a debt due from the owner.	CEO	NIL
35.4	The power pursuant to Section 56(4) of the Act to, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice, within which the amount must be paid by the person where an amount is recoverable from the person under Section 56(3) of the Act.	CEO	NIL
36. Council to Establish Development Assessment Panels			
36.1	The duty pursuant to Section 56A(3) of the Act to appoint a presiding member to the council development assessment panel in accordance with the requirements set out in Section 56A(3)(b) of the Act.	CEO	Subject to Council approval
36.2	The duty pursuant to Section 56A(3) of the Act to appoint the remaining members of the council development assessment panel in accordance with the requirements set out in Section 56A(3)(c) of the Act.	CEO	Subject to Council approval
36.3	The duty pursuant to section 56A(3)(d) of the Act to ensure that, unless granted an exemption by the Minister, at least 1 member of the panel is a woman and at least 1 is a man and to ensure that insofar as is reasonably practicable, the panel consists of equal numbers of men and women.	CEO	Subject to Council approval
36.4	The duty pursuant to Section 56A(3)(e) to determine the term of office for a member of the council development assessment panel, which period cannot exceed 2 years.	CEO	Subject to Council approval
36.5	The duty pursuant to Section 56A(3)(f) of the Act to determine any other conditions of appointment of the members of the council development assessment panel.	CEO	Subject to Council approval
36.6	The power pursuant to Section 56A(3)(g) of the Act to remove a member of the council development assessment panel from office for:		
36.6.1	breach of, or failure to comply with, the conditions of appointment; or	CEO	Subject to

	Direct Delegation from Council	Conditions/ Limitations
		Council approval
36.6.2 misconduct; or	CEO	Subject to Council approval
36.6.3 neglect of duty; or	CEO	Subject to Council approval
36.6.4 incapacity to carry out satisfactorily the duty of his or her office; or	CEO	Subject to Council approval
36.6.5 failure to carry out satisfactorily the duty of his or her office; or	CEO	Subject to Council approval
36.6.6 failure to comply with a requirement under Section 34(6) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.	CEO	Subject to Council approval
36.7 The duty pursuant to and in accordance with Section 56A(5) of the Act to give notice of an appointment.	CEO	NIL
36.8 The duty pursuant to Section 56A(15)(b) of the Act and in accordance with Section 56A(17) of the Act to make minutes of meetings of a council development assessment available for reasonable access by members of the public.	CEO	NIL
36.9 The duty pursuant to and in accordance with Section 56A(20) of the Act to provide information to the Minister where requested by the Minister.	CEO/CAP	NIL
36.10 The duty pursuant to Section 56A(22) of the Act to appoint a public officer (who must not be a member of the council development assessment panel).	CEO	NIL
36.11 The duty pursuant to Section 56A(23) of the Act to ensure that notice of the appointment of a public officer (including the public officer's name and contact details) is published in the Gazette.	CEO	NIL
36.12 The power pursuant to Section 56A(27) of the Act to make an application to the Minister to exempt the Council from the requirement to establish a council development assessment panel under Section 56A of the Act.	CEO	Subject to Council approval
36.13 The power pursuant to Section 56A(28) of the Act to consult with the Minister in relation to revoking an exemption under Section 56A(27) of the Act.	CEO	Subject to Council approval
37. Building Rules Assessment Audits		
37.1 The duty pursuant to Section 56B(2) to have its building assessment auditor audit the Council's activities in relation to the undertaking of assessments of proposed developments against the provisions of the Building Rules in accordance with the requirements of Section 56B.	CEO	NIL

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37.2	The duty pursuant to Section 56B(5) to ensure that after the expiration of the periods prescribed in Section 56B(4) an audit under Section 56B is completed at least once in every prescribed period.	CEO	NIL
37.3	The power pursuant to Section 56B(10) to respond to a report prepared by a building assessment auditor prepared in relation to the Council under Section 56B.	CEO	Report to be provided to Council
37.4	The power pursuant to Section 56B(14) to make submissions to the Minister in relation to a matter concerning the possible exercise of the Minister's powers under Section 56B(12).	CEO	NIL
37.5	The duty pursuant to Section 56B(16) to comply with a direction given to the Council under Sections 56B(12) or 56B(15).	CEO	NIL
37A. Development Plan Assessment Audits			
37A.1	The power and duty pursuant to Section 56C(2) of the Act to have the Council's activities in relation to Development Plan assessments audited by a development assessment auditor in accordance with the requirements of Section 56C of the Act.	CEO	NIL
37A.2	The power pursuant to Section 56C(10) of the Act to provide a response to an auditor with a view to correcting any error or fact.	CEO	NIL
37A.3	The power pursuant to Section 56C(14) of the Act to make submissions in relation to the matter to the Minister.	CEO	NIL
37A.4	The power pursuant to Section 56C(15) of the Act to, if		
	37A.4.1 the Minister makes a recommendation to the Council under Section 56C(12)(a) of the Act; and	CEO	NIL
	37A.4.2 the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation,	CEO	NIL
	consult with the Minister.		
38. Land Management Agreements			
38.1	The power pursuant to Sections 57(2) and 57(2a) of the Act to enter into an agreement relating to the development, management, preservation or conservation of land within the area of the Council with the owner of the land.	CEO/CAP	1. Waiver of agreement terms for agreements previously resolved by Council may be agreed by planning staff in relation to trees that are not protected by legislation any longer

		Direct Delegation from Council	Conditions/ Limitations
			2. Not to be sub-delegated below Manager level
38.2	The duty pursuant to and in accordance with Section 57(2c) of the Act and Regulation 98A of the Regulations to establish and keep a register available for public inspection (without charge).	CEO	NIL
38.3	The duty pursuant to Section 57(2e) of the Act, in relation to the granting of development plan consent with respect to a Category 2A, Category 2 or Category 3 development, to note the existence of the agreement (or the proposal to enter the agreement), and the availability of copies of the agreement for public inspection on the notice of the relevant authority's decision.	CEO/CAP	NIL
38.4	The power pursuant to Section 57(3) of the Act to carry out on private land any work for which provision is made by agreement under Section 57 of the Act.	CEO	NIL
38.5	The power pursuant to Section 57(5) of the Act, to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	CEO	NIL
38.6	The power pursuant to Section 57(8) of the Act to apply to the Registrar-General where an agreement in relation to which a note has been made under Section 57 of the Act has been rescinded or amended, to enter a note of the rescission or amendment made against the instrument of title or against the land.	CEO	NIL
38.7	The power pursuant to Section 57(11) of the Act to consent to the remission of rates payable to the Council provided for in an agreement entered into by the Minister.	CEO	NIL
39.	Land Management Agreements – Development Applications		
39.1	The power pursuant to and subject to Section 57A(1) of the Act to enter into an agreement under Section 57A of the Act with a person who is applying for a development authorisation under the Act.	CEO/CAP	Waiver of agreement terms for agreements previously resolved by Council may be agreed by planning staff in relation to trees that are not protected by legislation any longer
39.2	The duty pursuant to Section 57A(3) of the Act to have regard to:		
39.2.1	the provisions of the appropriate Development Plan.	CEO/CAP	NIL

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39.2.2	the principle that the entering into of an agreement under Section 57A by the Council should not be used as a substitute to proceeding with an amendment to a Development Plan under the Act.	CEO/CAP	NIL
39.3	The duty pursuant to Section 57A(5) of the Act to register agreements entered into under Section 57A in accordance with the Regulations.	CEO	NIL
39.4	The duty pursuant to Section 57A(6) of the Act to keep a register available for public inspection (without charge) in accordance with the Regulations.	CEO	NIL
39.5	The power pursuant to Section 57A(7) of the Act to provide a person, on payment of the prescribed fee, a copy of an agreement registered under Section 57A(5) of the Act.	CEO	NIL
39.6	The duty, pursuant to Section 57A(8) of the Act, where an agreement is entered into under Section 57A of the Act, in connection with an application for a development authorisation with respect to a Category 2A, Category 2 or Category 3 development, to include a note of the existence of the agreement on the notice of the relevant authority's decision under the Act.	CEO/CAP	NIL
39.7	The power pursuant to Section 57A(14) of the Act to apply to the Registrar-General to note the agreement against the relevant instrument of title, or in the case of land not under the provisions of the Real Property Act 1886, against the land.	CEO	NIL
39.8	The power pursuant to Section 57A(16) of the Act to apply to the Registrar-General where an agreement under Section 57A has been rescinded or amended to enter a note of the rescission or amendment against the instrument of title, or against the land.	CEO	NIL
39.9	The power pursuant to Section 57A (18) of the Act where an agreement under Section 57A does not have effect under Section 57A within the prescribed period, to, by notice given in accordance with the regulations, lapse the relevant development approval (and the agreement will then be rescinded by force of Section 57A(18) of the Act).	CEO/CAP	NIL
40.	Notification During Building		
40.1	The power pursuant to Section 59(3) of the Act to direct that building work stop when a mandatory notification stage has been reached.	CEO	NIL
41.	Classification of Buildings		
41.1	The power pursuant to Section 66(2) of the Act to assign to any building a classification that conforms with the Regulations and the duty pursuant to Section 66(4) of the Act to give notice in writing to the owner of the building to which the classification has been assigned.	CEO	NIL
42.	Certificates of Occupancy		
42.1	The duty pursuant to and in accordance with the requirements of Sections 67(2), (3), (4), (5) and (6) of the Act to give a certificate of occupancy.	CEO	NIL
42.2	The power pursuant to Section 67(3)(a) of the Act to require information from an applicant for a certificate of occupancy.	CEO	NIL
42.3	The duty pursuant to Section 67(10) of the Act to give written notice to an applicant of the refusal of the certificate of occupancy.	CEO	Delegate report to be

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			countersigned by either the Director Strategy & Development or Manager Development Services prior to the notice being issued
42.4	The power pursuant to Section 67(13) of the Act to revoke a certificate of occupancy in prescribed circumstances.	CEO	Delegate report to be countersigned by either the Director Strategy & Development or Manager Development Services prior to the revocation of the certificate
43.	Temporary Occupation		
43.1	The power pursuant to Sections 68(1) and (2) of the Act to approve the occupation of a building on a temporary basis without a certificate of occupancy and subject to such conditions as the Delegate thinks fit to impose.	CEO	NIL
43.2	The duty pursuant to and in accordance with Section 68(3) of the Act to give written notice to an applicant of the refusal of approval for temporary occupation of a building.	CEO	Delegate report to be countersigned by either the Director Strategy & Development or Manager Development Services prior to the notice being

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		issued
44. Emergency Orders		
44.1 Where an owner of land fails to comply with the requirements of an emergency order issued under Section 69(1) of the Act:	CEO	NIL
44.1.1 the power pursuant to Section 69(4) of the Act to cause the required work to be carried out; and		
44.1.2 the power pursuant to and in accordance with Sections 69(5) and 69(6) of the Act to recover the reasonable costs and expense of that work from the owner as a debt.		
44A Fire Safety		
44A.1 The power pursuant to Sections 71(18) and (19) of the Act to establish and designate a body as an appropriate authority.	CEO	NIL
44A.2 The power pursuant to Section 71(19)(a)(i) of the Act to appoint a person who holds prescribed qualifications in building surveying to the appropriate authority.	CEO	NIL
44A.3 The power pursuant to Section 71(19)(a)(ii) of the Act to determine if a person is to be nominated to the appropriate authority by the Chief Officer of the South Australian Metropolitan Fire Service or the Chief Officer of the South Australian Country Fire Service (after taking into account the nature of the Council or Council's area(s)).	CEO	NIL
44A.4 The power pursuant to Section 71(19)(a)(iii) of the Act to appoint a person with expertise in the area of fire safety to the appropriate authority.	CEO	NIL
44A.5 The power pursuant to Section 71(19)(a)(iv) of the Act to determine and select a person to be appointed to the appropriate authority.	CEO	NIL
44A.6 The power pursuant to Section 71(19)(b) of the Act to determine the term of the office not exceeding three years of a member of the appropriate authority.	CEO	NIL
44A.7 The power pursuant to Section 71(19)(d) of the Act to appoint deputy members to the appropriate authority.	CEO	NIL
44A.8 The power pursuant to Section 71(19)(e) of the Act to determine the procedures of an appropriate authority.	CEO	NIL
45. Building Inspection Policies		
45.1 The duty pursuant to and in accordance with Section 71A of the Act to prepare and from time to time alter	CEO	Subject to

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a building inspection policy.			Council endorsement except where a change is of a minor nature
46. Advertisements			
46.1	The power pursuant to and in accordance with Section 74(1) of the Act to:	CEO	NIL
46.1.1	form the opinion that an advertisement or advertising hoarding disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality or is contrary to a character desired for a locality under the relevant Development Plan; and		
46.1.2	serve notice in writing requiring the removal or obliteration of the advertisement or the removal of the advertising hoarding (or both).		
46.2	The power pursuant to Section 74(3) of the Act where a person has failed to comply with a notice under Section 74(1) of the Act, to enter on land, carry out the terms of the notice and recover the costs of doing so as a debt from the person on whom the notice was served.	CEO	NIL
47. Enforcement Notices			
47.1	The power pursuant to and in accordance with Section 84(2) of the Act to issue an enforcement notice where the Delegate has reason to believe on reasonable grounds that a person has breached the Act or a repealed Act.	CEO	Delegate report to be countersigned by either the Director Strategy & Development or Manager Development Services Team Leader Statutory Planning Team Leader Building prior to the notice being issued
47.2	The power pursuant to Section 84(3) of the Act to determine that a direction under Section 84(2) of the Act is urgently required and can be orally given by an authorised officer.	CEO	NIL
47.3	Where a person has failed to comply with a direction contained in a notice issued pursuant to Section	CEO	NIL

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84(2)(b) of the Act:		
47.3.1 the power pursuant to Section 84(6) of the Act to cause the necessary action to be undertaken; and		
47.3.2 pursuant to and in accordance with Sections 84(7) and 84(8) of the Act to recover the costs of doing so as a debt from the person whose failure gave rise to the action.		
48. Applications to Court		
48.1 The power pursuant to Section 85(1) of the Act to apply to the Court for an order to remedy or restrain a breach of the Act, or a repealed Act.	CEO	NIL
48.2 Where the Court has made an order under Section 85(6)(d) of the Act and a person has failed to comply with the order, the power pursuant to and in accordance with Section 85(12) and Section 85(13) of the Act, to cause any work contemplated by the order to be carried out and to recover the costs of doing so as a debt from the person.	CEO	NIL
49. General Right to Apply to Court		
49.1 Where the Council is a party to a dispute referred to in Section 86(1)(e) of the Act, the power pursuant to Section 86(1)(e) of the Act to apply to the Court for determination of the dispute.	CEO	NIL
50. Authority to be Advised of Certain Matters		
50.1 The power pursuant to Section 93(1)(b)(iii) of the Act to require from a private certifier who is making a decision of a prescribed kind in relation to any aspect of building work such other information or documentation as the Delegate or the Council may require.	CEO	NIL
51. Referrals		
51.1 The power pursuant to and in accordance with Section 94 of the Act to consent to the referral by a private certifier to the Council or Delegate of any function under the Act.	CEO	NIL
52. Professional Advice to be Obtained in Relation to Certain Matters		
52.1 The power pursuant to Section 101(1) of the Act, in the exercise of a prescribed function, to rely on a certificate of a person with prescribed qualifications.	CEO	NIL
52.2 The duty pursuant to Section 101(2) of the Act to seek and consider the advice of a person with prescribed qualifications or person approved by the Minister in relation to a matter prescribed by the Regulations.	CEO/CAP	NIL
DELEGATIONS UNDER THE DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006		
53. Transitional Provisions		
53.1 The power pursuant to and in accordance with Clause 5(1) of Schedule 1 to the Development (Development Plans) Amendment Act 2006 ('the DPA Act'), if the Council or the Delegate has, before the commencement of Clause 5 of Schedule 1 to the DPA Act reached an agreement with the Minister on a Statement of Intent with respect to an amendment to a Development Plan, or taken steps to prepare a Plan Amendment Report on the basis of such a Statement of Intent subject to Clause 5(2) of Schedule 1 to the DPA Act, to continue with the process as set out in Section 25 of the Act (as in force immediately	CEO	Subject to sign-off by SPDPC

	Direct Delegation from Council	Conditions/ Limitations
before the commencement of Clause 5 of Schedule 1 to the DPA Act) as if the DPA Act had not been enacted until the relevant amendment is approved (with or without alteration) or otherwise dealt with by the Minister under Section 25(15) of the Act, subject to the qualification that the relevant Plan Amendment Report may be referred to as a Development Plan Amendment.		
53.2 The power pursuant to Clause 5(2) of Schedule 1 to the DPA Act to agree on a Statement of Intent that is to supersede a Statement of Intent agreed between the Council or the Delegate and the Minister before commencement of Clause 5 of Schedule 1 to the DPA Act.	CEO	Subject to sign-off by SPDPC
DELEGATIONS UNDER THE DEVELOPMENT REGULATIONS 2008		
53A. Complying Development – Development Plan Consent		
53A.1 The power pursuant to Regulation 8A(1)(a) of the Development Regulations 2008 ('the Regulations'), for the purposes of Sections 33(1) and 35 of the Act (subject to Regulation 8A(2)) of the Regulations to:	CEO	NIL
53A.1.1 in the case of a proposed development lodged for assessment as residential code development – assess the development as being in a form described in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C); and		
53A.1.2 in any other case – to assess the development as being in a form described in Schedule 4 Part 1 (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 Part 1).		
53A.2 The power pursuant to Regulation 8A(1)(b) of the Regulations, for the purposes of Section 35(1b) of the Act, to:	CEO	NIL
53A.2.1 form the opinion that a variation from <i>complying</i> development (including <i>complying</i> development as declared under Regulation 8A(1)(a) of the Regulations) is minor; and		
53A.2.2 determine that 2 or more minor variations, when taken together, constitute a 'minor variation from <i>complying</i> development'.		
53B. Complying Building Work – Building Rules		
53B.1 The power pursuant to Regulation 8B(1) of the Regulations, for the purposes of Section 36(1) of the Act to, subject to Regulation 8B(2) of the Regulations, assess building work as being in a form specified in Schedule 4 Part 2 (including a form specified or provided for in the <i>Building Code</i> referred to in Schedule 4 Part 2).	CEO	NIL
54. Infrastructure Planning		
The power pursuant to Regulation 9A(1) to, in preparing the DPA, to the extent (if any) required by the Statement of Intent, seek, in accordance with Regulation 9A(2), the advice of a Minister and any other government agency, specified by the Minister as part of the agreement on the Statement of Intent.	CEO	NIL
55. Consultation with Government Departments or Agencies		
55.1 The duty pursuant to Regulation 10A(1) of the Regulations if the Council is subject to a requirement under Section 25(7)(a) of the Act to ensure that a copy of any written report received from a Department	CEO	NIL

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	or agency is furnished to the Minister for the purposes of considering the matter under Section 25(7)(b) of the Act.		
56. Public Consultation – Section 25 & 26			
56.1	Subject to Regulations 11A(3) and 11A(6) of the Regulations, for the purposes of Sections 25 and 26 of the Act, the duty pursuant to Regulation 11A(1) of the Regulations to give public notice of a DPA by publication in the designated manner of a notice:	CEO	NIL
56.1.1	advising the time and places at which the DPA is available for inspection (without charge) and purchase by the public; and		
56.1.2	inviting any interested person to make written submissions on the amendment to the council within the relevant period specified in the notice; and		
56.1.3	stating that the submissions will be available for inspection by any interested person at a place specified in the notice from the expiration of the period specified under Regulation 11A(1)(b) of the Regulations until the conclusion of any public meeting held for the purposes of Section 25(11)(b) or 26(5c)(b) of the Act (or, if no such meeting is to be held, until the decision is made not to hold the meeting); and		
56.1.4	providing information about when and where any public meeting is proposed to be held for the purposes of Sections 25(11)(b) or 26(5c)(b) of the Act (subject to a decision being made under the relevant section not to hold a meeting).		
56.2	If one or more written submissions are made in response to a notice published under Regulation 11A(1) of the Regulations, the duty pursuant to Regulation 11A(3) of the Regulations to make a copy of each submission available for inspection in accordance with the statement included under Regulation 11A(1)(c).	CEO	NIL
56.3	For the purposes of Sections 25(9)(c) and 26(5b)(c) of the Act, the duty pursuant to Regulation 11A(4) of the Regulations to include in the written notice the same information as required for a notice under Regulation 11A(1) of the Regulations.	CEO	NIL
56.4	The duty pursuant to Regulation 11A(5) of the Regulations, to ensure that a copy of any DPA released for public consultation under Section 25 of the Act is provided to the Minister within 2 business days after that release.	CEO	NIL
57. Public Meeting			
57.1	The duty pursuant to and in accordance with Regulation 12 of the Regulations to hold a public meeting if an amendment has been prepared by the Council or the Delegate.	CEO	NIL
57.2	The power pursuant to Regulation 12(4) of the Regulations to adjourn a public meeting from time to time, and place to place if necessary or appropriate.	CEO	NIL
58. Application to Relevant Authority			
58.1	The power pursuant to Regulation 15(1)(c) of the Regulations to require an additional or lesser number of copies of plans, drawings, specifications and other documents and information relating to a proposed	CEO	NIL

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	development than the number prescribed in Regulation 15(1)(c) of the Regulations.		
58.2	The duty pursuant to and in accordance with Regulation 15(4) of the Regulations, if an application is lodged with the Council but a regional development assessment panel is the relevant authority, to retain a copy of the application and other accompanying information and to forward the application on to the appropriate person acting on behalf of the regional development assessment panel.	CEO	NIL
58.3	The duty pursuant to and in accordance with Regulation 15(5) of the Regulations, when an application is lodged with the Council but the State Commission Assessment Panel is the relevant authority, to forward all but one copy of the application and the accompanying information, as well as a written acknowledgment that the appropriate fees have been paid, including details of each fee component paid, to the State Commission Assessment Panel.	CEO	NIL
58.4	The power pursuant to Regulation 15(7)(b) of the Regulations to indicate, in such manner as may be determined by the State Commission Assessment Panel, that the Delegate wishes to receive written documentation instead of electronic access to the relevant documents and information via the Internet.	CEO	NIL
58.4A	The power and duty pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application form under Regulation 15(7a) of the Regulations, furnish to the private certifier:	CEO	NIL
58.4A.1	the Development Assessment number assigned to the development proposed under the application; and		
58.4A.2	if the private certifier, at the time of forwarding a copy of an application under Regulation 15(7a) of the Regulations, requests advice on the matters set out in subparagraphs (i) and (ii), and if such advice is relevant:		
58.4A.2.1	advice about any site contamination that is believed to exist at the site where the development would be undertaken; and		
58.4A.2.2	advice about the likely need for approval to alter a public road under section 221 of the Local Government Act 1999 in order to establish a new access point.		
58.4A.2.3	advice about whether the relevant development plan specifies any requirements relating to finished floor levels (expressed by reference to AHD or ARI) in relation to the site where the development would be undertaken.		
58.5	The power pursuant to Regulation 15(8) of the Regulations to extend the period prescribed in Regulation 15(8) for the lodging of an application for the appropriate development authorisation as required by Section 54(2)(c).	CEO	NIL
58.6	[City of Tea Tree Gully only] If an application relates to a proposed development that involves the division of land in the Golden Grove Development Area which is complying development in respect of the Development Plan, the duty pursuant to Regulation 15(10)(c) to forward to the State Commission Assessment Panel within 5 business days after receipt of the application:	N/A	N/A
58.6.1	a copy of the application; and	N/A	N/A

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58.6.2	a copy of the plans, drawings, specification and other documents or information accompanying the application.	N/A	N/A
58.7	The power pursuant to Regulation 15(11) of the Regulations, to modify the requirements of Schedule 5 in relation to a particular application, subject to the following qualifications:	CEO	NIL
58.7.1	in the case of an application that is lodged with the Council for assessment as <i>residential code</i> development – the requirements of Schedule 5 may not be modified in any way by the delegate assessing the application (whether so as to require more or less information), except on authority of the Minister under Section 39(1)(a) of the Act;		
58.7.2	in any other case, the delegate must not, when requiring plans, drawings, specifications and other documents in relation to the application, require the applicant to provide more information than that specified under Schedule 5 (subject to Section 39 of the Act).		
58.8	The power pursuant to Regulation 15(12) of the Regulations to, in exercising the discretion under Section 39(4)(b) of the Act, dispense with the requirements of Schedule 5 in relation to a particular application.	CEO	NIL
59. Nature of Development			
59.1	The duty pursuant to Regulation 16(1) of the Regulations, where an application requires the assessment of a proposed development against the provisions of the Development Plan, to determine the nature of the development applied for.	CEO	NIL
59.2	The power pursuant to Regulation 16(2) of the Regulations to form the opinion that a development is non-complying, and the duty if the Delegate is of the opinion that an application relates to a kind of development that is non-complying and the applicant has not identified the development as such, by notice in writing to inform the applicant of that fact.	CEO	NIL
59.3	The power pursuant to Regulation 16(3) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development, form the opinion that the development is residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact.	CEO	NIL
59.4	The power pursuant to Regulation 16(4) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development, form the opinion that the development is not residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact and the reasons for the Delegate's opinion.	CEO	NIL
60. Non-Complying Development			
60.1	The power pursuant to Regulation 17(3) of the Regulations, after receipt of an application which relates to a kind of development that is described as non-complying development to:		
60.1.1	refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant	CEO/CAP	Sign off by

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	accordingly; or		Director Strategy & Development Manager Development Services
	60.1.2 resolve to proceed with an assessment of the application.	CEO/CAP	Sign off by Director Strategy & Development Manager Development Services Team Leader Statutory Planning
60.2	The duty pursuant to Regulation 17(4) of the Regulations, in situations where the Delegate has resolved to proceed with the assessment of an application for non-complying development, to require the applicant to provide a statement of effect.	CEO/CAP	NIL
60.3	The power pursuant to Regulation 17(6) of the Regulations to determine that a proposed development is of a minor nature for the purposes of exemption from the requirements to provide a statement of effect.	CEO/CAP	A template delegate report note is prepared detailing reasons for sign off by Director Planning Manager Development Services Team Leader Statutory Planning
61.	Notification of Application for Tree-Damaging Activity to Owner of Land		
61.1	Where the owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, the duty pursuant to and in accordance with Regulation 18 of the Regulations:	CEO	NIL

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61.1.1 to give the owner of land notice of the application; and		
61.1.2 to give due consideration, in the assessment of the application, to any submission made by the owner within a reasonable time after the giving of notice of the application.		
62. Amended Applications		
62.1 The power pursuant to Regulation 20(4) of the Regulations to form the opinion that variations to an application are not substantial and that repeating of the referral process under Part 5 of the Regulations, or the giving of notice under Part 6 of the Regulations is not required.	CEO/CAP	NIL
62.2 The power pursuant to Regulation 20(5) of the Regulations, where a variation to an application changes the essential nature of a proposed development to (by agreement with the applicant) proceed with the variation on the basis that the application will be treated as a new application.	CEO/CAP	NIL
63. Withdrawing/Lapsing Application		
63.1 The duty pursuant to Regulation 22(1) of the Regulations, where an applicant withdraws an application, to notify any agency to which an application was referred under Part 5 of the Regulations and any person who made a representation in relation to the application under Part 6 of the Regulations of the withdrawal.	CEO	NIL
63.2 Where at least two years have passed since the date on which an application for development authorisation under Part 4 of the Act was lodged with the Council the power, pursuant to Regulation 22(2) of the Regulations to lapse the said application.	CEO	NIL
63.3 Before taking action to lapse a development application under Regulation 22(2) of the Regulations the duty, pursuant to and in accordance with Regulation 22(3) of the Regulations to:	CEO	NIL
63.3.1 take reasonable steps to notify the applicant of the action under consideration; and		
63.3.2 allow the applicant a reasonable opportunity to make submissions to the Council or the Delegate about the proposed course of action, and the power to determine the manner and form of those submissions.		
64. Contravening Development		
64.1 The power pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline to proceed with an application until proceedings under the Act have been concluded.	CEO/CAP	NIL
65. Referrals		
65.1 The duty pursuant to Regulation 24(1) of the Regulations to refer an application of a prescribed kind together with a copy of any relevant information provided by the applicant to the relevant body prescribed by Schedule 8 of the Regulations and to not make a decision on the application until a response has been received from the referral body or the time period for receipt of a response has lapsed.	CEO	NIL
66. Procedure Where Concurrence Required		
66.1 The duty pursuant to Regulation 25 of the Regulations, if concurrence must be sought from another body prior to issuing a consent or approval to forward to the other body whose concurrence must be sought that information required by Regulation 25(b) of the Regulations.	CEO/CAP	NIL

		Direct Delegation from Council	Conditions/ Limitations
67. Additional Information or Amended Plans			
67.1	The duty pursuant to Regulation 27(1) of the Regulations, where an application has been referred to a prescribed body under Part 5 of the Regulations and additional information is received which is materially relevant to the referral, to repeat the referral process where the Delegate is of the opinion that the additional information or amendment is significant and the power to repeat the referral process in all other instances.	CEO/CAP	NIL
68. Special Provisions – Referrals			
68.1	The duty pursuant to and in accordance with Regulation 28(3) of the Regulations to refer an application for building rules consent to the relevant fire authority for comment and report where the Delegate considers that:	CEO	NIL
68.1.1	a proposed alternative solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or		
68.1.2	the proposed development is at variance with a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or		
68.1.3	special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,		
	and the duty pursuant to Regulation 28(5) of the Regulations to have regard to any report received from the fire authority under Regulation 28.		
68.2	The power pursuant to Regulation 28(4) of the Regulations, when a report from a fire authority pursuant to Regulation 28(3) is not received by the Council within 20 business days, to presume that the fire authority does not desire to make a report.	CEO	NIL
68.3	If, in respect of an application referred to a fire authority under Regulation 28, the fire authority:	CEO	NIL
68.3.1	recommends against the granting of building rules consent; or		
68.3.2	concurs in the granting of consent on conditions specified in its report,		
	but the Delegate:		
68.3.3	proposes to grant building rules consent despite a recommendation referred to in Regulation 28(5a)(a) of the Regulations; or		
68.3.4	does not propose to impose the conditions referred to in Regulation 28(5a)(b) of the Regulations, or proposes to impose the conditions in varied form, on the grant of consent,		
	the duty pursuant to Regulation 28(5a) of the Regulations to:		
68.3.5	refer the application to the Building Rules Assessment Commission; and		
68.3.6	not grant consent unless the Building Rules Assessment Commission concurs in the granting of consent.		
68.4	The duty pursuant to Regulation 28(6) of the Regulations to provide to the Building Rules Assessment Commission a copy of any report received from a fire authority under Regulation 28(1) that relates to an	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	application referred to the Building Rules Assessment Commission under the Act.		
68.5	The duty pursuant to Regulation 28(7) of the Regulations, where building work comprises or includes the construction or installation of a private bushfire shelter, not to grant a building rules consent unless the Building Rules Assessment Commission concurs in the granting of the consent.	CEO	NIL
69.	Land Division Applications		
69.1	The duty pursuant to Regulation 29(1) of the Regulations, subject to the provisions in Regulation 29(2) of the Regulations, to withhold making a decision on an application which relates to a proposed development that involves the division of land until a report has been received from the State Commission Assessment Panel.	CEO	NIL
69.2	The power pursuant to Regulation 29(2) of the Regulations, when a report from the State Commission Assessment Panel pursuant to Regulation 29(1) of the Regulations is not received by the Council within eight weeks or within such longer period as the State Commission Assessment Panel may require by notice in writing to the Council, to presume that the State Commission Assessment Panel does not desire to make a report.	CEO/CAP	NIL
70.	Underground Mains Area		
70.1	The power pursuant to Regulation 30(1) of the Regulations to seek a report from the relevant electricity authority where the Delegate considers that an area should be declared an underground mains area.	CEO/CAP	NIL
70.2	The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.	CEO	NIL
70.3	The power pursuant to Regulation 30(4) of the Regulations, where a development includes the division of land within or partly within an underground mains area, to require, as a condition of the decision, that any electricity mains be placed underground.	CEO/CAP	NIL
71.	Preliminary Advice and Agreement - Section 37AA		
71.1	The power pursuant to Regulation 31A(6)(b) of the Regulations to determine that an application no longer accords with an agreement indicated by the prescribed body.	CEO/CAP	Subject to sign-off by Director Strategy & Development, Manager Development Services, Team Leader Statutory Planning Senior Statutory Planner,
71.2	The power pursuant to Regulation 31A(6) of the Regulations if:	CEO/CAP	NIL
71.2.1	a relevant authority permits an applicant to vary an application under Section 39(4) of the Act;		

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and		
71.2.2 the relevant authority determines that the application no longer accords with the agreement indicated by the prescribed body, to refer the application (unless withdrawn) to the prescribed body:		
71.2.3 to obtain a variation to the agreement under Section 37AA of the Act; or		
71.2.4 to obtain a response from the prescribed body for the purposes of Section 37 of the Act.		
71.3 The power pursuant to Regulation 31A(7) of the Regulations if:	CEO/CAP	NIL
71.3.1 an application is withdrawn by the Applicant; and		
71.3.2 the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application, to notify the relevant prescribed body of the withdrawal of an application.		
71.4 The power pursuant to Regulation 31A(8) of the Regulations if:	CEO/CAP	NIL
71.4.1 an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and		
71.4.2 the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application, to notify the relevant prescribed body of the lapsing of an application.		
71.5 The power pursuant to Regulation 31A(9) of the Regulations if:	CEO/CAP	NIL
71.5.1 an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and		
71.5.2 a notice of decision is issued by the relevant authority under Regulation 42 of the Regulations, to send a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 42 of the Regulations.	CEO/CAP	NIL
71A. Public Notice Categories		
71A.1 The power pursuant to Regulation 32(2)(5) of the Regulations to determine that a form of development comprises 2 or more elements.	CEO	NIL
72. Public Inspection of Certain Applications		
72.1 The duty pursuant to and in accordance with Regulation 34(1) of the Regulations, subject to Regulation 34(4) of the Regulations to ensure that copies of documents referred to in Regulation 34(1) concerning an application are reasonably available for inspection by the public (without charge).	CEO	NIL
72.2 The duty pursuant to Regulation 34(2) of the Regulations, subject to Regulation 34(4) of the Regulations, where a request is made within the time period that applies under Regulation 34(1) of the Regulations and on payment of a fee fixed by Council to provide to a member of the public a copy of any document of information available for inspection under Regulation 34(1) of the Regulations.	CEO	NIL
72.3 The power pursuant to Regulation 34(3) of the Regulations to require that a person who has made a request under Regulation 34(2) of the Regulations verify his or her name, address and contact details in such manner as the Delegate thinks fit.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
72.4	The power pursuant to Regulation 34(4) of the Regulations to form the opinion that the present or future security of a building would be jeopardised if plans, drawings, specifications or other documents or information relating to the assessment of a proposed development against the Building Rules were to be made available for inspection.	CEO	NIL
73. Response by Applicant			
73.1	The power pursuant to Regulation 36 of the Regulations to extend the time within which an applicant may respond to any representation	CEO	NIL
74. Determination of Commission as Relevant Authority			
74.1	Where the State Commission Assessment Panel is the relevant authority under Section 34(1)(b) of the Act:		
74.1.1	in a case where the Minister has made a declaration under Section 34(1)(b)(iii) or 34(1)(b)(vi) of the Act, the duty pursuant to and in accordance with Regulation 38(2)(a)(i) of the Regulations to forward to the State Commission Assessment Panel any application received by the Council under the Act and the Regulations in relation to the matter together with accompanying documentation or information and, as appropriate, fees; and	CEO	NIL
74.1.2	in any case, the power pursuant to and in accordance with Regulation 38(2)(b) to provide a report on matters under Section 33(1) (as relevant).	CEO	NIL
74.2	Where the State Commission Assessment Panel is the relevant authority under Section 34(1)(b)(iv) of the Act and the proposed development is to be undertaken within one kilometre of a boundary with the Council, the power, pursuant to Regulation 38(4) of the Regulations, to provide the State Commission Assessment Panel with comments on the proposed development.	CEO	NIL
75. Assessment in Respect of Building Rules Referred to the Council			
75.1	The duty pursuant to and in accordance with Regulation 39 of the Regulations, where the Council is the relevant authority pursuant to Section 34(2) of the Act, not to give any decision in respect of the assessment against the Building Rules until the State Commission Assessment Panel or the regional development assessment panel (as the case may be) has made its decision.	CEO	NIL
76. Notification of Decision to Applicant (Including Conditions)			
76.1	The duty pursuant to and in accordance with Regulation 42 of the Regulations to give notice of a decision on an application under Division 1 of Part 4 of the Act including, but not limited to, the power to endorse approved plans and documentation under Regulation 42(4).	CEO	NIL
77. Notification of Decision to a Prescribed Body			
77.1	The duty pursuant to and in accordance with Regulation 43 of the Development Regulations, to send a copy of the notice of decision issued under Regulation 42 of the Regulations to any prescribed body to which the application had been referred.	CEO	NIL
77.2	The duty pursuant to and in accordance with Regulation 43(3) of the Regulations to send a copy of a notice of a decision on an application, if or when a development authorisation is issued in relation to a	CEO	NIL

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proposed division of land, to the State Commission Assessment Panel.		
78. Notification of Decision to Owner of Land		
78.1 The duty pursuant to and in accordance with Regulation 44 of the Regulations to send a copy of any notice issued under Regulation 42 of the Regulations to the owner of land to which a decision on the application relates where the owner is not a party to the application.	CEO	NIL
79. Scheme Description – Community Titles		
79.1 The duty pursuant to Regulation 45(2) of the Regulations to endorse a scheme description under Section 3 of the Community Titles Act 1996 in the following terms:	CEO	NIL
79.1.1 All the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the relevant plan of community division under the Community Titles Act 1996 have been granted. OR No consent or approval is required under the Development Act 1993 in relation to the division of land (or a change in the use of the land) in accordance with this scheme description. This endorsement does not limit a relevant authority's right to refuse, or to place conditions on, development authorisation under the Development Act 1993 in relation to any other development envisaged by this scheme description. Signed: Dated:		
79.2 The power pursuant to Regulation 45(2) of the Regulations to include in an endorsement of a scheme description under Section 3 of the Community Titles Act 1996, notes concerning conditions on any consent or approval, and notes concerning additional approvals that may be required in the future and to sign and date the endorsement.		
80. Special Provisions Relating to Staged Consents		
80.1 The duty pursuant to and in accordance with Regulation 46(1) of the Regulations, and in a case where the development is within the ambit of Schedule 1A, subject to, in accordance with Regulations 46(4) and (5) of the Regulations, any step that the Delegate, as the relevant authority considers it needs to take under Section 42 of the Act, to issue a Notice of Approval in the circumstances prescribed by Regulation 46 of the Regulations.	CEO	NIL
81. Endorsed Plans		
81.1 The duty pursuant to Regulation 47 of the Regulations to return to a successful applicant, a copy of the plans, drawings, specifications and other documents and information lodged by the applicant duly endorsed with the building rules consent.	CEO	NIL
81A. Minor Variation of Development Authorisation		
81A.1 The power pursuant to Regulation 47A(1) of the Regulations, if a person requests the variation of a	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion that the variation is minor in nature and, if the delegate is satisfied that the variation is minor in nature, to approve the variation.		
82. Lapse of Consent or Approval			
82.1	The power pursuant to Regulation 48(2) of the Regulations to extend the time when any consent or approval under Part 4 of the Act will lapse.	CEO	NIL
83. Width of Roads and Thoroughfares			
83.1	The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulation 51(1) and (3) dealing with the width of any proposed road or thoroughfare where the Delegate is of the opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued
83.2	The power pursuant to Regulation 51(6) of the Regulations to dispense with the requirements of Regulation 51(5) dealing with the width of a road at the head of every cul-de-sac where it appears that the cul-de-sac is likely to become a through road.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued
84. Road Widening			
84.1	The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued
85. Requirement as to Forming of Roads			

		Direct Delegation from Council	Conditions/ Limitations
85.1	The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued
85.2	The power pursuant to Regulation 53(4) of the Regulations to dispense with the requirements of Regulation 53(3) of the Regulations that adequate provision be made for the turning of vehicles at the head of a cul-de-sac where the Delegate is of the opinion that the cul-de-sac is likely to become a through road.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued
85.3	The power pursuant to Regulation 53(6) of the Regulations to dispense with the requirements of Regulation 53(5) dealing with the forming of footpaths, water-tables, kerbing, culverts and drains on proposed roads.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued
86.	Construction of Roads, Bridges, Drains and Services		
86.1	The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued

		Direct Delegation from Council	Conditions/ Limitations
87. Supplementary Provisions			
87.1	The duty pursuant to Regulation 55(1) of the Regulations to consider and if appropriate approve a road location and grading plan for the forming of any proposed road, including every footpath, water-table, kerbing, culvert and drain.	CEO	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued or work commencing.
87.2	The duty pursuant to Regulation 55(2) of the Regulations to consider, and if appropriate approve, detailed construction plans and specifications signed by a professional engineer or licensed surveyor for all work referred to in Regulations 53 and 54 of the Regulations.	CEO	Subject to receipt of advice from Council's Engineering Department prior to work commencing.
87.3	The duty pursuant to Regulation 55(4) of the Regulations to consider, and if appropriate accept, that all connections for water supply and sewerage services to any allotment delineated on a plan of division have been laid under the surface of a proposed road before the roadway is sealed.	CEO	Subject to receipt of advice from Council's Engineering Department prior to work commencing.
88. General Land Division			
88.1	The power pursuant to and in accordance with Regulation 58(1) of the Regulations to enter into a binding arrangement with an applicant for land division for the satisfaction of outstanding requirements.	CEO	NIL
88.2	The power pursuant to and in accordance with Regulation 58(2) of the Regulations to advise the State Commission Assessment Panel that an applicant has entered into appropriate binding arrangements pursuant to Section 51(1) of the Act.	CEO	NIL
89. Division of Land by Strata Title			
89.1	The power pursuant to Regulation 59(1) of the Regulations to advise the State Commission Assessment Panel that an applicant has entered into a binding arrangement with the Council for the satisfaction of the requirements of Section 33(1)(d) of the Act and that the arrangement is supported by adequate security.	CEO	NIL

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90. General Provisions			
90.1	The power pursuant to and in accordance with Regulation 60(1) of the Regulations to enter into a form of arrangement with an applicant to the satisfaction of the State Commission Assessment Panel for the purposes of Section 51(1) of the Act.	CEO/CAP	Subject to receipt of advice from the Director Engineering & Assets
90.2	The power pursuant to Regulation 60(7) of the Regulations, for the purposes of Section 51(4) of the Act, to request (in such a manner as may be determined by the State Commission Assessment Panel) that a copy of a certificate or plan (or certificates and plans) referred to in Regulation 30(4) of the Regulations be furnished to the Council by sending a written copy to the Council.	CEO	NIL
90.3	The power pursuant to Regulation 60(9) of the Regulations to consult with the State Commission Assessment Panel before it grants an extension of the period prescribed by Regulation 60(8) of the Regulations.	CEO	NIL
91. Declaration by The Minister - Section 46			
91.1	The duty pursuant to and in accordance with Regulation 61(2) of the Regulations, to transmit to the Minister any relevant documentation (including the application and any accompanying documentation or information lodged by the proponent with the Council under Division 1 of Part 4 of the Act) within 10 business days after the receipt of a copy of a notice required by Regulation 61(1) of the Regulations.	CEO	Subject to any covering letter being signed by the CEO
91.2	At the same time that documents are transmitted to the Minister under Regulation 61(2) of the Regulations, the duty pursuant to Regulation 61(3) of the Regulations to also transmit to the Minister any fees that have been paid by the proponent under Schedule 6 (less any amount that the Minister determines should be retained by the Council).	CEO	NIL
91.3	Where an application lodged with the Minister under Section 46 of the Act requires an assessment against the Building Rules and the assessment against the Building Rules is to be referred to the Council, the power pursuant to Regulation 61(5)(d) of the Regulations, to require from the applicant additional copies of the plans, drawings, specifications and other documents and information required by Regulation 61(4) of the Regulations.	CEO	NIL
92. Referral of Assessment of Building Work			
92.1	Where a development application which is subject to the operation of Section 48 of the Act is referred to the Council for assessment in respect of the Building Rules the duty pursuant to and in accordance with Regulation 64(2) of the Regulations, to ensure that the assessment is consistent with any development plan consent previously given under Section 48 of the Act.	CEO	NIL
92.2	Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:		

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92.2.1	provide the certification in the form set out in Schedule 12A; and	CEO	NIL
92.2.2	to the extent that may be relevant and appropriate:	CEO	NIL
92.2.2.1	issue a schedule of essential safety provisions under Division 4 of Part 12 of the Act; and	CEO	NIL
92.2.2.2	assign a classification to the building under the Regulations; and	CEO	NIL
92.2.2.3	ensure that the appropriate levy has been paid under the <i>Construction Industry Training Fund Act 1993</i> .	CEO	NIL
92.3	Where the Council issues a certificate in the form set out in Schedule 12A of the Regulations as required by Regulation 64(3)(a) of the Regulations, the duty pursuant to Regulation 64(4) of the Regulations to furnish to the Minister a copy of the certificate together with a copy of any schedule of essential safety provisions.	CEO	NIL
93.	Notifications During Building Work		
93.1	The power pursuant to Regulation 74(1)(b) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.	CEO	NIL
93.2	The power pursuant to Regulation 74(1)(c) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.	CEO	NIL
93.3	The duty pursuant to Regulation 74(4) of the Regulations to make a note on the relevant building file of any notice given in accordance with Regulation 74(3)(d) by a person by telephone.	CEO	NIL
94.	Essential Safety Provisions		
94.1	The duty pursuant to Regulation 76(4) of the Regulations, on either the granting of a building rules consent or on application by the owner of a building, to issue a schedule in the form set out in Schedule 16 specifying the essential safety provisions for buildings and the standards and requirements for maintenance and testing in respect of those provisions.	CEO	NIL
94.2	The power pursuant to Regulation 76(10) of the Regulations to require compliance with Regulation 76(7) despite Regulation 76(9) of the Regulations if the essential safety provisions were installed under a modification of the Building Rules under Section 36(2) of the Act or the building has been the subject of a notice under Section 71 of the Act.	CEO	NIL
94A	Swimming Pool Safety		
94A.1	The power pursuant to Regulation 76D(4a) of the Regulations to, for the purposes of Section 71AA(7) of the Act, subject to Regulation 76(D)(4b) of the Regulations, establish a swimming pool inspection policy.	CEO	NIL
95.	Building Rules: Bushfire Prone Areas		
95.1	Where:	CEO	NIL

