



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Acting Mayor Nathan Daniell

Councillor Kirrilee Boyd
Councillor Adrian Cheater
Councillor Pauline Gill
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Louise Pascale
Councillor Melanie Selwood

Notice is given pursuant to the provisions under Section 83 of the *Local Government Act 1999* that the next meeting of the Council will be held on:

Tuesday 12 September 2023
6.30pm
63 Mt Barker Road Stirling

A copy of the Agenda for this meeting is supplied under Section 83 of the Act.

Meetings of the Council are open to the public and members of the community are welcome to attend. Public notice of the Agenda for this meeting is supplied under Section 84 of the Act.

A handwritten signature in black ink, appearing to read 'GG', with a small dot at the end.

Greg Georgopoulos
Chief Executive Officer

7 September 2023



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 12 September 2023
6.30pm
63 Mt Barker Road Stirling

ORDER OF BUSINESS

1. COMMENCEMENT

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kurna people. They are Custodians of this ancient and beautiful land and so we pay our respects to Elders past, present and emerging. We will care for this country together by ensuring the decisions we make will be guided by the principle that we should never decrease our children's ability to live on this land.

3. APOLOGIES/LEAVE OF ABSENCE

3.1. Apology

Apologies were received from

3.2. Leave of Absence

Mayor Jan-Claire Wisdom 14 August – 24 September 2023, approved at Council
11 April 2023

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 22 August 2023

That the minutes of the ordinary meeting held on 22 August 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

6. MAYOR'S OPENING REMARKS

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

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

8. PETITIONS / DEPUTATIONS / PUBLIC FORUM

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

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

- 11.1. Sustainable Procurement (Cr Melanie Selwood)

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Road Exchange Decision 13 Upper Sturt Road Crafers West

1. *That the report be received and noted.*
 - *In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, to enter into an Agreement for Exchange with the owner of the land at 13 Upper Sturt Road, Crafers West and issue a Road Process Order for the following:*
 - *close a portion of the existing public road known as Upper Sturt Road, Crafers West identified as “B” on the Preliminary Plan No 22/0047, and merge it with Allotment 49 in Filed Plan No. 151349 comprised in Certificate of Title Volume 5848 Folio 416; and*
 - *open as public road the area identified as “C” on the Preliminary Plan No. 22/0047.*
2. *That the piece of land to be opened and identified in Preliminary Plan 22/0047 as “C”, be excluded from the classification of Community Land and not be included in Council's Community Land Register.*
3. *That the piece of road / land identified in Preliminary Plan 22/0047 as “B” that will be closed and merged with their property comprised in Certificate of Title Volume 5848 Folio 416, located at 13 Upper Sturt Road Crafers West be transferred for nil consideration.*
4. *That the piece of land to be opened as public road and identified in Preliminary Plan 22/0047 as “C”, be transferred to Council for nil consideration.*

5. *That all costs for the road opening / closing process in accordance with the Roads (Opening and Closing) Act 1991, be paid for by Council.*
6. *That the Chief Executive Officer or his delegate is authorised to finalise and sign all necessary documentation to exchange the proposed portion of closed road pursuant to this resolution.*

12.2. CEOPRP Independent Member recruitment

DECISION 1

Council resolves:

1. *That the report be received and noted*
2. *To undertake a recruitment process for the selection of one Independent Ordinary Member for the CEO Performance Review Panel for a term of 36 months, indicatively commencing 21 November 2023.*
3. *To determine that the method of selecting the CEO Performance Review Panel Independent Member Selection Panel members to be by an indicative vote to determine the preferred persons for the positions using the process set out in this Agenda report.*
4. *To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the CEO Performance Review Panel Independent Member Selection Panel and for the meeting to resume once the results of the indicative voting for the Member roles has been declared.*

DECISION 2

Council resolves to appoint _____ , _____ and the Manager People & Culture as members of the CEO Performance Review Panel Independent Member Selection Panel.

12.3. Delegations Review

Refer to Agenda

12.4. Status Report – Council Resolutions Update

Refer to Agenda

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

Nil

14. QUESTIONS WITHOUT NOTICE

15. MOTIONS WITHOUT NOTICE

16. REPORTS

- 16.1. Council Member Function or Activity on the Business of Council
- 16.2. Reports of Members/Officers as Council Representatives on External Organisations
- 16.3. CEO Report

17. REPORTS OF COMMITTEES

- 17.1. Council Assessment Panel
Nil
- 17.2. Audit Committee - 21 August 2023
That the minutes of the Audit Committee meeting held on 21 August 2023 as supplied, be received and noted
- 17.2.1. Audit Committee Recommendations to Council – 21 August 2023
 - 1. That the report be received and noted.*
 - 2. That the Chief Executive Officer review internal processes to ensure that reviews of strategic risks are undertaken in a timely manner, and are not overdue by more than 6 months.*
- 17.3. CEO Performance Review Panel
Nil
- 17.4. Boundary Change Committee
Nil

18. CONFIDENTIAL ITEMS

Nil

19. NEXT MEETING

Tuesday 26 September 2023, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting & Workshops 2023

DATE	TYPE	LOCATION	MINUTE TAKER
SEPTEMBER 2023			
Tues 26 September	Council	Stirling	Kylie Hopkins
Thur 28 September	CEOPRP	Stirling	TBA
OCTOBER 2023			
Tues 3 October	Workshop (moved due to public holiday)	Woodside	N/A
Tues 10 October	Council	Stirling	TBA
Wed 11 October	CAP	Stirling	Karen Savage
Mon 16 October	Audit Committee	Stirling	TBA
Tues 17 October	Professional Development	Stirling	N/A
Tues 24 October	Council	Stirling	Kylie Hopkins
NOVEMBER 2023			
Mon 6 November	Workshop	Woodside	N/A
Wed 8 November	CAP	Stirling	Karen Savage
Tues 14 November	Council	Stirling	Kylie Hopkins
Mon 20 November	Audit Committee	Stirling	TBA
Tues 21 November	Workshop	Stirling	N/A
Tues 28 November	Council	Stirling	Kylie Hopkins
DECEMBER 2023			
Mon 4 December	Workshop	Woodside	N/A
Wed 13 December	CAP	Stirling	Karen Savage
Thur 14 December	CEOPRP	Stirling	TBA
Tues 19 December	Council	Stirling	Kylie Hopkins

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

Conflict of Interest Disclosure Form

CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS

Date: _____

Meeting Name (please tick one)

- | | | | |
|------------------------------|--------------------------|---------------------------|--------------------------|
| Ordinary Council | <input type="checkbox"/> | Audit Committee | <input type="checkbox"/> |
| Special Council | <input type="checkbox"/> | Boundary Change Committee | <input type="checkbox"/> |
| CEO Performance Review Panel | <input type="checkbox"/> | Other: _____ | <input type="checkbox"/> |

Item No **Item Name:**

(Only one conflict of interest entry per form)

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

GENERAL

MATERIAL

GENERAL

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

MATERIAL

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

The nature of my conflict of interest is as follows:

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

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

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

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

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

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

8. DEPUTATIONS

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

1. A request to make a deputation should be made by submitting a Deputation Request Form, (available on Council's website and at Service and Community Centres) to the CEO seven clear days prior to the Council meeting for inclusion in the agenda.
2. Each deputation is to be no longer than ten (10) minutes, excluding questions from Members.
3. Deputations will be limited to a maximum of two per meeting.
4. In determining whether a deputation is allowed, the following considerations will be taken into account:
 - the number of deputations that have already been granted for the meeting
 - the subject matter of the proposed deputation
 - relevance to the Council agenda nominated – and if not, relevance to the Council's powers or purpose
 - the integrity of the request (i.e. whether it is considered to be frivolous and/or vexatious)
 - the size and extent of the agenda for the particular meeting and
 - the number of times the deputee has addressed Council (either in a deputation or public forum) on the subject matter or a similar subject matter.

8.3 PUBLIC FORUM

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

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

Item 4 Minutes of Council

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 AUGUST 2023
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Acting Mayor Nathan Daniell

Members:

Councillor Kirrilee Boyd
Councillor Adrian Cheater
Councillor Pauline Gill
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Leith Mudge
Councillor Kirsty Parkin
Councillor Melanie Selwood

In Attendance:

Greg Georgopoulos	Chief Executive Officer
Terry Crackett	Director Corporate Services
Peter Bice	Director Infrastructure & Operations
Natalie Armstrong	Director Development & Regulatory Services
Rebecca Shepherd	Manager Community Capacity
Deryn Atkinson	Manager Development Services
Karen Cummings	Manager Property Services
Lachlan Miller	Exec Manager Governance & Performance
Melissa Grimes	Consultant - Governance
Pam Williams	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6.30pm.

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kurna people. They are Custodians of this ancient and beautiful land and so we pay our respects to Elders past, present and emerging. We will care for this country together by ensuring the decisions we make will be guided by the principle that we should never decrease our children's ability to live on this land.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
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3. Apology

Cr Louise Pascale
Cr Mark Osterstock
Cr Lucy Huxter

3.1 Leave of Absence

Mayor Jan-Claire Wisdom 14 August – 24 September 2023, approved at Council 11 April 2023.

3.2 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 8 August 2023

Moved Cr Malcolm Herrmann
S/- Cr Adrian Cheater

221/23

That the minutes of the Ordinary Council meeting held on 8 August 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting with the inclusion of Carried Unanimously in the resolution outcome of Item 4.1 – Minutes of 25 July 2023 Ordinary Council Meeting.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 AUGUST 2023
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5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 General Conflict of Interest, Cr Melanie Selwood – Item 12.1 Recovery Ready Halls Grant

Under section 75B of the *Local Government Act 1999* Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item <number/name>, the nature of which is as follows:

- I am a volunteer with one of the proposed groups and my husband has indicated an intention to join the management committee but yet has to attend his first meeting. Due to our close ties with that group I will leave the meeting.

Cr Melanie Selwood intends to leave the Chamber when this item is discussed.

5.2 General Conflict of Interest, Cr Leith Mudge – Item 12.1 Recovery Ready Halls Grant

Under section 75B of the *Local Government Act 1999* Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 12.1 Recovery Ready Halls Grant, the nature of which is as follows:

I wrote a recommendation letter for one of the applicants and it would not be appropriate for me to be a decision maker on these grants.

Cr Leith Mudge intends to leave the Chamber when this item is discussed.

5.3 General Conflict of Interest, Cr Leith Mudge – Item 11.1 Bringing Community Groups Together

Under section 75B of the *Local Government Act 1999* Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 11.1 Bringing Community Groups Together, the nature of which is as follows:

I am involved in an unincorporated community group that may benefit from the outcome of the motion.

Cr Leith Mudge advised that he believes he will be able to put the public interest ahead of any private interest and make a fair and impartial decision and will participate in discussions and vote.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
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5.4 General Conflict of Interest, Cr Nathan Daniell – Item 11.1 Bringing Community Groups Together

Under section 75B of the *Local Government Act 1999* Cr Nathan Daniell disclosed a General (section 74) Conflict of Interest in Item 11.1 Bringing Community Groups Together, the nature of which is as follows:

I have contributed to the development of an unincorporated community group in Bridgewater called Activating Bridgewater.

Cr Nathan Daniell advised that he believes he will be able to put the public interest ahead of any private interest and make a fair and impartial decision and will participate in discussions and vote.

5.5 General Conflict of Interest, Cr Melanie Selwood – Item 11.1 Bringing Community Groups Together

Under section 75B of the *Local Government Act 1999* Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 12.1 Recovery Ready Halls Grant, the nature of which is as follows:

I am a member of two community groups but am not a member of the management committee.

Cr Melanie Selwood will participate in discussions and vote.

6.34pm Cr Herrmann left the Chamber.

6. PRESIDING MEMBER'S OPENING REMARKS

Welcome Country Cabinet this week, will engage with them, opportunities ...

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

Nil

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8.2 Deputations

Nil

8.3 Public Forum

Nil

6.37pm Cr Malcolm Herrmann returned to the Chamber.

9. PRESENTATIONS

**9.1 Department of Environment re Gawler Rive Flood Management Business Case –
Katharine Ward, Project Manager**

10. QUESTIONS ON NOTICE

10.1 Community & Recreation Facilities Framework (Cr Melanie Selwood)

1. Which recreation facilities have chosen to 'opt-in' to Council taking on maintenance?
2. Which recreation facilities have chosen to 'opt-out' from Council maintenance and continue their own maintenance with a contribution from Council?
3. How is the funding contribution calculated for groups who have chosen to opt-out?
4. Will any funding contribution remain for a fixed-term or will it have a staged increase over time (e.g. in line with CPI)?
5. Where groups have opted in, is Council committing to a schedule for maintenance based around game times and the specific requirements of each recreation ground?
6. What is Council's budget allocation for maintenance for both opt-in and opt-out?
7. Have Council's budget projections for recreation facilities changed now that most groups have made their decision to opt-in or opt-out?
8. What extra administrative burdens have been placed on volunteer committees regarding maintenance (such as risk assessments, safe operating procedures, application and acquittals for funding)?

Officer Response

Council endorsed the Community and Recreation Facility Framework (CRFF) at its 23 August 2022 meeting following an extensive development, engagement and collaboration process over the previous four years.

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There are some substantial improvements that the adoption of the CRFF and its ongoing implementation will facilitate. These include:

- Significantly improved equity in Council resourcing and support between Council and community owned facilities
- The allocation and spending of Council resources in accordance with agreed priorities and approved service levels
- Significantly improved standard of facilities over time for the community
- Allocation of funding to ensure ongoing safety of facilities is achieved for the community
- Clear obligations and arrangements for Council and community groups, clubs and associations
- Assistance with clubs planning for the future
- Policy positions that reflect the Adelaide Hills Council and its unique environment
- Clear Work, Health and Safety obligations and processes for community groups, clubs and associations

The CRFF project was an action from Council’s Sport and Recreation Strategy (2016-2021), and following its adoption, also replaced Council’s Sport and Recreation Policy. A significant part of the CRFF’s implementation involved the development of new leases for Council owned sites, and arrangements regarding Council’s contribution towards oval maintenance.

1. **Which recreation facilities have chosen to 'opt-in' to Council taking on maintenance?**
2. **Which recreation facilities have chosen to 'opt-out' from Council maintenance and continue their own maintenance with a contribution from Council?**

The following table outlines the intentions of community groups, clubs and associations at the time of compiling this response in regards to oval maintenance under the new CRFF.

Currently, Council directly maintains five (5) recreation facilities (i. e. opting in) with the rest being maintained by the community groups with a financial contribution from Council as highlighted below under the third 22/23 oval maintenance allocation column. With the rollout of the new CRFF it is likely that eight (8) recreation facilities will choose the “Opt In” option. This includes the sites listed below as “hybrid” sites where there is no automated irrigation system. In these instances, Council will maintain the site and pay for bore electricity costs, and the club will continue to irrigate the oval manually. Included in this list is Heathfield Oval who have chosen to continue with the current arrangement of Council maintaining their oval under their existing Lease.

Eleven sites have chosen to “Opt Out” of Council undertaking maintenance, instead choosing a cash contribution from Council together with the ongoing utilisation of volunteers to maintain their ovals.

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The split of sites is shown below where the highlighted sections represent budgeted costs based on Opt In/ Out decision for 2023/24:

Site	Ownership	22/23 allocation or cost	Council Cost (Opt In Hybrid)	Council Cost (Opt In)	Min amount (Opt Out)	Opt In/ Out status
Bradbury (*)	Council	14,000		18,000	10,000	Opt In
Bridgewater (*)	Council	12,000		15,000	9,000	Opt In
Woodside	Council	12,200		58,000	25,000	Opt In
Aldgate (*)	Council	10,000		12,000	6,500	Opt In
Ashton	Council	5,400	25,000	40,000	9,000	Hybrid
Heathfield (*)	Council	12,000		15,000	12,000	Remaining on current Lease
Mylor	Council	5,400		19,000	13,000	Opt Out
Scott Creek	Council	5,400	18,000	26,000	9,000	Hybrid
Balhannah	Council	7,000		21,000	14,000	Opt Out
Basket Range	Community	5,400		15,000	9,000	Opt Out
Birdwood	Community	7,000		31,000	20,000	Opt Out
Forest Range	Community	5,400		15,000	9,000	Opt Out
Gumeracha	Council	7,000		22,000	9,000	Opt Out
Houghton	Community	5,400		18,000	10,000	Opt Out
Kersbrook	Community	7,000		24,000	14,000	Opt Out
Lenswood	Community	5,400		15,000	9,000	Opt Out
Lobethal	Community	7,000		25,000	14,000	Opt Out
Mount Torrens	Community	5,400	25,000	40,000	12,000	Hybrid
Paracombe	Community	5,400		19,000	11,000	Opt Out
Uraidla	Community	7,000		22,000	13,000	Opt Out
Stirling (*)	Council	12,000		15,000	8,000	Opt In
		\$162,800	\$68,000	\$133,000	\$145,000	

(*) Cost shown for 2022/23 are estimates only as ledger records at a consolidated level.

3. How is the funding contribution calculated for groups who have chosen to opt-out?

For the sites that have chosen to “Opt Out” (i. e. choosing an annual cash contribution from Council) the funding contribution is calculated at a rate per square metre based on the size of the oval. The rate per square metre is based on a standard level of service appropriate for community use. This approach attempts to ensure that equity is maintained across all of the facilities, a key outcome of the adopted CRFF.

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- 4. Will any funding contribution remain for a fixed-term or will it have a staged increase over time (e.g. in line with CPI)?**

It is proposed by the Administration to alter allocations based upon CPI each year. This will be undertaken as part of the development of the Annual Business Plan.

- 5. Where groups have opted in, is Council committing to a schedule for maintenance based around game times and the specific requirements of each recreation ground?**

Yes. Funding allocations for both the opt in and opt out scenarios have been based on the same level of service for active open spaces across the whole Council area, to a “community use” standard. This level of service has been communicated with each Lessee. If Clubs/Lessees are seeking a level of service over and above the community standard that has been adopted by Council, this needs to be undertaken at their own cost.

