

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 24 September 2019
AGENDA BUSINESS ITEM**

Item: 12.8

Originating Officer: Lachlan Miller, Executive Manager Governance and Performance

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: Council Resolutions Update including 2 year update to outstanding resolutions

For: Decision

SUMMARY

The Action List is updated each month by the responsible officer and outlines actions taken on resolutions passed at Council meetings. In some cases actions can take months or years to be completed due to the complexity and/or the level of influence Council has in the matter.

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

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

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted**
- 2. The following completed items be removed from the Action List:**

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
24/04/2018	Ordinary Council	102/18	Sale of Land for Non Payment of Rates	Perceived - Cr Ian Bailey
22/01/2019	Ordinary Council	10/19	Jungfer Road Charleston Speed Limit	None declared
26/02/2019	Ordinary Council	39/19	Proposal to Undertake CEO Performance Review Internally	None declared
26/02/2019	Ordinary Council	47/19	Boundary Reform Proposal - Woodforde & Rostrevor	None declared
7/05/2019	Special Council	98/19	Road Closure Sandy Waterhole Road Woodside	None declared
28/05/2019	Ordinary Council	109/19	Road Closure for Adelaide Rally	Perceived - Cr Chris Grant
28/05/2019	Ordinary Council	112/19	Festivals & Events Policy	None declared
25/06/2019	Ordinary Council	178/19	Formal Motion - Status Report	None declared
23/07/2019	Ordinary Council	203/19	Adelaide Hills Roundabout Beautification Project	None declared
27/08/2019	Ordinary Council	210/19	Questions Lying on Table - Council Resolution Update inc 2 year update	None declared
27/08/2019	Ordinary Council	213/19	Festivals & Events Policy Review	None Declared
27/08/2019	Ordinary Council	214/19	Youth Driver Education Proposed Road Closures	None declared
27/08/2019	Ordinary Council	217/19	2018-19 Preliminary End of Year Financial Results & Carry Forwards	None declared
27/08/2019	Ordinary Council	218/19	East Waste Chair	Material - Cr Linda Green

27/08/2019	Ordinary Council	233/19	CEO Performance & Remuneration Reviews - Confidential Item	None declared
27/08/2019	Ordinary Council	234/19	CEO Performance & Remuneration Reviews - Period of Confidentiality	None declared
27/08/2019	Ordinary Council	237/19	Roundabout Landscaping Upgrade - Period of Confidentiality	None declared

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal Organisational Sustainability
 Strategy Governance

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

➤ **Legal Implications**

Not applicable

➤ **Risk Management Implications**

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

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

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

➤ **Financial and Resource Implications**

Not applicable

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

Not applicable

➤ **Environmental Implications**

Not applicable

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

Not applicable

2. BACKGROUND

At its meeting of 24 March 2015 Council resolved:

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

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

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

3. ANALYSIS

The Action list has been updated to provide Council with information regarding outstanding actions. Completed resolutions are identified in the recommendation for removal from the Action List.

In total there are zero (0) uncompleted resolutions for which an update is required for Council.

4. OPTIONS

Council has the following options:

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

5. APPENDIX

- (1) Action List

Appendix 1

Action List

Meeting Date	Meeting	Res No.	Item Name	Previously Declared CDI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)	2 yr update req.
27/03/2014	Ordinary Council	95/14	William St Birdwood Street Furniture, plaque	None declared	That Council, as a consequence of the SPDC 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	3/09/2019	13/09/2019	As timber is unsuitable we are currently looking at an alternative solution. We are working with members of the Birdwood Institute regarding the wording for the plaque. Small pieces of timber were made available to the Birdwood Institute but the timber was not suitable for turning. Update 5/6/19 A local artist has been commissioned to undertake to build a suitable seat, plans are currently being drawn up. Information for a sign has been received and will be included in the project. Update 9/07/19 Bench has been completed and draft of the sign has been approved, project will be complete early August 2019 Update 3/09/19 Bench will be installed in the week beginning 9 September and there will be a dedication ceremony on Friday 13 September	26/05/2016
24/03/2015	Ordinary Council	57/15	Confidential Item - Morella Grove	None declared	As per confidential minute	Peter Bice	In Progress	3/09/2019	31/12/2019	A report will be provided to Council by the end 2019 on the status of and recommendations regarding this project.	23/03/2017
22/03/2016	Ordinary Council	69/16	Land Acquisition Colonial Drive Norton Summit	None declared	Negotiate with the Anglican Church and CFS regarding the proposed boundary realignment and the preparation of preliminary plans	Terry Crackett	In Progress	9/09/2019	31/12/2019	Final plans and valuation are being considered by the Anglican Church State Diocese and upon confirmation from them a report will be presented to Council for consideration. Council staff met with the State Diocese to discuss the matter and work through some of their queries. It is now in the hands of the State Diocese to present a formal position to Council for consideration. The Norton Summit Church has advised that they are actively working	22/03/2018
26/04/2016	Ordinary Council	83/16	Croft & Harris Road Precinct, Lenswood	None declared	2. That the Office for Recreation and Sport and Department of Planning, Transport and Infrastructure be approached to discuss any potential funding opportunities to undertake bituminising works up to where the bicycle access occurs. 3. That a further report be presented on potential road treatments for Croft Road Lenswood and the surrounding road network once additional data has been collected on peak traffic numbers generated through a major event and staff continue negotiations with ForestrySA regarding infrastructure improvements for Cudlee Creek Forest Reserve.	Peter Bice	In Progress	10/09/2019	30/06/2020	No change - 10/9/19. Consideration to any future project investment is being discussed with the funding application partners. Forestry SA have expressed their continued support for potential sealing. This project has also been included as a potential priority project with Election Candidates.	26/04/2018
24/05/2016	Ordinary Council	105/16	Land at Houghton Request to Purchase	None declared	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. 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. 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. 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.	Terry Crackett	In Progress	9/09/2019	31/12/2019	The acquisition from RJ & BE Day has been completed and registered at the Lands Titles Office. Title for the land held by City of Tea Tree Gully has been reissued in the name of Adelaide Hills Council. The Section 210 process has been completed. The request to DPTI for the transfer of land has been made and DPTI have confirmed their agreement to transfer the land at no consideration subject to Council agreeing to declare the land as public road. Finalisation of the transfer is being progressed with Ministerial approval being sought.	24/05/2018
24/01/2017	Ordinary Council	7/17	Cromer Cemetery Revocation of Community Land	None declared	a report be prepared and submitted to the Minister for Local Government seeking approval for the revocation of the community land classification of a portion of the land contained in Certificate of Title Volume 5880 Folio 219 identified in red on the plan attached as Appendix 1.	Terry Crackett	In Progress	9/09/2019	31/12/2019	DEWNR have requested that the revocation be put on hold whilst they investigate the requirements to alter the trust affecting the land and undertake an assessment of the native vegetation on the land, this is likely to take some months. DEW advised on 4/12/18 that there are some impediments to the progression of the proposed boundary realignment due to the mining operations on the adjacent land, which are being negotiated with the Dept for Mining. Advice is that these negotiations could take considerable time (2yrs). In the interim, consideration will be given to the granting of a right of way to ensure that the cemetery has legal access.	24/01/2019

Meeting Date	Meeting	Res No.	Item Name	Previously Declared CDI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)	2 yr update req.
25/07/2017	Ordinary Council	155/17	Reserve Gifting Proposal - Dunnfield Estate, Mt Torrens	Cr Linda Green (Material)	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: 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. 2. That, in the event that there is a dispute between the Council and the Developer, the dispute is referred to an Independent Arbitrator for resolution, with costs being shared equally by the parties.	Peter Bice	In Progress	10/09/2019	4/02/2020	Council staff and the developer have been working through the management of significant and regulated trees on the site, and recent works progressed very well. We are now looking to formally progress the draft maintenance agreement. Final Approvals were obtained by the Developer on 5 February 2018, and Landscape works remain ongoing, with vesting of the reserve land occurring once these are completed, and Section 51 clearance is provided for the relevant stage. The date of Approval for the Variation to the Land Division was 5 February 2018 and thus the landscaping needed to be completed by 5 February 2020. This was the variation that increased the size of the reserve area. A draft LMA is nearing completion and should be issued to the Developer in Late September 2019.	25/07/2019
26/09/2017	Ordinary Council	207c/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	None declared	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	9/09/2019	31/12/2019	Community Land Management Plan review is progressing, with the initial report presented to Council at 23 July 2019 meeting. Community Consultation has been undertaken and a report is being presented to Council on 24 September 2019 for consideration.	26/09/2019
24/10/2017	Ordinary Council	246/17	Road Closure and Disposal – Schapel Road, Lobethal	Cr Linda Green (perceived)	To make a Road Process Order pursuant to the Roads (Opening & Closing) Act 1991 to:close and merge the land identified as "A" in Preliminary Plan No 16/0020 (Appendix 2) 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 Appendix 3 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 Appendix 7 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 Local Government Act 1999. 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	9/09/2019	31/10/2019	Final road document have been signed by Council and returned to surveyor to progress. Settlement funds have been received and approval provided for lodgement of final documents with the Surveyor-General.	24/10/2019
24/10/2017	Ordinary Council	250/17	DEW Fuel Reduction on Private Lands Program	None declared	That DEW's Strategic Fuel Reduction program is approved for the Adelaide Hills Council region	Peter Bice	In Progress	9/09/2019	3/04/2020	2018 spring burns completed on Lobethal Bushland Park, Yanagin Reserve, Belair (Upper Sturt) site and Mylor Oval (recently included in the DEW Burning on Private Lands Program). Heathfield Waste Facility site has been completed as part of the 2019 autumn burn schedule. Council will collaborate with DEW on post weed management activities. Weed management activities by DEW and AHC were undertaken at Heathfield Stone Reserve on June 28th 2018 and on Thursday 16 May 2019 and the coming 5 year period. An information report was provided to Council at its 25 September Ordinary Council Meeting. Draft Weed Management Plans have been	24/10/2019
23/01/2018	Ordinary Council	4/18	Road Exchange - Mt Torrens Walking Loop	None declared	To issue a Road Process Order pursuant to the Roads (Opening & Closing) Act 1991 to:Close and merge the land identified as "A" in Preliminary Plan No 17/0041 (Appendix 1) with Allotment comprising pieces 81 & 82 in Filed Plan No. 218134 comprised in Certificate of Title Volume 6025 Folio 732 owned by Brian Bruce WillisonOpen 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	11/09/2019	31/12/2019	Documents have been executed by Council and returned to the Conveyancer for lodgement with the Surveyor-General. Awaiting confirmation of execution of documents from land owners.	23/01/2020

Meeting Date	Meeting	Res No.	Item Name	Previously Declared CDI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)	2 yr update req.
27/02/2018	Ordinary Council	31/18	Arts & Heritage Hub	None declared	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	9/09/2019	31/10/2019	The Hub Director commenced on 23 July 2018. The progress report was received by Council on 22 January 2019. A draft of the Evaluation Framework has been shared with ELT and is currently being review by arts industry consultant, Trish Hansen.	27/02/2020
27/02/2018	Ordinary Council	57/18	Confidential Item - AH Swimming Centre Shade Sail	None declared	As per confidential minute	Terry Crackett	In Progress	13/08/2019	30/09/2019	Matter being progressed per resolution	27/02/2020
27/02/2018	Ordinary Council	58/18	AH Swimming Centre Shade Sail - Period of Confidentiality	None declared	that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the report and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the matter is determined but not longer than 12 months. 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.	Terry Crackett	In Progress	13/08/2019	30/09/2019	Progressing per confidential minutes	27/02/2020
24/04/2018	Ordinary Council	102/18	Sale of Land for Non Payment of Rates	Cr Ian Bailey (Perceived)	Refer to Confidential Minute	Terry Crackett	Completed	10/09/2019	31/08/2019	All properties proposed for sale of land for non payment of rates paid in full	23/04/2020
24/07/2018	Ordinary Council	162/18	MON Use of Recycled Material in Capital Works	None declared	I move that Council measures, and reports on, the amount and origin of recycled material it uses in Council's Capital works programs, at least annually.	Peter Bice	In Progress	10/09/2019	24/09/2019	Council Staff are in the process of identifying, measuring and recording recycled material usage as part of Capital Works projects. Additionally, staff have been requesting Recycled Material Usage be used by State Government where opportunities arise (e.g. Deep Lift Intersection works along Freight Route Upgrade or Bridge Renewal Program), and we will report on volumes once these are known. A summary of the 2018-19 Program delivery is currently being collated, and has revealed some challenges with seeking this information retrospectively.	23/07/2020
28/08/2018	Ordinary Council	197/18	Household Hazardous Waste Disposal	None declared	That the report be received and noted. That the Council supports, in principle, acceptance of funding from Green Industries SA to establish and operate a Household Chemical and Paint Drop-off Facility at the Heathfield Resource Recovery Centre. That delegation is given to the CEO to negotiate and if to their satisfaction, enter into a funding agreement between Green Industries SA and the Adelaide Hills Region Waste Management Authority and Adelaide Hills Council for a Household Chemical and Paint Drop-off Facility at the Heathfield Resource Recovery Centre. A future report to be provided to Council on the outcome of the negotiation with Green Industries SA, the Adelaide Hills Region Waste Management Authority and Adelaide Hills Council.	Peter Bice	In Progress	4/09/2019	30/10/2019	Development approval obtained. Final review of agreement by all parties completed. Execution of agreement completed. On ground construction works commenced May 2019 and nearing completion. Opening of facility expected within the next 5 weeks. Council members will be advised via email of the opening date for the Household Hazardous Waste Disposal facility when further details are known.	27/08/2020
28/08/2018	Ordinary Council	200/18	Proposal to enter 11 AHC Reserves into Heritage Agreements 2018	None declared	1. That the report be received and noted. 2. That the Biodiversity Officer be authorised to enter: Doris Coulls Reserve, 152 Old Mt Barker Road, Aldgate; Heathfield Waste Facility, 32 Scott Creed Road, Heathfield; Kiley Reserve, 15 Kiley Road, Aldgate; Shanks Reserve, 1 Shanks Road, Aldgate; Stock Reserve, Stock Road, Mylor; Leslie Creek Reserve, Leslie Creek Road, Mylor; Mill Reserve, 125 Aldgate Valley Road, Mylor; Aldgate Valley 2 Reserve, 114 Aldgate Valley Road, Mylor; Kyle Road Nature Reserve, Kyle Road, Mylor; Carey Gully Water Reserve, Deviation Road, Carey Gully; Heathfield Stone Reserve, 215 Longwood Road, Heathfield all being of significant biodiversity value, into Heritage Agreements. 3. That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves.	Peter Bice	In Progress	9/09/2019	30/06/2021	Heritage Agreement applications lodged for: Following CTS (13/11/18) TRIM reference OC 18/16631 •Doris Coulls Reserve, 152 Old Mt Barker Road, Aldgate •Heathfield Waste Facility, 32 Scott Creed Road, Heathfield •Kiley Reserve, 15 Kiley Road, Aldgate •Shanks Reserve, 1 Shanks Road, Aldgate •Kyle Road Nature Reserve, Kyle Road, Mylor Following CRs (27/11/18) TRIM reference OC18/17474 •Leslie Creek Reserve, Leslie Creek Road, Mylor •Aldgate Valley 2 Reserve, 114 Aldgate Valley Road, Mylor •Mylor Parklands, Stock Road, Mylor	27/08/2020

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)	2 yr update req.
28/08/2018	Ordinary Council	203/18	Community Wastewater Management Systems Review - Update and Consultation Outcomes	Cr Andrew Stratford (Material), Cr Linda Green (Material), Cr Malcolm Herrmann (Material)	The report be received and notedThe CEO undertakes a request for tender process for the divestment of Council's CWMS assets to inform Council's decision to sell or retain these assets.The resolution to undertake a request for tender process is subject to there being no matters of material impact identified through further due diligence and request for tender preparation activities, as determined by the CEO.Subject to Council resolving to proceed to a request for tender for the divestment of Council's CWMS assets, the CEO be delegated to prepare and approve an evaluation plan for the purposes of assessing responses received including but not limited to the following criteria: CWMS customer pricing and feesSale price for CWMS assetsRespondents financial capacityRespondents operational capacity and capabilityNetwork investment and expansion That ongoing analysis be undertaken on continued Council ownership of CWMS assets for request for tender comparison purposes to inform future decision making.The Prudential Review Report and the Probity Report be received and noted.The Council acknowledges that whilst S48 of the Local Government Act 1999 does not require a prudential review to be undertaken, the report in relation to this project is consistent with the provisions of S48.The Administration is to continue to work collaboratively with the City of Onkaparinga and Rural City of Murray Bridge for the potential divestment of Council's CWMS.That probity advisory services continue to be maintained throughout the CWMS review process.That a further report be provided to Council detailing the outcomes of the second stage request for tender and evaluation process with recommended next steps.	Peter Bice	In Progress	4/09/2019	30/06/2020	In collaboration with project partners currently progressing with preparation of request for tender process and documentation. Commercial advisory services are currently being engaged to ensure the approach to market is undertaken in such a manner to maximise return. To assist inform future decision making external reports have been prepared on the value of the CWMS to Council and the implications of installing CWMS in the towns of Mylor, Summertown/Uraidia and Inglewood/Houghton. Request for Tenders forecast to be released November 2019 and evaluated in February March 2020.	27/08/2020
11/09/2018	Special Council	223/18	Pomona Road Bike Track Trial	None declared	A report is prepared to Council by 26 November 2019 on completion of the trial.	Peter Bice	In Progress	10/09/2019	26/11/2019	A report will be prepared for the 26 November 2019 Council Meeting. This will incorporate outcomes from the Community Consultation.	10/09/2020
11/09/2018	Special Council	229/18	Road Exchange McBeath Drive, Skye Horsnell Gully	None declared	In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, as regards the land within the Adelaide Hills Council area, enter into an Agreement for Exchange with Boral Resources (SA) Ltd and issue a Road Process Order to open as road portions of Section 906 Hundred of Adelaide numbered "1", "2" and "3" on Preliminary Plan No. 17/0066 (Appendix 1) and in exchange to close portions of McBeath Drive marked "A", "B", "C" and "D" on Preliminary Plan No. 17/0066, subject to the following:Boral Resources (SA) Ltd agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs; Boral Resources (SA) Ltd agreeing to pay all costs associated with a Council boundary adjustment between Adelaide Hills Council and the City of Burnside to rectify the resulting Council boundary anomaly from the road exchange process The closed road is excluded as Community Land pursuant to the Local Government Act 1999. Council approves the sale of the differential between the total area of closed road and the total area of opened road of approximately 1,242m ² to Boral Resources (SA) Ltd for the amount of \$6,210 as determined by an independent valuation. Subject to the successful completion of the road exchange process, Council undertakes a process in conjunction with the City of Burnside to realign the local government boundary along the new location of McBeath Drive to the south side of pieces 42, 52 and 62 of the proposed residential allotments in accordance with the provisions of the Local Government (Boundary Adjustment) Amendment Act 2017 (to commence on 1 January 2019) and/or Part 2 of Chapter 3 of the Local Government Act 1999. The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution.	Terry Crackett	In Progress	9/09/2019	31/12/2019	Road exchange documentation has been executed and provided to Boral for lodgement with the Surveyor-General. Submission has been prepared and lodged with the Boundaries Commission jointly on behalf of the City of Burnside and Adelaide Hills Council. The Boundaries Commission has agreed to investigate the proposal and that process is underway. Further feedback has been provided to the Boundaries Commission to progress. Boral are negotiating a Land Management Agreement with the State Government which has delayed the completion of the land division and road exchange	10/09/2020
11/09/2018	Special Council	232/18	Revocation of Community Land – Bridgewater Retirement Village	None declared	To commence a process to revoke the Community Land classification of the land located on the corner of Mt Barker Road and Second Avenue Bridgewater known as 511 Mt Barker Road Bridgewater contained in Certificate of Title Volume 5488 Folio 788 (Land) on which a portion of the Bridgewater Retirement Village is located by:Preparing a report as required under section 194(2)(a) of the Local Government Act 1999 and making it publicly available.Undertaking consultation in accordance with its Public Consultation Policy as required under section 194(2)(b) of the Local Government Act 1999. To commence a process to vary the charitable trust affecting the land by investigating land parcels owned by the Adelaide Hills Council, including Carripook Park, Candlebark Reserve and Vincent Playground Reserve, that may be suitable for the development of a landscaped garden for the benefit of the community and for the construction of a memorial to the Ash Wednesday Bushfires of 1983 as contemplated by the charitable trust over the Land and invite community suggestions and feedback in relation to any appropriate land parcels. To approve a budget allocation in the amount of \$10,000 for legal expenses for the preparation of an Application to the Supreme Court to vary the charitable trust. That a further report be presented to Council for consideration after community consultation and further investigations have been completed	Terry Crackett	In Progress	9/09/2019	31/12/2019	Initial consultation to identify possible locations for the establishment of a garden and memorial concluded on 28 January 2019 with only one submission received being a suggestion from the Retirement Village residents to investigate Carripook Park as their preferred option. Council, at the meeting of 27 August 2019, approved Carripook Park as the location to vary the trust to. Community consultation regarding the revocation of community land will now progress.	10/09/2020
11/09/2018	Special Council	238/18	Ashton Landfill – Confidential Item	None declared	Until 10 September 2019. 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. Refer to confidential minute	Peter Bice	In Progress	4/09/2019	10/09/2019	Council continues to progress the matter.	10/09/2020

Meeting Date	Meeting	Res No.	Item Name	Previously Declared CDI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)	2 yr update req.
22/01/2019	Ordinary Council	10/19	Jungfer Road Charleston Speed Limit	None declared	That the report be received and noted That Council undertake the installation of the extended 60km/h speed zone on Jungfer Road, Charleston, by 800m to immediately West of Juers Road, if approved by the Department for Planning, Transport and Infrastructure (DPTI).	Peter Bice	Completed	3/09/2019	26/07/2019	DPTI has reviewed decision and considers the speed limit approved as appropriate and no change proposed. Administration have requested a review of the length of the speed zone approved by DPTI. Signs installed as per original DPTI approved assessment. Final approval plans have been received from DPTI and signs scheduled for installation. Awaiting final approval paperwork from DPTI for speed limit and then installation will occur. DPTI has completed its assessment and approved an extension of 350m to cover the slow points - this extension is about 450m less than that requested by Council. Submission with supporting documentation provided to DPTI requesting extension of 60km/h. Contact made with DPTI to initiate review process on the speed limit.	21/01/2021
26/02/2019	Ordinary Council	29/19	Road Closure adjacent Charleston Conservation Park	None declared	the report be received and notes that following receipt of a valuation for the land parcel that consultation will be undertaken in relation to the closure of the unmade road. the CEO takes all possible steps to prevent further degradation of the road reserve by unauthorised activities while this land remains in its custody.	Terry Crackett	In Progress	9/09/2019	31/10/2019	A Valuation has been received from DEW. The Preliminary Plan has been signed for submission to the Surveyor-General. Community consultation has been completed and a report will be presented to Council at the October meeting for consideration.	25/02/2021
26/02/2019	Ordinary Council	31/19	Community Forums 2019	None declared	That the report be received and noted That Community Forums be held in 2019 according to the following indicative schedule: Tuesday 30 April 2019 at Houghton Tuesday 30 July 2019 at Gumeracha Tuesday 29 October 2019 at Norton Summit That the Chief Executive Officer be and is hereby authorised to make changes to the Community Forum schedule to accommodate venue availability or other matters arising which necessitate change.	David Waters	In Progress	9/09/2019	31/10/2019	The second community forum of 2019 was held at Gumeracha 30 July at Torrens Valley Community Centre with approx 55 attendees excluding staff and elected members. A summary of the forum is available on our Your Say site. The first forum of the year was held on 30 April at Houghton as per resolution. The third and final forum will be held at Norton Summit on 29 October 2019.	25/02/2021
26/02/2019	Ordinary Council	39/19	Proposal to Undertake CEO Performance Review Internally	None declared	That the report be received and noted To undertake the 2019 CEO Performance Review using an internal process incorporating all of the Elected Members and utilise a consultant to undertake the Total Employment Cost package review.	Andrew Aitken	Completed	2/09/2019	30/08/2019	The report to Council on 27/8/19 with a recommendation covering the CEO Performance Review and remuneration review was adopted by Council (minute 233/19).	25/02/2021
26/02/2019	Ordinary Council	47/19	Boundary Reform Proposal - Woodforde & Rostrevor	None declared	Council resolves that the report be received and noted. That if a Stage 2 submission is invited by the Boundaries Commission, a community meeting is arranged for residents of the Woodforde & Rostrevor communities to attend.	Andrew Aitken	Completed	16/08/2019	3/09/2019	The Boundaries Commission has advised that a Stage 2 submission is able to be lodged by the Campbelltown City Council. The community meeting was conducted on 3 September at Rostrevor	25/02/2021
26/03/2019	Ordinary Council	61/19	Climate Emergency	None declared	Notes the October 2018 report of the Intergovernmental Panel on Climate Change; Notes the Federal government's latest greenhouse gas emissions data shows Australia's total greenhouse gas emissions have increased compared to 2012, not decreased; Recognises we are in a state of climate emergency that requires urgent action by all levels of government, including by local councils; Reaffirms its commitment to both mitigating against and adapting to the adverse impacts of climate change within the Adelaide Hills Council; Commits to finalising the Carbon Management Plan by December 2019 and that it includes a target of 100% renewable energy (electricity) for the Adelaide Hills Council (as an Organisation) by a defined date as well as a series of staged targets over the intervening period; Requests the CEO write to State and Federal Members of Parliament, which represent the Adelaide Hills Council region, advising them of Council's resolution and request they also act with urgency to address climate change.	Peter Bice	In Progress	3/09/2019		The draft Corporate Carbon Management Plan has been completed and will be presented to Council for endorsement on Tuesday 24 September 2019.	25/03/2021
26/03/2019	Ordinary Council	76/19	Kenton Valley War Memorial Park	None declared	To commence a Community Land Revocation process in regards to the land comprised in Certificate of Title Register Book Volume 5718 Folio 775 being Allotment 64 in Filed Plan No. 155479 ("Land") with a view to the land being sold As a first step in the revocation process, a letter be sent to the residents of Kenton Valley informing them of Council's decision and inviting them to attend an information session to explain the project. As part of the consultation for the revocation of community land, seek feedback from the community about the expenditure of funds from a sale (if progressed). Following community consultation, that a report be presented to Council detailing the outcomes of the consultation and suggestions for the expenditure of sale proceeds. Action from discussion: Staff to identify and advise Council Members if any biodiversity studies have been undertaken on the parcel of land	Terry Crackett	In Progress	9/09/2019	30/09/2019	Community meeting was held Monday 20 May at the Kenton Valley Golf Club. A group of residents was formed at that meeting to look at options to renew the memorial aspects of the reserve inline with its intended purpose. The Council's biodiversity officers have undertaken a vegetation assessment of the land. Community Consultation has been completed. A report will be presented to Council at the September meeting for consideration.	25/03/2021