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95.1.1	application is made for building rules consent for building work in the nature of an alteration to a class 1, 2 or 3 building under the Building Code; and		
95.1.2	the building is in a bushfire prone area under Regulation 78(1) of the Regulations; and		
95.1.3	the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction),		
	the power, pursuant to Regulation 78(2) of the Regulations, to require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of the Building Rules for bushfire protection.		
96.	Construction Industry Training Fund		
96.1	The duty pursuant to Regulation 79(2) of the Regulations to withhold issuing a building rules consent until satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or that no such levy is payable.	CEO	NIL
96.2	The power pursuant to Regulation 79(4) of the Regulations to form an opinion whether the appropriate levy under the Construction Industry Training Fund Act 1993 has or has not been paid, or is or is not payable, and notify the applicant that a building rules consent cannot be issued until the Delegate is satisfied that the levy has been paid or is not payable.	CEO	NIL
96.3	The power pursuant to and in accordance with Regulation 79(5)(b) of the Regulations to determine that the application has lapsed.	CEO	NIL
96A	Requirement to Up-grade Building in Certain Cases		
96A.1	The power pursuant to Regulation 80(1a) of the Regulations, if an application for a building rules consent relates to building work in the nature of an alteration to a class 2 to class 9 building constructed before 1 January 2002, to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition, and to require, as a condition of consent:	<u>CEO</u>	<u>NIL</u>
96A.1.1	that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards; or	<u>CEO</u>	<u>NIL</u>
96A.1.2	that the building work comply with Minister's Specification SA: Upgrading health and safety in existing buildings (to the extent reasonably applicable to the building and its condition).	<u>CEO</u>	<u>NIL</u>
97.	Classification of Buildings		
97.1	The power pursuant to Regulation 82(3)(b)(i) of the Regulations to require such details, particulars, plans, drawings, specifications, certificates and other documents as may reasonably be required to determine a building's classification upon application by an owner of a building under Regulation 82(1) or (2) of the Regulations.	CEO	NIL
97.2	The power pursuant to Regulation 82(4) of the Regulations and subject to Regulation 82(4a) of the	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	Regulations, to assign the appropriate classification under the Building Code to a building upon being satisfied on the basis of the owner's application and accompanying documents that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.		
97.2A	The power pursuant to Regulation 82(4a) of the Regulations, if an application under Regulation 82 of the Regulations is made in respect of an existing class 2 to class 9 building, to require the applicant to satisfy the delegate that Minister's Specification SA: Upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).	CEO	NIL
97.3	The power pursuant to Regulation 82(5) of the Regulations, on assigning a classification to a building (or part of a building), to, if relevant, determine and specify in the notice to the owner under Section 66(4) of the Act – 97.3.1 the maximum number of persons who may occupy the building (or part of the building); and 97.3.2 If the building has more than one classification – the part or parts of the building to which each classification relates and the classification currently assigned to the other parts of the building.	CEO	NIL
98. Certificates of Occupancy			
98.1	The power pursuant to Regulation 83(2)(c) of the Regulations to require from an applicant for a certificate of occupancy reasonable evidence that conditions attached to a development approval have been satisfied.	CEO	NIL
98.2	The power pursuant to Regulation 83(2)(d) of the Regulations where an application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, to require from an applicant for a certificate of occupancy reasonable evidence that in the case of a building of more than 1 storey, the requirements of Minister's Specification SA 83 have been complied with, or in any other case the building is suitable for occupation.	CEO	NIL
98.3	The power pursuant to Regulation 83(3) of the Regulations to, <u>other than in relation to a designated building on which building work involving the use of a designated building product is carried out after the commencement of the Development (Building Cladding) Variation Regulations 2018</u> , dispense with the requirement to provide a Statement of Compliance under Regulation 83(2)(a) if the Delegate is satisfied that a person required to complete 1 or both parts of the Statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification(s) and it appears to the Delegate that the relevant building is suitable for occupation.	CEO	NIL
98.4	Where:	CEO	NIL
	98.4.1 a building is required by the Building Rules:		
	98.4.1.1 to be equipped with a booster assembly for use by a fire authority; or		
	98.4.1.2 to have installed a fire alarm that transmits a signal to a fire station; and		
	98.4.2 facilities for fire detection, fire fighting or the control of smoke must be installed in the building		

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pursuant to an approval under the Act,		
the duty pursuant to Regulation 83(4) of the Regulations to not grant a certificate of occupancy unless or until a report has been sought from the fire authority as to whether those facilities have been installed and operate satisfactorily.		
98.5 The power pursuant to Regulation 83(5) of the Regulations, when a report from the fire authority pursuant to Regulation 83(4) is not received within 15 business days, to presume that the fire authority does not desire to make a report.	CEO	NIL
98.6 The duty pursuant to Regulation 83(6) of the Regulations to have regard to any report received from a fire authority under Regulation 83(4) before issuing a certificate of occupancy.	CEO	NIL
98.7 The power pursuant to Regulation 83(9) of the Regulations to revoke a certificate of occupancy.	CEO	NIL
99. Certificate of Independent Technical Expert in Certain Case		
99.1 The power pursuant to Regulation 88(3) of the Regulations, in circumstances where Regulation 88 of the Regulations applies, to rely on the certificate of an independent technical expert.	CEO	NIL
100. Fees		
100.1 The power pursuant to Regulation 95(2) of the Regulations to require an applicant to provide such information as the Delegate may reasonably require to calculate any fee payable under Schedule 6 and the power to make any other determination for the purposes of Schedule 6.	CEO	NIL
100.2 The power pursuant to the provisions of Regulation 95(3) of the Regulations to calculate any fee on the basis of estimates made by the Delegate where the Delegate believes that any information provided by an applicant is incomplete or inaccurate.	CEO	NIL
100.3 The power pursuant to Regulation 95(4) of the Regulations to, at any time, and despite any earlier acceptance of an amount in respect of the fee, reassess a fee payable under the Regulations.	CEO	NIL
100.4 The duty pursuant to Regulation 95(5) of the Regulations, on a reassessment under Regulation 95(4) of the Regulations:		
100.4.1 if it appears that an overpayment has occurred, to refund any amount due in accordance with the reassessment; and	CEO	NIL
100.4.2 if it appears that an underpayment has occurred, to charge any further amount payable in accordance with the reassessment.	CEO	NIL
101. Register Of Applications		
101.1 The duty pursuant to Regulation 98 of the Regulations to keep available for public inspection a register of applications for consent, approval, or the assignment of building classifications under the Act.	CEO	NIL
101.2 The power pursuant to Regulation 98(3) to fix a fee and upon payment of that fee, make available to a member of the public a copy of any part of a register or document kept for the purposes of Regulation 98(1).	CEO	NIL
102. Registration of Land Management Agreements		
102.1 The duty pursuant to and in accordance with Regulation 99(2) of the Regulations to establish a register of	CEO	NIL

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agreements entered into by the Council under Section 57(2) of the Act.		
102.2 The power pursuant to Regulation 99(3) of the Regulations to determine what other information may be contained in the Register.	CEO	NIL
103. Land Management Agreements - Development Applications		
103.1 The duty pursuant to Regulation 100(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57A of the Act.	CEO	NIL
103.2 The duty pursuant to Regulation 100(3) of the Regulations to include in the register a copy of each agreement entered into by the Council under Section 57A of the Act and other information the Delegate considers appropriate.	CEO	NIL
103.3 The duty pursuant to Regulation 100(5) of the Regulations to keep the register at the principal office of the Council.	CEO	NIL
103.4 The duty pursuant to Regulation 100(6) of the Regulations to keep the register available for public inspection during normal office hours for the office where the register is situated.	CEO	NIL
103.5 The duty pursuant to Regulation 100(9) to give a copy of a notice under Regulation 100(8) to any owner of the land who is not a party to the agreement.	CEO	NIL
104. Documents to be Preserved by a Council		
104.0 The power and duty pursuant to Regulation 101(a1) of the Regulations to retain a copy of each document provided to the Council by a private certifier in relation to any application for a development plan consent assessed by the private certifier.	CEO	NIL
104.1 The duty pursuant to Regulation 101(1) of the Regulations to retain a copy of the documents listed in Regulation 101 of the Regulations in relation to any building work approved under the Act.	CEO	NIL
104.1A The power and duty pursuant to Regulation 101(1a) of the Regulations to preserve any document referred to in Regulation 101(a1) for a period of at least 10 years.	CEO	NIL
104.2 The duty pursuant to Regulation 101(2) of the Regulations to preserve any document referred to in Regulation 101(1) of the Regulations until the building to which the document relates is demolished or removed.	CEO	NIL
104.3 The power pursuant to and in accordance with Regulation 101(3) of the Regulations to offer to give plans and specifications in the Council's possession to a building owner and if the building owner declines the offer, the power to destroy the documents.	CEO	NIL
104.4 The power pursuant to and in accordance with Regulation 101(4) of the Regulations to make available for inspection at the offices of the Council during normal office hours any document retained by the Council under Regulation 101(a1) or (1) of the Regulations (without charge) and to fix a reasonable fee for a copy of any document retained by the Council under Regulation 101(a1) or (1) of the Regulations.	CEO	NIL
104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
specifications or other documents or information:		
104.5.1 for inspection under Regulation 101(4)(a) if to do so would:		
104.5.1.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or		
104.5.1.2 constitute a breach of any other law; or		
104.5.2 for copying under Regulation 101(4)(b) if to do so would:		
104.5.2.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or		
104.5.2.2 involve an infringement of copyright in matter contained in a document; or		
104.5.2.3 constitute a breach of any other law.		
104A Documents to be Provided by Private Certifier		
104A.1 The power pursuant to Regulation 102(2) of the Regulations to request a private certifier to produce to the Council within a reasonable period, a copy of any document that has been submitted to the private certifier for the purposes of an application for development plan consent (and that it is not already held by the Council under the Regulations) so that the Council can respond to a request from a member of the public for access to such document.	CEO	NIL
105. Transfer of Development Potential		
105.1 The duty pursuant to Regulation 104 of the Regulations, wherever the provisions of the Development Plan provide for the transfer of development potential, to maintain a register of development rights containing the information prescribed in Regulation 104(1) and to make the said register available for public inspection on payment of the appropriate fee.	CEO/CAP	NIL
106. System Indicators		
106.1 The duty pursuant to Section 115(1)(a) of the Regulations to keep and collate the information specified in the system indicators document on a quarterly basis.	CEO	NIL
106.2 The duty pursuant to Section 115(1)(b) of the Regulations to provide the information for each quarter to the Minister in a manner and form determined by the Minister, within 21 days after the end of the quarter.	CEO	NIL
106.3 The power pursuant to Regulation 115(2) of the Regulations to apply to the Minister to exempt the Council from a requirement in the system indicators document.	CEO	NIL
107. Schedule 1A – Demolition		
107.1 The power, pursuant to Clause 12(3) of Schedule 1A of the Regulations, to make an application to the Minister for an area to be declared by the Minister to be a designated area.	CEO	NIL
107.2 The power pursuant to Clause 12(9) of Schedule 1A of the Regulations, before the Minister takes action to vary or revoke a declaration under Clause 12(3) of Schedule 1A of the Regulations or a condition under Clause 12(7) of Schedule 1A of the Regulations, to in response to a notice in writing from the Minister, show, within the specified time, why the proposed course of action should not be taken.	CEO	NIL
108. Schedule 4 – New Dwellings		

	Direct Delegation from Council	Conditions/ Limitations
108.1 The power pursuant to Clause 2B(4)(b) of Schedule 4 of the Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land other than a previous use or activity for residential purposes.	CEO	NIL
109. Schedule 6 - Fees		
109.1 The power pursuant to Clause 1(7) of Schedule 6 to the Regulations to determine the amount of the fee to be charged to an applicant to cover the Council's reasonable costs in giving public notice of the application under Section 38(5) of the Act.	CEO	Subject to Council approval
110. Schedule 8 – Development Near The Coast		
110.1 The power pursuant to Item 1(b) of Clause 2 of Schedule 8 of the Regulations, where development is on coastal land, to form the opinion that the development is of a minor nature only, and comprises the alteration of an existing building or the construction of a building to facilitate the use of an existing building.	N/A	N/A
111. Schedule 8 - Development Adjacent To Main Roads		
111.1 The power pursuant to Item 3 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is likely to:	CEO/CAP	NIL
111.1.1 alter an existing access; or		
111.1.2 change the nature of movement through an existing access; or		
111.1.3 create a new access; or		
111.1.4 encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972, in relation to an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, or within 25 metres of a junction with an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan).		
112. Schedule 8 - State Heritage Places		
112.1 The power pursuant to Item 5(1) of Clause 2 of Schedule 8 of the Regulations to form the opinion that a development materially affects the context within which a State Heritage place is situated	CEO/CAP	NIL
113. Schedule 8 – Mining – General		
113.1 The power pursuant to and in accordance with Item 7 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is of a minor nature only.	CEO/CAP	Delegate report to be countersigned

	Direct Delegation from Council	Conditions/ Limitations
		by either the Director Strategy & Development or Manager Development Services prior to the decision being made
114. Schedule 8 - Activity of Environmental Significance		
114.1 The power pursuant to Item 10(b) of Clause 2 of Schedule 8 of the Regulations, where development involves, or is for the purposes of an activity specified in Schedule 21 of the Regulations (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level), other than development which comprises the alteration of, or addition to, an existing building, to form the opinion that the development does not change the use of the building, and is of a minor nature only, and does not have any adverse effect on the environment.	CEO/CAP	NIL
115. Schedule 8 – Aquaculture Development		
115.1 The power pursuant to and in accordance with Item 15 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development involves a minor alteration to an existing or approved development.	CEO/CAP	NIL
116. Schedule 8 – Development Within the River Murray Floodplain Area		
116.1 The power pursuant to and in accordance with Item 19(b) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.	CEO/CAP	NIL
117. Schedule 8 – Development Within the River Murray Tributaries Area		
117.1 The power pursuant to and in accordance with Item 20(a) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.	CEO/CAP	NIL
118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development		
118.1 The power pursuant to Clause 1 of Part 1 to Schedule 9 of the Regulations in circumstances where a development would be a complying development under the Regulations or the relevant Development Plan but for the fact that it fails to meet the conditions associated with the classification, to form the opinion that the failure to meet those conditions is of a minor nature only.	CEO/CAP	Delegate report to be countersigned by other statutory planner

	Direct Delegation from Council	Conditions/ Limitations
		prior to the decision being made
118.2 The power pursuant to Clause 2(1)(g) of Part 1 to Schedule 9 of the Regulations to form the opinion that a development is of a kind which is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	CEO/CAP	Delegate report to be countersigned by other statutory planner prior to the decision being made
118.3 The power pursuant to the following designated sub-paragraphs of Clause 3 of Part 1 to Schedule 9 of the Regulations, where a development is classified as non complying under the relevant Development Plan, to form the opinion that:	CEO/CAP	Delegate report to be countersigned by either the Director Strategy & Development or Manager Development Services or Team Leader Statutory Planning Prior To The Decision Being Made
118.3.1 the alteration of, or addition to, a building is of a minor nature only, pursuant to sub-paragraph (a);		
118.3.2 the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used constitutes development of a minor nature only pursuant to sub-paragraph (b).		
118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:	CEO/CAP	NIL
118.4.1 that the division of land (including for the construction of a road or thoroughfare) is for a proposed use which is consistent with the objective of the zone or area under the Development Plan; and		

	Direct Delegation from Council	Conditions/ Limitations
118.4.2 whether the division will change the nature or function of an existing road.		
118.5 The power pursuant to Clause 11 of Part 1 to Schedule 9 of the Regulations, in circumstances where development comprises a special event and the special event will not be held over more than 3 consecutive days, to form the opinion that an event of a similar or greater size or of a similar or greater impact on surrounding areas, has not been held on the same site (or substantially the same site) within 6 months immediately preceding the day or days on which the special event is proposed to occur.	CEO/CAP	NIL
118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:	CEO/CAP	Delegate report to be countersigned by another Statutory Planning prior to the decision being made
118.6.1 the duty to not take into account what is included within Schedule 3 of the Regulations; and	CEO/CAP	NIL
118.6.2 the power to take into account the size of the site of the development, the location of the development within that site, and the manner in which the development relates to the locality of the site; and	CEO/CAP	NIL
118.6.3 the power to conclude, if relevant, that the development is of a minor nature only despite the fact that it satisfies some, but not all, of the criteria set out in item 2(d) of Part 1 of Schedule 9 to the Regulations.	CEO/CAP	Delegate report to be countersigned by either the Director Strategy & Development Manager Development Services or Team Leader Statutory Planning prior to the decision being made
118.7 The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion:	CEO/CAP	NIL
118.7.1 that in respect of a proposed division of land that the applicant's proposed use of the land, is for a purpose which is consistent with the zone or area under the Development Plan; and		

	Direct Delegation from Council	Conditions/ Limitations
118.7.2 whether the proposed division will change the nature or function of an existing road.		

Appendix 4

*Instrument of Delegation under the
Environment Protection Act 1993 and Environment
Protection (Waste to Resources) Policy 2010*

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

	Direct Delegation from Council	Conditions/ Limitations
<p>same way as is required in relation to medical waste;</p>		
<p>(b) all medical waste must be stored in containers that are weatherproof, <u>shatterproof, -and- insect and vermin proof;-, and leak proof or, in the case of containers storing only medical sharps or any other sharp articles, leak resistant;</u></p>		
<p>(c) all containers for medical waste that are kept for further use must be thoroughly cleaned and disinfected as soon as reasonably practicable after emptying;</p>		
<p>(d) all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;</p>		
<p>(e) all containers of medical waste must be stored in a secure location;</p>		
<p>(f) all necessary equipment required to clean and disinfect the area in case of accidental spillage of medical waste must be readily available and accessible;</p>		
<p>(g) discarded needles, syringes with needles, surgical instruments and any other sharp articles must be contained for disposal in rigid puncture-proof containers that are taped closed or tightly lidded and the containers must not be subject to compaction by a compacting device nor placed for storage or transport in a portable or mobile compactor;</p>		
<p><u>(g) discarded medical sharps or any other sharp articles must be contained for disposal in containers that comply with the requirements of the Standards, as amended from time to time, set out in Clause 17(2)(g)(i) of the Policy and the containers must not be subject to compaction by a compacting device nor placed for storage or transport in a portable or mobile compactor;</u></p>		
<p>(h) medical waste must be disposed of as soon as reasonably practicable;</p>		
<p>(i) all medical waste must be disposed of by incineration or collected for disposal by -</p>		
<p>(i) a person who carries on a waste transport business pursuant to an environmental authorisation authorising the collection and transport of medical waste; or</p>		
<p>(ii) a council;</p>		
<p><u>(i) all medical waste must be:</u></p>		
<p><u>disposed of by incineration; or</u></p>		
<p><u>disposed of by such other method of treatment or disposal as is approved by the Authority and subject to such conditions as the Authority thinks fit;</u></p>		
<p><u>collected for disposal by -</u></p>		
<p><u>(A) a licensed waste transporter authorised to collect and transport medical waste; or</u></p>		
<p><u>(B) a council;</u></p>		
<p>(j) before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards associated with the waste and any precautions that need to be taken during the collection, transport or disposal of the medical waste;</p>		
<p>(k) the transporter must be given such assistance as is required to ensure that loading operations are carried out in such a way as to prevent spillage of any medical waste.</p>		

Appendix 5

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

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996		
1. Certain Offences May Be Expiated		
1.1 The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 (“the Act”) to issue an expiation notice under the Act to a person alleged to have committed an offence under an Act, regulation or by-law, and the alleged offence may accordingly be expiated in accordance with the Act	CEO	NIL
2. Expiation Notices		
2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence.	CEO	NIL
3. Review of Notices on Ground that Offence is Trifling		
3.1 The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:	CEO	NIL
3.1.1 to provide further information; and		
3.1.2 to provide a statutory declaration verifying the information contained in, or supporting, an application for review.		
3.2 The power pursuant to Section 8A(4) of the Act to determine an application for review before providing the Chief Recovery Officer with relevant particulars under Section 22 of the Fines Enforcement and Debt Recovery Act 2017 in respect of the offence to which the application relates.	CEO	NIL
3.3 The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.	CEO	NIL
3.4 The power pursuant to Section 8A(6a) of the Act, if an enforcement determination made under section 22 of the Fines and Enforcement Debt Recovery Act 2017 is revoked on the ground that the alleged offender had not had a reasonable opportunity to apply for review of the notice under Section 8A of the Act, and the alleged offender makes an application under Section 8A of the Act within 14 days of being notified of the revocation, to withdraw the expiation notice under Section 8A of the Act.	<u>CEO</u>	<u>NIL</u>
3A. Deliberately left blank		
4. Expiation Reminder Notices		
4.1	CEO	NIL
4.1 The duty pursuant to Section 11(1) of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 20 of the Fines Enforcement and Debt Recovery Act 2017 and the Council has not received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation reminder notice in the prescribed form to the alleged offender.		

	Direct Delegation from Council	Conditions/ Limitations
5. Expiation Enforcement Warning Notices		
5.1 The duty pursuant to Section 11A(1) of the Act where the Council has received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation enforcement warning notice, in the prescribed form, to the alleged offender.	CEO	NIL
6. Late Payment		
6.1 The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 22 of the Fines Enforcement and Debt Recovery Act 2017.	CEO	NIL
7. Deliberately left blank		
7.1		
8. Withdrawal of Expiation Notices		
8.1 The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:	CEO	NIL
8.1.1 in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;		
8.1.2 the Council as issuing authority receives a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or		
8.1.3 the notice is defective; or		
8.1.3A in the opinion of the Delegate the alleged offender is suffering from a cognitive impairment that excuses the alleged offending; or		
8.1.4 the Delegate decides that the alleged offender should be prosecuted for the offence or offences.		
8.2 The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.	CEO	NIL
8.3 The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council as issuing authority or failure of the postal system or failure in the transmission of an email.	CEO	NIL
8.4 The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 22 of the Fines Enforcement and Debt Recovery Act 2017, to inform the Chief Recovery Officer of the withdrawal of the notice.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
9.	Giving of Certain Notices and Certificates		
9.1	The power pursuant to Section 18 of the Act to enter into an agreement with the Chief Recovery Officer in relation to:	CEO	NIL
9.1.1	the manner in which the Chief Recovery Officer is to provide information to the Council in relation to action taken by the Chief Recovery Officer under the Act in respect of an expiation notice issued by the Council; and		
9.1.2	the manner in which the Council is to provide information to the Chief Recovery Officer in relation to the issuing of an expiation notice by the Council or any other action taken by the Council in respect of an expiation notice so issued.		

Appendix 6

*Instrument of Delegation under the
Fences Act 1975*

		Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE FENCES ACT 1975			
1.	NOTICE OF INTENTION TO PERFORM FENCING WORK		
1.1	The power pursuant to Section 5(1) of the Fences Act 1975 (“the Act”) to serve notice, in accordance with Section 5(2) of the Act, on an adjoining land owner of a proposal to erect a fence to divide the Council's land (being land of less than one hectare) from the land of the adjoining land owner.	CEO	NIL
1.2	The power pursuant to Section 5(3) of the Act to serve notice in accordance with Section 5(4) of the Act on an adjoining land owner of a proposal to perform any replacement, repair or maintenance work in relation to a fence dividing the Council’s land (being land of less than one hectare) and the adjoining owner’s land.	CEO	NIL
2.	Cross-notice		
2.1	The power pursuant to Section 6(1) of the Act to serve in the prescribed form and to determine the criteria under Section 6(2) of the Act, a cross-notice on an adjoining land owner, objecting to and/or putting forward counter-proposals in relation to fencing work to divide the Council's land (being land of less than one hectare) from the land of the adjoining land owner.	CEO	NIL
2.2	The power pursuant to Section 6(3) of the Act to object and serve notice on the adjoining owner to any counter-proposal contained in any cross-notice under Section 6(2) of the Act.	CEO	NIL
3.	Agreement upon Basis of Proposals and Counter-proposals		
3.1	The power pursuant to Section 7 of the Act to authorise payment of part or all of the cost of constructing or maintaining a fence adjacent to Council land, (being land which is less than one hectare in area).	CEO	NIL
4.	Performance of Fencing Work		
4.1	The power pursuant to Section 8 of the Act to authorise the commencement and completion of fencing work to divide the Council's land (being land of less than one hectare) from the land of the adjoining land-owner.	CEO	NIL

Appendix 7

*Instrument of Delegation under the
Freedom of Information Act 1991 & Freedom of
Information (Fees & Charges) Regulations 2003*

		Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991 AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003			
1. Publication of Information Concerning Councils			
1.1	The duty pursuant to Section 9(1a) of the Freedom of Information Act 1991 ("the Act") and in accordance with Section 9(2), (3) and (4) to cause, at intervals of not more than 12 months, an up to date information statement to be published in the manner prescribed by regulation.	CEO	* <u>NIL</u>
2. Availability of Certain Documents			
2.1	The duty pursuant to Section 10(1) of the Act to cause copies of the Council's most recent information statement and each of its policy documents to be made available for inspection and purchase by members of the public.	CEO	* <u>NIL</u>
2.2	The power pursuant to Section 10(2) of the Act to delete information from the copies of a policy document if its inclusion would result in the document being an exempt document otherwise then by virtue of Clause 9 or 10 of Schedule 1 to the Act.	CEO	* <u>NIL</u>
2.3	The duty pursuant to Section 10(3) of the Act not to enforce a particular policy to the detriment of a person:	CEO	* <u>NIL</u>
	2.3.1 if the relevant policy document should have been, but was not, made available for inspection and purchase in accordance with Section 10 at the time the person became liable to the detriment; and		
	2.3.2 the person could, by knowledge of the policy, have avoided liability to the detriment.		
3. Persons by Whom Applications to be Dealt With and Time Within Which Applications Must be Dealt With			
3.1	The duty, pursuant to Section 14(1) of the Act to ensure that an accredited FOI officer deals with an application for access to Council's documents.	CEO	NIL
3.2	The duty pursuant to Section 14(2) of the Act to deal with an application for access to the Council's documents as soon as practicable (and, in any case, within 30 days) after it is received.	CEO	*
4. Incomplete and Wrongly Directed Applications			
4.1	The duty pursuant to Section 15 of the Act not to refuse to accept an application merely because it does not contain sufficient information to enable the document to which it relates to be identified without first taking such steps as are reasonably practicable to assist the applicant to provide such information.	CEO	*
5. Transfer of Application			
5.1	The power pursuant to Section 16(1) of the Act to transfer an application for access to Council's documents to another agency if the document to which it relates:	CEO	*
	5.1.1 is not held by the Council but is, to the knowledge of the Council, held by the other agency; or		
	5.1.2 is held by the Council but is more closely related to the functions of the other agency.		

		Direct Delegation from Council	Conditions/ Limitations
5.2	The duty pursuant to Section 16(2) of the Act, where an application is transferred to another agency and the Council holds a copy of the document to which the application relates, to forward a copy of the document to the other agency together with the application.	CEO	*
5.3	The duty pursuant to Section 16(3) of the Act to cause notice of the transfer to be given to the applicant where the application has been transferred to another agency.	CEO	*
5.4	The duty pursuant to Section 16(4) of the Act to specify in a notice under Section 16(3), the day on which, and the agency to which, the application was transferred.	CEO	*
5.5	The power pursuant to Section 16(5) of the Act not to include in a notice under Section 16(3) any matter which by its inclusion would result in the notice being an exempt document.	CEO	*
6.	Council May Require Advance Deposits		
6.1	The power pursuant to Section 17(1) of the Act to form the opinion that the cost of dealing with an application is likely to exceed the application fee, and to request the applicant to pay such reasonable amount, by way of advance deposit, as the Delegate may determine.	CEO	*
6.2	The power pursuant to Section 17(2) of the Act to form the opinion that the cost of dealing with an application is likely to exceed the sum of the application fee and of any advance deposits paid in respect of the application and, to request the applicant to pay such reasonable amount, by way of further advance deposit as the Delegate may determine.	CEO	*
6.3	The duty pursuant to Section 17(3) of the Act to ensure that the aggregate of the application fee and the advance deposit(s) do not exceed the Delegate's estimate of the cost of dealing with the application.	CEO	NIL
6.4	The duty pursuant to Section 17(4) of the Act, where a request for an advance deposit is made, to ensure that the request is accompanied by a notice that sets out the basis upon which the amount of the deposit has been calculated.	CEO	*
7.	Council May Refuse to Deal with Certain Applications		
7.1	The power pursuant to Section 18(1) of the Act to refuse to deal with an application if it appears to the Delegate that the nature of the application is such that the work involved in dealing with it (within the period allowed under Section 14 of the Act or, within any reasonable extension of that period under Section 14A of the Act) would, if carried out, substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions.	CEO	*
7.2	The duty pursuant to Section 18(2) of the Act not to refuse to deal with such an application without first endeavouring to assist the applicant to amend the application so that the work involved in dealing with it would, if carried out, no longer substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions.	CEO	*
7.3	The power pursuant to Section 18(2a) of the Act to refuse to deal with an application if, the Delegate forms the opinion, that the application is part of a pattern of conduct that amounts to an abuse of the right of access or is made for a purpose other than to obtain access to information.	CEO	*

		Direct Delegation from Council	Conditions/ Limitations
7.4	The power pursuant to Section 18(3) of the Act to refuse to continue dealing with an application if:	CEO	*
7.4.1	the delegate has requested payment of an advance deposit in relation to the application; and		
7.4.2	payment of the deposit has not been made within the period specified in the request.		
7.5	The duty pursuant to Section 18(4) of the Act where the Delegate refuses in accordance with Section 18(3) of the Act to continue to deal with an application to refund to the applicant such part of the advance deposits paid in respect of the application as exceeds the costs incurred by the Council in dealing with the application and the power to retain the remainder of those deposits.	CEO	*
7.6	The duty pursuant to Section 18(5) of the Act to cause written notice of a refusal to deal with an application in accordance with Section 18(3) of the Act to be given to the applicant.	CEO	*
7.7	The duty pursuant to Section 18(6) of the Act to include in a notice under Section 18(5) of the Act the reasons for the refusal and the findings on any material questions of fact underlying those reasons, together with a reference to the sources of information on which those findings are based.	CEO	*
7.8	The power pursuant to Section 18(7) of the Act not to include in a notice under Section 18(5) of the Act any matter which by its inclusion would result in the notice being an exempt document.	CEO	*
8.	Determination of Applications		
8.1	The duty pursuant to Section 19(1) of the Act, after considering an application for access to the Council's documents, to determine:	CEO	*
8.1.1	whether access to the document is to be given (either immediately or subject to deferral) or refused; and		
8.1.2	if access to the document is to be given, any charge payable in respect of the giving of access; and		
8.1.3	any charge payable for dealing with the application.		
8.2	The power pursuant to Section 19(2a) of the Act to make a determination to give access to a document on an application after the period within which the Delegate was required to deal with the application.	CEO	*
9.	Refusal of Access		
9.1	The power pursuant to Section 20(1) of the Act to refuse access to a document:	CEO	*
9.1.1	if it is an exempt document;		
9.1.2	if it is a document that is available for inspection at the Council or some other agency (whether as a part of a public register or otherwise) in accordance with Part 2 of the Act, or in accordance with a legislative instrument other than the Act, whether or not inspection of the document is subject to a fee or charge;		
9.1.3	if it is a document that is usually and currently available for purchase;		
9.1.4	if it is a document that:		
9.1.4.1	was not created or collated by the Council itself; and		
9.1.4.2	genuinely forms part of library material held by the Council; or		

		Direct Delegation from Council	Conditions/ Limitations
9.1.5	subject to the exceptions listed at Section 20(2) of the Act if it is a document that came into existence before 1 January 1987.		
9.2	The duty pursuant to Section 20(4) not to refuse access to a document if:	CEO	*
9.2.1	it is practicable to give access to a copy of a document from which the exempt matter has been deleted; and		
9.2.2	it appears to the Delegate (either from the terms of the application or after consultation with the applicant) that the applicant would wish to be given access to such a copy to that limited extent.		
10.	Deferral of Access		
10.1	The power pursuant to Section 21(1) of the Act to defer access to a document:	CEO	*
10.1.1	if it is a document that is required by law to be published but is yet to be published;		
10.1.2	if it is a document that has been prepared for presentation to Parliament, but is yet to be presented; or		
10.1.3	if it is a document that has been prepared for submission to a particular person or body, but is yet to be submitted.		
10.2	The duty pursuant to Section 21(2) of the Act not to defer access to a document to which Section 21(1)(a) of the Act applies beyond the time the document is required by law to be published.	CEO	*
10.3	The duty pursuant to Section 21(3) of the Act not to defer access to a document to which Section 21(1)(b) or (c) of the Act applies for more than a reasonable time after the date of its preparation.	CEO	*
11.	Forms of Access		
11.1	The power pursuant to Section 22(1) of the Act to give a person access to a document by –	CEO	*
(a)	giving the person a reasonable opportunity to inspect the document; or		
(b)	giving the person a copy of the document; or		
(c)	in the case of a document from which sounds or visual images are capable of being reproduced, whether or not with the aid of some other device by making arrangements for the person to hear or view those sounds or visual images; or		
(d)	in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of sound by giving the person a written transcript of the words recorded in the document; or		
(e)	in the case of a document in which words are contained in the form of shorthand writing or in encoded form-by giving the person a written transcript of the words contained in the document; or		
(f)	in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of a written document-by giving the person a written document so reproduced.		
11.2	The duty pursuant to Section 22(2) of the Act to give an applicant access to a document in a particular	CEO	*

		Direct Delegation from Council	Conditions/ Limitations
	way requested by the applicant unless giving access as requested:		
	11.2.1 would unreasonably divert the resources of the Council (or, if the document is in the custody of State Records, the resources of State Records) from their use for other official purposes; or		
	11.2.2 would be detrimental to the preservation of the document or (having regard to the physical nature of the document) would otherwise not be appropriate; or		
	11.2.3 would involve an infringement of copyright in matter contained in a document, in which case access may be given in some other way.		
11.3	The duty pursuant to Section 22(2a) of the Act where a document is in the custody of State Records, to determine that the way in which access is given to the document will be made by or jointly with the Manager of State Records.	CEO	*
11.4	The duty pursuant to Section 22(3) of the Act where an applicant has requested that access to a document be given in a particular way and access is given in some other way, not to require the applicant to pay a charge in respect of the giving of access that is greater than the charge that the applicant would have been required to pay had access been given as requested.	CEO	*
11.5	The power pursuant to Section 22(4) of the Act but subject to Section 22(2a) of the Act to agree with the applicant the particular way access to a document is to be given.	CEO	*
11.6	The power pursuant to Section 22(5) of the Act to refuse to give access to a document if a charge payable in respect of the application, or giving access to the document, has not been paid.	CEO	*
12.	Notices of Determination		
12.1	The duty pursuant to Section 23(1) of the Act to give written notice to an applicant of the determination of his/her application or, if the application relates to a document that is not held by the Council, of the fact that the Council does not hold such a document.	CEO	*
12.2	The duty pursuant to Section 23(2) of the Act to specify in a notice given under Section 23(1) of the Act those matters set out at Section 23(2)(a) – (g) of the Act.	CEO	*
12.3	The power pursuant to Section 23(3) of the Act where an applicant applies for access to a document that is an exempt document for reasons related to criminal investigation or law enforcement, to give notice to the applicant in the form that neither admits or denies the existence of the document and, if disclosure of the existence of the document could prejudice the safety of a person, the duty to ensure that notice is given in that form.	CEO	*
12.4	The power pursuant to Section 23(4) of the Act not to include in a notice under this Section any matter which by its inclusion would result in the notice being an exempt document.	CEO	*
13.	Documents Affecting Inter-Governmental or Local Governmental Relations		
13.1	The duty pursuant to Section 25(2) of the Act not to give access under the Act to a document which contains matter concerning the affairs of the Government of the Commonwealth or of another State or a council (including a council constituted under a law of another State) unless the Council has taken such steps as are reasonably practicable to obtain the views of the Government or council concerned	CEO	*

		Direct Delegation from Council	Conditions/ Limitations
	as to whether or not the document is an exempt document by virtue of Clause 5 of Schedule 1 to the Act.		
13.2	The duty pursuant to Section 25(3) of the Act, if:	CEO	*
	13.2.1 the Delegate determines, after having sought the views of the Government or council concerned, that access to a document to which Section 25(2) of the Act applies is to be given; and		
	13.2.2 the views of the Government or council concerned are that the document is an exempt document by virtue of Clause 5 of Schedule 1 to the Act,		
	to forthwith give written notice to the Government or council concerned:		
	13.2.3 that the Council has determined that access to the document is to be given; and		
	13.2.4 of the rights of review conferred by the Act in relation to the determination; and		
	13.2.5 of the procedures to be followed for the purpose of exercising those rights; and		
	defer giving access to the document until after the expiration of the period within which an application for a review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.		
14.	Documents Affecting Personal Affairs		
14.1	The duty pursuant to Section 26(2) of the Act not to give access under the Act to a document which contains information concerning the personal affairs of any person (whether living or dead) except to the person concerned, unless the Council has taken such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 6 of Schedule 1 to the Act.	CEO	*
14.2	The duty pursuant to Section 26(3) of the Act, if:	CEO	*
	14.2.1 the Delegate determines, after having sought the views of the person concerned, that access to a document to which Section 26(2) of the Act applies is to be given; and		
	14.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 6 of Schedule 1 to the Act; or		
	14.2.3 after having taking reasonable steps to obtain the views of the person concerned, the Delegate is unable to obtain the views of the person and determines that access to the documents should be given,		
	to forthwith give written notice to the person concerned:		
	14.2.4 that the Delegate has determined that access to the document is to be given; and		
	14.2.5 of the rights of review conferred by the Act in relation to the determination; and		
	14.2.6 of the procedures to be followed for the purpose of exercising those rights; and		
	defer giving access to the document until after the expiration of the period within which an application for review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.		

		Direct Delegation from Council	Conditions/ Limitations
14.3	The power pursuant to Section 26(4) of the Act where:-	CEO	*
14.3.1	an application is made to the Council for access to a document to which Section 26 of the Act applies; and		
14.3.2	the document contains information of a medical or psychiatric nature concerning the applicant; and		
14.3.3	the Delegate is of the opinion that disclosure of the information to the applicant may have an adverse effect on the physical or mental health or emotional state, of the applicant; and		
14.3.4	the Delegate decides that access to the document is to be given, to give access to the document to a registered medical practitioner nominated by the applicant.		
15.	Documents Affecting Business Affairs		
15.1	The duty pursuant to Section 27(2) of the Act not to give access under the Act to a document which contains:	CEO	*
15.1.1	information concerning the trade secrets of any person; or		
15.1.2	information (other than trade secrets) that has a commercial value to any person; or		
15.1.3	any other information concerning the business, professional, commercial or financial affairs of any person;		
	except to the person concerned, unless the Council has taken such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 7 of Schedule 1 to the Act.		
15.2	The duty pursuant to Section 27(3) of the Act, if:	CEO	*
15.2.1	the Delegate determines, after seeking the views of the person concerned, that access to a document to which Section 27(2) of the Act applies is to be given; and		
15.2.2	the views of the person concerned are that the document is an exempt document by virtue of Clause 7 of Schedule 1 to the Act,		
	to forthwith give written notice to the person concerned:		
15.2.3	that the Council has determined that access to the document is to be given; and		
15.2.4	of the rights of review conferred by the Act in relation to the determination; and		
15.2.5	of the procedures to be followed for the purpose of exercising those rights; and		
	defer giving access to the document until after the expiration of the period within which an application for a review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.		
16.	Documents Affecting the Conduct of Research		
16.1	The duty pursuant to Section 28(2) of the Act not to give access under the Act to a document which contains information concerning research that is being, or is intended to be, carried out by or on behalf of any person except to the person concerned, unless such steps have been taken as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an	CEO	*

		Direct Delegation from Council	Conditions/ Limitations
	exempt document by virtue of Clause 8 of Schedule 1 to the Act.		
16.2	The duty pursuant to Section 28(3) of the Act, if:	CEO	*
	16.2.1 the Delegate determines, after seeking the views of the person concerned, that access to a document to which Section 28(2) of the Act applies is to be given; and		
	16.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 8 of Schedule 1 to the Act,		
	to forthwith give written notice to the person concerned:		
	16.2.3 that the Council has determined that access to the document is to be given; and		
	16.2.4 of the rights of review conferred by the Act in relation to the determination; and		
	16.2.5 of the procedures to be followed for the purpose of exercising those rights; and		
	defer giving access to the document until after the expiration of the period within which an application for a review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.		
17.	Internal Review		
17.1	The power pursuant to Section 29(3) of the Act, where an application for review of a determination is made under Part 3 of the Act and in accordance with Section 29(2) of the Act, to confirm, vary or reverse the determination under review.	CEO	NIL
17.2	The duty pursuant to Section 29(4) of the Act to refund any application fee paid in respect of the review where the delegate varies or reverses a determination so that access to a document is to be given either immediately or subject to deferral.	CEO	NIL
18.	Persons by Whom Applications for Amendment of Records May be Dealt With and Time Within Which Applications Must be Dealt With		
18.1	The duty pursuant to Section 32(1) of the Act to ensure that an accredited FOI officer deals with an application for amendment of the Council's records.	CEO	*
18.2	The duty pursuant to Section 32(2) of the Act to deal with an application for amendment of the Council's records as soon as practicable (and, in any case, within 30 days) after it is received.	CEO	*
19.	Incomplete Applications for Amendment of Records		
19.1	The duty pursuant to Section 33 of the Act not to refuse to accept an application merely because the application does not contain sufficient information to enable the Council's document to which the applicant has been given access to be identified without first taking such steps as are reasonably practicable to assist the applicant to provide such information.	CEO	*
20.	Determination of Applications		
20.1	The duty pursuant to Section 34 of the Act to determine within thirty (30) days of its receipt an application for amendment of the Council's records by amending the Council's records in accordance with the application or, by refusing to amend the Council's records.	CEO	*
21.	Refusal to Amend Records		

		Direct Delegation from Council	Conditions/ Limitations
21.1	The power pursuant to Section 35 of the Act to refuse to amend the Council's records in accordance with an application:	CEO	*
	(a) if the Delegate is satisfied that the Council's records are not incomplete, incorrect, out of date or misleading in a material respect; or		
	(b) if the Delegate is satisfied that the application contains a matter that is incorrect or misleading in a material respect; or		
	(c) if the procedures for amending the Council's records are prescribed by or under the provisions of a legislative instrument other than the Act, whether or not amendment of those records is subject to a fee or charge.		
22.	Notices of Determination		
22.1	The duty pursuant to Section 36(1) of the Act to give written notice to an applicant of the Council's determination of his/her application or, if the application relates to records that are not held by the Council, of the fact that the Council does not hold such records.	CEO	*
22.2	The duty pursuant to Section 36(2) of the Act when giving a written notice in accordance with Section 36(1) to specify –	CEO	*
	22.2.1 the day on which the determination was made; and		
	22.2.2 if the determination is to the effect that amendment of the Council's records is refused –		
	(i) the name and designation of the officer by whom the determination was made; and		
	(ii) the reasons for that refusal; and		
	(iii) the findings on any material questions of fact underlying those reasons, together with a reference to the sources of information on which those findings are based; and		
	(iv) the rights of review conferred by the Act in relation to the determination; and		
	(v) the procedures to be followed for the purpose of exercising those rights.		
22.3	The power pursuant to Section 36(3) of the Act not to include in a notice given under Section 36(1) of the Act any matter which by its inclusion would result in the notice being an exempted document.	CEO	*
23.	Notations to be Added to Records		
23.1	The duty pursuant to Section 37(2) of the Act where the Delegate has refused to amend the Council's records and the applicant has, by notice in writing lodged at the Council offices, requiring the Council to add to those records a notation –	CEO	*
	23.1.1 specifying the respects in which the applicants claims the records to be incomplete, incorrect, out of date or misleading; and		
	23.1.2 if the applicant claims the records to be incomplete or out of date, setting out such information as the applicant claims is necessary to complete the records or to bring them up to date, to cause written notice of the nature of the notation to be given to the applicant.		
23.2	The duty pursuant to Section 37(3) of the Act, if the Council discloses to any person (including any other agency) any information contained in the part of its records to which a notice under Section 37	CEO	*

		Direct Delegation from Council	Conditions/ Limitations
	relates, to:		
	23.2.1 ensure that, when the information is disclosed, a statement is given to that person:		
	23.2.1.1 stating that the person to whom the information relates claims that the information is incomplete, incorrect, out of date or misleading; and		
	23.2.1.2 setting out particulars of the notation added to its records under Section 37; and		
	the power pursuant to Section 37(3)(b) of the Act to include in the statement the reason for the Council's refusal to amend its records in accordance with the notation.		
24.	Internal Review		
24.1	The power pursuant to Section 38(3) of the Act, where an application for review of a determination is made under Part 4 of the Act and in accordance with Section 38(2) of the Act to, confirm, vary or reverse the determination under review.	CEO	NIL
25.	Review by Ombudsman or Police Ombudsman		
25.1	The duty and power pursuant to Section 39(5)(b)(i) of the Act to sort or compile documents relevant to a review under Section 39 of the Act or to undertake consultation.	CEO	*
25.2	The duty and power pursuant to Section 39(5)(b)(ii) of the Act to attend at a time and place specified by the relevant review authority (as defined by the Act) for the purposes of sorting or compiling documents relevant to a review under Section 39 of the Act or to undertake consultation.	CEO	*
25.3	The power:	CEO	NIL
	25.3.1 to participate in and effect a settlement conducted under Section 39(5)(c)(i) of the Act; and		
	25.3.2 to request a suspension of proceedings under Section 39 at any time to allow an opportunity for a settlement to be negotiated.		
25.4	The duty and power pursuant to Section 39(7) to cooperate in a process proposed by the relevant review authority (as defined by the Act) for the purposes of the conduct of a review under Section 39 of the Act (including any attempt of the relevant review authority to effect a settlement between the participants) and to do all such things as are reasonably required to expedite the process.	CEO	NIL
26.	Reviews by SACAT		
26.1	The power pursuant to Section 40(1) of the Act and with the permission of SACAT, to apply for a review under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of the determination by SACAT on a question of law.	CEO	NIL
27.	Consideration of Restricted Documents		
27.1	The power pursuant to Section 41(1) of the Act to make application to SACAT to have SACAT receive evidence and hear argument in the absence of the public, the other party to the review and, the other party's representative.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
28.	Deliberately left blank		
28.1	<i>Deliberately left blank</i>		
29.	Fees & Charges		
29.1	The power pursuant to Section 53(2a) of the Act, as the Delegate thinks fit, to waive, reduce or remit a fee or charge in circumstances other than those in which such action is provided for under the regulations.	CEO	NIL
29.2	The duty pursuant to Section 53(3) of the Act, where the Delegate determines a fee or charge, to review the fee or charge on request of the person required to pay the same, and if the Delegate thinks fit, reduce it.	CEO	NIL
29.3	The power pursuant to Section 53(5) of the Act to recover a fee or charge as a debt due and owing to the Council.	CEO	NIL
30.	Provision of Information to Minister		
30.1	The duty pursuant to Section 54AA of the Act–	CEO	*
	30.1.1 to furnish to the Minister administering the Act, such information as the Minister requires by notice in the Gazette –		
	30.1.1.1 for the purpose of monitoring compliance with the Act; and		
	30.1.1.2 for the purpose of preparing a report under Section 54 of the Act; and		
	30.1.2 to comply with any requirements notified by the Minister in the Gazette concerning the furnishing of that information and the keeping of records for the purposes of Section 54AA of the Act.		
31.	Documents Containing Confidential Material		
31.1	The power pursuant to clause 13(2)(b)(iii) of Schedule 1 of the Act to approve a term for inclusion in a contract that the disclosure of the matter in the contract would constitute a breach of the contract or found an action for breach of confidence.	CEO	*
31.2	The duty pursuant to clause 13(6) of Schedule 1 of the Act to notify the Minister administering the Act, in writing, and as soon as practicable, if the Delegate approves a term of a contract in accordance with clause 13(2)(b)(iii) of Schedule 1 of the Act.	CEO	*
DELEGATIONS UNDER THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003			
32.	Fees & Charges		
32.1	The duty pursuant to Regulation 5 of the Freedom of Information (Fees and Charges) Regulations 2003 to waive or remit the fee or charge where a person, liable to pay a fee or charge to the Council under the Act, satisfies the delegate that: (a) he or she is a concession cardholder; or (b) payment of the fee would cause financial hardship to the person.	CEO	*
32.2	The duty pursuant to Regulation 6 of the Freedom of Information (Fees and Charges) Regulations 2003 to provide a Member of Parliament, who applies for access to Council documents under the Act,	CEO	*

(* LIMITATIONS: Sub-delegations ~~to Information Records Officer~~ may only be exercised by a person who has undergone training and been designated as an 'Accredited FOI Officer')

	Direct Delegation from Council	Conditions/ Limitations
access to the documents without charge unless the work generated by the application involves fees and charges (calculated in accordance with Schedule 1 of the Act) totalling more than \$1,000.		

Appendix 8

*Instrument of Delegation under the
Land & Business (Sale and Conveyancing) Act 1994*

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE LAND AND BUSINESS (SALE AND CONVEYANCING) ACT 1994		
1. The duty pursuant to Section 12(1) of the land and business (sale and conveyancing) act 1994 (“the act”) within eight clear business days after receiving a request for information under this section, to provide the applicant with information reasonably required as to -	CEO	NIL
1.1 any charge or prescribed encumbrance over land within the Council's area of which the Council has the benefit; or		
1.2 insurance under Division 3 of Part 5 of the Building Work Contractors Act 1995, in relation to a building on land within the Council's area.		