- 6. What is Council's budget allocation for maintenance for both opt-in and opt-out?**

As per the table above the current allocation for maintenance costs is as follows:

- for those opting in (but under a hybrid model) the cost to Council is \$68k
- for those opting in (or remaining on their current lease) the cost to Council is \$133k
- for those opting out the cost to Council is \$145k

- 7. Have Council's budget projections for recreation facilities changed now that most groups have made their decision to opt-in or opt-out?**

Based on the expected mix of those opting in and those option out the budget projections at this time have not changed. This will be regularly reviewed, and if necessary, adjusted as part of normal budget processes.

- 8. What extra administrative burdens have been placed on volunteer committees regarding maintenance (such as risk assessments, safe operating procedures, application and acquittals for funding)?**

There is expected to be an increase in the reporting requirements for lessees. This relates to the need to meet work, health and safety reporting at their sites, as well as acquittal of funds allocated for expenditure on oval maintenance (where they have opted out). Council staff are working with groups to ensure where possible any additional reporting is minimised.

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11. MOTIONS ON NOTICE

Cr Leith Mudge, Cr Melanie Selwood and Acting Mayor Nathan Daniell declared a General Conflict of Interest at Agenda Item 5, 'Declaration of Interest by Members of the Council' in relation to Item 11.1.

11.1 Bringing Community Groups Together

**Moved Acting Mayor Nathan Daniell
S/- Cr Pauline Gill**

222/23

- 1. Council convenes an inaugural gathering of our local community groups whose primary focus is to assist and promote a vibrant and thriving community for their local area.**
- 2. The inaugural gathering has two key objectives, to provide:**
 - a. An opportunity for information sharing between different community groups;**
 - b. To provide both the administration and elected members with insight into how the community groups are supporting their local area, along with current opportunities and challenges they face.**
- 3. Council engages with local community groups to inform the format of the event.**
- 4. Once the event has been held the CEO prepare a report which:**
 - a. Reviews and reports on the success (or otherwise) of the event;**
 - b. Considers the merits and feasibility of holding semi-regular events such as this into the future.**

Carried Unanimously

Cr Leith Mudge, Cr Melanie Selwood and Acting Mayor Nathan Daniell voted 'for' the motion. The majority of persons who were entitled to vote at the meeting voted in favour of the motion.

12. OFFICER REPORTS – DECISION ITEMS

Cr Leith Mudge and Cr Melanie Selwood declared a General Conflict of Interest at Agenda Item 5, 'Declaration of Interest by Members of the Council' in relation to Item 12.1

7.15pm Cr Leith Mudge and Cr Melanie Selwood left the chamber.

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12.1 Recovery Ready Halls Grant

Moved Cr Malcolm Herrmann
S/- Cr Adrian Cheater

223/23

Council resolves:

- 1. That the report be received and noted.**
- 2. That Council approve the awarding of Recovery Ready Halls funding totalling \$228,000.00 as follows:**

Charleston Community Centre	Kitchen upgrade, UHF radios, internal electrical upgrade	\$25,000
Houghton Inglewood & Hermitage Memorial Park Inc	Solar panels, battery & Generator	\$15,000
Mylor Citizens Friendship Club Inc	Replacement rainwater tank	\$10,000
Longwood Bradbury Progress Association	Servery window & community noticeboard	\$3,000
Uraidla & Summertown Horticultural & Floricultural Society	Ember proofing works to roof	\$27,000
Upper Sturt Community Association Inc	Planning & engineering docs for accessibility works, website upgrade, generator & BBQ	\$10,000
Basket Range war memorial hall Inc	Solar panels & battery	\$30,000
Piccadilly Community Hall Inc	Access ramp, handrails & compliant doors	\$18,000
Uraidla Institute	Electrical upgrade & air-conditioning units	\$35,000
Gumeracha & District Town Hall Committee Inc	Electrical upgrade	\$25,000
Mount Torrens Soldiers Memorial Hall Inc	Electrical upgrade	\$22,000
Scott Creek Progress Association	Kitchen upgrade	\$8,000

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3. That Council authorises the Chief Executive Officer to amend specific financial allocations to each recipient if required due to changes in circumstances, (including but not limited to: reduced project management costs, applicants' ability to commit to the scope of work for the allocated funding and projects not proceeding) not exceeding total funding amount of \$250,000.

Carried Unanimously

7.22pm Cr Leith Mudge and Cr Melanie Selwood returned to the Chamber

12.2 Preliminary End of Year Financial Results and Carry Forwards

Moved Cr Malcolm Herrmann
S/- Cr Melanie Selwood

224/23

Council resolves:

1. That the report be received and the preliminary end of year financial results for 2022-23 be noted.
2. That the following Carry Forward amounts from 2022-23 (*Appendix 1* of this report) be approved for inclusion in the 2023-24 Budget:
 - a. Additional Capital expenditure of \$4,488,377
 - b. Additional Capital Income of \$2,919,143
 - c. Additional Operating expenditure of \$439,736
 - d. Additional Operating income of \$434,636
3. To note that changes to the 2023-24 Budget as a result of the proposed Carry Forward amounts will result in Financial sustainability indicators within Council's agreed targets as follows:

i. Operating Surplus Ratio	2.1%	(Target 1% to 5%)
ii. Operating Surplus Ratio (underlying)	2.2%	(Target 1% to 5%)
iii. Net Financial Liabilities Ratio	54%	(Target 25% to 75%)
iv. Asset Renewal Funding Ratio	100%	(Target 95% to 105%)

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 AUGUST 2023
63 MT BARKER ROAD STIRLING**

12.3 Appointment to Adelaide Hills Reconciliation Working Group

Moved Cr Pauline Gill
S/- Cr Kirrilee Boyd

225/23

Council resolves that Cr Leith Mudge be appointed to the Reconciliation Working Group for the term 9 August 2023 to 28 February 2025.

Carried Unanimously

12.4 Accredited Professionals Policy

Moved Cr Leith Mudge
S/- Cr Chris Grant

226/23

Council resolves:

1. That the report be received and noted.
2. With an effective date of 5 September 2023, to revoke the 23 June 2020 Accredited Professionals Policy and to adopt the 22 August 2023 Accredited Professionals Policy as contained in *Appendix 1*.
3. The Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the draft Accredited Professional Policy contained in *Appendix 1*.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 AUGUST 2023
63 MT BARKER ROAD STIRLING**

12.5 Code of Practice for Access to Meetings and Documents

Moved Cr Leith Mudge
S/- Cr Adrian Cheater

227/23

Council resolves:

1. That the report be received and noted.
2. That in relation to the *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents*:
 - a. With an effective date of 23 August 2023, adopt the *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents* as contained in Appendix 1.
 - b. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents* prior to the date of effect.

Carried Unanimously

12.6 Delegation Review

Not included in the Agenda

13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Quarterly Council Performance Q4

Moved Cr Pauline Gill
S/- Cr Chris Grant

228/23

Council resolves that the report be received and noted.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 AUGUST 2023
63 MT BARKER ROAD STIRLING**

13.2 Service Review Biannual Report – Civil Services

**Moved Cr Kirrilee Boyd
S/- Cr Leith Mudge**

229/23

Council resolves that the report be received and noted.

Carried Unanimously

14. QUESTIONS WITHOUT NOTICE

Cr Malcolm Herrmann –Warren Road, Martin Hill Road & Lucky Hit Road Intersection, Forreston

15. MOTIONS WITHOUT NOTICE

Nil

16. REPORTS

16.1 Council Member Function or Activity on the Business of Council

Cr Melanie Selwood

- 10 August, Woodside Recreation Grounds Committee Meeting
- 17 August, Greater Adelaide Regional Plan Discussion Paper Briefing Session for Elected Members

Cr Malcolm Herrmann

- 6 August, RSL Annual Dinner, Stirling
- 12 August, Opening Caravan Park, Mount Pleasant
- 14 August, Neighbour Hood Watch Winding Up, Gumeracha
- 19 August, Adelaide Hills (War Memorial) Swimming Centre, Woodside

16.2 Reports of Members as Council/Committee Representatives on External Organisations

Cr Malcolm Herrmann

- 7 August, GRFMA Audit Committee, North Adelaide
- 17 August, GRFMA, Gawler

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 AUGUST 2023
63 MT BARKER ROAD STIRLING**

16.3 CEO Report

Greg Georgopoulos, CEO, provided Council with a verbal update, including:

- Staff Engagement strategy
- Organisational strategy
- Engagement with Community
- Boundary Reform proposal
- Economic & Environmental potential of region to Country Cabinet
- Council Champions initiative

17. REPORTS OF COMMITTEES**17.1 Council Assessment Panel – 9 August 2023**

**Moved Cr Leith Mudge
S/- Cr Adrian Cheater**

230/23

That the minutes of the Council Assessment Panel meeting held on 9 August 2023 as distributed, be received and noted.

Carried Unanimously

17.2 Audit Committee

Nil

17.3 CEO Performance Review Panel

Nil

17.4 Boundary Change Committee

Nil

18. CONFIDENTIAL ITEMS

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 AUGUST 2023
63 MT BARKER ROAD STIRLING**

19. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 12 September 2023 from 6.30pm at 63 Mt Barker Road, Stirling.

20. CLOSE MEETING

The meeting closed at 7.48pm.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 4 SEPTEMBER 2023
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Acting Mayor Nathan Daniell

Members:

Councillor Kirrilee Boyd
Councillor Adrian Cheater
Councillor Pauline Gill
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Mark Osterstock
Councillor Louise Pascale
Councillor Melanie Selwood

In Attendance:

Greg Georgopoulos	Chief Executive Officer
Terry Crackett	Director Corporate Services
David Waters	Director Community Capacity
John McArthur	A/Director Infrastructure & Operations
Lachlan Miller	Executive Manager Governance & Performance
Tom Portas	System Support

1. COMMENCEMENT

The special meeting commenced at 6.30pm.

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kurna people. They are Custodians of this ancient and beautiful land and so we pay our respects to Elders past, present and emerging. We will care for this country together by ensuring the decisions we make will be guided by the principle that we should never decrease our children's ability to live on this land.

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Cr Kirsty Parkin
Cr Leith Mudge

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 4 SEPTEMBER 2023
63 MT BARKER ROAD STIRLING**

3.1.1 Leave of Absence

- Mayor Jan-Claire Wisdom from 14 August 2023 – 24 September 2023 inclusive, approved at Council 11 April 2023.

3.2 Absent

Nil

4. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

Nil

5. PRESIDING MEMBER'S OPENING REMARKS

Nil

6. CONFIDENTIAL ITEM

6.1 Amy Gillett Bikeway Stage 4 – Alternate Offer to State Government – Exclusion of the Public

Moved Cr Chris Grant
S/- Cr Kirrilee Boyd

231/23

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

- Chief Executive Officer, Greg Georgopoulos
- Director Community Capacity, David Waters
- Director Corporate Services, Terry Crackett
- Acting Director Infrastructure & Operations, John McArthur
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Strategic Assets, David Collins
- Manager Open Space, Chris Janssan
- Tom Portas, System Support

be excluded from attendance at the meeting for Agenda Item 6.1: (Amy Gillett Stage 4 - Alternate Offer to State) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 4 SEPTEMBER 2023
63 MT BARKER ROAD STIRLING**

- (j) Section 90(3)(j) of the *Local Government Act 1999*, the information to be received, discussed, or considered in relation to this Agenda Item is information the disclosure of which –
- (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
 - (ii) would, on balance, be contrary to the public interest.

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

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 4 SEPTEMBER 2023
63 MT BARKER ROAD STIRLING**

6.1.1 Amy Gillett Bikeway Stage 4 – Alternate Offer to State Government – Confidential Item

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 4 SEPTEMBER 2023
63 MT BARKER ROAD STIRLING**

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 4 SEPTEMBER 2023
63 MT BARKER ROAD STIRLING**

6.1.2 Amy Gillett Bikeway Stage 4 – Alternate Offer to State Government – Duration of Confidentiality

Moved Cr Mark Osterstock
S/- Cr Chris Grant

233/23

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 6.1 in confidence under sections 90(2) and 90(3)(j) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	4 September 2024 or upon finalisation of all relevant agreements with the State and Federal Governments.
Related Attachments	4 September 2024 or upon finalisation of all relevant agreements with the State and Federal Governments.
Minutes	4 September 2024 or upon finalisation of all relevant agreements with the State and Federal Governments.
Other	Nil

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

Carried Unanimously

7. CLOSE MEETING

The meeting closed at 7.15pm.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 12 September 2023
AGENDA BUSINESS ITEM**

Item: 11.1 Motion on Notice

Originating from: Cr Melanie Selwood

Subject: Sustainable Procurement

1. MOTION

I move that:

- 1. The CEO undertake a review of the current Procurement Policy and Procurement Framework against the International Standard for Sustainable Procurement ISO 20400.**
- 2. From 1 July 2024 all tenders request at least the following information and these criteria are taken into account in assessing the sustainability of a tender:**
 - a. Carbon footprint**
 - b. Sustainability of their supply chain**
 - c. Practices to minimise waste**
 - d. Percentage of locally sourced materials**
 - e. Estimated lifespan of materials used**
 - f. End of life planning for materials used (eg recycle, reuse)**
 - g. Inclusion policy regarding equal opportunity measures for employment in their organisation;**
- 3. That a workshop of Council be held before 31 December 2023 to provide outcomes of the review; and**
- 4. That a report be returned to Council with the updated Procurement Policy and any other related matters that require Council's attention no later than March 2024.**

2. BACKGROUND

In our commitment to addressing climate change, fostering sustainability, and contributing to the well-being of our community, it is imperative that we align our procurement practices with the highest standards of sustainability. This motion proposes a review of our current Procurement Policy and Procurement Framework to ensure they are harmonized with the International Standard for Sustainable Procurement ISO 20400.

The global landscape is shifting towards more sustainable and responsible business practices. ISO 20400:2017, known as the International Standard for Sustainable Procurement, was released in 2017 as an internationally recognised framework in response to the increasing awareness of the profound impact that procurement practices can have on the environment, society, and economy. This standard provides comprehensive guidance and principles for organisations to integrate sustainability considerations into their procurement processes.

The standard emphasises the need to minimise negative environmental impacts, promote fair labour practices, encourage local economic development, and contribute to broader sustainability objectives. By aligning our procurement practices with ISO 20400, we not only signal our commitment to responsible and ethical sourcing but also leverage our purchasing power to drive positive change. This standard, developed collaboratively by experts and industry stakeholders, serves as a vital tool to make informed decisions that align with global sustainability goals. Through our adoption of ISO 20400, we actively contribute to the collective effort of building a better world and ensure a more responsible and equitable supply chain.

The proposed motion encompasses a multi-faceted approach to evaluating the sustainability of tenders, aiming to ensure that our procurement activities promote environmental responsibility, minimise waste, and encourage social inclusion. By requesting specific information and criteria from tendering parties, Council can actively influence supply chains. Tenderers will be asked to consider these criteria in their tender applications. Over time, this will result in suppliers adopting strong sustainability practices within their organisation. It will also provide us with a clear understanding of what the sustainability practices of our suppliers are.

Under Council's current Procurement Framework, we assess three sustainability criteria:

- recycled content;
- Indigenous involvement; and
- whether the supplier is local.

While these are worthwhile criteria to assess, they don't go far enough to address sustainable procurement.

The key criteria outlined in the motion, including evaluating carbon footprints, analysing the sustainability of supply chains, minimising waste practices, incorporating locally sourced materials, estimating the lifespan of materials, and planning for end-of-life strategies, demonstrate a holistic consideration of sustainability factors. Furthermore, the inclusion of an equal opportunity employment policy within the tendering organisations emphasises our commitment to fostering diversity and social equity within our procurement practices.

By directing the CEO to review and update the Procurement Policy and Framework in accordance with these standards, Council is taking a significant step towards ensuring that its purchasing decisions contribute positively to our community's overall well-being and the global imperative of mitigating climate change.

A workshop has been included in the motion at the suggestion of the administration who welcome the opportunity to discuss findings with elected members.

Improving our procurement policy and framework aligns with the following strategic goal under Council's existing Strategic Plan:

- A prosperous economy:
 - o E1 Support and grow our region's existing and emerging industries
 - o E3 Encourage, attract and retain a creative, talented and skilled workforce in our region

- A valued natural environment
 - o N2 Recognise the benefits of ecosystem services and improve environmental resilience by reducing environmental impacts
 - o N3 Nurture valuable partnerships and collaborations and engage the local community in the management of our natural environment
 - o N4 Reduce the impact of waste to landfill by maintaining a robust waste and resource management framework
 - o N5 Assist our community to reduce the impact of waste to landfill and on the environment

The adoption of this motion would reflect our dedication to progressive and responsible governance, aligned with our commitment to climate action and community building. The proposed changes will not only enhance our procurement practices but also set a commendable example for other local authorities and organisations to follow.

3. OFFICER'S RESPONSE – Terry Crackett, Director Corporate Services

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal	A functional Built Environment
Objective B3	Consider external influences in our long term asset management and adaptation planning
Priority B3.2	Aim to achieve 100% renewable energy use for our corporate operations and strive towards carbon neutrality
Priority B3.3	Investigate and source recyclable materials for asset renewal projects wherever practical and in doing so promote the circular economy
Goal	A valued Natural Environment
Objective N3	Nurture valuable partnerships and collaborations and engage the local community in the management of our natural environment
Priority N3.1	Increase knowledge and environmental awareness within the community through engagement and education

➤ Legal Implications

Not Applicable

➤ **Risk Management Implications**

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The investigation of introducing ISO 20400 Councils procurement processes will assist in mitigating the risk of not improving sustainable Procurement:

Inherent Risk	Residual Risk	Target Risk
Low (1D)	Low (1E)	Low (1E)

This risk assessment is prepared in the understanding that it relates to the investigation and subsequent workshop concerning ISO 20400. It is not an assessment of the risks associated with the introduction of ISO 20400 and inclusion into Council’s Procurement Policy and Framework.