Meeting Date	Meeting	Res No.	Item Name	Previously Declared CDI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)	2 yr update req.
26/03/2019	Ordinary Council	77/19	Randell's Cottages, Beavis Court, Gumeracha	None declared	That, acknowledging that a land division in Watershed (Primary Production) is non-complying, an initial approach be made to the State Commission Assessment Panel to determine the possibility of a land division to create a separate allotment for the potentially local heritage listed building located at 1 Beavis Court, Gumeracha known as Randell's Cottages being supported. That subject to the response from the State Commission Assessment Panel, a Development Application be lodged for a non-complying land division. That, if a land division is not supported, an expression of interest (EOI) process be undertaken in respect of the local heritage listed building located at 1 Beavis Court, Gumeracha known as Randell's Cottages to determine any interest in restoring the building for tourism or other purpose (other than long term residential) under a long term lease arrangement. That the CEO be delegated to prepare the necessary documentation to undertake the EOI. That a report be presented to Council following the EOI detailing the results of that process and providing further options.	Terry Crackett	In Progress	9/09/2019	31/12/2020	The land sits within the Environmental Food Protection Area and proposed use is not supported. An application will be made to DPTI for a review once the Minister announces the review, likely to be in mid 2020. Subject to a removal of the land from the EFPA, a development application will then be lodged for the division of the cottages (noting that it will be a non-complying development)	25/03/2021
26/03/2019	Ordinary Council	78/19	Scott Creek Cemetery Reserve Fund	None declared	That the reserve funds held in relation to the Scott Creek Cemetery be expended to achieve the following outcomes: Marking of unmarked graves with a small and simple identification piece detailing the name and date of death of the deceased; installation of a single plaque with the names of the deceased who are buried in unmarked graves where the exact location of the graves is unknown; Renewal of existing gravel driveways; and Creation/extension of driveways to facilitate expansion of the cemetery	Terry Crackett	In Progress	9/09/2019	31/12/2019	Investigations as to options for marking of graves has commenced and once collated, Council staff have met with the Scott Creek Progress Association Committee to progress.	25/03/2021
26/03/2019	Ordinary Council	86/19	Sale of land at the former Onkaparinga Woollen Mills site at Lobethal	None declared	As per confidential resolution	Terry Crackett	In Progress	9/09/2019	30/09/2019	Progressing in accordance with the resolution	25/03/2021
7/05/2019	Special Council	98/19	Road Closure Sandy Waterhole Road Woodside	None declared	1. That the report be received and noted 2. To make a Road Process Order pursuant to the <i>Roads (Opening & Closing) Act 1991</i> to close and merge the pieces of land identified as "A" in the Preliminary Plan No. 19/0001 attached to this report with Section 3961 being the land comprised in Certificate of Title Volume 5471 Folio 906. 3. Subject to the closure of the road identified in the Preliminary Plan attached, that: The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i> ; and The piece marked "A" be sold to Deepwater Pty Ltd, the owners of the property with which it is merging for the amount of \$20,000 plus GST (if applicable) and all fees and charges associated with the road closure process. 4. Authorise the Chief Executive to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.	Terry Crackett	Completed	9/09/2019	30/09/2019	Progressing in accordance with the resolution 5/6/19 - Road Process Order, Agreement to Transfer and final plans have been signed and returned to the Conveyancer for lodgement with the Surveyor General. Funds have been requested to be held in trust by McDonald Conveyancing pending finalisation of the Road Process Order by the Surveyor-General. 2/7/19 - Funds are currently held in trust by McDonald Conveyancing, and documents have been lodged with the Lands Titles Office 12/8/19 - Currently awaiting Ministerial approval for road closure - due to objection received. 9/9/19 - Road Closure confirmed in Government Gazette 12/9/19 - Funds received to Council for road closure	6/05/2021
7/05/2019	Special Council	94/19	Stonehenge Reserve Masterplan Update and Findings from Consultation	None declared	That the report be received and noted. To not proceed with any of the masterplanning options at Stonehenge Reserve at this point in time. To proceed with resurfacing works at both the Stonehenge Reserve and Heathfield sites. To delegate to the CEO to seek variations and finalise arrangements to the grant funding agreements with the Office for Recreation, Sport & Racing, and Tennis SA that allow new court construction at alternative sites. The CEO to report back to Council on those finalised arrangements. To notify those who have registered through the Stonehenge Reserve Project's engagement site of the outcome of the consultation and this report.	Peter Bice	In Progress	13/08/2019	30/12/2019	Administration have begun discussions with the Office for Recreation, Sport & Racing and Tennis SA regarding a variation to the grant funding agreement that allows new court construction at an alternative site.	6/05/2021
7/05/2019	Special Council	104/19	Unsolicited Approach to Purchase Community Land – Period of Confidentiality	None declared	that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the matter is further presented to Council for a decision, but not longer than 12 months.	Terry Crackett	In Progress	9/09/2019	6/05/2020		6/05/2021
28/05/2019	Ordinary Council	109/19	Road Closure for Adelaide Rally	Cr Chris Grant (Perceived)	That the report be received and noted That, in relation to the 2019 Adelaide Hills Rally, Council's support of the event and related road closures is contingent on UME, to the satisfaction of the CEO: Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event; Agreeing to undertake road dilapidation reports of the route prior to and subsequent to the event at their cost; Providing evidence of satisfactory insurance to cover any damage to 3rd party property caused by the event; Providing written confirmation from affected business owners that they are aware of the road closures; Providing written confirmation to confirm that the concerns raised by affected residents have been addressed and that arrangements for egress and regress from those properties can be managed within the event; Written confirmation from Australian Securities and Investments Commission that UME is registered beyond 3 August 2019; and Written confirmation from UME that they will erect advance notices of road closures on the affected roads, in locations advised by Council, at least 2 weeks prior to the event. See Minutes for full resolution	David Waters	Completed	27/08/2019	13/09/2019	The rally will have been held by the date of the Council Meeting.	27/05/2021

Meeting Date	Meeting	Res No.	Item Name	Previously Declared CDI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)	2 yr update req.
28/05/2019	Ordinary Council	112/19	Festivals & Events Policy	None declared	That the report be received and noted. To endorse the Draft <i>Festivals and Events Policy</i> , as contained in <i>Appendix 1</i> , for consultation purposes. That the CEO be authorised to: Make any formatting, nomenclature or other minor changes to the Policy prior to being released for public consultation and; Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of Council's <i>Public Consultation Policy</i> .	David Waters	Completed	6/09/2019		Consultation was undertaken from 5 to 28 June. Outcomes were considered in a workshop in July and at the Council Meeting in August. At that meeting, the Council adopted a final policy.	27/05/2021
28/05/2019	Ordinary Council	116/19	Options for Crown Reserves	None declared	The report be received and noted. A formal approach be made to the Department for Environment and Water to seek its support for a. the revocation of dedications for the following Crown Records Refer to Minutes b. a change in custodian of Crown records CR 5753/718, Section 1544 Reserve Terrace Aldgate, and CR 5753/753, Section 495 off Kersbrook Road Kersbrook, subject to no objections being received from the proposed custodians of Meals on Wheels (SA) Inc and the delegate to the Minister for Forests respectively. the revocation of dedication for Crown Record CR 5926/487, Lot 20 Bell Springs Road Charleston, to be incorporated into the protected areas system. In principle support for division of Crown condition agreements CT 5168/474, 140 Upper Sturt Road Upper Sturt, and CT 5880/219, Section 83 Cromer Road, Birdwood, with part to revert to The Crown for incorporation into the protected area system, subject to further determination by Council as to the appropriate areas (if any). 3. Following a formal response from the Department for Environment and Water, community consultation be undertaken with the public being offered a minimum of 21 days in which to comment on the recommendations. A further report be presented to Council following conclusion of the consultation period.	Terry Crackett	In Progress	9/09/2019	30/06/2020	A formal approach has been submitted in accordance with the resolution. The Department for Environment and Water has responded positively. Public consultation is in progress.	27/05/2021
28/05/2019	Ordinary Council	AQON	Lower Hermitage Road Upgrade	None declared	Action Item - Consider including Federati on Park as possible site for trees removed from Lower Hermitage Road upgrade	Peter Bice	In Progress	3/09/2019	27/09/2019	We are currently investigating whether it would be appropriate to position some of the cleared trees (with hollows) in Kerbrook Stone Reserve around the open quarry area in the hope that the addition of the trees would: <ul style="list-style-type: none">•Benefit wildlife through creation of additional habitat,•Encourage the formation of soil structure through the additional capture of resources and•Create/build up organic matter layer	27/05/2021
4/06/2019	Special Council	135/19	Road Closures Adelaide Rally Event	None declared	That the report be received and noted. That, in relation to the Shannons Adelaide Rally 2019 and the Adelaide Rally Sprint 2019, Council's support of the event is contingent on the organisers, to the satisfaction of the Chief Executive Officer: Providing evidence of satisfactory insurance to cover any damage to 3rd party property caused by the event; Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event; Providing confirmation that affected business owners are aware of the road closures; Providing written confirmation to confirm that the concerns raised by affected residents have been adequately addressed and that arrangements for egress and regress from those properties can be managed within the event; Written confirmation from the organisers that they will erect advance notices of road closures on the affected roads, at least 3 weeks prior to the event. That subject to the requirements of 2. being undertaken, Council provides consent for road closure orders in relation to the two events, to be held on Sunday 6 October and between Wednesday 4 December and Saturday 1 December 2019 as follows: Refer to Minutes	David Waters	In Progress	9/09/2019		We have received confirmation from the organisers of condition 3, 4 and 5. The events team is working with the organiser on items 1 and 2 and expect them by the end of September.	3/06/2021
4/06/2019	Special Council	136/19	Strategic Plan Review - Key Themes Adoption	None declared	That the report be received and noted. That the Summary of Key Challenges, Opportunities and Implications (<i>Appendix 1</i>) identified as part of the environmental scan research be noted. That the draft strategic goal areas (Community, Economic, Environment and Organisational Capacity), related outcomes and key result areas included in <i>Appendix 2</i> of this report be endorsed for community consultation in Phase 2. To delegate to the Chief Executive Officer, or delegate, the authority to make any formatting or content changes to the draft strategic goal areas, related outcomes and key result areas to reflect matters raised in the Council's debate on the matter prior to its release for community consultation.	Terry Crackett	In Progress	12/08/2019	31/01/2020	Following endorsement by Council of the key Goal Areas, a discussion paper is being prepared to use as the basis for Stage 2 consultation. There has been a slight delay in progressing this paper given the recent departure of the Project Lead.	3/06/2021
4/06/2019	Special Council	135/19	Action - Road Closures Adelaide Rally Event	None declared	Officers to provide information to Council after the Event on actual times roads were open and closed	David Waters	Not Started	9/09/2019	31/12/2019	This will be actioned after the event in December 2019.	3/06/2021
25/06/2019	Ordinary Council	158/19	Boundary Reform - Approval to Explore	None declared	That the report be received and noted. To note that correspondence will be sent to the residents of Woodforde and Rostrevor (in the Council area) inviting them to a community meeting to discuss the boundary reform process and the status of the Campbelltown City Council proposal. That in relation to strategic boundary reform: Approve the engagement of a consultant to undertake a high level review of Council's boundaries to identify boundary reform options. Once the review has been undertaken and boundary reform options identified, that a workshop be held with the Elected Body (confidential if necessary) whereby the outcomes of the subject review can be presented prior to a formal report to council for consideration.	Andrew Altken	In Progress	13/09/2019	30/10/2019	Updated correspondence was sent to Woodforde and Rostrevor residents. The consultancy brief for the Strategic Boundary Review is out for quotation.	24/06/2021
25/06/2019	Ordinary Council	164/19	2018 – 2019 Play Space Upgrades – Confidential Item	None declared	As per Confidential Minute	Peter Bice	In Progress	13/08/2019	31/12/2019	Playspace report going back to Council in October 2019.	24/06/2021

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)	2 yr update req.
25/06/2019	Ordinary Council	165/19	2018 – 2019 Play Space Upgrades – Confidential Item	None declared	the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence, but no longer than 6 months	Peter Bice	In Progress	13/08/2019	31/12/2019	The matter remains in confidence and is ongoing.	24/06/2021
25/06/2019	Ordinary Council	170/19	Land Acquisition Lower Hermitage Road - Confidential Item	None declared	See Confidential Minute	Terry Crackett	In Progress	9/09/2019	31/10/2019	Progressing in accordance with the resolution	24/06/2021
25/06/2019	Ordinary Council	171/19	Land Acquisition Lower Hermitage Road	None declared	the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the completion of the contract, but no longer than 12 months	Terry Crackett	In Progress	9/09/2019	31/10/2019		24/06/2021
25/06/2019	Ordinary Council	173/19	Library Services Review	None declared	That the report be received and noted. That the Administration proceed with the replacement of the mobile library as per the provision in the 2018-19 Capital Works Budget and the Long Term Financial Plan as budgeted for in the 2018/19 Annual Business Plan, with the Council noting that the budget will need to be carried forward into 2019-20. That a Library Services Strategy be developed during 2019-20. That Council consults with the community on any changes to operating hours and services.	David Waters	In Progress	12/09/2019	27/03/2020	Procurement process for mobile library replacement is underway. Development of the library services strategy is underway.	24/06/2021
25/06/2019	Ordinary Council	178/19	Formal Motion - Status Report	None declared	That the question lie on the table. Cr Osterstock asked "Do Council Members, in making this decision, who have previously declared a Conflict of Interest, have a Conflict of Interest for this item?"	Andrew Aitken	Completed	16/08/2019	27/08/2019	Report is being prepared for the 27 August 2019 Council meeting. Report was considered at the 27 August 2019 Ordinary Council Meeting.	24/06/2021
25/06/2019	Ordinary Council	181/19	Sale of Land for non payment of rates - CONFIDENTIAL	Cr Linda Green (Material)	As per confidential minute	Terry Crackett	In Progress	10/09/2019	31/12/2019	Actions commenced in accordance with confidential minute.	24/06/2021
23/07/2019	Ordinary Council	185/19	Additional Borrowings for Capital Renewal Escalation	None declared	1. That the CEO prepares a report for the Ordinary meeting to be held on 22 October 2019 with a cost/benefit analysis on the concept of taking up borrowings in the short term (maybe one or two years) to take advantage of the very low current interest rates. 2. In the lead up to Council considering the report, Council holds a workshop to which members of the Local Government Finance Authority are invited to attend.	Terry Crackett	In Progress	10/09/2019	23/10/2019	Proposed Council Workshop currently set down for 8 October 2019 and LGFA officers invited to attend.	22/07/2021
23/07/2019	Ordinary Council	186/19	Naming of Reserve, Houghton	None declared	That the CEO investigate, in accordance with Council's Public Place and Road Naming Policy, and report on naming of the reserve on the corner of Horn, Blackhill and Lower North East Roads, Houghton	Terry Crackett	In Progress	9/09/2019	31/10/2019	Community consultation regarding naming options will be undertaken in late September	22/07/2021
23/07/2019	Ordinary Council	188/19	LED Street Lighting Upgrade	None declared	That the report be received and noted. To approve an increase of \$365k in Council's 2019/20 capital budget to commence the transition of 900 P – category public streetlights to LED with the funding source to be recommended to Council at its next budget review. That Council engage SAPN to commence the changeover of P-Category lights to LED public lighting on Council roads and that authority is given to the CEO to finalise a contract with SAPN and sign that agreement. That Council enter into a PLC tariff agreement for public lighting with SAPN until 30 June 2020 and subsequently move to the tariff set by the Australian Energy Regulator from July 2020. That Council continues to liaise with SAPN and DPTI on the changeover of Council public lighting on roads under the care and control of the State Government. That a further report be provided to Council on the outcome of the continued discussions with SAPN and DPTI.	Peter Bice	In Progress	18/09/2019		Hardware supplied agreed and notified. SAPN final contract offer being reviewed. Procurement process for hardware installation has commenced. Subject to availability of hardware, installation on site is proposed to commence prior to the end of the calendar year. Follow-up contact made with SAPN to progress contract and management of roll-out including any design work, communications and project management.	22/07/2021
23/07/2019	Ordinary Council	189/19	Community Land Management Plans	None declared	That the report be received and noted. That public consultation on the revocation of the current Community Land Management Plans be carried out in accordance with section 198 of the Local Government Act 1999. That public consultation on the adoption of the draft Community Land Management Plans (Appendix 1) be carried out in accordance with Council's Public Consultation Policy consistent with section 197 of the Local Government Act 1999. That the Crown Lands Unit of the Department for Environment and Water be consulted on all Community Land Management Plans that relate to categories of land containing Crown land under Council's care, control and management, in accordance with section 196(4) of the Local Government Act 1999. That following the completion of consultation processes, a further report be presented to Council for the revocation of the current Community Land Management Plans and Community Land Register and the adoption of the draft Community Land Management Plans and Register, subject to amendments that may result from consultation processes.	Terry Crackett	In Progress	9/09/2019	24/09/2019	Consultation is completed. Report recommending adoption of plans and register to Council on 24/09/19	22/07/2021
23/07/2019	Ordinary Council	195/19	Biodiversity Strategy Review	None declared	That the report be received and noted. To endorse the release of the Draft AHC Biodiversity Strategy for public consultation, as contained in Appendix 1. That the CEO be authorised to make any formatting, nomenclature or other minor changes to the Draft prior to being released for public consultation and determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of Council's Public Consultation Policy. 4. That following the public consultation a further report be brought back to the Council detailing the public consultation outcomes and draft strategy by 24 September 2019	Peter Bice	Not Started	9/09/2019		Release of the Biodiversity Strategy Framework Draft released for 3 Week public consultation. Ending 8/9/2019. Consolidation and analysis of consultation feedback commenced.	22/07/2021
23/07/2019	Ordinary Council	203/19	Adelaide Hills Roundabout Beautification Project	None declared	That plans, costings and project timelines for the Adelaide Hills Roundabout beautification project be considered by Council no later than the September 2019 meeting so that the project may be commenced.	Peter Bice	Completed	3/09/2019	27/08/2019	Report received by Council at the 27 August 2019 Ordinary Meeting.	22/07/2021
27/08/2019	Ordinary Council	210/19	Questions Lying on Table - Council Resolution Update inc 2 year update		The following completed items be removed from the Action List - list of actions	Andrew Aitken	Completed	29/08/2019			26/08/2021

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)	2 yr update req.
27/08/2019	Ordinary Council	211/19	Feral Deer Management	None declared	That the Chief Executive Officer write to PIRSA and the responsible Ministers to bring to their attention the concerns the Adelaide Hills Council has in relation to increasing number of feral deer in the Adelaide Hills. Bring to their attention the damage being caused to vineyards and orchards, along with the hazard they create for road users. Ask if consideration to develop a state-wide deer management plan has occurred and if so what the outcome was. Ask what action(s) the government undertake to manage feral deer on government land including Forestry Land, DEW land and SA Water land	Peter Bice	In Progress	10/09/2019	30/09/2019	Letters are currently being drafted to send.	26/08/2021
27/08/2019	Ordinary Council	213/19	Festivals & Events Policy Review	None Declared	That the report be received and noted. With an effective date of 10 September 2019, to revoke the 12 April 2016 <i>Festivals and Events Policy</i> and to adopt the 27 August 2019 <i>Festivals and Events Policy</i> as per Appendix 1 with the deletion of 'where fireworks form part of the event the use of low noise fireworks and for the consideration of livestock, pets and native animals when planning a display'. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the August 2019 Festivals and Events Policy prior to the effective date of adoption.	David Waters	Completed	6/09/2019			26/08/2021
27/08/2019	Ordinary Council	214/19	Youth Driver Education Proposed Road Closures	None declared	That the report be received and noted. That pursuant to Section 33(1) of the <i>Road Traffic Act 1961</i> and Clause G of the Instrument of General Approval of the Minister dated 22 August 2013, to: Declare that the Driver Education Program that is to take place on Newman Road, Charleston is an event to which Section 33 of the <i>Road Traffic Act 1961</i> applies. Make an order directing that a section of Newman Road, Charleston, between Five Lanes Road and Lewis Road, be closed to traffic for the period between 9.00am and 6.00pm on Wednesday 9 October 2019, and 9.00am and 6.00pm Wednesday 22 April 2020. Make an order directing that persons taking part in the event be exempt from the duty to observe the Australian Road Rules Rule 238 (Pedestrians travelling along a road) 4. Make an order directing that all vehicles except emergency and participant vehicles and local residents living at the named section of Newman Road, be excluded from the closed section of road for the period of the closure	David Waters	Completed	12/09/2019		The resolution was self fulfilling.	26/08/2021
27/08/2019	Ordinary Council	215/19	Procurement Policy	None declared	That the report be received and noted. With an effective date of 1 October 2019, to revoke the November 2016 <i>Procurement Policy</i> and to adopt the revised draft <i>Procurement Policy</i> in Appendix 1 with the following changes to the 4th dot point of Section 5.6.2: Remove the words "To the extent permitted by law, Council will give preference to economic benefit to the Adelaide Hills Council area when all other commercial considerations are equal (e.g. capability, capacity and competitiveness) 3. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Policy during the period of its currency	Terry Crackett	In Progress	10/09/2019	1/10/2019	Procurement Policy updated to reflect Council Decision. Procurement Framework updated in line with policy and training plan being developed to ensure users are conversant with new policy by October 2019.	26/08/2021
27/08/2019	Ordinary Council	216/19	Disposal of Assets Policy	None declared	That the report be received and noted. With an effective date of 10 September 2019, to revoke the <i>Disposal of Land Policy</i> , as detailed at Appendix 2, and to revoke the <i>Disposal of Materials Policy</i> , as detailed at Appendix 3 and to adopt the draft <i>Disposal of Assets Policy</i> in Appendix 1. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the <i>Disposal of Assets Policy</i> during the period of its currency.	Terry Crackett	Not Started	29/08/2019			26/08/2021
27/08/2019	Ordinary Council	217/19	2018-19 Preliminary End of Year Financial Results & Carry Forwards	None declared	The report be received and noted. The Preliminary End of Year Results for 2018-19 be noted. Operating Initiatives Carry Forward projects from 2018-19 totalling an amount of \$28k of expenditure as detailed in this report be approved. Capital Carry Forward projects from 2018-19 totalling an amount of \$4.782m of expenditure and \$1.952m of income (Attachments 2 and 3 to this report) be approved. The 2019-20 Capital Additional Budget Requests totalling a net \$277k (Attachment 4) be approved. The 2019-20 Proposed Budgeted Uniform Presentation of Finances reflecting a revised Budgeted Operating Surplus of \$421k before Capital Revenue and revised Net Borrowings of \$4.580m as summarised in Attachment 5 to this report be adopted.	Terry Crackett	Completed	29/08/2019	3/09/2019	Completed	26/08/2021
27/08/2019	Ordinary Council	218/19	East Waste Chair	Material - Cr Linda Green	1. That the report be received and noted 2. That Council consents to Mr Brian Cunningham being re-appointed as Independent Chairperson of East Waste for a further term until 30 June 2021.	Peter Bice	Completed	4/09/2019	4/09/2019	Correspondence sent from CEO	26/08/2021
27/08/2019	Ordinary Council	219/19	Bridgewater Retirement Village - Trust Variation Scheme (Carrivook Park)	None declared	That the report be received and noted. That Carrivook Park in Bridgewater, being land on the north eastern corner of Kain Avenue and Mt Barker Road Bridgewater previously identified as Allotment 137 in Deposited Plan No. 1427 (Appendix 1), be the nominated reserve to include in the trust variation scheme application to the Supreme Court to vary the F H Todd trust from the land at the corner of Second Avenue and Mt Barker Road Bridgewater contained in Certificate of Title Volume 5488 Folio 788. That a further report be presented to Council following conclusion of community consultation in relation to the revocation of community land.	Terry Crackett	In Progress	9/09/2019	30/06/2020	Community consultation regarding the revocation of community land for the land attached to the F H Todd Trust will commence in late September.	26/08/2021

Meeting Date	Meeting	Res. No.	Item Name	Previously Declared CDI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)	2 yr update req.	
27/08/2019	Ordinary Council	220/19	Road Closure Portion Road Reserve adjacent 38-42 Sturt Valley Road Stirling	None declared	1. That the report be received and noted 2. To make a Road Process Order pursuant to the <i>Roads (Opening & Closing) Act 1991</i> to close and merge the pieces of land identified as "A" in the Preliminary Plan attached to this report with Allotment 203 in Deposited Plan No 62796 comprised in Certificate of Title Volume 5907 Folio 850 as detailed in Appendix 2 of this report. 3. Subject to the closure of the road identified in the Preliminary Plan attached, that: The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i> ; and The piece marked "A" be sold to Mr Peter McKay and Ms Simona Achitei, the owners of the property with which it is merging for the amount of \$8,800.00 plus GST (if applicable) and all fees and charges associated with the road closure process. 4. Authorise the Chief Executive to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.	Terry Crackett	In Progress	9/09/2019	31/03/2020			26/08/2021
27/08/2019	Ordinary Council	221/19	Audit Committee Independent Membership	None declared	That the report be received and noted That in relation to the Audit Committee: To undertake a recruitment process for the selection of two Independent Ordinary Members for the Audit Committee for a term of 24 months, commencing 1 December 2019.	Andrew Aitken	In Progress	13/09/2019	22/10/2019	Recruitment process is underway.	26/08/2021	
27/08/2019	Ordinary Council	223/19	Review of Primary Production Incentive Grant Funding	None declared	That the report be received and noted. 2. That the Primary Production Incentive Grant be discontinued and the balance of the funds be redirected to community education on rural land management issues and European Wasp control for the benefit of the primary production sector.	Marc Salver	Not Started	29/08/2019			26/08/2021	
27/08/2019	Ordinary Council	227/19	Global Climate Strike	None declared	1. Publicly declares this Council's support for the Global Climate Strike on 20 September 2019; 2. Declares this Council's support for the three demands of the School Strike 4 Climate: No new coal, oil and gas projects, including the Adani mine 100% renewable energy generation and exports by 2030a just transition & job creation for all fossil-fuel industry workers	Andrew Aitken	Not Started	29/08/2019			26/08/2021	
27/08/2019	Ordinary Council	233/19	CEO Performance & Remuneration Reviews - Confidential Item	None declared	As per confidential minute	Andrew Aitken	Completed	9/09/2019	6/09/2019	The CEO has been advised in writing of the council's decision from its 27/8/19 meeting.	26/08/2021	
27/08/2019	Ordinary Council	234/19	CEO Performance & Remuneration Reviews - Period of Confidentiality	None declared	until the CEO has been advised in writing.	Andrew Aitken	Completed	9/09/2019	6/09/2019	The CEO was advised in writing on 2/9/19 of the Council decision at the meeting on 27/8/19.	26/08/2021	
27/08/2019	Ordinary Council	236/19	Roundabout Landscaping Upgrade - Confidential Item	None declared	as per confidential minute	Peter Bice	In Progress	3/09/2019	30/06/2020	Actions to be undertaken as per confidential resolution.	26/08/2021	
27/08/2019	Ordinary Council	237/19	Roundabout Landscaping Upgrade - Period of Confidentiality	None declared	until the contract is entered into.	Peter Bice	Completed	3/09/2019	30/08/2019	The contract has now been entered into.	26/08/2021	
17/09/2019	Special Council	239/19	Circular Procurement Pilot Project	None declared	Council resolves: That the report be received and noted. To approve participation in the Circular Procurement Pilot Project. That the Chief Executive Officer be authorised to execute the Memorandum of Understanding as contained in Appendix 1 of this report. That the Council endorses, in principle, the following targets: subject to the procurement needs and requirements of Council in 2020/21 purchasing recycled plastic products or materials equivalent to 10% of the weight of plastic collected within the Council area, which is equivalent to approximately 25 tonnes based on 2017/18 data. subject to the procurement needs and requirements of Council, commencing in 2021/22 Council will incrementally increase its purchasing of recycled plastic products or materials thereafter until it is equivalent to 50% of the weight of plastic collected within the Council area, which is equivalent to 124 tonnes based on 2017/18 data. That a report be provided to Council in early 2021/22 providing an update on the Council's participation in the Circular Procurement Pilot Project for the period 2020/21.	Peter Bice	Not Started	18/09/2019			16/09/2021	

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 24 September 2019
AGENDA BUSINESS ITEM**

Item: 12.9

Originating Officer: Steven Watson, Governance and Risk Coordinator

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: Delegations Review – September 2019

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 also allows changes in legislation to be enacted in a timely fashion.

This report addresses delegations under the following Acts:

- *Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008, Development (Waste Reform) Variation Regulations 2019*
- *Electronic Conveyancing National Law (SA) Act 2013*
- *Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005*
- *Local Government Act 1999*
- *Planning, Development and Infrastructure Act 2016*
- *Roads (Opening & Closing) Act 1991*
- *South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013*
- *State Records Act 1997 (New Instrument of Delegation)*

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, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008, Development (Waste Reform) Variation Regulations 2019*
- 2.1.2 *Electronic Conveyancing National Law (SA) Act 2013*
- 2.1.3 *Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005*
- 2.1.4 *Local Government Act 1999*
- 2.1.5 *Planning, Development and Infrastructure Act 2016*
- 2.1.6 *Roads (Opening & Closing) Act 1991*
- 2.1.7 *South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013*
- 2.1.8 *State Records Act 1997*

2.2 Delegations made under the *Local Government Act 1999*

2.2.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 3, 4, 5, 6, 7, 8, 9, 10 and 11 (each of which is individually identified as indicated below) are hereby delegated this 24th day of September 2019 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.