Appendix 9

*Instrument of Delegation under the
Local Government Act 1999*

		Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999			
1.	Composition and Wards		
1.1	The power pursuant to Section 12(1) of the Local Government Act 1999 ('the Act') to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,	CEO	Subject to the approval of Council
	1.1.1 alter the composition of the Council;		
	1.1.2 divide, or redivide, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards.		
1.2	The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to	CEO	Subject to the approval of Council
	1.2.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;		
	1.2.2 alter the name of:		
	1.2.2.1 the Council;		
	1.2.2.2 the area of the Council;		
	1.2.3 give a name to, or alter the name of, a ward, (without the need to comply with Section 13 of the Act).		
1.3	The duty pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act for the purpose of determining whether the Council's community would benefit from an alteration to the Council's composition or ward structure.	CEO	NIL
1.4	The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the duty to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in each relevant period that is prescribed by the regulations.	CEO	NIL
1.5	Deliberately left blank.		
1.6	Deliberately left blank.		
1.7	The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person who, in the opinion of the Delegate, is qualified to address the representation and governance issues that may arise with respect to the matters under review.	CEO	NIL
1.8	The duty pursuant to Section 12(7) of the Act to give public notice of the preparation of a representation options paper and notice in a newspaper circulating within the Council's area, and to ensure that the notice contains an invitation to interested persons to make written submissions to the Council or the Delegate on the subject of the review within a period specified by the Council or the Delegate, being a period of at least six weeks.	CEO	NIL
1.9	The duty pursuant to Section 12(8) of the Act to make copies of the representation options paper available for public inspection (without charge) and purchase (on payment of a fee fixed by the Council)	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	at the principal office of the Council during the period that applies under Section 7(a)(ii).		
1.10	At the conclusion of public consultation under Section 12(7)(a), the duty pursuant to Section 12(8a) of the Act to prepare a report that:	CEO	NIL
1.10.1	provides information on the public consultation process undertaken by the Council and the Council's or the Delegate's response to the issues arising from the submissions made as part of that process; and		
1.10.2	sets out:		
1.10.2.1	any proposals that the Council or the Delegate considers should be carried into effect under Section 12 of the Act; and		
	1.10.2.2 in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 26(1)(c) of the Act and the matters referred to in Section 33 of the Act (to the extent that may be relevant); and		
1.10.3	sets out the reasons for the Council's or the Delegate's decision insofar as a decision of the Council or the Delegate is not to adopt any change under consideration as part of the representation options paper or the public consultation process.		
1.11	The duty pursuant to Section 12(9) of the Act to make copies of the report available for public inspection at the principal office of the Council and to give public notice, by way of a notice in a newspaper circulating in its area, informing the public of its preparation of the report and its availability and inviting interested persons to make written submissions on the report to the Council or the Delegate within a period specified by the Council or the Delegate, being not less than three weeks.	CEO	NIL
1.12	The duty pursuant to Section 12(10) of the Act to give any person who makes written submissions in response to an invitation under Section 12(9), an opportunity to appear personally or by representative before the Council or a Council committee or the Delegate and to be heard on those submissions.	CEO	NIL
1.13	The duty pursuant to Section 12(11) of the Act to finalise the report including recommendations with respect to such related or ancillary matters as it sees fit.	CEO	NIL
1.14	With respect to a proposal within the ambit of Section 12(11a), the power pursuant to Section 12(11b) of the Act:	CEO	NIL
1.14.1	insofar as may be relevant in the particular circumstances, to separate a proposal (and any related proposal), from any other proposal contained in the report; and		
1.14.2	to determine to conduct the relevant poll in conjunction with the next general election for the Council or at some other time.		
1.15	Where a poll is required under Section 12(11a) of the Act the duty pursuant to Section 12(11c)(b) of the Act to:	CEO	NIL
1.15.1	prepare a summary of issues surrounding the proposal to assist persons who may vote at the poll; and		
1.15.2	obtain a certificate from the Electoral Commissioner that he or she is satisfied that the Council or the Delegate has taken reasonable steps to ensure the summary is a fair and comprehensive		

		Direct Delegation from Council	Conditions/ Limitations
	overview of the arguments for and against the proposal; and		
1.15.3	after obtaining the certificate of the Electoral Commissioner, ensure that copies of the summary are made available for public inspection at the principle office of the Council, and on the internet and distributed in any other manner as may be directed by the Electoral Commissioner.		
1.16	The duty pursuant Section 12(12) of the Act having then taken into account the operation of Section 12(11d) of the Act to refer the report to the Electoral Commissioner.	CEO	NIL
1.17	The duty pursuant to Section 12(12a) of the Act to send with the report copies of any written submissions received by the Council or the Delegate under Section 12(9) of the Act that relate to the subject matter of the proposal.	CEO	NIL
1.18	The power pursuant to Section 12(15)(b) of the Act to provide by notice in the <i>Gazette</i> , for the operation of any proposal that is recommended in the report, where a certificate is given by the Electoral Commissioner.	CEO	NIL
1.19	The power and duty pursuant to Section 12(16) of the Act to take such action as is appropriate in circumstances (including the power, as the Delegate thinks fit, to alter the report) where the matter is referred back to the Council by the Electoral Commissioner and the power to then refer the report back to the Electoral Commissioner.	CEO	NIL
1.20	Where the Council or the Delegate makes an alteration to the report under Section 12(16)(a) of the Act, the duty pursuant to Section 12(17) of the Act to comply with the requirements of Sections 12(9) and (10) of the Act as if the report, as altered, constituted a new report, unless the Council or the Delegate determines the alteration is of a minor nature only.	CEO	NIL
1.21	The duty pursuant to Section 12(24) of the Act to undertake a review of ward representation within a period specified by the Electoral Commissioner, where the Electoral Commissioner notifies the Council in writing that the number of electors represented by a councillor for a ward varies from the ward quota by more than 20%.	CEO	NIL
2.	Status of a Council or Change of Various Names		
2.1	The power pursuant to Section 13(1) of the Act, to, by notice in the <i>Gazette</i> , after complying with the requirements of Section 13 of the Act:		
2.1.1	change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;		
2.1.2	alter the name of:		
2.1.2.1	the Council;		
2.1.2.2	the area of the Council;		
2.1.3	alter the name of a ward.		
2.2	The duty, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements:	CEO	NIL
2.2.1	to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks;		

		Direct Delegation from Council	Conditions/ Limitations
2.2.2	publish the notice in a newspaper circulating within the area; and		
2.2.3	give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council, Council committee or the Delegate and be heard on those submissions.		
3.	Staffing Arrangements		
3.1	Deliberately left blank		
4.	Functions of Panel		
4.1	Deliberately left blank		
5.	Council Initiated Proposal		
5.1	Deliberately left blank		
5.2	Deliberately left blank		
5.3	The power pursuant to section 27(7) of the Act, to, in relation to the proposal submitted by the Council or the Delegate, request or consent to the Minister:	CEO	NIL
5.3.1	amending the proposal;		
5.3.1	substituting an alternative proposal.		
6.	Public Initiated Submissions		
6.1	The power pursuant to Section 28(6) of the Act, on the receipt of a submission under Section 28(2) of the Act, to consider the issues determined by the Council or the Delegate to be relevant to the matter and to then decide whether or not it is willing to:		
6.1.1	conduct a review in relation to the matter under Division 2 of Part 1 of the Act; or	CEO	NIL
6.1.2	formulate (or participate in the formulation of) a proposal in relation to the matter under Division 4 of Part 2 of the Act	CEO	NIL
6.2	Where the Council is affected by a public initiated proposal under Chapter 3 of the Act, the duty to ensure that copies of the summary prepared by the Panel are made available for public inspection at the principal office of the Council and distributed to electors in accordance with the directions of the Panel, pursuant to Section 28(23)(f) and (g).	CEO	NIL
7.	General Powers and Capacities		
7.1	The power pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement where the common seal of the Council is not required.	CEO	NIL
7.2	The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental but within any policy or budgetary constraints set by the Council to perform or discharge the Council's functions or duties or to achieve the Council's objectives.	CEO	NIL
7.3	The power pursuant to Section 36(2) of the Act to act outside the Council's area:	CEO	NIL
7.3.1	to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions; or		

		Direct Delegation from Council	Conditions/ Limitations
7.3.2	in order to provide services to an unincorporated area of the State.		
7.4	The duty pursuant to Section 36(3) of the Act to take reasonable steps to separate the Council's regulatory activities from its other activities in the arrangement of its affairs.	CEO	NIL
8.	Provision Relating to Contract and Transactions		
8.1	The power pursuant to Section 37(b) of the Act to authorise another officer, employee or agent of the Council to enter into a contract, on behalf of the Council, where the common seal of the Council is not required.	CEO	NIL
9.	Committees		
9.1	The power pursuant to Section 41(1) and (2) of the Act to establish committees.	NIL	NIL
9.2	The power pursuant to Section 41(3) of the Act to determine the membership of a committee.	NIL	NIL
9.3	The power pursuant to Section 41(4) of the Act to appoint a person as a presiding member of a committee, or to make provision for the appointment of a presiding member.	NIL	NIL
9.4	The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee.	NIL	NIL
9.5	The power and duty pursuant to Section 41(8) of the Act, to, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee.	NIL	NIL
10.	Delegations		
10.1	The duty pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act.	CEO	NIL
10.2	The duty pursuant to Section 44(7) of the Act to make available the record of delegations for inspection (without charge) by the public at the principal office of the Council during ordinary office hours.	CEO	NIL
11.	Principal Office		
11.1	The duty pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act.	NIL	NIL
11.2	The power and duty pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the duty to keep the principal office of Council open to the public for the transaction of business during hours determined by the Delegate or the Council.	CEO	NIL
11.3	The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with Council's public consultation policy about the manner, places and times at which the Council's offices will be open to the public for the transaction of business and about any significant changes to those arrangements.	CEO	NIL
12.	Commercial Activities		
12.1	Subject to the Act, the power pursuant to Section 46(1) of the Act to, in the performance of the Council's functions, engage in a commercial activity or enterprise ('a commercial project').	CEO	NIL
12.2	The power pursuant to Section 46 (2) of the Act, to, in connection with a commercial project:	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	12.2.1 establish a business;		
	12.2.2 participate in a joint venture, trust, partnership or other similar body.		
13.	Interests in Companies		
13.1	The power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.		
14.	Prudential Requirements for Certain Activities		
14.00	The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -	CEO	Policy to submitted to Audit Committee prior to adoption by Council
	14.00.1 acts with due care, diligence and foresight; and		
	14.00.2 identifies and manages risks associated with a project; and		
	14.00.3 makes informed decisions; and		
	14.00.4 is accountable for the use of Council and other public resources.		
14.0	The duty pursuant to Section 48(a1) of the Act to ensure the prudential management policies, practices and procedures developed by the Council for the purposes of Section 48(aa1) of the Act, are consistent with any regulations made for the purposes of Section 48(a1) of the Act.	CEO	NIL
14.1	Without limiting Section 48(aa1) of the Act, the power and duty pursuant to Section 48(1) of the Act to obtain and consider a report, that addresses the prudential issues set out at Section 48(2) of the Act, before the Council:	NIL	NIL
	14.1.1 Deliberately left blank.		
	14.1.2 engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) -		
	14.1.2.1 where the expected operating expenses calculated on an accrual basis of the Council over the ensuring five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or		
	14.1.2.2 where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 (indexed); or		
	14.1.2.3 where the Council or Delegate considers that it is necessary or appropriate.		
14.2	Deliberately left blank.		
14.3	The power and duty pursuant to Section 48(5) of the Act to make a report under Section 48(1) of the Act available for public inspection at the principal office of the Council once the Council has made a decision	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
on the relevant project (and the power to make the report available at an earlier time unless the Council orders that the report be kept confidential until that time).			
15.	Contracts and Tenders Policies		
15.0	The power and duty pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:	CEO	Policy to be submitted to Audit Committee prior to adoption. Policy to be adopted by Council
	15.0.1 obtaining value in the expenditure of public money; and		
	15.0.2 providing for ethical and fair treatment of participants; and		
	15.0.3 ensuring probity, accountability and transparency in procurement operations.		
15.1	Without limiting Section 49(a1) of the Act, the power and duty pursuant to Section 49(1) of the Act to prepare and adopt policies on contracts and tenders including policies on the following:		
	15.1.1 the contracting out of services; and		
	15.1.2 competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and		
	15.1.3 the use of local goods and services; and		
	15.1.4 the sale or disposal of land or other assets.		
15.2	The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:		
	15.2.1 identify circumstances where the Council will call for tenders for the supply of goods, the provision of services or the carrying out of works, or the sale or disposal of land or other assets; and		
	15.2.2 provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and		
	15.2.3 provide for the recording of reasons for entering into contracts other than those resulting from the tender process; and		
	15.2.4 are consistent with any requirement prescribed by the regulations.		
15.3	The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced).		
15.4	The duty pursuant to Section 49(4) of the Act to make available for inspection (without charge) a policy adopted under this Section at the principal office of Council during office hours.	CEO	NIL
16.	Public Consultation Policies		

		Direct Delegation from Council	Conditions/ Limitations
16.1	The power and duty pursuant to Section 50(1) and (2) of the Act to prepare and adopt a public consultation policy which sets out the steps the Council will follow:		
	16.1.1 in cases where the Act requires the Council to follow its public consultation policy; and		
	16.1.2 in other cases involving Council decision making, if relevant.		
16.2	The duty pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Act requires the Council to follow its public consultation policy and to make other arrangements appropriate to other classes of decisions, within the scope of the policy.		
16.3	The duty pursuant to Section 50(4) of the Act to ensure that the public consultation policy, in cases where the Act requires the policy to be followed, provides for:		
	16.3.1 the publication of a notice:		
	16.3.1.1 in a newspaper circulating within the area of the Council; and		
	16.3.1.2 on a website determined by the Chief Executive Officer,		
	describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and		
	16.3.2 the consideration of any submissions made in response to that invitation.		
16.4	The power pursuant to Section 50(5) of the Act, to, from time to time, alter the Council's public consultation policy, or substitute a new policy.		
16.5	Before the Council or the Delegate adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to:		
	16.5.1 prepare a document that sets out its proposal in relation to the matter; and		
	16.5.2 publish in a newspaper circulating within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the notice, which must be at least one month.		
	16.5.3 consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.		
16.6	The power pursuant to Section 50(7) of the Act to determine if the alteration of a public consultation policy is of minor significance that would attract little or no community interest.	CEO	NIL
16.7	The duty pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for inspection (without charge) at the principal office of Council during ordinary office hours.	CEO	NIL
17.	Deliberately left blank.		
18.	Inspection of Register		
18.1	The duty pursuant to Section 70(1) of the Act to make available for inspection (without charge) the Register of Interests at the principal office of the Council during ordinary office hours.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
19.	Reimbursement of Expenses		
19.1	The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses of a kind prescribed for the purposes of Section 77(1)(b) of the Act and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties.	CEO	NIL
19.2	The duty pursuant to Section 77(3) of the Act to make available for inspection (without charge) any policy of Council concerning these reimbursements at the principal office of the Council during ordinary office hours.	CEO	NIL
20.	Register of Allowances and Benefits		
20.1	The duty pursuant to Section 79(3) of the Act to make available for inspection (without charge) the Register of Allowances and Benefits, at the principal office of the Council during ordinary office hours.	CEO	NIL
21.	Insurance of members		
21.1	The duty pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Council and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members.	CEO	NIL
22.	Training and Development		
22.1	The power and duty pursuant to Section 80A(1) of the Act to prepare a training and development policy in accordance with Section 80A(2) of the Act for the Council's members.	CEO	Policy to be adopted by Council
22.2	The duty pursuant to Section 80A(2) of the Act to ensure that the Council's training and development policy is aimed at assisting the Council's members in the performance and discharge of their functions and duties.		
22.3	The power pursuant to Section 80A(3) of the Act to, from time to time, alter the Council's training and development policy or substitute a new policy.		
22.4	The duty pursuant to Section 80A(4) and (5) of the Act to make available the training and development policy for inspection (without charge) at the principal office of the Council during ordinary office hours and for purchase (on payment of a fee fixed by the Council).	CEO	NIL
23.	Committee Meetings		
23.1	The power pursuant to Section 87(1) of the Act and in accordance with Section 87(2) of the Act to determine the times and places of ordinary meetings of Council committees.	NIL	NIL
23.2	The duty pursuant to Section 87(2) of the Act in appointing a time for the holding of an ordinary meeting of a Council committee to take into account:	NIL	NIL
23.2.1	the availability and convenience of members of the committee; and		
23.2.2	the nature and purpose of the committee.		
24.	Meetings To Be Held in Public Except in Special Circumstances		
24.1	The duty pursuant to Section 90(7) of the Act to make a note in the minutes of the making of an order	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	under Section 90(2) of the Act and the grounds on which it was made.		
24.2	The power pursuant to Section 90(8a)(a) of the Act to adopt a policy on the holding of informal gatherings or discussions subject to Section 90(8b) of the Act.		
24.3	The power pursuant to Section 90(8c) of the Act, to, from time to time, alter the Council's policy or substitute a new policy.		
25.	Minutes and Release of Documents		
25.1	The duty pursuant to Section 91(3) to supply each member of the Council with a copy of all minutes of the proceedings of the Council or Council committee meeting, within 5 days after that meeting.	CEO	NIL
25.2	Subject to Section 91(7), the duty pursuant to Section 91(4) of the Act to place a copy of the minutes of a meeting of the Council on public display in the principal office of the Council within 5 days after the meeting and to keep those minutes on display for a period of 1 month.	CEO	NIL
25.3	Subject to Section 91(7) of the Act, the duty pursuant to Section 91(5) of the Act to make available for inspection, without payment of a fee, at the principal office of the Council:	CEO	NIL
25.3.1	minutes of the Council and Council committee meetings; and		
25.3.2	reports to the Council or to a Council committee received at a meeting of the Council or Council committee; and		
25.3.3	recommendations presented to the Council in writing and adopted by resolution of the Council; and		
25.3.4	budgetary or other financial statements adopted by the Council.		
26.	Access to Meetings and Documents – Code of Practice		
26.1	The power and duty pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare and adopt a Code of Practice relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operation of Parts 3 and 4 of Chapter 6 of the Act.		
26.2	The power and duty pursuant to Section 92(2) of the Act to review the operation of the Council's Code of Practice within 12 months after the conclusion of each periodic election.		
26.3	The power pursuant to Section 92(3) of the Act, to, at any time, alter the Council's code of practice or substitute a new code of practice.		
26.4	The duty pursuant to Section 92(5) of the Act to ensure that before the Council or the Delegate adopts, alters or substitutes a code of practice that:		
26.4.1	copies of the proposed code, alterations or substitute code (as the case may be) are made available for inspection or purchase at the Council's principal office and available for inspection on a website determined by the Chief Executive Officer; and		
26.4.2	the relevant steps set out in the Council's Public Consultation Policy are followed.		
26.5	The duty pursuant to Section 92(6) and (7) of the Act to ensure that the Code of Practice is available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of Council during ordinary office hours.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
27. Meetings of Electors			
27.1	The power pursuant to Section 93(1) of the Act to convene a meeting of electors of the area or part of the area of the Council.	CEO	NIL
27.2	The duty pursuant to Section 93(11) of the Act to provide each member of the Council with a copy of the minutes of any meeting of electors within 5 days of that meeting.		
27.3	The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii).		
28. Obstructing of Meetings			
28.1	The power pursuant to Section 95 of the Act to take proceedings under the Act against a person who intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors.	CEO	NIL
29. Register of Remuneration Salaries and Benefits			
29.1	The duty pursuant to Section 105(3) of the Act to make available the Register of Salaries of employees of the Council for inspection by the public at the principal office of the Council during ordinary office hours.	CEO	NIL
30. Certain Periods Of Service To Be Regarded As Continuous			
30.1	The duty pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee's service benefits.	CEO	NIL
30.2	The duty pursuant to Section 106(4) of the Act to supply to any other council, at its request, details of the service of an employee or former employee of the Council.		
30.3	The duty pursuant to Section 106(5) of the Act to hold and apply a payment or contribution received by the Council under Section 106 in accordance with the Regulations.		
31. Deliberately left blank			
32. Application of Division			
32.1	The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of Chapter 7, Part 4, Division 1 of the Act.	CEO	NIL
33. Certain Aspects of Strategic Management Plans			
33.1	The duty pursuant to Section 122(6) of the Act to develop a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the Council's development and review of its strategic management plans.	CEO	NIL
33.2	The duty pursuant to Section 122(7) of the Act to ensure that copies of the Council's strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	CEO	NIL
34. Annual Business Plans and Budgets			
34.1	Before the Council adopts an annual business plan, the duty pursuant to Section 123(3) of the Act to, -	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
34.1.1	prepare a draft annual business plan; and		
34.1.2	follow the relevant steps set out in the Council's public consultation policy, taking into account and complying with the requirements of Section 123(4) of the Act.		
34.2	The duty pursuant to Section 123(5) of the Act to ensure that copies of the draft annual business plan are available at the meeting arranged pursuant to and in accordance with Section 123(4)(a)(i) and (4)(b) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council and on the website at least 21 days before the date of that meeting	CEO	NIL
34.3	The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for:	CEO	NIL
34.3.1	a facility for asking and answering questions; and		
34.3.2	the receipt of submissions, on the Council's website during the public consultation period.		
34.4	After the Council has adopted an annual business plan and a budget, the duty, pursuant to Section 123(9) of the Act, to:	CEO	NIL
34.4.1	ensure:		
34.4.1.1	that a summary of the annual business plan is prepared in accordance with the requirements set out at Sections 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of the Council's services and the Council's rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and		
34.4.1.2	that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of the Council's rates for the financial year; and		
34.4.2	ensure:		
34.4.2.1	that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the Council); and		
34.4.2.2	that copies of the summary of the annual business plan are available for inspection and to take (without charge), at the principal office of the Council; and		
34.4.3	ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a website determined by the Chief Executive Officer.		
35.	Accounting Records to be Kept		
35.1	The duty pursuant to Section 124(1) of the Act to:		
35.1.1	keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
35.1.2	keep the Councils accounting records in such manner as will enable:		
35.1.2.1	the preparation and provision of statements that fairly present financial and other information; and		
35.1.2.2	the financial statements of the Council to be conveniently and properly audited.		
35.2	The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Council.	CEO	NIL
36.	Internal Control Policies		
36.1	The duty pursuant to Section 125 of the Act to ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner, to achieve its objectives, to ensure adherence to management policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of the Council's records.	CEO	NIL
37.	Audit Committee		
37.1	The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.	NIL	NIL
37.2	If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act.	NIL	NIL
38.	Financial Statements		
38.1	The duty pursuant to Section 127(1) of the Act to prepare for each financial year:	CEO	NIL
38.1.1	financial statements and notes in accordance with standards prescribed by the regulations; and		
38.1.2	other statements and documentation referring to the financial affairs of the Council required by the Regulations.		
38.2	The duty pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Council pursuant to Section 127(1) of the Act:	CEO	NIL
38.2.1	are prepared as soon as is reasonably practicable after the end of the relevant financial year and in any event before the day prescribed by the Regulations; and		
38.2.2	comply with standards and principles prescribed by the Regulations; and		
38.2.3	include the information required by the Regulations.		
38.3	The duty pursuant to Section 127(3) of the Act to submit for auditing by the Council's auditor the statements prepared for each financial year.	CEO	NIL
38.4	The duty pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.	CEO	NIL
38.5	The duty pursuant to Section 127(5) of the Act to ensure that copies of the Council's audited statements are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	CEO	NIL
39.	The Auditor		

		Direct Delegation from Council	Conditions/ Limitations
39.1	The power and duty pursuant to and in accordance with Section 128(2), (3) (4), (4a), (5), (6), (7) and (8) of the Act to appoint an auditor on the recommendation of the Council's audit committee.	NIL	NIL
39.2	The duty pursuant to Section 128(8) of the Act to comply with any requirements prescribed by the Regulations with respect to providing for the independence of the auditor.	CEO	NIL
39.3	The duty pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report:		
39.3.1	information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between:		
39.3.1.1	remuneration payable for the annual audit of the Council's financial statements; and		
39.3.1.2	other remuneration;		
39.3.2	if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the Council's auditor came to an end.		
40. Conduct of Audit			
40.1	The duty pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act provided to Council under Section 129 of the Act accompany the financial statements of the Council.	CEO	NIL
41. Other Investigations			
41.1	The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section.	CEO	NIL
41.2	Unless Section 130A(7) of the Act applies, the duty pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:	CEO	NIL
41.2.1	unless Section 130A(6)(b) of the Act applies – at the next ordinary meeting of the Council in accordance with Section 130A(6)(a), of the Act;		
41.2.2	if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the Council – at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act.		
42. Annual Report to be Prepared and Adopted			
42.1	The duty pursuant to Section 131(1) of the Act and in accordance with Sections 131(2) and (3) of the Act, to prepare and adopt on or before 30 November each year, an annual report relating to the operations of	CEO	Subject to Council

		Direct Delegation from Council	Conditions/ Limitations
	the Council for the financial year ending on the preceding 30 June.		Approval
42.2	The duty pursuant to Section 131(2) and (3) of the Act to include in that report the material, and include specific reports on the matters, specified in Schedule 4 as amended from time to time by regulation.	CEO	NIL
42.3	The duty pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council.	CEO	NIL
42.4	The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:	CEO	NIL
	42.4.1 the Presiding Member of both Houses of Parliament; and		
	42.4.2 to the persons or body prescribed by the Regulations, on or before the date determined under the Regulations.		
42.5	The power pursuant to Section 131(7) of the Act to provide to the electors for the area an abridged or summary version of the annual report.		
42.6	The duty pursuant to Section 131(8) of the Act to ensure that copies of Council's annual report are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.		
43.	Access to Documents		
43.1	The duty pursuant to Section 132(1) of the Act to ensure a member of the public is able:		
	43.1.1 to inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and	CEO	NIL
	43.1.2 to purchase a document referred to in Schedule 5 to the Act at the principal office of the Council during ordinary office hours for a fee fixed by the Council.	CEO	NIL
43.2	The power pursuant to Section 132(2) of the Act to make a document available in electronic form for the purposes of Section 132(1)(a).	CEO	NIL
43.3	The power and duty, pursuant to and in accordance with Section 132 (3) of the Act, to make the following documents available for inspection on a website determined by the Chief Executive Officer within a reasonable time after they are available at the principal office of the Council:	CEO	NIL
	43.3.1 agendas for meetings of the Council or Council committees;		
	43.3.2 minutes of meetings of the Council or Council committees;		
	43.3.3 codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999;		
	43.3.4 the Council's contract and tenders policies, public consultation policy and order-making policies;		
	43.3.5 the Council's draft annual business plan, annual business plan (as adopted by the council) and the summary of the annual business plan required under Part 2 of this Chapter;		
	43.3.6 the Council's budget (as adopted by the Council for a particular year);		
	43.3.7 a list of fees and charges imposed by the Council under this Act;		
	43.3.8 by-laws made by the Council and any determination in respect of a by-law made under Section		

	Direct Delegation from Council	Conditions/ Limitations
246(3)(e) of the Act;		
43.3.9 procedures for the review of decisions established by the Council under Part 2 of Chapter 13;		
43.3.10 the audited financial statements of the Council;		
43.3.11 the annual report of the Council;		
43.3.12 the Council's most recent information statement under the Freedom of Information Act 1991, unless the Council provides it as part of the annual report of the Council.		
44. Related Administrative Standards		
44.1 The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order:	CEO	NIL
44.1.2 to ensure compliance with any statutory requirements; and		
44.1.2 to achieve and maintain standards of good public administration.		
45. Sources of Funds		
45.1 Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be appropriate in order to carry out the Council's functions under the Act or another Act.	CEO	NIL
46. Ability of a Council to Give Security		
46.1 The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including:		
46.1.1 guarantees (including guarantees relating to the liability of a subsidiary of the Council);	CEO	NIL
46.1.2 debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act);	CEO	NIL
46.1.3 bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act.	CEO	NIL
46.2 The power and duty pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to:		
46.2.1 assign a distinguishing classification to the debentures to be included in the issue so as to distinguish them from those included or to be included in previous or subsequent issues; and	CEO	NIL
46.2.2 if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.	CEO	NIL
47. Expenditure of Funds		
47.1 Subject to the Act or another Act, the power pursuant to Section 137 of the Act to expend the Council's approved budgeted funds in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts.	CEO	NIL
48. Investment Powers		
48.1 The power pursuant to Section 139(1) of the Act to invest money under the Council's control.	CEO	NIL
48.2 The duty pursuant to Section 139(2) of the Act in exercising the power of investment, to:		

		Direct Delegation from Council	Conditions/ Limitations
48.2.1	exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and	CEO	NIL
48.2.2	avoid investments that are speculative or hazardous in nature.	CEO	NIL
48.3	The duty pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters:	CEO	NIL
48.3.1	the purposes of the investment;		
48.3.2	the desirability of diversifying Council investments;		
48.3.3	the nature of and risk associated with existing Council investments;		
48.3.4	the desirability of maintaining the real value of the capital and income of the investment;		
48.3.5	the risk of capital or income loss or depreciation;		
48.3.6	the potential for capital appreciation;		
48.3.7	the likely income return and the timing of income return;		
48.3.8	the length of the term of a proposed investment;		
48.3.9	the period for which the investment is likely to be required;		
48.3.10	the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment;		
48.3.11	the aggregate value of the assets of the Council;		
48.3.12	the likelihood of inflation affecting the value of a proposed investment;		
48.3.13	the costs of making a proposed investment;		
48.3.14	the results of any review of existing Council investments.		
48.4	Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to:	CEO	NIL
48.4.1	the anticipated community benefit from an investment; and		
48.4.2	the desirability of attracting additional resources into the local community.		
48.5	The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Council's investments from the person whom the Delegate reasonably believes to be competent to give the advice.	CEO	NIL
49.	Review of Investment		
49.1	The duty pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year.	CEO	NIL
50.	Gifts to a Council		
50.1	Within the confines of Section 44(3) of the Act:	CEO	NIL
50.1.1	the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;		
50.1.2	the power pursuant to Section 141(2) of the Act to carry out the terms of any trust (if any) that affects a gift to Council;		

		Direct Delegation from Council	Conditions/ Limitations
50.1.3	the power pursuant to Section 141(3) of the Act to apply to the Supreme Court for an order varying the terms of a trust for which the Council has been constituted a trustee;		
50.1.4	where a variation is sought in the terms of a trust, the duty pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other such manner as may be directed by the Supreme Court; and		
50.1.5	the duty pursuant to Section 141(6) of the Act to publish a copy of any order of the Supreme Court to vary the terms of the trust, in the <i>Gazette</i> , within 28 days after that order is made.		
51.	Duty to Insure Against Liability		
51.1	The duty pursuant to Section 142 of the Act to take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations.	CEO	NIL
52.	Writing off Bad Debts		
52.1	The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council:		
52.1.1	if the Council has no reasonable prospect of recovering the debts; or	CEO	NIL
52.1.2	if the costs of recovery are likely to equal or exceed the amount to be recovered,	CEO	NIL
	up to and including an amount of \$5,000.00 in respect of any one debt.		
52.2	The duty pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified:		
52.2.1	reasonable attempts have been made to recover the debt; or	CEO	NIL
52.2.2	the costs of recovery are likely to equal or exceed the amount to be recovered.	CEO	NIL
53.	Recovery of Amounts due to Council		
53.1	The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under this or another Act.	CEO	NIL
53.2	The power pursuant to Section 144(2), (3) and (4) of the Act to recover any fee, charge, expense or other amount as if it were a rate declared on the property, after giving at least 14 days notice requiring payment, where the fee, charge, expense or other amount payable to the Council relates to something done in respect of rateable or other property.	CEO	NIL
54.	Land Against Which Rates May be Assessed		
54.1	The power and duty pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the purposes of Section 148(1) of the Act fairly and in accordance with principles and practices that apply on a uniform basis across the area of the Council.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
55. Basis of Rating			
55.1 Before the Council:			
55.1.1	changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or	CEO	NIL
55.1.2	changes the basis on which land is valued for the purposes of rating; or	CEO	NIL
55.1.3	changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land;	CEO	NIL
	the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:		
55.1.4	prepare a report on the proposed change in accordance with Section 151(6) of the Act; and	CEO	NIL
55.1.5	follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.	CEO	NIL
55.2	The duty pursuant to Section 151(8) of the Act to ensure that copies of the report required under Section 151(5)(d) of the Act are available at the meeting held under Section 151(7)(a)(i) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.	CEO	NIL
56. General Rates			
56.1	The power pursuant to Section 152(2)(d) and (3) of the Act to determine, on application, if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise.	CEO	NIL
57. Service Rates and Service Charges			
57.1	The duty pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with improving or replacing Council assets for the purposes of the relevant prescribed service.	CEO	NIL
57.2	The power pursuant to Section 155(7) of the Act, if a prescribed service under Section 155(6) of the Act is, or is to be, discontinued, to apply any excess funds held by the Council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) for another purpose specifically identified in the Council's annual business plan as being the purpose for which the funds will now be applied.	CEO	NIL
58. Basis of Differential Rates			
58.1	The power pursuant to Section 156(3), (9), (10), (11) of the Act to attribute the use of the land for any basis for a differential rate and to decide objections to any of those attributions.	CEO	NIL
58.2	The power and duty pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to -		
58.2.1	prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
58.2.2	follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.	CEO	NIL
58.3	The duty pursuant to Section 156(14e) of the Act to ensure that copies of the report required under Section 156(14a)(a) of the Act are available at the meeting held under Section 156(14d)(a)(i); and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.	CEO	NIL
59.	Notice of Differentiating Factors		
59.1	If the Council declares differential rates, the duty pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or combination of factors that governs the calculation of rates on the land to which the account relates.	CEO	NIL
60.	Preliminary		
60.1	The power pursuant to Section 159(1) of the Act to determine the manner and form and such information as the Delegate may reasonably require, for a person or body to apply to the Council to determine if grounds exist for the person or body to receive a rebate of rates.	CEO	NIL
60.2	The power pursuant to Section 159(3) to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or on the Delegate's own initiative).	CEO	NIL
60.3	The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100%.	CEO	NIL
60.4	The power pursuant to Section 159(10) of the Act to determine, for proper cause, that an entitlement to a rebate of rates in pursuance of Division 5 no longer applies.	CEO	NIL
61.	Rebate of Rates - Community Services		
61.1	The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation:		
61.1.1	is incorporated on a not-for-profit basis for the benefit of the public; and	CEO	NIL
61.1.27	provides community services without charge or for charge that is below the cost to the body of providing their services; and	CEO	NIL
61.1.3	does not restrict its services to persons who are members of the body.	CEO	NIL
62.	Rebate of Rates - Educational Purposes		
62.1	The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land:		
62.1.1	occupied by a Government school under a lease or license and being used for educational purposes; or	CEO	NIL
62.1.2	occupied by non-Government school registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or	CEO	NIL
62.1.3	land being used by University or University College to provide accommodation and other forms	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	of support for students on a not-for-profit basis.		
63.	Discretionary Rebates of Rates		
63.1	The duty pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j):		
63.1.1	the nature and extent of the Council's services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and	CEO	NIL
63.1.2	the community need that is being met by activities being carried out on the land for which the rebate is sought; and	CEO	NIL
63.1.3	the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;	CEO	NIL
63.1.4	any other matter considered relevant by the Council or the Delegate.	CEO	NIL
63.2	The power pursuant to Section 166(1), (2) and (4) of the Act and taking into account Section 166(1a) of the Act and in accordance with Section 166(3b) of the Act to grant a rebate of rates or service charges on such conditions as the Delegate sees fit and such rebate may be up to and including 100% of the relevant rates or service charge, in the following cases:		
63.2.1	where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;	CEO	NIL
63.2.2	where the rebate is desirable for the purpose of assisting or supporting a business in the area;	CEO	NIL
63.2.3	where the rebate will be conducive to the preservation of buildings or places of historic significance;	CEO	NIL
63.2.4	where the land is being used for educational purposes;	CEO	NIL
63.2.5	where the land is being used for agricultural, horticultural or floricultural exhibitions;	CEO	NIL
63.2.6	where the land is being used for a hospital or health centre;	CEO	NIL
63.2.7	where the land is being used to provide facilities or services for children or young persons;	CEO	NIL
63.2.8	where the land is being used to provide accommodation for the aged or disabled;	CEO	NIL
63.2.9	where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre;	CEO	NIL
63.2.10	where the land is being used by an organisation which, in the opinion of the Delegate, provides a benefit or a service to the local community;	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
63.2.11	where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;	CEO	NIL
63.2.12	where the rebate is considered by the Delegate to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to:		
63.2.12.1	redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or	CEO	NIL
63.2.12.2	change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.	CEO	NIL
63.2.13	where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:		
63.2.13.1	liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Council in its annual business plan; or	CEO	NIL
63.2.13.2	liability that is unfair or unreasonable;	CEO	NIL
63.2.14	where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or	CEO	NIL
63.2.15	where the rebate is contemplated under another provision of the Act.	CEO	NIL
63.3	The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not exceeding 10 years in the following cases:		
63.3.1	where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or	CEO	NIL
63.3.2	where the rebate is desirable for the purpose of assisting or supporting a business in the area; or	CEO	NIL
63.3.3	where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment.	CEO	NIL
63.4	The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(l) of the Act for a period exceeding 1 year but not exceeding 3 years.	CEO	NIL
64.	Valuation of Land for the Purposes of Rating		
64.1	The power pursuant to Section 167(1) of the Act to adopt valuations that are to apply to land within the Council's area, for rating purposes for a particular financial year.	CEO	Subject to Council Approval
64.2	For the purpose of adopting a valuation of land for rating, the duty pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt:		
64.2.1	valuations made, or caused to be made, by the Valuer-General; or	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
64.2.2	valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council; or a combination of both.	CEO	NIL
64.3	The duty pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the <i>Gazette</i> , within 21 days after the date of the adoption.	CEO	NIL
65.	Valuation of Land		
65.1	The power pursuant to Section 168(1) of the Act to request the Valuer-General to value any land within the Council's area (being land that is capable of being separately rated).	CEO	NIL
65.2	The duty pursuant to Section 168(2) of the Act to furnish to the Valuer-General any information requested by the Valuer General for the purposes of valuing land within the area of the Council.	CEO	NIL
65.3	The power and duty pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations.	CEO	NIL
66.	Objections to Valuations Made by Council		
66.1	The duty pursuant to Section 169(1), (2), (3), (4) and (5) of the Act to refer an objection to a valuation of land to the valuer who made the valuation and to request the valuer to reconsider the valuation, where:		
66.1.1	the objection does not involve a question of law; and	CEO	NIL
66.1.2	the objection is made in writing (setting out a full and detailed statement of the grounds on which the objection is based); and	CEO	NIL
66.1.3	is made within 60 days after the date of service of the notice of the valuation to which the objection relates (unless the Delegate, in his/her discretion, allows an extension of time for making the objection).	CEO	NIL
66.2	The power pursuant to Section 169(3)(b) of the Act to grant an extension of time for making an objection to a valuation of land.	CEO	NIL
66.3	The duty pursuant to Section 169(7) of the Act to give the objector written notice of the outcome of the reconsideration of the objection.	CEO	NIL
66.4	The duty pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is:	CEO	NIL
66.4.1	in the prescribed manner and form;		
66.4.2	made within 21 days after the objector receives notice of the outcome of his or her initial objection; and		
66.4.3	accompanied by the prescribed fee.		
66.5	The power pursuant to Section 169(15) of the Act to apply to SACAT for a review of the decision of a valuer after a further review on a request under Section 169(8) of the Act, in accordance with Section 169(15a) of the Act.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
67.	Notice of Declaration of Rates		
67.1	The duty pursuant to Section 170 of the Act to ensure the notice of declaration of a rate or service charge is published in the <i>Gazette</i> and in a newspaper circulating in the area within 21 days after the date of the declaration.	CEO	NIL
68.	Alterations to Assessment Record		
68.1	The power pursuant to Section 173(3) and (5) of the Act to determine the procedure for a review of a decision by the Chief Executive Officer on an application for alteration of the assessment record.	CEO	NIL
68.2	The duty pursuant to Section 173(6) of the Act to give a person written notice of Council's decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record.	CEO	NIL
69.	Inspection of Assessment Record		
69.1	The duty pursuant to Section 174(1) and (2) of the Act to ensure that the assessment record is available for inspection and purchase of an entry (on payment of a fee fixed by the Council), by the public at the principal office of the Council during ordinary office hours.	CEO	NIL
70.	Liability for Rates		
70.1	The power pursuant to Section 178(3) of the Act and subject to Section 178(9) of the Act to recover rates as a debt from:		
70.1.1	the principal ratepayer; or	CEO	NIL
70.1.2	any other person (not being a principal ratepayer) who is an owner or occupier of the land; or	CEO	NIL
70.1.3	any other person who was at the time of the declaration of the rates an owner or occupier of the land.	CEO	NIL
70.2	The power pursuant to Section 178(4) of the Act by written notice to a lessee or a licensee of land in respect of which rates have fallen due, to require him or her to pay to the Council rent or other consideration payable under the lease or a licence in satisfaction of any liability for rates.	CEO	NIL
70.3	Where a notice under Section 178(4) of the Act is given to a lessee or a licensee of land, the power pursuant to Section 178(5) of the Act to make and give notice of an additional charge of 5% of the amount in arrears, as payable and recoverable as part of the debt for unpaid rates.	CEO	NIL
70.4	The power pursuant to Section 178(6) of the Act to remit the charge of 5% of the amount in arrears payable under the Act in whole or in part.	CEO	NIL
71.	Liability for Rates if Land is Not Rateable for the Whole of the Financial Year		
71.1	The power pursuant to Section 179(2) of the Act to adopt a valuation of land that has become rateable after the adoption of valuations by the Council for the relevant financial year.	CEO	NIL
71.2	The duty pursuant to Section 179(5) of the Act to refund to the principal ratepayer an amount proportionate to the remaining part of the financial year, if land ceases to be rateable during the course of a financial year and the rates have been paid.	CEO	NIL
72.	Service of Rate Notice		
72.1	The duty pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to		

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	the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after:		
72.1.1	the declaration of a rate; or	CEO	NIL
72.1.2	the imposition of a service charge; or	CEO	NIL
72.1.3	a change in the rates liability of land.	CEO	NIL
73.	Payment of Rates – General Principles		
73.1	The power pursuant to Section 181(2) of the Act to determine the day on which each instalment of rates falls due in the months of September, December, March and June of the financial year for which the rates are declared.	CEO	NIL
73.2	If the Council declares a general rate for a particular financial year after 31 August in that financial year, the power, pursuant to Section 181(3) of the Act, to adjust the months in which instalments would otherwise be payable under Section 181(1) (taking into account what is reasonable in the circumstances).	CEO	NIL
73.3	The power pursuant to Section 181(4)(b) of the Act to agree with the principal ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event, the ratepayer's rates will then be payable accordingly.	CEO	NIL
73.4	The duty pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Sections 181(6) and (7) of the Act:		
73.4.1	the amount of the instalment; and	CEO	NIL
73.4.2	the date on which the instalment falls due, or in the case where payment is to be postponed under another provision of the Act, the information prescribed by the Regulations.	CEO	NIL
73.5	The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal rate payer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act.	CEO	NIL
73.6	The power pursuant to Section 181(9) of the Act to remit any amount payable under Section 181(8) of the Act in whole or in part.	CEO	NIL
73.7	The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage:		
73.7.1	the payment of instalments of rates in advance; or	CEO	NIL
73.7.2	prompt payment of rates.	CEO	NIL
73.8	The power pursuant to Section 181(12)(b) of the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act.	CEO	NIL
73.9	The power pursuant to Section 181(13) and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	address shown in the assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.		
73.10	The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case:		
73.10.1	the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and	CEO	NIL
73.10.2	the Delegate must give at least 30 days notice before an instalment falls due.	CEO	NIL
74.	Remission and Postponement of Payment		
74.1	The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to:		
74.1.1	postpone payment in whole or in part for such period as the Delegate thinks fit; or	CEO	NIL
74.1.2	remit the rates in whole or in part.	CEO	NIL
74.2	The power pursuant to Section 182(2) of the Act on a postponement of rates:		
74.2.1	to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement at a rate fixed by the Delegate (but not exceeding the cash advance debenture rate);	CEO	NIL
74.2.2	to grant the postponement on other conditions determined by the Delegate; and	CEO	NIL
74.2.3	to revoke the postponement, at the Delegate's discretion (in which case the Delegate must give the ratepayer at least 30 days written notice of the revocation before taking action to recover rates affected by the postponement).	CEO	NIL
74.3	The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates:		
74.3.1	to assist or support a business in the Council's area; or	CEO	NIL
74.3.2	to alleviate the affects of anomalies that have occurred in valuations under the Act.	CEO	NIL
74.4	The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission Act 1986, (such remissions will be in addition to the remissions that are available under that Act).	CEO	NIL
74.5	The power pursuant to Section 182(5) of the Act to require a ratepayer who claims to be entitled to a remission of rates by virtue of a determination under Section 182(4) of the Act to provide evidence to the satisfaction of the Delegate verifying that entitlement.	CEO	NIL
74.6	The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the	CEO	NIL

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Act at any time (but the revocation will not effect an entitlement to remission in relation to rates declared before the revocation takes effect).		
75. Postponement of Rates - Seniors		
75.1 The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied by such information as the Delegate may reasonably require.	CEO	NIL
75.2 The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1) and (2) of the Act to:		
75.2.1 reject an application for the postponement of rates; or	CEO	NIL
75.2.2 impose conditions on the postponement of rates but only in accordance with the Regulations.	CEO	NIL
76. Application of money in respect of rates		
76.1 The power and the duty to apply monies received or recovered in respect of rates pursuant to and in accordance with Section 183 of the Act.	CEO	NIL
77. Sale of Land for Non-Payment of Rates		
77.1 The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more.	CEO	Subject to Council Approval
77.2 The duty pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record:	CEO	NIL
77.2.1 stating the period for which the rates have been in arrears; and		
77.2.2 stating the amount of the total liability for rates presently outstanding in relation to the land; and		
77.2.3 stating that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the Delegate may allow), the Council intends to sell the land for non-payment of rates.		
77.3 The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act:	CEO	NIL
77.3.1 to any owner of the land who is not the principal ratepayer; and		
77.3.2 to any registered mortgagee of the land; and		
77.3.3 if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929.		
77.4 If:		
77.4.1 the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or	CEO	NIL
77.4.2 the Delegate considers that it is unlikely that a notice sent under Section 184(2) or (3) of the Act would come to the attention of the person to whom it is to be sent,	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
the power pursuant to Section 184(4) of the Act to effect service of the notice by:		
77.4.3 placing a copy of the notice in a newspaper circulating throughout the State; and	CEO	NIL
77.4.4 leaving a copy of the notice in a conspicuous place on the land.	CEO	NIL
77.5 The power pursuant to Section 184(5) of the Act to proceed to have the land sold, if the outstanding amount of rates is not paid in full within the time allowed in the notice given to the ratepayer under Section 184(2) of the Act.	CEO	NIL
77.6 The duty pursuant to Section 184(6) and (7) of the Act to conduct the sale of land for non-payment of rates by public auction and the power to set the reserve price for the purposes of the auction, except in the case of land held from the Crown under a lease, licence or agreement to purchase, unless the Minister responsible for the administration of the Crown Lands Act 1929 grants consent to sale by public auction.	CEO	NIL
77.7 The duty pursuant to Section 184(8) of the Act to advertise the auction of land under Section 184 of the Act on at least 2 separate occasions in a newspaper circulating throughout the State.	CEO	NIL
77.8 The duty pursuant to Section 184(9) of the Act to call off the auction, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council.	CEO	NIL
77.9 The power pursuant to Section 184(10) of the Act to sell the land by private contract for the best price that can be reasonably obtained, if an auction fails or an auction is not held because the land is held from the Crown under a lease, licence or agreement to purchase.	CEO	NIL
77.10 The power and duty to apply monies received by the Council in respect of the sale of land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act.	CEO	NIL
77.11 The duty pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of land to be sold for non-payment of rates and where the owner cannot be found, the power to deal with the amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1981.	CEO	NIL
78. Objection, Review or Appeal		
78.1 If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act:	CEO	NIL
78.1.1 to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or		
78.1.2 to recover an additional amount payable on account of an alteration of the value as arrears after at least 30 days have expired from the date on which notification of the alteration is given to the person who initiated the objection, review or appeal.		
79. Certificate of Liabilities		
79.1 The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:		
79.1.1 the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	or Schedule 1B of the Act (including rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act); and		
79.1.2	any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.	CEO	NIL
80. Investigation by Ombudsman			
80.1	The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to:	CEO	NIL
80.1.1	the Ombudsman; and		
80.1.2	if relevant, the person who made the complaint.		
80.2	The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.	CEO	NIL
81. Fees and Charges			
81.1	The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges:	CEO	NIL
81.1.1	for the use of any property or facility owned, controlled, managed or maintained by the Council;		
81.1.2	for services supplied to a person at his or her request;		
81.1.3	for carrying out work at a person's request;		
81.2	The power pursuant to Section 188(3) of the Act to provide for:	CEO	NIL
81.2.1	specific fees and charges;		
81.2.2	maximum fees and charges and minimum fees and charges;		
81.2.3	annual fees and charges;		
81.2.4	the imposition of fees or charges according to specified factors;		
81.2.5	the variation of fees or charges according to specified factors in respect of fees and charges set under Section 188(1)(a) – (c) of the Act inclusive; and		
81.2.6	the reduction, waiver or refund, in whole or in part, of any fees and charges.		
81.3	The power pursuant to Section 188(5) of the Act to fix, vary or revoke those fees and charges set under Section 188(1)(a), (b) and (c) of the Act.	CEO	NIL
81.4	The duty pursuant to Section 188(6) of the Act to keep a list of fees and charges imposed under this Section on public display during ordinary office hours at the principal office of the Council.	CEO	NIL
81.5	The duty pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, up-date the list referred to in Section 188(6) of the Act and take reasonable steps to bring the fee or charge, or variation of the fee or charge, to the notice of persons who may be affected.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
82. Acquisition of Land by Agreement		
82.1 The power pursuant to Section 190 of the Act to acquire land by agreement.	CEO	NIL
83. Compulsory Acquisition of Land		
83.1 The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval.	CEO	NIL
83.2 The power pursuant to Section 191(2) of the Act to acquire land compulsorily for a purpose classified by the Regulations as an approved purpose.	CEO	NIL
84. Assumption of Care, Control and Management of Land		
84.1 The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in the Council area that has been set aside for the use or enjoyment of the public or a section of the public under the circumstances specified in Section 192(1)(a) and (b) of the Act.	CEO	NIL
84.2 The duty pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the <i>Gazette</i> .	CEO	NIL
85. Classification		
85.1 The duty pursuant to Section 193(6) of the Act to give notice in the <i>Gazette</i> of a resolution:	CEO	NIL
85.1.1 to exclude land from classification as community land under Section 193(4) of the Act; or		
85.1.2 to classify as community land, land that had previously been excluded from classification as such under Section 193(5) of the Act.		
86. Revocation of Classification of Land as Community Land		
86.1 The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to:	CEO	NIL
86.1.1 prepare and make publicly available a report on the proposal containing:		
86.1.1.1 a summary of reasons for the proposal; and		
86.1.1.2 a statement of any dedication, reservation or trust to which the land is subject; and		
86.1.1.3 a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and the statement of how the Council proposes to use the proceeds; and		
86.1.1.4 an assessment of how implementation of the proposal would affect the area and the local community; and		
86.1.1.5 if the Council is not the owner of the land, a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and		
86.1.2 follow the relevant steps set out in the Council's public consultation policy.		
86.2 After complying with the requirements of Section 194(2) of the Act, the duty pursuant to Section 194(3) of	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	the Act to prepare a report on all submissions made on it as part of the public consultation process.		
86.3	The power pursuant to Section 194(4) of the Act to consult with the Minister in relation to a regulation made under Section 194(1) over a specific piece of land.	CEO	NIL
87.	Effect of Revocation of Classification		
87.1	If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the duty pursuant to Section 195(2) of the Act immediately after the revocation of the classification of the land as community land, to give notice of the revocation to the Registrar-General in the manner and form approved by the Registrar-General.	CEO	NIL
88.	Management Plans		
88.1	The power and duty pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare and adopt management plan or management plans for the Council's community land, for which a management plan must be prepared, that:	CEO	Subject to Council Approval
	88.1.1 identifies the land to which it applies; and		
	88.1.2 states the purpose for which the land is held by the Council; and		
	88.1.3 states the Council's objectives, policies (if any) and proposals for the management of the land; and		
	88.1.4 states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.		
88.2	If a management plan relates to land that is not in the Council's ownership, the power and duty pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must:	CEO	NIL
	88.2.1 identify the owner of the land; and		
	88.2.2 state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and		
	88.2.3 contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.		
88.3	The duty pursuant to Section 196(5) of the Act to ensure (as far as practicable) that the management plan is consistent with other relevant official plans and policies about conservation, development and use of the land and contains any special provisions required under the Regulations.	CEO	NIL
89.	Public Consultation on Proposed Management Plan		
89.1	Before the Council adopts a management plan for community land, the duty to pursuant to Section 197(1) of the Act and subject to Section 197(2) of the Act:	CEO	NIL
	89.1.1 make copies of the proposed plan available for inspection or purchase at the Council's principal office; and		
	89.1.2 follow the relevant steps set out in Council's public consultation policy.		