➤ **Financial and Resource Implications**

At this time it is anticipated that the preparation of the required workshop and subsequent report will be managed within existing resource allocations. Should additional resourcing be required to finalise investigations for the workshop, a separate request for funding will be prepared for Council’s consideration.

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

Not Applicable

➤ **Sustainability Implications**

Detailed information in relation to the sustainability implications of the current situation will be provided in the proposed workshop.

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

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

External Agencies: Not Applicable

Community: Not Applicable

4. ANALYSIS

Should the recommendation be endorsed by Council the administration will undertake a detailed investigation into the potential implementation ISO 20400 for Adelaide Hills Council. The outcomes of that investigation will be presented at a workshop prior for discussion prior to 31 December 2023.

Following consideration by Council at the workshop a report will be prepared on potential changes to the Procurement Policy and Framework for consideration in March 2024.

5. APPENDICES

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 12 September 2023
AGENDA BUSINESS ITEM**

Item: 12.1

Responsible Officer: Karen Cummings
Manager, Property Services
Corporate Services

Subject: Road Exchange – 13 Upper Sturt Road, Crafers West

For: Decision

SUMMARY

The purpose of this report is to seek approval to finalise a land exchange between Council and the owners at 13 Upper Sturt Road, Crafers West. This matter was previously negotiated in principle between Council staff and the owners of 13 Upper Sturt Road in 2016 but for reasons outlined in this report never progressed.

The owners of 13 Upper Sturt Road, Crafers West brought this unresolved matter to Council’s attention in 2022 and requested that this issue be rectified to reflect the previously agreed arrangements.

Accordingly, this report recommends that in accordance with the process under the *Roads (Opening and Closing) Act 1991* the following occur as per the Preliminary Plan 22/0047 (Refer to **Appendix 2**):

- portion of Council unmade road marked “B” where the private infrastructure exists, will be “closed” and included with the private property at 13 Upper Sturt Road, Crafers West, and
- portion of the property at 13 Upper Sturt Road marked “C” will be “opened” as public road and included as part of the existing road reserve, known as Upper Sturt Road, Crafers West.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
2. In accordance with sections 12 and 15 of the *Roads (Opening and Closing) Act 1991*, to enter into an Agreement for Exchange with the owner of the land at 13 Upper Sturt Road, Crafers West and issue a Road Process Order for the following:
 - close a portion of the existing public road known as Upper Sturt Road, Crafers West identified as “B” on the Preliminary Plan No 22/0047, and merge it with Allotment 49 in Filed Plan No. 151349 comprised in Certificate of Title Volume 5848 Folio 416; and
 - open as public road the area identified as “C” on the Preliminary Plan No. 22/0047.

3. That the piece of land to be opened and identified in Preliminary Plan 22/0047 as “C”, be excluded from the classification of Community Land and not be included in Council's Community Land Register.
 4. That the piece of road / land identified in Preliminary Plan 22/0047 as “B” that will be closed and merged with their property comprised in Certificate of Title Volume 5848 Folio 416, located at 13 Upper Sturt Road Crafers West be transferred for nil consideration.
 5. That the piece of land to be opened as public road and identified in Preliminary Plan 22/0047 as “C”, be transferred to Council for nil consideration.
 6. That all costs for the road opening / closing process in accordance with the *Roads (Opening and Closing) Act 1991*, be paid for by Council.
 7. That the Chief Executive Officer or his delegate is authorised to finalise and sign all necessary documentation to exchange the proposed portion of closed road pursuant to this resolution.
-

1. BACKGROUND

In 2016, Council staff investigated an upgrade to an existing informal walking track that ran along the eastern side of Upper Sturt Road, Crafers West. Investigations for this upgrade found that the walking track ran through a private property known as 13 Upper Sturt Road, Crafers West (refer to **Appendix 1**).

Early into the investigation of the proposed public walking track, the owners of 13 Upper Sturt Road were commencing construction of their new house. The development of the new home included associated infrastructure (tanks, wastewater system etc.) and at that time it was proposed that those items be located on their land where the informal walking track existed.

To allow the owner of 13 Upper Sturt Road to proceed with the construction of their house and associated infrastructure it was agreed in principle between staff and the owners of 13 Upper Sturt Road, Crafers West that:

- Installation of the infrastructure for the house at 13 Upper Sturt Road could be installed on portion of the Council unmade road.
- A land exchange was to occur between Council and the owners of 13 Upper Sturt Road, Crafers West for the portion of Council unmade road (where the infrastructure had been installed) and a piece of 13 Upper Sturt Road (existing walking track), once the walking track work had been completed.
- All costs for the land / road exchange process in accordance with the *Roads Opening and Closing Act 1991*, would be paid for by Council as Council had instigated the walking track upgrade proposal with the upgraded walking track proposed to be made a public walking track in Councils favour at its completion.
- No money would be exchanged between Council and the owners of 13 Upper Sturt Road, Crafers for the exchange of the parcels of land.

Subsequently the upgrade of the informal walking track to a formal walking track did not occur.

With the infrastructure for the house at 13 Upper Sturt Road, Crafers West remaining on the unmade road, the owner of 13 Upper Sturt Road approached Council in 2022 to finalise the previously agreed land exchange, as they wanted to remedy the fact that the some of the infrastructure associated with their dwelling was not on their land.

Currently, 3 tanks, portion of a wastewater system, a retaining wall and driveway sits upon the Council owned road reserve.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal	A Progressive Organisation.
Objective 05	We are accountable, informed and make decision in the best interested of the whole community.
Priority 05.2	Make evidence-based decision and prudently assess the risk and opportunities to our community before taking action.

The decision to exchange this piece of road with private infrastructure on it reduces the insurance risk and any perceived maintenance obligations to Council for this infrastructure.

➤ Legal Implications

The road (land) exchange process is undertaken pursuant to the provisions of the *Roads (Opening & Closing) Act 1991*.

➤ Risk Management Implications

The closure and exchange of the pieces of land and road will assist in mitigating the risk of:

‘Private infrastructure on public road reserve leading to increased risk and liability for Council’.

Inherent Risk	Residual Risk	Target Risk
Medium (3C)	Low (2D)	Low (1C)

➤ Financial and Resource Implications

It is envisaged that the costs to undertake the land swap in accordance with the *Roads (Opening and Closing) Act 1991* will come from within the existing budget and total approximately \$5,000. This would include survey fees, conveyancing fees and Land Titles Office fees.

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

Not applicable

➤ **Sustainability Implications**

Not applicable

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

Consultation on the development of this report was as follows:

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

➤ **Additional Analysis**

When this encroachment was brought to the attention of Council staff an investigation as to what occurred in 2016 was undertaken. This investigation found that the informal walking track on the private land no longer exists, and the area in which it did exist is now heavily overgrown with native vegetation. It was noted that the piece of land in which the track was proposed was a very steep piece of land, and potentially why the upgrade of the walking track in 2016 did not eventuate.

The proposed closure of the road/ land will not have any impact on the passage of vehicular or pedestrian traffic. However, it will result in the rectification of the boundary being merged with the land at 13 Upper Sturt Road, Crafers West and the infrastructure for this property being removed from Council unmade road.

Public Consultation has occurred with no objections, submissions or requests for easements being received.

Trails Assessment

In reviewing this matter a Trail / Cycle Route Assessment Report was undertaken using the assessment tool, that has been developed to provide justification for the support or refusal of a request for council to develop community land for the purpose of recreation trails or cycle routes.

The Trail / Cycle Route assessment for the 13 Upper Sturt Road Crafers proposal scored relatively low, with a score of 53/100. Some of the reasons for the low score are:

- The proposed trail is on very steep and arduous land;
- The proposed trail only would appeal to walkers of reasonable fitness, not suitable for families given the risk with possibly pram's etc or people who require mobility devices;

- This proposed trail would be an additional trail where there are already developed and managed trails close by (Eagle Park and Belair National Park);
- The costs to thoroughly investigate this possible walking trail would far outweigh the benefits to the community, requiring environmental consultants, traffic engineers, structural engineers, geotechnical engineers, surveyors and the like;
- To maintain this possible route to a safe and current standard a high investment would be needed along Upper Sturt Road, and
- Removal of native vegetation would be required and “if” approved could cost Council tens of thousands of dollars;

Therefore, as this score is low it would not be a priority of the trails program.

3. OPTIONS

Council has the following options:

- I. Resolve to exchange the Council unmade road, identified as “B” in Preliminary Plan 22/0047 and issue a Road Process Order in accordance with the recommendation (Recommended).
- II. Resolve to not endorse the road exchange, which will result in built infrastructure remaining on the road reserve and an encroachment permit being entered into to permit the encroachment (Not Recommended).

4. APPENDICES

- (1) Identification Survey Plan – portion 13 Upper Sturt Road, Crafers West.
- (2) Preliminary Plan 22/0047.

Appendix 1

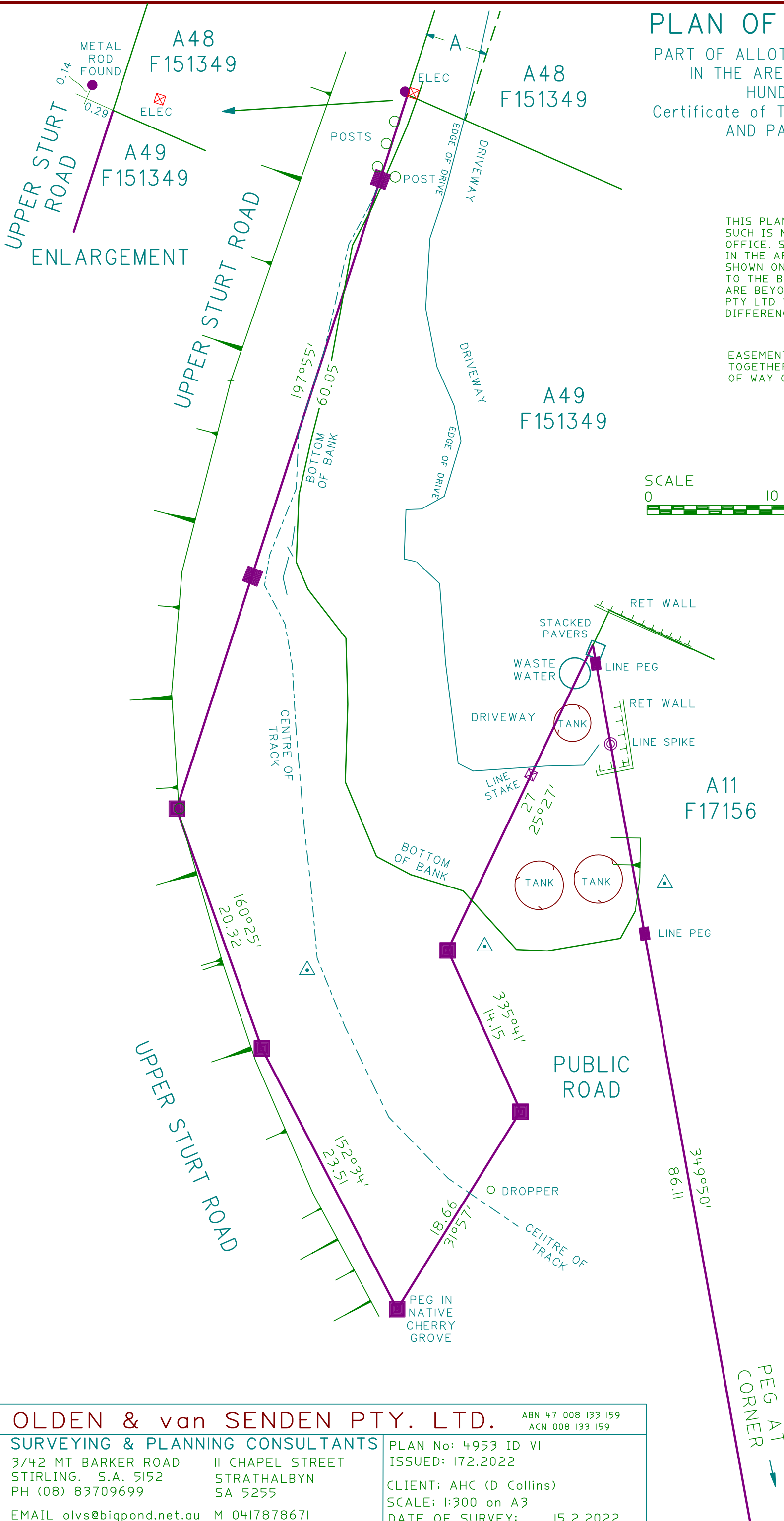
*Identification Survey Plan – portion 13 Upper Sturt
Road, Crafers West*

PLAN OF MARKS PLACED

PART OF ALLOTMENT 49 FILED PLAN 151349
 IN THE AREA NAMED CRAFERS WEST
 HUNDRED OF ADELAIDE
 Certificate of Title - Volume 5848 Folio 416
 AND PART OF PUBLIC ROAD

THIS PLAN IS OF AN IDENTIFICATION SURVEY AND AS SUCH IS NOT REGISTERED IN THE LANDS TITLES OFFICE. SUBSEQUENT REGISTERED OR OTHER SURVEYS IN THE AREA MAY AFFECT THE BOUNDARY DEFINITION SHOWN ON THE PLAN. ANY DIFFERENCES SO CAUSED TO THE BOUNDARY DEFINITION SHOWN ON THIS PLAN ARE BEYOND THE CONTROL OF OLDEN & van SENDEN PTY LTD WHO ACCEPT NO RESPONSIBILITY FOR SUCH DIFFERENCES.

EASEMENT NOTICE
 TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S)
 OF WAY OVER THE LAND MARKED A



- METAL ROD
- PEG
- ▲ SURVET STATION

OLDEN & van SENDEN PTY. LTD.

ABN 47 008 133 159
 ACN 008 133 159

SURVEYING & PLANNING CONSULTANTS

3/42 MT BARKER ROAD
 STIRLING. S.A. 5152
 PH (08) 83709699

11 CHAPEL STREET
 STRATHALBYN
 SA 5255

EMAIL olvs@bigpond.net.au M 0417878671

PLAN No: 4953 ID VI
 ISSUED: 172.2022

CLIENT: AHC (D Collins)

SCALE: 1:300 on A3

DATE OF SURVEY: 15.2.2022

Appendix 2

Preliminary Plan 22/0047

PP22/0047

PRELIMINARY PLAN (PP)
ROAD OPENING CLOSING

ALLOTMENT 49 FILED PLAN 151349
IN THE AREA NAMED CRAFTERS WEST
HUNDRED OF ADELAIDE
Certificate of Title - Volume 5848 Folio 416
AND
PUBLIC ROAD

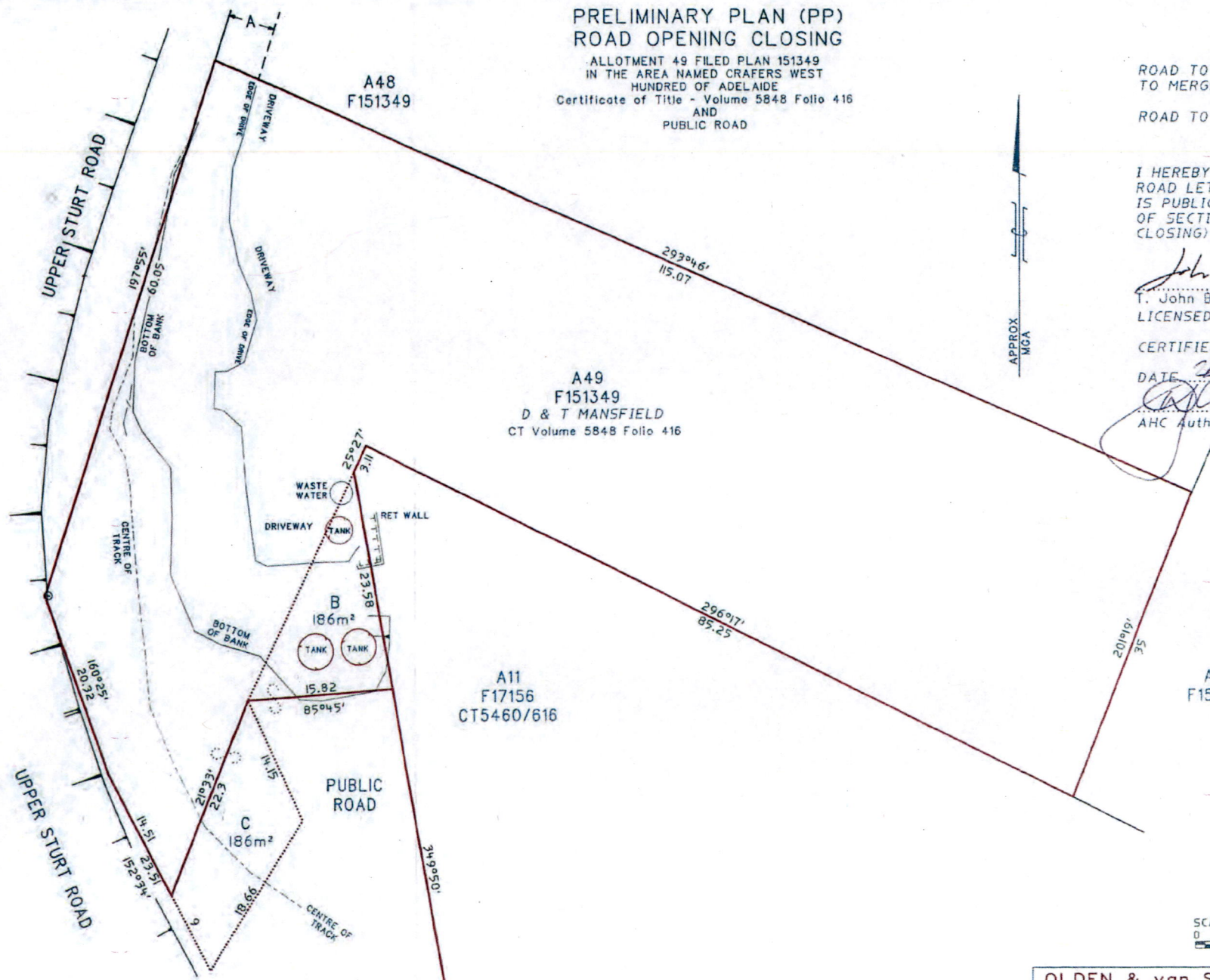
ROAD TO BE CLOSED LETTERED B (186m²)
TO MERGE WITH CT: 5848/416
ROAD TO BE OPENED LETTERED C (186m²)

I HEREBY CERTIFY THAT THE PORTIONS OF
ROAD LETTERED B HEREON
IS PUBLIC ROAD WITHIN THE MEANING
OF SECTION 3 OF THE ROADS (OPENING AND
CLOSING) ACT 1991. (AUTHORITY: PUBLIC MAP)

John Baker
T. John Baker
LICENSED SURVEYOR DATE 24.11.22

CERTIFIED CORRECT AS TO INTENT:

DATE 24.11.2022
Ch. Hollins
AHC Authorised officer



EASEMENT NOTICE
TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S)
OF WAY OVER THE LAND MARKED A

OLDEN & van SENDEN PTY. LTD.		ASH 47 008 139 159 ACH 008 139 159
SURVEYING & PLANNING CONSULTANTS		PLAN No: 4953 PP VI
3/42 MT BARKER ROAD	11 CHAPEL STREET	ISSUED: 24.11.2022
STIRLING, S.A. 5152	STRATHALBYN	CLIENT: AHC (K Caruso)
PH (08) 83709699	SA 5255	SCALE: 1:300 on A3
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**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 12 September 2023
AGENDA BUSINESS ITEM**

Item:	12.2
Responsible Officer:	Lachlan Miller Executive Manager Governance & Performance Office of the Chief Executive
Subject:	CEO Performance Review Panel Independent Member – Approval to Recruit
For:	Decision

SUMMARY

Council utilises its Council Committees to provide advice to Council which collectively contribute to the achievement of Council's goals and strategies and discharge of its legislative obligations.