- *Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008, Development (Waste Reform) Variation Regulations 2019 (Appendix 3)*
- *Electronic Conveyancing National Law (SA) Act (Appendix 4)*
- *Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005 (Appendix 5)*
- *Local Government Act 1999 (Appendix 6)*
- *Planning, Development and Infrastructure Act 2016 (Appendix 7)*
- *Roads (Opening & Closing) Act 1991 (Appendix 8)*
- *South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013 (Appendix 9)*
- *State Records Act 1997 (New Instrument of Delegation) (Appendix 10)*

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.

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**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

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

- Director Corporate Services
- Director Strategy & Development
- Director Community & Customer Services
- Director Engineering & Assets
- Executive Manager Governance & Performance
- Executive Manager Organisational Development
- Manager Civil Services
- Manager Open Space
- Manager Property Services
- Manager Development Services
- Manager Finance
- Manager Waste & Emergency Management
- Team Leader Regulatory Services
- Team Leader Public Health

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 provided by the Local Government Association (LGA) and have been used as a basis for this review.

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

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

3. ANALYSIS

This report incorporates the remainder of updates identified in the ‘Table of Updates’ (**Appendix 2**), dated 01 July 2019, provided by the Local Government Association in Circular 33.7, 13 August 2019.

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, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008, Development (Waste Reform) Variation Regulations 2019 (Appendix 3)*
- *Electronic Conveyancing National Law (SA) Act 2013 (Appendix 4)*
- *Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005 (Appendix 5)*
- *Local Government Act 1999 (Appendix 6)*
- *Planning, Development and Infrastructure Act 2016 (Appendix 7)*
- *Roads (Opening & Closing) Act 1991 (Appendix 8)*
- *South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013 (Appendix 9)*
- *State Records Act 1997 (New Instrument of Delegation) (Appendix 10)*

The Acts/Regulations with amendments in this review are:

- *Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008, Development (Waste Reform) Variation Regulations 2019 (Appendix 3)*
- *Local Government Act 1999 (Appendix 6)*
- *State Records Act 1997 (Appendix 11)*

All changes have been highlighted or tracked on the attached instruments.

3.1 Development Act, Development (Development Plans) Amendment Act 2006, Development Regulations 2008 and Development (Waste Reform) Variation Regulations 2019

It is recommended that additional powers and functions relating to Paragraph 120.1, Clause 2(2), Schedule 1, and Paragraph 120.2, Clause 2(3), Schedule 1 be delegated to the Chief Executive Officer.

3.2 Local Government Act 1999 (Appendix 6)

It is recommended that additional powers and functions relating to Paragraph 148.1, Section 302B be delegated to the Chief Executive Officer.

3.3 State Records Act 1997 (Appendix 11)

It is recommended that additional powers and functions relating to Clause 1.1.32 and Clause 2.1.29 be delegated to the Chief Executive Officer.

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

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

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

4. OPTIONS

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

5. APPENDICES

- (1)** Delegations Review Schedule (Appendix 1)
- (2)** LGA Table of updates dated 30 September 2018
- (3)** Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008, Development (Waste Reform) Variation Regulations 2019
- (4)** Electronic Conveyancing National Law (SA) Act 2013
- (5)** Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
- (6)** Local Government Act 1999
- (7)** Planning, Development and Infrastructure Act 2016
- (8)** Roads (Opening & Closing) Act 1991
- (9)** South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013
- (10)** State Records Act 1997

Appendix 1

Delegations Review Schedule – September 2019

DELEGATIONS REVIEW SCHEDULE 2019

Legislative Act	Mar-19	Apr-19	Jun-19	Sep-19	Dec-19
Instrument Of Subdelegation	Month of Review	Month of Review	Month of Review	Month of Review	Month of Review
Burial & Cremation Act 2013 and the Burial and Cremation Regulations 2014	Deferred to April 2019	23-Apr-19			
Community Titles Act 1996					17-Dec-19
Crown Land Management Act 2009					17-Dec-19
Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008, Development (Waste Reform) Variation Regulations 2019			25-Jun-19	Update 24 Sept 19	
Dog & Cat Management Act 1995			25-Jun-19		
Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010		New 23/04/2019			
Electronic Conveyancing National Law (SA) Act				24-Sep-19	
Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010	Deferred to April 2019	23-Apr-19			
Expiation of Offences Act 1996	Deferred to April 2019	23-Apr-19			
Fences Act 1974	Deferred to April 2019	23-Apr-19			
Fines Enforcement and Debt Recovery Act 2017 (commences 30 April 2018)			25-Jun-19		
Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005				24-Sep-19	
Food Act 2001	Deferred to April 2019	23-Apr-19			
Freedom of Information Act 1991 & Freedom of Information (Fees & Charges) Regulations 2003			25-Jun-19		
Gas Act 1997		New 23/04/2019			
Heavy Vehicle National Law (South Australia) Act 2013		Update 23/04/2019			17-Dec-19
Land & Business (Sale and Conveyancing) Act 1994			25-Jun-19		
Liquor Licensing Act 1997			Update 25/06/2019		17-Dec-19
Local Government Act 1999		Update 23/04/2019	Update 25/06/2020	Update 24 Sept 19	
Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017	Deferred to April 2019	23-Apr-19			
Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005			25-Jun-19		
Planning, Development and Infrastructure Act 2016				24-Sep-19	
Private Parking Areas Act 1986					17-Dec-19
Real Property Act 1886		Update 23/04/2019	25-Jun-19		
Roads (Opening & Closing) Act 1991				24-Sep-19	
Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014			25-Jun-19		
Safe Drinking Water Act 2012	Deferred to April 2019	23-Apr-19			
South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013				24-Sep-19	
State Records Act 1997 (New Instrument of Delegation)				New 24 Sept 19	
Strata Titles Act 1999					17-Dec-19
Supported Residential Facilities Act 1992	Deferred to April 2019	23-Apr-19			
Unclaimed Goods Act 1987	Deferred to April 2019	23-Apr-19			
Water Industry Act 2012 and Water Industry Regulations 2012	Deferred to April 2019	23-Apr-19			
Work Health Safety Act 2012					17-Dec-19

Appendix 2

LGA Table of updates 01 July 2019

LOCAL GOVERNMENT ASSOCIATION
UPDATES OF DELEGATION TEMPLATES ON WEBSITE

(Note: Paragraph references below refer to updated version – As at 1 July 2019)

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, Development Regulations 2008 and Development (Waste Reform) Variation Regulations 2019	120.1	Clause 2(2) Schedule 1 Development (Waste Reform) Regulations 2019	Addition	Legislative amendment	1 August 2019	Adopt updated instrument as soon as require delegations to be made
	120.2	Clause 2(3) Schedule 1 Development (Waste Reform) Regulations 2019	Addition	Legislative amendment	1 August 2019	

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 Dog & Cat Management Act						
Instrument of Delegation under the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010						
Instrument of Delegation under the Electronic Conveyancing National Law (South Australia) Act 2013						
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						

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 Gas Act 1997						
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	148.1	302B	Deletion	Legislative amendment	1 August 2019	Use updated instrument at next review
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 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, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018						
Instrument of Delegation under the State Records Act 1997	All	All	Addition	New Instrument	1 August 2019	Make delegations under new instrument as soon as required
Instrument of Delegation under the Strata Titles Act 1988						

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 Supported Residential Facilities Act						
Instrument of Delegation under the Water Industry Act 2012 and Water Industry Regulations 2012						
Instrument of Delegation under the Work Health Safety Act 2012						
Instrument of Delegation under the Unclaimed Goods Act 1987						
Webpage entitled – ‘Guide for use – Template Resolutions’						
Draft Resolutions for the making of Delegations	Clause 1.1.32	State Records Act	Addition	New instrument created	1 August 2019	Use updated resolutions when making delegations under new instrument of delegation – State Records Act
	Clause 2.1.29	State Records Act	Addition	New instrument created	1 August 2019	
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						

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 – 'Legislative Requirements'						
Webpage entitled – 'Best Practice Recommendations'						

Appendix 3

*Instrument of Delegation under the
Development Act 1993, Development (Development
Plans) Amendment Act 2006 and Development
Regulations 2008, Development (Waste
Reform) Variation Regulations 2019*

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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	Director Development & Regulatory Services Manager Development Services
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	CEO/Council's Assessment Panel (CAP)	NIL	Director Development & Regulatory Services Manager Development Services
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.	CEO/Council's Assessment Panel (CAP)	NIL	Director Development & Regulatory Services Manager Development Services
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	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	NIL
2.3 The duty, pursuant to Section 18(3) of the Act to issue an authorised officer with an identity card.	CEO	NIL	Director Development & Regulatory Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Manager Development Services Team Leader Statutory Planning Team Leader Building Services Senior Statutory Planner
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	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	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	Director Development & Regulatory Services
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	Director Development & Regulatory Services
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	Director Development & Regulatory Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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	Director Development & Regulatory Services
4.5 The power pursuant to section 24(1)(a)(iva) of the Act, where the Council or the Delegate has, after 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.	CEO	NIL	Director Development & Regulatory Services
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	Director Development & Regulatory Services
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	Director Development & Regulatory Services
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	Director Development & Regulatory Services
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	Director Development & Regulatory Services
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	Director Development & Regulatory Services Senior Strategic & Policy Planner

		Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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;	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.3.2	the DPA must include an assessment of the extent to which the proposed amendment:	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.3.2.1	accords with the Planning Strategy; and	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.3.2.2	accords with the Statement of Intent; and	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.3.2.3	accords with other parts of the Development Plan; and	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.3.2.4	complements the policies in the Development Plans for adjoining areas; and	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.3.2.5	satisfies the matters prescribed in the Regulations;	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services Senior Strategic & Policy Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
5.3.3 the DPA must include:	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services Senior Strategic & Policy Planner
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	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.3.3.2 a summary of the conclusions drawn from the investigations and assessments referred to above; and	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services Senior Strategic & Policy Planner
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);	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services Senior Strategic & Policy Planner
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 connection with the preparation of the DPA under the Act;	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services Senior Strategic & Policy Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
5.3.5 the DPA must include any other matter prescribed by the Regulations.	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services Senior Strategic & Policy Planner
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	Director Development & Regulatory Services Senior Strategic & Policy Planner
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	Director Development & Regulatory Services Senior Strategic & Policy Planner
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	Director Development & Regulatory Services
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	Director Development & Regulatory Services Senior Strategic & Policy Planner
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	Director Development & Regulatory Services
5.9 <u>Process A</u>	CEO	NIL	Director Development & Regulatory Services

		Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
				Senior Strategic & Policy Planner
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.	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
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.	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.9.3	The power pursuant to Section 25(7)(c) of the Act to consult with the Minister.	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
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.	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
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.	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.10	<u>Process B</u>	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner

		Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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.	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.10.2	The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister.	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
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.	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
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 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.	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
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.	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.11	<u>Process C</u>	CEO	NIL	Director Development & Regulatory

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Services Senior Strategic & Policy Planner
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.	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
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.	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
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:	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.11.3.1 an owner or occupier of any land that is directly subject to the operation of the proposed amendment; and	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
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,	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.12.1 accords with the Planning Strategy; and	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.12.2 accords with the Statement of Intent; and	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.12.3 accords with other parts of the Development Plan; and	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.12.4 complements the policies in the Development Plans for adjoining areas; and	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.12.5 satisfies the matters prescribed in the Regulations.	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
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	Director Development & Regulatory Services Senior Strategic & Policy Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
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,	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
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.	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
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	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.14.1 informing the owner of the proposed amendment, and	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.14.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.15 If a proposed amendment declares a tree to be a significant	CEO	NIL	Director Development & Regulatory

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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:			Services Senior Strategic & Policy Planner
5.15.1 informing the owner of the proposed amendment; and	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.15.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
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	Director Development & Regulatory Services Senior Strategic & Policy Planner
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	NIL
5.18 The duty to send to the Minister:	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
5.18.1 a copy of a report under Section 25(13)(a); and	CEO	NIL	Director Development & Regulatory Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Senior Strategic & Policy Planner
5.18.2 a certificate from the Chief Executive Officer;	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
pursuant to and in accordance with Section 25(14) of the Act and the Regulations.	CEO	NIL	Director Development & Regulatory Services Senior Strategic & Policy Planner
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	NIL
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	NIL
5.21 The power pursuant to Section 25(23) of the Act to consult with the Minister.	CEO	Subject to sign-off by SPDPC	NIL
6. Amendments by the Minister			
6.1 The power pursuant to Section 26(5)(d)(i) of the Act, in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.	CEO	Subject to sign-off by SPDPC	NIL
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	NIL
6.3 The power pursuant to Section 26(5b)(a) of the Act in relation	CEO	Subject to sign-off	NIL

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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.		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	NIL
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	NIL
7. Parliamentary Scrutiny	CEO	Subject to sign-off by SPDPC	NIL
7.1 The power pursuant to Section 27(6) of the Act to consult with the Minister.	CEO	Subject to sign-off by SPDPC	NIL
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	Director Development & Regulatory Services
8.1.1 addresses the strategic planning issues within the area of the Council, with particular reference to:	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
8.1.1.1 the Planning Strategy; and	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
8.1.1.2 any other policy or document prescribed by the regulations; and	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services

		Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
8.1.2	addresses appropriate amendments to any Development Plan that applies within the area of the Council; and	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
8.1.3	sets out the Council's priorities for:	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
8.1.3.1	achieving orderly and efficient development through the implementation of planning policies; and	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
8.1.3.2	the integration of transport and land-use planning within its area; and	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
8.1.3.3	implementing any relevant targets set out in the Planning Strategy; and	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
8.1.3.4	implementing affordable housing policies set out in the Planning Strategy within its area; and	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
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	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
8.1.3.6	other projects or initiatives considered to be relevant by the Council; and	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services

		Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
8.1.4	contains such other material as may be:	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
8.1.4.1	prescribed by the regulations; or	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
8.1.4.2	required by the Minister.	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
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	Director Development & Regulatory Services
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:	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
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	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
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	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
8.2.2	in any event, within 5 years after the completion of the last report under Section 30 of the Act.	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
8.3	The duty, pursuant to Section 30(3) of the Act, in connection	CEO	Subject to sign-off	Director Development & Regulatory

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
with the preparation of a report under Section 30 of the Act, to:		by SPDPC	Services
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	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
8.3.2 consult with any prescribed authority or body in the manner specified by the regulations.	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
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	NIL	Director Development & Regulatory Services
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	NIL	Director Development & Regulatory Services
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	Director Development & Regulatory Services
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	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
8.6.2 if relevant, prepare a DPA that is suitable for consideration under Section 25(3) of the Act.	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services

		Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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	NIL	Director Development & Regulatory Services
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	Director Development & Regulatory Services
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	Director Development & Regulatory Services
8.9.1	from a requirement to prepare a particular report under Section 30 of the Act; or	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
8.9.2	from a particular requirement with respect to a report under Section 30 of the Act.	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services
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	NIL	Director Development & Regulatory Services
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	Director Development & Regulatory Services
8.12	The power pursuant to Section 30(14) of the Act, to request in accordance with the regulations a Minister identified by the	CEO	Subject to sign-off by SPDPC	Director Development & Regulatory Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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.			
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	Director Development & Regulatory Services
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	Director Development & Regulatory Services Senior Strategic & Policy Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>10.1.1 the provisions of the appropriate Development Plan;</p>	<p>CEO/CAP</p>	<p>Except:</p> <ol style="list-style-type: none"> 1. <u>new dwellings</u> outside of townships which must have the delegate report countersigned by another Statutory Planner prior to decision being issued. 2. Licensed premises which must have the delegate report countersigned by another Statutory Planner prior to the decision being issued 3. <u>refusals</u> which must be countersigned by either the Director Development & Regulatory Services or Manager 	<p>Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant</p>

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
		<p>Development Services</p> <p>prior to decision being issued.</p> <p>4. <u>non-complying</u> applications determined as minor (only in accordance with Clause 3 of Schedule 9 of the Development Regulations 2008 and not where CAP delegation) – but delegate report must be <u>countersigned</u> by another Statutory Planner prior to SCAP concurrence being sought</p>	
<p>10.1.2 the provisions of the Building Rules;</p>	<p>CEO</p>	<p>Except:</p> <p>1. <u>refusals</u> which must be countersigned</p>	<p>Director Development & Regulatory Services</p> <p>Manager Development Services</p>

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

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
33(1)(d) of the Act;		involving two allotments, delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services, or Team Leader Statutory Planning prior to decision being issued	Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
10.1.6 such other matters as may be prescribed.	CEO/CAP	NIL	Director Development & Regulatory Services
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 Development &	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
		Regulatory Services or Manager Development Services, or Team Leader Statutory Planning prior to decision being issued	Senior Statutory Planner Statutory Planner
10.3 If:	CEO	NIL	Team Leader Building Services Team Leader Statutory Planning Building Officer Manager Development Services
10.3.1 a development only requires an assessment under paragraph (b) of Section 33(1) of the Act; and	CEO	NIL	Team Leader Building Services Team Leader Statutory Planning Building Officer Manager Development Services
10.3.2 the Council:	CEO	NIL	Team Leader Building Services Team Leader Statutory Planning Building Officer Manager Development Services
10.3.2.1 is the relevant authority; and	CEO	NIL	Team Leader Building Services Team Leader Statutory Planning Building Officer

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Manager Development Services
10.3.2.2 is to make the assessment under that paragraph; and	CEO	NIL	Team Leader Building Services Team Leader Statutory Planning Building Officer Manager Development Services
10.3.3 the Council determines to grant consent under that paragraph,	CEO	NIL	Team Leader Building Services Team Leader Statutory Planning Building Officer Manager Development Services
the duty, pursuant to Section 33(4b) of the Act as the relevant authority, to issue the relevant development approval with the consent.	CEO	NIL	Team Leader Building Services Team Leader Statutory Planning Building Officer Manager Development Services
11. Determination of Relevant Authority	CEO	NIL	Team Leader Building Services Team Leader Statutory Planning Building Officer Manager Development Services
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>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.</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
<p>11.3 The power pursuant to Section 34(8a) of the Act to, in conjunction with the Councils for the areas in relation to which a regional development assessment panel has been constituted, remove a member from the panel for a failure to comply with the requirements of Section 34(6a) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
<p>11.4 The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
<p>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.</p>	CEO	NIL	Director Development & Regulatory Services
<p>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</p>	CEO	NIL	Director Development & Regulatory Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
principal office of the council during ordinary office hours and for inspection on the internet.			Manager Development Services
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>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.</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
<p>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.</p>	CEO/CAP	<p><u>only non-complying</u> applications determined as minor or as Category 3 providing there were no representations in opposition in accordance with Clause 3 of Schedule 9 of the Development Regulations 2008 may be concurred with by staff. Where concurrence is <u>not supported</u> or where a development is a non-complying category 3 with</p>	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
		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	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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
13.2.2 to determine whether to grant building rules consent where the variance is with the performance	CEO	NIL	Director Development & Regulatory Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
requirements of the Building Code and the Building Rules Assessment Commission concurs in the granting of consent;			Manager Development Services Team Leader Building Services
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:	CEO	NIL	Team Leader Building Services Building Officer
13.2.3.1 the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building fails to conform with the Building Rules only in minor respects and the variance is justifiable having regard to the objects of the Development Plan or the performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than if the variance were not to be allowed; or	CEO	NIL	Team Leader Building Services Building Officer
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	Team Leader Building Services
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	Team Leader Building Services Building Officer

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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	Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
13.5.2 such compliance is certified by a private certifier.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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	CEO	Delegate report to be countersigned by either the Director Development &	Team Leader Building Services Building Officer

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
that classification.		Regulatory Services 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:	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Senior Strategic & Policy Planner Statutory Planner Development Services Assistant
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Senior Strategic & Policy Planner Statutory Planner Development Services Assistant
14.1.2 not make a decision until a response has been	CEO/CAP	NIL	Director Development & Regulatory

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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).			Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Senior Strategic & Policy Planner Statutory Planner Development Services Assistant
14.2 The duty pursuant to Section 37(5)(a) of the Act where an application has been refused or conditions imposed in respect of a development authorisation by direction of a prescribed body, to notify the applicant that the application was refused, or the conditions imposed, by direction under Section 37 of the Act.	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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	Director Development & Regulatory Services Manager Development Services
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	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Statutory Planner
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:	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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 Development & Regulatory Services or Manager Development Services prior to the decision being issued	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	CEO/CAP	NIL	Director Development & Regulatory Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
under subsection 37A(2) refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 37A of the Act.			Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
17.2 Where a person applies for a consent in respect of the Development Plan for a Category 2A development, -	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
17.2.1 the duty pursuant to Section 38(3a)(a) of the Act to:	CEO	NIL	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
17.2.1.2 give any other person of a prescribed class,	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
notice of the application; and	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Statutory Planner Development Services Assistant
17.2.2 the duty pursuant to Section 38(3a)(b) of the Act, to:	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>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.</p>	CEO/CAP	NIL	NIL
<p>17.3 The duty pursuant to Section 38(4) of the Act to give notice of a proposal for a Category 2 development.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
<p>17.4 The duty pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
<p>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.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Senior Statutory Planner Statutory Planner Development Services Assistant
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	NIL
17.7 The duty pursuant to Section 38(10)(b) of the Act, in respect of a Category 3 development, to allow a person who made a representation and who as part of that representation indicated an interest in appearing before the Delegate, a reasonable opportunity to appear personally or by representative to be heard in support of the representation.	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Senior Statutory Planner Statutory Planner
<p>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.</p>	CEO/CAP	Subject to delegate report sign off by Team Leader Statutory Planning Senior Statutory Planner, Manager Development Services or Director Development & Regulatory Services	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
<p>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.</p>	CEO/CAP	Subject to delegate report sign off by Team Leader Statutory Planning Senior Statutory Planner, Manager Development Services or Director Development & Regulatory Services	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
18. Application and Provision of Information			

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>18.1 The power pursuant to Section 39(2) of the Act to request an applicant to:</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Officer
<p>18.1.1 provide such additional documents or information to enable assessment of the application;</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Officer
<p>18.1.2 remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Officer
<p>18.1.3 consult with an authority or body prescribed by the Regulations;</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Officer
<p>18.1.4 (where required by the Regulations) prepare a statement of effect in relation to non-complying development; and</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>18.1.5 comply with any other requirement prescribed by the Regulations.</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Officer
<p>18.2 If:</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
<p>18.2.1 a development is of a kind that is complying development; and</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>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</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
<p>18.2.3 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d),</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
<p>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.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
<p>18.3 If:</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
18.3.2 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act,	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
the power and duty pursuant to Section 39(2b)(c) of the Act, to;	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Statutory Planner Development Services Assistant
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
the duty pursuant to Section 39(2b)(d) of the Act, to;	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
18.3.4 make that request within a period prescribed by the Regulations.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>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:</p>	CEO/CAP	Delegate report to be countersigned by Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Officer
<p>18.4.1 subject to Section 39(3)(b)(ii) of the Act, refuse the application; and</p>	CEO/CAP	Delegate report to be countersigned by Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Officer
<p>18.4.2 refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).</p>	CEO/CAP	Delegate report to be countersigned by Director Development & Regulatory Services, Manager Development	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
		Services Team Leader Statutory Planning	Statutory Planner Development Services Assistant Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Statutory Planner Development Services Assistant Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning
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 Development & Regulatory Services or Manager	Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning Senior Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
		Development Services prior to the decision being issued	Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Officer
18.12 The power pursuant to Section 39(7) of the Act to approve an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative.	CEO/CAP	Refer to CAP Delegations Policy for exceptions where staff must refer to CAP	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services
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	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
unnecessary to deal with the matter as Category 3 development.			Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Compliance Officer
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	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Team Leader Building Services
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	Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Officer

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>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.</p>	CEO/CAP	NIL	Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Compliance Officer
<p>20. Time Within Which Decision Must be Made</p>			
<p>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.</p>	CEO/CAP	NIL	Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Applications Coordinator Administrative Support Officer Administration Building Support Officer Team Leader Building Services Building Officer

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
20.2 If:	CEO	NIL	Director Development & Regulatory Services, Manager Development Services
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	CEO	NIL	Director Development & Regulatory Services, Manager Development Services
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,	CEO	NIL	Director Development & Regulatory Services, Manager Development Services
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.	CEO	NIL	Director Development & Regulatory Services, Manager Development Services
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	Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Building Officer
<p>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).</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
<p>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.</p>	CEO/CAP	Subject to sign off by Team Leader Statutory Planning, Manager Development Services or Director Development & Regulatory Services	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
<p>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.</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services
22. Cancellation by a Relevant Authority			
<p>22.1 The power pursuant to Section 43 of the Act to cancel a</p>	CEO/CAP	NIL	Director Development & Regulatory

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
development authorisation previously given by the Council or the Delegate.			Services, Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Team Leader Building Services Statutory Planner Building Compliance Officer Development Services Assistant Administrative Support Officer Administration Building Support Officer Applications Coordinator
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	Director Development & Regulatory Services, Manager Development Services
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	Director Development & Regulatory Services, Manager Development Services
23.3 The power pursuant to Section 45A(12) of the Act to make submissions to the Minister on the report on which the action under Section 45A(11) of the Act is based within a period	CEO/CAP	NIL	Director Development & Regulatory Services, Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
(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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
24.3 The power pursuant to Section 49(9) of the Act to withdraw opposition to a State agency proposed development.	CEO/CAP	NIL	Director Development & Regulatory Services, Manager Development Services
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	CEO/CAP	NIL	Director Development & Regulatory Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
with the Regulations.			Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services, Manager Development Services
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
26.1.1 that up to 12.5% in area of the relevant area be	CEO/CAP	Subject to receipt of agreement from	Director Development & Regulatory

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
vested in the Council to be held as open space; or		Manager Open Space and Director Engineering & Assets prior to the Development Plan Consent being issued	Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	NIL	NIL
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	CEO/CAP	Subject to receipt of agreement from	Director Development & Regulatory

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
Commission Assessment Panel and the applicant under which certain land described by the relevant plan of division will be vested in the Council.		Manager Open Space and Director Engineering & Assets prior to the Development Plan Consent being issued	Services, Manager Development Services
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 the Development Plan Consent being issued	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services, Manager Development Services Manager Sustainable Assets Manager Financial Services
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
27. Carparking Fund			
27.1 The power pursuant to Section 50A(1) of the Act to establish a car parking fund.	CEO	NIL	Director Development & Regulatory Services
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	Director Development & Regulatory Services, Manager Development Services Senior Strategic & Policy Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
		& Development Policy Committee & Minister	Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services, Manager Development Services Senior Strategic & Policy Planner
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	Director Development & Regulatory Services
27.8 The power pursuant to and in accordance with Section 50A(8) of the Act to apply money standing to the credit of the car parking fund.	CEO	NIL	Director Development & Regulatory Services
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	Director Development & Regulatory Services Director Corporate Services
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	Director Development & Regulatory Services Manager Development Services Senior Strategic & Policy Planner
28.3 The duty, pursuant to Section 50B(3) of the Act, to define a	CEO	Subject to SPDPC	Director Development & Regulatory

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
designated area by reference to an area established by the relevant Development Plan.		approval	Services Manager Development Services Senior Strategic & Policy Planner
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 Development & Regulatory Services and Director Corporate Services	Director Development & Regulatory Services 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:	CEO	NIL	Director Development & Regulatory Services Director Engineering & Assets Director Corporate Services Manager Open Space Supervisor Parks & Reserves
28.5.1 maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act; or	CEO	NIL	Director Development & Regulatory Services Director Engineering & Assets Director Corporate Services Manager Open Space Supervisor Parks & Reserves
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	NIL