		Direct Delegation from Council	Conditions/ Limitations
89.2	The duty pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.	CEO	NIL
90.	Amendment or Revocation of Management Plan		
90.1	The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or revocation.	CEO	Subject to Council Approval
90.2	The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council or the Delegate adopting a proposal for amendment to or revocation of a management plan, unless in the opinion of the Delegate the amendment has no impact or no significant impact on the interests of the community.	CEO	Subject to Council Approval
90.3	The duty pursuant to Section 198(4) of the Act to give public notice of Council's or the Delegate's adoption of a proposal for the amendment or revocation of a management plan.	CEO	Subject to Council Approval
91.	Effect of Management Plan		
91.1	The duty pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land.	CEO	NIL
92.	Use of Community Land for Business Purposes		
92.1	The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person's use of community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate.	CEO	NIL
93.	Sale or Disposal of Local Government Land		
93.1	The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land:		
	93.1.1 vested in the Council in fee simple; or		
	93.1.2 vested in the Council as lessee.		
93.2	The power pursuant to Section 201(2) of the Act to:	CEO	NIL
	93.2.1 grant an easement (including a right of way) over community land; and		
	93.2.2 grant an easement (excluding a right of way) over a road or part of a road.		
94.	Alienation of Community Land by Lease or Licence		
94.1	The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), for:	CEO	NIL
	94.1.1 the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;		
	94.1.2 the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by		

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	Council, pursuant to Section 44(3)(j) of the Act);		
94.1.3	any other matter relevant to the use or maintenance of the land.		
94.2	The duty pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council's public consultation policy, unless:	CEO	NIL
94.2.1	the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the proposed lease or licence is 5 years or less; or		
94.2.2	the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.		
94.3	The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 42 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 42 years.	CEO	NIL
94.4	The duty pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.	CEO	NIL
95.	Register		
95.1	The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area.	CEO	NIL
95.2	The duty pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register:	CEO	NIL
95.2.1	contains the information required by the Regulations; and		
95.2.2	contains copies of current management plans.		
95.3	The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant information.	CEO	NIL
95.4	The duty pursuant to Section 207(3) and (4) of the Act to make available the register of all community land in the Council's area for inspection (without charge) or purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.	CEO	NIL
96.	Ownership of Public Roads		
96.1	The duty pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the <i>Gazette</i> .	CEO	NIL
97.	Ownership of Fixtures and Equipment Installed on Public Roads		
97.1	The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of property in fixtures and equipment in the Council.	CEO	NIL
98.	Conversion of Private Road to Public Road		
98.1	The duty pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.	CEO	NIL
98.2	The duty pursuant to Section 210(2) of the Act at least 3 months before the Council makes a declaration under Section 210 of the Act to:	CEO	NIL

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98.2.1	if the identity and whereabouts of the owner of the road are known to the Council, give written notice to the owner of land subject to the proposed declaration; and		
98.2.2	if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council – give written notice to the person of the proposed declaration; and		
98.2.3	give public notice of the proposed declaration.		
98.3	The duty pursuant to Section 210(5) to publish in the <i>Gazette</i> a declaration of the Council made in accordance with Section 210(1) of the Act.	CEO	NIL
98.4	The duty pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made.	CEO	NIL
99.	Highways		
99.1	The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.	CEO	NIL
100.	Power to Carry Out Roadwork		
100.1	The power pursuant to Section 212(1) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.	CEO	NIL
100.2	The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that:	CEO	NIL
100.2.1	the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and		
100.2.2	before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an affect on the users of that highway), consult with the Commissioner of Highways; and		
100.2.3	the roadwork in relation to a private road is only carried out if:		
	100.2.3.1 the owner agrees; or		
	100.2.3.2 the Council has given the owner reasonable notice of the proposed roadwork and a reasonable opportunity to make representations and has considered any representations made in response to the notice; or		
	100.2.3.3 the identity or whereabouts of the owner is unknown; and		
100.2.4	the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).		
101.	Recovery of Cost of Roadwork		
101.1	Where roadwork has been carried by agreement, the power pursuant to Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
the agreement.		
101.2 Where roadwork has been carried out to repair damage to a road, the power pursuant to Section 213(2) of the Act to recover the cost of carrying out the work, as a debt, from:	CEO	NIL
101.2.1 the person who caused the damage; or		
101.2.2 in the case of damage caused by the bursting, explosion or fusion of any pipe, wire, cable, fitting or other object – the person who is the owner, or who has control of that infrastructure.		
101.3 If the Council carries out roadwork on a private road, the power pursuant to Section 213(3) of the Act to recover the cost of the work or a contribution towards the cost of the work determined by the Delegate as a debt from the owner of the private road.	CEO	NIL
102. Contribution Between Councils where Road is on Boundary Between Council Areas		
102.1 Where roadwork is a carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is bought.	CEO	NIL
103. Special Provisions for Certain Kinds of Roadwork		
103.1 If the Council changes the level of a road, the duty pursuant to Section 215(1) of the Act to:	CEO	NIL
103.1.1 ensure that adjoining properties have adequate access to the road; and		
103.1.2 construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.		
103.2 The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion:	CEO	NIL
103.2.1 there is no significant risk of damage to the adjoining property; or		
103.2.2 the road work does not significantly increase the risk of damage to adjoining property.		
103.3 The duty pursuant to Section 215(4) of the Act to give reasonable notice of proposed action to drain water into land under Section 215(2) of the Act to the owner of the land, except in a case of urgency.	CEO	NIL
104. Power to Order Owner of Private Road to Carry out Specific Roadwork		
104.1 The power pursuant to Section 216(1) of the Act to, by order in writing in accordance with Section 216(2) of the Act to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.	CEO	NIL
104.2 The duty pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:	CEO	NIL
104.2.1 any proposal to make an order; and		
104.2.2 if an order is made, any order,		
under Section 216(1) of the Act.		
105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.		

	Direct Delegation from Council	Conditions/ Limitations
105.1 The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner:	CEO	NIL
105.1.1 to carry out specified work by way of maintenance or repair; or		
105.1.2 to move the structure or equipment in order to allow the Council to carry out roadwork.		
105.2 Where the order made pursuant to Section 217(1) of the Act is not complied with within a reasonable time fixed in the order, the power pursuant to Section 217(2)(a) of the Act to take action required by the order and to recover the cost of doing so as a debt from the owner.	CEO	NIL
106. Power to Require Owner of Adjoining Land to Carry Out Specific Work		
106.1 The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.	CEO	NIL
106.2 The duty pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:	CEO	NIL
106.2.1 any proposal to make an order; and		
106.2.2 if an order is made, any order		
under Section 218(1) of the Act.		
107. Power to Assign a Name, or Change the Name, of a Road or Public Place		
107.1 The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or private road, or of a public place.	CEO	NIL
107.2 The duty pursuant to Section 219(1a) of the Act to assign a name to a public road created after the commencement of Section 219(1a) of the Act by land division.	CEO	NIL
107.3 Where it is proposed to change the name of a public road that runs into the area of an adjoining council, the duty pursuant to Section 219(2) of the Act to:	CEO	NIL
107.3.1 give the adjoining council at least 2 months notice of the proposed change; and		
107.3.2 consider any representations made by the adjoining council in response to that notice.		
107.4 The duty pursuant to Section 219(3) of the Act to:	CEO	NIL
107.4.1 immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and		
107.4.2 on request by the Registrar-General, the Surveyor-General or the Valuer-General, provide information about the names of roads or public places in the Council's area.		
107.5 The duty pursuant to Section 219(4) of the Act to give public notice of the assigning or changing of a name under Section 219(1) of the Act.	CEO	NIL
107.6 The power pursuant to Section 219(5) of the Act to prepare and adopt a policy relating to the assigning of names under Section 219 of the Act.	CEO	Subject to Council

		Direct Delegation from Council	Conditions/ Limitations
			Approval
107.7	The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.	CEO	NIL
107.8	The duty pursuant to Section 219(7) of the Act to give public notice of the adopting or altering of a policy under Section 219 of the Act.	CEO	NIL
	107.8.1 in the Gazette; and		
	107.8.2 in a newspaper circulating in the area of the council; and		
	107.8.3 on a website determined by the Chief Executive Officer.		
108.	Numbering of Premises and Allotments		
108.1	The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.	CEO	NIL
108.2	The duty pursuant to Section 220(1a) of the Act to assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of Section 220(1a) of the Act by land division.	CEO	NIL
108.3	The duty pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act.	CEO	NIL
108.4	The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act.	CEO	NIL
108.5	The duty pursuant to Section 220(3) of the Act to give public notice of the adopting, altering or substituting of a numbering system for a particular road.	CEO	NIL
108.6	The duty pursuant to Section 220(4) of the Act to notify the Valuer-General of the decision to adopt, alter or substitute a numbering system.	CEO	NIL
108.7	The power pursuant to Section 220(6) of the Act to request an owner of land to ensure that the appropriate number for the owner's building or allotment is displayed in a form directed or approved by the Delegate.	CEO	NIL
109.	Alteration of Road		
109.1	The power pursuant to Section to 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as:	CEO	NIL
	109.1.1 altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or		
	109.1.2 erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or		
	109.1.3 changing or interfering with the construction, arrangement or materials of the road; or		
	109.1.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings		

	Direct Delegation from Council	Conditions/ Limitations
and other objects) associated with the road; or		
109.1.5 planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.		
109.2 Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will:	CEO	NIL
109.2.1 unduly obstruct the use of the road; or		
109.2.2 unduly interfere with the construction of the road; or		
109.2.3 have an adverse effect on road safety.		
109.3 The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act:	CEO	NIL
109.3.1 for a particular act or occasion; or		
109.3.2 for a term which is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal.		
110. Permits for Business Purposes		
110.1 The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for business purposes and to give a permit to do so.	CEO	NIL
110.2 Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road.	CEO	NIL
110.3 The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for a particular occasion or for a term stated in the permit.	CEO	NIL
111. Public Consultation		
111.1 The duty pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to follow the relevant steps set out in Council's public consultation policy, if the Delegate proposes to grant an authorisation or permit:	CEO	NIL
111.1.1 that confers a right of exclusive occupation; or		
111.1.2 that would have the effect of restricting access to a road; or		
111.1.3 in relation to a use or activity for which public consultation is required under the Regulations.		
111.2 The duty pursuant to Section 223(2) of the Act to give written notice of the proposal to agencies that are, under the Regulations, to be notified of the proposal to grant an authorisation to alter a public road or to permit the use of a public road for business purposes.	CEO	NIL
112. Conditions of Authorisation or Permit		
112.1 The power pursuant to Section 224 of the Act, <u>subject to Sections 224(2) and (4) of the Act</u> , to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
113. Cancellation of Authorisation or Permit		
113.1 The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit, to cancel the authorisation or permit for breach of a condition.:	CEO	NIL
<u>113.1.1 in the case of a permit for the purposes of a mobile food vending business under Section 222 of the Act – cancel the permit for breach of a condition if the breach is sufficiently serious to justify cancellation of the permit; or</u>		
<u>113.1.2 in the any other case - cancel the authorisation or permit for breach of a condition.</u>		
113.2 The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to:	CEO	NIL
113.2.1 give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and		
113.2.2 consider any representations made in response to the notice.		
113.3 The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.	CEO	NIL
<u>113.4 The power pursuant to Section 225(4) of the Act if the Council cancels a permit under Section 225(1)(a) of the Act, to specify at the time of cancellation a period (not exceeding six months) that an application for a permit for the purposes of a mobile food vending business under Section 222 of the Act must not be made by or on behalf of the person who, before the cancellation, held the permit.</u>	<u>CEO</u>	<u>NIL</u>
<u>113A Location Rules – General</u>		
<u>113A.1 The power pursuant to Section 225A(1) of the Act and subject to Section 225A(2) of the Act, to prepare and adopt rules (location rules) that set out locations within the Council area in which mobile food vending businesses may operate.</u>		
<u>113A.2 The power pursuant to Section 225A(4) of the Act to:</u>		
<u>113A.2.1 from time to time amend the Council's location rules;</u>		
<u>113A.2.2 amend its location rules in order that the rules comply with:</u>		
<u>113A.2.2.1 any requirement specified by the Minister under Section 225A(2)(b) of the Act; or</u>		
<u>113A.2.2.2 any direction given by the Small Business Commissioner under Section 225A(7) of the Act.</u>		
114. Register		
114.1 The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which:	CEO	NIL
114.1.1 includes the information required by regulation; and		
114.1.2 may consist (if the Delegate so decides) of a computer record of the relevant information.		

	Direct Delegation from Council	Conditions/ Limitations
114.2 The duty pursuant to Section 231(3) and (4) of the Act to make the register available for public inspection (without charge) and purchase of extracts (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.	CEO	NIL
115. Trees		
The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement):		
115.1 giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account -	CEO	NIL
115.1.1 environmental and aesthetic issues; and		
115.1.2 the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road); and		
115.1.3 road safety matters; and		
115.1.4 other matters (if any) considered relevant by the Delegate; and		
115.2 where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy.	CEO	NIL
116. Damage		
116.1 The power pursuant to Section 233(1) and (2) of the Act to recover damages, in the same way as damages for a tort, where a person, without the Council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road.	CEO	NIL
117. Council's Power to Remove Objects etc from Roads		
117.1 The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if:	CEO	NIL
117.1.1 it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter 11 of the Act; or		
117.1.2 an authorisation or permit has been granted but has later expired or been cancelled.		
117.2 The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.	CEO	NIL
117.3 Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles.	CEO	NIL
118. Deliberately Left Blank		

	Direct Delegation from Council	Conditions/ Limitations
119. Abandonment of Vehicles and Farm Implements		
119.1 The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle abandoned on a public road or public place.	CEO	NIL
120. Removal of Vehicles		
120.1 The duty pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle	CEO	NIL
120.1.1 by written notice in the prescribed form:		
120.1.1.1 served on the owner personally; or		
120.1.1.2 served on the owner by the use of person-to-person registered post,		
as soon as practicable after the removal of the vehicle; or		
120.1.2 if the owner is unknown or cannot be found – by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.		
120.2 If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.	CEO	NIL
120.3 The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:	CEO	NIL
120.3.1 the vehicle is offered for sale but not sold; or		
120.3.2 the Delegate reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle or the costs incidental to removing or holding the vehicle, or those costs combined.		
120.4 The duty pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale as follows:	CEO	NIL
120.4.1 firstly, in payment of the costs of and incidental to the sale;		
120.4.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under Section 237 of the Act;		
120.4.3 thirdly, in payment of the balance to the owner of the vehicle.		
120.5 The duty pursuant to Section 237(8) of the Act to make reasonable inquiry to find the owner of the vehicle following sale and, if after that reasonable inquiry, the owner cannot be found, the duty to pay the balance of the proceeds of sale to the Council.	CEO	NIL
120.6 The duty pursuant to Section 237(9) of the Act to take reasonable steps to return property found in the vehicle, and where the property cannot be returned, the duty to deal with the property as unclaimed	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
goods under the Unclaimed Goods Act 1987 as if the Council were the bailee of those goods.		
121. Time Limits for Dealing with Certain Applications		
121.1 Where the power to decide upon certain applications to which the Section applies has been delegated, the duty pursuant to Section 242(1) and (2) of the Act within two months after the relevant date, to make a decision in respect of the application and, if not so decided, it is taken to have been refused.	CEO	NIL
121.2 The duty pursuant to Section 242(3) of the Act to notify the applicant in writing as soon as practicable of a decision or presumptive decision on an application to which Section 242 of the Act applies.	CEO	NIL
122. Registrar-General to Issue Certificate of Title		
122.1 The duty pursuant to Section 243(1) of the Act to apply to the Registrar-General for the issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act.	CEO	NIL
122.2 The duty pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows:	CEO	NIL
122.2.1 in a manner and form approved by the Registrar-General; and		
122.2.2 accompanied by:		
122.2.2.1 Deliberately left blank		
122.2.2.2 any surveys of the land and other materials that the Registrar-General may reasonably require; and		
122.2.2.3 a fee fixed by the Registrar-General.		
123. Liability for Injury, Damage or Loss Caused by Certain Trees		
123.1 The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).	CEO	NIL
124. Council May Require Bond or Other Security in Certain Circumstances		
124.1 Subject to Section 245A of the Act, if,	CEO	NIL
124.1.1 a person has approval to carry out development under the Development Act 1993; and		
124.1.2 the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development,		
the power, pursuant to Section 245A of the Act, to, by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.		
124.2 The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
development under the Development Act 1993 and a notice in writing has been served pursuant to Section 245A of the Act on the person who has the benefit of the approval, to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.		
125. Power to Make By-Laws		
125.1 The duty pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section 246(3)(e) of the Act, to ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the Council.	CEO	NIL
126. Passing By-Laws		
126.1 If it is proposed that the Council make a by-law, then at least 21 days before the Council resolves to make the by-law, the duty pursuant to Section 249(1) of the Act to:	CEO	NIL
126.1.1 make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the Council, and so far as is reasonable practicable on the Internet; and		
126.1.2 by notice in a newspaper circulating in the area of the Council:		
126.1.2.1 inform the public of the availability of the proposed by-law; and		
126.1.2.2 set out the terms of the by-law, or describe in general terms the by-law's nature and effect.		
126.2 Before the Council makes a by-law, the duty pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner:	CEO	NIL
126.2.1 the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and		
126.2.2 the by-law is not in conflict with the Act.		
126.3 The duty pursuant to Section 249(5) of the Act to publish a by-law in the <i>Gazette</i> .	CEO	NIL
126.4 The duty pursuant to Section 249(7) of the Act to publish a notice of the making of a by-law under Section 249 of the Act in a newspaper circulating in the area of the Council.	CEO	NIL
127. Model By-Laws		
127.1 The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the <i>Gazette</i> .	CEO	NIL
127.2 The duty pursuant to Section 250(7) of the Act to publish a notice of the adoption of a model by-law or alteration made under Section 250 of the Act in a newspaper circulating in the area of the Council.	CEO	NIL
128. Register of By-Laws and Certified Copies		
128.1 The duty pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council; such register to include a copy of any code, standard or other document referred to or incorporated in a by-law.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
128.2 The duty pursuant to Section 252(3) and (4) of the Act to make available the register of by-laws for inspection or purchase an extract from the register (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.	CEO	NIL
128.4 The duty pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time.	CEO	NIL
129. Power to Make Orders		
129.1 The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table in Part 2 of Chapter 12, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.	CEO	NIL
130. Procedures to be Followed		
130.1 The duty pursuant to Section 255(1) of the Act before taking action to make an order under Part 2 of Chapter 12 (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing:	CEO	NIL
130.1.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and		
130.1.2 stating the reasons for the proposed action; and		
130.1.3 inviting the person to show, within a specified time (being a reasonable period), why the proposed action should not be taken (by making representations to the Delegate).		
130.2 If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.	CEO	NIL
130.3 The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act:	CEO	NIL
130.3.1 to make an order in accordance with the terms of the original proposal; or		
130.3.2 to make an order with modifications from the terms of the original proposal; or		
130.3.3 to determine not to proceed with an order.		
130.4 The power pursuant to Section 255(5) of the Act to:	CEO	NIL
130.4.1 include two or more orders in the same instrument;		
130.4.2 direct two or more persons to do something specified in the order jointly.		
130.5 The duty pursuant to Section 255(6) of the Act to ensure that the order:	CEO	NIL
130.5.1 subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and		
130.5.2 states the reasons for the order.		

	Direct Delegation from Council	Conditions/ Limitations
130.6 The duty pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed.	CEO	NIL
130.7 If an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner.	CEO	NIL
130.8 The power pursuant to Section 255(11) of the Act at the request or with the agreement of the person to whom an order is directed, to vary the order on the Delegate's own initiative, or to revoke an order if satisfied that it is appropriate to do so.	CEO	NIL
130.9 If the Delegate, in the circumstances of a particular case, considers:	CEO	NIL
130.9.1 that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or		
130.9.2 that an emergency situation otherwise exists,		
the Delegate has the power pursuant to Section 255(12) of the Act to:		
130.9.3 Proceed immediately to make an order under this Section without giving notice under Section 255(1); and		
130.9.4 require immediate compliance with an order despite Section 255(6)(a).		
131. Rights of Review		
131.1 The duty pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to appeal against the order under the Act, and to include the information specified by the Regulations to the Act.	CEO	NIL
132. Action on Non-Compliance		
132.1 The power pursuant to Section 257(1) of the Act, where the requirements of an order are not complied with within the time fixed for compliance, or if there is an application for review, within 14 days after the determination of the review, to (subject to the outcome of any review) take the action required by the order.	CEO	NIL
132.2 The power pursuant to Section 257(2) of the Act to authorise an employee or another person to take action under Section 257(1) of the Act.	CEO	NIL
132.3 The power pursuant to Section 257(3) of the Act to take action to recover the reasonable costs and expenses incurred by the Council in taking action for the non-compliance with an order, as a debt from the person who failed to comply with the requirements of the order.	CEO	NIL
132.4 The power pursuant to Section 257(5) of the Act where an amount is recoverable from a person by the Council for action of non-compliance with an order, by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period:	CEO	NIL
132.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and		
132.4.2 if the person is the owner of the land to which the order relates – the power, in accordance with		

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Schedule 6, to impose a charge over the land for the unpaid amount, together with interest.		
133. Councils to Develop Policies		
133.1 The power and duty pursuant to Section 259(1) of the Act to take reasonable steps to prepare and adopt policies concerning the operation of Part 2 of Chapter 12 of the Act.	CEO	Subject to Council Approval
133.2 The power and duty pursuant to Section 259(2) of the Act to:	CEO	NIL
132.2.1 prepare a draft of a Policy; and		
133.2.2 by notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council or the Delegate (being at least four weeks).		
133.3 The duty pursuant to Section 259(3) of the Act to consider any submission made on a proposed policy in response to an invitation under Section 259(2) of the Act.	CEO	NIL
133.4 The power pursuant to Section 259(4) of the Act to amend a policy at any time.	CEO	NIL
133.5 The duty pursuant to Section 259(5) of the Act before adopting an amendment to a policy, to take the steps specified in Section 259(2) and (3) (as if the amendment were a new policy), unless the Council or the Delegate determines the amendment is only of minor significance.	CEO	NIL
133.6 The duty pursuant to Sections 259(6) and (7) of the Act to make a policy available for inspection (without charge) and purchase (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.	CEO	NIL
133.7 The duty pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2 of Chapter 12 of the Act, to deal with the particular case on its merits and the duty to take into account any relevant policy under Division 3 of Part 2, Chapter 12 of the Act.	CEO	NIL
134. Appointment of Authorised Persons		
134.1 The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person.	CEO	NIL
134.2 The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and specified in the instrument of appointment.	CEO	NIL
134.3 The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card:	CEO	NIL
134.3.1 containing a photograph of the authorised person; and		
134.3.2 identifying any conditions or limitations imposed under Section 260(2) of the Act.		
134.4 The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment.		
135. Procedures for Review of Decisions and Requests for Services		
135.00 The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with: The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with:	CEO	Policy to be adopted by Council
135.00.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; or		
135.00.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and		
135.00.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.		
135.0 The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:	CEO	NIL
135.0.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and		
135.0.2 using information gained from the Council's community to improve its services and operations.		
135.1 Without limiting Sections 270(a1) and (a2) of the Act, the power and duty pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions of: The duty pursuant to Section 270(1) of the Act to establish procedures for the review of decisions of:		
135.1.1 the Council;		
135.1.2 employees of the Council;		
135.1.3 other persons acting on behalf of the Council,		
135.2 The duty pursuant to Section 270(2) of the Act to ensure that the procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate or the Council determines to be relevant): The duty pursuant to Section 270(2) of the Act to ensure that the internal review procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate determines to be relevant):	CEO	NIL
135.2.1 the manner in which an application for review may be made;		
135.2.2 the assignment of a suitable person to reconsider a decision under review;		
135.2.3 the matters that must be referred to the Council itself for consideration or further consideration;		
135.2.3A in the case of applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers – the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the Act;		

	Direct Delegation from Council	Conditions/ Limitations
135.2.4 the notification of the progress and outcome of an application for review;		
135.2.5 the timeframes within which notifications will be made and procedures on a review will be completed.		
135.3 The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if:	CEO	NIL
135.3.1 the application was made by an employee of the Council and relates to an issue concerning his or her employment; or		
135.3.2 it appears that the application is frivolous or vexatious; or		
135.3.3 the applicant does not have a sufficient interest in the matter.		
135.4 The power and duty pursuant to Section 270(5) of the Act to ensure that copies of a document concerning the policies, practices and procedures that apply under Section 270 of the Act are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	CEO	NIL
135.5 The power pursuant to Section 270(6) of the Act to, from time to time, amend the policies, practices and procedures established under Section 270 of the Act.	CEO	Policy to be adopted by Council
135.6 The power and duty pursuant to Section 270(8) of the Act to, on an annual basis, initiate and consider a report that relates to:	CEO	NIL
135.6.1 the number of applications for review made under Section 270; and		
135.6.2 the kinds of matters to which the applications relate; and		
135.6.3 the outcome of applications under this Section; and		
135.6.4 such other matters as may be prescribed by the Regulations.		
135.7 The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid.	CEO	NIL
136. Mediation, Conciliation and Neutral Evaluation		
136.1 The power pursuant to Section 271(1) of the Act as part of, or in addition to, the procedures established under Section 270 of the Act, to make provision for disputes between a person and the Council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation.	CEO	NIL
136.2 The duty pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator, if a dispute is to be dealt with under a Scheme established under Section 271(1) of the Act.	CEO	NIL
136A. Provision of Information to Minister		
136A.1 The power and duty, pursuant to Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
operations of the Council.		
136A.2 The power pursuant to Section 271A(3) of the Act to, provide information in accordance with a request under Section 271A(1) of the Act, even if:	CEO	NIL
136AA.2.1 the information was given to the Council in confidence; or		
136AA.2.2 is held on a confidential basis under Chapter 6 Part 4.		
136B. Investigation of a Council		
136B.1 The power pursuant to Section 272(3) of the Act, to, before the Minister refers a matter, explain the Council's actions and make submissions to the Minister.	CEO	NIL
136B.2 The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.	CEO	NIL
136C. Action on a Report		
136C.1 The power pursuant to Section 273(3) of the Act to make submissions to the Minister on the report on which the action is based.	CEO	NIL
136E. Action on a Report		
136E.1 The power pursuant to Section 275(2) of the Act to make submissions to the Minister.	CEO	NIL
137. Special Jurisdiction		
137.1 The power pursuant to Section 276(1) and (2) of the Act to commence, defend or participate in the following proceedings before the District Court, on behalf of the Council:	CEO	NIL
137.1.1 proceedings to try the title of a member to an office;		
137.1.2 proceedings to try the right of a person to be admitted or restored to an office;		
137.1.3 proceedings to compel restoration or admission;		
137.1.4 proceedings to compel the Council to proceed to an election, poll or appointment;		
137.1.5 proceedings to try the validity of a rate or service charge;		
137.1.6 proceedings to try the validity of a by-law;		
137.1.7 proceedings to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession of which the Council or person is entitled under this Act.		
138. Service of Documents by Councils etc		
138.1 Where a document is required or authorised to be served on or given to a person by the Council, the power and duty to effect service in accordance with and pursuant to Section 279 of the Act.	CEO	NIL
139. Service of Documents on Councils		
139.1 The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for service of documents on the Council and the power to accept or authorise a person to accept documents on Council's behalf.	CEO	NIL
140. Recovery of Amounts from Lessees or Licensees		
140.1 Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1)	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.		
141. Ability of Occupiers to Carry out Works		
141.1 Where an owner of land fails to carry out work that the Council has required the owner to carry out under an Act, the power pursuant to Section 282(1) of the Act to give approval to the occupier of the land to cause the work to be carried out.	CEO	NIL
142. Power to Enter and Occupy Land in Connection with an Activity		
142.1 The duty pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.	CEO	NIL
142.2 The duty pursuant to Section 294(3) of the Act:	CEO	NIL
142.2.1 to pay to the owner or occupier of the land rent on a quarterly or half-yearly basis, at a rate to be determined by agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and		
142.2.2 to pay to the owner or occupier of the land within 1 month after occupying the land - reasonable compensation for damage caused to any crops on the land; and		
142.2.3 within 6 months of ceasing to occupy the land:		
142.2.3.1 remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and		
142.2.3.2 to pay to the owner or occupier of the land reasonable compensation for any other loss or damage caused by the Council, including the full value of any earth, minerals or resources taken from the land;		
142.3 The duty pursuant to Section 294(5) of the Act, at the request of an owner or occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining land.	CEO	NIL
143. Reclamation of Land		
143.1 Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work has added to the land.	CEO	NIL
143.2 The power pursuant to Section 296 (2) of the Act to appoint a valuer to determine the additional value added to the land by Council's activities, under Section 296(1) of the Act.	CEO	NIL
143.3 The duty pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act.	CEO	NIL
143.4 The duty pursuant to Section 296(5) of the Act to conduct an objection or appeal in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
144. Property in Rubbish		
144.1 The power pursuant to Section 297 of the Act to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate.	CEO	NIL
145. Power of Council to Act in Emergency		
145.1 Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger.	CEO	NIL
146. Vegetation Clearance		
146.1 Deliberately left blank.		
146.2—Deliberately left blank.		
147. Costs of Advertisements		
147.1 The duty pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that immediately necessitates the advertisement.	CEO	NIL
148. Whistleblowing		
148.1 The duty pursuant to Section 302B of the Act to ensure that a member of staff of the Council who has the qualifications prescribed by the Local Government (General) Regulations 2013 is designated as the responsible officer for the Council for the purposes of the Whistleblowers Protection Act 1993.	CEO	NIL
148A Use of Facilities		
148A.1 The power pursuant to Clause 13 of Schedule 1A of the Act to arrange with the Authority for the Authority to make use of the services of the staff, equipment or facilities of the Council.	CEO	NIL
149. Deliberately left blank		
150. Deliberately left blank		
151. Deliberately left blank		
151A Preparation of Stormwater Management Plans by Councils		
151A.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which: (a) complies with the guidelines issued by the Authority; and (b) is prepared in consultation with the relevant regional NRM board or boards; and (c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations.	CEO	NIL
151B Authority May Issue Order		
151B.1 The power pursuant to Clause 20(5) of Schedule 1A of the Act, before the Authority takes any action under Clause 20(4) of Schedule 1A of the Act, to make submissions to the Authority in relation to the matter.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
151B.2 The power pursuant to Clause 20(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement with the Authority for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (and the power to agree the rate with the Authority).		
152. Deliberately left blank		
153. Deliberately left blank		
154. Special Powers in Relation to Land		
154.1 The power pursuant to Clause 24(1) of Schedule 1A of the Act and in accordance with Clause 24(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or a condition imposed on approval of a stormwater management plan or action required by an order under Clause 20 of Schedule 1 of the Act, to: <ul style="list-style-type: none"> (a) enter and occupy any land; and (b) construct, maintain or remove any infrastructure; and (c) excavate any land; and (d) inspect, examine or survey any land and for that purpose: <ul style="list-style-type: none"> (i) fix posts, stakes or other markers on the land; and (ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and (iii) remove samples for analysis. (e) alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and (f) hold any water in a watercourse or lake or by any other means; and (g) divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and (h) deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and (i) undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and (j) undertake any testing, monitoring or evaluation; and (k) undertake any other activity of a prescribed kind. 	CEO	NIL
154.2 The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.	CEO	NIL
155. Entry and Occupation of Land Other Than Council Land		
155.1 The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
of the Act, to give reasonable notice of an intention to enter, or to enter and occupy, land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land.		
155.2 The power pursuant to Clause 25(3)(b) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the delegate considers is reasonable in the circumstances.	CEO	NIL
156. Vesting of Infrastructure, etc		
156.1 The power pursuant to Clause 26(3) of Schedule 1A of the Act to, before the Minister publishes a notice vesting the care, control and management of infrastructure or land in the Council under Clauses 26(1) or (2) of Schedule 1A of the Act make submissions to the Minister in relation to the proposed notice.	CEO	NIL
157. Building Upgrade Agreement (May only be delegated to CEO)		
157.1 The power pursuant to Clause 2(1) of Schedule 1B of the Act, subject to Clause 2 of Schedule 1B of the Act, to, in relation to a building situated on land within the area of the Council, enter into an agreement (a <i>building upgrade agreement</i>) under which:	CEO	NIL
157.1.1 the building owner agrees to undertake upgrade works in respect of the building; and		
157.1.2 a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and		
157.1.3 the Council agrees:		
157.1.3.1 to levy a charge on the relevant land (a <i>building upgrade charge</i>), to be paid by the building owner, for the purpose of recouping the money advanced by the finance provider for the upgrade works (and any interest or other charges payable to the finance provider under the agreement); and		
157.1.3.2 to pay to the finance provider any money paid to the Council by way of the building upgrade charge (other than any service fee or late payment fee that the Council is permitted by the agreement to deduct and retain).		
157.2 The power pursuant to Clause 2(3) of Schedule 1B of the Act to include in a building upgrade agreement, payment to the finance provider of penalty interest on money advanced by the finance provider under the agreement, at such rate as determined in accordance with the regulations, and, if the regulations do not provide for the determination of the rate at such rate as determined in accordance with the agreement.	CEO	NIL
157.3 The power pursuant to Clause 2(4) of Schedule 1B of the Act to agree that a building upgrade agreement may be entered into by any other persons that the delegate considers should be parties to the agreement.	CEO	NIL
158. Variation or Termination of Agreement (May only be delegated to CEO)		
158.1 The power pursuant to Clause 4 of Schedule 1B of the Act to vary or terminate a building upgrade agreement by further agreement between the primary parties.	CEO	NIL
159. Contents of Agreement (May only be delegated to CEO)		
159.1 The power pursuant to Clause 5(1) of Schedule 1B of the Act to make a building upgrade agreement in writing and specify:	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
159.1.1 the upgrade works to be undertaken by or on behalf of the building owner under the agreement; and		
159.1.2 the amount of money to be advanced by the finance provider under the agreement; and		
159.1.3 the amount of the building upgrade charge to be levied by the Council under the agreement; and		
159.1.4 the schedule for the payment, by the building owner, of a building upgrade charge to the Council; and		
159.1.5 the amount of, or a method for calculating the amount of, any service fee or late payment fee that the Council may deduct and retain; and		
159.1.6 any prescribed matters.		
159.2 The power pursuant to Clause 5(2) of Schedule 1B of the Act to, in a building upgrade agreement:	CEO	NIL
159.2.1 provide for the early repayment of any amount payable under the agreement; and		
159.2.2 include and agree to other provisions.		
160. Declaration of Building Upgrade Charge (May only be delegated to CEO)		
160.1 The power pursuant to Clause 6(1) of Schedule 1B of the Act, after the Council enters into a building upgrade agreement, to, in accordance with the terms of the agreement, declare a building upgrade charge in respect of the relevant land (being a charge of the agreed amount specified in the building upgrade agreement).	CEO	NIL
160.2 The power pursuant to Clause 6(2) of Schedule 1B of the Act, if the Council or delegate declares a building upgrade charge, to, within 28 days after the declaration give the building owner written notice in accordance with Clauses 6(3) and (4) of Schedule 1B of the Act specifying:	CEO	NIL
160.2.1 the name and address of the building owner; and		
160.2.2 a description of the relevant land in respect of which the building upgrade charge is being levied; and		
160.2.3 the building upgrade agreement under which the building upgrade charge is being levied; and		
160.2.4 the amount for which the building owner is liable; and		
160.2.5 the manner of payment of the amount; and		
160.2.6 the due date for payment of the amount, in accordance with the schedule for the payment of the building upgrade charge to the Council (specified in the building upgrade agreement); and		
160.2.7 the amount of, or method of calculating, any service fee of the Council authorised by the building upgrade agreement and any late payment fee that may be imposed by the Council if the building owner fails to pay an amount for which the building owner is liable by the due date; and		
160.2.8 any prescribed matters.		
160.3 The power pursuant to Clause 6(4) of Schedule 1B of the Act, to, in relation to each payment in respect of a building upgrade charge for which a building owner is liable, give a notice under Clause 6(2) of Schedule 1B of the Act to the building owner at least 28 days before the date for payment specified in the notice.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
161. Payment of Building Upgrade Charge		
161.1 The power pursuant to Clause 7(2) of Schedule 1B of the Act, on payment of money in respect of a building upgrade charge to the Council, to deduct and retain any service fee and late payment fee authorised by the building upgrade agreement.	CEO	NIL
161.2 The power pursuant to Clause 7(3) of Schedule 1B of the Act in relation to money paid to the Council in respect of a building upgrade charge, to, other than any service fee and late payment fee retained by the Council,	CEO	NIL
161.2.1 hold that money on behalf of the finance provider pending payment to the finance provider; and		
161.2.2 pay that money to the finance provider in accordance with the terms of the building upgrade agreement under which the charge was levied.		
162. Sale of Land for Non-payment of Building Upgrade Charge		
162.1 The power pursuant to Clause 9(1) of Schedule 1B of the Act, subject to clause 9 of Schedule 1B of the Act to, if an amount for which a building owner is liable in respect of a building upgrade charge remains unpaid for more than 3 years, sell the relevant land in accordance with the regulations.	CEO	NIL
162.2 The power pursuant to Clause 9(2) of Schedule 1B of the Act to, apply any money received by the Council in respect of the sale of land under Clause 9 of Schedule 1B of the Act as follows:	CEO	NIL
162.2.1 firstly – in paying the costs of the sale and any other costs incurred in proceeding under Clause 9 of Schedule 1B of the Act;		
162.2.2 secondly – in discharging any liabilities to the Council in respect of the land (other than any building upgrade charge, service fee or late payment fee in relation to a building upgrade charge);		
162.2.3 thirdly – in discharging any liability to the Council for a building upgrade charge, service fee or late payment fee in relation to a building upgrade charge;		
162.2.4 fourthly – in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;		
162.2.5 fifthly – in discharging any liabilities secured by registered mortgages, encumbrances or charges;		
162.2.6 sixthly – in discharging any other mortgages, encumbrances or charges of which the Council has notice;		
162.2.7 seventhly – in payment to the owner of the land.		
162.3 The power pursuant to Clause 9(3) of Schedule 1B of the Act, if the owner cannot be found after making reasonable inquiries as to his or her whereabouts, to deal with an amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1891.	CEO	NIL
163. Repayment of Advances to Finance Provider		
163.1 The power pursuant to Clause 10(2) of Schedule 1B of the Act, if a building upgrade agreement is terminated before all the money that the finance provider agreed to advance to the building owner is advanced, to:	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
163.1.1	adjust the building upgrade charge to reflect the lower amount advanced to the building owner; and		
163.1.2	give the building owner written notice of the adjustment.		
163.2	The power pursuant to Clause 10(3) of Schedule 1B of the Act, if, as a result of an adjustment being made to a building upgrade charge under clause 10 of Schedule 1B of the Act:	CEO	NIL
163.2.1	the building owner has made payment in respect of the charge in excess of the adjusted amount; and		
163.2.2	the excess amount has been paid by the Council to the finance provider, to refund the building owner the excess amount paid.		
164.	Register of Building Upgrade Agreements		
164.1	The power pursuant to Clause 13(1) of Schedule 1B of the Act to keep a register of building upgrade agreements in accordance with Clause 13(2) of Schedule 1B of the Act.	CEO	NIL
164.2	The power pursuant to Clause 13(3) of Schedule 1B of the Act to make available the register for inspection (without charge) by a member of the public at the principal office of the Council during ordinary office hours and to provide a person with an extract from the register (without charge).	CEO	NIL

Appendix 10

*Instrument of Delegation under the
Natural Resources Management Act 2004, Natural
Resources Management (General) Regulations 2005
and Natural Resources Management (Transitional
Provisions - Levies) Regulations 2005*

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE NATURAL RESOURCES MANAGEMENT ACT 2004 THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2005 AND THE NATURAL RESOURCES MANAGEMENT (TRANSITIONAL PROVISIONS LEVIES) REGULATIONS 2004		
1. Collaboration with NRM board		
1.1 The power pursuant to Section 29(4)(d) of the Natural Resources Management Act 2004 (“the Act”) to work collaboratively with a regional NRM board in the performance of its functions.	CEO	NIL
2. The power pursuant to Section 30 of the Act to act in conjunction with a regional NRM board in relation to the NRM board doing anything necessary, expedient or incidental to –	CEO	NIL
a) performing the functions of the NRM group under the Act or any other Act; or		
b) assisting in the administration of the Act; or		
c) furthering the objects of the Act		
3. Special Vesting of Infrastructure		
3.1 The power pursuant to Section 33(7) of the Act to give consent on behalf of the Council in respect of making, varying or revoking a proclamation under Section 33(1), 33(2) or 33(6) of the Act.	CEO	NIL
4. Approval of Delegation by NRM board to Council Officers		
4.1 The power pursuant to Section 36(1)(c) of the Act to give approval to a regional NRM board to delegate a function or a power of the board under the Act or any other Act to the Council or a Council officer.	CEO	NIL
5. Use of Facilities		
5.1 The power pursuant to Section 41 of the Act to enter into arrangements with a regional NRM board for the board to make use of the services of the staff, equipment or facilities of the Council.	CEO	NIL
6. Boards Power to Provide Financial Assistance etc		
6.1 The power pursuant to Section 42(2) of the Act where a Council wishes to obtain financial or any other form of assistance from a regional NRM board under Section 42(1) of the Act, to make a written submission to the board setting out –	CEO	NIL
6.1.1 the nature of the assistance requested (and, in the case of financial assistance, the amount requested); and		
6.1.2 the purpose or purposes for which and the manner in which the assistance will be used; and		
6.1.3 the reasons why, in the Delegate’s opinion, the granting of the assistance by the regional NRM board is justified.		
7. Assignment of Responsibility for Infrastructure		
7.1 The power pursuant to Section 43(2) of the Act to make a submission to a regional NRM board in response to notice given by the board under Section 43(2) of the Act of the proposed assignment of the responsibility for the care, control or management of infrastructure to the Council as a third party pursuant to Section 43(1) of the Act.	CEO	NIL
7.2 The power pursuant to Section 43(3) of the Act to enter into an agreement in accordance with the Regulations with a regional NRM board as contemplated in Section 43(1) for the assignment of the	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	responsibility for the care, control or management of infrastructure to the Council as a third party pursuant to Section 43(1) of the Act.		
8.	Appointment of Body to act as a Board		
8.1	The power pursuant to Section 44(4)(c) of the Act to agree that by way of a regulation revoking a regulation made under Section 44(1) of the Act, the assets, rights and liabilities of a body appointed by such regulation to be a regional NRM board under the Act, will vest in or attach to the Council.	CEO	NIL
9.	Establishment of Areas		
9.1	The power pursuant to Section 45(5) of the Act to receive notice as a constituent council from a regional NRM board and to make a submission to the regional NRM board within a period (being at least 21 days) specified in the notice.	CEO	NIL
9.2	The power pursuant to Section 46(5) of the Act to enter into an agreement pursuant to which the property, assets, rights or liabilities of the local NRM group will vest in the Council pursuant to a notice under Section 46(4) of the Act.	CEO	NIL
10.	Composition of NRM groups		
10.1	The power pursuant to Section 48(2)(b)(i) of the Act to consult with the relevant regional NRM board or boards, if the Council is also a constituent council for the area of the NRM group to which that board belongs, before an appointment is made by the board under Section 48(1) of the Act.	CEO	NIL
11.	Functions of Groups		
11.1	The power pursuant to Section 52(2)(c) of the Act, to work collaboratively with an NRM group in the performance of its functions under Section 52(1) of the Act.	CEO	NIL
12.	Acting in Conjunction with NRM Group		
12.1	The power pursuant to Section 53(2)(g) of the Act to act in conjunction with an NRM group in relation to the NRM group doing anything necessary expedient or incidental to:	CEO	NIL
	a) performing its functions under the Act or any other Act		
	b) assisting in the administration of the Act or		
	c) furthering the objects of the Act pursuant to Section 53(1) of the Act.		
13.	Power of Delegation		
13.1	The power pursuant to Section 55(2) of the Act, to approve a delegation made by an NRM group in accordance with Section 55(1) of the Act to the Council or a Council subsidiary, or to an officer of the Council or a Council subsidiary (as the case requires), of a function or power of the NRM group under the Act or any other Act.	CEO	NIL
14.	Use of Facilities		
14.1	The power pursuant to Section 60 of the Act to enter into an arrangement with an NRM group for the NRM group to use the services of the staff, equipment or facilities of the Council.	CEO	NIL
15.	Appointment of Body to Act as Group		