Council has established three Council Committees being the Boundary Change Committee, the Audit Committee and the Chief Executive Officer Performance Review Panel (CEOPRP).

The CEO Performance Review Panel (the 'CEOPRP') is a s41 committee which operates under a Terms of Reference (the 'TOR') with the role to provide advice to Council on matters relating to the performance and development of the CEO.

In accordance with the TOR, CEOPRP membership consists of five members comprising of the Mayor and Deputy Mayor, two Council Members and one Independent Member (**Appendix 1**).

This report addresses matters related to the Independent Membership of the CEOPRP, with the key matter being to establish a selection panel for recruitment of one Independent Member due to the term of the current Independent Member expiring on 20 November 2023.

RECOMMENDATION

DECISION 1

Council resolves:

- 1. That the report be received and noted**
- 2. To undertake a recruitment process for the selection of one Independent Ordinary Member for the CEO Performance Review Panel for a term of 36 months, indicatively commencing 21 November 2023.**

3. **To determine that the method of selecting the CEO Performance Review Panel Independent Member Selection Panel members to be by an indicative vote to determine the preferred persons for the positions using the process set out in this Agenda report.**
4. **To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the CEO Performance Review Panel Independent Member Selection Panel and for the meeting to resume once the results of the indicative voting for the Member roles has been declared.**

DECISION 2

Council resolves to appoint _____, _____ and the Manager People & Culture as members of the CEO Performance Review Panel Independent Member Selection Panel.

1. BACKGROUND

CEOPRP Terms of Reference

At its 25 July 2017 meeting Council adopted a revised Terms of Reference (TOR) (**Appendix 1**) which came into effect on 1 September 2017.

At its 29 November 2022 meeting, in relation to the TOR, Council resolved (extract only) to retain the CEOPRP and the TOR as follows:

12.5 CEO PRP Membership - Council Member and Presiding Member Appointment Method of Voting

**Moved Cr Nathan Daniell
S/- Cr Kirsty Parkin**

301/22

That Council resolves:

- 1. That the report be received and noted**
- 2. To retain the Chief Executive Officer Performance Review Panel for the term of the Council with the Terms of Reference, as contained in Appendix 1.**

At the same meeting Council resolved the Council Member membership and presiding member to be:

12.6 CEO PRP Membership - Council Member and Presiding Member Appointment

**Moved Cr Mark Osterstock
S/- Cr Leith Mudge**

302/22

- 1. To appoint two Council Members, Cr Chris Grant and Cr Kirsty Parkin, as members of the Chief Executive Officer Performance Review Panel for a 12 month term to commence 30 November 2022 and conclude on 30 November 2023 (inclusive).**
- 2. To appoint Cr Chris Grant to the position of Chief Executive Officer Performance Review Panel Presiding Member for a 12 month term to commence 30 November 2022 and conclude on 30 November 2023 (inclusive).**

Carried Unanimously

CEOPRP Membership

The relevant elements of the Panel's TOR regarding membership and contained in clause 5, as follows:

- 5.1 The Panel will comprise five (5) members as follows:
 - 5.1.1 Mayor and Deputy Mayor;
 - 5.1.2 Two (2) Council Members ; and
 - 5.1.3 One (1) Independent Member.
- 5.2 All members of the Panel will be appointed by the Council.
- 5.3 The Independent Member of the Panel shall have recent and relevant skills and experience in fields related to the role and functions of the Panel.
- 5.4 It is desirable for the Council Members to be appointed to the Panel to have a sound understanding of the role and functions of the Panel.
- 5.5 In considering appointments to the Panel, Council should give consideration to the diversity of the membership.
- 5.6 Appointments to the Panel shall be for a period of up to three (3) years.

In relation to the Independent Member position (which is the subject of this report), on 27 October 2020 Council resolved (Res 258/20) to appoint Ms Janet Miller to the Independent Member role for a two-year term.

On 22 September 2022, Council resolved to extend Ms Miller's term for one year expiring on 20 November 2023, as follows:

18.1.1 CEO Performance Review Panel Independent Member – Confidential Item

Moved Cr Mark Osterstock
S/- Cr Kirsty Parkin

267/22

Council resolves:

- 1. That the report be received and noted.**
- 2. To extend the appointment term of Independent Member, Ms Janet Miller, to the CEO Performance Review Panel by one year until 20 November 2023.**

Carried Unanimously

Ms Miller has been an excellent Independent Member however she has indicated that she will not be seeking a further term.

2. ANALYSIS

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

Strategic Plan 2020-24 – A brighter future

Goal A progressive organisation

Objective 05 We are accountable, informed and make decisions in the best interests of the whole community

Priority 05.1 Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

➤ **Legal Implications**

Section 41 of the *Local Government Act 1999* (the 'Act') sets out the processes for the establishment of council committees. These committees may be formed to assist council in the performance of its functions; to enquire into matters; to provide advice to council and to exercise delegated powers, functions and duties. While s126 of the Act requires the establishment of an Audit Committee under s41 and prescribe its key functions and composition, there is not currently a requirement for a council to have a CEOPRP (or similar).

The provisions of Chapter 7 – Council staff, Part 1 – Chief Executive Officer have been materially amended, as part of the LG Reform process, in a number of sections relating to CEO recruitment, termination, remuneration and performance review. In some of these cases, councils are required to consider the advice of a qualified independent person before taking action and while the CEOPRP Independent Member has not be appointed to fulfil these requirements, there is the potential (subject to qualifications and/or experience requirements) for this to be the case.

Chapter 5, Part 4, Division 2 of the Act sets out the provisions relating to the Register of Interests. Sections 65 and 66 set out the provisions regarding the completion of primary and ordinary returns to populate the Register of Interests (under s68). Council has previously resolved that the provisions of Division 2 will apply to members of committees (i.e. Independent Members) from the commencement of their term.

➤ **Risk Management Implications**

The appointment of appropriately skilled and experienced members for s41 committees will assist in mitigating the risk of:

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

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (3E)	Low (3E)

Note that there are many other controls that are in place to mitigate this risk.

➤ **Financial and Resource Implications**

The costs specifically associated with Independent Members relate to the payment of Independent Member sitting fees. The costs have been incorporated in the adopted budget. (Sitting fees excluding GST are Presiding Member - \$575, Ordinary Member - \$450, Authorised Training - \$75).

If Council resolves to undertake a recruitment process there will be financial implications (approx. \$1,000) associated with advertising the position and the resource implications associated with running the recruitment process by the Governance & Performance and the People & Culture Departments, this will likely result in a minor impact on other priorities.

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

There is a community expectation that Council will have appropriate processes in place, including committees that can provide specialist advice in the consideration of matters to assist the Council to discharge its responsibilities.

➤ **Sustainability Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	The impending Independent Member vacancy was discussed at the CEOPRP's 23 March 2023 meeting.
<i>Council Workshops:</i>	Not Applicable
<i>Advisory Groups:</i>	Not Applicable
<i>External Agencies:</i>	Not Applicable
<i>Community:</i>	Not Applicable

➤ **Additional Analysis**

Candidate Skillset

Clause 5.4 of the TOR requires the Independent Member to have recent and relevant skills in fields related to the role and functions of the Panel. Candidates with senior executive (potentially CEO) experience in a public sector environment would be highly desirable due to their intimate knowledge of the determinants and indicators of executive performance.

Selection Panel

If Council determines to commence a recruitment process for the selection of an Independent Member, it will also need to determine a Selection Panel. Historically the Selection Panel for the CEOPRP Independent Member has consisted of two (2) of the four (4) Council Members currently appointed to the CEOPRP (Mayor Wisdom, Councillors Daniell, Grant and Parkin). It is proposed that the Manager People & Culture also be appointed to the Selection Panel due to her expertise in the disciplines associated with the CEOPRP's functions.

If Council seeks to utilise a voting process for the determination of the Selection Panel members, the Appointments to Positions Process contained in Clause 4.7 Council's *Code of Practice for Code of Practice for Council Meeting Procedures*.

Once the Selection Panel has completed its process, a recommendation will come to Council for approval, with the 14 November 2023 meeting targeted.

Expression of Interest Process

This is the standard process that Council used for filling Independent Member vacancies for Council committees and panels and this has elicited high quality candidates in the past (such as the current Independent Member).

The process involves publicly advertising for Expressions of Interest (EOI) from suitably qualified individuals against the skill and experiences requirements contained in the Committee's TOR. The EOIs received are shortlisted by the Selection Panel, this process also involves assessing the skill sets of all members to ensure that all required competencies are covered collectively. The shortlisted candidates are interviewed and, where appropriate, references obtained in order to make a recommendation to Council for appointment.

The EOI process has the key benefit of testing the open market to obtain the most desirable talent available. The key costs are the resourcing associated with advertising, shortlisting and interviewing.

3. OPTIONS

Council has the following options:

- I. To determine to commence the CEOPRP Independent Member selection process and appoint the Selection Panel Members as proposed (Recommended).
- II. To determine an alternative course of action (Not recommended).

4. APPENDIX

- (1) *CEO Performance Review Panel – Terms of Reference*

Appendix 1

CEO Performance Review Panel – Terms of Reference

ADELAIDE HILLS COUNCIL

CEO Performance Review Panel



TERMS OF REFERENCE

1. ESTABLISHMENT

- 1.1 The CEO Performance Review Panel (the Panel) of Council is established under Section 41 of the *Local Government Act 1999* (the Act).
- 1.2 The Panel does not have executive powers or authority to implement actions in areas which management has responsibility and does not have any delegated financial responsibility. The Panel does not have any management functions and is therefore independent from management.

2. ROLE

- 2.1 The Council is responsible for the selection, remuneration and management of the Chief Executive Officer (CEO). The overall role of the Panel is to provide advice to Council on matters relating to the performance and development of the CEO.

3. SPECIFIC FUNCTIONS

- 3.1 The function of the Panel is to provide advice to Council on the CEO's performance and development, including the following matters:
 - 3.1.1 Determining the Performance Targets for the forthcoming 12 month performance period;
 - 3.1.2 Monitoring the progress on the CEO's agreed Performance Targets for the current 12 month performance period;
 - 3.1.3 Reviewing the CEO's performance over the preceding 12 month performance period, in particular the performance against the agreed Performance Targets and position description requirements;
 - 3.1.4 Identifying development opportunities for the CEO; and
 - 3.1.5 Reviewing the remuneration and conditions of employment of the CEO.

4. OTHER MATTERS

The Panel shall:

- 4.1 Have access to reasonable resources in order to carry out its duties, recognising the constraints within Council's Budget;
- 4.2 Be provided with appropriate and timely training, both in the form of an induction programme for new members and on an ongoing basis for all members;

- 4.3 Give due consideration to laws and regulations of the Act;
- 4.4 Where the Panel is required to act jointly with or to obtain the concurrence of the CEO in the performance of its functions, the Council expects that both parties will negotiate and consult in good faith to achieve the necessary objectives; and
- 4.5 At least once in its term, review its own performance and terms of reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.

5. MEMBERSHIP

- 5.1 The Panel will comprise five (5) members as follows:
 - 5.1.1 Mayor and Deputy Mayor;
 - 5.1.2 Two (2) Council Members ; and
 - 5.1.3 One (1) Independent Member.
- 5.2 All members of the Panel will be appointed by the Council.
- 5.3 The Independent Member of the Panel shall have recent and relevant skills and experience in fields related to the role and functions of the Panel.
- 5.4 It is desirable for the Council Members to be appointed to the Panel to have a sound understanding of the role and functions of the Panel.
- 5.5 In considering appointments to the Panel, Council should give consideration to the diversity of the membership.
- 5.6 Appointments to the Panel shall be for a period of up to three (3) years.
- 5.7 Members of the Committee are eligible for reappointment at the expiration of their term of office.

6. SITTING FEES

- 6.1 The applicable Remuneration Tribunal (or its successor) Determination outlines the applicable allowance for Council Members on the Panel.
- 6.2 The Independent Member is to be paid a sitting fee as determined by Council for attendance at meetings and authorised training sessions. Council may determine a higher sitting fee for the presiding member.

7. PRESIDING MEMBER

- 7.1 The Council will appoint the Presiding Member of the Panel.
- 7.2 The Council authorises the Panel to determine if there will be a Deputy Presiding Member of the Committee and, if so, authorises the Panel to make the appointment to that position for a term determined by the Panel.
- 7.3 If the Presiding Member of the Panel is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting. If there is no position of Deputy

Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Panel are absent from a meeting of the Panel, then a member of the Panel chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, if relevant) is present.

7.4 The role of the Presiding Member includes:

7.4.1 overseeing and facilitating the conduct of meetings in accordance with Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations); and

7.4.2 Ensuring all Panel members have an opportunity to participate in discussions in an open and encouraging manner.

8. REPORTING RESPONSIBILITIES

8.1 For the purposes of Section 41(8) of the Act, the Panel's reporting and accountability requirements are:

8.1.1 The minutes of each Panel meeting will be included in the agenda papers of the next ordinary meeting of the Council;

8.1.2 The Presiding Member will attend a meeting of the Council at least once per annum to present a report on the activities of the Panel;

8.1.3 The panel shall make whatever recommendations to the Council it deems appropriate on any area within its terms of reference where in its view action or improvement is needed; and

8.1.4 The Presiding Member may attend a Council meeting at any time that the Presiding Member sees fit to discuss any issue or concern relating to the Panel's functions. Depending on the nature of the matter, this may be held in confidence in accordance with Section 90 of the Act and staff may be requested to withdraw from the meeting.

9. MEETING PROCEDURE

9.1 Meeting procedure for the Panel is as set out in the Act, Parts 1, 3 and 4 of the Regulations. Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Panel, the Panel may determine its own procedure.

9.2 In accordance with Section 90(7a), one or more panel members may participate in the meeting by telephone or other electronic means provided that members of the public can hear the discussion between all Panel members.

9.3 Only members of the Panel are entitled to vote in Panel meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Panel for decision.

9.4 Council Employees may attend any meeting as observers or be responsible for preparing papers for the Panel.

10. SECRETARIAL RESOURCES

- 10.1 The Chief Executive Officer shall provide sufficient administrative resources to the Panel to enable it to adequately carry out its functions.

11. FREQUENCY OF MEETINGS

- 11.1 The Panel shall meet at appropriate times and places as determined by the Panel. A special meeting of the Committee may be called in accordance with the Act.
- 11.2 If after considering advice from the CEO or delegate, the Presiding Member of the Panel is authorised to cancel the respective Panel meeting, if it is clear that there is no business to transact for that designated meeting.

12. NOTICE OF MEETINGS

- 12.1 Notice of the meetings of the Panel will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:

12.1.1 To members of the Panel by email or as otherwise agreed by Panel members at least 3 clear days before the date of the meeting; and

12.1.2 To the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.

12.2 PUBLIC ACCESS TO MEETINGS & DOCUMENTS

- 12.3 Members of the public are able to attend all meetings of the Panel, unless prohibited by resolution of the Panel under the confidentiality provisions of Section 90 of the Act.
- 12.4 Members of the public have access to all documents relating to the Panel unless prohibited by resolution of the Panel under the confidentiality provisions of Section 91 of the Act.

13. MINUTES OF MEETINGS

- 13.1 The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Panel, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the Regulations.
- 13.2 Minutes of Panel meetings shall be circulated within five days after a meeting to all members of the Panel and will (in accordance with legislative requirements) be available to the public.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 12 September 2023
AGENDA BUSINESS ITEM**

Item:	12.3
Responsible Officer:	Melissa Grimes Governance Officer Office of the Chief Executive
Subject:	Delegations Review
For:	Decision

SUMMARY

Council at its meeting held on 13 June 2023 considered and delegated its functions under the *Local Government Act 1999*. All remaining legislation (with the exception of the *Planning, Development & Infrastructure Act 2016* which will be subject to a separate report following a workshop on the Planning Code) that can be delegated by Council is presented for consideration.