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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	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 Development & Regulatory Services and Director Corporate Services	Director Development & Regulatory Services Director Corporate Services
28.6.2 if money from an urban trees fund only constituted a proportion of the purchase price of the land (the designated proportion), the money that is subject to these requirements is the designated proportion of the proceeds of sale.	NIL	NIL	NIL
29. Certificate in Respect of the Division of Land			
29.1 The duty pursuant to Section 51(2) of the Act to provide appropriate information to the State Commission Assessment Panel (upon request by the State Commission Assessment Panel) before it issues a certificate in respect of the division of land.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
30. Saving Provisions			

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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	Director Development & Regulatory Services, Manager Development Services
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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)	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
the document has been prepared in compliance with the Act, and complies with the requirements of the Act.			Senior Strategic & Policy Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
31.5 Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act:	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
31.5.1 in circumstances where:	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Statutory Planner
31.5.1.1 the Commonwealth Minister has given his or her approval to the controlled action; and	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
31.5.1.2 the applicant for the development authorisation or the Commonwealth Minister has informed the relevant authority of that fact;	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
Protection and Biodiversity Conservation Act 1999.			Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
33. Urgent Building Work			
33.1 The power pursuant to Section 54(2)(d) of the Act to issue any	CEO	NIL	Director Development & Regulatory

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
directions and specify a period of time with respect to building work performed as a matter of urgency.			Services Manager Development Services Team Leader Building Services Building Officer
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	Director Development & Regulatory Services, Manager Development Services
34.2 The power pursuant to Section 55(5) of the Act where the Court makes an order under Section 55(3)(a), (b) or (ca) of the Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out and to recover the cost of that work as a debt from the person.	CEO/CAP	NIL	Director Development & Regulatory Services, Manager Development Services
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	Director Development & Regulatory Services, Manager Development Services
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	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Team Leader Building Services
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	Director Development & Regulatory Services, Manager Development Services
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	Director Development & Regulatory Services, Manager Development Services
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	Director Development & Regulatory Services, Manager Development Services
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	NIL
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	NIL
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	CEO	Subject to Council approval	NIL

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
consists of equal numbers of men and women.			
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	Director Development & Regulatory Services
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	NIL
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:	CEO	Subject to Council approval	NIL
36.6.1 breach of, or failure to comply with, the conditions of appointment; or	CEO	Subject to Council approval	NIL
36.6.2 misconduct; or	CEO	Subject to Council approval	NIL
36.6.3 neglect of duty; or	CEO	Subject to Council approval	NIL
36.6.4 incapacity to carry out satisfactorily the duty of his or her office; or	CEO	Subject to Council approval	NIL
36.6.5 failure to carry out satisfactorily the duty of his or her office; or	CEO	Subject to Council approval	NIL
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	NIL

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
36.7 The duty pursuant to and in accordance with Section 56A(5) of the Act to give notice of an appointment.	CEO	NIL	Director Development & Regulatory Services, Manager Development Services
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	Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning
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	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	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	Director Development & Regulatory Services, Manager Development Services
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	NIL
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	NIL
37. Building Rules Assessment Audits			

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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	Director Development & Regulatory Services, Manager Development Services
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	Director Development & Regulatory Services, Manager Development Services
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	Director Development & Regulatory Services
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	Director Development & Regulatory Services
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	Director Development & Regulatory Services, Manager Development Services, Team Leader Building Services
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	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	CEO	NIL	Director Development & Regulatory

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
fact.			Services
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	NIL
37A.4 The power pursuant to Section 56C(15) of the Act to, if	CEO	NIL	NIL
37A.4.1 the Minister makes a recommendation to the Council under Section 56C(12)(a) of the Act; and	CEO	NIL	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	NIL
consult with the Minister.	CEO	NIL	NIL
38. Land Management Agreements			
38.1 The power pursuant to Sections 57(2) and 57(2a) of the Act to enter into an agreement relating to the development, management, preservation or conservation of land within the area of the Council with the owner of the land.	CEO/CAP	1. Waiver of agreement terms for agreements previously resolved by Council may be agreed by planning staff in relation to trees that are not protected by legislation any longer 2. Not to be sub-delegated below	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
		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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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	Director Development & Regulatory Services, Manager Development Services
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	CEO	NIL	Director Development & Regulatory Services, Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
rescinded or amended, to enter a note of the rescission or amendment made against the instrument of title or against the land.			Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	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	Director Development & Regulatory Services Manager Development Services
39.2 The duty pursuant to Section 57A(3) of the Act to have regard to:	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
39.2.1 the provisions of the appropriate Development Plan.	CEO/CAP	NIL	Director Development & Regulatory Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Senior Strategic & Policy Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning
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	CEO	NIL	Director Development & Regulatory Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
agreement registered under Section 57A(5) of the Act.			Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Applications Coordinator Administrative Support Officer Administration Building Support Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
against the land.			Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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	Team Leader Building Services Building Officer
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	CEO	NIL	Team Leader Building Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
certificate of occupancy.			
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Compliance Officer
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 countersigned by either the Director Development & Regulatory Services or Manager Development Services prior to the notice being issued	Director Development & Regulatory Services Manager Development Services Team Leader Building Service
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 Development & Regulatory Services or Manager Development Services prior to the revocation of the certificate	Director Development & Regulatory Services Manager Development Services Team Leader Building Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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 Development & Regulatory Services or Manager Development Services prior to the notice being issued	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services
44.1.1 the power pursuant to Section 69(4) of the Act to cause the required work to be carried out; and	CEO	NIL	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Team Leader Building Services
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.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services
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	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	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	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	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	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	CEO	NIL	NIL

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
member of the appropriate authority.			
44A.7 The power pursuant to Section 71(19)(d) of the Act to appoint deputy members to the appropriate authority.	CEO	NIL	NIL
44A.8 The power pursuant to Section 71(19)(e) of the Act to determine the procedures of an appropriate authority.	CEO	NIL	NIL
45. Building Inspection Policies			
45.1 The duty pursuant to and in accordance with Section 71A of the Act to prepare and from time to time alter a building inspection policy.	CEO	Subject to Council endorsement except where a change is of a minor nature	Director Development & Regulatory Services Manager Development Services Team Leader Building Services
46. Advertisements			
46.1 The power pursuant to and in accordance with Section 74(1) of the Act to:	CEO	NIL	Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Development Compliance Officer
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	CEO	NIL	Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning Senior Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Development Compliance Officer
46.1.2 serve notice in writing requiring the removal or obliteration of the advertisement or the removal of the advertising hoarding (or both).	CEO	NIL	Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Development Compliance Officer
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	Director Development & Regulatory Services, Manager Development Services
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 Development & Regulatory Services or Manager Development Services Team Leader Statutory Planning Team Leader Building	Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning Team Leader Building Senior Statutory Planner Development Compliance Officer

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
		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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Team Leader Building Services Building Officer Development Compliance Officer
47.3 Where a person has failed to comply with a direction contained in a notice issued pursuant to Section 84(2)(b) of the Act:	CEO	NIL	Director Development & Regulatory Services, Manager Development Services
47.3.1 the power pursuant to Section 84(6) of the Act to cause the necessary action to be undertaken; and	CEO	NIL	Director Development & Regulatory Services, Manager Development Services
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.	CEO	NIL	Director Development & Regulatory Services, Manager Development Services
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	CEO	NIL	Director Development & Regulatory

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
a repealed Act.			Services, Manager Development Services
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	Director Development & Regulatory Services, Manager Development Services
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	Director Development & Regulatory Services, Manager Development Services
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	Director Development & Regulatory Services, Manager Development Services Team Leader Building Services Building Officer
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	Director Development & Regulatory Services, Manager Development Services Team Leader Building Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner, Senior Strategic & Policy Planner Statutory Planner Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner, Senior Strategic & Policy Planner Statutory Planner Team Leader Building Services Building Officer
DELEGATIONS UNDER THE DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006			
53. Transitional Provisions			

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>53.1 The power pursuant to and in accordance with Clause 5(1) of Schedule 1 to the Development (Development Plans) Amendment Act 2006 ('the DPA Act'), if the Council or the Delegate has, before the commencement of Clause 5 of Schedule 1 to the DPA Act reached an agreement with the Minister on a Statement of Intent with respect to an amendment to a Development Plan, or taken steps to prepare a Plan Amendment Report on the basis of such a Statement of Intent subject to Clause 5(2) of Schedule 1 to the DPA Act, to continue with the process as set out in Section 25 of the Act (as in force immediately before the commencement of Clause 5 of Schedule 1 to the DPA Act) as if the DPA Act had not been enacted until the relevant amendment is approved (with or without alteration) or otherwise dealt with by the Minister under Section 25(15) of the Act, subject to the qualification that the relevant Plan Amendment Report may be referred to as a Development Plan Amendment.</p>	CEO	Subject to sign-off by SPDPC	NIL
<p>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.</p>	CEO	Subject to sign-off by SPDPC	NIL
DELEGATIONS UNDER THE DEVELOPMENT REGULATIONS 2008			
53A. Complying Development – Development Plan Consent	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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).	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
53A.2.2 determine that 2 or more minor variations, when taken together, constitute a 'minor variation from <i>complying</i> development'.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Development Services Assistant Team Leader Building Services Building Compliance Officer
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	Director Development & Regulatory Services, Senior Strategic & Policy Planner
55. Consultation with Government Departments or Agencies			
55.1 The duty pursuant to Regulation 10A(1) of the Regulations if the Council is subject to a requirement under Section 25(7)(a) of the Act to ensure that a copy of any written report received from a Department or agency is furnished to the Minister for the purposes of considering the matter under Section 25(7)(b) of the Act.	CEO	NIL	Director Development & Regulatory Services, Senior Strategic & Policy Planner
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	Director Development & Regulatory Services, Senior Strategic & Policy Planner
56.1.1 advising the time and places at which the DPA is available for inspection (without charge) and purchase by the public; and	CEO	NIL	Director Development & Regulatory Services, Senior Strategic & Policy Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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	CEO	NIL	Director Development & Regulatory Services, Senior Strategic & Policy Planner
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	CEO	NIL	Director Development & Regulatory Services, Senior Strategic & Policy Planner
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).	CEO	NIL	Director Development & Regulatory Services, Senior Strategic & Policy Planner
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	Director Development & Regulatory Services, Senior Strategic & Policy Planner
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	Director Development & Regulatory Services, Senior Strategic & Policy Planner
56.4 The duty pursuant to Regulation 11A(5) of the Regulations, to ensure that a copy of any DPA released for public consultation	CEO	NIL	Director Development & Regulatory Services, Senior Strategic & Policy Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
under Section 25 of the Act is provided to the Minister within 2 business days after that release.			
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	Director Development & Regulatory Services, Senior Strategic & Policy Planner
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	Director Development & Regulatory Services, Senior Strategic & Policy Planner
58. Application to Relevant Authority			
58.1 The power pursuant to Regulation 15(1)(c) of the Regulations to require an additional or lesser number of copies of plans, drawings, specifications and other documents and information relating to a proposed development than the number prescribed in Regulation 15(1)(c) of the Regulations.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Officer
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
development assessment panel.			Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning
58.4A.1 the Development Assessment number assigned to the development proposed under the application; and	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
out in subparagraphs (i) and (ii), and if such advice is relevant:			Team Leader Statutory Planning
58.4A.2.1 advice about any site contamination that is believed to exist at the site where the development would be undertaken; and	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning
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.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning
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.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Team Leader Building Building Officer

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>[City of Tea Tree Gully only]</p> <p>58.6 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:</p>	N/A	N/A	N/A
<p>58.6.1 a copy of the application; and</p>	N/A	N/A	N/A
<p>58.6.2 a copy of the plans, drawings, specification and other documents or information accompanying the application.</p>	N/A	N/A	N/A
<p>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:</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Team Leader Building Building Officer Development Services Assistant
<p>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</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
under Section 39(1)(a) of the Act;			Senior Statutory Planner Statutory Planner Team Leader Building Building Officer Development Services Assistant
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).	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Team Leader Building Building Officer Development Services Assistant
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Team Leader Building Building Officer Development Services Assistant

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Team Leader Building Building Officer

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Development Services Assistant Applications Coordinator Administrative Support Officer Administration Building Support Officer
<p>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.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Team Leader Building Building Officer Development Services Assistant Applications Coordinator Administrative Support Officer Administration Building Support Officer
60. Non-Complying Development			
<p>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:</p>	CEO/CAP	Sign off by Director Development & Regulatory Services Manager Development	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
		Services	Senior Statutory Planner Statutory Planner
60.1.1 refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or	CEO/CAP	Sign off by Director Development & Regulatory Services Manager Development Services	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
60.1.2 resolve to proceed with an assessment of the application.	CEO/CAP	Sign off by Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	CEO/CAP	A template delegate report note is prepared	Director Development & Regulatory Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
provide a statement of effect.		detailing reasons for sign off by Director Planning Manager Development Services Team Leader Statutory Planning	Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Senior Strategic & Policy Planner Statutory Planner Development Services Assistant
61.1.1 to give the owner of land notice of the application; and	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Senior Strategic & Policy Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Statutory Planner Development Services Assistant
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.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Senior Strategic & Policy Planner Statutory Planner Development Services Assistant
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Statutory Planner
63. Withdrawing/Lapsing Application			
<p>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.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
<p>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.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Officer
<p>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:</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Officer
63.3.1 take reasonable steps to notify the applicant of the action under consideration; and	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Officer
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.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Officer

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Team Leader Building Services
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Team Leader Building Services Building Officer
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,	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
68.3 If, in respect of an application referred to a fire authority under Regulation 28, the fire authority:	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services, Building Officer

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
68.3.1 recommends against the granting of building rules consent; or	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services, Building Officer
68.3.2 concurs in the granting of consent on conditions specified in its report,	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services, Building Officer
but the Delegate:	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services, Building Officer
68.3.3 proposes to grant building rules consent despite a recommendation referred to in Regulation 28(5a)(a) of the Regulations; or	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services, Building Officer
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
the grant of consent,			Team Leader Building Services, Building Officer
the duty pursuant to Regulation 28(5a) of the Regulations to:	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services, Building Officer
68.3.5 refer the application to the Building Rules Assessment Commission; and	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services, Building Officer
68.3.6 not grant consent unless the Building Rules Assessment Commission concurs in the granting of consent.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services, Building Officer
68.4 The duty pursuant to Regulation 28(6) of the Regulations to provide to the Building Rules Assessment Commission a copy of any report received from a fire authority under Regulation 28(1) that relates to an application referred to the Building Rules Assessment Commission under the Act.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>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.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
69. Land Division Applications			
<p>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.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
<p>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.</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
70. Underground Mains Area			
<p>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.</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services

		Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
				Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
70.2	The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.	CEO	NIL	Director Development & Regulatory Services
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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 Development & Regulatory Services, Manager Development Services, Team Leader Statutory Planning Senior Statutory Planner,	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
71.2	The power pursuant to Regulation 31A(6) of the Regulations if:	CEO/CAP	NIL	Director Development & Regulatory Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
<p>71.2.1 a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
<p>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:</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
<p>71.2.3 to obtain a variation to the agreement under Section 37AA of the Act; or</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Senior Statutory Planner Statutory Planner Development Services Assistant
71.2.4 to obtain a response from the prescribed body for the purposes of Section 37 of the Act.	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
71.3 The power pursuant to Regulation 31A(7) of the Regulations if:	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
71.3.1 an application is withdrawn by the Applicant; and	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>71.3.2 the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application,</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
<p>to notify the relevant prescribed body of the withdrawal of an application.</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
<p>71.4 The power pursuant to Regulation 31A(8) of the Regulations if:</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Applications Coordinator Administrative Support Officer Administration Building Support Officer

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>71.4.1 an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Applications Coordinator Administrative Support Officer Administration Building Support Officer
<p>71.4.2 the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application,</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Applications Coordinator Administrative Support Officer Administration Building Support Officer
<p>to notify the relevant prescribed body of the lapsing of an application.</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Applications Coordinator Administrative Support Officer Administration Building Support Officer
<p>71.5 The power pursuant to Regulation 31A(9) of the Regulations if:</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Applications Coordinator Administrative Support Officer Administration Building Support Officer
<p>71.5.1 an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and</p>	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Applications Coordinator

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Administrative Support Officer Administration Building Support Officer
71.5.2 a notice of decision is issued by the relevant authority under Regulation 42 of the Regulations,	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Applications Coordinator Administrative Support Officer Administration Building Support Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Applications Coordinator Administrative Support Officer Administration Building Support Officer
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	CEO	NIL	Director Development & Regulatory

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
elements.			Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Applications Coordinator Administrative Support Officer Administration Building Support Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner, Development Services Assistant

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Applications Coordinator Administrative Support Officer Administration Building Support Officer Services Coordinator Team Leader Customer Service Senior Customer Service Officer Home Services Support Officer Customer Service Officer Home Services Support Officer Administration Support Officer Executive Assistant Planning & Development Services
<p>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.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner, Development Services Assistant Applications Coordinator Administrative Support Officer Administration Building Support Officer Services Coordinator

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Team Leader Customer Service Senior Customer Service Officer Home Services Support Officer Customer Service Officer Home Services Support Officer Administration Support Officer Executive Assistant Planning & Development Services
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner, Development Services Assistant
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner,
74. Determination of Commission as Relevant Authority			

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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	Team Leader Building Services, Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Senior Statutory Planner Statutory Planner Development Services Assistant Applications Coordinator Administrative Support Officer Administration Building Support Officer
77.2 The duty pursuant to and in accordance with Regulation 43(3) of the Regulations to send a copy of a notice of a decision on an application, if or when a development authorisation is issued in relation to a proposed division of land, to the State Commission Assessment Panel.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Applications Coordinator Administrative Support Officer Administration Building Support Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Statutory Planner Development Services Assistant Applications Coordinator Administrative Support Officer Administration Building Support Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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.			Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
81A. Minor Variation of Development Authorisation			

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>81A.1 The power pursuant to Regulation 47A(1) of the Regulations, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion that the variation is minor in nature and, if the delegate is satisfied that the variation is minor in nature, to approve the variation.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer Team Leader Statutory Planning Statutory Planner Development Services Assistant
82. Lapse of Consent or Approval			
<p>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.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Team Leader Building Services Building Officer Development Services Assistant
83. Width of Roads and Thoroughfares			
<p>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</p>	CEO/CAP	Subject to receipt of advice from Council's Engineering	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services.		Department prior to the Development Plan Consent being issued	Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
85. Requirement as to Forming of Roads			
85.1 The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.	CEO/CAP	Subject to receipt of advice from Council's Engineering	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
		Department prior to the Development Plan Consent being issued	Team Leader Statutory Planning Senior Statutory Planner Senior Strategic & Policy Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
		to the Development Plan Consent being issued	Senior Statutory Planner Statutory Planner
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.	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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.	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
		commencing.	Statutory Planner
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	Director Development & Regulatory Services, Manager Development Services
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	CEO/CAP	Subject to receipt of advice from the Director	Director Development & Regulatory Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
Assessment Panel for the purposes of Section 51(1) of the Act.		Engineering & Assets	Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Statutory Planner
<p>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).</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
<p>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.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
92. Referral of Assessment of Building Work			
<p>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.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Team Leader Building Services, Building Officer
<p>92.2 Where the Council acting under Regulation 64(1) of the</p>	CEO	NIL	Director Development & Regulatory

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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:			Services Manager Development Services Team Leader Building Services Building Officer
92.2.1 provide the certification in the form set out in Schedule 12A; and	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
92.2.2 to the extent that may be relevant and appropriate:	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
92.2.2.1 issue a schedule of essential safety provisions under Division 4 of Part 12 of the Act; and	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
92.2.2.2 assign a classification to the building under the Regulations; and	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Building Officer
<p>92.2.2.3 ensure that the appropriate levy has been paid under the <i>Construction Industry Training Fund Act 1993</i>.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant, Applications Coordinator Administrative Support Officer Administration Building Support Officer Team Leader Building Services, Building Officer
<p>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.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
93. Notifications During Building Work			
<p>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.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services

		Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
				Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Applications Coordinator Administrative Support Officer Administration Building Support Officer
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
and testing in respect of those provisions.			Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services
95. Building Rules: Bushfire Prone Areas			
95.1 Where:	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services
95.1.2 the building is in a bushfire prone area under	CEO	NIL	Director Development & Regulatory

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
Regulation 78(1) of the Regulations; and			Services Manager Development Services Team Leader Building Services
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),	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services
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.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
satisfied that the levy has been paid or is not payable.			Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Team Leader Building Services Building Officer
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:	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services
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).	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
97.2 The power pursuant to Regulation 82(4) of the Regulations and subject to Regulation 82(4a) of the Regulations, to assign the appropriate classification under the Building Code to a building upon being satisfied on the basis of the owner's application and accompanying documents that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
part or parts of the building to which each classification relates and the classification currently assigned to the other parts of the building.			
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
98.3 The power pursuant to Regulation 83(3) of the Regulations to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after the commencement of the Development (Building Cladding) Variation Regulations 2018, 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	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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.			
98.4 Where:	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
98.4.1 a building is required by the Building Rules:	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
98.4.1.1 to be equipped with a booster assembly for use by a fire authority; or	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
98.4.1.2 to have installed a fire alarm that transmits a signal to a fire station; and	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
98.4.2 facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act,	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer
98.7 The power pursuant to Regulation 83(9) of the Regulations to revoke a certificate of occupancy.	CEO	NIL	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Team Leader Building Services
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Officer
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	Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner, Development Services Assistant Team Leader Building Services Building Officer
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	CEO	NIL	Director Development & Regulatory

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
by the Delegate where the Delegate believes that any information provided by an applicant is incomplete or inaccurate.			Services, Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant Team Leader Building Services Building Officer Applications Coordinator Administrative Support Officer Administration Building Support Officer
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	Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner, Development Services Assistant Team Leader Building Services Building Officer Applications Coordinator Administrative Support Officer Administration Building Support Officer

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>100.4 The duty pursuant to Regulation 95(5) of the Regulations, on a reassessment under Regulation 95(4) of the Regulations:</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer Senior Statutory Planner Statutory Planner Development Services Assistant Applications Coordinator Administrative Support Officer Administration Building Support Officer
<p>100.4.1 if it appears that an overpayment has occurred, to refund any amount due in accordance with the reassessment; and</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Building Services Building Officer Senior Statutory Planner Statutory Planner Development Services Assistant Applications Coordinator Administrative Support Officer Administration Building Support Officer

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>100.4.2 if it appears that an underpayment has occurred, to charge any further amount payable in accordance with the reassessment.</p>	CEO	NIL	Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner, Development Services Assistant Team Leader Building Services Building Officer Applications Coordinator Administrative Support Officer Administration Building Support Officer
101. Register Of Applications			
<p>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.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Team Leader Building Services Manager Information Systems Team Leader Information Management Information Management Officer Technical Records Applications Coordinator

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Administrative Support Officer Administration Building Support Officer
<p>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).</p>	CEO	NIL	Director Development & Regulatory Services Development Manager Development Services Team Leader Statutory Planning Senior Statutory Planner, Statutory Planner Development Services Assistant Applications Coordinator Administrative Support Officer Administration Building Support Officer Team Leader Building Services Building Compliance Officer Services Coordinator Senior Customer Service Officer

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Customer Service Officer Home Services Support Officer Administration Support Officer Executive Assistant Planning & Development Services
102. Registration of Land Management Agreements			
102.1 The duty pursuant to and in accordance with Regulation 99(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57(2) of the Act.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Manager Information Systems Team Leader Statutory Planning Team Leader Information Management Information Management Officer Technical Records Applications Coordinator Administrative Support Officer Administration Building Support Officer
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	Director Development & Regulatory Services Manager Development Service Team Leader Statutory Planning
103. Land Management Agreements - Development Applications			

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>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.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Manager Information Systems Team Leader Statutory Planning Team Leader Information Management Information Management Officer Technical Records Applications Coordinator Administrative Support Officer Administration Building Support Officer
<p>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.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Manager Information Systems Team Leader Statutory Planning Team Leader Information Management Applications Coordinator Administrative Support Officer Administration Building Support Officer
<p>103.3 The duty pursuant to Regulation 100(5) of the Regulations to keep the register at the principal office of the Council.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Manager Information Systems Team Leader Statutory Planning Team Leader Information Management Applications Coordinator Administrative Support Officer Administration Building Support Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Team Leader Information Management Applications Coordinator Administrative Support Officer Administration Building Support Officer
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	CEO	NIL	NIL

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
Council by a private certifier in relation to any application for a development plan consent assessed by the private certifier.			
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Team Leader Building Services Manager Information Systems Team Leader Information Management
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	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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Team Leader Building Services Team Leader Information Management
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Team Leader Building Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Manager Information Systems Team Leader Information Management Information Management Officer Technical Records Technical Information Management Officer Information Management Administration Officer
<p>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.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Team Leader Building Services Manager Information Systems Team Leader Information Management Information Management Officer Technical Records Technical Information Management Officer Information Management Administration Officer
<p>104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Team Leader Building Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Manager Information Systems Team Leader Information Management Information Management Officer Technical Records Technical Information Management Officer Information Management Administration Officer
<p>104.5.1 for inspection under Regulation 101(4)(a) if to do so would:</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Team Leader Building Services Manager Information Systems Team Leader Information Management Information Management Officer Technical Records Technical Information Management Officer Information Management Administration Officer
<p>104.5.1.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Team Leader Building Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Manager Information Systems Team Leader Information Management Information Management Officer Technical Records Technical Information Management Officer Information Management Administration Officer
<p>104.5.1.2 constitute a breach of any other law; or</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Team Leader Building Services Manager Information Systems Team Leader Information Management Information Management Officer Technical Records Technical Information Management Officer Information Management Administration Officer
<p>104.5.2 for copying under Regulation 101(4)(b) if to do so would:</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Team Leader Building Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Manager Information Systems Team Leader Information Management Information Management Officer Technical Records Technical Information Management Officer Information Management Administration Officer
<p>104.5.2.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Team Leader Building Services Manager Information Systems Team Leader Information Management Information Management Officer Technical Records Technical Information Management Officer Information Management Administration Officer
<p>104.5.2.2 involve an infringement of copyright in matter contained in a document; or</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Team Leader Building Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Manager Information Systems Team Leader Information Management Information Management Officer Technical Records Technical Information Management Officer Information Management Administration Officer
<p>104.5.2.3 constitute a breach of any other law.</p>	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Team Leader Building Services Manager Information Systems Team Leader Information Management Information Management Officer Technical Records Technical Information Management Officer Information Management Administration Officer
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	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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.			Team Leader Building Services Manager Information Systems Team Leader Information Management Information Management Officer Technical Records Technical Information Management Officer Information Management Administration Officer
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	Director Development & Regulatory Services Manager Development Services Manager Information Systems Team Leader Statutory Planning Team Leader Information Management Applications Coordinator Administrative Support Officer Administration Building Support Officer
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	Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning Applications Coordinator

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Administrative Support Officer Administration Building Support Officer
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	Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning Applications Coordinator Administrative Support Officer Administration Building Support Officer
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	Director Development & Regulatory Services
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	Director Development & Regulatory Services
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	Director Development & Regulatory Services
108. Schedule 4 – New Dwellings			
108.1 The power pursuant to Clause 2B(4)(b) of Schedule 4 of the Regulations to form the belief that the allotment is, or may	CEO	NIL	Director Development & Regulatory

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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.			Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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	NIL
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	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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Statutory Planner
111.1.1 alter an existing access; or	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
111.1.2 change the nature of movement through an existing access; or	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
111.1.3 create a new access; or	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
111.1.4 encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972,	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Senior Statutory Planner Statutory Planner
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).	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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 by either the Director Development & Regulatory Services or Manager Development Services prior to	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
		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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
116. Schedule 8 – Development Within the River Murray Floodplain Area			
116.1 The power pursuant to and in accordance with Item 19(b) of	CEO/CAP	NIL	Director Development & Regulatory