	Direct Delegation from Council	Conditions/ Limitations
15.1 The power pursuant to Section 61(4)(c) of the Act to agree that by way of a regulation revoking a regulation made under Section 61 of the Act, the assets, rights and liabilities of a body appointed by such regulation, to be a regional NRM group under the Act, will vest in or attach to the Council.	CEO	NIL
16. Regional Authorised Officers		
16.1 The power pursuant to Section 67(10) of the Act to agree to the appointment of an officer of the Council as an authorised officer by a regional NRM board	CEO	NIL
17. State NRM Plan		
17.1 The power pursuant to Section 74(8) of the Act to consult with the NRM Council in relation to any proposal to create or amend the State NRM Plan as defined in Section 74 of the Act, where the Local Government Association has nominated the Council pursuant to Section 74(14)(b) of the Act.	CEO	NIL
18. Regional NRM Plans		
18.1 The duty pursuant to Section 75(9) of the Act, when performing functions or exercising powers under the Local Government Act 1999 or any other Act, to have regard to any regional NRM plan that applies within the relevant area and in particular to give consideration to the question of whether changes should be implemented to the manner in which, or the means by which, the Council performs a function or exercises a power or undertakes any other activity that has been identified in the regional NRM plan as requiring change.	CEO	NIL
19. Deliberately left blank		
Deliberately left blank		
20. Preparation of Plans and Consultation		
20.1 The power pursuant to Section 79(6)(a)(vii) of the Act where a draft plan has been prepared by a regional NRM board, to receive a copy of the draft plan.	CEO	NIL
20.2 The power pursuant to Section 79(8) of the Act to prepare and furnish a response to the regional NRM board within the period prescribed by the Regulations to a draft plan provided to the Council as a constituent council in accordance with Section 79(6)(a)(vii) of the Act.	CEO	NIL
21. Submission of Plan to Minister		
21.1 The power pursuant to Section 80(5) of the Act to receive a copy of a draft plan as amended by the Minister, or if it appears to the Minister that the part or parts of the plan that have been amended can conveniently be substituted in the draft plan – a copy of that part or those parts as amended.	CEO	NIL
22. Review and Amendment of Plans		
22.1 The power pursuant to Section 81(7)(a)(ii) of the Act, to consult with a regional NRM board within the prescribed period (being a period of at least 21 days), in respect of amendments to a regional NRM plan which are within the ambit of Section 81(8) of the Act.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
23. Time for Implementation of Plans		
23.1 The power pursuant to Section 82(2) of the Act to give consent to the implementation by a regional NRM board of a draft plan or amendments to a plan that have not been adopted by the Minister.	CEO	NIL
24. Contributions by Constituent Councils		
24.1 The duty pursuant to Section 92(1) of the Act if a regional NRM plan for a regional NRM board specifies an amount (the base contribution amount) to be contributed by the constituent councils for the region towards the costs of the board performing its functions under the Act in a particular financial year, to make a contribution based on that amount in accordance with the requirements of Part 1 of Chapter 5 of the Act in respect of that financial year.	CEO	NIL
24.2 The power pursuant to Section 92(7) of the Act to receive notice from the Minister of the Minister's determination.	CEO	NIL
25. Payment of Contributions by Councils		
25.1 The duty pursuant to Section 93(1) of the Act, subject to Section 93(2) of the Act, to pay the Council's share of the amount to be contributed by the constituent councils in approximately equal instalments on 30 September, 31 December, 31 March and 30 June in the year to which the contribution relates, including any interest which accrues on any amount unpaid at the rate and in the manner prescribed by regulation.	CEO	NIL
25.2 The duty pursuant to Section 93(2) of the Act, if notice of a regional NRM levy imposed by a Council in respect of a financial year could not be included in the notice of general rates for that year because the share to be contributed was not approved by the Governor on or before 1 June preceding that year, to pay the Council's share of the amount to be contributed by constituent councils in approximately equal instalments on 31 December, 31 March and 30 June in that year.	CEO	NIL
26. Deliberately left blank		
26.1 <i>Deliberately left blank</i>		
26.2 <i>Deliberately left blank</i>		
26.3 <i>Deliberately left blank</i>		
26.4 <i>Deliberately left blank</i>		
27. Cost of Councils		
27.1 The power pursuant to Section 96(1) of the Act, subject to Section 96(2) and 96(3) of the Act, to receive an amount from a regional NRM board determined in accordance with the regulations on account of the costs of the Council as a constituent council in complying with the requirements of Part 1 of Chapter 5 of the Act.	CEO	NIL
28. Declaration of Prescribed Water Resources		
28.1 The duty pursuant to Section 125(5)(b) of the Act, to receive a copy of a notice from the Minister outlining a proposed recommendation to the Governor declaring that part of the State is a surface water prescribed area.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
29. Requirement for notice of certain applications		
29.1 The power pursuant to Section 136(3) of the Act, where the Council is a person specified in the plan to whom notice of an application must be given pursuant to Section 136(2) of the Act to make representations in writing to the relevant authority in relation to the granting or refusal of a permit.	CEO	NIL
29.2 The duty pursuant to Section 136(6) of the Act, if the Council has made a representation under Section 136(3) of the Act, as part of that representation indicated an interest in appearing before the authority, to appear personally or by representative before the authority to be heard in support of the representation.	CEO	NIL
29.3 The power pursuant to Section 136(11) of the Act to lodge an appeal with the ERD Court.	CEO	NIL
30. By-Laws		
30.1 The power pursuant to Section 171(7)(a) of the Act to consult with a regional NRM board before a by-law is made by the NRM board under Section 171 of the Act that directly affects the area of the Council.	CEO	NIL
30.2 The power pursuant to Section 171(7)(c) of the Act to submit to the regional NRM board the Council's views on a by-law proposed to be made under Section 171 of the Act.	CEO	NIL
31. Orders made by ERD Court		
31.1 The power pursuant to Section 201(5) of the Act, where the Council's interests are affected by the subject matter of the application to make an application to the ERD Court for Orders under Section 201 of the Act.	CEO	NIL
31.2 The duty pursuant to Section 201(7) of the Act where an application is made to the ERD Court to serve a copy of the application on the Minister within 3 days after filing the application with the ERD Court.	CEO	NIL
32. Management Agreements		
32.1 The power pursuant to Section 205(3) of the Act to receive notice from the Minister of a proposal to provide for the remission of any Council rate under Section 205(2)(j) of the Act by way of a management agreement.	CEO	NIL
33. Service of notices or other documents		
33.1 The duty pursuant to Section 208(1) of the Act, subject to Section 208(2) of the Act, where required or authorised by the Act to serve a notice or other document on a person, to effect service of the notice or other document by –	CEO	NIL
33.1.1 giving the notice or document to the person or an agent of the person; or		
33.1.2 leaving the notice or other document for the person at his or her place of residence or business with someone apparently over the age of 16 years; or		
33.1.3 if the notice or document is to be served on the owner of the land and the land is unoccupied, and the Delegate has taken reasonable steps to effect service under the other paragraphs of Section 208(1) of the Act, to serve the notice or document by fixing it to some conspicuous part of the land; or		
33.1.4 if the notice or document is to be served on the occupier of the land, be sent by post to the		

	Direct Delegation from Council	Conditions/ Limitations
occupier of the land; or		
33.1.5 be served on the person by fixing it to, or leaving it on, a vessel or craft that the person is apparently in charge of, or expected to board at some stage, if the Delegate has reasonable grounds to believe that service in this manner will bring the notice or document to the attention of the person to be served; or		
33.1.6 send the notice or document to the person by facsimile transmission; or		
33.1.7 serve or give the notice or document to a person in a manner prescribed by the Regulations.		
33.2 The power pursuant to Section 208(3) of the Act, subject to the Regulations, if a notice or document is required or authorised to be given to an owner of land, if it is to be served personally, to serve the notice on the owner, one of any joint owners, or the agent of the owner.	CEO	NIL
34. Vesting of Property		
34.1 The power pursuant to Clause 46(1)(d) of Schedule 4 of the Act to consent to the vesting in the Council by proclamation of the Governor any asset, right or liability of a statutory body or of a related body nominated by the proclamation.	CEO	NIL
35. Special Provisions relating to the repeal of the Water Resources Act 1997		
35.1 The duty pursuant to Clause 54(17) of Schedule 4 of the Act, subject to Clause 55 of the Act, to pay any amount payable by the Council under Part 8, Division 2 of the Water Resources Act 1997 under a scheme established by the Minister for the purposes of Clause 54 of Schedule 4 of the Act (and such a scheme may provide that an amount be paid to a regional NRM board rather than a catchment water management board).	CEO	NIL
35.2 Deliberately left blank		
36. Special Provisions related to levies		
36.1 Deliberately left blank		
36.2 Deliberately left blank		
36.3 Deliberately left blank		
DELEGATIONS UNDER THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2005		
37. The power pursuant to Regulation 35(2) of the Natural Resources Management (General) Regulations (“the Regulations”), when making an agreement under Section 43 of the Act, to include provisions terms or conditions other than those identified in Regulation 35(1) of the Regulations.	CEO	
DELEGATIONS UNDER THE NATURAL RESOURCES MANAGEMENT (TRANSITIONAL PROVISIONS LEVIES) REGULATIONS 2004		
38. Contributions by Councils		
38.1 Deliberately left blank		

Appendix 11

*Instrument of Delegation under the
Real Property Act 1886*

* **CONDITIONS/LIMITATIONS APPLYING TO ALL DELEGATIONS UNDER THE REAL PROPERTY ACT 1886:-** Not to be exercised where the common seal of the council is required to be affixed to any form required to be deposited under the Act.

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE REAL PROPERTY ACT 1886		
1. Lands granted prior to the day on which this Act comes into operation may be brought into operation under this Act		
1.1 The power pursuant to Section 27 of the Real Property Act 1886 (the Act) and in accordance with Sections 27, 28 and 29 of the Act to, as to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts (whether such land shall constitute the entire or only part of the land included in any land grant), to apply to the Registrar-General in the form of Schedule 2 to the Act, or in a form to the like effect, to bring the said land under the provisions of the Act where:	CEO	*
1.1.1 the Council claims to be the person in whom the fee simple is vested either at law or in equity;		
1.1.2 the Council has power to appoint or dispose of the fee simple, at law or in equity and the application is made for the purpose of carrying such power into effect.		
1.2 The power pursuant to Section 27(a) of the Act, where the Council claims or appears to be beneficially entitled to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land included in any land grant, to consent to an application to bring the said land under the provisions of the Act.	CEO	*
1.3 The power pursuant to Section 27(c) of the Act, where the Council claims or appears to be beneficially entitled in reversion or remainder to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land included in any land grant, to consent to an application to bring the said land under the provisions of the Act.	CEO	*
2. Undivided shares and mortgaged land may not be brought under Act except upon conditions		
2.1 The power pursuant to Section 28 of the Act to join in the application with a view to bringing the entirety under the provisions of the Act, where,	CEO	*
2.1.1 the Council appears to be entitled to an undivided share of the land; or		
2.1.2 the Council is the mortgagee of the land.		
3. Caveat against bringing land under Act		
The power pursuant to and in accordance with Section 39 of the Act, where the Council has or claims an estate or interest in any land sought to be brought under the provisions of the Act, to, within the time by the Registrar-General or under any order of the Court for that purpose limited, lodge a caveat in the Lands Titles Registration Office, in the form of Schedule 3 to the Act, forbidding the bringing of such land under the provisions of the Act.	CEO	*
4. Applicant may withdraw his application		
4.1 The power pursuant to Section 41 of the Act, to:	CEO	*
4.1.1 withdraw the Council's application at any time prior to the issuing of the certificate;		
4.1.2 request in writing signed by the Delegate the return to the Council or the person notified in the		

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	Direct Delegation from Council	Conditions/ Limitations
application as having a lien thereon of all documents of title deposited in support of the application.		
5. Proceedings under Caveat		
The power pursuant to Section 44 of the Act, whenever a caveat shall have been lodged in the Lands Titles Registration Office forbidding land to be brought under the provisions of the Act, to bring like proceedings as provided for in the Act for the removal of caveats, in the case of land already under the provisions of the Act, for removal of the caveat, and for the recovery of costs and damages from the caveator, in case the caveat shall have been lodged by the caveator wrongfully and without reasonable cause.	CEO	*
6. Deliberately left blank		
6A. Priority of instruments		
6A.1 The power pursuant to Section 56(5) of the Act and in accordance with Section 56(6) of the Act to apply to the Registrar-General, in the appropriate form, to vary the order of priority between 2 or more registered mortgages or encumbrances.		
6A.2 The power pursuant to Section 56(6)(a) of the Act to consent to an application under Section 56(5) of the Act where the Council is the holder of a mortgage or encumbrance that is to have its order of priority varied.		
6A.3 The power pursuant to Section 56(6)(b) of the Act, if a registered mortgage or encumbrance is, by virtue of the proposed variation of order of priority, to be postponed to a mortgage or encumbrance over which it has had priority, to consent where the Council is the holder of the mortgage or encumbrance that is to be postponed.		
7. Certificates in lieu of surrendered certificates		
The power pursuant to Section 78 of the Act where the Council is a registered proprietor holding land under 1 or more certificates, to apply to the Registrar-General for the issue of one certificate for the whole of such land, or several certificates each comprising portion of such land.	CEO	*
8. Deliberately left blank		
9. Application for Certificate based on possession		
The power pursuant to Section 80A of the Act and in accordance with Section 80B of the Act, where the Council would have obtained a title by possession to any land which is subject to the Act if that land had not been subject to the Act, to apply to the Registrar-General for the issue to the Council of a certificate of title to that land.	CEO	*
10. Caveats		
The power pursuant to and in accordance with Section 80F of the Act, where the Council claims an estate or interest in land to which an application under Part 7A relates, to lodge a caveat with the Registrar-General forbidding the granting of the application.	CEO	*
11. Variation and Extinguishment of Easements		

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		Direct Delegation from Council	Conditions/ Limitations
11.1	The power pursuant to Section 90B(1) of the Act, and subject to Section 90B of the Act, where the Council is the proprietor of the dominant or servient land, to make application (in a form approved by the Registrar-General) to:	CEO	*
11.1.1	vary the position of, or extend or reduce the extent of, an easement over servient land; or		
11.1.2	vary an easement by extending the appurtenance of the easement to other land owned by the proprietor of the dominant land; or		
11.1.3	extinguish an easement.		
11.2	The power pursuant to Section 90B(2) of the Act, where the Council is the proprietor of the dominant land or servient land, or has, or claims to have, an estate or interest in the dominant or servient land, to give written consent to the Registrar-General acting under Section 90B(1) of the Act.	CEO	*
12. Easement subject to existing mortgage etc			
	The power pursuant to Section 90F of the Act, where an easement is created over servient land and the dominant land or any part of it is subject to a mortgage or encumbrance held by the Council, to consent to the easement also being subject to the mortgage or encumbrance and endorse the Council's consent on the instrument granting the easement.	CEO	*
13. Person now holding under lease or agreement may surrender			
13.1	The power pursuant to Section 92 of the Act, where the Council holds Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown, to, subject to the approval of the Minister of Lands, surrender the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement, upon all the same terms as shall have been applicable to such land prior to the surrender but so that every person having any estate or interest in the surrendered land shall concur in the surrender.	CEO	*
13.2	The power pursuant to Section 92 of the Act where a person holding any Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown and the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement is to be surrendered, to as a person having an estate or interest in the surrendered land, concur in the surrender.	CEO	*
14. Execution and registration of Crown Lease			
14.1	The power pursuant to Section 93(1) of the Act, where the Council is party to a Crown lease, to execute two copies of the lease, one of which must be lodged in the Lands Titles Registration Office for inclusion or recording in the Register of Crown Leases and the other of which must be delivered to the lessee.	CEO	*
14.2	The power pursuant to Section 93(3a) of the Act to transfer, mortgage and deal with a Crown lease registered under Section 93(3) of the Act as if it were a lease registered in the Register Book (provided that an entry in respect of a lease that would ordinarily be made in the Register Book must instead be made in the Register of Crown Leases).	CEO	*
15. Transfers			

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	Direct Delegation from Council	Conditions/ Limitations
15.1 The power pursuant to and in accordance with Section 96 of the Act, where the Council is the transferor or transferee of land intended to be transferred or a right of way or other easement intended to be created or transferred, to execute a transfer in the appropriate form to be lodged for registration in the Lands Titles Registration Office.	CEO	*
15.2 Deliberately left blank	CEO	*
16. Creation of easements by reservation		
The power pursuant to Section 96AA of the Act, to create an easement on the transfer under the Act of an estate of freehold or the granting of an estate of leasehold under the Act by reservation of the easement to the transferor or lessor in the instrument of transfer or the lease.	CEO	*
17. Deliberately left blank		
18. Deliberately left blank		
19. Sale under Writ of fieri facias or Decree, Warrant or Order of Court		
The power pursuant to Section 105 of the Act in relation to a writ or warrant of execution against land, or of a decree or order (other than an order for sale for non-payment of rates) affecting land issued out of or made by the Court, or any Court of insolvency or other Court of competent jurisdiction, to sign a statement to accompany such a writ, warrant, decree or order where the Council is a party interested, specifying the land sought to be affected.	CEO	*
20. Issue of certificate where land is vested by operation of law		
20.1 The power pursuant to Section 115A of the Act, in relation to an estate or interest in land that has become vested in the Council, to make an application to the Registrar-General, to:	CEO	*
20.1.1 in the case of land under the provisions of the Act – register the Council as the proprietor of that estate or interest in the land; or		
20.1.2 in the case of land not under the provisions of the Act – bring the land under the provisions of the Act and register the Council as the proprietor of that estate or interest in the land.		
21. Lands, now leased		
The power pursuant to Section 116 of the Act, when any land is intended to be leased for a life or lives, or for any term of years exceeding one year, to execute a lease in the appropriate form, in accordance with Section 117 of the Act.	CEO	*
22. Leases not to bind non-consenting mortgagees or encumbrancees		
The power pursuant to Section 118 of the Act, to consent in writing to a lease of mortgaged or encumbered land prior to the lease being registered where the Council is the mortgagee or encumbrancee of the land.	CEO	*
23. Standard terms and conditions of lease		
The power pursuant to Section 119A(1) of the Act to deposit with the Registrar-General for filing in the Lands Titles Registration Office a document containing terms and conditions for incorporation as standard terms and	CEO	*

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	Direct Delegation from Council	Conditions/ Limitations
conditions in leases under Section 119A of the Act.		
24. Lease may be surrendered by separate instrument		
The power pursuant to Section 120 of the Act to surrender a registered lease by instrument in the appropriate form, executed by the lessee and lessor.	CEO	*
25. Registrar-General may enter surrender		
The power pursuant to Section 121 of the Act, where the lessee has given written notice to the Council as lessor or the Council's agent of his or her intention to give up possession of land comprised in a registered lease, to make application to the Registrar-General in the appropriate form and producing such evidence as the Registrar-General may require that the lessee has abandoned occupation of the land comprised in the lease, to make a record in the Register Book.	CEO	*
26. Surrender where lease subject to mortgage or under lease		
The power pursuant to Section 123 of the Act, where the Council holds a mortgage or encumbrance over a lease or over land, to provide written consent to the surrender of the lease.	CEO	*
27. Registrar-General to note particulars of re-entry in Register Book		
The power pursuant to Section 126 of the Act, where the Council is the lessor of land, to provide proof to the Registrar-General of the Council's re-entry of the land.	CEO	*
28. Lands, now mortgaged or encumbered		
28.1 The power pursuant to Section 128(1) of the Act if land is to be charged or made security in favour of a person to execute a mortgage.	CEO	The delegation of the power contained in section 128 of the act is subject to section 44(3)(c) of the local government act 1999, that is, the delegate is not delegated the power to borrow money or obtain other forms of financial accommodation.
28.1.1 Deliberately left blank		
28.1.2 Deliberately left blank		
28.2 The power pursuant to Section 128(2) of the Act to lodge a mortgage for registration in the Lands Titles Registration Office in the appropriate form.		
28.3 The power pursuant to Section 128(4) of the Act where the Council is a mortgagee in relation to a mortgage lodged for registration in the Lands Titles Registration Office to provide certification under Section 273(1) of the Act.		
28A Encumbrance of land		

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	Direct Delegation from Council	Conditions/ Limitations
The power pursuant to Section 128B(1) of the Act if land is to be charged with or made security for the payment of an annuity, rent charge or sum of money in favour of a person, to execute an encumbrance in the appropriate form.	CEO	*
29. Standard terms and conditions of Mortgage or Encumbrance		
The power pursuant to Section 129A(1) of the Act to deposit with the Lands Titles Registration Office a document containing terms and conditions for incorporation as standard terms and conditions in mortgages or encumbrances under Section 129A of the Act.	CEO	*
30. Nature of Mortgage and Encumbrance and procedure in case of default		
The power pursuant to Section 132 of the Act, where the Council holds a mortgage or encumbrance and default is made in the payment of the principal sum, interest, annuity, or rent charge, or any part thereof thereby secured, or in the observance of any covenant therein expressed or implied and such default be continued for the space of one month, or for such other period of time as may therein for that purpose be expressly limited, to give to the mortgagor or encumbrancer notice in writing to pay the money then due or owing on such mortgage or encumbrance, or to observe the covenants therein expressed or implied, as the case may be and that sale will be effected if such default be continued, and to leave such notice on the mortgaged or encumbered land, or at the usual or last known place of abode in South Australia of the mortgagor or encumbrancer.	CEO	*
31. Power of sale		
The power pursuant to and in accordance with Section 133 of the Act, if such default continues for the further space of one month from the date of such notice or for such period as may in such instrument be for that purpose limited, to sell the land so mortgaged or encumbered, or any part thereof and all the estate and interest therein of the mortgagor or encumbrancer and either altogether or in lots, by public auction or by private contract or by both such modes of sale, and subject to such conditions as the Delegate may think fit, and to buy in and resell the same and to make and execute all such instruments as shall be necessary for carrying the sale thereof into effect.	CEO	*
32. Power of Mortgagee to enter, take possession, distrain, let or bring action for recovery of land		
32.1 The power pursuant to Section 137 of the Act, where the Council is a mortgagee or encumbrancee and there is a default in payment of the principal sum, interest, annuity, or rent charge secured by that mortgage or encumbrance, to:	CEO	*
32.1.1 enter into possession of the mortgaged or encumbered land and receive the rents and profits thereof; or		
32.1.2 distrain upon the occupier or tenant of the land; or		
32.1.3 from time to time let the said land for any term not exceeding one year; or		
32.1.4 bring an action for recovery of the land either before or after entering into the receipt of the rent and profits or making any distress.		

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	Direct Delegation from Council	Conditions/ Limitations
33. Power of Mortgagee to distrain on tenant or occupier for arrears not exceeding the amount of rent due		
The power pursuant to and in accordance with Section 138 of the Act, where the Council is a mortgagee or encumbrancee and the principal sum, interest, annuity, or rent charge has been in arrears for 21 days and a further 7 days have elapsed from the date of application for the payment thereof to the occupier or tenant, to enter upon the mortgaged or encumbered land and distrain upon the goods and chattels of the occupier or tenant for such arrears to an amount not exceeding the rent then due from such occupier or tenant to the Council, and to dispose of the goods and chattels so distrained upon in like manner as landlords may do in ordinary distresses for rent, and out of the proceeds to retain the moneys distrained for, and all costs and expenses occasioned by such distress and sale.	CEO	*
34. Application to Mortgagee to Registrar-General for foreclosure		
The power pursuant to Section 140(1) of the Act, and in accordance with Section 140(2) of the Act, when default has been made for six months in the payment of the principal or interest secured by any mortgage held by the Council, to make application, in writing, to the Registrar-General for an order for foreclosure.	CEO	*
35. Provision for case where Mortgagee or Encumbrancee refuses to join in proceedings on default		
35.1 The power pursuant to Section 142A(1) of the Act, where the Council and one or more other persons are registered as mortgagees or encumbrances under the same mortgage or encumbrance, and default has been made in payment of any money due under the mortgage or encumbrance or in the performance of any covenant in the said mortgage or encumbrance expressed or implied as entitles the mortgagees or encumbrances to exercise any of their rights or remedies under the Act or under the mortgage or encumbrance, and any such mortgagee or encumbrance fails or refuses to join in giving any notice, making any application or doing any other act or thing for the purpose of enforcing any of the said rights or remedies, to apply to the Court by originating summons to:	CEO	*
35.1.1 appoint the Council or any other person to exercise on behalf of the mortgagees or encumbrances such of the said rights or remedies as the Court thinks proper;		
35.1.2 give any directions as to the mode of exercising the said rights or remedies and as to any other matters incidental thereto.		
36. Discharge of Mortgages and Encumbrances		
The power pursuant to and in accordance with Section 143(1) of the Act to wholly or partially discharge, by instrument in the appropriate form and executed by the Delegate, a mortgage or encumbrance held by the Council.	CEO	*
37. Partial discharge of Mortgage or Encumbrance on Grant of Easement		
The power pursuant to Section 144 of the Act, where an easement is granted over land that is subject to a mortgage or an encumbrance and the Council is the mortgagee or encumbrancee, to endorse the Council's consent to the easement on the instrument granting the easement.	CEO	*

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	Direct Delegation from Council	Conditions/ Limitations
38. Deliberately left blank		
39. Transfer of Mortgage Lease and Encumbrance		
The power pursuant to Section 150 of the Act to transfer a registered mortgage, lease or encumbrance by execution of a transfer in the appropriate form.	CEO	*
40. Renewal or extension of Mortgage etc		
The power pursuant to Section 153(1) of the Act and in accordance with Sections 153(1) and (2) of the Act to renew or extend a mortgage, encumbrance or lease by registration of an instrument in the appropriate form.	CEO	*
40AA Requirements for renewal or extension of mortgage		
The power pursuant to Section 153A(1) of the Act, in relation to an instrument lodged for registration in the Lands Titles Registration Office renewing or extending a mortgage, to provide certification required under Section 273(1) of the Act.	CEO	*
40A Person who intends to lodge instrument may lodge priority notice		
40A.1 The power pursuant to Section 154A(1) of the Act to, where the Council intends to lodge an instrument, on payment of the prescribed fee, lodge in the Lands Titles Registration Office a notice (a priority notice), in accordance with Sections 154A(2), (3), (4) and (9) of the Act, for the purpose of giving priority to 1 or more instruments relevant to the same conveyancing transaction.	CEO	*
40A.2 The power pursuant to Section 154A(6) of the Act to, if a priority notice is lodged in the Lands Titles Registration Office in relation to land, lodge a further priority notice in relation to the same land.	CEO	*
40B Effect of priority notice		
40B.1 The power pursuant to Section 154B(2)(b) of the Act to, where a priority notice lodged by the Council is in force in relation to land, provide written consent to the Registrar-General to register, record or give effect to an instrument in relation to the land.	CEO	*
40B.2 The power pursuant to Section 154B(2)(v) of the Act, where a priority notice is in force in relation to land, to make an application under the Act where the Council is a person to whom land has been transmitted for registration as proprietor of the land.	CEO	*
40B.3 The power pursuant to Section 154B(2)(va) of the Act, where a priority notice is in force in relation to land, to make an application under the Act where the Council is a surviving joint proprietor to have the death of a joint proprietor recorded in the Register Book.	CEO	*
40C Withdrawal of priority notice		
40C.1 The power pursuant to Section 154E of the Act to withdraw a priority notice lodged by the Council by lodging in the Lands Titles Registration Office a notice of withdrawal in the appropriate form.	CEO	*
40D Cancellation of priority notice by Registrar-General		

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		Direct Delegation from Council	Conditions/ Limitations
40D.1	The power pursuant to Section 154F(1) of the Act where the Council is a person with an interest in land to which a priority notice is in force, to make application to the Registrar-General to cancel the notice on the basis that the priority notice purports to protect the priority of an instrument that is unlikely to be registered or recorded within 90 days of the day on which the notice was lodged.	CEO	*
40D.2	The power pursuant to Section 154F(2) of the Act, where the Registrar-General gives written notice to the Council as the person who lodged a priority notice, of an application under Section 154F(1) to cancel the priority notice, to provide written submissions in response to the application within a specified period.	CEO	*
40E Cessation of priority notice			
40E.1	The power pursuant to Section 154G(6) of the Act, where the Council has lodged a priority notice, to make application to the Registrar-General to extend the duration of the notice for 30 days.	CEO	*
41. Disclaimers			
41.1	The power pursuant to Section 169(1) of the Act, where the Council is registered as proprietor of an estate or interest in land, to advise the Registrar-General in writing that the registration occurred without the Council's consent.	CEO	*
41.2	The power pursuant to Section 169(2a) of the Act to lodge with the Registrar-General a notice of objection to the registration of the instrument of disclaimer.	CEO	*
41.3	The power pursuant to Section 169(6) of the Act, where the Council is a disclaimant who has received a notice under Section 169(4)(b) of the Act, to apply to the Court for an order that the Registrar-General take such action as is necessary to give effect to the disclaimer.	CEO	*
42. Bankruptcy or assignment of lessee			
42.1	The power pursuant to Section 173(a) of the Act where the proprietor of a lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make, a statutory assignment, and if the lease is not mortgaged or encumbered under the Act, to apply to the Registrar-General in writing as the lessor being a lessor in possession of a statement signed by the Official Receiver or by the trustee under bankruptcy or the assignment, certifying his or her refusal to accept the lease, to make a record in the Register Book of the refusal.	CEO	*
42.2	The power pursuant to Section 173(b) of the Act and in accordance with Section 173(c) of the Act, where the Council is the mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make, a statutory assignment to:	CEO	*
42.2.1	apply to the Registrar-General in writing, accompanied by a statement in writing, signed by the Official Receiver or the trustee under such bankruptcy or assignment certifying his refusal to accept such lease to enter in the Register Book a note of such refusal.		

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42.2.2	apply to the Registrar-General with proof that the Official Receiver has neglected or refused to certify such refusal or to become registered as proprietor of such lease within one month after being thereunto required by notice in writing given to him by the Council to enter in the Register Book a note of such refusal or neglect.		
42.3	The power pursuant to Section 173(c) of the Act, where the Council is the mortgagee or encumbrance of a lease and the registered proprietor of the lease has heretofore made or shall hereafter make, a statutory assignment to give fourteen days' notice in writing of the Council's intended application to every subsequent mortgagee or encumbrancee of the lease, or obtain their written consent.	CEO	*
42.4	The power pursuant to Section 173(c) of the Act where the Council is a subsequent mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make a statutory assignment, to consent in writing to an application to the Registrar-General by a mortgagee or encumbrance to enter in the Register Book a note of the refusal or neglect of the Official Receiver or trustee under bankruptcy or assignment to accept such lease.	CEO	*
42.5	The power pursuant to Section 173(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make, a statutory assignment to:	CEO	*
42.5.1	require the Official Receiver or the trustee under the bankruptcy or assignment by notice in writing to become registered as the proprietor of the lease;		
42.5.2	require the mortgagees or encumbrancees (if any) of the lease by notice in writing to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained.		
42.6	The power pursuant to Section 173(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make a statutory assignment, and the Official Receiver or the trustee under the bankruptcy or assignment certifies his refusal to accept the lease, or shall neglect or refuse to become registered as proprietor of the lease, within, one month after having been thereunto required by notice in writing given to him by the Council, and the mortgagees or encumbrancees (if any) of the lease shall neglect or refuse to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained within the period of two months after having been thereunto required by notice in writing given to them by the Council, to apply to the Registrar-General in writing to enter in the Register Book a note of such neglect or refusal.	CEO	*
43.	Application to be made in such case		
	The power pursuant to Section 176 of the Act where the Council is an executor before dealing with such estate or interest, make application in writing to the Registrar-General to be registered as the proprietor.	CEO	*

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	Direct Delegation from Council	Conditions/ Limitations
44. Proceedings when executor etc refuse to transfer		
The power pursuant to Section 181 of the Act, whenever an executor, or administrator, or the Public Trustee, is registered as proprietor of any land, and refuses, or, after tender of a transfer, unnecessarily delays to transfer such land to the Council where the Council claims to be entitled to the land, to, apply to the Court for an order that the executor, administrator, or Public Trustee shall transfer the said land to the Council.	CEO	*
45. Registration of survivor of joint proprietors, and of remainder-man entitled to estate in possession		
The power pursuant to Section 188 of the Act, upon the death of any person registered together with any other person as joint proprietor of any estate or interest in land, or when the life estate in respect of which any certificate has been issued has determined, and the Council has become vested in possession, or the Council has become entitled to the land for an estate in fee-simple in possession, to apply to the Registrar-General to make an entry thereof in the Register Book, that the Council is the registered proprietor of the estate or interest to which the Council is entitled.	CEO	*
46. Caveats		
46.1 The power pursuant to and in accordance with Section 191 of the Act, where the Council is the settlor of land, beneficiary claiming under a will or settlement, or claiming to be interested at law or in equity whether under an agreement, or under an unregistered instrument or otherwise howsoever in any land to, lodge a caveat in the Lands Titles Registration Office	CEO	*
46.2 The power pursuant to Section 191(d) of the Act, where the Council is the registered proprietor or other person claiming estate or interest in the land, to, by summons, call on any caveator, including the Registrar-General, to attend before the Court to show cause why the caveat should not be removed.	CEO	*
46.3 The power pursuant to and in accordance with Section 191(e) of the Act except when the caveat is lodged by a settlor, or by a beneficiary under a will or settlement, to make application in writing to the Registrar-General to remove the caveat.	CEO	*
46.4 The power pursuant to Section 191(fa) of the Act, where the Council is a caveator, to bring an action in the Court to establish the validity of the claim on which the caveat is based.	CEO	*
46.5 The power pursuant to Section 191(g) of the Act to apply to the court to extend the period of 21 days until an action under Section 191(fa) is determined or for any other period.	CEO	*
46.6 The power pursuant to Section 191(h) of the Act, to, by notice in writing to the Registrar-General, withdraw the Council's caveat at any time.	CEO	*
46.7 The power pursuant to Section 191(k) of the Act to seek the permission of the Court to lodge a further caveat relating to the same matter.	CEO	*
47. Ejectment		
47.1 The power pursuant to Section 192 of the Act, and in accordance with Section 193 of the Act, where the Council is:	CEO	*

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	Direct Delegation from Council	Conditions/ Limitations
47.1.1 the registered proprietor of a freehold estate in possession;		
47.1.2 the registered mortgagee or encumbrancee where the person in possession of land is a mortgagor or encumbrancer in default or a person claiming under such mortgagor or encumbrancer;		
47.1.3 the lessor with power to re-enter where rent is in arrears for three months; or		
47.1.4 the lessor where a legal notice to quit has been given or the lease has become forfeited or the term of the lease has expired,		
to cause any person in possession of that land to be summoned to appear before the Court to show cause why the person summoned should not give up possession to the Council.		
48. Persons claiming may, before taking proceedings, apply to the Registrar-General for compensation		
The power pursuant to and in accordance with Section 210 of the Act, where the Council is sustaining loss or damage in any case in which the Council shall be entitled to institute proceedings to recover compensation against the Registrar-General as nominal defendant, to, before commencing such proceedings, make application in writing to the Registrar-General, for compensation, supported by affidavit or declaration.	CEO	*
48A Reviews		
48A.1 The power pursuant to Section 221(1) of the Act, if the Delegate, is dissatisfied with a decision of the Registrar-General in relation to an application by the Council:	CEO	*
48A.1.1 to have an instrument registered or recorded; or		
48A.1.2 to have a foreclosure order issued; or		
48A.1.3 to have the Registrar-General do or perform an act or duty under the Act, to seek a review of the decision by the Tribunal.		
48A.1A The power pursuant to Section 221(1a) of the Act, if the Delegate is dissatisfied with a decision of the Registrar-General to cancel the registration of a mortgage under Section 147 of the Act, to seek a review of the decision by the Tribunal.	CEO	*
48A.2 The power pursuant to Section 221(2) of the Act, if the Registrar-General decides under Section 154A(12) of the Act that the Council is a vexatious lodger of priority notices, to seek a review of the decision by the Tribunal.	CEO	*
48A.3 The power pursuant to Section 221(3) of the Act, if the Registrar-General rejects a priority notice lodged by the Council where the Council is a person in relation to whom a determination has been made under Section 154A(12) of the Act, to seek a review by the Tribunal of the decision to reject the notice.	CEO	*
48A.4 The power pursuant to Section 221(4) of the Act, if the Registrar-General refuses an application by the Council under Section 154F of the Act for the cancellation of a priority notice, to seek a review by the Tribunal of the decision to refuse to cancel the notice.	CEO	*
48A.5 The power pursuant to Section 221(5) of the Act, if the Registrar-General cancels a priority notice under	CEO	*

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		Direct Delegation from Council	Conditions/ Limitations
	Section 154F of the Act and the Council is affected by the cancellation to seek a review by the Tribunal of the decision to cancel the notice.		
48A.6	The power pursuant to Section 221(9) of the Act, if the reasons of the Registrar-General are not given in writing at the time the Council receives notice of the decision, to within 21 days of receiving notice of the decision, require the Registrar-General to state the reasons in writing.	CEO	*
48A.7	The power pursuant to Section 221(10) of the Act, to make an application to the Tribunal for any 1 or more of the following orders:	CEO	*
48A.7.1	an order prohibiting a person from lodging a priority notice in the Lands Titles Registration Office;		
48A.7.2	an interim order extending the duration of a priority notice until the determination of the application or until a date specified by the Tribunal or until further order;		
48A.7.3	an interim order preventing the Registrar-General from registering or recording a specified instrument until the determination of the application.		
49. Applications for amendment			
49.1	The power pursuant to and in accordance with Section 223A(1) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate amended if:	CEO	*
49.1.1	the boundaries, area, or position of the land described in the certificate differ from the boundaries, area or position of the land actually and bona fide occupied by it as being the land included in the certificate; or		
49.1.2	the description of the land in the certificate is erroneous or imperfect on the face of it.		
49.2	The power pursuant to Section 223A(2) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate of any other registered proprietor amended if any of the land described in the Council's certificate, and actually and bona fide occupied by the Council as being the land included in the certificate, is, by reason of any error in survey or in any misdescription, included in the certificate of the other registered proprietor.	CEO	*
50. Caveats			
	The power pursuant to Section 223D(1) of the Act and in accordance with Section 223D(2) of the Act, where the Council claims any estate or interest in any land in respect of which an application under Part 19A of the Act is made, to at any time before the application is granted lodge a caveat with the Lands Titles Registration Office forbidding the granting of the application.	CEO	*
51. Rectification by consent			
	The power pursuant to Section 223J of the Act to consent to the Registrar-General making any correction or amendment to any certificate of title for the purpose of reconciling the boundaries shown in the certificate with	CEO	*

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	Direct Delegation from Council	Conditions/ Limitations
the boundaries of the land occupied.		
52. Application for Division of Land		
52.1 The power pursuant to Section 223LD of the Act and in accordance with Section 223LD(2), (3) and (11) of the Act, where the Council is the registered proprietor of land, to make application for the division of land to the Registrar-General.	CEO	*
52.2 The power pursuant to Section 223LD(8) of the Act and subject to Section 223LD(9) of the Act to consent to the withdrawal or amendment of a plan of division or the application to which it relates.	CEO	*
52.3 The power pursuant to and subject to Section 223LD(9) of the Act to amend the application or the plan to which it relates in order to comply with the Act or with a requirement of the Registrar-General under the Act.	CEO	*
53. Application may deal with statutory encumbrances		
53.1 The power pursuant to Section 223LDA of the Act to:	CEO	*
53.1.1 specify in an application under Part 19AB of the Act or the plan of division that variation or termination of a statutory encumbrance is to be registered or noted; and		
53.1.2 sign a certificate on behalf of the Council as the holder of the statutory encumbrance certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.		
54. Consent to plans of division		
54.1 The power pursuant to Section 223LH(1) of the Act:	CEO	*
54.1.1 where the deposit of a plan of division in the Lands Titles Registration Office will affect the estate or interest of the Council, in the land - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;		
54.1.2 where the Council has or claims an estate or interest in the land to be divided - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;		
54.1.3 where the land to be divided is subject to a statutory encumbrance held by the Council – to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.		
54.2 The power pursuant to Section 223LH(2) of the Act, where the deposit of a plan of division will operate to vest an estate or interest in land in the Council, to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.		
55. Amalgamation		
55.1 The power pursuant to Section 223LJ(1) of the Act and in accordance with Section 223LJ(2) and (3) of the Act, where the Council is the registered proprietor of two or more contiguous allotments, to apply to	CEO	*

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	Direct Delegation from Council	Conditions/ Limitations
the Registrar-General for amalgamation of those allotments into a single allotment.		
55.2 The power pursuant to Section 223LJ(3) of the Act to consent to an amalgamation of allotments under Division 2 Part 19AB of the Act, where it appears from the Register Book that the Council has an interest as mortgagee or encumbrance of the land or any part of the land to be amalgamated or where such consent is required either in the opinion of the Registrar-General or by regulation.	CEO	*

Appendix 12

*Instrument of Delegation under the
Road Traffic Act 1961 (SA),
Road Traffic (Miscellaneous) Regulations 2014 and
Road Traffic (Road Rules – Ancillary and Miscellaneous
Provisions) Regulations 2014*

		Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961, THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 1999 AND THE ROAD TRAFFIC (ROAD RULES – ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 1999			
1. Direction as to installation etc of traffic control devices			
1.1	The duty pursuant to Section 18(5) of the Road Traffic Act 1961 (“the Act”) to carry out a direction which the Minister directs the Council (as a road authority) to carry out pursuant to Section 18(6) of the Act in circumstances where another road authority has failed to comply with the direction.	CEO	NIL
1.2	The power pursuant to Section 18(7) of the Act where the Minister has directed the Council to carry out a direction pursuant to Section 18(6) of the Act, to recover as a debt due from the defaulting road authority any expenses incurred in carrying out the direction under Section 18(6) of the Act, subject to Section 18(8) of the Act.	CEO	NIL
2. Action to deal with false devices or hazards to traffic			
2.1	The power pursuant to Section 31(2) of the Act to remove from any road the care, control or management of which is vested in the Council and dispose of any false traffic control device or any device, structure or thing that the Delegate is satisfied might constitute a hazard to traffic.	CEO	NIL
2A. Road Closing and Exemptions for Certain Events			
2A.1	The power pursuant to Section 33(2) of the Act, to consent to an order under Section 33(1) of the Act to close a road in the Council’s area.	CEO	NIL
3. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed			
3.1	The duty pursuant to Section 40P(3) of the Act and subject to Section 40P(4) to offer a vehicle, which was removed by an officer of the Council under Section 40N of the Act and for which there had been notice given according to Section 40P(2) of the Act and the owner of the vehicle failed to take possession of the vehicle and pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice, within one month after service or publication of the notice in accordance with Section 40P(2) of the Act, for sale by public auction.	CEO	NIL
3.2	The power pursuant to Section 40P(4) of the Act, where a vehicle is offered for sale by public auction but is not sold at the auction or the relevant authority reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle, to dispose of the vehicle in such manner as the Delegate thinks fit.	CEO	NIL
3.3	The duty pursuant to Section 40P(5) of the Act to apply the proceeds of the sale of a vehicle as follows:	CEO	NIL
3.3.1	firstly, in payment of the costs of and incidental to the sale;		
3.3.2	secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under this section; and		
3.3.3	thirdly, in payment of the balance to the owner of the vehicle.		
3.4	The power pursuant to Section 40P(6) of the Act, if after reasonable inquiry following sale of the vehicle	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
the owner of the vehicle cannot be found, to pay the balance of the proceeds of the sale to the Council.			
3A.	Council May Determine That Ticket for Parking be Obtained Without Fee		
3A.1	The power pursuant to Section 86 of the Act, if the Council has installed, or determined that it will install, permissive parking signs to apply to a length of road or area, to (in addition to any other action the Council may be empowered to take by or under the Act):	CEO	NIL
3A.1.1	determine that a ticket must be obtained for parking in the length of road or the area through the operation of parking ticket-vending machines installed or to be installed in or near the length of road or area without payment of a fee; or		
3A.1.2	vary or revoke a determination made under Section 86 of the Act.		
4.	Compensation Orders for Damage to Road Infrastructure		
The power, pursuant to Section 163ZC(2) of the Act and in accordance with Section 163ZC(5) of the Act to make an application for a compensation order.		CEO	NIL
4A.	Assessment of Compensation		
4A.1	The power pursuant to Section 163ZD(2) of the Act and in accordance with Section 163ZE of the Act to use in proceedings for the court to take into account in assessing the amount of any compensation:	CEO	NIL
4A.1.1	any evidence not adduced in connection with the prosecution of the offence but adduced in connection with the making of the proposed order; and		
4A.1.2	any certificate of the Council, as the road authority stating that the Council maintains the road concerned; and		
4A.1.3	any other certificate of the Council as the road authority, such as a certificate:		
4A.1.3.1	estimating the monetary value of all or any part of the road infrastructure or of the damage to it; or		
4A.1.3.2	estimating the cost of remedying the damage; or		
4A.1.3.3	estimating the extent of the offender's contribution to the damage.		
4B.	Service of Certificates		
4B.1	The duty, pursuant to Section 163ZE(1) of the Act, if the Council, as the road authority, proposes to use a certificate referred to in Section 163ZD in proceedings, to serve a copy of the certificate on the defendant at least 28 working days before the day on which the matter is set down for hearing.	CEO	NIL
5.	Exemptions		
5.1	The power pursuant to Section 174C(1) of the Act to exempt any person, or any persons of specified class, or any specified vehicle, or any vehicles of a specified class, from compliance with a prescribed provision of the Act, subject to the payment of such fee and to such other conditions (if any) as the Delegate thinks fit and specifies in the exemption.	CEO	NIL
DELEGATIONS UNDER THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014			
6.	Event Management Plan		
6.1	The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	with an applicant in the preparation of an event management plan for the purpose of Section 33(1) of the Act.		
6.2	The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with the Commissioner of Police or the Commissioner of Highways in the preparation of an event management plan for the purpose of Section 33(1) of the Act.	CEO	NIL
DELEGATIONS UNDER THE ROAD TRAFFIC (ROAD RULES – ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014			
7.	Permit Zones		
7.1	The power pursuant to Regulation 17(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to determine –	CEO	NIL
	7.1.1 the class of permits required for vehicles to stop in a permit zone established by the Council;		
	7.1.2 the persons entitled to such permits;		
	7.1.3 any fees to be paid for such permits;		
	7.1.4 the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles).		
	and to vary any such determination.		
7.2	The power pursuant to Regulation 17(3) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to issue permits in respect of permit zones to persons entitled to them, on payment of a fee (if any) and subject to the conditions, determined by the Delegate.	CEO	NIL
8.	Parking and Parking Ticket-Vending Machines or Parking Meters		
8.1	The power pursuant to Regulation 22(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 if the Council has installed or determined that it will install permissive parking signs to apply to a length of road or an area, to determine fees that will be payable for parking in the length of road or the area by the operation of parking ticket-vending machines or parking meters, installed or to be installed in or near the length of road or area, and the power to vary such fees.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
SUBDELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE ROAD TRAFFIC ACT 1961 MADE IN ACCORDANCE WITH THE INSTRUMENT OF GENERAL APPROVAL AND DELEGATION TO COUNCIL DATED 22 AUGUST 2013 FROM THE MINISTER FOR TRANSPORT AND INFRASTRUCTURE			
<p>1. On 22 August 2013 the Minister for Transport and Infrastructure issued an Instrument of General Approval and Delegation Council (the 'Instrument') containing:</p> <p>1.1 General Approvals by the Minister to the Council in accordance with Section 12 of the Road Traffic Act 1961 (the 'Act') for the purposes of the Act; and</p> <p>1.2 delegations pursuant to Section 11 of the Act, by the Minister to the Council for the purposes of the Act.</p> <p>This document contains subdelegations made by the Council to the Chief Executive Officer of the Council, pursuant to the terms of the Instrument. The Instrument contains certain conditions, exceptions and requirements, and this document <u>must</u> be read in conjunction with the Instrument</p>			
POWER TO CLOSE ROADS AND GRANT EXEMPTION FOR EVENTS	CEO	NIL	
<p>2. The power pursuant to Section 33(1) of the Act to declare an event to be an event to which Section 33 of the Act applies and to make orders directing:</p> <p>2.1 that specified roads (being roads on which the event is to be held or roads that, in the opinion of the Delegate, should be closed for the purposes of the event) be closed to traffic for a specified period; and</p> <p>2.2 that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the Australian Road Rules specified in Clause G.4 of the Instrument, subject to the conditions in Clause G.5 of the Instrument.</p>			

**AUTHORISATIONS UNDER THE ROAD TRAFFIC ACT 1961
APPROVED BY THE CHIEF EXECUTIVE OFFICER OF THE COUNCIL IN ACCORDANCE
WITH THE INSTRUMENT OF GENERAL APPROVAL AND DELEGATION
TO COUNCIL DATED 22 AUGUST 2013
FROM THE MINISTER FOR TRANSPORT AND INFRASTRUCTURE**

BACKGROUND

1. On 22 August 2013 the Minister for Transport and Infrastructure issued an Instrument of General Approval and Delegation to Council (the '**Instrument**') containing:
 - (i) General Approvals by the Minister to the Council in accordance with Section 12 of the Road Traffic Act 1961 (the '**Act**') for the purposes of the Act; and
 - (ii) Delegations pursuant to Section 11 of the Act, by the Minister to the Council for the purposes of the Act.