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

A Review of the Instruments of Delegation comprised an assessment of current legislative requirements and the appropriateness and effectiveness of the delegation. The updated Instruments of Delegation incorporate changes required (thus far) due to the Local Government reform, along with updates resulting from legislative changes in the other relevant Acts and Regulations.

Following the review of the Delegations Register, this report seeks Council's delegation of its statutory powers and functions pursuant to section 44 of the *Local Government Act 1999*, along with delegations under all other relevant legislation.

RECOMMENDATION

That Council resolves:

- 1. That having conducted its mandatory review of the powers and functions previously delegated to the Chief Executive Officer, and others, in accordance with s44 of the *Local Government Act 1999*:
That Council in exercise of the power contained in s44 of the *Local Government Act 1999*, the powers and functions under the following acts and specified in the proposed Instruments of Delegation contained in attachments to this report are hereby delegated on 12 September 2023 to the person occupying the office of Chief Executive Officer (and anyone acting in that position) subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.**

- ***Burial and Cremation Act 2013***
- ***Burial and Cremation Regulations 2014;***
- ***Community Titles Act 1996;***
- ***Cost of Living Concessions Act 1986***
- ***Crown Land Management Act 2009***
- ***Development Act 1993, Development Regulations 2008***
- ***Disability Inclusion Act 2018***
- ***Disability inclusion Regulations 2019***
- ***Dog and Cat Management Act 1995***
- ***Dog and Cat Management Regulations 2017***
- ***Electricity (Principles of Vegetation Clearance) Regulations 2021;***
- ***Environment Protection Act 1993***
- ***Environment Protection Regulations 2009***
- ***Environment Protection (Air Quality) Policy 2016***
- ***Environment Protection (Noise) Policy 2007***
- ***Environment Protection (Used Packaging Materials) Policy 2012***
- ***Environment Protection (Waste to Resources) Policy 2010***
- ***Electricity Act 1996***
- ***Expiation of Offences Act 1996;***
- ***Fines Enforcement and Debt Recovery Act 2017;***
- ***Freedom of Information Act 1991***
- ***Freedom of Information (fees and charges) Regulations 2018***
- ***Gas Act 1997;***
- ***Fire and Emergency Services Act 2005***
- ***Fire and Emergency Services Regulations 2021***
- ***Joint Criminal Rules 2022***
- ***Heavy Vehicle (Mass Dimension and Loading) National Regulation (NSW)***
- ***Independent Commissioner Against Corruption Act 2012***
- ***Labour Hire Licensing Act 2017***
- ***Land and Business (Sale and Conveyancing) Act 1994;***
- ***Landscape South Australia (General) Regulations 2020***
- ***Landscape South Australia (Water Management) Regulations 2020***
- ***Landscape South Australia Act 2019***
- ***Liquor Licensing Act 1997***
- ***Local Government (Financial Management) Regulations 2011***
- ***Local Government (Forestry Reserves) Act 1944***
- ***Local Government (General) Regulations 2013***
- ***Local Government (Members Allowances and Benefits) Regulations 2010***
- ***Local Government (Procedures at Meetings) Regulations 2013***
- ***Local Government (Building Upgrade Agreements) Regulations 2017***
- ***Local Government (Elections) Act 1999***
- ***Mining Act 1971***
- ***Mining Regulations 2020***
- ***Ombudsman Act 1972***
- ***Private Parking Areas Act 1986***
- ***Real Property Act 1886;***

- ***Road Traffic Act 1961***
- ***Road Traffic Act 1961, Road Traffic (Miscellaneous) Regulations 2014***
- ***Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014;***
- ***Roads (Opening & Closing) Act 1991;***
- ***South Australian Public Health (General) Regulations 2013***
- ***South Australian Public Health (Legionella) Regulations 2013***
- ***South Australian Public Health (Wastewater) Regulations 2013***
- ***South Australian Public Health Act 2011***
- ***Safe Drinking Water Regulations 2012;***
- ***State Records Act 1997;***
- ***Strata Titles Act 1988;***
- ***Water Industry Act 2012***
- ***Water Industry Regulations 2012***
- ***Adelaide Hills Council By-Law 1 Permits and Penalties***
- ***Adelaide Hills Council By-Law 2 Moveable Signs***
- ***Adelaide Hills Council By-Law 3 Local Government Land***
- ***Adelaide Hills Council By-Law 4 Roads***
- ***Adelaide Hills Council By-Law 5 Dogs***
- ***Adelaide Hills Council By-Law 6 Cats***

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 the proposed Instrument of Delegation.

3. Delegation to Fire Protection Officers under the *Fire and Emergency Services Act 2005*

In exercise of the power contained in Section 93 of the *Fire and Emergency Services Act 2005* the powers and functions under the *Fire and Emergency Services Act 2005* contained in the proposed Instrument of Delegations are hereby delegated effective from 12 September 2023 to the person(s)/appointed as Fire Protection Officer (and anyone acting in that position) of the Council under the *Fire and Emergency Services Act 2005* subject to the conditions and/or limitations specified herein or in the Schedule of Conditions.

4. Delegations made under *Food Act 2001*

In exercise of the powers contained in section 91 of the *Food Act 2001*, the powers and functions under the *Food Act 2001* and *Food Regulations 2017* contained in the proposed Instrument of Delegation, are hereby delegated effective from 12 September 2023 to the person occupying the office of the Chief Executive Officer ('the head of the enforcement agency' for the purposes of the *Food Act 2001*) and anyone acting in that position.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

5. Delegations made under *Local Nuisance and Litter Control Act 2016*

In exercise of powers under section 10 of the *Local Nuisance and Litter Control Act 2016*, the powers and functions under the *Local Nuisance and Litter Control Act 2016* and *Local Nuisance and Litter Control Regulations 2017* contained in the proposed Instrument of Delegation are hereby delegated effective from 12 September 2023 to the person occupying the office of Chief Executive Officer and anyone acting in that position.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

6. Delegations under *Supported Residential Facilities Act 1992*

In exercise of the power contained in section 9(2) of the *Supported Residential Facilities Act 1992*, the powers and functions under the *Supported Residential Facilities Act 1992* and *Supported Residential Facilities Regulations 2009* contained in the proposed Instrument of Delegation are hereby delegated effective from 12 September 2023 to the person occupying the office of the Chief Executive Officer and anyone acting in that position.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation

7. Delegations under the *Heavy Vehicle National Law (South Australia) Act 2013*

In exercise of the powers contained in section 44 of the *Local Government Act 1999* and section 22B of the *Heavy Vehicle National Law (South Australia) Act 2013* and acting as a road manager (as relevant) the powers and functions under the *Heavy Vehicle National Law (South Australia) Act 2013* contained in the proposed Instrument of Delegation are hereby delegated effective from 12 September 2023 to the person occupying the office of the Chief Executive Officer and anyone acting in that position.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation

8. Delegations under the *Safe Drinking Water Act 2011*

In exercise of the powers contained in section 43 and acting as a relevant authority of the *Safe Drinking Water Act 2011* the powers and functions under the *Safe Drinking Water Act 2011* and *Safe Drinking Water Regulations 2012* contained in the proposed Instrument of Delegation are hereby delegated effective from 12 September 2023 to the person occupying the office of the Chief Executive Officer and anyone acting in that position.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

9. Authorisations under the Ministers Instrument of General Approval and Delegation to Council under the *Road Traffic Act 1961*

That the Council resolves to grant the sub-delegation of powers under the Road Traffic Act as provided for:

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

Ashley Curtis, Manager Civil Services

In accordance with Clause A.7 of the General Approval, the council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the General Approval:

Ashley Curtis, Manager Civil Services

In accordance with Clause E.2 of the General Approval, the council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans:

Ashley Curtis, Manager Civil Services

1. BACKGROUND

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

Council may delegate powers and functions to:

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

Section 44(6a) of the *Local Government Act 1999*, states that Council must within 12 months after the conclusion of a periodic election, review its delegations.

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

As the *Food Act 2001*, *Local Nuisance and Litter Control Act 2016*, the *Safe Water Act 2011* and the *Supported Residential Facilities Act 1999* contain specific provisions for the delegation of powers and functions, delegations under these Acts are presented as separate recommendations for Council's ratification.

A separate recommendation has also been included for the *Heavy Vehicle National Law (South Australia) Act 2013* in recognition of Council's powers as a road manager. Powers of delegation under the *Local Government Act 1999* are used to delegate powers that do not relate to Council's powers as a road manager, which have been previously delegated.

A separate recommendation has also been included for the *Fire and Emergency Services Act 2005* as within Part 4 Division 8 only allows a delegation to a person appointed as a Fire Prevention Officer.

Additionally, a separate recommendation has also been included for the Ministers Instrument of General Approval and Delegation to Council under the Road Traffic Act 1961 as these are delegated by the Minister to Council. Council may then authorise specific officers to undertake the activities delegated on behalf of the Council.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5	A Progressive Organisation
Objective O4	We actively represent our community
Priority O4.3	Attract and develop a diverse and capable elected body that represents, promotes and reflects the composition of the community
Priority O4.3	Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region
Objective O5	We are accountable, informed, and make decisions in the best interests of the whole community
Priority O5.1	Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

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

➤ Legal Implications

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

Section 44(6) of the *Local Government Act 1999* provides that the Council must cause a separate record to be kept of all delegations made under Section 44.

Section 44 (6a) of the *Local Government Act 1999* provides Council may at any time and must within 12 months after the conclusion of each periodic election, review the delegations.

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

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

➤ **Risk Management Implications**

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

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

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (3E)	Low (3E)

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

➤ **Financial and Resource Implications**

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

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

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

➤ **Sustainability Implications**

There are no direct sustainability implications from this report.

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

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not Applicable
<i>Council Workshops:</i>	5 June 2023 and via Council Member Portal in tranche 2 and 3
<i>Advisory Groups:</i>	Not Applicable
<i>External Agencies:</i>	Not Applicable
<i>Community:</i>	Not Applicable

➤ **Additional Analysis**

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

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

3. OPTIONS

Council has the following options:

- I. To determine to delegate to the Chief Executive Officer some or all of the powers and functions contained in the appendices. The previous delegations must be revoked and replaced with the new delegations (Recommended).
- II. To determine not to delegate to the Chief Executive Officer some or all of the powers and functions contained in the appendices and that it be further workshoped.
(Option 2)

4. APPENDICES

- (1) Summary of comments - **Appendix 1**
- (2) Full Instrument of Delegation – **Appendix 2**


Appendix 1


Summary of Comments


Delegation Review – Comments from Council Members

Clause	Legislation	Item delegated	Council Member Comment	Governance Assessment
19(1)	Water Industry Act 2012 Water Industry Act 2012	Apply for a licence	Council to approve the application	<ul style="list-style-type: none"> Agree change to Elected Body (Not Delegated) <p>Comment: Currently Adelaide Hills Council holds a license under this Act 130118-WaterRetailLicence-AdelaideHillsCouncil.pdf.aspx (escosa.sa.gov.au)</p>
24(2)(a)	Water Industry Act 2012	Provide annual return to the Commission	Council to see annual return	<ul style="list-style-type: none"> Agree can add a condition "Annual Return to be provided to Council Members following lodgment"
28(2)(a)	Water Industry Act 2012	Agree with the Commission a variation in the terms and conditions applying the licence	Council to agree	<ul style="list-style-type: none"> Agree - Add a condition "Council to approve the application for variation prior to lodgment"
29(1)	Water Industry Act 2012	Transfer licence with the Commission's agreement	Council to agree	<ul style="list-style-type: none"> Agree change to Elected Body (Not Delegated)
32(1)	Water Industry Act 2012	Surrender a licence to the Commission	Council to agree	<ul style="list-style-type: none"> Agree change to Elected Body (Not Delegated)
38(2)	Water Industry Act 2012	Make submissions to the Commission as to proposed proclamation to take over the water industry entity's operations	Council to agree	<ul style="list-style-type: none"> Agree change to Elected Body (Not Delegated)
16(2)	Disability Inclusion Act Disability Inclusion Act 218	Prepare a disability access and inclusion plan	<ul style="list-style-type: none"> Council to approve the Plan Subject to the approval of Council 	<ul style="list-style-type: none"> Agree change to Elected Body (Not Delegated) <p>Comment: Council currently has an Access and Inclusion Plan 2020-24 which was adopted by Council on 27 January 2021, due for review in 2024</p> <p>Access and Inclusion Plan 2020-24</p>
16(5)	Disability Inclusion Act	Seek the approval of the Minister to prepare a single disability access and inclusion plan for the council and one or more other councils	Council to approve the plan	<ul style="list-style-type: none"> Agree change to Elected Body (Not Delegated)
16(6)	Disability Inclusion Act	Vary a disability access and inclusion plan	Council to approve the plan	<ul style="list-style-type: none"> Agree add condition "Only variations in accordance with section 11(2) of the Disability Inclusion Regulations 2019 are delegated to CEO, all other variations to be approved by Council".
17(1)	Disability Inclusion Act	Report annually to the Chief Executive Officer on the operation of the disability access and inclusion plan	Council to approve the plan	<ul style="list-style-type: none"> No changes recommended; this is an administrative requirement that Council is to report to the CEO of the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of this Act. This is a report on the performance of the actions within the adopted plan. Will add an additional condition: Final report to be provided to Council Members for information. Current Condition: <i>Report to CEO of the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of this Act.</i>
18(1)	Disability Inclusion Act	Review the disability access and inclusion plan at least once in every 4 year period and prepare a report of the review	Council to approve the plan	<ul style="list-style-type: none"> Agree change to Elected Body (Not Delegated) <p>Comment: The report must be submitted to the State Authority following the review and endorsement of the plan.</p>
18(2)	Disability Inclusion Act	Provide a copy of the report prepared under section 18(1) of the Disability Inclusion Act to the Minister	Council to approve the plan	<ul style="list-style-type: none"> No change proposed, this is an administrative step only to provide the report to the Minister.
26(2)	Disability Inclusion Act	Prepare and provide a report to the Chief Executive Officer of the administrative unit of the public service that is responsible for assisting a Minister in the administration of this Act	Council to approve the plan	<ul style="list-style-type: none"> No change proposed this is an administrative step to provide a report to the Chief Executive within a specified period a report setting out the reasons for non-compliance with the Act. Add Condition: "A copy of the report to be provided to Council Members for information"
9(3)	Disability Inclusion Regulations 2019	Publish the disability access and inclusion plan on a website	after approval of council	<ul style="list-style-type: none"> This is an Administration act of publishing the plan on a website following the approval of the plan, the delegation to approve the Plan is not delegated pursuant to 16(2) of the Act, no change required to the delegation.

Colour Key:

 Agree with proposed change

 Recommend no change

 Comment only

Delegation Review – Comments from Council Members

Clause	Legislation	Item delegated	Council Member Comment	Governance Assessment
	Disability Inclusion Regulations 2019 South Australian Legislation			
9(4)	Disability Inclusion Regulations 2019	Prepare and provide a report to the Chief Executive Officer of the administrative unit of the public service that is responsible for assisting a Minister in the administration of this Act	after approval of council	<ul style="list-style-type: none"> This is an Administration function when publishing its approved plan, providing the Chief Executive a report setting out such information as may be required by the Chief Executive in relation to the preparation of the plan following the approval of the plan, the delegation to approve the Plan is not delegated pursuant to 16(2) of the Act, no change required to the delegation.
11(2)	Disability Inclusion Regulations 2019	Vary a disability access and inclusion plan	after approval of council	<ul style="list-style-type: none"> Section 16(6) of the Disability Inclusion Act 2019 provides for a delegation to the CEO with a condition to approve variations pursuant to this regulation which is of a technical nature only and all other variations are to be bought back to Council. The delegation under this regulation is only for variations in accordance with the above condition of delegation, therefore, no changes required. <p>11—Variation of disability access and inclusion plans</p> <p>(1) For the purposes of section 16(6) of the Act, a variation of a disability access and inclusion plan must comply with the provisions set out in regulation 9 as if the variation were the plan.</p> <p>(2) However, subregulation (1) will be taken not to apply in relation to a variation of disability access and inclusion plan that is being made—</p> <p>(a) to ensure that the plan is consistent with an Act or law of the State or the Commonwealth; or</p> <p>(b) to ensure that the plan remains consistent with the State Disability Inclusion Plan; or</p> <p>(c) to remove or replace information in the plan that is no longer correct; or</p> <p>(d) to make a change of form to the plan (being a change that does not alter the substantive effect of the plan); or</p> <p>(e) to correct an error.</p>
94(4)(a)	Fire and Emergency Services Act 2005 Fire & Emergency Services Act 2005	Make a written submission to the Minister in relation to a recommendation of the SACFS Chief Officer to withdraw council function and powers	Council to approve	<ul style="list-style-type: none"> This function can only be delegated to a Fire Prevention Officer pursuant to Division 8 Fire Prevention Changed this to “Elected Body” and not delegated <p>Subdivision 7—Supplementary provisions</p> <p>93—Delegation by councils</p> <p>(1) A council may, by instrument in writing, delegate to a fire prevention officer a power or function under this Division.</p> <p>(2) A delegation under this section is revocable at will and does not derogate from the powers of the council to act in any matter.</p> <p>(3) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.</p>

Colour Key:

 Agree with proposed change


 Recommend no change


 Comment only


Delegation Review – Comments from Council Members

Clause	Legislation	Item delegated	Council Member Comment	Governance Assessment
94(4)(b)	Fire and Emergency Services Act 2005	Request and undertake a delegation to the Minister to discuss a recommendation of the SACFS Chief Officer to withdraw council function and powers	Council to approve	<ul style="list-style-type: none"> This function can only be delegated to a Fire Prevention Officer pursuant to Division 8 Fire Prevention Changed this to “Elected Body” and not delegated <p>Subdivision 7—Supplementary provisions</p> <p>93—Delegation by councils</p> <p>(1) A council may, by instrument in writing, delegate to a fire prevention officer a power or function under this Division.</p> <p>(2) A delegation under this section is revocable at will and does not derogate from the powers of the council to act in any matter.</p> <p>(3) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.</p>
	Independent Commission Against Corruption Act 2012	General comment	The council should have knowledge of any action taken by the delegate. Similar to a breach of a code of conduct where the Mayor provides an overview	<ul style="list-style-type: none"> No change proposed <p>Comment - There are strict confidentiality provisions during the investigation process that anyone who is a party to the investigation, must abide by, there are significant penalties to anyone who breaches confidentiality.</p> <p>Once the investigation has been finalised, the Commission may approve the final report to be released and if so, they are published on their website and in those circumstances, Administration would be able to share these with Council Members.</p>
17(4)(a)	Landscape South Australia Act 2019 Landscapes South Australia Act 2019	Provide an up-to-date copy of the voters roll for the area of the council to the person conducting an election for the members of the regional landscape board	I presume this is NOT the electoral roll, but only the council roll for absent owners (for a charge??)	Comment - Our understanding is that it is both the House of Assembly Roll and the Supplementary Roll, this would be in electronic format.
32(7)	Landscape South Australia Act 2019	Consent to the Governor making a proclamation under sections 32(1), 32(2) or 32(6) in relation to infrastructure or land vested in or under the care, control or management of the council	Council Approval	<ul style="list-style-type: none"> Agree Changed this to “Elected Body” and not delegated
37(1)(c)	Landscape South Australia Act 2019	Approve the delegation by a regional landscape board of a function or power vested in the regional landscape board under any Act to the council or an officer of the council	Council Approval	<ul style="list-style-type: none"> Add a condition “Any function or power delegated by the Landscape Board to either the Council or an officer of the Council to be notified to Council Members”
66(1)	Landscape South Australia Act 2019	Contribute to the costs of the regional landscape board performing its functions	Council Approval	<ul style="list-style-type: none"> 66(1) Agree Changed this to “Elected Body” and not delegated
67(1) 67(2)		Pay contribution to the costs of the regional landscape board performing its functions		67(1) 67(2) This is the levy that is applied to ratepayers through the Landscape Levy on Council rates, this is considered when Council adopts the Annual Budget.