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
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.			Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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 prior to the decision being made	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	CEO/CAP	Delegate report to be countersigned by other statutory	Director Development & Regulatory Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
impact on the owners or occupiers of land in the locality of the site of the development.		planner prior to the decision being made	Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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 Development & Regulatory Services or Manager Development Services or Team Leader Statutory Planning Prior To The Decision Being Made	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
118.3.1 the alteration of, or addition to, a building is of a minor nature only, pursuant to sub-paragraph (a);	CEO/CAP	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services or Team Leader Statutory Planning	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
		Prior To The Decision Being Made	
<p>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).</p>	CEO/CAP	<p>Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services or Team Leader Statutory Planning</p> <p>Prior To The Decision Being Made</p>	<p>Director Development & Regulatory Services</p> <p>Manager Development Services</p> <p>Team Leader Statutory Planning</p> <p>Senior Statutory Planner</p> <p>Statutory Planner</p>
<p>118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:</p>	CEO/CAP	NIL	<p>Director Development & Regulatory Services</p> <p>Manager Development Services</p> <p>Team Leader Statutory Planning</p> <p>Senior Statutory Planner</p> <p>Statutory Planner</p>
<p>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</p>	CEO/CAP	NIL	<p>Director Development & Regulatory Services</p> <p>Manager Development Services</p> <p>Team Leader Statutory Planning</p>

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Senior Statutory Planner Statutory Planner
118.4.2 whether the division will change the nature or function of an existing road.	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
118.6.1 the duty to not take into account what is included	CEO/CAP	NIL	Director Development & Regulatory

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
within Schedule 3 of the Regulations; and			Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant
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 Development & Regulatory Services Manager Development Services or Team Leader Statutory Planning prior to the decision being	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner Development Services Assistant

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
		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	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
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	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
118.7.2 whether the proposed division will change the nature or function of an existing road.	CEO/CAP	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
119. Deliberately Left Blank	Deliberately Left Blank	Deliberately Left Blank	Deliberately Left Blank
DELEGATIONS UNDER THE DEVELOPMENT (WASTE REFORM) VARIATION REGULATIONS 2019			

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
120. Development Authorisations to Continue			
120.1 The power pursuant to clause 2(2) of Schedule 1 of the Development (Waste Reform) Variation Regulations 2019 ('the Waste Reform Regulations'), to, on the Delegate's own initiative or on application by an existing authorisee:	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
120.1.1 grant a new development authorisation to the person; or	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
120.1.2 revoke an existing development authorisation; or	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
120.1.3 by notice in writing to the authorisee given within 2 years after the commencement of clause 2 of Schedule 1 of the Waste Reform Regulations:	CEO	NIL	Director Development & Regulatory Services Manager Development Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
			Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
120.1.3.1 vary the terminology or numbering in the existing development authorisation; or	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
120.1.3.2 impose or vary a condition of the existing development authorisation,	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
if, in the opinion of the Delegate, it is necessary or desirable to do so as a consequence of the variation of Schedule 21 or 22 of the principal regulations by the Waste Reform Regulations.	CEO	NIL	Director Development & Regulatory Services Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner
120.2 The power pursuant to clause 2(3) of Schedule 1 of the Waste Reform Regulations, if the relevant authority takes action	CEO	NIL	Director Development & Regulatory Services

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<p>under clause 2(2) of Schedule 1 of the Waste Reform Regulations, to, dispense with the requirement for applications and payment of fees as the Delegate considers appropriate.</p>			<p>Manager Development Services Team Leader Statutory Planning Senior Statutory Planner Statutory Planner</p>

Appendix 4

*Instrument of Delegation under the
Electronic Conveyancing National Law (SA) Act*

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE ELECTRONIC CONVEYANCING NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013		
1. Client Authorisation		
1.1. The power pursuant to Section 10(1) of the Electronic Conveyancing National Law (South Australia) Act 2013 (the Act) to:	CEO	Nil
1.1.1. complete a client authorisation:	CEO	Nil
1.1.1.1. that is in the form required by the participation rules; and	CEO	Nil
1.1.1.2. by which the Delegate authorises a subscriber to do one or more things on the Council's behalf in connection with a conveyancing transaction so that the transaction, or part of the transaction, can be completed electronically.	CEO	Nil

Appendix 5

*Instrument of Delegation under the
Fire and Emergency Services Act 2005 and Fire and
Emergency Services Regulations 2005*

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005 AND THE FIRE AND EMERGENCY SERVICES REGULATIONS 2005		
1. Areas of Urban Bushfire Risk		
<p>1.1 The power pursuant to Section 4A(3) of the Fire and Emergency Services Act 2005 ('the Act'), to consult with and make submissions to the Commission before the Commission publishes a notice in the Gazette designating pursuant to Section 4A(1) of the Act an area within a fire district as an area of urban bushfire risk, varies an area designated under Section 4A(1) of the Act or revokes the designation of an area under Section 4A(1) of the Act.</p> <p>(Note: only applies to Councils with areas within a 'fire district')</p>	CEO	NIL
2. Use of Facilities – State Bushfire Coordination Committee		
<p>2.1 The power pursuant to Section 71C of the Act to make arrangements with the State Bushfire Coordination Committee for the State Bushfire Coordination Committee to make use of the services of the staff, equipment or facilities of the Council.</p>	CEO	NIL
3. Use of Facilities – Bushfire Management Committees		
<p>3.1 The power pursuant to Section 72D of the Act to make arrangements with a Bushfire Management Committee for the Bushfire Management Committee to make use of the services of the staff, equipment or facilities of the Council.</p>	CEO	NIL
4. Bushfire Management Area Plans		
<p>4.1 The power pursuant to Section 73A(7) of the Act, in relation to a proposal of a bushfire management committee to create or amend a Bushfire Management Area Plan for its area, to consult with and make submissions to the bushfire management committee where the Council's area is wholly or partly within the relevant bushfire management area.</p> <p>(Note: only relevant where Council's area is wholly or partly within a 'bushfire management area')</p>	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
5. Fire Control Officers		
5.1 The power pursuant to Section 103(1) of the Act to request that the Chief Officer of the SACFS appoint a person as fire control officer for a designated area of the State (whether inside or outside a council area).	CEO	NIL
5.2 The power pursuant to Section 103(2) of the Act to consult with and make submissions to the Chief Officer of the SACFS before the Chief Officer of the SACFS of his or her own initiative appoints a person as a fire control officer for a designated area of the State (whether inside or outside a council area) in relation to the proposed appointment.	CEO	NIL
6. Giving of Expiation Notices		
6.1 The duty pursuant to Section 104 of the Act to not authorise a person (under Section 6(3)(b) of the Expiation of Offences Act 1996) to give expiation notices for alleged offences under Part 4 of the Act unless the person is a fire prevention officer.	CEO	NIL
7. Appropriation of Penalties		
7.1 The duty pursuant to Section 105 of the Act if a summary offence against Part 4 of the Act is committed in the area of the Council and the complaint is laid by the Council (or an officer of the Council), to pay any fine recovered from the defendant into the general revenue of the Council (rather than into the Consolidated Account).	CEO	NIL
8. Interpretation		
8.1 The power pursuant to Section 105A of the Act to authorise for the purposes of Part 4A of the Act an authorised person appointed by the Council under the Local Government Act 1999.	CEO	NIL
9. Fire Prevention Officers		
9.1 The power and duty pursuant to Section 105B(1) of the Act and subject to Sections 105B(2) and 105B(3) of the Act, to appoint at least one person as a fire prevention officer for the Council's area.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
9.2	The duty pursuant to Section 105B(3) of the Act to -	CEO	NIL
9.2.1	in determining the number of fire prevention officers to appoint under Section 105B(1) of the Act; and	CEO	NIL
9.2.2	in assessing the qualifications or experience of a person for the purposes of Section 105B(2) of the Act,	CEO	NIL
	take into account any policy developed by SACFS for the purposes of Section 105B of the Act.	CEO	NIL
9.3	The power pursuant to Section 105B(3) of the Act to apply to the Chief Officer of the SACFS for an exemption for the Council from the requirement to appoint a fire prevention officer under Section 105B of the Act. (Note: paragraphs 9.1 – 9.3 only relevant to ‘rural councils’ or councils that have a ‘designated urban bushfire risk area’ within their area)	CEO	NIL
10.	Reports		
10.1	The duty pursuant to Section 105E of the Act to, where required by written notice from the Commission, the State Bushfire Safety Coordination Committee or a bushfire management committee in whose bushfire management area the Council’s area is wholly or partly located, provide to the Commission, the State Bushfire Coordination Committee or the bushfire management committee (within a period stated in the notice or at stated intervals) any report, or reports relating to the performance, exercise or discharge of the functions, powers or responsibilities of the fire prevention officer or officers (if any) for the Council’s area, as the Commission, the State Bushfire Coordination Committee or the bushfire management committee (as the case may be) thinks fit.	CEO	NIL
11.	Private Land		
11.1	The duty pursuant to Section 105F(2) of the Act, in determining the standard required to comply with Section 105F(1) of the Act (but subject to Section 105F(4) of the Act), to take into account the following matters (insofar as may be relevant and without limiting any other relevant matter):	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
11.1.1 the nature of the land;	CEO	NIL
11.1.2 whether the land is in a country, metropolitan, township or other setting;	CEO	NIL
11.1.3 the activities carried out on the land (including whether flammable or combustible materials or substances are used or stored on the land);	CEO	NIL
11.1.4 other statutory standards or requirements that apply to or in relation to the land.	CEO	NIL
11.2 The power pursuant to Section 105F(5) of the Act, if the Delegate believes on reasonable grounds -	CEO	NIL
11.2.1 that an owner of private land has failed to comply with Section 105F(1) of the Act; or	CEO	NIL
11.2.2 that measures should be taken in respect of particular private land for the purpose of -	CEO	NIL
11.2.2.1 preventing or inhibiting the outbreak of fire on the land; or	CEO	NIL
11.2.2.2 preventing or inhibiting the spread of fire through the land; or	CEO	NIL
11.2.2.3 protecting property on the land from fire,	CEO	NIL
to, by notice in writing that complies with any requirements set out in the regulations, require the owner of the private land to take specified action to remedy the default or to protect the land or property on the land, within such time as may be specified in the notice.	CEO	NIL
11.3 The power pursuant to Section 105F(6) of the Act and without limiting the operation of Section 105F(5) of the Act, to include in a notice under Section 105F(5) of the Act directions -	CEO	NIL
11.3.1 to trim or remove vegetation on the land; or	CEO	NIL
11.3.2 to remove flammable or combustible materials or substances, or to store flammable or combustible materials or substances in a specified manner; or	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
11.3.3	to eliminate a potential ignition source; or	CEO	NIL
11.3.4	to create, establish or maintain fire breaks or fuel breaks.	CEO	NIL
11.4	The duty pursuant to Section 105F(7) of the Act, in acting under Section 105F(5) of the Act, to apply any guidelines prepared or adopted by the Minister for the purposes of Section 105F(5) of the Act and published by the Minister in the Gazette.	CEO	NIL
11.5	The power pursuant to Section 105F(9) of the Act to give a notice under Section 105(5) of the Act -	CEO	NIL
11.5.1	personally; or	CEO	NIL
11.5.2	by post; or	CEO	NIL
11.5.3	if the delegate cannot, after making reasonable inquiries, ascertain the name and address of the person to whom the notice is to be given -	CEO	NIL
11.5.3.1	by publishing the notice in a newspaper circulating in the locality of the land; and	CEO	NIL
11.5.3.2	by leaving a copy of the notice in a conspicuous place on the land.	CEO	NIL
11.6	The power pursuant to Section 105F(10) of the Act to, by further notice in writing, vary or revoke a notice under Section 105(5) of the Act.	CEO	NIL
11.7	The duty pursuant to Section 105F(11) of the Act, if a notice under Section 105F(5) of the Act is directed to an occupier of land, to take reasonable steps to serve (personally or by post) a copy of the notice on the owner.	CEO	NIL
12.	Council Land		
12.1	The power pursuant to Section 105G(5) of the Act to consult with and make submissions to the Minister on the referral of a matter under Section 105G(4) of the Act.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
12.2 The duty pursuant to Section 105G(7) of the Act, to comply with a notice under Section 105G(6) of the Act.	CEO	NIL
13. Additional Provision in Relation to Powers of Authorised Officers		
13.1 The power pursuant to Section 105J(1) of the Act, for a purpose related to the administration, operation or enforcement of Part 4A of the Act, to -	CEO	NIL
13.1.1 at any reasonable time, after giving reasonable notice to the occupier of the land, enter the land; or	CEO	NIL
13.1.2 with the authority of a warrant issued by a magistrate, or in circumstances in which the delegate reasonably believes that immediate action is required, use reasonable force to break into or open any part of, or anything in or on, the land.	CEO	NIL
13.2 The power and duty pursuant to Section 105J(3) of the Act to apply for a warrant -	CEO	NIL
13.2.1 either personally or by telephone; and	CEO	NIL
13.2.2 in accordance with any procedures prescribed by the regulations.	CEO	NIL
13.3 The power pursuant to Section 105J(4) of the Act, in exercising a power under Part 4A of the Act, to -	CEO	NIL
13.3.1 give directions with respect to the stopping, securing or movement of a vehicle, plant, equipment or other thing;	CEO	NIL
13.3.2 take photographs, films, audio, video or other recordings;	CEO	NIL
13.3.3 give any other directions reasonably required in connection with the exercise of the power.	CEO	NIL
13.4 The power pursuant to Section 105J(5) of the Act, in exercising a power under Part 4A of the Act, to be accompanied by such assistants as may reasonably be required in the circumstances.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
13.5	The power pursuant to Section 105J(6) of the Act, if an owner of land refuses or fails to comply with the requirements of a notice under Section 105F(5) of the Act, to proceed to carry out those requirements.	CEO	NIL
13.6	The power pursuant to Section 105J(7) of the Act to authorise a person for the purposes of Section 105J(6) of the Act, to take action under Section 105J(6) of the Act on the Council's behalf.	CEO	NIL
13.7	The power pursuant to Section 105J(8) of the Act, to recover the reasonable costs and expenses incurred by an authorised person in taking action under Section 105J(6) of the Act as a debt from the person who failed to comply with the requirements of the relevant notice, if the relevant notice was given by the Council or a fire prevention officer or an authorised person appointed by the Council and authorised for the purposes of Part 4A of the Act.	CEO	NIL
13.8	The power pursuant to Section 105J(9) of the Act, if an amount is recoverable from a person by the Council under Section 105J(8) of the Act, to recover the amount as if it were rates in arrears.	CEO	NIL
14.	Power to Provide Sirens		
	The power pursuant to Section 129 of the Act to erect a siren in a suitable place for the purpose of giving warning of the outbreak or threat of a fire or the occurrence or threat of an emergency, and the power to test and use the siren.	CEO	NIL
DELEGATIONS UNDER FIRE AND EMERGENCY SERVICES REGULATIONS 2005			
15.	SACFS Group Committee		
15.1	The power pursuant to Regulation 19(2)(e)(i) of the Fire and Emergency Services Regulations 2005 ('the Regulations') to nominate a representative from the Council to be a member of a SACFS group committee, where the Council's area lies wholly or partially within the area of the group.	CEO	NIL
16.	Fires Permitted under Section 79(2) of Act		
16.1	The power pursuant to Regulation 32A(4) of the Regulations to consult with and make submissions to the Chief Officer before the Chief Officer makes a notice under Regulation 32A of the Regulations.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
17. Special Provision relating to Gas and Electric Cooking Appliances		
17.1 The power pursuant to Regulation 34(3) of the Regulations, in addition to Regulation 34(1) and Regulation 34(2) of the Regulations, by notice in the Gazette, to declare part of the Council area to be an area where a person may, in accordance with the terms of the notice, operate a gas fire or electric element for cooking purposes in the open air contrary to the terms of a total fire ban in accordance with Regulation 34(4) of the Regulations, and such notice:	CEO	NIL
17.1.1 shall be in the form set out in Schedule 11; and	CEO	NIL
17.1.2 may be limited in its operation to particular times of the day, and to particular days of the year; and	CEO	NIL
17.1.3 will operate subject to the following conditions:	CEO	NIL
17.1.3.1 that the space immediately around and above the gas fire or electric element must be clear of all flammable material to a distance of at least 4 metres;	CEO	NIL
17.1.3.2 that a person who is able to control the gas fire or electric element must be present at all times while it is lighted or charged; and	CEO	NIL
17.1.3.3 that an appropriate agent adequate to extinguish a fire must be at hand;	CEO	NIL
17.1.4 will operate subject to such other conditions (if any) as may be specified by the Council or the Chief Officer of the SACFS (as the case may be); and	CEO	NIL
17.1.5 may be varied or revoked by further notice in the Gazette.	CEO	NIL
17.2 The duty pursuant to Regulation 34(5) of the Regulations, if a notice is published in accordance with Regulation 34 of the Regulations, to immediately send a copy of the notice to the Chief Officer of the SACFS.	CEO	NIL
18. Identity cards		

		Direct Delegation from Council	Conditions/ Limitations
18.1	The duty pursuant to Regulation 52(2) of the Regulations issue to each fire prevention officer or assistant fire prevention officer appointed by the Council a certificate of identity in a form approved by the Chief Officer of the SACFS.	CEO	NIL
19.	Roadside Fire Protection		
19.1	The power pursuant to Regulation 54(2) of the Regulations, where the Council has the care, control and management of a road in the country, or roadside vegetation in the country, for the purpose of providing fire protection on a road, or the verge of a road, to –	CEO	NIL
19.1.1	light a fire on the road, or on the verge of the road; and	CEO	NIL
19.1.2	while the fire is burning, prohibit, direct or regulate the movement of persons, vehicles or animals along the road;	CEO	NIL
	subject to Regulation 54(3) of the Regulations.	CEO	NIL
19.2	The duty pursuant to Regulation 54(3) of the Regulations to obtain a permit to light and maintain a fire under Regulation 54 of the Regulations during the fire danger season. <i>(Note: only relevant to Councils with roads in the 'country').</i>	CEO	NIL
20.	Special Fire Areas		
20.1	The duty pursuant to Regulation 56(2) of the Regulations to consult with and make submissions to the Chief Officer of the SACFS regarding the inclusion of the area or part of the area of the Council within a special fire area.	CEO	NIL
20.2	The power pursuant to Regulation 56(4)(a) of the Regulations to nominate one or more representatives of the Council to a committee of management established under Regulation 56(3) of the Regulations.	CEO	NIL
21.	Coronial Inquests		
	The power pursuant to Regulation 65(b) of the Regulations to make representations to the South Australian Fire	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
and Emergency Services Commission or an emergency services organisation that a coronial inquest should be held in relation to a fire or other emergency.		

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
INSTRUMENT OF DELEGATION TO FIRE PREVENTION OFFICER(S) UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005			
1. Permit to Light and Maintain Fire			
1.1 The power pursuant to Section 81(14) of the Act, with the approval of the Chief Officer of the SACFS, to authorise a person to issue permits under Section 81 of the Act.	CEO Fire Prevention Officer	NIL	Fire Prevention Officer
2. Removal of Debris from Roads			
2.1 The power pursuant to Section 87(1) of the Act, to require a person that has carried out work where flammable debris is left on or in vicinity of the road in the country, to remove the debris from the road.	CEO Fire Prevention Officer	NIL	Fire Prevention Officer
2.2 The power pursuant to Section 87(2) of the Act where a person has failed to comply with Section 87(1) of the Act to –	CEO Fire Prevention Officer	NIL	Fire Prevention Officer
2.2.1 burn or remove the flammable debris; and	CEO Fire Prevention Officer	NIL	Fire Prevention Officer
2.2.2 recover the cost of doing so as a debt due to the Council from the person in default. (Note: only applies in relation to a road in the ‘country’)	CEO Fire Prevention Officer	NIL	Fire Prevention Officer
3. Failure by a Council to Exercise Statutory Powers			
3.1 The power pursuant to Section 94(3) of the Act to consult with and make submissions	CEO	CEO to be	Fire Prevention Officer

		Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
	to the Chief Officer of the SACFS in relation to him or her making a recommendation to the Minister pursuant to Section 94(2) of the Act that the powers and functions of the Council under Part 4 of the Act be withdrawn.	Fire Prevention Officer	notified prior to submission	
3.2	The power pursuant to Section 94(4) of the Act if the Chief Officer of the SACFS makes a recommendation to the Minister under Section 94(2) of the Act to:	CEO Fire Prevention Officer	CEO to be notified prior to submission	Fire Prevention Officer
3.2.1	make written submissions to the Minister in relation to the matter; and	CEO Fire Prevention Officer	CEO to be notified prior to submission	Fire Prevention Officer
3.2.2	request at the time that the Delegate makes such written submissions that the Minister discuss the matter with a delegation representing the Council.	CEO Fire Prevention Officer	CEO to be notified prior to submission	Fire Prevention Officer
3.2.3	The duty pursuant to Section 94(6) of the Act, if the Minister has published a notice under Section 94(5) of the Act, to receive written reasons from the Minister for his or her decision to withdraw Council's powers and functions under Part 4 of the Act within 14 days of the notice being published.	CEO Fire Prevention Officer	NIL	Fire Prevention Officer

Appendix 6

*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;	CEO	Subject to the approval of 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.	CEO	Subject to the approval of Council
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;	CEO	Subject to the approval of Council
1.2.2. alter the name of:	CEO	Subject to the approval of Council
1.2.2.1. the Council;	CEO	Subject to the approval of Council
1.2.2.2. the area of the Council;	CEO	Subject to the approval of 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).	CEO	Subject to the approval of Council
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

		Direct Delegation from Council	Conditions/ Limitations
1.5.	Deliberately left blank.	Deliberately left blank.	Deliberately left blank.
1.6.	Deliberately left blank.	Deliberately left blank.	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) at the principal office of the Council during the period that applies under Section 7(a)(ii).	CEO	NIL
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	CEO	NIL
1.10.2.	sets out:	CEO	NIL
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	CEO	NIL
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	CEO	NIL
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.	CEO	NIL
1.11.	The duty pursuant to Section 12(9) of the Act to make copies of the report available for public inspection	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
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.		
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	CEO	NIL
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.	CEO	NIL
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	CEO	NIL
1.15.2. obtain a certificate from the Electoral Commissioner that he or she is satisfied that the Council or the Delegate has taken reasonable steps to ensure the summary is a fair and comprehensive overview of the arguments for and against the proposal; and	CEO	NIL
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.	CEO	NIL
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

	Direct Delegation from Council	Conditions/ Limitations
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 Gazette, 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 Gazette, after complying with the requirements of Section 13 of the Act:	NIL	NIL
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;	NIL	NIL
2.1.2. alter the name of:	NIL	NIL
2.1.2.1. the Council;	NIL	NIL
2.1.2.2. the area of the Council;	NIL	NIL
2.1.3. alter the name of a ward.	NIL	NIL
2.2. The duty, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
requirements:		
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;	CEO	NIL
2.2.2. publish the notice in a newspaper circulating within the area; and	CEO	NIL
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.	CEO	NIL
3. Staffing Arrangements		
3.1. Deliberately left blank	Deliberately left blank	Deliberately left blank
4. Functions of Panel		
4.1. Deliberately left blank	Deliberately left blank	Deliberately left blank
5. Council Initiated Proposal		
5.1. Deliberately left blank	Deliberately left blank	Deliberately left blank
5.2. Deliberately left blank	Deliberately left blank	Deliberately left blank
5.2.1. Deliberately left blank	Deliberately left blank	Deliberately left blank
5.2.2. Deliberately left blank	Deliberately left blank	Deliberately left blank
5.2.3. Deliberately left blank	Deliberately left blank	Deliberately left blank
5.2.4. Deliberately left blank	Deliberately left blank	Deliberately left blank
5.3. Deliberately left blank	Deliberately left blank	Deliberately left blank
5.3.1. Deliberately left blank	Deliberately left blank	Deliberately left blank
5.3.2. Deliberately left blank	Deliberately left blank	Deliberately left blank
6. Commission to Receive Proposals		
6.1. The power pursuant to Section 28(1) of the Act to, subject to Section 28 of the Act, refer a proposal for the making of a proclamation under Chapter 3 of the Act to the Commission.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
6.2. The power pursuant to Section 28(3) of the Act, to in relation to a proposal under Section 28 of the Act:	CEO	NIL
6.2.1. set out in general terms the nature of the proposal; and	CEO	NIL
6.2.2. comply with any requirements of the proposal guidelines.	CEO	NIL
6A Inquiries – General Proposals	CEO	NIL
6A.1 The power pursuant to Section 31(2) of the Act to make a submission to the Commission on the proposed appointments of investigators to conduct inquiries under Section 31 of the Act.	CEO	NIL
6A.2 The power pursuant to Section 31(10) of the Act to request the Minister consult with the relevant councils about the matter.	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	CEO	NIL
7.3.2. in order to provide services to an unincorporated area of the State.	CEO	NIL
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

	Direct Delegation from Council	Conditions/ Limitations
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;	CEO	NIL
12.2.2. participate in a joint venture, trust, partnership or other similar body.	CEO	NIL
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.	NIL	NIL
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	Submitted to Audit Committee prior to consideration by Council
14.00.1 acts with due care, diligence and foresight; and	CEO	Submitted to Audit Committee prior to consideration by Council
14.00.2 identifies and manages risks associated with a project; and	CEO	Submitted to Audit Committee prior to consideration by Council
14.00.3 makes informed decisions; and	CEO	Submitted to Audit Committee prior to consideration by Council
14.00.4 is accountable for the use of Council and other public resources.	CEO	Submitted to Audit Committee prior to consideration by Council
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

	Direct Delegation from Council	Conditions/ Limitations
14.1.1. Deliberately left blank.	Deliberately left blank.	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) -	CEO	NIL
14.1.2.1. where the expected operating expenses calculated on an accrual basis of the Council over the ensuing five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or	NIL	NIL
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	CEO	NIL
14.1.2.3. where the Council or Delegate considers that it is necessary or appropriate.	NIL	NIL
14.2. Deliberately left blank.	Deliberately left blank.	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 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).	CEO	NIL
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	Submitted to Audit Committee prior to consideration by Council
15.0.1. obtaining value in the expenditure of public money; and	CEO	Submitted to Audit Committee prior to consideration by Council
15.0.2. providing for ethical and fair treatment of participants; and	CEO	Submitted to Audit Committee prior to consideration by Council
15.0.3. ensuring probity, accountability and transparency in procurement operations.	CEO	Submitted to Audit Committee prior to consideration by Council

	Direct Delegation from Council	Conditions/ Limitations
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:	CEO	Submitted to Audit Committee prior to consideration by Council
15.1.1. the contracting out of services; and	CEO	Submitted to Audit Committee prior to consideration by Council
15.1.2. competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and	CEO	Submitted to Audit Committee prior to consideration by Council
15.1.3. the use of local goods and services; and	CEO	Submitted to Audit Committee prior to consideration by Council
15.1.4. the sale or disposal of land or other assets.	CEO	Submitted to Audit Committee prior to consideration by Council
15.2. The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:	CEO	Submitted to Audit Committee prior to consideration by Council
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	CEO	Submitted to Audit Committee prior to consideration by Council
15.2.2. provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and	CEO	Submitted to Audit Committee prior to consideration by Council
15.2.3. provide for the recording of reasons for entering into contracts other than those resulting from the tender process; and	CEO	Submitted to Audit Committee prior to consideration by Council
15.2.4. are consistent with any requirement prescribed by the regulations.	CEO	Submitted to Audit Committee prior to

	Direct Delegation from Council	Conditions/ Limitations
		consideration by Council
15.1. 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).	CEO	Submitted to Audit Committee prior to consideration by Council
15.2. 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		
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:	CEO	Policy to be adopted by Council
16.1.1. in cases where the Act requires the Council to follow its public consultation policy; and	CEO	Policy to be adopted by Council
16.1.2. in other cases involving Council decision making, if relevant.	CEO	Policy to be adopted by Council
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.	CEO	Policy to be adopted by Council
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:	CEO	Policy to be adopted by Council
16.3.1. the publication of a notice:	CEO	Policy to be adopted by Council
16.3.1.1. in a newspaper circulating within the area of the Council; and	CEO	Policy to be adopted by Council
16.3.1.2. on a website determined by the Chief Executive Officer,	CEO	Policy to be adopted by Council
16.3.1.3. describing the matter under consideration and inviting interested persons to	CEO	Policy to be adopted by