This document contains Authorisations made by the Council to Officers of the Council and approved by the Chief Executive Officer on behalf of the Council, pursuant to the terms of the Instrument. The Instrument contains certain conditions, exceptions and requirements, and this document must be read in conjunction with the Instrument.

AUTHORISATIONS

2. TRAFFIC CONTROL DEVICES

- 2.1 Pursuant to Clause A of the Instrument the Minister granted the Council approval, for the purposes of Sections 17(1) and (2) of the Act, to install, maintain, alter, operate, or remove, or cause to be installed, maintained, altered, operated or removed, any traffic control device, on, above or near a road which is under the Council's care, control and management subject to the conditions specified in the Instrument, other than those specified in Clause A.8 of the Instrument, or those dealt with in other Clauses of the Instrument.
- 2.2 Pursuant to Clause A.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause A of the Instrument, provided that such authorisation is made by instrument in writing and approved by the Chief Executive Officer of the Council.
- 2.3 In accordance with Clause A.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council, the following Officers to be **AUTHORISED** to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause A of the Instrument, subject to the conditions specified in the Instrument in relation to Clause A of the Instrument: Peter Bice, Ashley Curtis.

3. SPEED LIMITS AT WORKS ON ROADS

- 3.1 Pursuant to Clause B of the Instrument, the Minister granted the Council approval, for the purposes of Section 20(2) of the Act, to place signs for the purpose of indicating the maximum speed to be observed by drivers while driving by or towards a work area or a worksite where workers are engaged or works are in progress at the direction of the Council subject to the conditions specified in the Instrument.
- 3.2 Pursuant to Clause B.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause B of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.

**AUTHORISATIONS UNDER THE ROAD TRAFFIC ACT 1961
APPROVED BY THE CHIEF EXECUTIVE OFFICER OF THE COUNCIL IN ACCORDANCE
WITH THE INSTRUMENT OF GENERAL APPROVAL AND DELEGATION
TO COUNCIL DATED 22 AUGUST 2013
FROM THE MINISTER FOR TRANSPORT AND INFRASTRUCTURE**

- 3.3 In accordance with Clause B.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council the following Officer(s) to be **AUTHORISED** to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause B of the Instrument, subject to the conditions specified in the Instrument in relation to Clause B of the Instrument: Peter Bice, Ashley Curtis.
4. **TRAFFIC CONTROL DEVICES SIGNS AT WORKS ON ROADS**
- 4.1 Pursuant to Clause C of the Instrument, the Minister granted the Council approval for the purposes of Section 17(3) of the Act, to install, display, alter, operate or remove any traffic control device in relation to an area where persons are engaged in work or an area affected by works in progress, or in relation to part of a road temporarily closed to traffic under the Act or any other Act, subject to the conditions specified in the Instrument.
- 4.2 Pursuant to Clause C.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause C of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.
- 4.3 In accordance with Clause C.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council the following Officer(s) to be **AUTHORISED** to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause C of the Instrument, subject to the conditions specified in the Instrument in relation to Clause C of the Instrument: Peter Bice, Ashley Curtis.
5. **TEMPORARY PARKING CONTROLS**
- 5.1 Pursuant to Clause D of the Instrument the Minister granted the Council approval for the purposes of Section 17(3) of the Act, to install, display, alter, operate or remove a traffic control device for the purposes of imposing, varying or abolishing a parking control on a temporary basis on a road or road which is under the Council's care, control or management subject to the conditions specified in the Instrument.
- 5.2 Pursuant to Clause D.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council in Clause D of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.
- 5.3 In accordance with Clause D.1 of the Instrument, I, as Chief Executive Officer of the Council approve, on behalf of the Council the following Officers to be **AUTHORISED** to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause D of the Instrument, subject to the conditions specified in the Instrument in relation to Clause D of the Instrument: Peter Bice, Ashley Curtis.

**AUTHORISATIONS UNDER THE ROAD TRAFFIC ACT 1961
APPROVED BY THE CHIEF EXECUTIVE OFFICER OF THE COUNCIL IN ACCORDANCE
WITH THE INSTRUMENT OF GENERAL APPROVAL AND DELEGATION
TO COUNCIL DATED 22 AUGUST 2013
FROM THE MINISTER FOR TRANSPORT AND INFRASTRUCTURE**

6. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY

- 6.1 Pursuant to Clause F of the Instrument the Minister delegated to the Council the power conferred on the Minister pursuant to Section 17 of the Act to specifically approve the installation, maintenance, alteration, operation, or removal of a traffic control device in the municipality or district of the Council by a road authority, on, above, or near a road under the care control or management of the Council, subject to the conditions specified in the Instrument.
- 6.2 Pursuant to Clause F.1 of the Instrument, the Council may authorise any Officer(s) to exercise, for and behalf of the Council, the powers conferred on the Council in Clause F of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.
- 6.3 In accordance with Clause F.1 of the Instrument, I, as Chief Executive Officer of the Council, approve on behalf of the Council, the following Officer(s) to be **AUTHORISED** to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause F of the Instrument, subject to the conditions specified in the Instrument in relation to Clause F of the Instrument: Peter Bice, Ashley Curtis.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 26 June 2018
AGENDA BUSINESS ITEM**

Item: 12.8

Originating Officer: Lachlan Miller, Executive Manager Governance & Performance

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Council Resolutions update including items of 2 years duration

For: Information

SUMMARY

The Action List is updated each month and outlines actions taken on resolutions passed at Council meetings. The completed items are removed from the list each month. In some cases actions can take months or years to be completed.

In March 2015, Council resolved that outstanding resolutions passed before 31 March 2013 would be the subject of a report outlining the reasons why the resolutions have not been completed, detailing what actions have been taken and an estimated date of completion.

While the above resolution referred to a date, the duration was two (2) years and the intent of the Council's resolution has been carried forward as a prudent accountability mechanism.

RECOMMENDATION

That Council resolves:

- 1. The Council Action List be received and noted**
- 2. The following completed item be removed from the Action List:**

Date	Meeting	No	Heading
23/01/2018	Ordinary Council	3/18	Capital Program Review & Amendments
27/02/2018	Ordinary Council	42/18	Rural Property Addressing Consultation Outcomes
27/03/2018	Ordinary Council	69/18	Play Space Policy
24/04/2018	Ordinary Council	89/18	Adelaide Hills Tourism 2 year Funding Agreement
24/04/2018	Ordinary Council	94/18	Draft Annual Business Plan & Budget
24/04/2018	Ordinary Council	96/18	Community Loans Policy
22/05/2018	Ordinary Council	107/18	Intersection North East & South Para Raods, Chain of Ponds
22/05/2018	Ordinary Council	109/18	East Waste 2018/19 Business Plan & Draft Budget
22/05/2018	Ordinary Council	110/18	AHRWMA Draft 2018/19 Annual Busienss Plan & Budget
22/05/2018	Ordinary Council	111/18	Communications & Marketing Plan 2014 – Progress Report
22/05/2018	Ordinary Council	112/18	Budget Review 3
22/05/2018	Ordinary Council	113/18	Safe Environments Policy
22/05/2018	Ordinary Council	114/18	Audit Committee Recommendations to Council
22/05/2018	Ordinary Council	115/18	SHLGA 2018/19 Budget
22/05/2018	Ordinary Council	116/18	Caretaker Policy
22/05/2018	Ordinary Council	117/18	Location of Council's Principal Office
22/05/2018	Ordinary Council	118/18	Fee Waiver Request - Bridgewater Uniting Church
22/05/2018	Ordinary Council	119/18	GRFMA Business Plan & Budget
22/05/2018	Ordinary Council	120/18	Attendance at National General Assembly, Canberra
22/05/2018	Ordinary Council	113/18	Safe Environments Policy
12/06/2018	Special Council	6.1	Residents Win Stage 2 Funding Increase Proposal - Gumeracha Main Street

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal Organisational Sustainability
Strategy Governance

The timely completion of Council resolutions assists in meeting legislative and good governance responsibilities and obligations.

➤ Legal Implications

Not applicable

➤ Risk Management Implications

Regular reporting on outstanding action items will assist in mitigating the risk of:

Actions arising from Council resolutions may not be completed in a timely manner

Inherent Risk	Residual Risk	Target Risk
High (4C)	Medium (4E)	Medium (4E)

➤ Financial and Resource Implications

Not applicable

➤ Customer Service and Community/Cultural Implications

Not applicable

➤ Environmental Implications

Not applicable

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

Council Committees: Not Applicable
Council Workshops: Not Applicable
Advisory Groups: Not Applicable
Administration: All Responsible Officer's with Council Actions
Community: Not Applicable

2. BACKGROUND

At its meeting of 24 March 2015 Council resolved:

That the CEO provides a report to the 28 April 2015 Council meeting in relation to outstanding resolutions passed before 31 March 2013 outlining the reasons why the resolutions have not been completed, detailing what actions have been taken and an estimated date of completion.

The contents of this report formed a workshop discussion with Council Members on 3 May 2017.

3. ANALYSIS

There are no uncompleted resolutions passed on or before 24 May 2015 for which Council has not been provided an update.

4. OPTIONS

Council has the following options:

- I. Note the status of the outstanding items and the proposed actions
- II. Resolve that other actions are required.

5. APPENDIX

- (1) Council Resolutions

Appendix 1
Council Resolutions

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completion	Comments
28/08/2012	Ordinary Council	214/12	Kersbrook Stone Reserve – Heritage Agreement	Chief Executive Officer, or delegate, be authorised to take all necessary actions to bring the Heritage Agreement into effect	Peter Bice	In Progress	30/06/2018	Land has been rededicated with an effective date of 30.6.17. Currently under assessment, advice 5th of June 2018 from DEW - HA application has a revised completion date no later than the 31 December 2018.
22/04/2014	Ordinary Council	85	Adelaide Hills Region Waste Management Authority - Period of Confidentiality	That the documents and reports pertaining to this matter, including discussions and considerations, be retained in confidence until the legal action has been concluded, but no longer than 12 months, pursuant to section 91(9).	Marc Salver	In Progress		Confidentiality order extended to 12 December 2018. Review is required prior to December 2018 Council Meeting.
13/05/2014	SPDPC	30/14	Adelaide Hills Trails Network Strategy	1. The Adelaide Hills 20 Year Trail Network Strategy & Action Plan be adopted; 2. An implementation plan be prepared by staff in 2014 to inform spending priorities for consideration in future budgets	Peter Bice	In Progress	29/03/2019	The outcomes of the Trails Strategy review were discussed at a workshop in May. An update to the strategy is proposed with a framework to assist in the identification of future priorities. The trails strategy update will link with the bike plan and also the State Government current trails strategy.
27/05/2014	Ordinary Council	95/14	William St Birdwood Street Furniture, plaque	That Council, as a consequence of the SPDPC resolution No 29 dated 13 May 2014, approves: 1. The construction of a piece of street furniture and installation in William Street Birdwood, in the vicinity of where the trees will be removed, provided suitable timber is available from those trees. 2. The erection of a plaque acknowledging the residents who donated funds to plant the initial avenue. 3. Place a memorial with names in the Birdwood Institute in consultation with the Friends of the Birdwood Institute. 4. Suitable timber to be made available to the Friends of the Birdwood Institute (FBI) to enable the Committee to make some small wood pieces (e.g. bowls) to display in the Institute. 5. The CEO investigate a source of funds for the projects. 1 and 2 to be undertaken in consultation with the community.	Peter Bice	In Progress	30/11/2018	Three test slabs were milled in late April and will be delivered to the Heathfield depot for further inspection, initial reports from the contractor was the timber was heavily decayed and of poor quality therefore may not be suitable for furniture construction. A budget has been put in the 2018/19 annual business plan.
24/03/2015	Ordinary Council	57/15	Confidential Item - Morella Grove	As per confidential minute	Peter Bice	In Progress	31/08/2018	Report to Council forthcoming in August 2018 outlining options.
19/01/2016	Ordinary Council	6a/16	Amy Gillett Bikeway Extension	The CEO investigates all funding options including how the Jack Bobridge Bikeway in the Barossa Valley was funded.	Peter Bice	In Progress	30/06/2019	Council continues to explore alternative funding channels, and work collaboratively with neighbouring Councils in regards to the potential for a broader Inter-Regional Cycle Network project.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completion	Comments
22/03/2016	Ordinary Council	59/16	Sturt Valley Road reconstruction	<p>2. That a capital budget allocation of \$160,000 be provided in the 2015/16 financial year for the reconstruction of a 230m section of Sturt Valley Road, Stirling.</p> <p>3. That a further report be presented to Council for consideration regarding the possible placement of a footpath or walking trail along sections of Sturt Valley Road prior to installing any additional safety barriers</p>	Peter Bice	In Progress	31/07/2019	<p>Engineering Consultants will provide design options this FY with construction intended for 2018/19.</p> <p>Preliminary design indicates current budget of \$250,000 is insufficient, and more time is required to review possible solutions. Design costs plus embankment stabilisation required this FY, estimated at \$50,000.</p> <p>Discussion with various Land Owners is currently underway to determine if a feasible link to trail network can be achieved.</p>
22/03/2016	Ordinary Council	69/16	Land Acquisition Colonial Drive Norton Summit	Negotiate with the Anglican Church and CFS regarding the proposed boundary realignment and the preparation of preliminary plans	Terry Crackett	In Progress	30/09/2018	<p>Progressing as per resolution with draft boundary realignment plans being prepared for further discussion between the parties. This item has been released from confidentiality.</p> <p>Final plans and valuation are being considered by the Anglican Church State Diocese and upon confirmation from them a report will be presented to Council for consideration.</p>
26/04/2016	Ordinary Council	83/16	Croft & Harris Road Precinct, Lenswood	<p>2. That the Office for Recreation and Sport and Department of Planning, Transport and Infrastructure be approached to discuss any potential funding opportunities to undertake bituminising works up to where the bicycle access occurs.</p> <p>3. That a further report be presented on potential road treatments for Croft Road Lenswood and the surrounding road network once additional data has been collected on peak traffic numbers generated through a major event and staff continue negotiations with ForestrySA regarding infrastructure improvements for Cudlee Creek Forest Reserve.</p>	Peter Bice	In Progress	30/06/2018	<p>A Building Better Regions Fund application was submitted in round 2 (which closed December 19). This was in partnership with Bicycle SA, and Forestry SA. There was also in principle support from DEWNR towards the project. We are currently awaiting the announcement of the successful projects.</p> <p>An announcement is expected to be made in late June or Early July.</p>

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completion	Comments
24/05/2016	Ordinary Council	91/16	Road Closure portion Sinkinson Road Mt Torrens	<p>2. To make a Road Process Order to the Surveyor-General to close and then merge a portion of road into the adjoining property at 20 Sinkinson Road, Mount Torrens, being Allotment 53 in Filed Plan 155968, Certificate of Title 5779/569. The portion of road is more particularly delineated and marked 'A' on Preliminary Plan No. 15/0040, as detailed in Appendix 1 to this report.</p> <p>3. Subject to closure of the above mentioned portion of unformed public road, that: a. It not to be placed on the Community Land Register; and</p> <p>b. It be sold to Mr and Mrs Hort, the owners of the property at 20 Sinkinson Road, Mt Torrens, for market value plus all other fees, charges and GST that may be applied. A Land Management Agreement be entered into with consideration to be given to limiting the mature height of trees at the start of the unmade road and to planting fire resistant native trees on the southern boundary.</p> <p>4. To authorise the Mayor and Chief Executive Officer to finalise and sign all necessary documentation to close and sell the above portion of closed road.</p>	Terry Crackett	In Progress	31/07/2018	Final documents have been executed and lodged with the Surveyor-General for processing, awaiting confirmation and gazettal by Surveyor-General
24/05/2016	Ordinary Council	105/16	Land at Houghton Request to Purchase	<p>The acquisition of the land described as CT 5363/842 and CT 5363/452 consisting of two parcels of land, one 819m2 the other 36m2 respectively, and currently owned by R J Day and B E Day for nil consideration. Council to pay all transfer fees, charges and GST that may be applied.</p> <p>To undertake a Section 210 process for the conversion of private road to public road for the land described as CT 5343/355 of 27m2 currently owned by Marinus Maughan and Alick Stephen Robinson.</p> <p>To negotiate and accept a transfer of the land described as CT 5343/354 of 476m2 from the City of Tea Tree Gully for nil consideration.</p> <p>To negotiate and accept a transfer or vesting of the land described as CT 5421/887 from the Department of Planning, Transport & Infrastructure for nil consideration.</p>	Terry Crackett	In Progress	31/12/2018	<p>The acquisition from RJ & BE Day has been completed and registered at the Lands Titles Office.</p> <p>The Section 210 process is yet to be commenced. City of Tea Tree Gully have confirmed their agreement for the transfer of land however a revocation of community land process is required. Staff are investigating if the land can be vested rather than transferred, response from Registrar-General received but not adequate, further consideration requested.</p> <p>The request to DPTI for the transfer of land has been made and awaiting a response.</p>
12/07/2016	SPDPC	29/16	MON - Woodforde Road and Reserve Naming	<p>1. Staff pursue, with the developer, the inclusion of indigenous names within Hamilton Park and in relation to future stages</p> <p>2. A progress report be made to Council or the Strategic Planning & Development Policy Committee within 3 months</p>	Peter Bice	In Progress	31/08/2018	<p>Council staff are still working with the developers in regard to final reserve designs, and subsequently will meet on site with the Kaurna Elders to consider appropriate naming.</p> <p>Council staff met with developer and landscaping company engaged by the developer on 14 June 2018 and anticipate the design proposal to be supplied in July, which will then enable the meeting to occur in regards to indigenous naming.</p>

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completio	Comments
26/07/2016	Ordinary Council	133/16	Future of Harms Avenue Birdwood	That the CEO investigates the future of Harms Avenue East of Wegener Road Birdwood , including consultation with adjoining land owners and DPPI and provides a report to Council /SPDPC by December 2016	Terry Crackett	In Progress	31/08/2018	Initial investigations undertaken to confirm any encroachments onto Harms Road with none detected. Has been discussed with Property Advisory Group, difficulty in closing the road for sale to adjoining land owners unless all land owners are in agreement. Further discussion at PAG to occur on 18 June 2018. Investigations to determine if there are any DA or other restrictions on access from the Main Road to be undertaken. Road Officer commenced on 6 November and had undertaken further investigations, complex issue to be further discussed with Property Advisory Group and then to a report going to Council.
23/08/2016	Ordinary Council	163/16	Piccadilly CFS Relocation	2. To delegate to the Chief Executive Officer , following consultation with the CFS, to determine the area of the portion of Atkinson Reserve to be used as the site of the Proposed CFS Location 3. To commence a community consultation process, for a minimum period of 21 clear days in accordance with AHC's public consultation policy, in relation to the proposed: 3.1 amendment of the Community Land Management Plan for that portion of Atkinson Reserve identified as the Proposed CFS Location from the current Category 4 Recreation and Sport to Category 6 – CFS 3.2 lease to the CFS for use as a CFS station (the proposed term being 21 years with an option to renew for another 21 years) of the Proposed CFS Location 3.3 road closure of an area of unmade road reserve adjacent to Atkinson Reserve as identified in Appendix 2 ("Road Closure Land") to provide overflow car-parking for both the CFS station and users of Atkinson Reserve 3.4 the adoption of a community land management plan for the Road Closure Land for use as car parking conditional upon the Council issuing a Road Process Order 4. That Council's approval (as land owner) be given to the CFS to submit a Development Application for the construction of a fire station on the Proposed CFS Location noting that a Development Approval is conditional upon: • Council resolving to amend the Community Land Management Plan as detailed in 2.1 above • Council resolving to enter into a lease for the Proposed CFS Location in a form consistent with existing lease agreements for CFS sites in the	Terry Crackett	In Progress	31/12/2018	DA granted by DPPI on 15 December 2017. Council has received draft lease in late May and it is being considered.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completion	Comments
27/09/2016	Ordinary Council	183/16	MON Undergrounding Power in Gumeracha	<p>1. That the Chief Executive Officer, after consultation with Gumeracha Community Association or its representatives, explore the potential for under grounding the power lines in the main street (Albert Street), Gumeracha with the Power Lines Environment Committee (PLEC), and report to council on or before 31 March 2017.</p> <p>2. That the outcomes of the investigation be considered as part of the normal budgetary processes for the future Capital Works Programs</p>	Peter Bice	In Progress	26/06/2018	<p>Follow up discussions held with State Government Agency. Further discussions with the Power Line Environment Committee (PLEC) have demonstrated willingness to consider the project as a potential inclusion for 2019/20. Has been included in the capital program and LTFF in 2019/20.</p> <p>A report seeking confirmation of Council priority for Gumeracha Stage 1 as the project to be undertaken coming to Council 26 June 2018.</p>
25/10/2016	Ordinary Council	220	CWMS Expression of Interest – Period of Confidentiality	That the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until 31 December 2017 except public statements which outline the rationale and process for seeking a review of options related to Council's CWMS	Marc Salver	In Progress	26/09/2018	Retain in confidence. CWMS Expression of Interest process still underway - Confidentiality period extended on 12/12/17 to remain confidential until 26/09/2018.
7/12/2016	Special Council	272/16	Contract for Sale Portion of AHBTC site	<p>A Contract for Sale and Purchase for the sale of proposed Lot 301 in the draft community plan attached as Appendix 2 be negotiated and entered into between the Council and Adelaide Hills Craft Brewing Company Pty Ltd for a sale price of ##### subject to the following conditions:</p> <p>Issuance of an approval for the land division application (community title) of the draft community plans attached as Appendices 3a and 3b</p> <p>Deposit by the Registrar-General of the primary and secondary community plans substantially in accordance with the draft community plans attached as Appendices 3a and 3b</p> <p>Finance approval for the purchaser</p>	Terry Crackett	In Progress	31/07/2018	<p>Resolution has been fully released from confidentiality.</p> <p>Contract being finalised including draft scheme documents for the new community corporation with Purchaser and Council's lawyers. Purchaser's lawyers are to provide comments on the final Contract before signing. Contract expected to be executed in early July.</p>
7/12/2016	Special Council	276/16	Retirement Villages Review	As per confidential minute	Terry Crackett	In Progress	27/02/2018	<p>This item has been released from confidentiality. Expression of Interest period closed on 31 August 2017.</p> <p>A confidential workshop was presented to Council on 6 December 2017 and a report was presented to Council on 27 February 2018. A number of actions were identified as part of the review which are being progressed.</p>

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completio	Comments
7/12/2016	Special Council	267/16	Woorabinda Bushland Reserves Heritage Agreement	<p>2. That the Chief Executive Officer, or delegate, be authorised to commence discussions with DEWNR in regard to entering into individual Heritage Agreements, over the following Council properties:</p> <p>a. Council owned land located at 9 Woorabinda Drive, Stirling (Woorabinda) described in Certificate of Title 5292 Folio 381</p> <p>b. Council owned land located at 9 Ethel Street , Stirling (Stirling Park) described in Certificate of Title 5315 Folio 98</p> <p>c. Council owned land located at 71 Longwood Road, Heathfield (Hender Reserve) Certificate of Title 5753 Folio 715</p> <p>d. Council owned land located at 34 Madurta Avenue, Aldgate (Madurta Reserve) described in Certificate of Title 5902 Folio 219</p> <p>3. That following the assessment by DEWNR, a further report be brought back to Council prior to approval to enter into the Heritage Agreements</p>	Peter Bice	In Progress	30/06/2018	Applications for the Woorabinda BR Heritage Agreements were completed on the 7th of December 2017. Currently in assessment with DEWNR; Advice 5th of June 2018 from DEWNR - HA application has a revised completion date no later than the 31 December 2018.
13/12/2016	Ordinary Council	281/16	Piccadilly CFS Relocation	<p>2. Pursuant to s202 of the Local Government Act 1999, a lease be granted to the CFS for the portion of Atkinson Reserve identified as "Proposed Lease Area" in the plan attached as Appendix 1 for a term of 21 years with a right of renewal for a further 21 years subject to the following conditions:</p> <p>a. lease terms being substantially in accordance with and consistent with other leases of Council land to the CFS</p> <p>b. receipt of development approval for the construction of a station building substantially in accordance with the building plan attached as Appendix 1</p> <p>c. partial surrender of the existing lease from the Piccadilly Valley Community Recreation Centre (PVCRC)</p> <p>3. Subject to a lease being granted under item 2 above, the Community Land Management Plan for Atkinson Reserve be amended to reflect that the use of that portion of the land identified as Proposed Lease Area in Appendix 1 is changed from Category 4 Recreation & Sport Facilities to Category 6 CFS Purposes.</p> <p>4. The CEO and Mayor be authorised to sign all necessary documentation to give effect to this resolution.</p>	Terry Crackett	In Progress	31/12/2018	DA granted by DPTI 15 December 2017. Council received draft lease from CFS on late May for consideration. Refer 163/16 resolution
24/01/2017	Ordinary Council	7/17	Cromer Cemetery Revocation of Community Land	a report be prepared and submitted to the Minister for Local Government seeking approval for the revocation of the community land classification of a portion of the land contained in Certificate of Title Volume 5880 Folio 219 identified in red on the plan attached as Appendix 1.	Terry Crackett	In Progress	31/12/2018	DEWNR have requested that the revocation be put on hold whilst they investigate the requirements to alter the trust affecting the land and undertake an assessment of the native vegetation on the land, this is likely to take some months.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completio	Comments
28/02/2017	Ordinary Council	53/17	Community Wastewater Management Systems Review – Period of Confidentiality	That the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until 30 June 2018	Marc Salver	In Progress	26/09/2018	Retain in confidence as the CWMS Expression of Interest process is still underway
28/03/2017	Ordinary Council	71/17	Celebrating 20 Years of AHC	<p>That in recognition of the 20th anniversary of the formation of the Adelaide Hills Council, and subject to confirmation of funding as part of the budget setting process, the following initiatives be planned for the second half of 2017:</p> <p>a. A Special Council Meeting, to be held at Lobethal Bushland Park (the site of the first meeting of the newly formed Adelaide Hills Council), with a plaque unveiled to recognise the site and the first Council Members.</p> <p>b. A casual function, to which former Council Members of the Adelaide Hills Council and the antecedent councils are invited, to be held in conjunction with the Special Council Meeting, with local history groups invited to make a short presentation.</p> <p>c. A once-off community art exhibition be held for people resident or active in the Adelaide Hills Council community, at a location generally central to the Hills, with an acquisitive prize to be awarded to the winner in commemoration of the anniversary.</p> <p>d. The Council's Playford Trust Scholarship be promoted as a 20th anniversary scholarship, with an emphasis on awarding it to a local young person pursuing further study, who has demonstrated community involvement and who has future leadership potential.</p> <p>e. Low-key amendments to branding and communication elements to recognise the 20 year anniversary for the remainder of 2017.</p> <p>f. Investigate an honour roll for identifying Adelaide Hills Council Citizens of the Year</p> <p>3. That the Chief Executive Officer is authorised to make final arrangements with respect to this matter, including the finalisation of dates and venues where necessary.</p>	David Waters	In Progress	30/06/2018	<p>The art exhibition and prize was opened on 24 November 2017.</p> <p>The Special Council Meeting was held on 21 November at Lobethal Bushland Park.</p> <p>Playford Trust Scholarship was awarded in February 2018.</p> <p>The honour roll concept being developed is based on an online gallery of past winners of the Citizen, Young Citizen and Community Event of the Year awards. Each winner's profile will include a photo and brief citation. Civic Award winners will also be listed. A pilot version is now live on the Council's website under Council > Civic Awards. It will continue to be populated and developed over time.</p>
25/07/2017	Ordinary Council	155/17	Reserve Gifting Proposal - Dunnfield Estate, Mt Torrens	<p>Subject to the approval of the land division variation application 473/D38/2011 by the Development Assessment Commission and the required Council engineering approvals for the infrastructure, being obtained:</p> <p>1. That council accepts from Paul & Michele Edwards (the Developer), the donation of additional reserve land as described in Appendix 6 – Amended Plan of Division rev K dated 16.06.2017 Agenda Item 14.1, subject to the following conditions: The Council specified construction standards are metThe cost of all works are to be met by the DeveloperThe Developer enters into a legally binding Landscape Maintenance Agreement to agreed maintenance standards for a period of ten (10) yearsThe landscaping works are completed within two (2) years from the date of final approval.</p> <p>2. That, in the event that there is a dispute between the Council and the Developer, the dispute is referred to an Independent Arbiter for resolution, with costs being shared equally by the parties.</p>	Peter Bice	In Progress	30/06/2018	The land division variation application 473/D38/2011 has been approved by the Development Assessment Commission. Council staff have drafted a maintenance agreement which we will work through with the Developer pending resolution regarding the management of significant and regulated trees on the site.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completion	Comments
25/07/2017	Ordinary Council	159b/17	Lobethal Recreation Ground - Transfer of Land	<p>That the Subject Land be transferred to the Lobethal Recreation Ground Sports Club Inc (LRGSCI) for the consideration of one (1) dollar subject to the following:</p> <p>Each party meeting their own costs and expenses for the transfer LRGSCI granting the Council a first right of refusal to repurchase the land for one (1) dollar should the Subject Land cease to be owned by the LRGSCI and/or used for community recreation purposes</p> <p>LRGSCI be responsible for the day to day maintenance and cleaning of the public toilets and public playground and associated infrastructure to the standard required by Council</p> <p>The LRGSCI, if requested, grant a long term lease to Council for the area identified in Appendix 7 for one (1) dollar per annum</p> <p>The LRGSCI granting the Council a long term licence over the site of the public toilets and public playground for the purposes of structural maintenance, audit and insurance.</p> <p>The Mayor and CEO be authorised to sign all necessary documents to effect the Transfer of the Subject Land.</p>	Terry Crackett	In Progress	31/08/2018	<p>Draft contract and transfer documents have been provided to LRGSCI for review.</p> <p>LRGSCI have advised that they want to get planning approval for the boundary realignment before they complete the transfer transaction.</p> <p>LRGSCI have received Development Approval for the boundary realignment and transfer will progress in conjunction with the boundary realignment.</p>
8/08/2017	SPDPC	SP39/17	Update on Primary Production Lands DPA	<p>That as a result of the implementation of the new planning reforms and the introduction of the <i>Planning, Development & Infrastructure Act 2016</i>, Council supports staff working with DPTI to prepare the Rural Planning Policy element of the Planning & Design Code in a manner consistent with the issues and investigations outlined in the second Statement of Intent for the Primary Production Lands DPA</p> <p>That reports be prepared for future SPDPC meetings as milestones are reached and notable work is released for comment.</p>	Marc Salver	In Progress	21/12/2018	<p>A Collaborative Work Program with DPTI regarding the preparation of the Planning & Design Code has now been signed by both Council and DPTI staff. The first meeting attended by staff of the P&D Code Primary Production Working Group took place on 4 May and 1 June. The next meeting is scheduled for 27 July. This Group will progress the development of the Rural Policy Module of the Code. Staff will provide further updates as this work progresses during the year.</p>
8/08/2017	SPDPC	SP42/17	Public Liability Insurance for Community Owned & Managed Halls	<p>That the costs of public liability insurance for community owned and managed halls be referred to the Chief Executive Officer for consideration with the preparation of the Community and Recreation Facilities Framework.</p>	Terry Crackett	In Progress	31/08/2018	<p>Council staff met with LGRS to discuss options for public liability insurance on 13 October. Association information provided to LGRS for assessment. LGRS have confirmed they are collating information for Council to review however due to the large number of groups and facilities, this is taking some time.</p> <p>Information to be included as part of the Community & Recreation Facility Framework in a future workshop to Council.</p>

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completio	Comments
26/09/2017	Ordinary Council	207a/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	1. That Heritage Agreements be entered into between the Council and the Minister for Sustainability, Environment and Conservation pursuant to section 23(5) of the <i>Native Vegetation Act 1991</i> for the conservation, management and protection of native flora and fauna in relation to the following properties: Council owned land located at 9 Woorabinda Drive, Stirling (Woorabinda) described in Certificate of Title 5292 Folio 381 Council owned land located at 9 Ethel Street, Stirling (Stirling Park) described in Certificate of Title 5315 Folio 98 Council owned land located at 34 Madurta Avenue, Aldgate (Madurta Reserve) described in Certificate of Title 5902 Folio 219	Peter Bice	In Progress	30/06/2018	Applications for the Woorabinda BR Heritage Agreements were completed on the 7th of December 2017. Currently in assessment with DEWNR; Advice 5th of June 2018 from DEWNR - HA application has a revised completion date no later than the 31 December 2018.
26/09/2017	Ordinary Council	207b/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	That the Heritage Agreements retain the existing Dog Access Arrangements currently in place in each of those properties. That the Heritage Agreements be registered with the Lands Titles Office pursuant to section 23b of the Native Vegetation Act 1999.	Peter Bice	In Progress	30/06/2018	Existing dog access arrangements within a Heritage Agreement are requested in the HA application. The implementation of legislation to sit with Health and Regulatory Services and Lands Title Office registration for AHC Property action. Applications for the Woorabinda BR Heritage Agreements were completed on the 7th of December 2017. Currently in assessment with DEWNR; Advice 5th of June 2018 from DEWNR - HA application has a revised completion date no later than the 31 December 2018.
26/09/2017	Ordinary Council	207c/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	That the Community Land Management Plans for the above properties be reviewed and updated to reflect the provisions of the Heritage Agreements including community consultation (where necessary) as required under section 197 of the Local Government Act 1999. That the Chief Executive Officer be authorised to sign all necessary documentation to effect this resolution.	Peter Bice	In Progress	30/06/2018	Community Land Management Plan review and update is in readiness. On receipt of Heritage Agreement notification over the Woorabinda Bushland Reserves, we will then initiate the CLMP review and the CEO to then authorise (sign) as required. Applications for the Woorabinda BR Heritage Agreements were completed on the 7th of December 2017. Currently in assessment with DEWNR; Advice 5th of June 2018 from DEWNR - HA application has a revised completion date no later than the 31 December 2018.
26/09/2017	Ordinary Council	207d/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	That a separate report be brought back to Council in relation to a Heritage Agreement for the land under the care, control and management of Council located at 71 Longwood Road, Heathfield (Hender Reserve) in Crown Record 5753 Folio 715 following receipt of further advice from the Land Titles Office and Native Vegetation Branch of the Department of Environment, Water and Natural Resources regarding the dedicated purpose of the land and options for registration of the Heritage Agreement over Crown Land.	Peter Bice	In Progress	27/03/2018	A separate Council report will be provided following clarification on the Heritage Application process in respect to the Crown Land status of Hender Reserve. Report has been provided to Council and the Heritage Agreement application was completed and sent to DEWNR, receipt date 08/02/18. Currently in assessment with DEWNR. Advice 5th of June 2018 from DEWNR - HA application has a revised completion date no later than the 31 December 2018.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completio	Comments
26/09/2017	Ordinary Council	209/17	Road Realignment - Bonython Road Summertown	To purchase the area of land being 105m2 identified in red on the plan attached as Appendix 1 from Linda Marie Ferrari for the consideration of \$2,000 (excl. GST) plus all reasonable costs to vest as public road. That the Mayor and CEO be authorised to sign all necessary documentation to effect this resolution.	Terry Crackett	In Progress	30/06/2018	Documentation signed by parties and is being processed through Lands Titles Office. Survey plans still being finalised.
26/09/2017	Ordinary Council	233c/17	CWMS Review Update	As per confidential minute	Marc Salver	In Progress	26/09/2018	Probity services are to be maintained through open market expression of interest process. Retain in confidence as the CWMS Expression of Interest process is still underway
26/09/2017	Ordinary Council	233d/17	CWMS Review Update	As per Confidential Minute	Marc Salver	In Progress	26/09/2018	A report on the outcome of the EOI process will be presented to Council at its 28 August 2018 Council meeting for consideration.
26/09/2017	Ordinary Council	234/17	CWMS Review Update - Period of Confidentiality	An order be made that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until 26 September 2018.	Marc Salver	In Progress	26/09/2018	Report, related attachments and the minutes of Council held in confidence. Retain in confidence as the CWMS Expression of Interest process is still underway.
24/10/2017	Ordinary Council	246/17	Road Closure and Disposal – Schapel Road, Lobethal	To make a Road Process Order pursuant to the <i>Roads (Opening & Closing) Act 1991</i> to:close and merge the land identified as "A" in Preliminary Plan No 16/0020 (<i>Appendix 3</i>) with Allotment 28 in Filed Plan No 155743 comprised in Certificate of Title Volume 5502 Folio 372create an easement for transmission of electricity in favour of Distribution Lessor Corporationcreate a free and unrestricted right of way in favour of Allotment 13 being the land in CT Volume 5502 Folio 373accept consideration in the amount of \$40,000 (excl. GST) as detailed in <i>Appendix 3</i> of this report.The issuing of the Road Process Order is subject to:Boral Resources (SA) Ltd agreeing to enter into a Land Management Agreement with Council for the preservation of the native vegetation for the protection of native flora and fauna on the areas identified in the report attached as <i>Appendix 7</i> which is to be lodged with the Land Titles Office in conjunction with the Road Process Order.Boral Resources (SA) Ltd paying all fees and charges associated with the road closure process.The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i> .To authorise the Chief Executive Officer (or delegate) to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.	Terry Crackett	In Progress	31/08/2018	Draft Land Management Agreement is being reviewed by Boral. Surveyor has been instructed to prepare final plan and road process order. Boral to confirm agreement with draft Land Management Agreement.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completio	Comments
24/10/2017	Ordinary Council	250/17	DEWNR Fuel Reduction on Private Lands Program	That DEW's Strategic Fuel Reduction program is approved for the Adelaide Hills Council region	Peter Bice	In Progress	1/04/2019	Following Council's endorsement of DEWNR's Strategic Fuel Reduction program on the 24/10/2017, the ongoing program has commenced, with prescribed burns completed at Heathfield Stone Reserve on the 10/10/2017 and the Crafers West site on the 9/11/2017. Both burns were successful according to the DEWNR Fire Management Unit. Additional AHC sites intended for spring 2018/19 include Lobethal Bushland Park, Heathfield Waste Facility site, Yanagin Reserve and Belair (Upper Sturt) site. There are no confirmed dates for Mylor Parklands. AHC Biodiversity Officers have initiated organising bird surveys for these sites both pre and post burn. Council will collaborate with DEWNR on post weed management activities. Weed management activities are already scheduled for Heathfield Stone Reserve for June 28th 2018.
24/10/2017	Ordinary Council	261/17	Sale of Land at Adelaide Hills Business and Tourism Centre - CONFIDENTIAL ITEM	As per confidential minute	Terry Crackett	In Progress	31/07/2018	Progressing per confidential minutes
24/10/2017	Ordinary Council	262/17	Sale of Land at Adelaide Hills Business and Tourism Centre - Period of Confidentiality	Review confidential item for release -the subject matter be retained in confidence until the earlier of settlement of the property transactions or 12 months.	Terry Crackett	In Progress	31/07/2018	
14/11/2017	Special Council	268/17	Review of Advisory Groups	To cease the Hills Voice Reference Panel Nominations for Australia Day awards to be assessed only by staff and a report for decision to come to Council Any grant applications currently considered by advisory groups will be assessed only by staff and a report for decision to come to Council To 'in principle' retain Council and Community/Independent Members on Advisory Groups That the Chief Executive Officer prepares a report for the Council's consideration at a future meeting regarding the appropriateness of the current governance arrangements for the Advisory Groups including, but not limited to, whether they would benefit from an alternate structure (such as a s41 Committee), a revised Terms of Reference in their current form, or to be ceased.	Terry Crackett	In Progress	26/06/2018	HVRP ceased, Australia Day Awards 2018 assessed by staff. Further consultation occurring with Council Members, ELT and AG EOs and AG Membership. Council report scheduled for 28 August 2018 Council meeting.
28/11/2017	Ordinary Council	281/17	LED Streetlight Review	That Council awaits on the outcomes from the LGASA process and for the outcomes of this report to inform a transition to LED street lighting A further report to Council to be provided following the completion of the LGASA process and subsequent review of the most appropriate model for Adelaide Hills Council to adopt.	Peter Bice	In Progress	31/08/2018	Council has now received the outcome of the LGASA process which states that the LGASA will not be involved in council streetlighting. Council staff are now in the process of obtaining expert advice as to the best approach and tariff available to proceed to a transition to LED streetlights. A report to Council will be provided once this has been obtained.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completion	Comments
28/11/2017	Ordinary Council	282/17	Rededication of Crown Land - Hender Reserve	<p>To apply to the Department of Environment, Water and Natural Resources to revoke the existing dedication of the land contained in Crown Record Volume 5753 Folio 715 described as Section 1527 Hundred of Noarlunga in the area named Heathfield known as Hender Reserve ("Land") for recreation purposes</p> <p>To apply to the Department of Environment, Water and Natural Resources to dedicate the Land for Recreation and Conservation Purposes – Heritage Agreement subject to the draft conditions that are attached as <i>Appendix 2</i></p> <p>To authorise the CEO to finalise the conditions of dedication subject to them being substantially in accordance with the draft conditions attached as <i>Appendix 2</i></p> <p>To authorise the CEO to sign all necessary documents to effect this resolution</p>	Terry Crackett	In Progress	31/08/2018	Application for rededication has been completed and submitted to DEWR. Gazettal for rededication has not yet occurred.
28/11/2017	Ordinary Council	285/17	Road Widening - Murray Road Inglewood	<p>To purchase the area of land, being 124m2, identified in red on the plan attached as Appendix 1 ("Land") from Bruce William MacGillivray and Julie Meredith MacGillivray for the consideration of \$1,168.36 (excl. GST) plus all reasonable costs to vest the Land as public road</p> <p>That the Mayor and CEO be authorised to sign all necessary documentation to effect this resolution</p>	Terry Crackett	In Progress	31/07/2018	Final road widening plan drafted by surveyor and to be lodged with the Lands Titles Office in June due to slight delay. Documentation prepared and signed, for lodgement by Conveyancer once plan approved by Lands Titles Office.
12/12/2017	Ordinary Council	301b/17	12.4. Determination of Time and Place of Council Meetings, Workshop Sessions, Professional Development Sessions and Community Forums in 2018	<p>That regarding Community Forums:</p> <p>Community Forums to be held in 2018 in accordance with the following indicative schedule: Tuesday, 13 March 2018 – Kersbrook Tuesday, 8 May 2018 – Bradbury/Longwood Tuesday, 14 August 2018 - Montacute</p> <p>The Chief Executive Officer be delegated to make changes to the Community Forum schedule and locations.</p>	David Waters	In Progress	31/08/2018	Bookings have been made for venues at each of the nominated locations for the following dates: Kersbrook - Wed 28 March. Bradbury/Longwood - Tue 1 May. Montacute - Tue 7 August. Note that the dates changes from the initially resolved dates due to clashes with Council workshop evenings.
23/01/2018	Ordinary Council	3/18	Capital Program Review & Amendments	<p>That the Amended Capital Works Program contained in Appendix 1 be endorsed and deferred projects given priority consideration in development of the 2018-19 Capital Works Program, with the exception that the Basket Range Tennis Courts \$60,000 (line 152) and Balhannah Dog Park \$14,000 (line 151) and the Mt Torrens Township Reserve Scoping Works \$40,000 (line 30) not to be removed from the Amended Capital Works program</p> <p>Adopt the revised Capital Works program totalling \$18,501,126 for 2017/18, a reduction of \$3,736,588, as outlined in Appendix 1.</p>	Peter Bice	Completed	30/06/2018	Council staff developed the Capital Works Program for 2018/19 with priority consideration given to the defered projects