Colour Key:

 Agree with proposed change




 Recommend no change

 Comment only

Delegation Review – Comments from Council Members

Clause	Legislation	Item delegated	Council Member Comment	Governance Assessment
				<p>1.6 Imposition of Regional Landscape Levy</p> <p>In accordance with section 69 of the <i>Landscape South Australia Act 2019</i>, and section 154 of the Act, to reimburse the Council the amount contributed to the Hills and Fleurieu Regional Landscape Board being \$1,642,580, the Council declares the following separate rate based upon the capital value of rateable land for the financial year ending 30 June 2024:</p> <p>1.6.1 0.01092 cents in the dollar on all rateable land in the Council area and in the area of Hills & Fleurieu Regional Landscape Levy.</p>
104(3)	Landscape South Australia Act 2019	Grant a person a water management authorisation or permit to undertake an activity prescribed in sections 104(3)(e) or 104(3)(f) of the Landscape South Australia Act (except in the case of the discharge of water into a watercourse for the purpose of running the water down the watercourse for storage in a reservoir or other facility)	Example please	<ul style="list-style-type: none"> No change recommended, to remain with CEO and subdelegates <p>Comment - Section 106(1)(e) of the Landscape SA Act essentially says that a Water Affecting Activity Permit is not required to undertake an activity <u>if that activity is Development</u> under the PDI Act. Sometimes these developments would then have a referral trigger to Landscapes SA to ensure the activity met their requirements. The aim of this is to reduce the number of consents an applicant is require to obtain. Much the same way the construction of a driveway does not need a Section 221 permit under the Local Government Act if the new driveway is in relation to a DA. Section 104 is a little different to Section 106 as it is referring to a "Relevant Authority". In the proceeding section (103(2)(d)) appears that a Council can be a relevant authority for the purposes of Section 104(3)(e) or (f). We assume this is in the case where there is <u>no development involved</u>, otherwise the permit wouldn't be required. Administration does not recall an instance where it has had to issue a Water Affecting Activity Permit so it would be an extreme rarity, and likely doesn't happen at all. 104(3)(e) states that it is only in situations identified in a water allocation plan or water activities control policy, both of which are under the control of the Landscapes Board so we don't envisage a situation where the responsibility to issue a WAA permit would fall on Council. Below is the full section of the Act.</p> <div style="border: 1px solid black; padding: 5px;"> <p>(3) Subject to this Act, a person must not undertake any of the following activities unless authorised to do so by a water management authorisation or permit granted by the relevant authority:</p> <ul style="list-style-type: none"> (a) drilling, plugging, backfilling or sealing of a well; (b) repairing, replacing or altering the casing, lining or screen of a well; (c) draining or discharging water directly or indirectly into a well; (d) the erection, construction, modification, enlargement or removal of a dam, wall or other structure that will collect or divert, or collects or diverts— <ul style="list-style-type: none"> (i) water flowing in a prescribed watercourse; or (ii) water flowing in a watercourse in the Mount Lofty Ranges Watershed that is not prescribed; or (iii) surface water flowing over land in a surface water prescribed area or in the Mount Lofty Ranges Watershed; (e) an activity of a kind referred to in subsection (4) that is identified in a water allocation plan or a water affecting activities control policy that applies or makes provision in relation to the region or area in which the activity is to be undertaken as being an activity for which a permit is required under this subsection; (f) an activity prescribed by the regulations made on the recommendation of the Minister. </div>

Colour Key:

 Agree with proposed change	 Recommend no change	 Comment only
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Delegation Review – Comments from Council Members

Clause	Legislation	Item delegated	Council Member Comment	Governance Assessment
72(6)(a)	Landscape South Australia Act 2019	<p>Enter an arrangement with the regional landscape board for service of a notice to be effected as part of any other notice serviced by the council</p> <p>Full section of the Act</p> <p>(6) A regional landscape board—</p> <p>(a) may arrange for service of a notice to be effected as part of any other notice served by a public authority or other person; and</p> <p>(b) may arrange for collection of a levy to be effected by a public authority or other person.</p> <p>Subdivision 2—Outside council areas</p> <p>71—Board may declare a levy</p> <p>(1) If the annual business plan for a regional landscape board specifies an amount to be contributed by persons who occupy land outside council areas towards the costs of the board performing its functions under this Act in a particular financial year, the board may, by notice in the Gazette, declare a levy under this section.</p> <p>(2) Subject to this section, a levy may be declared with respect to land within the relevant area (to be called <i>rateable land</i> for the purposes of this section).</p>	Can we negotiate the commission paid?	<ul style="list-style-type: none"> No change recommended, to remain with CEO and subdelegates <p>Comment - Possibly, this would need to be investigated at the time should this situation ever arise.</p>
69(3)(e)	Liquor Licensing Act 1997 Liquor Licensing Act 1997	Approval of an application for the extension of a trading area where the relevant area is under the control of the council	Council Approval	<ul style="list-style-type: none"> No change recommended, to remain with CEO and subdelegates <p>This is a Development Services administrative function to consider applications to extend their liquor licensing areas.</p>
128E(1) 128H(3)	Liquor Licensing Act 1997	<p>Prepare a draft local liquor accord</p> <p>Request a variation of a local liquor accord</p> <p>128E—Preparation of draft local liquor accords</p> <p>(1) 1 or more licensees and 1 or more of the following persons or bodies may prepare a draft local liquor accord and give it to the Commissioner for approval:</p> <p>(a) the Commissioner;</p> <p>(b) the Commissioner of Police;</p> <p>(c) a council;</p> <p>(d) any other person or body, or person or body of a class, prescribed by the regulations.</p> <p>(2) A draft local liquor accord must include the following details:</p> <p>(a) the name of each party to the draft;</p> <p>(b) the name and address of the coordinator for the local liquor accord (being a party to the draft or a representative of a party to the draft);</p> <p>(c) the proposed accord area;</p> <p>(d) any other details prescribed by the regulations.</p>	Not sure what this means	<ul style="list-style-type: none"> Add condition “In consultation with Council” <p>A 'local liquor accord' is a document that sets out terms to manage the supply of liquor on licensed premises in order to prevent or reduce alcohol-related violence. They're not to be confused with 'liquor accords' which are meetings held by holders of liquor licences, often with a representative of the Liquor and Gambling Commissioner, South Australia Police and the local council, to discuss strategies for the management of liquor.</p> <p>Each local liquor accord is tailored specifically to a local area and contains strategies to:</p> <ul style="list-style-type: none"> deal with the misuse of liquor minimise harm support responsible service principles ensure safety in the local community. <p>A local liquor accord only applies to those members who have agreed to be a party to it.</p>


Colour Key:


Agree with proposed change	Recommend no change	Comment only
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Delegation Review – Comments from Council Members

Clause	Legislation	Item delegated	Council Member Comment	Governance Assessment
		<p>128F—Terms of local liquor accords</p> <p>Without limiting the terms that may be included in a local liquor accord, a local liquor accord may make provision for or with respect to authorising or requiring any licensees who are parties to it to do 1 or more of the following:</p> <p>(a) to cease or restrict either or both of the following on their licensed premises:</p> <p>(i) the sale of liquor on those premises (including the sale of liquor for consumption off premises);</p> <p>(ii) allowing the consumption of liquor on those premises;</p> <p>(b) to restrict the public's access to the licensed premises in the manner and to the extent provided by the local liquor accord;</p> <p>(c) to take any other measure prescribed by the regulations as a measure that may be taken to prevent or reduce alcohol-related violence.</p>		
91A(3)	Local Government (Elections) Act 1999 Local Government (Elections) Act 1999	Apply in writing for an exemption from the prohibition against making a designated decision during an election period	Council to approve	<ul style="list-style-type: none"> Agree Changed this to "Elected Body" and not delegated
6(3)	Local Government (Procedures at Meetings) Regulations 2013 Local Government (Procedures at Meetings) Regulations 2013	Review the operation of a code of practice under regulation 6 of the Local Government (Procedures at Meetings) Regulations	For Council approval	<ul style="list-style-type: none"> Currently sits with the Elected Body, therefore no change required.
24(1)	Burial and Cremation Act 2013 Burial and Cremation Act 2013 (legislation.sa.gov.au)	Close a cemetery or natural burial ground	Subject to notification of Council	<ul style="list-style-type: none"> Agree Changed this to "Elected Body" and not delegated
23	Burial and Cremation Act 2013	Set apart part of a cemetery or natural burial ground for a particular religion	Elected Body	<ul style="list-style-type: none"> Currently sits with the Elected Body, therefore no change required.
25(1)	Burial and Cremation Act 2013	Petition the Minister to have trust on which land is held by council which was formerly a cemetery or natural burial ground determined and the land dedicated as park lands	subject to Council approval	<ul style="list-style-type: none"> Agree add condition "Subject to the approval of Council"
26(2)	Burial and Cremation Act 2013	Convert a closed cemetery which is not on land held on trust by the council or that includes land under the care, control and management of a council into a public park or garden	subject to Council approval	<ul style="list-style-type: none"> Agree add condition "Subject to the approval of Council"
26(3)	Burial and Cremation Act 2013	Give notice of intention to convert a cemetery into a public park where the cemetery is not on land held on trust by the council or that includes land under the care, control and management of a council	subject to Council approval	<ul style="list-style-type: none"> This is the action of publicly advertising in a newspaper circulating throughout the State on the decision of 26(2), therefore it's an Administration function only and no change required as the decision remains with Council.
28(1)	Burial and Cremation Act 2013	Provide notice of cemetery or natural burial ground closure to the Registrar	after Council approval	<ul style="list-style-type: none"> The delegation to close a cemetery is within 24(1) which is not delegated to Administration, therefore no change required as this action can only be undertaken following a decision of Council.
32(1)	Burial and Cremation Act 2013	Fix renewal fee	set annually in fees and charges	<ul style="list-style-type: none"> Correct, these are approved by Council in the Annual Budget process, included a condition "As per the Fees and Charges Register approved by Council"

Colour Key:

 Agree with proposed change

 Recommend no change

 Comment only

Delegation Review – Comments from Council Members

Clause	Legislation	Item delegated	Council Member Comment	Governance Assessment																				
33(1)(a)	Burial and Cremation Act 2013	Determine consideration for transfer of interment right	set annually in fees and charges	<ul style="list-style-type: none"> Correct, these are approved by Council in the Annual Budget process, included a condition “As per the Fees and Charges Register approved by Council” https://www.ahc.sa.gov.au/assets/downloads/council/Fees/AHC-Fees-Charges-2023-24-as-adopted-27-June-2023-002.pdf 																				
43(a)	Burial and Cremation Act 2013	Enlarge a cemetery, natural burial ground or crematorium	subject to Council approval	<ul style="list-style-type: none"> Included a condition “In consultation with Council” 																				
48(1)	Burial and Cremation Act 2013	Receive land used as a cemetery or natural burial ground on trust	subject to Council approval	<ul style="list-style-type: none"> Agree add condition “Subject to the approval of Council” 																				
6(1)	Cost of Living Concessions Act 1986 Cost of Living Concessions Act 1986 South Australian Legislation	Apply to the Treasurer for the amount of rates remitted under the Cost of Living Concessions Act to be paid to the rating authority	OK but what is this about?	<p>This Act is an Act to provide for the partial remission of certain rates payable by certain persons; for the payment of an amount to certain persons as a concession to assist with cost-of-living pressures; and for other purposes.</p> <p>Our understanding is that where Council has remitted the CWMS separate rate in part or in whole (on the basis of financial hardship), Council can apply to the State Government Treasurer for reimbursement of this amount.</p>																				
18A(1)	Crown Land Management Act 2009 Crown Land Management Act 2009 (legislation.sa.gov.au)	Seek the consent of the Minister to the exclusion of dedicated land from classification as community land	after approval of the council	<ul style="list-style-type: none"> This delegation is an administrative step to write to the Minister seeking their consent following a decision of Council. The decision to resolve to exclude the delegation under 193(4)(a) of the Local Government Act 1999 cannot be delegated and therefore sits with Council. No change required. <p>18A—Classification as community land</p> <p>(1) A council may not resolve to exclude dedicated land from classification as community land in the circumstances described in section 193(4)(a) of the <i>Local Government Act 1999</i> unless the Minister has consented, in writing, to the exclusion of the land.</p>																				
26(6)(a)	Dog and Cat Management Act 1995 Dog and Cat Management Act 1995 (legislation.sa.gov.au)	Charge fees for the provision of register extracts	and following- fees to be set by council (does charge mean raise an invoice?)	<ul style="list-style-type: none"> Added a condition “In accordance with the Fees and Charges Register approved by Council” <p>The fee charged for the provision of an extract from a register kept under this act would be a search and processing fee.</p> <table border="1"> <thead> <tr> <th colspan="4">1.2 Local Government Act 1999</th> </tr> <tr> <th colspan="4">Rates and Charges Search Fees - Section 188</th> </tr> </thead> <tbody> <tr> <td>Application Fee</td> <td>YES</td> <td></td> <td>\$32.00</td> </tr> <tr> <td>Search and processing fee (for each 30 minute block or part thereof)</td> <td>YES</td> <td></td> <td>\$27.00</td> </tr> <tr> <td>Fee for copying the documents</td> <td>YES</td> <td></td> <td>Refer to Library Services Photocopying</td> </tr> </tbody> </table>	1.2 Local Government Act 1999				Rates and Charges Search Fees - Section 188				Application Fee	YES		\$32.00	Search and processing fee (for each 30 minute block or part thereof)	YES		\$27.00	Fee for copying the documents	YES		Refer to Library Services Photocopying
1.2 Local Government Act 1999																								
Rates and Charges Search Fees - Section 188																								
Application Fee	YES		\$32.00																					
Search and processing fee (for each 30 minute block or part thereof)	YES		\$27.00																					
Fee for copying the documents	YES		Refer to Library Services Photocopying																					
26A(1)	Dog and Cat Management Act 1995	Prepare a dog and cat management plan	after approval of council	<ul style="list-style-type: none"> Current condition “subject to the approval of Council” no change required. 																				
26A(3)	Dog and Cat Management Act 1995	Present dog and cat management plan to Dog and Cat Management Board	after approval of council	<ul style="list-style-type: none"> This is an administrative step to provide the approved plan to the Board, no change to delegations required. 																				
26A(5)	Dog and Cat Management Act 1995	Amend dog and cat management plan	after approval of council	<ul style="list-style-type: none"> Current condition “subject to the approval of Council” no change required. 																				