	Direct Delegation from Council	Conditions/ Limitations
make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and		Council
16.3.2. the consideration of any submissions made in response to that invitation.	CEO	Policy to be adopted by Council
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.	CEO	Policy to be adopted by Council
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:	CEO	Policy to be adopted by Council
16.5.1. prepare a document that sets out its proposal in relation to the matter; and	CEO	Policy to be adopted by Council
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.	CEO	Policy to be adopted by Council
16.5.3. consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.	CEO	Policy to be adopted by Council
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	Policy to be adopted by Council
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.	Deliberately left blank.	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
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	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
discharging official functions and duties.		
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.	CEO	Policy to be adopted by Council
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.	CEO	Policy to be adopted by Council
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	NIL	NIL

	Direct Delegation from Council	Conditions/ Limitations
of a Council committee to take into account:		
23.2.1. the availability and convenience of members of the committee; and	NIL	NIL
23.2.2. the nature and purpose of the committee.	NIL	NIL
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 under Section 90(2) of the Act and the grounds on which it was made.	CEO	NIL
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.	CEO	NIL
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.	CEO	NIL
25. 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	CEO	NIL
25.3.2. reports to the Council or to a Council committee received at a meeting of the Council or Council committee; and	CEO	NIL
25.3.3. recommendations presented to the Council in writing and adopted by resolution of the Council; and	CEO	NIL
25.3.4. budgetary or other financial statements adopted by the Council.	CEO	NIL
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	CEO	Subject To Council

	Direct Delegation from Council	Conditions/ Limitations
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.		Approval
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.	CEO	Subject To Council Approval
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.	CEO	Subject To Council Approval
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:	CEO	NIL
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	CEO	NIL
26.4.2. the relevant steps set out in the Council's Public Consultation Policy are followed.	CEO	NIL
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
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.	CEO	NIL
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).	CEO	NIL
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		

	Direct Delegation from Council	Conditions/ Limitations
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.	CEO	NIL
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.	CEO	NIL
31. Deliberately left blank	Deliberately left blank	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
34.1.1. prepare a draft annual business plan; and	CEO	NIL
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.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
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	CEO	NIL
34.3.2. the receipt of submissions,	CEO	NIL
on the Council's website during the public consultation period.	CEO	NIL
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:	CEO	NIL
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	CEO	NIL
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	CEO	NIL
34.4.2. ensure:	CEO	NIL
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	CEO	NIL
34.4.2.2. that copies of the summary of the annual business plan are available for inspection and to take (without charge),	CEO	NIL
34.4.2.3. at the principal office of the Council; and	CEO	NIL
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.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
35. Accounting Records to be Kept		
35.1. The duty pursuant to Section 124(1) of the Act to:	CEO	NIL
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
35.1.2. keep the Councils accounting records in such manner as will enable:	CEO	NIL
35.1.2.1. the preparation and provision of statements that fairly present financial and other information; and	CEO	NIL
35.1.2.2. the financial statements of the Council to be conveniently and properly audited.	CEO	NIL
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	CEO	NIL
38.1.2. other statements and documentation referring to the financial affairs of the Council required by the Regulations.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
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	CEO	NIL
38.2.2. comply with standards and principles prescribed by the Regulations; and	CEO	NIL
38.2.3. include the information required by the Regulations.	CEO	NIL
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		
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	Submitted to Audit Committee prior to consideration by Council
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:	CEO	NIL
39.3.1. information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between:	CEO	NIL
39.3.1.1. remuneration payable for the annual audit of the Council's financial statements; and	CEO	NIL
39.3.1.2. other remuneration;	CEO	NIL
39.3.2. 39.3.2 if a person ceases to be the auditor of the Council during the relevant financial year,	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
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.	NIL	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;	CEO	NIL
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.	CEO	NIL
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 the Council for the financial year ending on the preceding 30 June.	CEO	Subject to Council Approval
42.2. The duty pursuant to Section 131(2) and (3) of the Act to include in that report the material, and include	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
specific reports on the matters, specified in Schedule 4 as amended from time to time by regulation.		
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	CEO	NIL
42.4.2. to the persons or body prescribed by the Regulations,	CEO	NIL
on or before the date determined under the Regulations.	CEO	NIL
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.	CEO	NIL
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.	CEO	NIL
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:	CEO	NIL
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;	CEO	NIL
43.3.2. minutes of meetings of the Council or Council committees;	CEO	NIL
43.3.3. codes of conduct or codes of practice adopted by the Council under this Act or the Local	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
Government (Elections) Act 1999;		
43.3.4. the Council's contract and tenders policies, public consultation policy and order-making policies;	CEO	NIL
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;	CEO	NIL
43.3.6. the Council's budget (as adopted by the Council for a particular year);	CEO	NIL
43.3.7. a list of fees and charges imposed by the Council under this Act;	CEO	NIL
43.3.8. by-laws made by the Council and any determination in respect of a by-law made under Section 246(3)(e) of the Act;	CEO	NIL
43.3.9. procedures for the review of decisions established by the Council under Part 2 of Chapter 13;	CEO	NIL
43.3.10. the audited financial statements of the Council;	CEO	NIL
43.3.11. the annual report of the Council;	CEO	NIL
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.	CEO	NIL
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
44.1.1. to ensure compliance with any statutory requirements; and	CEO	NIL
44.1.2. to achieve and maintain standards of good public administration.	CEO	NIL
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:	NIL	NIL

	Direct Delegation from Council	Conditions/ Limitations
46.1.1. guarantees (including guarantees relating to the liability of a subsidiary of the Council);	NIL	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);	NIL	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.	NIL	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:	CEO	NIL
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:	CEO	NIL
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;	CEO	NIL
48.3.2. the desirability of diversifying Council investments;	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
48.3.3. the nature of and risk associated with existing Council investments;	CEO	NIL
48.3.4. the desirability of maintaining the real value of the capital and income of the investment;	CEO	NIL
48.3.5. the risk of capital or income loss or depreciation;	CEO	NIL
48.3.6. the potential for capital appreciation;	CEO	NIL
48.3.7. the likely income return and the timing of income return;	CEO	NIL
48.3.8. the length of the term of a proposed investment;	CEO	NIL
48.3.9. the period for which the investment is likely to be required;	CEO	NIL
48.3.10. the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment;	CEO	NIL
48.3.11. the aggregate value of the assets of the Council;	CEO	NIL
48.3.12. the likelihood of inflation affecting the value of a proposed investment;	CEO	NIL
48.3.13. the costs of making a proposed investment;	CEO	NIL
48.3.14. the results of any review of existing Council investments.	CEO	NIL
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	CEO	NIL
48.4.2. the desirability of attracting additional resources into the local community.	CEO	NIL
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		

	Direct Delegation from Council	Conditions/ Limitations
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;	CEO	NIL
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;	CEO	NIL
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;	CEO	NIL
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	CEO	NIL
50.1.5. the duty pursuant to Section 141(6) of the Act to publish a copy of any order of the Supreme Court to vary the terms of the trust, in the Gazette, within 28 days after that order is made.	CEO	NIL
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:	CEO	Submitted to Audit Committee prior to consideration by Council
52.1.1. if the Council has no reasonable prospect of recovering the debts; or	CEO	Submitted to Audit Committee prior to consideration by Council
52.1.2. if the costs of recovery are likely to equal or exceed the amount to be recovered,	CEO	Submitted to Audit Committee prior to consideration by Council
up to and including an amount of \$5,000.00 in respect of any one debt.	CEO	Submitted to Audit Committee prior to consideration by Council

	Direct Delegation from Council	Conditions/ Limitations
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:	CEO	NIL
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
55. Basis of Rating		
55.1. Before the Council:	CEO	NIL
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
55.1.4. the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:	CEO	NIL
55.1.5. prepare a report on the proposed change in accordance with Section 151(6) of the Act; and	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
55.1.6. 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 -	CEO	NIL
58.2.1. prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and	CEO	NIL
58.2.2. follow the relevant steps set out in its public consultation policy in accordance with Section	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
156(14d) of the Act.		
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:	CEO	NIL
61.1.1. is incorporated on a not-for-profit basis for the benefit of the public; and	CEO	NIL
61.1.2. 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

	Direct Delegation from Council	Conditions/ Limitations
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:	CEO	NIL
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 of support for students on a not-for-profit basis.	CEO	NIL
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):	NIL	NIL
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	NIL	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	NIL	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;	NIL	NIL
63.1.4. any other matter considered relevant by the Council or the Delegate.	NIL	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:	NIL	NIL
63.2.1. where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;	NIL	NIL
63.2.2. where the rebate is desirable for the purpose of assisting or supporting a business in the area;	NIL	NIL
63.2.3. where the rebate will be conducive to the preservation of buildings or places of historic	NIL	NIL

	Direct Delegation from Council	Conditions/ Limitations
significance;		
63.2.4. where the land is being used for educational purposes;	NIL	NIL
63.2.5. where the land is being used for agricultural, horticultural or floricultural exhibitions;	NIL	NIL
63.2.6. where the land is being used for a hospital or health centre;	NIL	NIL
63.2.7. where the land is being used to provide facilities or services for children or young persons;	NIL	NIL
63.2.8. where the land is being used to provide accommodation for the aged or disabled;	NIL	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;	NIL	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;	NIL	NIL
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;	NIL	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:	NIL	NIL
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	NIL	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.	NIL	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:	NIL	NIL
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	NIL	NIL
63.2.13.2. liability that is unfair or unreasonable;	NIL	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	NIL	NIL

	Direct Delegation from Council	Conditions/ Limitations
63.2.15. where the rebate is contemplated under another provision of the Act.	NIL	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:	NIL	NIL
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	NIL	NIL
63.3.2. where the rebate is desirable for the purpose of assisting or supporting a business in the area; or	NIL	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.	NIL	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.	NIL	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:	CEO	NIL
64.2.1. valuations made, or caused to be made, by the Valuer-General; or	CEO	NIL
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;	CEO	NIL
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 Gazette, within 21 days after the date of the adoption.	CEO	NIL
65. Valuation of Land		
65.1. 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

		Direct Delegation from Council	Conditions/ Limitations
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.	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.	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:	CEO	NIL
66.1.1.	66.1.1 the objection does not involve a question of law; and	CEO	NIL
66.1.2.	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.	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.	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.	66.4.1 in the prescribed manner and form;	CEO	NIL
66.4.2.	66.4.2 made within 21 days after the objector receives notice of the outcome of his or her initial objection; and	CEO	NIL
66.4.3.	66.4.3 accompanied by the prescribed fee.	CEO	NIL
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	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
169(15a) of the Act.		
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 Gazette 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:	CEO	NIL
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

		Direct Delegation from Council	Conditions/ Limitations
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.	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 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:	CEO	NIL
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	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
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:	CEO	NIL
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 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.	CEO	NIL
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:	CEO	NIL
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

	Direct Delegation from Council	Conditions/ Limitations
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:	CEO	NIL
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:	CEO	NIL
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:	CEO	NIL
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 Act at any time (but the revocation will not effect an entitlement to remission in relation to rates declared before the revocation takes effect).	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
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:	CEO	NIL
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	CEO	NIL
77.2.2. stating the amount of the total liability for rates presently outstanding in relation to the land; and	CEO	NIL
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.	CEO	NIL
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	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
77.3.2. to any registered mortgagee of the land; and	CEO	NIL
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.	CEO	NIL
77.4. If:	CEO	NIL
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
77.4.3. the power pursuant to Section 184(4) of the Act to effect service of the notice by:	CEO	NIL
77.4.4. placing a copy of the notice in a newspaper circulating throughout the State; and	CEO	NIL
77.4.5. 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

	Direct Delegation from Council	Conditions/ Limitations
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	CEO	NIL
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.	CEO	NIL
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:	CEO	NIL
79.1.1. the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 or Schedule 1B of the Act (including rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act); and	CEO	NIL
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

	Direct Delegation from Council	Conditions/ Limitations
80.1.1. the Ombudsman; and	CEO	NIL
80.1.2. if relevant, the person who made the complaint.	CEO	NIL
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;	CEO	NIL
81.1.2. for services supplied to a person at his or her request;	CEO	NIL
81.1.3. for carrying out work at a person's request;	CEO	NIL
81.2. The power pursuant to Section 188(3) of the Act to provide for:	CEO	NIL
81.2.1. specific fees and charges;	CEO	NIL
81.2.2. maximum fees and charges and minimum fees and charges;	CEO	NIL
81.2.3. annual fees and charges;	CEO	NIL
81.2.4. the imposition of fees or charges according to specified factors;	CEO	NIL
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	CEO	NIL
81.2.6. the reduction, waiver or refund, in whole or in part, of any fees and charges.	CEO	NIL
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. 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	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
fee or charge, or variation of the fee or charge, to the notice of persons who may be affected.		
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. 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 Gazette.	CEO	NIL
85. Classification		
85.1. The duty pursuant to Section 193(6) of the Act to give notice in the Gazette of a resolution:	CEO	NIL
85.1.1. to exclude land from classification as community land under Section 193(4) of the Act; or	CEO	NIL
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.	CEO	NIL
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:	CEO	NIL
86.1.1.1. a summary of reasons for the proposal; and	CEO	NIL
86.1.1.2. a statement of any dedication, reservation or trust to which the land is subject; and	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
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	CEO	NIL
86.1.1.4.	an assessment of how implementation of the proposal would affect the area and the local community; and	CEO	NIL
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	CEO	NIL
86.1.2.	follow the relevant steps set out in the Council's public consultation policy.	CEO	NIL
86.2.	After complying with the requirements of Section 194(2) of the Act, the duty pursuant to Section 194(3) of the Act to prepare a report on all submissions made on it as part of the public consultation process.	CEO	NIL
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	CEO	Subject to Council Approval
88.1.2.	states the purpose for which the land is held by the Council; and	CEO	Subject to Council Approval

	Direct Delegation from Council	Conditions/ Limitations
88.1.3. states the Council's objectives, policies (if any) and proposals for the management of the land; and	CEO	Subject to Council Approval
88.1.4. states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.	CEO	Subject to Council Approval
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	CEO	NIL
88.2.2. state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and	CEO	NIL
88.2.3. contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.	CEO	NIL
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	CEO	NIL
89.1.2. follow the relevant steps set out in Council's public consultation policy.	CEO	NIL
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.	NIL	NIL
90.2. The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the	CEO	Subject to Council

	Direct Delegation from Council	Conditions/ Limitations
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.		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:	NIL	NIL
93.1.1. vested in the Council in fee simple; or	NIL	NIL
93.1.2. vested in the Council as lessee.	NIL	NIL
93.2. The power pursuant to Section 201(2) of the Act to:	NIL	NIL
93.2.1. grant an easement (including a right of way) over community land; and	NIL	NIL
93.2.2. grant an easement (excluding a right of way) over a road or part of a road.	NIL	NIL
94. Alienation of Community Land by Lease or Licence		
94.1. The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), and to make provision in a lease or licence 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;	CEO	NIL
94.1.2. the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);		
94.1.3. any other matter relevant to the use or maintenance of the land.	CEO	NIL
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	CEO	NIL
94.2.2. the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.	CEO	NIL
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	CEO	NIL
95.2.2. contains copies of current management plans.	CEO	NIL
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	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
be a public road, or preserving an easement under Section 208(3), to be published in the Gazette.		
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
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	CEO	NIL
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	CEO	NIL
98.2.3. give public notice of the proposed declaration.	CEO	NIL
98.3. The duty pursuant to Section 210(5) to publish in the Gazette a declaration of the Council made in accordance with Section 210(1) of the Act.	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,	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
by agreement with another Council, in the area of another Council.		
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	CEO	NIL
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	CEO	NIL
100.2.3. the roadwork in relation to a private road is only carried out if:	CEO	NIL
100.2.3.1. the owner agrees; or	CEO	NIL
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	CEO	NIL
100.2.3.3. the identity or whereabouts of the owner is unknown; and	CEO	NIL
100.2.4. the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).	CEO	NIL
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 the agreement.	CEO	NIL
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	CEO	NIL
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.	CEO	NIL
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	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
as a debt from the owner of the private road.		
102. Contribution Between Councils where Road is on Boundary Between Council Areas		
102.1. Where roadwork is carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is brought.	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	CEO	NIL
103.1.2. construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.	CEO	NIL
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	CEO	NIL
103.2.2. the road work does not significantly increase the risk of damage to adjoining property.	CEO	NIL
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	CEO	NIL
104.2.2. if an order is made, any order,	CEO	NIL
under Section 216(1) of the Act.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.		
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	CEO	NIL
105.1.2. to move the structure or equipment in order to allow the Council to carry out roadwork.	CEO	NIL
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	CEO	NIL
106.2.2. if an order is made, any order	CEO	NIL
under Section 218(1) of the Act.	CEO	NIL
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	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
107.3.2. consider any representations made by the adjoining council in response to that notice.	CEO	NIL
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	CEO	NIL
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.	CEO	NIL
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 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	CEO	NIL
107.8.2. in a newspaper circulating in the area of the council; and	CEO	NIL
107.8.3. on a website determined by the Chief Executive Officer.	CEO	NIL
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

	Direct Delegation from Council	Conditions/ Limitations
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	CEO	NIL
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	CEO	NIL
109.1.3. changing or interfering with the construction, arrangement or materials of the road; or	CEO	NIL
109.1.4. changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or	CEO	NIL
109.1.5. planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.	CEO	NIL
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	CEO	NIL
109.2.2. unduly interfere with the construction of the road; or	CEO	NIL
109.2.3. have an adverse effect on road safety.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
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	CEO	NIL
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.	CEO	NIL
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	CEO	NIL
111.1.2. that would have the effect of restricting access to a road; or	CEO	NIL
111.1.3. in relation to a use or activity for which public consultation is required under the Regulations.	CEO	NIL
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, subject to Sections 224(2) and (4) of the Act, to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
appropriate.		
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:	CEO	NIL
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	CEO	NIL
113.1.2. in the any other case - cancel the authorisation or permit for breach of a condition.	CEO	NIL
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	CEO	NIL
113.2.2. consider any representations made in response to the notice.	CEO	NIL
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
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.	CEO	NIL
113A Location Rules – General		
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.	CEO	NIL
113A.2 The power pursuant to Section 225A(4) of the Act to:	CEO	NIL
113A.2.1 from time to time amend the Council’s location rules;	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
113A.2.2 amend its location rules in order that the rules comply with:	CEO	NIL
113A.2.2.1 any requirement specified by the Minister under Section 225A(2)(b) of the Act; or	CEO	NIL
113A.2.2.2 any direction given by the Small Business Commissioner under Section 225A(7) of the Act.	CEO	NIL
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	CEO	NIL
114.1.2. may consist (if the Delegate so decides) of a computer record of the relevant information.	CEO	NIL
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):	CEO	NIL
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	CEO	NIL
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	CEO	NIL
115.1.3. road safety matters; and	CEO	NIL
115.1.4. other matters (if any) considered relevant by the Delegate; and	CEO	NIL
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		

	Direct Delegation from Council	Conditions/ Limitations
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	CEO	NIL
117.1.2. an authorisation or permit has been granted but has later expired or been cancelled.	CEO	NIL
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	Deliberately left blank.	Deliberately left blank.
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:	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
120.1.1.1. served on the owner personally; or	CEO	NIL
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	CEO	NIL
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.	CEO	NIL
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	CEO	NIL
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.	CEO	NIL
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;	CEO	NIL
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;	CEO	NIL
120.4.3. thirdly, in payment of the balance to the owner of the vehicle.	CEO	NIL
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	CEO	NIL
122.2.2. accompanied by:	CEO	NIL
122.2.2.1. Deliberately left blank	CEO	NIL
122.2.2.2. any surveys of the land and other materials that the Registrar-General may reasonably require; and	CEO	NIL
122.2.2.3. a fee fixed by the Registrar-General.	CEO	NIL
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

	Direct Delegation from Council	Conditions/ Limitations
124.1.1. a person has approval to carry out development under the Development Act 1993; and	CEO	NIL
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,	CEO	NIL
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.	CEO	NIL
124.2. The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the Development Act 1993 and a notice in writing has been served pursuant to Section 245A of the Act on the person who has the benefit of the approval, to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.	CEO	NIL
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	CEO	NIL
126.1.2. by notice in a newspaper circulating in the area of the Council:	CEO	NIL
126.1.2.1. inform the public of the availability of the proposed by-law; and	CEO	NIL
126.1.2.2. set out the terms of the by-law, or describe in general terms the by-law's nature and effect.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
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	CEO	NIL
126.2.2. the by-law is not in conflict with the Act.	CEO	NIL
126.3. The duty pursuant to Section 249(5) of the Act to publish a by-law in the Gazette.	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 Gazette.	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
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
128.3. 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	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
3 of the Table.		
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	CEO	NIL
130.1.2. stating the reasons for the proposed action; and	CEO	NIL
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).	CEO	NIL
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	CEO	NIL
130.3.2. to make an order with modifications from the terms of the original proposal; or	CEO	NIL
130.3.3. to determine not to proceed with an order.	CEO	NIL
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;	CEO	NIL
130.4.2. direct two or more persons to do something specified in the order jointly.	CEO	NIL
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	CEO	NIL
130.5.2. states the reasons for the order.	CEO	NIL
130.6. The duty pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
of the Act on the person to whom it is addressed.		
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	CEO	NIL
130.9.2. that an emergency situation otherwise exists,	CEO	NIL
the Delegate has the power pursuant to Section 255(12) of the Act to:	CEO	NIL
130.9.3. Proceed immediately to make an order under this Section without giving notice under Section 255(1); and	CEO	NIL
130.9.4. require immediate compliance with an order despite Section 255(6)(a).	CEO	NIL
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 seek a review of 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	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
the person who failed to comply with the requirements of the order.		
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	CEO	NIL
132.4.2. if the person is the owner of the land to which the order relates – the power, in accordance with Schedule 6, to impose a charge over the land for the unpaid amount, together with interest.	CEO	NIL
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
133.2.1. prepare a draft of a Policy; and	CEO	NIL
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).	CEO	NIL
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	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
during ordinary office hours.		
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	CEO	NIL
134.3.2. identifying any conditions or limitations imposed under Section 260(2) of the Act.	CEO	NIL
134.4. The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment.	CEO	NIL
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	NIL
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	CEO	NIL
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	CEO	NIL
135.00.2 complaints about the actions of the Council, employees of the Council, or other persons	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
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	CEO	NIL
135.0.2. 135.0.2 using information gained from the Council's community to improve its services and operations.	CEO	NIL
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:	CEO	NIL
135.1.1. the Council;	CEO	NIL
135.1.2. employees of the Council;	CEO	NIL
135.1.3. other persons acting on behalf of the Council,	CEO	NIL
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):he 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;	CEO	NIL
135.2.2. the assignment of a suitable person to reconsider a decision under review;	CEO	NIL
135.2.3. the matters that must be referred to the Council itself for consideration or further consideration;	CEO	NIL
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;	CEO	NIL
135.2.4. the notification of the progress and outcome of an application for review;	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
135.2.5. the timeframes within which notifications will be made and procedures on a review will be completed.	CEO	NIL
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	CEO	NIL
135.3.2. it appears that the application is frivolous or vexatious; or	CEO	NIL
135.3.3. the applicant does not have a sufficient interest in the matter.	CEO	NIL
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	CEO	NIL
135.6.2. the kinds of matters to which the applications relate; and	CEO	NIL
135.6.3. the outcome of applications under this Section; and	CEO	NIL
135.6.4. such other matters as may be prescribed by the Regulations.	CEO	NIL
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		
136.0. 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

	Direct Delegation from Council	Conditions/ Limitations
136.1. 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 operations of the Council.	CEO	NIL
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	CEO	NIL
136AA.2.2 is held on a confidential basis under Chapter 6 Part 4.	CEO	NIL
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		
137.0. 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
137.0.1. proceedings to try the title of a member to an office;	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
137.0.2. proceedings to try the right of a person to be admitted or restored to an office;	CEO	NIL
137.0.3. proceedings to compel restoration or admission;	CEO	NIL
137.0.4. proceedings to compel the Council to proceed to an election, poll or appointment;	CEO	NIL
137.0.5. proceedings to try the validity of a rate or service charge;	CEO	NIL
137.0.6. proceedings to try the validity of a by-law;	CEO	NIL
137.0.7. 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.	CEO	NIL
138. Service of Documents by Councils etc		
138.0. 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		
139.0. 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		
140.0. Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.	CEO	NIL
141. Ability of Occupiers to Carry out Works		
141.0. 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		
142.0. 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	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
Section 294(1)(b) or (c) of the Act.		
142.1. The duty pursuant to Section 294(3) of the Act:	CEO	NIL
142.1.1. 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	CEO	NIL
142.1.2. 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	CEO	NIL
142.1.3. within 6 months of ceasing to occupy the land:	CEO	NIL
142.1.3.1. remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and	CEO	NIL
142.1.3.2. 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;	CEO	NIL
142.2. 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		
143.0. 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
143.1. 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
143.2. 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
143.3. 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		
144.0. 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		
145.0. 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		
146.0. Deliberately left blank.	Deliberately left blank.	Deliberately left blank.
146.1. Deliberately left blank.	Deliberately left blank.	Deliberately left blank.
147. Costs of Advertisements		
147.0. 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. Deliberately left blank (Removal of Whistleblowing)	Deliberately left blank.	Deliberately left blank.
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	Deliberately left blank.	Deliberately left blank.
150. Deliberately left blank	Deliberately left blank.	Deliberately left blank.
151. Deliberately left blank	Deliberately left blank.	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	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
<p>(b) is prepared in consultation with the relevant regional NRM board or boards; and</p> <p>(c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations.</p>		
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
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).	CEO	NIL
152. Deliberately left blank	Deliberately left blank	Deliberately left blank
153. Deliberately left blank	Deliberately left blank	Deliberately left blank
154. Special Powers in Relation to Land		
<p>154.0. 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:</p> <p>(a) enter and occupy any land; and</p> <p>(b) construct, maintain or remove any infrastructure; and</p> <p>(c) excavate any land; and</p> <p>(d) inspect, examine or survey any land and for that purpose:</p> <p>(i) fix posts, stakes or other markers on the land; and</p> <p>(ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and</p> <p>(iii) remove samples for analysis.</p> <p>(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;</p>	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
<p>and</p> <p>(f) hold any water in a watercourse or lake or by any other means; and</p> <p>(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</p> <p>(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</p> <p>(i) undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and</p> <p>(j) undertake any testing, monitoring or evaluation; and</p> <p>(k) undertake any other activity of a prescribed kind.</p>		
<p>154.1. 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.</p>	CEO	NIL
155. Entry and Occupation of Land Other Than Council Land		
<p>155.0. The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A of the Act, to give reasonable notice of an intention to enter, or to enter and occupy, land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land.</p>	CEO	NIL
<p>155.1. 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.</p>	CEO	NIL
156. Vesting of Infrastructure, etc		
<p>156.0. 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.</p>	CEO	NIL
157. Building Upgrade Agreement (May only be delegated to CEO)		
<p>157.0. The power pursuant to Clause 2(1) of Schedule 1B of the Act, subject to Clause 2 of Schedule 1B of the Act, to, in relation to a building situated on land within the area of the Council, enter into an agreement (a building upgrade agreement) under which:</p>	CEO	NIL
<p>157.0.1. the building owner agrees to undertake upgrade works in respect of the building; and</p>	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
157.0.2. a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and	CEO	NIL
157.0.3. the Council agrees:	CEO	NIL
157.0.3.1. to levy a charge on the relevant land (a building upgrade charge), to be paid by the building owner, for the purpose of recouping the money advanced by the finance provider for the upgrade works (and any interest or other charges payable to the finance provider under the agreement); and	CEO	NIL
157.0.3.2. 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).	CEO	NIL
157.1. 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
157.2. 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)		
158.0. 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)		
159.0. 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
159.0.1. the upgrade works to be undertaken by or on behalf of the building owner under the agreement; and	CEO	NIL
159.0.2. the amount of money to be advanced by the finance provider under the agreement; and	CEO	NIL
159.0.3. the amount of the building upgrade charge to be levied by the Council under the agreement;	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
and		
159.0.4. the schedule for the payment, by the building owner, of a building upgrade charge to the Council; and	CEO	NIL
159.0.5. 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	CEO	NIL
159.0.6. any prescribed matters.	CEO	NIL
159.1. The power pursuant to Clause 5(2) of Schedule 1B of the Act to, in a building upgrade agreement:	CEO	NIL
159.1.1. provide for the early repayment of any amount payable under the agreement; and	CEO	NIL
159.1.2. include and agree to other provisions.	CEO	NIL
160. Declaration of Building Upgrade Charge (May only be delegated to CEO)		
160.0. 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
160.1. 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
160.1.1. the name and address of the building owner; and	CEO	NIL
160.1.2. a description of the relevant land in respect of which the building upgrade charge is being levied; and	CEO	NIL
160.1.3. the building upgrade agreement under which the building upgrade charge is being levied; and	CEO	NIL
160.1.4. the amount for which the building owner is liable; and	CEO	NIL
160.1.5. the manner of payment of the amount; and	CEO	NIL
160.1.6. 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	CEO	NIL
160.1.7. the amount of, or method of calculating, any service fee of the Council authorised by the	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
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		
160.1.8. any prescribed matters.	CEO	NIL
160.2. 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
161. Payment of Building Upgrade Charge		
161.0. 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
161.1. 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
161.1.1. hold that money on behalf of the finance provider pending payment to the finance provider; and	CEO	NIL
161.1.2. pay that money to the finance provider in accordance with the terms of the building upgrade agreement under which the charge was levied.	CEO	NIL
162. Sale of Land for Non-payment of Building Upgrade Charge		
162.0. 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.	NIL	NIL
162.1. 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
162.1.1. firstly – in paying the costs of the sale and any other costs incurred in proceeding under Clause 9 of Schedule 1B of the Act;	CEO	NIL
162.1.2. secondly – in discharging any liabilities to the Council in respect of the land (other than any	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
building upgrade charge, service fee or late payment fee in relation to a building upgrade charge);		
162.1.3. 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;	CEO	NIL
162.1.4. 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;	CEO	NIL
162.1.5. fifthly – in discharging any liabilities secured by registered mortgages, encumbrances or charges;	CEO	NIL
162.1.6. sixthly – in discharging any other mortgages, encumbrances or charges of which the Council has notice;	CEO	NIL
162.1.7. seventhly – in payment to the owner of the land.	CEO	NIL
162.2. 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		
163.0. 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
163.0.1. adjust the building upgrade charge to reflect the lower amount advanced to the building owner; and	CEO	NIL
163.0.2. give the building owner written notice of the adjustment.	CEO	NIL
163.1. 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
163.1.1. the building owner has made payment in respect of the charge in excess of the adjusted amount; and	CEO	NIL
163.1.2. the excess amount has been paid by the Council to the finance provider,	CEO	NIL
to refund the building owner the excess amount paid.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
164. Register of Building Upgrade Agreements		
164.0. 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
164.1. 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 7