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completion	Comments
23/01/2018	Ordinary Council	4/18	Road Exchange - Mt Torrens Walking Loop	To issue a Road Process Order pursuant to the <i>Roads (Opening & Closing) Act 1991</i> to: Close and merge the land identified as "A" in Preliminary Plan No 17/0041 (<i>Appendix 1</i>) with Allotment comprising pieces 81 & 82 in Filed Plan No. 218134 comprised in Certificate of Title Volume 6025 Folio 732 owned by Brian Bruce Willison Open the land identified as "1" in Preliminary Plan No 17/0041 as public road being portion of Allotment comprising pieces 81 & 82 in Filed Plan No. 218134 comprised in Certificate of Title Volume 6025 Folio 732 owned by Brian Bruce Willison The closed road be excluded as Community Land pursuant to the Local Government Act 1999 To undertake the road exchange for nil consideration with the Council to pay all necessary costs to effect this resolution To authorise the Chief executive Officer (or delegate) to finalise and sign all necessary documentation to effect the road exchange and this resolution	Terry Crackett	In Progress	31/12/2018	Mr Willison passed away in late January prior to documents being signed. The road exchange process will be held pending issue of Grant of Probate of Mr Willison's estate.
20/02/2018	Audit Committee	AC18/15	7.1. Internal Audit Actions Implementation - Release of Confidentiality Order	That the report, related attachments and the minutes of the Committee and the discussion and considerations of the subject matter be retained in confidence until the Internal Audit actions have been addressed	Terry Crackett	In Progress	30/06/2018	Discussions with the Manager ICT have identified that implementation of actions is progressing steadily and should be completed in the coming months. At which time the confidentiality order can be considered for release.
20/02/2018	Audit Committee	AC18/4	Appointment of External Auditor - Release of Confidentiality Order	That the report and related attachments of the Committee and the discussion and considerations of the subject matter be retained in confidence until the completion of the contract	Terry Crackett	In Progress	30/03/2021	Given the commercial in confidence information, the release of the confidentiality order is unlikely to occur for 3-5 years depending on whether the option under the contract is exercised. Nevertheless the cost of Statutory Audit services is reported in the Annual Report.
27/02/2018	Ordinary Council	30/18	Master Plan Woodside Recreation Ground	That the master planning exercise for the Woodside Recreation Ground, as resolved by Council at its 28 November 2017 meeting (275/17), be expanded to include the adjoining recreation and car parking precinct between Tiers Road and Langbein Avenue, Woodside.	Peter Bice	In Progress	18/02/2019	Associated investigations underway, Water Sensitive Urban Design and Water Reuse potential. The recent announcement of the successful funding in relation to the Mount Barker Swimming Pool, will enable appropriate considerations to be made in regards to the requirements for the Woodside Recreation Ground site.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completio	Comments
27/02/2018	Ordinary Council	31/18	Arts & Heritage Hub	That the report be received and noted. That the Business Development Framework for the establishment of an Arts and Heritage Hub in the Old Woollen Mill at Lobethal, contained in Appendix 1, be noted. That the Administration proceeds with the establishment of an Arts and Heritage Hub using the Business Development Framework as a guide. That the development of a Hub Evaluation Framework, as envisaged in the Business Development Framework, occur as early as possible and include key performance and results targets, and mechanisms for review of the implementation by Council to ensure alignment with budget allocations and strategic objectives. That \$50,000 be allocated to the 2017-18 Operating Budget from the Chief Executive Officer's contingency provision to enable the initial actions to be taken. The CEO provides a progress report on the implementation of the Business Development Framework within 6 months from the date of appointment of the Director.	David Waters	In Progress	31/12/2018	Recruitment for the Arts and Heritage Hub Director is underway. An appointment is likely in late June. The progress report is therefore likely in December 2018.
27/02/2018	Ordinary Council	32/18	AHBTC Plan of Division & Divestment	1. That the report be received and noted 2. That the plan of division for the Southern Site, as shown in Appendix 1, be approved. 3. That the Chief Executive Officer be authorised to execute all documents necessary for the division of the land and the subsequent sale of the new allotments created in the land division of the Southern Site.	Terry Crackett	In Progress	30/06/2018	Plans lodged at the Lands Titles Office and documents to be lodged by 30 June 2018.
27/02/2018	Ordinary Council	34/18	Mobile Food Vending Businesses	1. That the report be received and noted. 2. Council adopt the Mobile Food Vending Business Location Rules contained in Appendix 2 of this report with an effective date of 1 March 2018. 3. The Fees and Charges Register be updated to include the following Mobile Food Vending Business permit fees: a) Monthly Fee \$100 b) Annual Fee \$1,000 4. That further consultation as outlined in this report be undertaken with key stakeholders and the community on Council's adopted Mobile Food Vending Business Location Rules. 5. That the Chief Executive Officer be authorised to make any formatting or non-significant grammatical and/or content changes to the Mobile Food Vending Business Location Rules for publication purposes during the period of its currency. 6. A further report be provided to Council outlining the outcome of the further consultation undertaken and subject to the consultation outcome, present refined Mobile Food Vending Business Location Rules for adoption.	Marc Salver	In Progress	18/09/2018	Fees and Charges Register has been updated pursuant with resolution 3. Planning has commenced to undertake further consultation required by resolution 4. Focus group session did not occur on 30 April 2018 due to lack of attendees. A Council workshop occurred on 8 May 2018 and ideas for the development of Location Rules considered. Further consultation on these location rules with the focus group is to occur in July. This will include community drop in sessions to inform the final Location Rules for adoption at August Council 2018 meeting.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completio	Comments
27/02/2018	Ordinary Council	39/18	Community Loans Policy	<p>1. The report be received and noted</p> <p>2. The Community Loans Policy as provided at Appendix 1 be endorsed for community consultation.</p> <p>3. A loan of \$15,000 be provided to Mt Torrens Centenary Park Incorporated for the completion of drainage works subject to the finalisation of a loan agreement with Council that is executed under Council's seal.</p> <p>That the Mayor and Chief Executive Officer be authorised to execute all documents necessary, including applying the Council Seal (as required), for the establishment of a loan agreement with Mt Torrens Centenary Park Incorporated.</p>	Terry Crackett	In Progress	30/09/2018	<p>Community Loan Policy - consultation completed and the Policy subsequently adopted by Council and now available on Council's website.</p> <p>Discussions with Mount Torrens Centenary Park Incorporated commenced on the development of loan agreement in accordance with Council resolution. Advised by MTCPI that funds currently are not required due to timing of works.</p>
27/02/2018	Ordinary Council	42/18	Rural Property Addressing Consultation Outcomes	<p>That the report be received and noted. That in keeping with the City of Tea Tree Gully Council resolution dated 13 February 2018, and having considered the Adelaide Hills Council report entitled "Rural Property Addressing – Range Road North, Range Road South and Churchett Road Outcomes Report" and dated 27 February 2018, which includes the feedback from the residents, Council resolves to implement the rural property addressing system to the Adelaide Hills Council residents to ensure that the numbering is consistent and the correct numbers are displayed to assist emergency services, service providers and the general public locating properties.</p>	Peter Bice	Completed	1/06/2018	Affected residents have now transitioned to Rural property Addressing in collaboration with City of Tea Tree Gully.
27/02/2018	Ordinary Council	48/18	Investigation of Speed Limit Jungfer Road Charleston	<p>That the CEO investigate the request for a reduction of the speed limit to a maximum of 60kph on Jungfer Road Charleston and, should the investigation justify a change, make the appropriate submissions to the Department Planning Transport & Infrastructure.</p>	Peter Bice	In Progress	30/09/2018	Investigations are now underway. Traffic Counters have been installed to collect current traffic speeds as part of the assessment process.
27/02/2018	Ordinary Council	49/18	Naming of Council Owned Premises in Lobethal - AHBTC	<p>That the CEO, after consultation with interested parties, provide a report to Council on a recommended name for the Council owned premises at the AHBTC, Lobethal, by 31 October 2018.</p>	David Waters	In Progress	31/10/2018	Staff are developing a process for this exercise. It is expected to involve a community ideas generation phase, followed by shortlisting in consultation with key stakeholders, then a recommendation to Council.
27/02/2018	Ordinary Council	54/18	Confidential Item - Retirement Village Review	As per confidential Minute	Terry Crackett	In Progress	31/12/2018	Per confidential resolution
27/02/2018	Ordinary Council	55/18	Retirement Village Review - Period of Confidentiality	<p>that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the sale has been finalised, but not longer than 12 months.</p> <p>Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i>, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.</p>	Terry Crackett	In Progress	31/12/2018	
27/02/2018	Ordinary Council	57/18	Confidential Item - AH Swimming Centre Shade Sail	As per confidential minute	Terry Crackett	In Progress	31/12/2018	Matter being progressed per resolution
27/02/2018	Ordinary Council	58/18	AH Swimming Centre Shade Sail - Period of Confidentiality	<p>that an order be made under the provisions of sections 91(7) and (9) of the <i>Local Government Act 1999</i> that the report and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the matter is determined but not longer than 12 months.</p> <p>Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i>, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.</p>	Terry Crackett	In Progress	31/12/2018	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completio	Comments
27/03/2018	Ordinary Council	65/18	Memorial for late Cr Val Hall	That in view of the service the late Cr Val Hall rendered to both the Council and the various community groups, Council erects a memorial seat in Federation Park, Gumeracha, with financial support from the community groups with which she was associated.	Peter Bice	In Progress	31/08/2018	Meeting was held with interested parties (including family members) on 10/05/2018 to discuss placement and type of seat. A seat has now been ordered and location identified, currently working with family on final wording on the plaque.
27/03/2018	Ordinary Council	67/18	Revocation of Community Land - Lobethal Retirement Village	That the report be received and noted.To commence the process to revoke the community land classification of the land located at 3 Jeffrey Street Lobethal contained in Certificate of Title Volume 6017 Folio 705 (Appendix 1) by undertaking community consultation.To report back to Council following completion of the community consultation process.	Terry Crackett	In Progress	30/06/2018	Consultation commenced on 18 April and ends on 18 May 2018. Council staff attended at Lobethal on 8 May 2018 to meet with residents to discuss any concerns they may have. Report going to Council on 19 June 2018.
27/03/2018	Ordinary Council	68/18	Milan Terrace Pedestrian Safety	<ol style="list-style-type: none"> 1. That the report be received and noted 2. That a Traffic Plan concept be developed for a wombat or zebra crossing pedestrian facility 3. That Council undertakes consultation with the community, Stirling Hospital and other relevant stakeholders on the concept plan for a wombat or zebra crossing 4. That Council submits a proposal to the Department of Planning, Transport & Infrastructure to reduce the speed limit on Milan Terrace to 30km/h from a point approximately 80 metres west of the Druid Avenue intersection and approximately 40 metres east of the Johnston Street intersection 5. That a report be brought back to Council to determine whether future budget considerations are applicable including costings for a wombat or zebra crossing. 	Peter Bice	In Progress		Final report has now been recieved assessing the merits of a potential Zebra or Wombat Crossing, with a concept currently being prepared for consultation with key stakeholders and community.
27/03/2018	Ordinary Council	69/18	Play Space Policy	That the report be received and noted.With an effective date of 2 July, 2018, to adopt the Play Space Policy in Appendix 1.	Peter Bice	Completed	2/07/2018	Policy has been prepared for implementation date of 2 July 2018.
27/03/2018	Ordinary Council	69/18	Play Space Policy	Implement policy and communicate to staff and/or community if applicable.	Peter Bice	In Progress		The Play Space Policy is due to come into affect in July 2018. Implications will be communicated to relevant staff & the community where applicable.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completio	Comments
24/04/2018	Ordinary Council	87/18	By-Law Making	That the report be received and noted.The draft By-laws contained within Appendix 1 through to Appendix 6 (inclusive) of this report be released for community consultation for a period of at least twenty one clear days.The draft Dogs By-law No. 5 and draft Cats By-law No. 6 be referred to the Dog and Cat Management Board at least 21 days before being released for community consultation.To authorise the Chief Executive Officer to make any minor changes to the draft By-laws that the Chief Executive Officer deems fit prior to the agency referral and commencement of community consultation.That the Administration undertakes an analysis of introducing a cat registration scheme including options and potential fees and a further report in this regard be provided to Council in July 2018.That Clause 9.1 of the draft Cats By-law be amended to read 'As of 1 January 2022 the owner or person responsible for the control of a cat must take steps to ensure that the cat is confined to the premises occupied by that person at all times, unless the cat is under effective control by physical restraint', and that Clause 9.2 be removed.	Marc Salver	In Progress	31/01/2019	Consultation on the Bylaws has concluded, with Agency and Dog & Cat Management Board and the community. The results of the consultation and any changes to the Bylaws will be reported to the 23 July 2018 Council meeting for consideration.
24/04/2018	Ordinary Council	89/18	Adelaide Hills Tourism 2 year Funding Agreement	That the report be received and noted, That the two year funding agreement with the Adelaide Hills Tourism be approved. That the Mayor and CEO be authorised to sign and seal the Agreement on behalf of Council.	Marc Salver	Completed	18/05/2018	2 Year funding agreement to be signed on 18 May 2018 and will become effective from 1 July 2018
24/04/2018	Ordinary Council	90/18	Road Widening Edward Avenue Crafers	That the item lie on the table.	Peter Bice	In Progress	24/07/2018	This item will be included on the July 2018 Council agenda.
24/04/2018	Ordinary Council	93/18	Draft 2018/19 Fees & Charges	That the report be received and noted.To adopt the 2018/19 Fees and Charges Schedule included at Appendix 1 to apply on and from 1 July 2018.Council notes that the statutory fees will be included on the schedule of fees and charges available for public inspection subsequent to being gazetted.	Terry Crackett	In Progress	30/06/2018	A full schedule of fees and charges is being prepared to be uploaded to the Council website prior to 1 July 2018
24/04/2018	Ordinary Council	94/18	Draft Annual Business Plan & Budget	That the report be received and noted.The draft 2018/19 Annual Business Plan included as Appendix 1 to this report be endorsed for community consultation.The period of consultation for the draft 2018-19 Annual Business Plan be from 30 April 2018 to 25 May 2018.That the 22 May 2018 Ordinary Council meeting will, in accordance with s123(4)(i)(B) of the <i>Local Government Act 1999</i> , be the meeting at which members of the public may ask questions and make submissions.That the Chief Executive Officer, or delegate, be authorised to make any formatting or other minor content changes to the draft 2018-19 Annual Business Plan prior to its release for community consultation.	Terry Crackett	Completed	25/05/2018	The ABP community consultation occurred from 30 April to 25 May 2018. The 22 May 2018 Ordinary Council contained a session to allow the community to make presentations and ask questions.
24/04/2018	Ordinary Council	100/18	CEO Performance Review Panel	1. That the minutes of the CEO Performance Review Panel meeting of 12 April 2018 as distributed, be received and noted. 2. To undertake the 2018 CEO Performance Review and Total Employment Cost Package Review using an external consultant, and report back to the 28 August 2018 Council meeting.	Andrew Aitken	In Progress	28/08/2018	CEO Performance Review process has commenced and will be managed in accordance with the adopted schedule of work.
24/04/2018	Ordinary Council	102/18	Sale of Land for Non Payment of Rates	As per Confidential Minute	Terry Crackett	In Progress	30/06/2018	Actions continuing in accordance with resolution.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completio	Comments
24/04/2018	Ordinary Council	96/18	Community Loans Policy	Implement policies and commence any actions, such as development or roll out of procedures, notification to staff and/or staff training and community awareness (including public notification, gazetting, etc.) if required.	Terry Crackett	Completed	13/06/2018	Community Loan Policy is now available on Council's website.
30/04/2018	Audit Committee	AC18/	Strategic Internal Audit Plan	Recommend to Council the adoption of the draft Strategic Internal Audit Plan 2018/19 – 2021/22 as contained in Appendix 1. Acknowledge that any revisions/changes arising from the Committee's consideration of the draft Plan will be incorporated into the subsequent report to Council	Terry Crackett	Completed	22/05/2018	Council adopted the Strategic Internal Audit Plan at its 22 May 2018 meeting.
22/05/2018	Ordinary Council	107/18	Intersection North East & South Para Raods, Chain of Ponds	That the Chief Executive Officer seeks advice from the Minister of Transport as to whether the Marshall Government will match or better the pledge given by the former Minister of Transport and Infrastructure to improve the safety for motorists using the intersection of North East Road and South Para Road, Chain of Ponds, and reports the outcome to Council. A copy of the correspondence also to be sent to the Member for Newland, Mr Richard Harvey MP.	Peter Bice	Completed		Letter has been sent to Minister of Transport. Any correspondence received in response to be reported back.
22/05/2018	Ordinary Council	108/18	Supporting Volunteers in Community Groups and Organisations	That the report be received and noted. That Council resolves to redirect resourcing to support external volunteering from the Hills Volunteering model to a model of support being provided directly through the Adelaide Hills Council Administration, as set out in Option 3	David Waters	In Progress	31/07/2018	Hills Volunteering is being wound up during June 2018.
22/05/2018	Ordinary Council	109/18	East Waste 2018/19 Business Plan & Draft Budget	That the report be received and notedThat the East Waste draft 2018/19 Annual Plan and Budget be given consent.	Andrew Aitken	Completed		Letter sent 23/5/18
22/05/2018	Ordinary Council	110/18	AHRWMA Draft 2018/19 Annual Busienss Plan & Budget	That the report be received and noted. That Council notes the draft Annual Business Plan and Budget for the 2018/19 Financial Year.	Andrew Aitken	Completed		Letter sent 23/5/18
22/05/2018	Ordinary Council	111/18	Communications & Marketing Plan 2014 – Progress Report	Council resolves that the report be received and noted.	David Waters	Completed	12/06/2018	No action required.
22/05/2018	Ordinary Council	112/18	Budget Review 3	Receive and note the report. Adopt the Operating Budget variations presented in Budget Review 3 resulting in no change to the Operating Surplus for the 2017-18 financial year of \$1.986m. Adopt the proposed Capital Works variations provided for in Budget Review 3 representing:An increase in Capital Income of \$170kAn increase in Capital Expenditure of \$170k. Adopt the unchanged Net Borrowing result of \$4.030m for 2017-18 as a result of operating budget and capital program amendments	Terry Crackett	Completed	13/06/2018	Completed
22/05/2018	Ordinary Council	113/18	Safe Environments Policy	With an effective date of 5 June 2018, to revoke the 9 May 2017 Safe Environments Policy and to approve the Safe Environments Policy as contained in Appendix 1.	Andrew Aitken	Completed		Policy has been uploaded onto Council's website and policy writer advised to implement and commence any actions, such as development or roll out of procedures, notification to staff and/or staff training and community awareness (including public notification, gazetting, etc.) if required.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completio	Comments
22/05/2018	Ordinary Council	114/18	Audit Committee Recommendations to Council	That the report be received and noted To adopt the scope of work and timing of the 2017/18 External Audit by Galpins Accountants, Auditors and Business Consultants as contained in Appendix 1 To note the Risk Management Plan Update as contained in Appendix 2 To adopt the draft Strategic Internal Audit Plan 2018/19 – 2021/22 as contained in Appendix 3.	Terry Crackett	Completed	22/05/2018	All actions undertaken.
22/05/2018	Ordinary Council	115/18	SHLGA 2018/19 Budget	That the report be received and noted.That the Southern and Hills Local Government Association's proposed 2018-19 budget be received and noted.	Andrew Aitken	Completed		Letter sent 23/5/18
22/05/2018	Ordinary Council	116/18	Caretaker Policy	With an effective date of 5 June 2018, to revoke the 10 June 2014 Caretaker Policy and to approve the May 2018 Caretaker Policy as contained in Appendix 1.	Terry Crackett	Completed		Policy has been uploaded onto Council's website and policy writer advised to implement and commence any actions, such as development or roll out of procedures, notification to staff and/or staff training and community awareness (including public notification, gazetting, etc.) if required.
22/05/2018	Ordinary Council	117/18	Location of Council's Principal Office	That the report be received and notedTo determine the location of the Principal Office to be 63 Mount Barker Road, Stirling with the hours of business to be 8.30am – 5.00pm, Monday to Friday, except public holidays.	Terry Crackett	Completed	21/06/2018	Website content updated and enhanced. Advertisements in Courier (20/6) and Weekender Herald (21/6) advising of the change in location.
22/05/2018	Ordinary Council	118/18	Fee Waiver Request - Bridgewater Uniting Church	That the report be received and noted. That a maximum of \$515.00 in development fees be authorised to be waived for the Bridgewater Uniting Church for Development Application 473/291/18 in accordance with Council's Development Application Fee Waiver Policy.	Marc Salver	Completed		Fee waiver application approved and processed in accordance with Council's resolution and the applicant has been advised of this outcome in May 2018.
22/05/2018	Ordinary Council	119/18	GRFMA Business Plan & Budget	That the report be received and noted.To advise that it has reviewed the Gawler River Floodplain Management Authority's 2018/21 Business Plan and approves the Adelaide Hills Council's contribution of \$25,231 as set out in the draft 2018/19 Budget.	Andrew Aitken	Completed		Letter sent 23/5/18
22/05/2018	Ordinary Council	120/18	Attendance at National General Assembly, Canberra	That the report be received and notedTo note the attendance of Deputy Mayor Cr Jan-Claire Wisdom in a representative capacity.	Andrew Aitken	Completed		Conference booking confirmed.
22/05/2018	Ordinary Council	113/18	Safe Environments Policy	Implement this policy and commence any further action, such as development or roll out of procedures, notification to staff and/or staff training and community awareness (including public notification, gazetting, etc. if required).	Andrew Aitken	Completed	13/06/2018	Provided an update via Hills Hub to all staff and directly to People Leaders covering general themes of the Policy and a link to the document on Council's website.
22/05/2018	Ordinary Council	116/18	Caretaker Policy	Implement this policy and commence any further action, such as development or roll out of procedures, notification to staff and/or staff training and community awareness (including public notification, gazetting, etc. if required).	Terry Crackett	In Progress	21/08/2018	Communication to all Administration people leaders on 4 June. Staff meeting (July), SLT (July) and Council Member PD (August) sessions booked to provide details of Policy.
29/05/2018	CEO Performance Review	PRP8/18	Proposed CEO Performance Targets 2018 - 2019	That the report be received and notedTo recommend Council adopt the amended proposed 2018-2019 CEO Performance Targets from the 29 May 2018 CEO Performance Review Panel.	Andrew Aitken	Completed	12/06/2018	A report to Council's June meeting (26/6/18) has been completed with proposed 2018-2019 CEO Performance Targets.
29/05/2018	CEO Performance Review	PRP10/18	Appointment of Consultant to undertake CEO Performance & Remuneration Review - Confidential	As per Confidential Minute	Andrew Aitken	Completed	31/05/2018	Consultant has been engaged.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Dire	Status	Est. Completio	Comments
29/05/2018	CEO Performance R	PRP11/1	Appointment of Consultant to undertake CEO Performance & Remuneration Review - Period of Confidentiality	under sections 90(2) and 90(3)(d) of the Local Government Act 1999, that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the report, related attachments and the minutes of the Panel and the discussion and considerations of the subject matter be retained in confidence until 7 December 2018.	Andrew Aitken	Completed	31/05/2018	Consultant has been engaged.
12/06/2018	Special Council	6.1	Residents Win Stage 2 Funding Increase Proposal - Gumeracha Main Street	That the report be received and notedThat Council support the movement of the \$100,000 allocation in the 2020-21 Long Term Financial Plan Capital Allocation to 2019-20 to enable the receipt of \$120,000 grants funding to be received this current financial year 2017-18 as a contribution towards the Stage 2 works in Gumeracha.	Peter Bice	Completed		DPTI have been informed of this Council decision. LTFFP to be updated at next review.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 26 June 2018
AGENDA BUSINESS ITEM**

Item: 13.1

Originating Officer: Melissa Bright, Economic Development Officer

Responsible Director: Marc Salver, Director Strategy & Development

Subject: Mount Lofty Ranges World Heritage Bid Update and Annual Report

For: Decision

SUMMARY

This report provides a copy of the project's Annual Report for 2017-18 and an update on the progress of activities and plans to advance the World Heritage (WH) listing of the Mount Lofty Ranges.

The existing Memorandum of Understanding (MOU) between partnering councils expired on 13 June 2018. The contractual arrangement with the current Project Consultant expires 30 June 2018. Based on this and the fact that the Feasibility Study (2012) did not envisage requiring council funding beyond Stage 1, it is considered an ideal time to review the current status of the WH project to determine and inform the next steps.

It is recognised that the development of both National Heritage and WH listing nominations is a long iterative process of debate, research and refinement, and with input and guidance from heritage experts. However, the project has been funded on the basis that there is a WH case, and after seven years of research and discussion, it is time to assess the strength of that case. As such the project will fund an external expert to review and prepare a report that clearly communicates the rationale for the Mount Lofty Ranges World Heritage proposal and outlines the work required to progress the Bid. It is considered that the further development of a well-reasoned, merit based heritage case will greatly assist in informing both the next steps and inform future project stakeholders, including other levels of Government.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted**
 - 2. That the contents of the Annual Report 2017-18 for the World Heritage Listing Project for the Mount Lofty Ranges are received and noted**
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1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal 1 People and business prosper
Strategy 1.1 We will pursue World Heritage Listing for the Mount Lofty Ranges as a working agricultural landscape.

➤ Legal Implications

Not applicable.

➤ Risk Management Implications

The Project has been funded on the basis that there is a WH case, and after seven years of research and discussion, and in the light of recent Australian Heritage Council and other heritage expert feedback, it is time to assess the strength of that case.

The proposal to fund an external review of the project and continue to pursue discussions with the State Government to jointly progress the project to the next level will assist in mitigating the risk of:

a lack of a well-reasoned, merit based heritage case leading to failure to obtain World Heritage listing status for the Mount Lofty Ranges Bid area.

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

➤ Financial and Resource Implications

In July 2012 four councils (Adelaide Hills Council (AHC), Mount Barker District Council (MBDC), the Barossa Council (BC) and the City of Onkaparinga (COO)) agreed to financially commit for three years to pursue Stage 1 of the project bid (National Heritage Listing). In July 2014 Alexandrina Council (AC) also became financially committed to the project (until 2017-18). Without contributing financially to the project, the District Council of Yankalilla also became formally involved in the project in 2014 and in mid-2017 four additional councils (Clare & Gilbert Valleys Council (CGVC), Light Regional Council (LRC), Mid Murray Council (MMC) and the City of Mitcham) also resolved to be involved in the project with LRC and MMC also providing financial support.

The Feasibility Study (2012) recommended that the four initial councils commit to partner with the State Government to fund the costs for Stage 1 of the project. Not including the large amount of in-kind support provided by project partners, over the last seven years the cash contribution to the project has totaled \$479,056.

	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	TOTAL
AHC	\$15,000	\$10,000	\$13,500	\$10,000	\$13,636	\$15,000	\$15,000	\$92,136
MBDC	\$15,000	\$10,000	\$13,500	\$10,000	\$13,636	\$15,000	\$15,000	\$92,136
BC	\$15,000	\$10,000	\$13,500	\$10,000	\$15,000	\$15,000	\$15,000	\$93,500
COO	\$15,000	\$10,000	\$13,500	\$10,000	\$13,636	\$15,000	\$15,000	\$92,136
AC			\$10,000	\$10,000	\$13,848	\$15,000		\$48,848
MMC							\$6,500	\$6,500
LRC							\$5,000	\$5,000
CGVC							\$3,500	\$3,500
Other			\$10,200	\$3,000	\$600	\$15,000	\$16,500	\$45,300
TOTAL	\$60,000	\$40,000	\$74,200	\$53,000	\$70,356	\$90,000	\$88,000	\$479,056

Funding of \$15,000 has been included in the Council’s Draft Budget for the 2018-19 financial year to progress the project from National Heritage listing to World Heritage listing.

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

The Bid carries with it considerable Community/Cultural implications from the Bid’s inherent economic development potential in the form of opportunities for rural and town based businesses to benefit from an extremely positive international brand, improved tourism marketing and increased options for business development.

➤ **Environmental Implications**

The Bid is based on the successful evolution of this region as an agricultural landscape from settlement into the present day. The current environmental balance between farming, biodiverse parks and townscapes is an essential element of that successful evolution, and is intended to be maintained.

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

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Both the Project Steering Group (Chaired by Mayor Spragg) and the Project Management Group (Chaired by Marc Salver) have been involved and consulted in the drafting of the Annual Report and progressing the World Heritage Bid

Administration: Chief Executive Officer
 Director Community and Customer Service
 Director Strategy and Development
 Economic Development Officer

Community: Community consultation and engagement has been undertaken over the past few years and will continue to be an ongoing activity for the project.

2. BACKGROUND

In early 2010 a number of Councils within the Mount Lofty Ranges were approached by Professor Randy Stringer, of the University of Adelaide, to consider exploring the feasibility of mounting a World Heritage (WH) bid to the United Nations Educational, Scientific and Cultural Organisation (UNESCO). Professor Stringer considered that a series of agricultural landscapes extending from the Fleurieu Peninsula in the south to the Clare Valley in the north could be listed as a WH site. The region was believed to be worthy of listing for its working agricultural landscapes and historic townships on the basis of the unique history of settlement and continuing culture and practice.

Only the Australian government can nominate a site for WH listing, and only sites that are on Australia's Tentative List can be put forward to UNESCO for consideration for nomination. It was initially understood by the Mount Lofty Ranges World Heritage Partner Councils that the Tentative List was taken from sites that are on the National Heritage (NH) List and therefore Stage 1 of the project was to nominate for NH listing. In 2012 the four original councils (Adelaide Hills Council (AHC), Mount Barker District Council (MBDC), the Barossa Council (BC) and the City of Onkaparinga (COO)) agreed to financially commit to progressing Stage 1 of the Project.

In July 2014 Alexandrina Council (AC) also became financially committed to the project (until 2017-18). Without contributing financially to the project, the District Council of Yankalilla also became formally involved in the project in 2014 and in mid-2017 four additional councils (Clare & Gilbert Valleys Council (CGVC), Light Regional Council (LRC), Mid Murray Council (MMC) and the City of Mitcham) also resolved to be involved in the project with LRC, CGVC and MMC recently providing some financial support.

3. ANALYSIS

The ultimate objective of Stage 1 (to nominate for NH Listing) was achieved in February 2017 and, not including the large amount of in-kind support provided by project partners, funding to date has totalled \$479,056. This funding has contributed to numerous activities including promotional events, presentations, information sheets, conference papers and expert workshops. A list of activities undertaken throughout Stage 1 has been included in Appendix 1, the Annual Report for 2017-18 has been included as Appendix 2 and the 2017-18 Budget Summary and forecasted 2018-19 Budget has been included in Appendix 3.

While the operational arrangements resourced and funded over the last seven years successfully delivered the NH listing nomination, several limitations and opportunities to improve the current arrangements have been identified along the way, namely:

- Day to day management of the project (and project consultant) is very resource intensive for the responsible council
- Expertise and experience in managing, priority setting and progressing NH and WH projects is currently lacking in the day to day management
- The practical difficulties of the current contractor arrangements including, but not limited to, record keeping and information sharing
- PSG/PMG not being a legal entity in its own right making any contractual arrangements and fund raising difficult and ambiguous, and the sole responsibility of one council on behalf of the other funding councils

- Alignment between the partner councils and the University of Adelaide’s project priorities
- Alignment between the project and State and Federal Government priorities

Although in-kind contributions through staff time were expected to continue beyond Stage 1, the Feasibility Study (2012) did not envisage requiring local government funding beyond Stage 1 and the existing Memorandum of Understanding (MOU) between councils expired on 13 June 2018. The contractual arrangement with the current Project Consultant also expires on 30 June 2018. Based on this and the feedback received from the Australian Heritage Council and heritage experts, as well as the limitations outlined above, it was considered an ideal time to undertake a review to consider the future governance arrangements and the resourcing required to progress the WH project.

Numerous discussions have been conducted over the last few months, including discussions with the federal agency (Department of Environment and Energy) responsible for NH nominations, relevant State Government Ministerial and agency staff, heritage experts and community members to discuss their views regarding the project. One very clear and consistent message was delivered:

- There is a lack of clarity and agreement on the Mount Lofty Ranges Heritage proposition and narrative, making it difficult to support, communicate and promote the project for National and World Heritage nomination

Through these discussions it has also become very clear that a collaborative working relationship with the State Government was considered a crucial element for the future success of our nominations for both NH and WH listing as the relevant State Minister for the Environment must present the nomination to the Meeting of Environment Ministers (MEM) for support and endorsement to the Tentative List, considered the first step in the process to WH listing. The Tentative List is the official list, required by the World Heritage Committee and developed by each signatory to the UNESCO World Heritage Convention, of properties that are believed by a country to meet the criteria for World Heritage listing and from which a country may make nominations to the World Heritage List.

To date the project has lacked a strong working relationship with the State agency (now the new Department of Environment and Water (DEW)) responsible for preparing and advising the Minister for upcoming MEMs. However, in recent times the Project Management Group (PMG) has worked on improving the working relationship with DEW and a representative now regularly attends the PMG meetings to provide guidance with regard to the bid formulation process. However, there is still more work to do in this regard, particularly with a new Government and senior agency staff in place.

It should also be noted that following nomination to the Tentative List, the nomination will still need to be written, lodged with the Federal Government via the State Government, reviewed by the Federal Government and then lodged with the World Heritage Centre. It is then the subject of an independent assessment with a resultant report before it is scheduled for a meeting of the World Heritage Committee for a vote on inscription. While Australia may still submit proposals for the Tentative List and develop nominations, no Australian nominations will be voted on for inscription at a meeting of the World Heritage Committee during Australia’s current term from 2017-2021. Given this largely linear process (summarised in the figure below), with some unavoidable timeframes, it is very unlikely that the Mount Lofty proposal will be in a position to be considered by the World Heritage Committee before 2021.



It is recognised that the development of both NH and WH listing nominations is a long iterative process of debate, research and refinement, and with input and guidance from heritage experts. However, the project has been funded on the basis that there is a WH case, and after seven years of research and discussion, it is time to assess the strength of that case. As such the project will fund an external expert to review and prepare a report that clearly communicates the rationale for the Mount Lofty Ranges World Heritage proposal and outlines the work required to progress the Bid to the Tentative List. It is considered that the further development of a well-reasoned, merit based heritage case will greatly assist in informing both the next steps and inform future project stakeholders, including other levels of Government.

At the same time the partner councils will also be progressing the development of a Digital Knowledge Bank (DKB) for regional strategic planning, consultation and development of the Mount Lofty Ranges World Heritage Listing Bid. The Bid successfully secured \$40,000 in the first round of the Commonwealth's Building Better Regions Fund (BBRF) - Community Investments Stream for this special project.

The purpose of the DKB is to engage community, business and industry groups in understanding the character values and assets and the regional economic development opportunities of the UNESCO bid, and to participate in the ongoing development of the bid through a purpose built web portal. Tender documents were sent out through SA Tenders and Contracts this week to secure a consultant to undertake the scope of works.

4. OPTIONS

Council has the following options:

- I. Endorse the recommendations and remain one of the core partnering councils for a further 12 months (Recommended)
- II. Not endorse the Recommendations (Not Recommended)

5. APPENDICES

- (1) Stage 1 Activities
- (2) Annual Report 2017-18
- (3) Financial Statement 2017-18

Appendix 1

Stage 1 Activities

Stage 1 Activities

Completion of Stage 1 was achieved in February 2017 with the lodgement of the nomination for National Heritage listing. Many activities contributed to this milestone including:

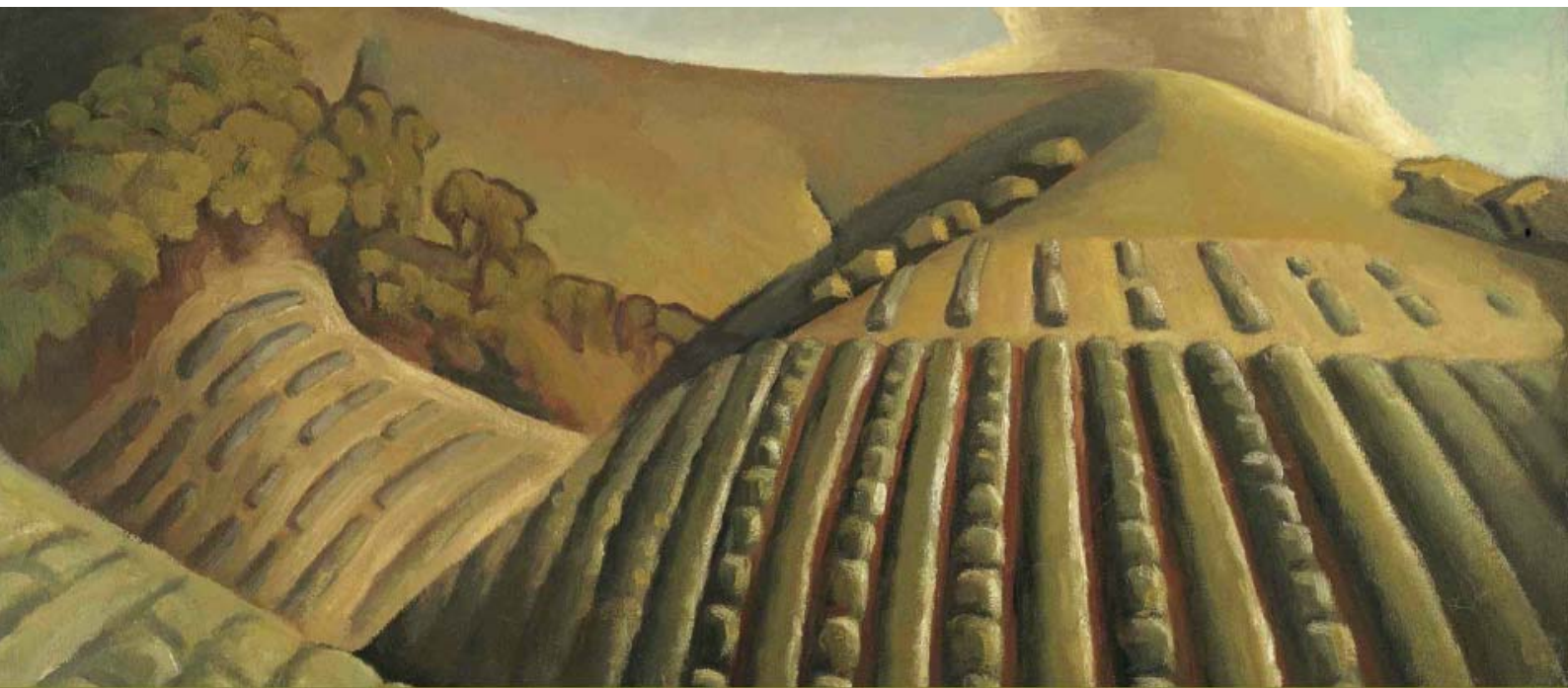
- Establishing and operating six Advisory Groups to provide specialist advice and undertake relevant portions of the work: Community, Economic, Heritage, Indigenous, and Management.
- Presentations at Tasting Australia, AMLRNRM Board, the Australian Garden History Society conference, the ICOMOS Australian National Conference complete with regional Field Trip, Intangible Heritage Seminar at Hahndorf, RDA Adelaide Hills, Fleurieu and Kangaroo Island, UniSA tourism students and to the Langhorne Creek Grape and Wine group and others.
- Promotional Events with International Experts:
 - Professor Amareswar Galla – Executive Director, International Institute for the Inclusive Museum
 - James Rebanks – Consultant on Economic Development benefits of World Heritage listing
 - Dr Jane Lennon, expert Australian voting member on ICOMOS’s International Scientific Committee on Cultural Landscapes, sits on the World Rural Landscape Group
 - Dr Valeria Paul, University of Western Australia
 - Professor (Emeritus) Malcolm Cooper, Tourism Management & Environmental Law, Graduate School of Asia Pacific Studies, Ritsumeikan Asia Pacific University, Beppu, Japan. Ex-resident in the region.
 - Professor Jean-Alain Heraud, Professor of Economics at Université de Strasbourg (UdS), France. A world expert on regional economies, regional development and innovation
- PMG Chair Marc Salver presented a paper on the bid to the Planning Institute of Australia rural and regional conference in Stanthorpe, Queensland in October 2016.
- Landscape Quality Assessment Project – by Dr. Andrew Lothian.
- Showcase of the Mount Lofty Ranges World Heritage Bid at Jamie Briggs’ “Discover: the Adelaide Hills, Fleurieu Peninsula and Kangaroo Island” event at Parliament House in Canberra. The trip incorporated meetings with relevant federal ministers and ministerial advisors.
- Meetings with State Politicians, including John Rau, Leon Bignell, Ian Hunter, etc. and support from Mark Parnell (Greens) and Adelaide City Council (who’s Parklands National Heritage Bid has synergy with this Bid).
- Preparation of Engagement and Marketing Strategies, Project Flyer, two Fact Sheets: #1 Benefits, Processes and Planning Impacts and #2 for Primary Producers, seasonal e-newsletters and a Planning Statement to support the Bid process.
- Mount Lofty Ranges Boundary Workshop: A workshop to discuss the methodology for defining the boundary and in support of fulfilling the requirements of the National Heritage Nomination was held on 27 May 2016 and involved the Project Management Group, chairs of the Landscape and Community Advisory Group, University of Adelaide staff and two interstate guest speakers (Jane Lennon and Jane Ambrose) who advised on the work of the Australian Heritage Council.
- Targeted stakeholder workshops: Three targeted stakeholder workshops were held on 8 September 2016 (Northern region), 15 September 2016 (Southern region) and 10 October 2016 (Central region) with the goal of building support and understanding about the National Heritage listing bid, values, attributes and boundaries; and to analyse and test the values and boundary options from their local perspective and request suggestions on key attributes under each value.

- Community Information Sessions: In addition to the targeted workshops, four community information sessions were held throughout the region on 3 November 2016 (Adelaide Hills region), 10 November 2016 (Southern region), 17 November 2016 (Mount Barker region) and 21 November 2016 (Northern region). Collectively the three workshops and four community information sessions were attended by over 155 people.
- Promotional event at Parliament House, Canberra: On 22 March 2017 an event was held in Canberra with the support of Rebekha Sharkie's office. The event was attended by various South Australian Federal Senators and Members of Parliament and the Minister for Environment and Energy. The event was supported by Jurlique, Pernod Ricard, Peter Lehmann Wines, Maggie Beer Products, Beerenberg, Woodside Cheesewrights, Bird in Hand, The Lane Vineyard and Coriole Winery, whose products were on display at the event.
- Advocacy Meetings with the following key stakeholder individuals and groups:

Parawa Agricultural Bureau; SA Wine Industry Association; Agricultural Bureau of SA; Primary Producers SA Board (which included representatives from Livestock SA, SA Dairy Association, Wine Grape Council SA, Grain Producers SA, Horticulture Coalition SA, Pistachio Growers Association); Farmers Markets representatives including Adelaide Hills Farmers Market Group, Adelaide Showgrounds Farmers Market, Mount Pleasant Farmers Market and Willunga Farmers Market; Apple and Pear Growers Association of South Australia Board; Cherry Growers Association of SA; Board members South Australian Wine Industry Association; Liberal/Opposition government members: Stephen Griffiths, Vicki Chapman, Stephan Knoll Michelle Lensink and Dr Duncan McFetridge; McLaren Vale Grape and Wine Association Tourism Association; Jason Irving, Manager Protected Areas, Department of Environment, Water and Natural Resources (DEWNR); Rebekha Sharkie, Member for Mayo and Gemma Palazzo, Senior Constituent Advisor; Chris Daniels, Presiding Member, Adelaide and Mount Lofty Ranges Natural Resources Management Board and Brenton Gear, Regional Director, Adelaide and Mount Lofty Ranges
- A series of Expert Workshops in August and November 2017, involving DEWNR's Heritage advisor, the Project Team, and a series of nationally notable experts, to address the State Government's concern regarding sufficient academic work to back the Bid.
- Adelaide and Mount Lofty Ranges NRM Board workshop: a workshop on 23 February 2017. Alignments between the bid area and bid objectives and the NRM boundaries and the NRM Plan objectives were explored.
- Advisory Group/Volunteer recognition: May 25, 2017 - The national heritage nomination has involved an enormous number of volunteer hours from highly qualified experts and members of the project's six advisory groups over the past three years since the establishment of those advisory groups. A special event was held to thank and celebrate the milestone of National Heritage nomination submission.
- DEWNR funded Adelaide University technical report: "The roles of Agricultural Biodiversity in the McLaren Vale Landscape" was also supported by the City of Onkaparinga. The technical report was submitted as supporting research to the National Heritage nomination.
- PIRSA funded economic study: "Framework for Quantitative Measures of Economic Impact for WHS Bid" (March 2017) compiled baseline economic data for the Mount Lofty Ranges World Heritage Bid, was undertaken by Dr. Julian Morison of Econsearch in consultation with the Economic Advisory Group (EAG).

Appendix 2

Annual Report 2017-18



ANNUAL REPORT

May 2017 to April 2018

CONTENTS

FOREWORD

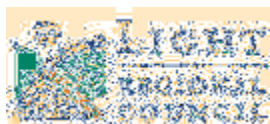
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CONCLUSION.....7

PARTICIPATING COUNCILS



PROJECT SPONSORS



THE UNIVERSITY
of ADELAIDE

Photos are courtesy Mid-Murray Council, Mount Barker District Council and from internet sources.

FOREWORD

The key focus of the Mount Lofty Ranges World Heritage bid in the year May 2017 – April 2018 has been evaluating feedback on the National Heritage listing nomination dossier, commencing preparation of a World Heritage nomination and ongoing advocacy of the project to state and federal government and industry stakeholders. This work continues with a core ambition to promote collaboration between all tiers of government and the private sector to deliver real and lasting economic, cultural and environmental benefits to the region.

Our evolving narrative for national and the United Nations Educational, Scientific and Cultural Organisation (UNESCO) World Heritage recognition continues to build the case that the rural landscapes of the Mount Lofty Ranges are a continuing and outstanding expression of our Aboriginal culture, our globally significant colonial history and our exceptional ability to adapt, innovate and evolve with changing nature over time. A workshop held at White Hill Estate, McLaren Vale attracted an impressive group of over 30 national and global experts to help with the development of that case.

Political advocacy in 2017-18 saw further meetings and correspondence between bid representatives and government ministers, ministerial advisors and agency staff in the environment, planning, primary industry and tourism portfolios at both the state and federal level and resulted in the involvement of Jason Irving, Manager, Protected Areas, Department of Environment, Water and Natural Resources to the Project Management Group.

Forty letters of support for the national and world nominations were provided by key wine and tourism organisations, individuals and corporate bodies, including the umbrella body for the wine industry, the South Australian Wine Industry Association, Maggie Beer, Margaret Lehmann, Pernod Ricard/Jacob's Creek, Seppeltsfield, Jurlique, Beerenberg, Mount Lofty House, d'Arenberg and Paris Creek. We also signed our first formal sponsorship agreement with Pernod Ricard in late 2017, and were successful in securing our first federal grant from the Australian Government's Building Better Region's fund.

Public and stakeholder engagement was limited given the pending status of the National Heritage listing nomination, however a significant milestone was achieved in late 2017 when three key Kurna groups signed a formal Statement of Support for the bid.

The six advisory groups had reduced responsibilities however several valued members of the groups continued to assist with advocacy, academic workshops and delivering key aspects of the project plan, and their ongoing willingness to contribute their skills and knowledge pro bono is acknowledged and appreciated. Additionally, a PIRSA funded economic study undertaken by Dr Julian Morison at Econsearch in consultation with the Economic Advisory Group compiled baseline economic data for the Mount Lofty Ranges World Heritage Bid.

In conclusion I acknowledge the combined efforts of the Project Steering Group, Project Management Group and Project Consultant, Stephanie Johnston. As always, ongoing advocacy at Federal and State governments, and with the corporate sector, will be necessary to ensure momentum is not lost during the National Heritage nomination assessment process and to ensure we have a good foundation in place for a future World Heritage nomination.

Mayor Bill Spragg

Chair - Project Steering Group



ABOUT THE BID



INTRODUCTION

The Mount Lofty Ranges World Heritage Bid spans the world-renowned food, wine and tourism regions of the Barossa Valley, the Adelaide Hills, McLaren Vale, the Clare Valley, and the Fleurieu Peninsula. The Adelaide Hills, Alexandrina, Barossa, Mount Barker, Onkaparinga, Yankalilla, Clare and Gilbert Valleys, Light Regional, Mid Murray and Mitcham councils are collaborating with Regional Development Australia Barossa and Global Food Studies at the University of Adelaide to pursue National Heritage listing of the region's agricultural landscapes. Following submission of the National Heritage nomination in early 2017 the councils involved are considering how to work with the State and Federal Governments to achieve National Heritage listing and to pursue World Heritage listing with UNESCO.

The bid for World Heritage listing seeks to encourage the identification, protection, preservation and promotion of cultural and natural heritage around the world that is considered to be of outstanding value to humanity.

The process for this Bid comprises two stages: firstly, inclusion on Australia's National Heritage list followed by a bid for World Heritage listing, however these processes may also overlap.

We are pursuing listing for the heritage values associated with a groundbreaking 19th century model of colonisation. South Australia was the first place in Australia to be planned and developed by free settlers without the use of convict labour, and the first place in the world to apply the 'systematic colonisation' model developed by Edward Gibbon Wakefield, John Stuart Mill, Jeremy Bentham and members of the British-based 'National Colonisation Society':

According to Wakefield, it was 'the first attempt since the time of the ancient Greeks to colonise systematically'. The region's links to this unique philosophical movement of universal significance, and the continuing reflection of those utopian ideals in the contemporary landscape form the basis of the World Heritage bid.

The potential World Heritage area is yet to be defined but could encompass a series of landscapes stretching from the Fleurieu Peninsula in the south to the Clare Valley in the north.

A feasibility report provided evidence that strongly supports the proposition of it being worthy of World Heritage status for the values that are encapsulated within the region and through its evolution to the present day.

An Economic Impact Study undertaken by EconSearch (Julian Morison) detailed the potential benefits to agriculture, wine and food production and tourism for the region as a result of World Heritage Listing.

The feasibility report and economic impact study presenting the argument and rationale for WHS listing can be accessed at the project website.

GOVERNANCE

The participating councils have adopted a specific project orientated governance structure. The activities undertaken by each tier of the governance framework are briefly mentioned below.

PROJECT STEERING GROUP

The Project Steering Group (PSG) which comprises Mayors and CEOs of the participating Councils met in April 2017, September 2017 and February 2018. During the year the PSG discussed the following matters:

- National Heritage Listing nomination update including response from the Australian Heritage Council
- Post Project evaluation of stage 1
- Project Scope for Transition Phase from Stage 1 to 2
- Transfer of Project Steering Group Chair and associated responsibilities from City of Onkaparinga back to Adelaide Hills Council for 24 months, or until the establishment of a new governance structure, whichever is earlier

- Heritage Research Component Report
- Future Governance Structure - Aims and Options
- Update on Corporate Sponsorship Opportunities
- Expert Workshop 6-7 November summary
- Aboriginal Engagement and Story Update
- Building Better Regions Funding for Digital Knowledge Bank project

PROJECT MANAGEMENT GROUP

The Project Management Group (PMG) is responsible for governance, management and progression of the project bids, as well as employing and managing the Project Manager.

At present, this group comprises nominated staff representatives of each council, a representative of RDA Barossa, Adelaide University and the Project Manager.

The PMG generally meets monthly to progress the project. Meetings were held as follows:

- 18 May 2017
- 19 June 2017
- 17 July 2017
- 21 August 2017
- 18 September 2017
- 23 October 2017
- 20 November 2017
- 18 December 2017
- 8 February 2018
- 19 February 2018
- 9 April 2018

An outcome of the Post Project Evaluation of Stage 1 – National Heritage Listing Nomination was a new approach to the functioning of the Project Management Group in the form of a self-managed team. Under this approach each PMG member is responsible for providing lead support for a key function.