Colour Key:

	Agree with proposed change
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	Recommend no change
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	Comment only
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Delegation Review – Comments from Council Members

Clause	Legislation	Item delegated	Council Member Comment	Governance Assessment
41(1)(c)	Dog and Cat Management Act 1995	Fix fee for application under Part 4, Dog and Cat Management Act	fees fixed annually with fees and charges	<ul style="list-style-type: none"> Added a condition "In accordance with the Fees and Charges Register approved by Council"
50(1)(a)	Dog and Cat Management Act 1995	Make a Destruction Order	Council Members to be notified	<ul style="list-style-type: none"> Given the sensitivity nature and privacy implications of this matter, this is not recommended to be reported through a public forum.
88A(4)	Dog and Cat Management Act 1995	Receive a statutory declaration from the owner of a vehicle who has received an expiation notice or an expiation reminder given under the Expiration of Offences Act 1996	is this right? not sure what a vehicle has to do with dogs/cats	<ul style="list-style-type: none"> This is in relation to transporting unrestrained dogs. <p>88A—Liability of vehicle owners in relation to transporting unrestrained dogs</p> <p>(4) An expiation notice or expiation reminder notice given under the <i>Expiation of Offences Act 1996</i> to the owner of a vehicle for an alleged offence against this section involving the vehicle must be accompanied by a notice inviting the owner, if he or she was not the driver at the time of the alleged prescribed offence, to provide the council or authorised person specified in the notice, within the period specified in the notice, with a statutory declaration—</p> <p>(a) setting out the name and address of the driver; or</p> <p>(b) if he or she had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the <i>Motor Vehicles Act 1959</i> in respect of the transfer—setting out details of the transfer (including the name and address of the transferee).</p>
18D	Environment Protection Act 1993 Environment Protection Act 1993 (legislation.sa.gov.au)	Report to the Environment Protection Authority on performance of functions under Division 1A, Part 3	after approval of the council	<ul style="list-style-type: none"> Added condition "report to be provided to Council Members following completion of the report" <p>This is an administrative step that the Council must report to the Authority at such intervals as the Authority requires, on the performance by the Council on functions conferred on the administering agency.</p>
93(2a)	Environment Protection Act 1993	Provide notice to the authority under the Natural Resource Management Act 2004	is there still a NRMAct?	<ul style="list-style-type: none"> The delegation software company is aware of this outdated wording, the section of the Act does refer to the current legislation of the Landscape South Australia Act 2019 <p>(2a) Where a proposed environment protection order (except an emergency environment protection order) or a proposed variation of an environment protection order would require the undertaking of an activity for which a permit would, but for section 106 of the <i>Landscape South Australia Act 2019</i>, be required under that Act, the Authority or other administering agency must, before issuing or varying the order, give notice of the proposal to the authority under the <i>Landscape South Australia Act 2019</i> to whom an application for a permit for the activity would otherwise have to be made inviting the authority to make written submission in relation to the proposal within a period specified in the notice.</p>
27(1)(b)(i)	Community Titles Act 1996 Community Titles Act 1996 (legislation.sa.gov.au)	Consent to encroachment over land vested in, or under the control, of the council	I'm keen to understand this one a little more. We have had a report come to council that required remedy of an encroachment. I'd like to have some examples of where	My understanding of this is when Council become aware of an encroachment (building or structure or the like being placed on land outside of what is within the neighboring property) which has been placed on land vested in, or under the control, of the council which happens to be land under the community titles act. I would imagine that it would require either removal of the structure or council to endorse the encroachment by way of noting it on the title as an easement or having the boundary realigned.

Colour Key:

 Agree with proposed change


 Recommend no change


 Comment only


Delegation Review – Comments from Council Members

Clause	Legislation	Item delegated	Council Member Comment	Governance Assessment
			the CEO or subdelegates might approve such encroachment.	<p>27—Encroachments</p> <p>(1) If it appears from a community plan that any part of a building encroaches over land not included in the community parcel, the plan can only be deposited if—</p> <p>(a) no part of a lot to be created by the plan forms part of the encroachment; and</p> <p>(b) —</p> <p>(i) the encroachment is over land vested in, or under the control or management of, a council and the council consents to the encroachment; or</p> <p>(ii) the encroachment consists of the protrusion of footings, or footings and associated structures of a nature prescribed by regulation, by not more than the distance prescribed by regulation beyond the boundaries of the parcel, and the owner of the land over which the encroachment occurs consents to the encroachment; or</p> <p>(iii) it is established to the Registrar-General's satisfaction that the encroachment is otherwise authorised by law.</p> <p>(2) Where an application affected by an encroachment is granted by the Registrar-General—</p> <p>(a) the Registrar-General will, on the deposit of the plan, enter the encroachment on any relevant certificate of title or on any relevant instrument registered in the General Registry Office; and</p> <p>(b) any consent given in relation to the encroachment is binding on present and subsequent owners and occupiers of the land.</p>
9AA(1)	Mining Act 1971 Mining Act 1971 (legislation.sa.gov.au)	Enter into an agreement with a mining operator to waive the benefit of an exemption	Subject to notification of Council	<ul style="list-style-type: none"> Agree Changed this to “Elected Body” and not delegated
	Food Act 2001		Is there any requirement for Council to produce an annual report and provide same to the Minister?	Yes, Council reports annually to the relevant authority.
	Road Traffic Act		David said the other night that the CEO can't close a road if it adjoins a DIT road. Is that covered	Section 33 of the Road Traffic Act stipulates that the Minister may declare an event,

Colour Key:

 Agree with proposed change


 Recommend no change


 Comment only


Delegation Review – Comments from Council Members

Clause	Legislation	Item delegated	Council Member Comment	Governance Assessment
				<p>33—Road closing and exemptions for certain events</p> <p>(1) On the application of any person interested, the Minister may declare an event to be an event to which this section applies and may do either or both of the following:</p> <p>(a) make an order directing that specified roads (being roads on which the event is to be held or roads that, in the Minister's opinion, should be closed for the purposes of the event) be closed to traffic for a period specified in, or determined in accordance with, the order;</p> <p>(b) make an order directing that persons participating in the event be exempted, in relation to specified roads, from the duty to observe an enactment, regulation or by-law prescribing a rule to be observed on roads by pedestrians or drivers of vehicles.</p> <p>The Minister has by way of the Instrument of General Approval and Delegation to Council by the Minister, delegated these powers to Council. DOCS AND FILES-2023271-v4-Tass Legal Index - Notice to council - traffic control devices.pdf (dit.sa.gov.au)</p> <p>The ability to close a road for an event that runs into or intersects with a road that is under the care, control and management of another Council or the Commissioner for Highways is not able to be sub-delegated by condition of the Minister, therefore any application that does not meet this condition must be considered by Council.</p> <p>Council may sub-delegate the power delegated to Council pursuant to Clause G of this Instrument subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Council may only sub-delegate the power to the person for the time being occupying the position of Chief Executive Officer of Council; and 2. Any such sub-delegation must be made by instrument in writing by Council resolution; and 3. The sub-delegate cannot direct the closure of a road or and grant an exemption for an event on a road that runs into or intersects with, or is otherwise likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council or the Commissioner for Highways; and 4. Council's sub-delegate is subject to all conditions that are imposed on Council under Clause G, in relation to the closure of a road or the grant of an exemption for an event; and 5. Council may impose any other conditions deemed necessary on its sub-delegate in relation to the closure of a road or the grant of an exemption for an event; and 6. Council cannot authorise any other person to exercise the powers conferred on Council, pursuant to G of this Instrument.
regulation 6(1)(b)	South Australia Public Health (Wastewater) Regulations 2013 South Australian Public Health (Wastewater) Regulations	Agree to act as a relevant authority in respect of a wastewater systems or wastewater works being undertaken by another council or a person in conjunction with another council	subject to council approval	<ul style="list-style-type: none"> • Agree add condition "Subject to the approval of Council"

Colour Key:

 Agree with proposed change




 Recommend no change

 Comment only

Delegation Review – Comments from Council Members

Clause	Legislation	Item delegated	Council Member Comment	Governance Assessment
	2013 (legislation.sa.gov.au)			
18(2)	South Australian Public Health Act 2011 South Australian Public Health Act 2011 (legislation.sa.gov.au)	Provide a report as required by the Minister on any matter relevant to the administration or operation of the Act	is this an annual report on operations? If , council should approve	This is an administrative function to provide a report to the Minister on any matter relevant to the operation of the Act on statistical data only. Council Members are able to obtain a copy from Administration once it's been submitted.
41(6)(a)(ii)	South Australian Public Health Act 2011	Make submissions to the Minister regarding the proposed withdrawal of council powers under the Act	council approval first	<ul style="list-style-type: none"> Agree add condition "Subject to the approval of Council"
51(10)	South Australian Public Health Act 2011	Amend a regional public health plan	approval of council first	<ul style="list-style-type: none"> This has been changed to Elected Body
51(11)(a)	South Australian Public Health Act 2011	Prepare a draft regional public health plan	prior council authorization	<ul style="list-style-type: none"> This has been changed to Elected Body
51(11)(b)(i)	South Australian Public Health Act 2011	Provide a copy of a draft regional public health plan to the Minister, any incorporated hospital established under the Health Care Act 2008 that operates a facility within the region, any relevant public health partner authority and any other prescribed body or group	prior council authorization	This is an administrative function to provide a copy of the draft plan to the Minister once it has been approved by Council, no change recommended.
51(16)	South Australian Public Health Act 2011	Adopt a regional public health plan either with or without amendment	council role	<ul style="list-style-type: none"> This has been changed to Elected Body
51(19)	South Australian Public Health Act 2011	Review a regional public health plan at least every 5 years	council approval	<ul style="list-style-type: none"> This has been changed to Elected Body

Colour Key:

 Agree with proposed change	 Recommend no change	 Comment only
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Appendix 2

Instruments of Sub-Delegations



ADELAIDE HILLS COUNCIL

COMBINED INSTRUMENT OF DELEGATION

10 AUGUST 2023

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Instrument of Delegation under the Burial and Cremation Act 2013

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 8(2)	Approve the interment of bodily remains	Chief Executive Officer	Nil	council
section 13(4)	Inter additional bodily remains	Chief Executive Officer	NIL	
section 13(6)	Be consulted by the Attorney-General regarding the opening of an interment site, exhumation or removal of bodily remains or re-interment of bodily remains	Chief Executive Officer	NIL	
section 18(1)	Ensure that cremated remains are only released to an authorised person	Chief Executive Officer	NIL	
section 18(2)	Dispose of cremated remains	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 19	Establish a cemetery, natural burial ground or crematorium	Elected Body	NIL	
section 20	Establish and manage a public mortuary	Elected Body	NIL	
section 21	Establish a mausoleum	Elected Body	NIL	
section 22	Provide part of a cemetery as a natural burial ground	Elected Body	NIL	
section 23	Set apart part of a cemetery or natural burial ground for a particular religion	Elected Body	NIL	
section 24(1)	Close a cemetery or natural burial ground	Elected Body	NIL	relevant authority for cemetery or crematorium
section 24(2)	Provide notice of proposed closure of a cemetery or natural burial ground	Chief Executive Officer	NIL	

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 24(5)	Provide details of representations or submissions to the Minister regarding the proposed closure of a cemetery or natural burial ground	Chief Executive Officer	NIL	
section 24(8)(a)	Discharge unexercised interment rights and provide a refund by agreement with the interment holder on closure of a cemetery or natural burial ground	Chief Executive Officer	NIL	
section 24(8)(b)	Discharge unexercised interment rights and issue a new interment right by agreement with the interment holder on closure of a cemetery or natural burial ground	Chief Executive Officer	NIL	
section 24(9)(a)	Discharge interment rights and issue a new interment right with the interment holder on closure of a cemetery or natural burial ground	Chief Executive Officer	NIL	
section 24(9)(b)	Remove and re-inter human remains by agreement with the interment holder on closure of a cemetery or natural burial ground	Chief Executive Officer	NIL	

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 24(9)(c)	Remove and reposition a memorial by agreement with the interment holder on closure of a cemetery or natural burial ground	Chief Executive Officer	NIL	
section 24(10)	Referral of matter for mediation if agreement cannot be reached on the discharge of an interment right on closure of a cemetery or natural burial ground	Chief Executive Officer	NIL	
section 24(11)	Pay for mediation with respect to the discharge of an interment right on closure of a cemetery or natural burial ground	Chief Executive Officer	NIL	
section 24(12)(a)	Offer land as a gift on closure of a cemetery or natural burial ground	Elected Body	NIL	
section 24(12)(b)	Demolish, remove, relocate or replace a grave on closure of a cemetery or natural burial ground	Elected Body	NIL	

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 24(14)	Prepare an inventory prior to closure of a cemetery or natural burial ground identifying all graves and memorial, a record of all inscriptions and other particulars on memorials and a photograph of each memorial	Chief Executive Officer	IL	
section 24(15)	Make the inventory of graves and memorials available to the public	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 25(1)	Petition the Minister to have trust on which land is held by council which was formerly a cemetery or natural burial ground determined and the land dedicated as park lands	Chief Executive Officer	NIL	Subject to the approval of Council
section 25(5)	Pay costs of advertising or inquiry related to the determination of a trust and dedication of land as park lands	Chief Executive Officer	NIL	
section 25(4)(a)	Remove memorials if a closed cemetery is dedicated as park lands	Chief Executive Officer	NIL	

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 25(4)(b)	Relocate memorials if a closed cemetery is dedicated as park lands	Chief Executive Officer	NIL	
section 25(4)(c)	Replace memorials if a closed cemetery is dedicated as park lands	Chief Executive Officer	NIL	
section 26(2)	Convert a closed cemetery which is not on land held on trust by the council or that includes land under the care, control and management of a council into a public park or garden	Chief Executive Officer	NIL	Subject to the approval of Council
section 26(3)	Give notice of intention to convert a cemetery into a public park where the cemetery is not on land held on trust by the council or that includes land under the care, control and management of a council	Chief Executive Officer	NIL	
section 26(6)(a)	Remove memorials from a closed cemetery which is not on land held on trust by the council or that includes land under the care, control and management of a council	Chief Executive Officer	NIL	

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 26(6)(b)	Relocate memorials from a closed cemetery which is not on land held on trust by the council or that includes land under the care, control and management of a council	Chief Executive Officer	NIL	
section 26(6)(c)	Replace memorials a closed cemetery which is not on land held on trust by the council or that includes land under the care, control and management of a council	Chief Executive Officer	NIL	
section 27(1)(a)	Construct roads and pathways for purpose of converting closed cemetery into a public park or garden	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 27(1)(b)	Erect or construct buildings for purpose of converting closed cemetery into a public park or garden	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 27(1)(c)	Construct a vault or other repository for human remains for purpose of converting closed cemetery into a public park or garden	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 27(1)(d)	Erect lighting, seating or other infrastructure or public amenity for purpose of converting closed cemetery into a public park or garden	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 27(1)(e)	Take such other action for laying out land as parklands or a public place or garden for purpose of converting closed cemetery into a public park or garden	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 28(1)	Provide notice of cemetery or natural burial ground closure to the Registrar	Chief Executive Officer	NIL	
section 28(2)	Provide notice of crematorium closure to the Registrar or the Environment Protection Authority	Chief Executive Officer	NIL	
section 28(3)	Forward records of closed cemetery, natural burial ground or crematorium to the Libraries Board of South Australia	Chief Executive Officer	NIL	

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 30(1)	Agree to the interment of human remains	Chief Executive Officer	NIL	
section 30(1)	Issue an interment right	Chief Executive Officer	NIL	
section 30(2)	Provide statement in plain English setting out rights and responsibilities in regard to an interment right to person applying for an interment right	Chief Executive Officer	NIL	
section 30(3)	Determine capacity of interment site	Chief Executive Officer	NIL	
section 30(5)	Carry out a lift and deepen procedure	Chief Executive Officer	NIL	
section 32(1)	Renew interment right	Chief Executive Officer	NIL	

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 32(1)	Fix renewal fee	Chief Executive Officer	As per the Schedule of Fees and Charges approved by Council	relevant authority for cemetery or crematorium
section 32(2)	Provide notice of interment right expiry	Chief Executive Officer	NIL	
section 32(3)	Provide statement in plain English setting out rights and responsibilities in regard to an interment right to person renewing interment right	Chief Executive Officer	NIL	
section 33(1)	Transfer an interment right	Chief Executive Officer	NIL	
section 33(1)(a)	Determine consideration for transfer of interment right	Chief Executive Officer	As per the Schedule of Fees and Charges approved by Council	

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 33(3)	Record interment right transfer in register	Chief Executive Officer	NIL	
section 34(1)	Receive surrendered interment right	Chief Executive Officer	NIL	
section 34(2)	Provide a refund on the surrender of an unexercised interment right	Chief Executive Officer	NIL	
Section 35(4)	Comply with obligations under an interment right	Chief Executive Officer		relevant authority for cemetery or crematorium
section 37(1)	Keep a register of interment rights	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 37(2)	Record information in the interment rights register	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 38(1)(a)	Reuse an interment site on expiry of an interment right	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 38(1)(b)	Remove a memorial on expiry of an interment right	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 38(2)(a)	Give notice of intention to reuse an interment site by public advertisement	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 38(2)(b)	Give notice of intention to reuse an interment site by notice to the personal representative of the deceased	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 39(2)	Deal with and dispose of a memorial in accordance with the Burial and Cremation Act	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 40	Enter into an agreement with an interment right holder to maintain memorial	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 41(1)	Provide notice requiring repair, removal or reinstatement of memorial	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 41(2)	Carry out repair, removal or reinstatement work	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 41(2)	Recover costs of work repairing, removing or reinstating a memorial	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 41(3)	Carry out repair, removal or reinstatement work	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 41(3)	Recover costs of work repairing, removing or reinstating a memorial	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 42(1)	Remove and dispose of memorial where interment right has expired	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 42(1)(c)	Give notice of intention to remove and dispose of a memorial on expired interment site by public advertisement and notice affixed to the memorial	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 42(1)(d)	Give notice of intention to remove and dispose of a memorial on expired interment site by public notice to owner of memorial	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 42(2)	Keep prescribed records of disposed memorials	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 43(a)	Enlarge a cemetery, natural burial ground or crematorium	Chief Executive Officer	In consultation with Council	relevant authority for cemetery or crematorium
section 43(b)	Improve or embellish a cemetery, natural burial ground or crematorium	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 43(c)	Restrict interments in any part of a cemetery or natural burial ground	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 43(d)	Take action for proper management and maintenance of a cemetery, natural burial ground or crematorium	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 45	Restrict interments in any part of a cemetery or natural burial ground	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 46(1)	Issue notice that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act	Chief Executive Officer	NIL	council
section 46(1)	Respond to notice from the Minister that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 46(3)	Cause work to be undertaken to satisfy notice that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act	Chief Executive Officer	NIL	council
section 46(4)	Cause work to be undertaken to satisfy notice that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act	Chief Executive Officer	NIL	council