*Instrument of Delegation under the
Planning, Development and Infrastructure Act 2016*

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016		
1. Planning Regions and Greater Adelaide		
1.1. The power pursuant to Section 5(5)(b) of the Planning, Development and Infrastructure Act 2016 (the Act) to make submissions to the Minister on a proposed proclamation under Section 5 of the Act.	CEO	NIL
2. Subregions		
2.1. The power pursuant to Section 6(3)(b) of the Act to make submissions to the Minister on the Minister's proposed course of action.	CEO	NIL
3. Environment and Food Production Areas – Greater Adelaide		
3.1. The power pursuant to Section 7(5) of the Act, in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments:	CEO Council's Assessment Panel (CAP)	NIL
3.1.1. to seek the concurrence of the Commission in the granting of the authorisation;	CEO Council's Assessment Panel (CAP)	NIL
3.1.2. to concur in the granting of the development authorisation to the development;	CEO Council's Assessment Panel (CAP)	NIL
3.1.3. to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.	CEO Council's Assessment Panel (CAP)	NIL
4. Planning Agreements		

	Direct Delegation from Council	Conditions/ Limitations
4.1. The power pursuant to Section 35(1)(a) of the Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State in accordance with Section 35 of the Act.	CEO	NIL
4.2. The power pursuant to Section 35(3) of the Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:	CEO	NIL
4.2.1. the setting of objectives, priorities and targets for the area covered by the agreement; and	CEO	NIL
4.2.2. the constitution of a joint planning board including, in relation to such a board:	CEO	NIL
4.2.2.1. the membership of the board, being between 3 and 7 members (inclusive); and	CEO	NIL
4.2.2.2. subject to Section 35(4) of the Act, the criteria for membership; and	CEO	NIL
4.2.2.3. the procedures to be followed with respect to the appointment of members; and	CEO	NIL
4.2.2.4. the terms of office of members; and	CEO	NIL
4.2.2.5. conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and	CEO	NIL
4.2.2.6. the appointment of deputy members; and	CEO	NIL
4.2.2.7. 4.2.2.7 the procedures of the board; and	CEO	NIL
4.2.3. the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and	CEO	NIL
4.2.4. the staffing and other support issues associated with the operations of the joint planning board; and	CEO	NIL
4.2.5. financial and resource issues associated with the operations of the joint planning board, including:	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
4.2.5.1. the formulation and implementation of budgets; and	CEO	NIL
4.2.5.2. the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and	CEO	NIL
4.2.6. such other matters as the Delegate thinks fit.	CEO	NIL
4.3. The power pursuant to Section 35(5)(a) of the Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).	CEO	NIL
4.4. The power pursuant to Section 35(5)(b) of the Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.	CEO	NIL
5. Community Engagement Charter		
5.1. The power pursuant to Section 44(6)(a) of the Act, to, in accordance with the Charter, make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 (unless the proposal has been initiated by the Council).	CEO	NIL
6. Preparation and Amendment of Charter		
6.1. The power pursuant to Section 45(2)(c) of the Act to make representations (in writing or via the SA planning portal) on a proposal to prepare or amend the Charter.	CEO	NIL
6A. Preparation and Amendment		
6A.1 The power pursuant to Section 73(2)(b)(iv) of the Act to initiate a proposal to amend a designated instrument with the approval of the Minister, acting on the advice of the Commissioner.	CEO	Subject to sign-off by SPDPC
6A.2 The power pursuant to Section 73(6) of the Act where the Council is authorised or approved under Section 73 of the Act, and after all of the requirements of Section 73 have been satisfied:	CEO	NIL
6A.2.1 to prepare a draft of the relevant proposal; and	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
6A.2.2	to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and	CEO	NIL
6A.2.3	to the extent that paragraph (b) of Section 73(6) of the Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board – to consult with the joint planning board; and	CEO	NIL
6A.2.4	to the extent that paragraph (b) of Section 73(6) of the Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:	CEO	NIL
6A.2.4.1	an owner or occupier of the land; and	CEO	NIL
6A.2.4.2	an owner or occupier of each piece of adjacent land,	CEO	NIL
	a notice in accordance with the regulations; and	CEO	NIL
6A.2.5	to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and	CEO	NIL
6A.2.6	to carry out such investigations and obtain such information specified by the Commission; and	CEO	NIL
6A.2.7	to comply with any requirement prescribed by the regulations.	CEO	NIL
6A.3	The power pursuant to Section 73(8) of the Act to, after the Council has furnished a report to the Minister under Section 73(7) of the Act, ensure that a copy of the report is published on the SA planning portal in accordance with a practice direction that applies for the purposes of Section 73 of the Act.	CEO	NIL
6A.4	The power pursuant to Section 73(9) of the Act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the Act (subject to the requirement to charge costs under Section 73(4)(b) of	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
the Act (if relevant)).		
6B. Parliamentary Scrutiny		
6B.1 The power pursuant to Section 74(8) of the Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks.	CEO	NIL
6C. Entities Constituting Relevant Authorities		
6C.1 The power pursuant to Section 82(d) of the Act, subject to the Act, to appoint an assessment panel.	CEO	NIL
6D. Panels Established by Joint Planning Boards or Councils		
6D.1 The power pursuant to Section 83(1) of the Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the Act, to:	CEO	NIL
6D.1.1 appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess;	CEO	NIL
6D.1.2 determine:	CEO	NIL
6D.1.2.1 the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and	CEO	NIL
6D.1.2.2 the procedures to be followed with respect to the appointment of members; and	CEO	NIL
6D.1.2.3 the terms of office of members; and	CEO	NIL
6D.1.2.4 conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
6D.1.2.5	the appointment of deputy members; and	CEO	NIL
6D.1.2.6	who will act as the presiding member of the panel and the process for appointing an acting presiding member.	CEO	NIL
6D.2	The power pursuant to Section 83(1)(h) of the Act to arrange the staffing and support required for the purposes of the operations of the panel.	CEO	NIL
6D.3	The power pursuant to Section 83(1)(i) of the Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the Act.	CEO	NIL
6D.4	The power pursuant to Section 83(2) of the Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a council is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.	CEO	NIL
6E.	Panels Established by Minister		
6E.1	The power pursuant to Section 84(1)(c)(ii)(B) of the Act to make submissions to the Minister about the constitution of a regional assessment panel in relation to the area of the Council (or part of the area).	CEO	NIL
6F.	Substitution of Local Panels		
6F.1	The power pursuant to Section 86(2)(a) of the Act to make submissions to the Commission in relation to an inquiry.	CEO	NIL
7.	Initiation of Scheme		
7.1.	The power pursuant to Section 163(3)(b) of the Act to request the Minister initiate a proposal to proceed under Section 163 of the Act.	CEO	NIL
7.2.	The power pursuant to Section 163(10) of the Act to consult with the Minister in relation to the draft outline.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
8. Consideration of Proposed Scheme		
8.1. The power pursuant to Section 166(1)(c) of the Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.	CEO	NIL
9. Adoption of Scheme		
9.1. The power pursuant to Section 167(7) of the Act to consult with the Minister in relation to a variation to a scheme.	CEO	NIL
10. Funding Arrangements		
10.1. The power pursuant to Section 169(2)(b) of the Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the Act to apply for a periodic review of the levels and amounts of those contributions and as part of such review for any matter to be considered or determined by ESCOSA.	CEO	NIL
10.2. The power pursuant to Section 169(8) of the Act to approve a funding arrangement that provides for or includes the collection of contributions under subdivision 8 in relation to prescribed infrastructure.	CEO	NIL
10.3. The power pursuant to Section 169(9) of the Act to consult with the Commission in relation to a funding arrangement that is specifically relevant to the Council.	CEO	NIL
11. Contributions by Constituent Councils		
11.1. The power pursuant to Section 177(4) of the Act to consult with the Minister in relation to the Council's share.	CEO	NIL
11.2. The power pursuant to Section 177(5) of the Act to, at the request of the Minister, supply the Minister with information in the possession of the Council to enable the Minister to determine shares under Sections 177(2) and (3) of the Act.	CEO	NIL
12. Imposition of Charge by Councils		
12.1. The power pursuant to Section 180(7) of the Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
under subdivision 9.		
13. Authorised Works		
13.1. The power pursuant to Section 187(1) of the Act, subject to Section 187(3) of the Act, to carry out any infrastructure works if the Council is authorised to so do by or under the Act or any other Act.	CEO	NIL
13.2. The power pursuant to Section 187(5) of the Act, subject to Section 187(6) of the Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:	CEO	NIL
13.2.1. inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and	CEO	NIL
13.2.2. give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and	CEO	NIL
13.2.3. ensure that proper consideration is given to the views of the road maintenance authority.	CEO	NIL
13.3. The power pursuant to Section 187(5)(b) of the Act to consult with the relevant road maintenance authority in relation to the matter.	CEO	NIL
13.4. The power pursuant to Section 187(6) of the Act, in a case of emergency, to only comply with Section 187(5) of the Act to such extent as is practicable in the circumstances.	CEO	NIL
14. Entry onto Land		
14.1. The power pursuant to Section 188(1) of the Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the Act to:	CEO	NIL
14.1.1. enter and pass over any land; and	CEO	NIL
14.1.2. bring onto any land any vehicles, plant or equipment; and	CEO	NIL
14.1.3. temporarily occupy land; and	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
14.1.4. do anything else reasonably required in connection with the exercise of the power.	CEO	NIL
14.2. The power pursuant to Section 188(4) of the Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the Act.	CEO	NIL
15. Acquisition of Land		
15.1 The power pursuant to Section 189(1) of the Act, to with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with the Land Acquisition Act 1969.	CEO	NIL
16. Review of Performance		
16.1. The power pursuant to Clause 3(3) of Schedule 4 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.	CEO	NIL
16.2. The power pursuant to Clause 3(14) of Schedule 4 of the Act to make submissions to the Minister on the report on which the action to be taken by the Minister under Clause 3(13) of Schedule 4 of the Act is based.	CEO	NIL
16.3. The power pursuant to Clause 3(15) of Schedule 4 of the Act, if the Minister makes a recommendation to the Council under Clause 3(13)(a) of Schedule 4 of the Act and the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, consult with the Minister in relation to the directions of the Minister.	CEO	NIL
16.4. The power pursuant to Clause 3(16) of Schedule 4 of the Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the Act.	CEO	NIL
17. General Schemes		
17.1. The power pursuant to Clause 30(3) of Schedule 8 of the Act to request the Minister make a declaration under Clause 30(2) of Schedule 8 of the Act in relation to a scheme.	CEO	NIL

Appendix 8

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

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE ROADS (OPENING AND CLOSING) ACT 1991		
1. Commencement of Road Process		
1.1. The power pursuant to Section 5 of the Roads (Opening and Closing) Act 1991 (“the Act”) to commence a road process in relation to a road or proposed road within the area of the Council.	CEO	NIL
2. Deposit of Preliminary Plan and Statement of Persons Affected		
2.1. The duty pursuant to Section 9(1) of the Act where the Council proposes to commence a road process, to cause to be prepared:	CEO	NIL
2.1.1. a preliminary plan of the land subject to the proposed road process in a form approved by the Surveyor-General; and	CEO	NIL
2.1.2. a statement in a form approved by the Surveyor-General containing –	CEO	NIL
2.1.2.1. the names and addresses of those persons affected who can be identified by reasonable enquiry; and	CEO	NIL
2.1.2.2. such information in relation to the land subject to the proposed road process as is required by the Surveyor-General.	CEO	NIL
2.2. The duty pursuant to Section 9(2) of the Act where the Council has proposed a road process and a preliminary plan and statement has been prepared pursuant to the requirements of Section 9(1) of the Act, to deposit a copy of the said preliminary plan and statement at the Adelaide office of the Surveyor-General together with the prescribed fee.	CEO	NIL
3. Notification of Proposed Road Process		
3.1. The duty pursuant to Section 10(1) of the Act where the Council commences a road process (where the Council is the relevant authority in relation to the road process) to –	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
3.1.1. after compliance with the requirements of Section 9 of the Act, give public notice, in accordance with the Regulations, of the proposal; and	CEO	NIL
3.1.2. at the same time to give notice in writing of the proposal on each person affected who can be identified by reasonable enquiry.	CEO	NIL
3.2. The duty pursuant to Section 10(2) of the Act to (where the Council is a relevant authority in relation to a proposed road process) as soon as practicable after giving public notice under Section 10(1) of the Act in relation to the process, deposit a copy of the notice at the Adelaide office of the Surveyor-General.	CEO	NIL
4. Dealings in Land after Commencement of Road Process		
4.1. The power pursuant to Section 11(a)(ii) of the Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is land which has been brought under the Real Property Act 1886), to lodge a caveat with the Registrar-General forbidding any dealing with the land without the consent of the Council.	CEO	NIL
4.2. The power pursuant to Section 11(b)(iii) of Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is not land that has been brought under the Real Property Act 1886), to lodge a copy of the notice of the proposed road opening at the General Registry office, and by notice in writing served on any person, require the person to deliver up to the Registrar-General any instrument evidencing the person's interest in the land.	CEO	NIL
5. Power to make Preliminary Agreements		
5.1. The power pursuant to Section 12(1) of the Act and in accordance with the provisions of Section 12 to make agreements for exchange or transfer in relation to land subject to a proposed road closure with the owner of land adjoining that land.	CEO	NIL
5.2. The duty pursuant to Section 12(3) of the Act where the Delegate seeks to make an agreement for transfer in relation to land subject to a proposed road closure pursuant to Section 12 of the Act –	CEO	NIL
5.2.1. where adjoining land is owned by a person who owns land subject to a proposed road opening, to	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
first endeavour to secure an agreement for exchange with that person;		
5.2.2. in any case, to first invite offers from the owners of land adjoining the land subject to the proposed road closure.	CEO	NIL
6. Meeting to Consider Objection or Application		
6.1. The duty pursuant to Section 14(1) of the Act in circumstances where the Council is the relevant authority and where the Council has commenced a road process and a person has made an objection or application in relation to the proposed road process, to notify that person in writing of a time and place at which the Council will meet as the relevant authority to consider all such objections and applications.	CEO	NIL
7. Making of Road Process Order		
7.1. The duty pursuant to Section 15(1) of the Act to (as the relevant authority) as soon as practicable after the expiration of the time allowed for the making of objections and applications and after considering all objections and applications (if any) made in relation to a proposed road process -	CEO	NIL
7.1.1. make a road process order in relation to all or part of the land to which the proposed road process relates; or	CEO	NIL
7.1.2. determine that no road process order is to be made.	CEO	NIL
7.2. The duty pursuant to Section 15(3) of the Act where the Delegate (as the relevant authority) determines that no road process order is to be made, to as soon as practicable give notice in writing of that decision;	CEO	NIL
7.2.1. to the Surveyor General; and	CEO	NIL
7.2.2. to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and	CEO	NIL
7.2.3. in addition, in the case of a proposed road opening, to any person who has an interest in land over which the road was proposed to be opened.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
7.3. The duty pursuant to Section 16 of the Act when acting as the relevant authority, in determining whether to make a road process order and what order should be made, to have regard to –	CEO	NIL
7.3.1. any objections made by any person pursuant to the Act; and	CEO	NIL
7.3.2. the plans, principles, regulations and other matters to which regard must be had by assessment authorities for determining applications for development authorisation under the Development Act 1993 in relation to developments in the area to which the proposed road process order relates; and	CEO	NIL
7.3.3. whether the land subject to the road process is reasonably required as a road for public use in view of present and likely future needs in the area; and	CEO	NIL
7.3.4. alternative uses of the land subject to the road process that would benefit the public or a section of the public; and	CEO	NIL
7.3.5. any other matter that the Delegate considers relevant.	CEO	NIL
7.4. The duty pursuant to Section 17 of the Act where, when acting as the relevant authority, a road process order or a road closure has been made, to as part of that order make one or more of the following orders dealing, or together dealing, with all of the land subject to the road closure:	CEO	NIL
7.4.1. if an agreement for exchange or transfer has been made in respect of land subject to the road closure, an order that the land be transferred or added to other land in accordance with the agreement;	CEO	NIL
7.4.2. an order that the land be sold by public auction or tender, if the Delegate considers that land subject to the road closure can conveniently be used separately from other land and the power to so form that opinion;	CEO	NIL
7.4.3. an order that land subject to the road closure be sold, or transferred, for use for some public, charitable or beneficial community purpose;	CEO	NIL
7.4.4. if land subject to the road closure is required by the Council for some purpose - in order that the land	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
be retained by the Council and the Certificate of Title be issued to the Council;		
7.4.5. an order that land subject to the road closure -	CEO	NIL
7.4.5.1. be added to adjoining land that is dedicated under the Crown Lands Act 1929; or	CEO	NIL
7.4.5.2. be transferred to the proprietor of adjoining land that is alienated in fee simple in trust under the Crown Lands Act 1929; or	CEO	NIL
7.4.5.3. be vested in the Crown.	CEO	NIL
7.5. The power to pursuant to Section 18(1) of the Act and in accordance with the provisions in Section 18(2) of the Act, when acting as the relevant authority where a road process order for a road closure has been made, to make an order as part of that order for the granting of an easement over land subject to the road closure.	CEO	NIL
7.6. The power pursuant to Section 18(2)(d) of the Act, where an application for an easement has been made pursuant to Division 1 of Part 3 of the Act by a person as the owner of adjoining or nearby land, to form the opinion that the persons use or enjoyment of that adjoining or nearby land would be substantially altered if the easement were not granted and therefore make an order for the granting of the easement in favour of that person.	CEO	NIL
7.7. The duty pursuant to Section 19 of the Act when acting as the relevant authority to as soon as is practicable after a road process order is made;	CEO	NIL
7.7.1. give notice in writing of the order to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and	CEO	NIL
7.7.2. In addition, in the case of an order for a road opening –	CEO	NIL
7.7.2.1. give notice in writing of the order to any person who has an interest in land over which a road is proposed by the order to be opened; and	CEO	NIL
7.7.2.2. if the order does not deal with part of the land specified in the public notice of the proposed road opening given pursuant to Division 1 – give notice in writing of the	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
discontinuance of the road process in respect of that land to any person who has an interest in that land; and		
7.7.2.3. deliver to the Adelaide office of the Surveyor-General a copy of the minutes of all meetings held by it in relation to the proposed road process certified by the Chief Executive Officer of the Council.	CEO	NIL
7.8. The duty pursuant to Section 20 of the Act, within 3 months after a road process order is made to deposit at the Adelaide office of the Surveyor-General –	CEO	NIL
7.8.1. 2 copies of the order; and	CEO	NIL
7.8.2. survey plans as required by the Registrar-General for the purposes of this Section; and	CEO	NIL
7.8.3. in the case of an order for a road closure that includes an order that land be transferred or added to other land in accordance with an agreement for exchange or transfer - a copy of the agreement for exchange or transfer on which is denoted all stamp duty payable in respect of the agreement; and	CEO	NIL
7.8.4. in the case of an order for a road opening or the narrowing of a road - a statement that the order complies with the requirements of Part 8 of the Act as to the minimum width of roads; and	CEO	NIL
7.8.5. any other document required by the Surveyor-General; and	CEO	NIL
7.8.6. any fee prescribed by regulation including any fee required to be paid by a person in whom land or an interest in land would be vested on publication in the Gazette of notice of the order and its confirmation by the Minister.	CEO	NIL
7.9. The duty pursuant to Section 20(3) of the Act in circumstances where a road process lapses by virtue of the provisions of Section 20(2) of the Act to, as soon as practicable, give notice in writing of that fact –	CEO	NIL
7.9.1. to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and	CEO	NIL
7.9.2. in addition, in the case of a proposed road opening - to any person who has an interest in land over	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
which a road is proposed to be opened.		
8. Review and Confirmation of Road Process Order		
8.1. The duty pursuant to Section 22(2)(i) of the Act as the relevant authority in circumstances where the Surveyor-General has amended a road process order under Section 22(1) of the Act and then provided a written notice of that amendment to the Council, to as soon as practicable give notice in writing of that amendment to any person who was required to be given notice in writing of the road process order under Section 19(a) or (b) of the Act.	CEO	NIL
8.2. The duty pursuant to Section 24(2)(b) of the Act in circumstances where the Minister declines to confirm a road process order under Section 24(1) of the Act and has then provided written notice of that decision to the Council, to as soon as practicable give notice in writing of that decision -	CEO	NIL
8.2.1. to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and	CEO	NIL
8.2.2. in addition, in the case of a proposed road opening - to any person who has an interest in land over which a road was proposed to be opened.	CEO	NIL
9. Compensation		
9.1. The duty pursuant to Section 31(1)(a) of the Act where a road is opened pursuant to the Act over land not owned by the Council to -	CEO	NIL
9.1.1. serve notice in writing of the road process order on each person who had an interest in the land immediately before it vested in the Council by virtue of the road opening; and	CEO	NIL
9.1.2. append to the notice an offer in writing stating the total amount of compensation that the Council proposes to pay to the person and dividing that amount, so far as is practicable, into its separable components.	CEO	NIL
10. Acquisition of Additional Land under Land Acquisition Act		

	Direct Delegation from Council	Conditions/ Limitations
10.1. The power pursuant to Section 33(1) of the Act in circumstances where a Council proposes to open a road over any land pursuant to the Act, to -	CEO	NIL
10.1.1. consider that the acquisition of additional land adjoining or near to the land to which the road opening relates is appropriate; and	CEO	NIL
10.1.2. proceed to acquire the land, whether or not the land is required in connection with the proposed road.	CEO	NIL
10.2. The power pursuant to Section 33(4) of the Act, where additional land is acquired by the Council pursuant to Section 33 of the Act, to sell or otherwise deal with that land in such manner as the Delegate considers appropriate, and to use the proceeds from the sale of any such land toward defraying expenses incurred by the Council in connection with the road opening.	CEO	NIL
10A. Roads Associated with Adelaide Park Lands		
10A.1 The power pursuant to Section 34G(1) of the Act to prepare an application to be made by the Council to the Minister to make a road wider, narrower, longer or shorter pursuant to Section 6B of the Act.	NIL	N/A
10A.2 The duty pursuant to Section 34G(2) of the Act to ensure that an application pursuant to Section 34G of the Act is accompanied by -	NIL	N/A
10A.2.1 a preliminary plan of the land subject to the proposed road process, in a form determined or approved by the Surveyor-General; and	NIL	N/A
10A.2.2 such other information as may be required by the Regulations.	NIL	N/A
10A.3 The duty pursuant to Section 34G(4) of the Act, if the Minister, after consultation under Section 34G(3) of the Act, determines that the application should be considered to, in accordance with Section 34G(5) of the Act, -	NIL	N/A
10A.3.1 give public notice, in accordance with the Regulations, of the proposal; and	NIL	N/A
10A.3.2 give notice of the proposal to any State authority or council specified by the Minister; and	NIL	N/A

	Direct Delegation from Council	Conditions/ Limitations
10A.3.3 give notice of the proposal to the Adelaide Park Lands Authority (unless the Authority has already been consulted under Section 34G(3) of the Act and indicated that it has no further comment to make in relation to the matter).	NIL	N/A
10A.4 The duty pursuant to Section 34G(6) of the Act to forward to the Surveyor-General, after the expiration of the period that applies under Section 34G(5) of the Act -	NIL	N/A
10A.4.1 any representation in relation to the proposal made to the Council within the relevant period; and	NIL	N/A
10A.4.2 any response that the Council wishes to make in relation to those representations.	NIL	N/A
10A.5 The power pursuant to Section 34G(9) of the Act, if the Minister is willing to approve the application, to, after consultation with the Surveyor-General, cause survey plans and other documents to be prepared as required by the Registrar-General and submit them to the Minister.	NIL	N/A
10A.6 The power and duty pursuant to Section 34G(14) of the Act, after publication of the order, to provide any documentation required by the Registrar-General to the Registrar-General.	NIL	N/A
11. Duty to Fence		
11.1. The duty pursuant to Section 39 of the Act in any case in which a road is fenced along one or both of its boundaries and the road is altered or diverted, to ensure that the road as altered or diverted is fenced along its boundaries with a substantial fence of the same nature as the fence previously on the boundary of the road and the abutting land.	CEO	NIL

Appendix 9

*Instrument of Delegation under the
South Australian Public Health Act 2011, South
Australian Public Health (Legionella) Regulations 2013
and the South Australian Public Health (Wastewater)
Regulations 2013*

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011		
1. Power to Require Reports		
1.1 The power pursuant to Section 18(2) of the South Australian Public Health Act 2011 (the Act) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.	CEO	NIL
1.2 The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council provide a combined report with 1 or more other councils.	CEO	NIL
1.3 The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.	CEO	NIL
2. Risk of Avoidable Mortality or Morbidity		
2.1 The power pursuant to Section 22(2) of the Act, if the Council receives a request under Section 22(1) of the Act, to consider the request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time.	CEO	NIL
2.2 The power pursuant to Section 22(3) of the Act to include in a response under Section 22(2) of the Act details about:	CEO	NIL
2.2.1 any steps already being taken by the Council that may be relevant in the circumstances; and	CEO	NIL
2.2.2 any plans that the Council may have that may be relevant in the circumstances; and	CEO	NIL
2.2.3 any steps that the Council is willing to take in the circumstances; and	CEO	NIL
2.2.4 any other matter relating to the Council that appears to be relevant.	CEO	NIL
3. Cooperation Between Councils		