GOVERNANCE

The following are the key functional areas identified by the PMG to effectively progress the bid process:

1. Project management (planning, budgeting and performance monitoring)
2. Regional economic development (marketing & promotion, economic indicators, website, knowledge management)
3. Grants and Fundraising
4. Advocacy, Engagement & Communication
5. Governance (existing and future models)

In addition to investigating potential future governance arrangements, the PMG also investigated ways to capitalise on economic development and regional branding opportunities arising from the work achieved to date - i.e. applying the 'no regrets' concept that regional benefits can apply whether or not National Heritage or World Heritage listing is ultimately achieved.

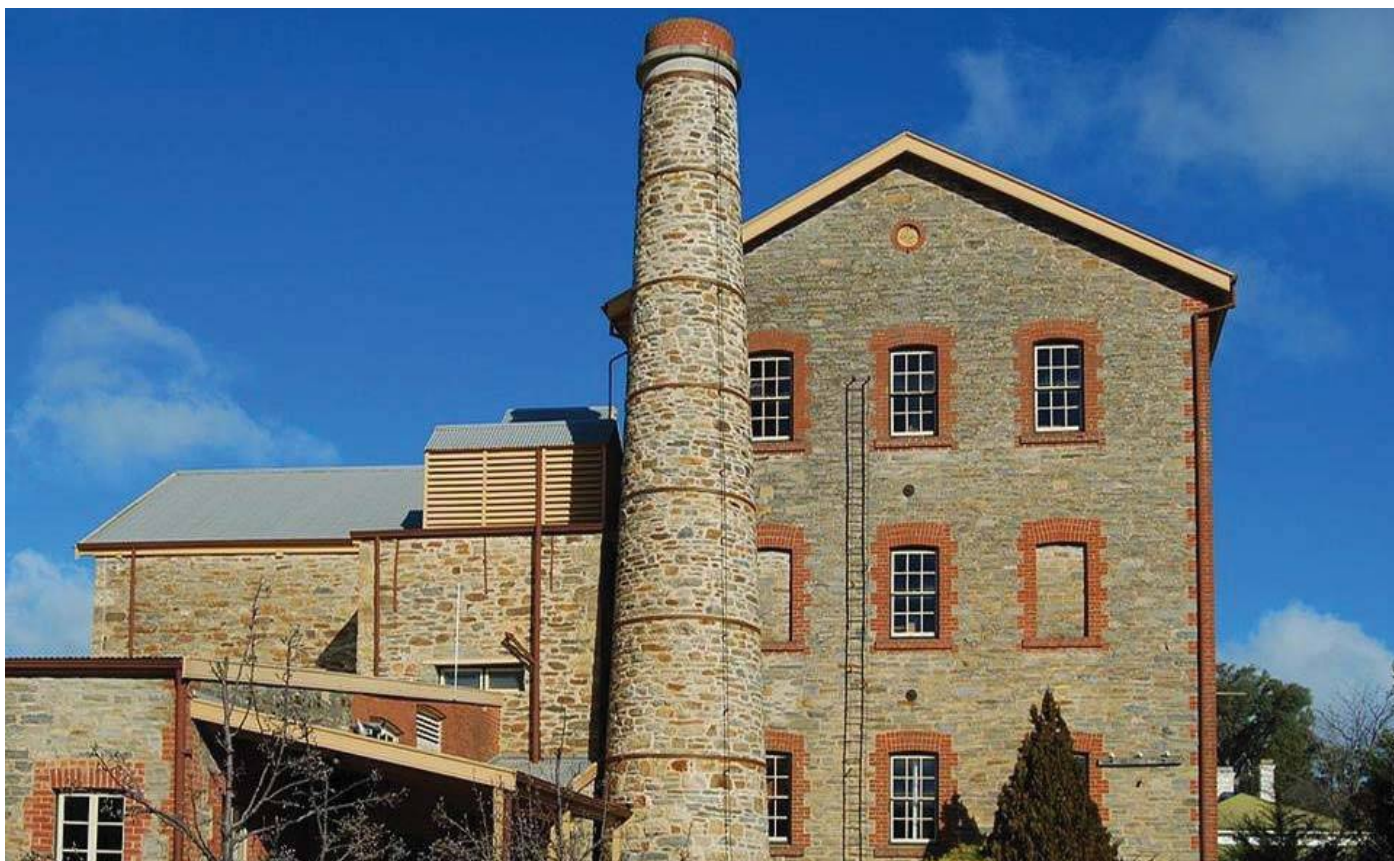
PROJECT MANAGER/ CONSULTANT

Another outcome of the Post Project Evaluation of Stage 1 – National Heritage Listing Nomination was transition of the Project Manager to a 'project consultant' role with Stephanie Johnston engaged on an as-needs basis for a maximum of two days per week for 12 months. Through the self-managed team explained above the PMG has taken on the project management responsibilities with Stephanie undertaking specialist research and providing advice and support to Project Management Group members as directed and supervised by the PMG Chair (currently Marc Salver of Adelaide Hills Council).

ADVISORY GROUPS

The six advisory groups established in April 2014 played a limited role during the year given the pending nature of the National Heritage listing nomination, however members of the Aboriginal Advisory Group, Community Advisory Group, Heritage

Advisory Group and Landscape Advisory Group contributed to the conduct of the August, October and November 2017 workshops, and to the signing of the Kurna Statement of Support. The Economic Advisory Group secured grant funding from PIRSA to commission Julian Morison at Econsearch to establish economic indicators and to survey businesses in the region to determine baseline figures for those indicators, and the MLR WH Economic Indicators Report was delivered to the EAG in late 2017. Advisory Group Members also participated in the National Heritage Nomination post project evaluation survey. The future role and function of the groups will be reviewed through the future governance structure review.



ENGAGEMENT, COMMUNICATIONS AND ADVOCACY

EVENTS AND WORKSHOPS

Advisory Groups

Acknowledgement lunch at Uraidla, May 2017

- The national heritage nomination benefited from an enormous number of hours of pro bono contribution from highly qualified members of the project's six expert advisory groups over the past three years. Their contribution was acknowledged at a lunch at the Uraidla Hotel in May.

University of Adelaide Expert Workshop, August 2017

- In line with the Premier's suggestion in his 13 July 2017 letter of response, the PMG worked with the State Department of Environment, Water and Natural Resources (DEWNR) to conduct this Expert Workshop and another in November.
- A key outcome of the workshop was to enable the project team to better address the State Government's academic and research concerns with the World Heritage Listing Bid.

Warriparinga Workshop, October 2017

- On the advice of the consortium's Aboriginal Advisory Group, an open invitation was extended to Aboriginal groups and individuals within the Mount Lofty Ranges bid region to attend a workshop at Warriparinga Living Kurna Cultural Centre in October.
- A talk by Professor Randy on his experiences of discovering cultural traditions of the Caddo, Osage and Quapaw peoples and presentation on the National and World Heritage nomination timelines led members of the group to make the decision to draft a Kurna Statement of Support for the national and world heritage nominations.
- The Kurna Statement of Support was subsequently signed by three Kurna groups at a meeting in Adelaide on November 30th.

Sponsorship of Australia ICOMOS Cultural Landscapes & Cultural Routes National Scientific Committee Meeting and workshop at Jacob's Creek and associated promotional event at Seppeltsfield, November 2017

- The bid consortium and event sponsors Jacob's Creek hosted the Australia ICOMOS (International Council on Monuments and Sites) Cultural Landscapes & Cultural Routes National Scientific Committee Meeting and workshop at Jacob's Creek Heritage Vineyard in early November. ICOMOS is a non-government, not-for-profit organisation of cultural heritage professionals, and the cultural heritage advisory body to the World Heritage Committee.
- The workshop explored the challenges and complexities of managing change and conflict across large cultural landscapes under threat.
- Presentation by project consultant and group discussion of potential boundaries and values.



ENGAGEMENT, COMMUNICATIONS AND ADVOCACY



World Heritage Nomination Expert Workshop at White Hill Estate, McLaren Vale, November 2017

- Australia ICOMOS cultural landscape experts were joined by Australian and New Zealand migration history specialists and Adelaide University academics to start developing the potential case for World Heritage listing, at a two day workshop held at White Hill Estate in McLaren Vale. The workshop was funded by the University of Adelaide's Centre for Global Food and Resources, and guided by a methodology developed by the DEWNR.
- The White Hill workshop resulted in the drafting of a refined narrative addressing both the national and world heritage criteria which was submitted as an update to the Federal Department of Environment in February, and subsequently circulated to advisory group members and workshop participants.

PRESENTATIONS

No formal presentations were given at conferences, seminars or the like.

ADVOCACY MEETINGS

Meetings

The Chair of the Project Steering Group Mayor Bill Spragg continued to advocate the project during informal discussions with members of various stakeholder groups but no formal meetings were held during the year.

Letters

- Letters seeking support, commitment or to provide updates were also sent through the year to:
- Chair of the Australian Heritage Council suggesting that we work with the Council and Department of Environment and Energy to find innovative ways to provide capacity to support the assessment process, should the Council determine that the National Heritage nomination has potential national value

- Supporting councils (i.e. Clare and Gilbert Valleys, Light Regional, Mitcham, Mid-Murray and Yankalilla) to consider a contribution towards the project as part of their 2017-18 budget process
- Supporting councils to consider a contribution towards the Digital Knowledge Bank project
- Letter to Hon Josh Frydenberg MP, Minister for the Environment and Energy

ENGAGEMENT, COMMUNICATIONS AND ADVOCACY

Aboriginal Peoples Agreement

Engagement with the Aboriginal peoples and nations within the project region is very important for the progression of the bid and is one of the requirements of the UNESCO World Heritage Convention. It also presents an opportunity for these Aboriginal groups to tell their side of the colonisation story and move towards reconciliation and healing for these groups. As a result of outcomes of an Aboriginal group workshop held in October 2017 a significant milestone was achieved on 30 November 2017 with the signing of a Statement of Support by the three Kurna groups (the Kurna Nations Cultural Heritage Association Inc., the Kurna Yerta Aboriginal Corporation and the Kurna Warra Karrpanthi Aboriginal Corporation). The Project Management Group (PMG) will now work with the other Aboriginal groups within the project region to hopefully achieve the same outcome and to help secure benefits from the project for these groups.

Corporate Sponsorship

A sponsorship agreement was prepared to enable appropriate transparency and governance in the event of corporate sponsorship being offered, and an agreement to provide in kind support of \$10,000 over the 2017/2018 financial year was signed with Pernod Ricard Winemakers. This was recently extended through to the end of the 2018 calendar year.

PROMOTIONAL MATERIAL

Consortium councils have updated flyers to improve messaging about the project following feedback from targeted stakeholders. In addition, the councils have developed a compendium of promotional material including factsheets and planning impact statements. The fact sheets and planning impact statements are tailored to stakeholders identified in the project's Engagement, Advocacy and Communications Plan.

The councils are continually improving the messaging about the project and appreciate any feedback on the promotional material.

Quarterly Newsletter

A Winter newsletter and Summer newsletter were distributed to the project's database in July 2017 and December 2017 respectively.

MEDIA

The project continued to attract media publicity through articles in the Advertiser and regional newspapers covering the National Heritage Nomination submission and associated promotional event at Parliament House, Canberra, and in an illustrated story covering the signing of the Kurna Statement of Support in the Advertiser in October 2017 also attracted an editorial in support of the project.



ENGAGEMENT, COMMUNICATIONS AND ADVOCACY & CONCLUSION

PROJECTS

“The roles of Agricultural Biodiversity in the McLaren Vale Landscape” technical report:

- This DEWNR-funded University of Adelaide research project, supported by the City of Onkaparinga was submitted as supporting research to the National Heritage nomination

“Mount Lofty Ranges World Heritage Economic Indicators” report:

- This PIRSA funded economic study compiled baseline economic data for the Mount Lofty Ranges World Heritage Bid and was undertaken by Dr Julian Morison at Econsearch in consultation with the Economic Advisory Group.

University College London Bentham Project:

- Dr Tim Causer from University College London UCL) will visit Adelaide in July 2018 and give a public talk at the State Library covering the relevance of the university’s Bentham Project to the MLR bid.

- UCL will publish Jeremy Bentham’s writings on the Wakefield Plan (“The Colonization Society Proposal”) for the first time ever in 2019, a project which will provide critical evidence regarding South Australia’s association with the UK’s Philosophical Radicals and Systematic Colonisation movement, a core component of the bid’s World Heritage case.

Literature Review:

- Dr David Llewellyn was engaged in July 2017 to undertake literature review for the World Heritage Listing nomination. Dr Llewellyn presented an interim report at the August expert workshop and delivered his final report in September 2017

Building Better Regions Funding for the development of a Digital Knowledge Bank:

- The project team successfully applied for a \$40,000 Building Better Regions Fund (BBRF) grant to establish a digital knowledge platform (website) for strategic planning and knowledge sharing of the WHL Project. The project is yet to commence.

CONCLUSION

Stakeholder engagement has progressed through various events presentations and meetings with strategic stakeholders at national, regional and state level.

The bid process is at a critical point in terms of state and federal government advocacy, planning for Stage 2, investigating governance arrangements, seeking external funding and establishing new alliances and partnerships.





Appendix 3

*Financial Statement 2017-18 and Projected Budget
2018-19*

World Heritage Budget Summary 2017-18

Income	
Councils contributions for 2017-2018 (excluding GST)	\$79,500
Other funding (DEWNR and RDA)	\$2,500
Carry forward from 2016-17 financial year	\$29,339
Total Income	\$111,339
Expenditure	
Project Manager's payment to May 2018	-\$55,315
Events and Functions	-\$5,276
Travel and accommodation	-\$2,121
Marketing and Promotion	-\$418
Subscriptions and charges	-\$238
Project Manager payment – fee for service estimated for June 2018	-\$5,000
Total expenditure	-\$68,368

Budget projections for 2018-19 financial year

Income	
Councils contributions for 2018-2019 (excluding GST)	\$79,500
Carry forward from 2017-18 financial year	\$42,971
Total Income	\$122,471
Projected Expenditure	
Digital Knowledge Bank Project (required matching funding)	-\$40,000
Expert review of WH proposition	-\$35,000
Progress Bid development	-\$30,000
Marketing and Promotion	-\$5,000
Miscellaneous expenses	-\$5,000
Total Expenditure	-\$115,000

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 26 June 2018
AGENDA BUSINESS ITEM**

Item: 13.2

Originating Officer: Lachlan Miller, Executive Manager Governance & Performance

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Council Member Conduct Complaint – Part 3

For: Information

SUMMARY

The purpose of this report is to provide Council with the findings of a *Council Member Conduct Policy* (the Conduct Policy) complaint investigation.

The complaint related to alleged breaches of Part 3 of the Code of Conduct for Council Members (and therefore the Council Member Conduct Policy). The matter was referred to the Ombudsman, in accordance with the Council Member Conduct Policy Complaint Handling Procedure (the Procedure). In consideration of the complaint, the Ombudsman has completed his assessment and advised that he does not intend to investigate the Part 3 allegations.

While the Conduct Policy is silent on the matter of where the Ombudsman has found that no breach of Part 3 of the Code has occurred, in the spirit of the Policy, a report is provided to Council in a similar manner to clause 7.3 of the Procedure for when no breach of Part 2 is found. As such, this report advises the finding but does not provide details of the complaint or the identities of the complainant or the respondent.

RECOMMENDATION

Council resolves that the report be received and noted.

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal: Organisational Sustainability
Strategy: Governance

A key element of the Governance Strategy within the Strategic Plan is that Council Members will ‘..diligently adhere to legislative requirements to ensure public accountability and exceed these requirements where possible.’

➤ **Legal Implications**

On 29 August 2013, in accordance with s63(1) of the *Local Government Act 1999* (the Act) and Regulation 6A of the *Local Government (General) Regulations 1999*, the Minister for Local Government published the Code of Conduct (the Code) for Council Members. On 1 September 2013, the Code was made by Regulation.

Part 3 of the Code relates to misconduct and provides that complaints made under this Part may be referred to the Ombudsman for investigation under s263 of the Act by the Council's Chief Executive Officer.

The Conduct Policy was adopted on 25 November 2015 and is an amalgam on the mandatory Code prescribed by the Minister for Local Government and an additional agreed set of behavioural principles and standards to complement and confirm the requirements of the Code. The Policy also contains Council's Code of Conduct Complaint Handling Procedure (the Procedure).

Section 63(2) of the *Local Government Act 1999* provides that members of councils must observe the Code.

Section 263 of the Act provides that there are grounds for complaint under that Part against a member of council if the member has contravened or failed to comply with Chapter 5 Part 4 of the Act (which includes s63).

Section 18 of the *Ombudsman Act 1972* provides that the Ombudsman may make a preliminary investigation of an administrative act to determine whether to proceed with a full investigation of that act. Further s26(c) provides that a person engaged in the administration of the Act must not disclose information obtained in the course of the administration of the Act except as authorised or required by the Ombudsman.

➤ **Risk Management Implications**

Handling Code of Conduct complaints and investigations in accordance with the provisions of the Conduct Policy will assist in mitigating the risk of:

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

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

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

➤ **Financial and Resource Implications**

The costs associated with managing and investigating Conduct Policy complaints are accommodated in existing budgets and, where required, adjusted via budget reviews.

As this complaint was assessed by the Ombudsman, there is no cost to Council.

The management of Conduct Policy complaints requires the committal of resources within the Governance & Performance Department.

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

There is a high expectation that Council Members conduct themselves in an appropriate manner and in accordance with legislative obligations.

Further, the community expects Council to have appropriate corporate governance processes in place to manage conduct complaints.

➤ **Environmental Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Chief Executive Officer
Director Community & Customer Service (as acting Chief Executive Officer)

Community: Not Applicable

2. **BACKGROUND**

Code of Conduct Complaint Handling Procedure

Attachment C (**Appendix 1**) of the Conduct Policy sets out the Complaint Handling Procedure (the Procedure). The following summary of the Procedure is as it relates to the particulars of the complaint which is the subject of this report.

Clause 4.5 of the Procedure provides that the Mayor (or Deputy as required), will determine whether the complaint relates to:

- behaviour that falls under Part 2 of the Code;
- misconduct which triggers action under Part 3 of the Code; or
- criminal or corrupt behaviour.

Clause 4.6 provides that complaints relating to misconduct or criminal behaviour must be referred to the appropriate authorities immediately.

Clause 8.1 provides that alleged breaches of Part 3 made to the Council may be referred to the Ombudsman for investigation.

The Complaint

The key dates and actions in relation to the complaint are as follows:

- 4 April 2018 Council received a complaint regarding the conduct of a Council Member regarding Part 3 of the Code.
- 6 April 2018 Receipt of complaint acknowledged to Complainant.
- 19 April 2018 Determination under clause 4.5 of the Procedure, that the complaint should be referred to the Ombudsman on the basis that the allegations related to misconduct which triggers action under Part 3 of the Code.
- 20 April 2018 Complainant was notified of the Clause 4.5 Determination.
- 23 April 2018 Complaint transmitted to the Ombudsman.
- 14 May 2018 Ombudsman advised that he has completed his assessment and that he does not intend to investigate the Part 3 allegations unless the CEO can identify an error in his assessment of the matter.
- 25 May 2018 CEO advised the Ombudsman that he could find no error in the Ombudsman's assessment of the matter.
- 28 May 2018 Ombudsman's Office advised that the file has been closed, noting the Council did not identify an error in the assessment of the matter.

Complainant and Respondent both advised of Ombudsman's assessment and the intention to prepare a report for Council.

3. ANALYSIS

While the Conduct Policy is silent on the matter of where the Ombudsman has found that no breach of Part 3 of the Code has occurred, in the spirit of the Policy, a report is provided to Council in a similar manner to clause 7.3 of the Procedure for when no breach of Part 2 is found. As such, this report advises the finding but does not provide details of the complaint or the identities of the complainant or the respondent.

4. OPTIONS

As this is an 'Information' report, Council is limited to receiving the report.

5. APPENDIX

- (1) Council Member Conduct Policy – Attachment C - Complaint Handling Procedure

Appendix 1

*Council Member Conduct Policy - Attachment C -
Complaint Handling Procedure*

ATTACHMENT C

Code of Conduct Complaint Handling Procedure

1. Introduction

- 1.1 On 1 September 2013, a new Code of Conduct for Council Members was made by Regulation. The Code of Conduct applies to all Council Members across the Local Government sector and may be the subject of a Council investigation or an Ombudsman investigation, depending on the nature of the issue. The Code of Conduct also contains sanctions which may be imposed by Council on a Council Member where a breach of the Code is found to be sustained.
- 1.2 The preamble to Part 2 of the Code requires each Council to adopt a process for the handling of alleged breaches of Part 2 and that the process will need to be reviewed within 12 months of a general local government election.
- 1.3 On 21 January 2014, the Adelaide Hills Council initially adopted the AHC Behavioural Standards which provide for an additional agreed set of behavioural principles and standards to complement and confirm the requirements of the Code of Conduct.
- 1.4 Clause 2.6 of the Code of Conduct requires Council Members to comply with Council policies, codes and resolutions; therefore a breach of the Behavioural Standards is a breach of Part 2 of the Code of Conduct.

2. Purpose and Scope

- 2.1 This procedure applies when the Council receives a complaint against a Council Member under the Code of Conduct for Council Members as gazetted on 29 August 2013.

3. Provisions of the Code of Conduct

- 3.1 The Code of Conduct for Council Members contains the following clauses regarding Complaints and Findings (of alleged breaches under Part 2):
 - 2.17 *Any person may make a complaint about a Council member under the Behavioural Code.*
 - 2.18 *Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the Principal Member or Chief Executive Officer of the Council, or nominated delegate/s.*
 - 2.19 *A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator.*
 - 2.20 *A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.*
 - 2.21 *A failure of a Council member to cooperate with the Council's process for handling alleged breaches of this Part may be referred for investigation under Part 3.*

- 2.22 *A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigation under Part 3.*
- 2.23 *Repeated or sustained breaches of this Part by the same Council member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.*
- 2.24 *A breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.*
- 2.25 *If, following investigation under the Council's complaints handling process, a breach of the Behavioural Code by a Council member is found, the Council may, by resolution:*
- 2.25.1 *Take no action;*
 - 2.25.2 *Pass a censure motion in respect of the Council member;*
 - 2.25.3 *Request a public apology, whether written or verbal;*
 - 2.25.4 *Request the Council member to attend training on the specific topic found to have been breached;*
 - 2.25.5 *Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);*
 - 2.25.6 *Request the member to repay monies to the Council.*

- 3.2 The Complaint Handling Procedure supplements (but does not replace) the requirements of the above clauses of the Code of Conduct.

4. Breaches the Code of Conduct

- 4.1. Breaches of the Code of Conduct may relate to behaviour (in Part 2 of the Code) or misconduct (in Part 3 of the Code). Criminal or corruption matters, which are subject to separate legislation, do not form part of the Code of Conduct for Council Members but are referred to in the Appendix to the Code. This procedure covers referral of these types of complaints to other agencies.
- 4.2. Where an alleged breach occurs the complainant should report the allegation, in writing, to the Council, addressed to the CEO. The allegation should:
- be specific
 - provide as much supporting evidence as possible to assist an investigation
 - provide the name of the Member who has allegedly breached the Code.
- 4.3. The CEO must acknowledge receipt of the complaint within three (3) clear business days of receiving the complaint.
- 4.4. Complainants can, at any time, take the alternative option of lodging the complaint directly to the Ombudsman or with the Office of Public Integrity (OPI), which will direct the complaint in accordance with the ICAC Act.

-
- 4.5. The CEO must advise the Mayor (or if it relates to the Mayor, his/her deputy) of receipt of a complaint within three (3) clear business days. (Hence forth in this procedure reference to the Mayor will be taken as the Mayor or deputy.) The Mayor will determine whether the complaint relates to:
- behavior which falls under Part 2 of the Code
 - misconduct which triggers action under Part 3 of the Code or
 - criminal or corrupt behaviour
- 4.6. Complaints relating to misconduct or criminal behaviour must be referred to the appropriate authorities immediately. (See below at clauses 8 and 9)
- 4.7. Council maintains jurisdiction where the complaint deals with conduct that falls into Part 2 of the Code. Part 2 deals with conduct that reflects reasonable community expectations of how Council Members should conduct themselves. Robust debate within Council which is conducted in a respectful manner is not a breach of this Part.
- 4.8. Having regard to the seriousness of the allegation and information provided, the Mayor may:
- seek to resolve the matter internally
 - refer the complaint to the Local Government Governance Panel
 - dismiss the allegation.
- 4.9. Within three (3) clear business days of being advised in accordance with clause 4.5, the Mayor must advise the Member, who is the subject of the complaint, of the of the complaint and its substance. The Member will also be advised of the manner in which the Mayor intends to deal with the complaint.
- 4.10. The Mayor must ensure that the principles of procedural fairness and natural justice are observed.
- 4.11. Upon being advised of the complaint, the Mayor must bring the fact of the complaint but not the details of the allegations to the attention of the Council at the next formal meeting of the Council.

5. Alleged Breach of Part 2 - Internal response

- 5.1. Only matters which are determined to be of a minor nature will be dealt with internally and only with the agreement of the parties. The Mayor, may hold meetings with the complainant and the Council Member and may seek mediation and conciliation between the parties in an attempt to resolve the matter to the satisfaction of all parties (this may be appropriate, for example, where the complainant is also a Council Member). An appropriately qualified person may be engaged, in consultation between the Mayor and the CEO, to assist the Mayor in this process.
- 5.2. Where the matter is resolved to the satisfaction of all the parties, the Mayor will send written confirmation to all the parties within three (3) clear business days confirming that the matter has been resolved.

- 5.3. Where the matter cannot be resolved, the Mayor will refer the original complaint to the Local Government Governance Panel. Neither the Mayor nor the CEO will investigate a complaint.

6. Alleged Breach of Part 2 – Referral to the Local Government Governance Panel

- 6.1. Where there has been an allegation that a Council Member has breached Part 2 of the Code, the complaint may be referred to the independent Local Government Governance Panel by the Mayor under this procedure.
- 6.2. Complaints referred to the Governance Panel will specify the ground/s of the complaint, set out the circumstances of the complaint and be accompanied by any other material that is available to support the complaint. A copy of the Governance Panel's procedures is available on the Governance Panel webpage on the LGA's website under *Rules of Engagement*. [www.lga.sa.gov.au]
- 6.3. The matter will be assessed initially by the Panel Chairperson who will determine the process to be followed and the person who will deal with the matter. The matter may be dismissed if it is frivolous, vexatious, misconceived or lacking in substance. Where a complaint progresses to an investigation, a report will be prepared by the Panel and will be provided to the Council. The report may recommend to the Council appropriate action in relation to the matter, including the imposition of any of the sanctions available to a Council under clause 2.25 of the Code of Conduct (see below).

7. Alleged Breach of Part 2 – Finding Reports to Council

- 7.1. If, following a resolution to a complaint employing the Internal Response method (clause 5 above) in which no breach of Part 2 of the Code is found, a report will be provided to a public meeting of Council stating the finding but not the details of the allegations.
- 7.2. If, following a resolution to a complaint employing the Internal Response method (clause 5 above) in which a breach of Part 2 of the Code is found, the breach must be the subject of a report to a public meeting of Council (clause 2.24 of the Code). The Council may, by resolution, take any of the following actions:
- Take no action;
 - Pass a censure motion in respect of the Council Member;
 - Request a public apology, whether written or verbal;
 - Request the Council Member to attend training on the specific topic found to have been breached;
 - Resolve to remove or suspend the Council Member from a position within the Council (not including the Member's elected position on Council)
 - Request the member to repay monies to the Council.
- 7.3. If, following investigation by the Governance Panel, no breach of the Part 2 of the Code is found, a report will be provided to a public meeting of Council stating the finding but not the details of the allegations.

- 7.4. If, following investigation by the Governance Panel, a breach of the Part 2 of the Code is found, the breach must be the subject of a report to a public meeting of Council (clause 2.24 of the Code). The Council may, by resolution, take any of the following actions:
- Take no action;
 - Pass a censure motion in respect of the Council Member;
 - Request a public apology, whether written or verbal;
 - Request the Council Member to attend training on the specific topic found to have been breached;
 - Resolve to remove or suspend the Council Member from a position within the Council (not including the Member's elected position on Council)
 - Request the member to repay monies to the Council.

8. Part 3 - Mandatory Code (Misconduct)

- 8.1. Any person may report an alleged breach of Part 3 of the Code to the Council, the Ombudsman or the Office for Public Integrity. Alleged breaches of this Part made to Council or to the Office for Public Integrity may be referred to the Ombudsman for investigation.
- 8.2. Under the Code of Conduct, a Council Member who is of the opinion that a breach of Part 3 of the Code has occurred, or is currently occurring, must report the breach to the Mayor of the Council or Chief Executive Officer, the Ombudsman or the Office for Public Integrity.
- 8.3. A failure to report an alleged or suspected breach of Part 3 of the Code is in itself a breach under Part 2 of the Code.
- 8.4. A failure of a Council Member to co-operate with the Council's process for handling alleged breaches of Part 2 of the Code may be referred for investigation under Part 3.
- 8.5. A failure of a Council Member to comply with a finding of an investigation under Part 2 of the Code, adopted by the Council, may be referred for investigation under Part 3.
- 8.6. Repeated or sustained breaches of Part 2 of the Code by the same Council Member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.
- 8.7. A report from the Ombudsman that finds a Council Member has breached Part 3 of the Code of Conduct must be the subject of a report to a public meeting of the Council.
- 8.8. The Council must pass a resolution to give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

9. Criminal Matters – Appendix to the Code of Conduct

- 9.1. The matters within the Appendix to the Code of Conduct are matters for which a criminal penalty attaches. These matters must be reported to the OPI. In addition, allegations of a breach of any of the offence provisions in the *Local Government Act* must also be reported to the OPI. (See Council's *Fraud and Corruption Prevention Policy* for further information on reporting requirements or the *Directions and Guidelines* issued by the Independent Commissioner Against Corruption).
- 9.2. In compliance with the Independent Commissioner against Corruption Act 2012, referral of such complaints to the OPI will remain confidential.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 26 June 2018
AGENDA BUSINESS ITEM**

Item: 13.3

Originating Officer: Kylie Hopkins, Governance & Performance Project Officer

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Policy Review Schedule

For: Information

SUMMARY

Council has developed a range of policies over time, some in response to legislative obligations and others at Council's discretion. Policies are generally adopted with review to occur at a set period (e.g. 3 years) or as required by changes in legislation.

The attached Policy Register is provided for the Council's consideration and review to get a consolidated picture of the schedule of policies and review timeframes.

RECOMMENDATION

Council resolves that the report be received and noted.

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal	Organisational Sustainability
Strategy	Governance

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

➤ **Legal Implications**

The *Local Government Act 1999*, *Local Government (Elections) Act 1999* and *Development Act 1993* require a number of codes and policies to be developed; these include but are not limited to:

- Code of Practice for Access to Council & Committee Meetings and Documents;
- Complaints Handling;
- Internal Review of Council Decisions;
- Public Consultation;
- Procurement.

➤ **Risk Management Implications**

Maintenance of a contemporary and legislatively compliant Policy Framework (the Framework) will assist in mitigating the risk of:

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

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

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

➤ **Financial and Resource Implications**

There is no specific budget for the development and implementation of the Framework however this is provided for in the Governance & Performance Department budget. The financial implications of individual policies will be identified when submitted for approval.

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

Specific policies developed/revised as part of this Framework will have customer service implications however there is a community expectation that Council has in place a suite of logical, cohesive and legislatively-compliant policies.

➤ **Environmental Implications**

Not applicable.

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

Consultation regarding the Framework has been undertaken within Council.

Some policies are required by legislation to be subject to consultation prior to adoption (i.e. Public Consultation Policy) and for some others it may be desirable to undertake a discretionary consultation approach (Council can determine this on a policy-by-policy basis).

<i>Council Committees:</i>	Not Applicable
<i>Council Workshops:</i>	Not Applicable
<i>Advisory Groups:</i>	Not Applicable
<i>Administration:</i>	Chief Executive Officer Director Corporate Services Director Strategy & Development Director Community & Customer Services Director Engineering & Assets Executive Manager Governance & Performance Executive Manager Organisational Development
<i>Community:</i>	Not Applicable

2. BACKGROUND

The Policy Register has previously been provided to the Strategic Planning & Development Policy Committee (SPDPC) on an annual basis to enable the Committee to fulfil its oversight role, on behalf of Council, in relation to the Policy Framework.

On 25 July 2017, Council adopted a revised Terms of Reference (TOR) for the SPDPC, which came into effect on 1 September 2017. One of the key changes was to remove the (corporate) policy adoption elements of the Committee's role with this function to revert back to Council and the focus of the Committee to be on planning policy matters.

3. ANALYSIS

The Administration has reviewed the Policy Register (**Appendix 1**) and specifically the timings for policy reviews to come before Council.

Considerable progress has been made in recent years to update and maintain the currency of Council's Policy Framework. A small number of policies remain on the Register which are legislatively or contextually superfluous and these will be targeted for rescission over the forthcoming period.

3.1 Implications of Election Period on the Policy Register

Council's Caretaker Policy states:

So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling significant decisions (including major policy decisions) for consideration during an election period and, instead, ensure that such decisions:

- (a) are considered by Council prior to the election period; or*
- (b) are scheduled for determination by the incoming Council.*

In the context of this policy, a 'major policy' decision includes any decision:

- to spend unbudgeted monies;*
- to conduct unplanned public consultation;*
- to endorse a new policy;*
- to dispose of Council land;*
- to approve community grants;*
- to progress any matter which has been identified as an election issue; and*
- any other issue that is considered a major policy decision by the CEO that is not a designated decision.*

Council is advised that the Burning Permit Policy was due for review in August 2018 which is still to occur. However, given the potential for policy change and/or unplanned public consultation and/or it becoming an 'election issue' (all of which are prohibited decisions under the *Caretaker Policy*) it will not be able to be reported to Council for consideration until after the conclusion of the forthcoming election period and induction of the new Council. It will therefore be reported to Council for its consideration in February 2019. The current policy will therefore remain in place until reviewed in February 2019.

4. OPTIONS

Council has the following options:

- I. To note the Policy Register as attached (Recommended)
- II. To alter the timings of proposed policy reviews

5. APPENDICES

- (1) Adelaide Hills Council Policy Register

Appendix 1
Adelaide Hills Council Policy Register

ADELAIDE HILLS COUNCIL POLICY REGISTER

Policy	Policy No.	Category	Last Adopted Date	Review Date on Policy	JUNE18 Review Schedule	Responsible Department	Comment
Enforcement Policy (refer Reporting of Offences)	NEW GOV-10	Environment & Open Space			Jun-18	Waste, Health & Regulatory Services	Proposed policy will replace Reporting of Offences Policy and incorporate additional enforcement elements. To be considered at this Council meeting (26 June 2018)
Reporting of Offences REVOCATION - ONCE INCORPORATED INTO ENFORCEMENT POLICY	GOV-21	Corporate Governance	27-Feb-01	As required	Jun-18	Waste, Health & Regulatory Services	Most of the matters covered in policy are now contained in procedure. Residual policy elements to be incorporated into "Enforcement Policy" and GOV-21 to be rescinded. To be considered at this Council meeting (26 June 2018)
Rating (LGA Chpt 10)	FIN-02	Finance	27-Jun-17	Jun-18	Jun-18	Financial Services	To be considered at this Council meeting (26 June 2018)
Council Member Training and Development (LGA s 80A)	CM-05	Council Member	8-Sep-15	Sep-18	Jul-18	Governance & Performance	
Development Application Fee Refunds	DEV-07	Development	12-May-15	May-18	Jul-18	Development & Compliance	
Volunteers	COM-04	Community	12-Aug-14	Aug-17	Jul-18	Community Development	
Burials Outside Cemeteries	NEW COM-15	Community			Jul-18	Property Services	Burials and cremations legislation allows Councils to approve burials outside cemeteries (outside the metro area and townships). A policy position on this is to be developed.
Cat Management REVOCATION	COM-17	Community	2-Nov-04	As required	Jul-18	Waste, Health & Regulatory Services	No action required until completion of the review, development and adoption of the 2017 – 2022 Animal Management Plan, legislative changes to the <i>Dog and Cat Management Act 1995</i> and review of Cat By-law. Once completed, procedures to be developed and policy revoked.
Flags	COM-16	Community	14-Jul-15	Jul-18	Jul-18	Director's Office, CCS	
Provision of Physical Models or other Visual Representation Tools for Major Development Proposals which require Public Notification	DEV-11	Development	14-Jul-15	Jul-18	Jul-18	Development & Compliance	
Street Lighting	INF-08	Infrastructure & Assets	14-Jul-15	Jul-18	Jul-18	Engineering Asset Management	
Tributes for Commemorative Services	COM-13	Community	14-Jul-15	Jul-18	Jul-18	Communications & Events	
Directional Signage	INF-07	Infrastructure & Assets	22-Sep-15	Sep-18	Sep-18	Sustainable Assets	
Tree Management	ENV-04	Environment & Open Space	10-May-16	Sep-18	Sep-18	Sustainable Assets	
Mayors/Chairpersons Seeking Legal Advice (LGA s78A)	CM-03	Council Member	8-Sep-15	Sep-18	Nov-18	Governance & Performance	A workshop is scheduled for the 9 October 2018to discuss the relevance of this Policy and its potential inclusion in the Council Member Allowance and Benefits Policy.
Council Member Allowance and Benefits (LGA s 77(1)(b))	CM-02	Council Member	27-Feb-18	Dec-18	Nov-18	Governance & Performance	Policy lapses at a general election of council.
Sport and Recreation Strategy REVOCATION	COM-22	Community	16-Dec-08	Apr-11	Dec-18	Open Space	The strategic elements of this policy have been incorporated into the Community & Recreation Facility Framework. Subsequent policies or guidelines may be formed as a result. Policy will be revoked when Community & Recreation Facility Framework is in place.
Disposal of Land (LGA s201) REVOCATION - ONCE INCORPORATED INTO ACQUISITION AND DISPOSAL OF LAND & MATERIALS	INF-01	Infrastructure & Assets	21-Jul-14	Jun-17	Dec-18	Property Services	To incorporate Disposal of Materials Policy (INF-04) and be renamed 'Acquisition and Disposal of Land & Materials Policy' supported by procedures. This can include encroachments and easements. Policy to follow finalisation of the Property Management Framework.
Disposal of Materials (LGA s 201) REVOCATION - ONCE INCORPORATED INTO ACQUISITION AND DISPOSAL OF LAND & MATERIALS	INF-04	Infrastructure & Assets	13-Nov-12	Nov-14	Dec-18	Financial Services	To incorporate Disposal of Land Policy (INF-01) and be renamed 'Acquisition and Disposal of Land & Materials Policy' supported by procedures. This can include encroachments and easements..
Acquisition and Disposal of Land & Materials (refer Disposal of Materials and Disposal of Land)	NEW INF-01	Infrastructure & Assets			Dec-18	Financial Services	Manager Financial Services & Manager Property Services to facilitate
Genetically Modified Crops	ENV-01	Environment & Open Space	9-Dec-14	Dec-18	Dec-18	Policy Planning	Review earlier if there are changes in State or Federal Government policies or legislation in this regard, or there is a compelling scientific justification for a further review
Wastewater System Application Fee Refunds	COM-24	Community	8-Dec-15	Dec-18	Dec-18	Waste, Health & Regulatory Services	
Public Consultation (LGA s50)	COM-01	Community	8-Sep-15	Sep-18	Feb-19	Communications & Events	
Burning Permit Policy	ENV-06	Environment & Open Space	23-May-17	Aug-18	Feb-19	Waste, Health & Regulatory Services	Review date extended to early 2019 after new Council appointed and conclusion of caretaker provision. Burning Permit Policy required for administration of EPA's <i>Environment Protection (Air Quality) Policy 2016</i>
Lease & Licencing	NEW	Community			Feb-19	Property Services	

ADELAIDE HILLS COUNCIL POLICY REGISTER

Policy	Policy No.	Category	Last Adopted Date	Review Date on Policy	JUNE18 Review Schedule	Responsible Department	Comment
Community Information Display	COM-09	Community	9-Feb-16	Feb-19	Feb-19	Communications & Events	
Whistleblowers Protection (WPA, LGA s302A)	GOV-20	Corporate Governance	8-Mar-16	Feb-19	Feb-19	Governance & Performance	Will be replaced by the proposed Public Interest Disclosures Act (currently stalled at State Govt level)
Code of Practice for Access to Council Meetings, Committees & Documents (LGA s92)	GOV-17	Corporate Governance	13-Oct-15	Nov-19	Feb-19	Governance & Performance	To be reviewed no later than 12 months after general election of Council - 2/3 vote required. To be revised following review of s41 Committee TORs
Code of Practice for Meeting Procedures (LGPAMR r6)	GOV-14	Corporate Governance	22-Aug-17	Nov-19	Feb-19	Governance & Performance	To be reviewed at least once every financial year
Service Level	NEW	Corporate Governance			Mar-19	Governance & Performance	
Service Range	NEW	Corporate Governance			Mar-19	Governance & Performance	
Festivals & Events	COM-11	Community	12-Apr-16	Apr-19	Apr-19	Communications & Events	
Development Applications Involving Regulated Trees	DEV-08	Development	14-Jun-16	Jun-19	Jun-19	Development & Compliance	
Council Member Conduct (LGA s63)	CM-04	Council Member	24-Nov-15	Nov-19	Jun-19	Governance & Performance	The Code of Conduct and Complaint Handling Procedure components are mandatory. Review no later than 12 months after general election of Council. Potential review of complaint handling procedure based on lessons learnt to date.
Development Application Document Reproduction	DEV-03	Development	11-Oct-16	Nov-19	Nov-19	Development & Compliance	
Informal Council Gatherings	GOV-12	Corporate Governance	22-Nov-16	Nov-19	Nov-19	Governance & Performance	
Procurement	GOV-08	Corporate Governance	22-Nov-16	Nov-19	Nov-19	Financial Services	
Community Loans	FIN-06	Finance	24-Apr-18	Feb-20	Feb-20	Financial Services	
Internal Review of Council Decisions (LGA s 270(1))	GOV-01	Corporate Governance	28-Mar-17	Mar-20	Feb-20	Governance & Performance	
Privately Funded Development Plan Amendments	DEV-10	Development	14-Feb-17	Feb-20	Feb-20	Development & Compliance	
Public Transport	COM-23	Community	14-Feb-17	Feb-20	Feb-20	Policy Planning	
Records and Information Management	GOV-13	Corporate Governance	14-Feb-17	Feb-20	Feb-20	Information Systems	
Acceptance of External Funding	GOV-07	Corporate Governance	14-Mar-17	Mar-20	Mar-20	Director's Office, CS	
Fraud & Corruption Prevention (ICAC)	GOV-02	Corporate Governance	13-Jun-17	Apr-20	Apr-20	Governance & Performance	To be considered by Audit Committee for recommendation to Council Incorporate ICAC Act references as they occur
Internal Audit	GOV-18	Corporate Governance	13-Jun-17	Apr-20	Apr-20	Governance & Performance	To be considered by Audit Committee for recommendation to Council At next reiew check if sufficiently captured in TOR of Audit Committee
Prudential Management (LGA s48)	GOV-09	Corporate Governance	13-Jun-17	Apr-20	Apr-20	Director's Office, CS	To be considered by Audit Committee for recommendation to Council
Risk Management	GOV-19	Corporate Governance	13-Jun-17	Apr-20	Apr-20	Governance & Performance	To be considered by Audit Committee for recommendation to Council
Cemetery Management	COM-06	Community	9-May-17	May-20	May-20	Property Services	
Development Application Fee Waiver	DEV-05	Development	9-May-17	May-20	May-20	Development & Compliance	
Public Place & Road Naming (LG Act s219(5))	DEV-02	Infrastructure & Assets	9-May-17	May-20	May-20	Sustainable Assets	Public notice must be given of the adopting or altering of a policy (s219(7))
Complaints Handling (LGA s 270(a1)(b))	GOV-04	Corporate Governance	13-Jun-17	Jun-20	Jun-20	Director's Office, CCS	To be done in consideration of GOV-01, GOV-03 & GOV-04.
Request for Service (LGA s270(a1)(a))	GOV-03	Corporate Governance	13-Jun-17	Jun-20	Jun-20	Director's Office, CCS	To be done in consideration of GOV-01, GOV-03 & GOV-04.
School Parking and Associated Facilities	COM-21	Community	13-Jun-17	Jun-20	Jun-20	Sustainable Assets	Review to consider incorporation into an overarching policy into work on State Government Land.
Liquor Licensing	COM-18	Community	13-Jun-17	Jun-20	Jun-20	Development & Compliance	
Grant Giving	COM-05	Community	8-Aug-17	Jul-20	Jul-20	Community Development	To incorporate 'Community & Primary Production Grants' & 'Minor Grants' policies and Sport & Rec facility grants as a grant category,
Building & Swimming Pool Inspection (Dev Act s71A(1))	DEV-01	Development	11-Jul-17	Jul-20	Jul-20	Development & Compliance	

ADELAIDE HILLS COUNCIL POLICY REGISTER

Policy	Policy No.	Category	Last Adopted Date	Review Date on Policy	JUNE18 Review Schedule	Responsible Department	Comment
Community Group Use of Photocopiers	COM-02	Community	11-Jul-17	Jul-20	Jul-20	Community Development	
Petitions	GOV-22	Corporate Governance	11-Jul-17	Jul-20	Jul-20	Governance & Performance	
Unsealed Roads	INF-09	Infrastructure & Assets	11-Jul-17	Jul-20	Jul-20	Sustainable Assets	
Delegations Policy for the Determination of Development Applications by CAP	DEV-12	Strategy & Development	28-Nov-17	Nov-20	Nov-20	Development & Compliance	
Debt Recovery (inc. CWMS Customer Hardship Policy)	FIN-04	Finance	28-Nov-17	Nov-20	Nov-20	Financial Services	
Management of Built Heritage	DEV-09	Development	12-Apr-16	Nov-20	Nov-20	Policy Planning	
Order Making (LGA s259)	GOV-05	Corporate Governance	14-Nov-17	Nov-20	Nov-20	Waste, Health & Regulatory Services	Policy to be reviewed concurrently with development of proposed Enforcement Policy to ensure alignment between the two. Revised policy must have public consultation of at least 4 weeks.
Buffers	DEV-06	Development	1-Jan-15	Nov-20	Nov-20	Policy Planning	The Australian Pesticides and Veterinary Medicines Authority (APVMA) is still in the process of reviewing buffers. Only when it has completed this body of work will staff be in a position to review the Buffers Policy.
Asset Management	INF-03	Infrastructure & Assets	26-Sep-17	Nov-20	Nov-20	Sustainable Assets	To be considered by Audit Committee for recommendation to Council
Treasury	FIN-03	Finance	26-Sep-17	Nov-20	Nov-20	Financial Services	
Outdoor Dining	COM-19	Community	24-Apr-18	Mar-21	Mar-21	Property Services	
Road Rents	INF-06	Infrastructure & Assets	24-Apr-18	Mar-21	Mar-21	Property Services	
Roadside Trading (Use of Public Road Verges for Business Purposes)	COM-20	Community	24-Apr-18	Mar-21	Mar-21	Property Services	
Play Space	COM-10	Community	27-Mar-18	Jan-21	Mar-21	Open Space	
Waste and Resource Recovery Service	ENV-05	Environment & Open Space	27-Mar-18	Apr-21	Apr-21	Waste, Health & Regulatory Services	
Safe Environments	COM-12	Community	22-May-18	May-21	May-21	Organisational Development	
Caretaker (LGEA s91A(1))	GOV-06	Corporate Governance	22-May-18	May-22	May-22	Governance & Performance	

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 26 June 2018
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.1

Originating Officer: Jennifer Blake – Coordinator Communications & Events

Responsible Director: David Waters – Director Community & Customer Service

Subject: Event Opportunity

For: Decision

1. Event Opportunity – Exclusion of the Public

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- CEO, Andrew Aitken
- Director Engineering & Assets, Peter Bice
- Director Strategy & Development, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community & Customer Service, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.1: Event Opportunity to be considered 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) (j) 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 –

- (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
- (ii) would, on balance, be contrary to the public interest.

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

6. Special Event – Period of Confidentiality

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3) (j) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the event agreements are signed and the race routes are announced by the relevant Minister but not longer than 31 December 2018.

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.