		Direct Delegation from Council	Conditions/ Limitations
3.1	The power pursuant to Section 39(1) of the Act to, in performing the Council’s functions or exercising the Council’s powers under the Act, act in conjunction or partnership with, or cooperate or coordinate the Council’s activities with, 1 or more other councils	CEO	NIL
3.2	The power pursuant to Section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other councils.	CEO	NIL
3.3	The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request.	CEO	NIL
4. Power of Chief Public Health Officer to Act			
4.1	The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer.	CEO	NIL
5. Council Failing to Perform a Function Under Act			
5.1	The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister’s opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act.	CEO	CEO to provide a report to Council within 14 days
5.2	The power pursuant to Section 41(6) of the Act to:	CEO	NIL
5.2.1	make written submissions to the Minister in relation to the matter within a period specified by the Minister; and	CEO	NIL
5.2.2	request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and	CEO	NIL
5.2.3	appoint a delegation representing the Council to discuss the matter with the Minister.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
6.	Transfer of Function of Council at Request of Council		
6.1	The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer.	CEO	NIL
6.2	The power pursuant to Section 42(10) of the Act to enter into an agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act.	CEO	NIL
6.3	The power pursuant to Section 42(11) of the Act to request that the Minister vary or revoke a notice under Section 42 of the Act.	CEO	NIL
6.4	The power pursuant to Section 42(11) of the Act to consult with the Minister in relation to the Minister varying or revoking a notice under Section 42 of the Act.	CEO	NIL
7.	Local Authorised Officers		
7.1	The power pursuant to Section 44(1) of the Act, subject to Section 45 of the Act, to, by instrument in writing, appoint a suitably qualified person to be a local authorised officer.	CEO	NIL
7.2	The power pursuant to Section 44(2) of the Act to make an appointment under Section 44 subject to such conditions or limitations as the Delegate thinks fit.	CEO	NIL
7.3	The power pursuant to Section 44(4) of the Act to direct a local authorised officer.	CEO	NIL
7.4	The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.	CEO	NIL
7.5	The power pursuant to Section 44(7) of the Act to notify the Chief Public Health Officer in accordance with Section 44(8) of the Act, if the Council or the Delegate:	CEO	NIL
7.5.1	makes an appointment under Section 44 of the Act; or	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
7.5.2	revokes an appointment under Section 44 of the Act.	CEO	NIL
7.6	The power pursuant to Section 44(9) of the Act to determine the number of local authorised officers who should be appointed for the Council’s area and in determining the number of local authorised officers who should be appointed for the Council’s area, take into account any policy developed by the Chief Public Health Officer for the purposes of Section 44 of the Act.	CEO	NIL
8. Identity Cards			
8.1	The power pursuant to Section 46(1) of the Act to issue in accordance with Section 46(2) of the Act to an authorised officer appointed under the Act an identity card in a form approved by the Chief Public Health Officer:	CEO	NIL
8.1.1	containing the person’s name and a photograph of the person; and	CEO	NIL
8.1.2	stating that the person is an authorised officer for the purposes of the Act; and	CEO	NIL
8.1.3	setting out the name or office of the issuing authority.	CEO	NIL
9. Specific Power to Require Information			
9.1	The power pursuant to Section 49(1) of the Act to require a person to furnish such information relating to public health as may be reasonably required for the purposes of the Act.	CEO	NIL
10. Regional Public Health Plans			
10.1	The power pursuant to Section 51(1) of the Act to in accordance with Sections 51(2), (5), (6), (8), (9), (11), (12), (13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan).	CEO	NIL
10.2	The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	health plan at any time.		
10.3	The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan:	CEO	NIL
10.3.1	prepare a draft of the proposal; and	CEO	NIL
10.3.2	when the draft plan is completed, subject to Section 51(12) of the Act:	CEO	NIL
10.3.2.1	give a copy of it to:	CEO	NIL
	(a) the Minister; and	CEO	NIL
	(b) any incorporated hospital established under the <i>Health Care Act 2008</i> that operates a facility within the region; and	CEO	NIL
	(c) any relevant public health partner authority under Section 51(23); and	CEO	NIL
	(d) any other body or group prescribed by the regulations; and	CEO	NIL
10.3.2.2	take steps to consult with the public.	CEO	NIL
10.4	The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or the Delegate releases a draft plan under Section 51(11).	CEO	NIL
10.5	The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation.	CEO	NIL
10.6	The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief Public Health Officer, SAPHC, and any other body within the ambit of a determination under Section 51(14) of the Act, at the conclusion of the consultation processes envisaged by Sections 51(13) and (14).	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
10.7	The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration.	CEO	NIL
10.8	The power pursuant to Section 51(17) of the Act to undertake the processes set out in Section 51 of the Act in conjunction with the preparation and adoption of its strategic management plans under Section 122 of the <i>Local Government Act 1999</i> (and the power if the delegate thinks fit, incorporate a regional public health plan into the Council's strategic management plans under that Act).	CEO	NIL
10.9	The power pursuant to Section 51(18) of the Act to provide in a regional public health plan, by agreement with the public health partner authority, for a public health partner authority to take responsibility for undertaking any strategy, or for attaining any priority or goal, under the plan.	CEO	NIL
10.10	The power pursuant to Section 51(19) of the Act to review a regional public health plan at least once in every 5 years.	CEO	NIL
10.11	The power pursuant to Section 51(20) of the Act to, in preparing and reviewing the Council's regional public health plan insofar as is reasonably practicable, give due consideration to the plans of other councils insofar as this may be relevant to issues or activities under the Council's plan.	CEO	NIL
10.12	The power pursuant to Section 51(21) of the Act to, when performing functions or exercising powers under the Act or any other Act, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or the Delegate should implement changes to the manner in which, or the means by which, the Council or the Delegate performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change.	CEO	NIL
11. Reporting on Regional Public Health Plans			
11.1	The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act.			
12.	Action to Prevent Spread of Infection		
12.1	The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section 66(5) of the Act from the person who failed to take the required action.	CEO	NIL
12.2	The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease constituting a notifiable condition, take such action as is reasonably open to the Delegate to assist in preventing the spread of the disease.	CEO	NIL
13.	Notices		
13.1	The power pursuant to Section 92(1) of the Act and subject to Sections 92(2), (3), (4), (5) and (12) of the Act to issue a notice for the purpose of:	CEO	NIL
13.1.1	securing compliance with a requirement imposed by or under the Act (including the duty under Part 6 or a requirement imposed under a regulation or a code of practice under the Act); or	CEO	NIL
13.1.2	averting, eliminating or minimising a risk, or a perceived risk, to public health.	CEO	NIL
13.2	The power pursuant to Section 92(2) of the Act and subject to Section 92(12) of the Act, to, before issuing a notice to secure compliance with the general duty under Part 6 of the Act:	CEO	NIL
13.2.1	have regard to:	CEO	NIL
13.2.1.1	the number of people affected, or potentially affected, by the breach of the duty;	CEO	NIL
13.2.1.2	the degree of harm, or potential degree of harm, to public health on account of the breach of the duty;	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
13.2.1.3	any steps that a person in breach of the duty has taken, or proposed to take, to avoid or address the impact of the breach of the duty,	CEO	NIL
	and such other matters as the Delegate thinks fit; and	CEO	NIL
13.2.2	subject to Section 92 of the Act, give the person to whom it is proposed that the notice be given a preliminary notice in writing:	CEO	NIL
13.2.2.1	stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and	CEO	NIL
13.2.2.2	stating the reasons for the proposed action; and	CEO	NIL
13.2.2.3	inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to the Delegate or a person nominated to act on behalf of the Council).	CEO	NIL
13.3	The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.	CEO	NIL
13.4	The power pursuant to Section 92(3) of the Act to, in a case where Section 92(2)(b) of the Act applies, after considering representations made within the time specified under Section 92(2)(b) of the Act:	CEO	NIL
13.4.1	issue a notice in accordance with the terms of the original proposal; or	CEO	NIL
13.4.2	issue a notice with modifications from the terms of the original proposal; or	CEO	NIL
13.4.3	determine not to proceed further under Section 92.	CEO	NIL
13.5	The power pursuant to Section 92(4) of the Act to:	CEO	NIL
13.5.1	not give notice under Section 92(2)(b) of the Act if the Delegate considers that urgent or	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	immediate action is required in the circumstances of the particular case; and		
13.5.2	not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.	CEO	NIL
13.6	The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:	CEO	NIL
13.6.1	in the form of a written notice served on the person to whom it is issued; and	CEO	NIL
13.6.2	specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and	CEO	NIL
13.6.3	directing 2 or more persons to do something specified in the notice jointly; and	CEO	NIL
13.6.4	without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:	CEO	NIL
13.6.4.1	is the owner or occupier of the premises; or	CEO	NIL
13.6.4.2	has the management or control of the premises; or	CEO	NIL
13.6.4.3	is the trustee of a person referred to in Section 92(5)(i) or (ii) of the Act or is managing the affairs of such a person on some other basis; and	CEO	NIL
13.6.5	stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and	CEO	NIL
13.6.6	imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following:	CEO	NIL
13.6.6.1	a requirement that the person discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from a relevant authority;	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
13.6.6.2	a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;	CEO	NIL
13.6.6.3	a requirement that the person take specified action in a specified way, and within a specified period or at specified times or in specified circumstances;	CEO	NIL
13.6.6.4	a requirement that the person take action to prevent, eliminate, minimise or control any specified risk to public health, or to control any specified activity;	CEO	NIL
13.6.6.5	a requirement that the person comply with any specified code or standard prepared or published by a body or authority referred to in the notice;	CEO	NIL
13.6.6.6	a requirement that the person undertake specified tests or monitoring;	CEO	NIL
13.6.6.7	a requirement that the person furnish to a relevant authority specified results or reports;	CEO	NIL
13.6.6.8	a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the relevant authority, a plan of action to secure compliance with a relevant requirement or to prevent, eliminate, minimise or control any specified risk to public health;	CEO	NIL
13.6.6.9	a requirement prescribed under or for the purposes of the regulations; and	CEO	NIL
13.6.7	stating that the person may, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.	CEO	NIL
13.7	The power pursuant to Section 92(9) of the Act by written notice served on a person to whom a notice under Section 92 of the Act has been issued by the Delegate or the Council, vary or revoke the notice.	CEO	NIL
13.8	The power pursuant to Section 92(15) of the Act to, not comply with any other procedure, or hear from any other person, except as provided by Section 92 of the Act before the Delegate issues a notice under	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
Section 92 of the Act.			
14.	Action on Non-compliance with Notice		
14.1	The power pursuant to Section 93(1) of the Act if the requirements of a notice under Part 12 of the Act are not complied with, to take any action required by the notice.	CEO	NIL
14.2	The power pursuant to Section 93(2) of the Act to authorise a person for the purpose of taking action on the Council's behalf under Section 93(1) of the Act.	CEO	NIL
14.3	The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 93 of the Act as a debt from the person who failed to comply with the requirements of the notice.	CEO	NIL
14.4	The power pursuant to Section 93(5) of the Act, if an amount is recoverable from a person by the Council under Section 93, to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	CEO	NIL
15.	Action in Emergency Situations		
15.1	The power pursuant to Section 94(5) of the Act to recover the reasonable costs and expenses incurred by a local authorised officer in taking action under Section 94 from any person who caused the risk to which the action relates, as a debt.	CEO	NIL
16.	Reviews – Notices Relating to General Duty		
16.1	The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council.	CEO	NIL
16.2	The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:	CEO	NIL
16.2.1	dismiss or determine any proceedings that appear:	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
16.2.1.1	to be frivolous or vexatious; or	CEO	NIL
16.2.1.2	to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;	CEO	NIL
16.2.2	bring any proceedings to an end that appear:	CEO	NIL
16.2.2.1	to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or	CEO	NIL
16.2.2.2	to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or	CEO	NIL
16.2.3	bring any proceedings to an end for any other reasonable cause.	CEO	NIL
17. Appeals			
17.1	The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, appeal to the District Court against the outcome of review proceedings under Division 3, Part 12 of the Act.	CEO	NIL
INSTRUMENT OF DELEGATION UNDER THE SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013			
18. Duty to Register High Risk Manufactured Water System			
18.1	The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (the Legionella Regulations) to, on application made in a manner and form approved by the Council or Delegate and payment of the prescribed fee to the Council, register the high risk manufactured water system to which the application relates.	CEO	NIL
18.2	The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or Delegate and payment of the prescribed fee to the Council, renew the registration of the high risk manufactured water system to which the application relates.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
19.	Register of High Risk Manufactured Water Systems		
19.1	The power pursuant to Regulation 6(2) of the Legionella Regulations and subject to Regulation 6(3) of the Legionella Regulations to determine the manner and form of a register of high risk manufactured water systems registered by the Council.	CEO	NIL
19.2	The power pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register:	CEO	NIL
19.2.1	the type of water system; and	CEO	NIL
19.2.2	the address of the premises on which the water system is installed; and	CEO	NIL
19.2.3	the location of the water system on the premises; and	CEO	NIL
19.2.4	the full name and residential and business addresses of the owner of the premises; and	CEO	NIL
19.2.5	the full name, residential and business addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system,	CEO	NIL
	and such other information as the Delegate thinks fit.	CEO	NIL
19.3	The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with the Council is installed, written notice:	CEO	NIL
19.3.1	requiring the owner, within the period specified in the notice:	CEO	NIL
19.3.1.1	to cause an inspection of the water system to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance of the system); and	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
19.3.1.2	to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:	CEO	NIL
	(a) of at least 1 sample of water taken from a cooling water system; and	CEO	NIL
	(b) of at least 2 samples of water taken from a warm water system,	CEO	NIL
	to determine the presence and number of colony forming units of Legionella in the water; and	CEO	NIL
19.4	requiring the owner to submit to the Council written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.	CEO	NIL
20.	Power of Council to Require Microbiological Testing in Other Circumstances		
20.1	The power pursuant to Regulation 16(1) of the Legionella Regulations, if:	CEO	NIL
20.1.1	the Council is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk manufactured water system is installed; or	CEO	NIL
20.1.2	the Council or Delegate has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations,	CEO	NIL
	to give the owner of the premises written notice:	CEO	NIL
20.1.3	requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and	CEO	NIL
20.1.4	requiring the owner to submit to the Council a written report setting out the results of the	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
microbiological testing within 24 hours of receiving the report.			
21. Fees			
21.1	The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to the Council, to give the person written notice requiring the person to pay the fee within the period specified in the notice.	CEO	NIL
21.2	Deliberately left blank.	Deliberately Left Blank	Deliberately Left Blank
21.3	Deliberately left blank.	Deliberately Left Blank	Deliberately Left Blank
INSTRUMENT OF DELEGATION UNDER THE SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013			
22. Relevant Authority			
22.1	The power pursuant to Regulation 6(1)(b) of the South Australian Public Health (Wastewater) Regulations 2013 (the Wastewater Regulations) to, agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area if the system is to be operated by another council or wastewater works related to the system are to be undertaken by another council, or by a person acting in partnership, or in conjunction with that other council.	CEO	NIL
23. Public Notification of Proposed Community Wastewater Management System			
23.1	The power pursuant to Regulation 8(1) of the Wastewater Regulations to, if the Council proposes to establish a community wastewater management system for the whole or part of its area in the interests of public and environmental health, to give notice to the owners of land in the area affected by the proposal containing the prescribed details relating to the proposal and inviting submissions in relation to the proposal within a period (which must be at least 21 days) specified in the notice.	CEO	NIL
24. Connection to Community Wastewater Management System			

		Direct Delegation from Council	Conditions/ Limitations
24.1	The power pursuant to Regulation 9(1) of the Wastewater Regulations and subject to Regulation 9(2) of the Wastewater Regulations on obtaining a wastewater works approval for a community wastewater management system, to, by written notice, require the operator of an on-site wastewater system:	CEO	NIL
24.1.1	to connect the system to the community wastewater management system; and	CEO	NIL
24.1.2	for that purpose, to complete and submit an application to the Council, within the period specified in the notice, for a wastewater works approval for:	CEO	NIL
24.1.2.1	the connection; and	CEO	NIL
24.1.2.2	if necessary, consequential alterations to the on-site wastewater system.	CEO	NIL
24.2	The power pursuant to Regulation 9(4) of the Wastewater Regulations, if the operator of an on-site wastewater system does not submit an application within the period specified in a notice under Regulation 9(1) of the Wastewater Regulations, to grant a wastewater works approval for the required wastewater works as if the application had been made.	CEO	NIL
24.3	The power pursuant to Regulation 9(6) of the Wastewater Regulations, if wastewater works are not carried out in accordance with a wastewater works approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9 of the Wastewater Regulations, to cause the requirements to be carried out (and a person authorised to do so by the Council may enter land at any reasonable time for the purposes of carrying out the relevant work).	CEO	NIL
24.4	The power pursuant to Regulation 9(6) of the Wastewater Regulations to if wastewater works are not carried out in accordance with a wastewater approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9 of the Wastewater Regulations, authorise a person to enter land at any reasonable time for the purpose of carrying out the relevant work.	CEO	NIL
24.5	The power pursuant to Regulation 9(7) of the Wastewater Regulations to recover as a debt the costs and expenses reasonably incurred in exercising a power under Regulation 9(6) of the Wastewater Regulations	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
and the prescribed fee that would have been payable had the application been made as required under Regulation 9(1) of the Wastewater Regulations from the person who failed to comply with the notice.			
25. Exemptions			
25.1	The power pursuant to Regulation 10(3) of the Wastewater Regulations to give an exemption by written notice and subject to conditions determined by the Delegate and stated in the notice.	CEO	NIL
25.2	The power pursuant to Regulation 10(4) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.	CEO	NIL
26. Exemptions From Prescribed Codes			
26.1	The power pursuant to Regulation 15(3) of the Wastewater Regulations to give an exemption by written notice and is subject to conditions determined by the Delegate and stated in the notice.	CEO	NIL
26.2	The power pursuant to Regulation 15(5) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.	CEO	NIL
27. Application			
27.1	The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide the Council with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.	CEO	NIL
28. Determination of Application			
28.1	The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:	CEO	NIL
28.1.1	if the applicant fails to satisfy the Delegate of either or both of the following:	CEO	NIL
28.1.1.1	that the technical specifications for the wastewater works comply with the	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	prescribed codes;		
28.1.1.2	that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or	CEO	NIL
28.1.2	for any other sufficient reason.	CEO	NIL
28.2	The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made.	CEO	NIL
29.	Conditions of Approval		
29.1	The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:	CEO	NIL
29.1.1	any 1 or more of the following prescribed expiable conditions:	CEO	NIL
29.1.1.1	a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify the Council in a specified manner and stop the work pending an inspection carried out at the person's expense;	CEO	NIL
29.1.1.2	a condition that requires the display of specified notices on the premises on which the wastewater system is located;	CEO	NIL
29.1.1.3	a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person's expense) and to provide the Council with specified information in a specified manner and at specified times;	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
29.1.1.4	a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;	CEO	NIL
29.1.1.5	a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;	CEO	NIL
29.1.1.6	a condition that requires records of a specified kind to be created, maintained, and provided to the Council; or	CEO	NIL
29.1.2	any other conditions including any 1 or more of the following:	CEO	NIL
29.1.2.1	a condition that requires decommissioning of the wastewater system:	CEO	NIL
	(a) after a specified trial period; or	CEO	NIL
	(b) in specified circumstances; or	CEO	NIL
	(c) on written notice to the operator of the system;	CEO	NIL
29.1.2.2	a condition that requires a wastewater system to be connected to a community wastewater management system;	CEO	NIL
29.1.2.3	a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;	CEO	NIL
29.1.2.4	a condition that requires a wastewater system to have various access points for maintenance or inspection (raised to or terminating at surface level, or as required by the Council);	CEO	NIL
29.1.2.5	a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the Council supplied with a certificate given by that expert certifying that the	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	wastewater works have been undertaken in accordance with the approved technical specifications;		
29.1.2.6	a condition that otherwise specifies requirements relating to:	CEO	NIL
	(a) the installation of the waste watersystem; or	CEO	NIL
	(b) the decommissioning of the wastewater system; or	CEO	NIL
	(c) the connection of the wastewater system to a community wastewater management system or SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system or from SA Water sewerage infrastructure; or	CEO	NIL
	(d) the operation, servicing and maintenance of the wastewater system; or	CEO	NIL
	(e) the reuse or disposal of wastewater from the wastewater system.	CEO	NIL
29.2	The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that:	CEO	NIL
29.2.1	provides that a matter or thing is to be determined according to the discretion of the Council or some other specified person or body; and	CEO	NIL
29.2.2	operates by reference to the manuals referred to in a product approval for the wastewater system; and	CEO	NIL
29.2.3	operates by reference to a specified code as in force at a specified time or as in force from time to time.	CEO	NIL
29.3	The power pursuant to Regulation 25(6) of the Wastewater Regulations to, on application and payment of the prescribed fee, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
29.4	The power pursuant to Regulation 25(7) of the Wastewater Regulations to, on the Delegate’s own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, provided that the variation, revocation or imposition does not take effect until at least 6 months after the giving of the notice unless:	CEO	NIL
29.4.1	the operator consents; or	CEO	NIL
29.4.2	the Delegate states in the notice that, in his/her opinion, the variation, revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm.	CEO	NIL
30. Expiry of Approval			
30.1	The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the prescribed fee, postpone the expiry of a wastewater works approval for a specified period.	CEO	NIL
31. Registers of Wastewater Works Approvals			
31.1	The power pursuant to Regulation 27(3) of the Wastewater Regulations, to extend the registers to include wastewater works approvals granted under the revoked regulations.	CEO	NIL
31.2	The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered appropriate by the Delegate.	CEO	NIL
32. Requirement to Obtain Expert Report			
32.1	The power pursuant to Regulation 29(1) of the Wastewater Regulations, if the Delegate suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator of the system a written notice requiring the operator to obtain and provide to the Council a written report from an independent wastewater engineer within a specified period addressing specified matters.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
32.2	The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of a notice under Regulation 29 of the Wastewater Regulations are not complied with to obtain the required report and recover the costs and expenses reasonable incurred in doing so from the person who failed to comply with the notice, as a debt.	CEO	NIL
32.3	The power pursuant to Regulation 29(3) of the Wastewater Regulations, to authorise a person to enter land at any reasonable time for the purposes of the report.	CEO	NIL
33.	Deliberately left blank	Deliberately Left Blank	Deliberately Left Blank
<u>SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013</u>			
34.	Non-compliance with Notices (Section 93(6) of Act)		
34.1	The power pursuant to Regulation 5B(2) of the South Australian Public Health (General) Regulations 2013 (the General Regulations), for the purposes of the creation of a charge on land under Section 93 of the Act, to deliver to the Registrar-General a notice, in a form determined by the Minister on the recommendation or with the approval of the Registrar-General:	CEO	NIL
34.1.1	setting out the amount recoverable under Section 93 of the Act; and	CEO	NIL
34.1.2	setting out the land in relation to which the relevant action was taken; and	CEO	NIL
34.1.3	requesting the Registrar-General to make a notation under Regulation 5B of the General Regulations in relation to the relevant land.	CEO	NIL
34.2	The power pursuant to Regulation 5B(8) of the General Regulations, if or when the amount to which the charge relates is paid, to by further notice in writing to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General) cancel the charge.	CEO	NIL
<u>SOUTH AUSTRALIAN PUBLIC HEALTH (FEES) REGULATIONS 2018</u>			

		Direct Delegation from Council	Conditions/ Limitations
35.	Refund and Recovery of Fees		
35.1	The power pursuant to Clause 2(1) of Schedule 1 of the South Australian Public Health (Fees) Regulations 2018 (the Fees Regulations), to, where the Council is the relevant authority within the meaning of the respective regulations specified in Schedule 1 of the Fees Regulations, refund, reduce or remit payment of a fee payable under those regulations if the delegate considers that appropriate in the circumstances.	CEO	NIL
35.2	The power pursuant to Clause 2(2) of the Fees Regulations to recover a fee payable to the Council by action in a Court of competent jurisdiction as a debt due to the Council.	CEO	NIL

Appendix 10

*Instrument of Delegation under the
State Records Act 1997*

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE STATE RECORDS ACT 1997		
1. Surveys of Official Records and Record Management		
1.1. The power pursuant to Section 42(2) of the Food Act 2001 (“the Act”) to approve the removal or interference with the thing to which a seizure order under Part 4 of the Act relates before an order is made under Section 42(3)(b) or the order is discharged under Section 42(3)(c) of the Act.	CEO	Nil
2. Voluntary Transfer to State Records’ Custody		
2.1. The power pursuant to Section 18(1) of the Act to, subject to Section 18(2) of the Act, delivers any of the Council’s records into the custody of State Records.	CEO	Nil
3. Mandatory Transfer to State Records’ Custody		
3.1. The power pursuant to and subject to Section 19(1) of the Act, to deliver an official record of the Council into the custody of State Records (unless sooner delivered to State Records) or dispose of an official record of the Council in accordance with this Act):	CEO	Nil
3.1.1. when the Council ceases to require access to the record for current administrative purposes; or	CEO	Nil
3.1.2. during the year occurring 15 years after the record came into existence,	CEO	Nil
whichever first occurs.	CEO	Nil
3.2. The power pursuant to and subject to Section 19(3) of the Act, to postpone the delivery of records into the custody of State Records:	CEO	Nil
3.2.1. in accordance with record management standards issued by the Manager; or	CEO	Nil
3.2.2. with the Manager’s approval, in cases where the Manager is satisfied (after consultation with the Council) that the records are further required for current administrative purposes or should be retained for any other special reason.	CEO	Nil
3.3. The power pursuant to Section 19(3)(c) of the Act, to make submissions to the Manager for the delivery of records into the custody of State Records to be postponed.	CEO	Nil

	Direct Delegation from Council	Conditions/ Limitations
3.4. The power pursuant to Section 19(5) of the Act, to apply to the Manager for an exemption granted under Section 19(4) of the Act to be varied or revoked.	CEO	Nil
4. Keeping of Official Records in Premises Other than State Records' Premises		
4.1. The power pursuant to Section 22(2) of the Act, to require an arrangement under Section 22(1) of the Act to be subject to such conditions as the Delegate may reasonably require.	CEO	Nil
5. Disposal of Official Records by Agency		
5.1. The power pursuant to Section 23(1) of the Act, to dispose of official records in accordance with a determination made by the Manager with the approval of the State Records Council.	CEO	Nil
5.2. The power pursuant to Section 23(2) of the Act, to request the Manager makes a determination as to the disposal of official records.	CEO	Nil
5.3. The power pursuant to Section 23(4) of the Act, if there is a dispute as to a determination under Section 23 of the Act to make an application to the Minister to determine the matter.	CEO	Nil
6. Disposal of Official Records by Manager		
6.1. The power pursuant to Section 24(3) of the Act, to consent and make submissions to the Minister in relation to the disposal of a record under Section 24(1) of the Act.	CEO	Nil
7. Agency's Access to Records in Custody of State Records		
7.1. The power pursuant to Section 25(1) of the Act, to have such access to, and make or direct such use of as the Delegate requires, official records in the custody of State Records for which the Council is responsible.	CEO	Nil
7.2. The power pursuant to Section 25(3) of the Act, if there is a dispute as to access under Section 25 of the Act, to make an application to the Minister to determine the matter.	CEO	Nil
8. Public Access to Records in Custody of State Records		
8.1. The power pursuant to Section 26(1) of the Act, in relation to official records in the custody of State Records for which the Council is responsible, to, in consultation with the Manager:	CEO	Nil

	Direct Delegation from Council	Conditions/ Limitations
<p>8.1.1. determine that access to the record (other than by the Council) is not subject to any restrictions other than those determined by the Manager under Section 26(2) of the Act; or</p>	CEO	Nil
<p>8.1.2. determine conditions excluding or restricting access to the record.</p>	CEO	Nil