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 46(5)	Recover costs of work to be undertaken to satisfy notice that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act	Chief Executive Officer	NIL	council
section 47(1)	Apply for review of decision requiring work to be undertaken to satisfy notice that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 47(1)	Make submissions on a review of decision requiring work to be undertaken to satisfy notice that cemetery or natural burial ground is in a neglected condition	Chief Executive Officer	NIL	council
section 48(1)	Receive land used as a cemetery or natural burial ground on trust	Chief Executive Officer	Subject to the approval of Council	council
section 49(1)	Assume administration of cemetery or natural burial ground	Chief Executive Officer	NIL	council

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 49(1)(c)	Agree to transfer administration of cemetery or natural burial ground	Chief Executive Officer	NIL	council
section 50(1)	Allow access to of cemetery, natural burial ground or crematorium	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 50(2)	Require person to leave cemetery, natural burial ground or crematorium	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 51(1)	Deal with land used as a cemetery or natural burial ground in ordinary course of commerce	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 51(2)	Discharge interment rights prior to dealing with land used as a cemetery or natural burial ground in ordinary course of commerce	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 51(2)(a)	Provide refund to holder of an interment right on the discharge of that right in order to deal with land used as a cemetery or natural burial ground in ordinary course of commerce	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 51(2)(b)	Issue new interment right to holder of an interment right on the discharge of that right in order to deal with land used as a cemetery or natural burial ground in ordinary course of commerce	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 52	Deal with land which was a cemetery or natural burial ground closed in accordance with the Burial and Cremation Act in ordinary course of commerce	Chief Executive Officer	NIL	council
section 53(1)	Keep registers and plan prescribed by Burial and Cremation Act	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 53(3)	Keep records prescribed by Burial and Cremation Act	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 53(4)	Make registers prescribed by Burial and Cremation Act publicly available	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 53(5)	Produce a register prescribed by Burial and Cremation Act for inspection	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 56(1)	Request Public Trustee to act for interment right holder	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
section 58(2)	Appoint authorised officers	Chief Executive Officer	NIL	council

Burial and Cremation Act 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 58(3)	Impose conditions on appointment of an authorised officer	Chief Executive Officer	NIL	council
section 58(4)	Issue identity card to an authorised officer	Chief Executive Officer	NIL	council
section 58(7)	Vary or revoke appointment or impose further conditions on an authorised officer	Chief Executive Officer	NIL	council

Instrument of Delegation under the Burial and Cremation Regulations 2014

Burial and Cremation Regulations 2014				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 12(1)	Ensure remains are placed in labelled container and stored in ossuary	Chief Executive Officer	NIL	
regulation 12(2)	Provide notice to the Attorney-General and Registrar of removal of remains to ossuary	Chief Executive Officer	NIL	
regulation 16	Fill interment site to level of natural surface	Chief Executive Officer	NIL	
regulation 17(2)	Approve manner of marking name plate attached to coffin or bodily remains	Chief Executive Officer	NIL	
regulation 18(1)(a)	Approve construction material for mausoleum or vault	Chief Executive Officer	NIL	

Burial and Cremation Regulations 2014				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 18(5)	Be satisfied that mausoleum or vault is sealed	Chief Executive Officer	NIL	
regulation 19(1)	Open and inspect mausoleum or vault	Chief Executive Officer	NIL	
regulation 19(2)	Give notice to take remedial action if mausoleum or vault does not comply with the Burial and Cremation Regulations or offensive odours or noxious gases or fluids have escaped or are escalating from the mausoleum or vault	Chief Executive Officer	NIL	
regulation 19(3)	Cause work to be undertaken if person fails to comply with notice provided under regulation 19(2)	Chief Executive Officer	NIL	
regulation 19(3)	Recover costs of undertaking work if person fails to comply with notice provided under regulation 19(2)	Chief Executive Officer	NIL	

Burial and Cremation Regulations 2014				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 21(1)	Dispose of name plate, metal or plastic fitting, any other object removed from the exterior of coffin or any other thing in possession due to cremation	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
regulation 21(3)	Ensure nameplate is provided to person holding the relevant cremation permit or a person authorised by that person	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
regulation 22	Fence the cemetery or natural burial ground	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
regulation 24(1)	Issue direction to person in charge of a motor vehicle within a cemetery or natural burial ground as to the driving of the vehicle	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
regulation 24(2)	Issue direction to person in charge of a motor vehicle within a cemetery or natural burial ground as to the parking of the vehicle	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
regulation 25	Authorise removal, damage, defacement or interference of fixtures, structure or grounds within the cemetery or natural burial ground	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium

Burial and Cremation Regulations 2014

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 26(a)	Cause removal of unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers from the cemetery or natural burial ground	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
regulation 26(b)	Cause pruning, cutting down or removal of plants within the cemetery or natural burial ground	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium
regulation 27	Require a person to leave the cemetery or natural burial ground	Chief Executive Officer	NIL	relevant authority for cemetery or crematorium

Instrument of Delegation under the Community Titles Act 1996

Community Titles Act 1996				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 3(11)	Endorse scheme description	Chief Executive Officer	NIL	relevant development authority
section 15A(b)(i)	Certify compliance with the requirements of the Act under which the encumbrance was enter into, or is in force, as to the variation or termination	Chief Executive Officer	NIL	
section 27(1)(b)(i)	Consent to encroachment over land vested in, or under the control, of the council	Chief Executive Officer	Subject to the approval of Council	council
section 30(4)	Require modification to a scheme description prior to endorsing the scheme description	Chief Executive Officer	NIL	

Community Titles Act 1996				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 31(3)	Endorse a certified copy of an amended scheme description	Chief Executive Officer	NIL	
section 53A(b)(i)	Certify compliance with the requirements of the Act under which the encumbrance was enter into, or is in force, as to the variation or termination	Chief Executive Officer	NIL	
section 70(3)	Approve the retention of a primary or secondary lot	Chief Executive Officer	NIL	

Instrument of Delegation under the Cost of Living Concessions Act 1986

Cost of Living Concessions Act 1986				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 6(1)	Apply to the Treasurer for the amount of rates remitted under the Cost of Living Concessions Act to be paid to the rating authority	Chief Executive Officer	NIL	

Instrument of Delegation under the Crown Land Management Act 2009

Crown Land Management Act 2009				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 18A(1)	Seek the consent of the Minister to the exclusion of dedicated land from classification as community land	Chief Executive Officer	NIL	council
section 27(2)	Request the Minister to exercise power or functions under Division 4, Part 3 of the Crown Land Management Act in respect of the Adelaide Park Lands under the care, control and management of the council (other than land in relation to which a power to grant easements otherwise exists under the Act or the Real Property Act 1886).	Not Applicable to Adelaide Hills Council		Adelaide City Council

Instrument of Delegation under the Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s6(3)	<p>1. Concept of Change in the Use of Land</p> <p>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:</p> <p>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</p>	Chief Executive Officer	NIL
s6(3)	<p>1. Concept of Change in the Use of Land</p> <p>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:</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
s18(1)	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.	Chief Executive Officer	NIL
s18(2)	2. Appointment of Authorised Officers 2.2 The power pursuant to Section 18(2) of the Act to impose conditions on the appointment of an authorised officer.	Chief Executive Officer	NIL
s18(3)	2. Appointment of Authorised Officers 2.3 The duty, pursuant to Section 18(3) of the Act to issue an authorised officer with an identity card.	Chief Executive Officer	NIL
s18(5)	2. Appointment of Authorised Officers	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
s20(8)	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.	Chief Executive Officer	NIL
s24(1)(a)(i)	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.	Chief Executive Officer	Subject to sign-off by Council.
s24(1)(b)(i)	4. Council or Minister May Amend a Development Plan 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.	Chief Executive Officer	Subject to sign-off by Council.

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s24(1)(b)(ii)	<p>4. Council or Minister May Amend a Development Plan</p> <p>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.</p>	Chief Executive Officer	NIL
s24(1a)	<p>4. Council or Minister May Amend a Development Plan</p> <p>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.</p>	Chief Executive Officer	NIL
s24(1)(a)(iva)	<p>4. Council or Minister May Amend a Development Plan</p> <p>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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 24(1b)	4. Council or Minister May Amend a Development Plan 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.	Chief Executive Officer	NIL
s24(2a)	4. Council or Minister May Amend a Development Plan 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.	Chief Executive Officer	NIL
s 25(1)	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.	Chief Executive Officer	Subject to sign-off by Council.
s25(1)	5. Amendments by a Council 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.	Chief Executive Officer	Subject to sign-off by Council.

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s25(4) and 25(5)	<p>5. Amendments by a Council</p> <p>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:</p> <p>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;</p> <p>5.3.2 the DPA must include an assessment of the extent to which the proposed amendment:</p> <p style="padding-left: 20px;">5.3.2.1 accords with the Planning Strategy; and</p> <p style="padding-left: 20px;">5.3.2.2 accords with the Statement of Intent; and</p> <p style="padding-left: 20px;">5.3.2.3 accords with other parts of the Development Plan; and</p> <p style="padding-left: 20px;">5.3.2.4 complements the policies in the Development Plans for adjoining areas; and</p> <p style="padding-left: 20px;">5.3.2.5 satisfies the matters prescribed in the Regulations;</p> <p>5.3.3 the DPA must include:</p>	Chief Executive Officer	Subject to sign-off by Council.

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>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</p> <p>5.3.3.2 a summary of the conclusions drawn from the investigations and assessments referred to above; and</p> <p>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);</p> <p>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;</p> <p>5.3.5 the DPA must include any other matter prescribed by the Regulations.</p>		

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s25(3)(a)	<p>5. Amendments by a Council</p> <p>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.</p>	Chief Executive Officer	NIL
s25(4)	<p>5. Amendments by a Council</p> <p>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.</p>	Chief Executive Officer	NIL
s25(5)	<p>5. Amendments by a Council</p> <p>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.</p>	Chief Executive Officer	Subject to sign-off by Council.
s25(6)	<p>5. Amendments by a Council</p> <p>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</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
s25(6)	5. Amendments by a Council 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.	Chief Executive Officer	NIL
s25(7)(a)	5. Amendments by a Council 5.9 Process A 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.	Chief Executive Officer	NIL
s25(7)(b)	5. Amendments by a Council 5.9 Process A	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
s 25(7)(c)	5. Amendments by a Council 5.9 Process A 5.9.3 The power pursuant to Section 25(7)(c) of the Act to consult with the Minister.	Chief Executive Officer	NIL
s25(7)(c)(i)	5. Amendments by a Council 5.9 Process A 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.	Chief Executive Officer	NIL
s25(10), 25(11), 25(12) and 25(12a)	5. Amendments by a Council 5.9 Process A	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	5.9.5 Subject to Sections 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.		
s25(8)(a)	<p>5. Amendments by a Council</p> <p>5.10 Process B</p> <p>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.</p> <p>5.10.2 The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister.</p> <p>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.</p> <p>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</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>assume that the particular Department, agency or body does not desire to provide any comment.</p> <p>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.</p>		
s25(9)(a)	<p>5. Amendments by a Council</p> <p>5.11 Process C</p> <p>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.</p> <p>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</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>Regulations, over a period that is at least concurrent with the period that applies under Section 25(9)(a) of the Act.</p> <p>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:</p> <p>5.11.3.1 an owner or occupier of any land that is directly subject to the operation of the proposed amendment; and</p> <p>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,</p> <p>a written notice in accordance with the Regulations.</p>		
s25(10)	<p>5. Amendments by a Council</p> <p>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:</p> <p>5.12.1 accords with the Planning Strategy; and</p> <p>5.12.2 accords with the Statement of Intent; and</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>5.12.3 accords with other parts of the Development Plan; and</p> <p>5.12.4 complements the policies in the Development Plans for adjoining areas; and</p> <p>5.12.5 satisfies the matters prescribed in the Regulations.</p>		
s25(11)	<p>5. Amendments by a Council</p> <p>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:</p> <p>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</p> <p>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,</p> <p>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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s25(12)	<p>5. Amendments by a Council</p> <p>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:</p> <p>5.14.1 informing the owner of the proposed amendment, and</p> <p>5.14.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.</p>	Chief Executive Officer	NIL
s25(12a)	<p>5. Amendments by a Council</p> <p>5.15 If a proposed amendment declares a tree to be a significant tree or a stand of trees to be significant trees, the duty pursuant to Section 25(12a) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land where the tree or trees are located a written notice:</p> <p>5.15.1 informing the owner of the proposed amendment; and</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	5.15.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.		
s25(13)(a)	5. Amendments by a Council 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.	Chief Executive Officer	NIL
s25(13)(b)	5. Amendments by a Council 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.	Chief Executive Officer	Subject to sign-off by Council.
s25(13)(a);	5. Amendments by a Council 5.18 The duty to send to the Minister:	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	5.18.1 a copy of a report under Section 25(13)(a); and 5.18.2 a certificate from the Chief Executive Officer; pursuant to and in accordance with Section 25(14) of the Act and the Regulations.		
s25(15)(d) and 25(15)(f)	5. Amendments by a Council 5.19 The power pursuant to Sections 25(15)(d) and 25(15)(f) of the Act to consult with the Minister.	Chief Executive Officer	Subject to sign-off by Council.
s25(21)	5. Amendments by a Council 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.	Chief Executive Officer	Subject to sign-off by Council.
s25(23)	5. Amendments by a Council 5.21 The power pursuant to Section 25(23) of the Act to consult with the Minister.	Chief Executive Officer	Subject to sign-off by Council.

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s26(5)(d)(i)	<p>6. Amendments by the Minister</p> <p>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.</p>	Chief Executive Officer	Subject to sign-off by Council.
s26(5a)(a)	<p>6. Amendments by the Minister</p> <p>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.</p>	Chief Executive Officer	Subject to sign-off by Council.
s26(5b)(a)	<p>6. Amendments by the Minister</p> <p>6.3 The power pursuant to Section 26(5b)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 4 weeks.</p>	Chief Executive Officer	Subject to sign-off by Council.
s26(12)	<p>6. Amendments by the Minister</p> <p>6.4 The power pursuant to Section 26(12) of the Act, to make comment to the Minister within a period determined by the</p>	Chief Executive Officer	Subject to sign-off by Council.

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Minister in relation to a proposal to act under Section 26(11) of the Act.		
s26(12)	<p>6. Amendments by the Minister</p> <p>6.5 The power pursuant to, Section 26(12) of the Act to, by notice in writing, object to the Minister's proposed action.</p>	Chief Executive Officer	Subject to sign-off by Council.
s27(6)	<p>7. Parliamentary Scrutiny</p> <p>7.1 The power pursuant to Section 27(6) of the Act to consult with the Minister.</p>	Chief Executive Officer	Subject to sign-off by Council.
s30(1)	<p>8. Strategic Directions Reports</p> <p>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:</p> <p>8.1.1 addresses the strategic planning issues within the area of the Council, with particular reference to:</p> <p>8.1.1.1 the Planning Strategy; and</p>	Chief Executive Officer	Subject to sign-off by Council.

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>8.1.1.2 any other policy or document prescribed by the regulations; and</p> <p>8.1.2 addresses appropriate amendments to any Development Plan that applies within the area of the Council; and</p> <p>8.1.3 sets out the Council's priorities for:</p> <p>8.1.3.1 achieving orderly and efficient development through the implementation of planning policies; and</p> <p>8.1.3.2 the integration of transport and land-use planning within its area; and</p> <p>8.1.3.3 implementing any relevant targets set out in the Planning Strategy; and</p> <p>8.1.3.4 implementing affordable housing policies set out in the Planning Strategy within its area; and</p> <p>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</p>		

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>8.1.3.6 other projects or initiatives considered to be relevant by the Council; and</p> <p>8.1.4 contains such other material as may be:</p> <p>8.1.4.1 prescribed by the regulations; or</p> <p>8.1.4.2 required by the Minister.</p>		
s30(2)	<p>8. Strategic Directions Reports</p> <p>8.2 The duty pursuant to Section 30(2) of the Act to prepare and complete a report under Section 30 of the Act:</p> <p>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:</p> <p>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</p>	Chief Executive Officer	Subject to sign-off by Council.

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>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</p> <p>8.2.2 in any event, within 5 years after the completion of the last report under Section 30 of the Act.</p>		
s30(3)	<p>8. Strategic Directions Reports</p> <p>8.3 The duty, pursuant to Section 30(3) of the Act, in connection with the preparation of a report under Section 30 of the Act, to:</p> <p>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</p> <p>8.3.2 consult with any prescribed authority or body in the manner specified by the regulations.</p>	Chief Executive Officer	Subject to sign-off by Council.
s30(4)	<p>8. Strategic Directions Reports</p> <p>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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s30(5)	<p>8. Strategic Directions Reports</p> <p>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.</p>	Chief Executive Officer	NIL
s30(6)	<p>8. Strategic Directions Reports</p> <p>8.6 The duty pursuant to Section 30(6) of the Act, in preparing a report under Section 30 of the Act, to:</p> <p>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</p> <p>8.6.2 if relevant, prepare a DPA that is suitable for consideration under Section 25(3) of the Act.</p>	Chief Executive Officer	Subject to sign-off by Council.
s30(7)	<p>8. Strategic Directions Reports</p> <p>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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s30(8)	<p>8. Strategic Directions Reports</p> <p>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).</p>	Chief Executive Officer	Subject to sign-off by Council.
s30(9)	<p>8. Strategic Directions Reports</p> <p>8.9 The power pursuant to Section 30(9) of the Act to request the Minister to exempt the Council:</p> <p>8.9.1 from a requirement to prepare a particular report under Section 30 of the Act; or</p> <p>8.9.2 from a particular requirement with respect to a report under Section 30 of the Act.</p>	Chief Executive Officer	Subject to sign-off by Council.
s30(12)	<p>8. Strategic Directions Reports</p> <p>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</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	for inspection (without charge) by the public at the principal office of the Council.		
s30(13)	<p>8. Strategic Directions Reports</p> <p>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.</p>	Chief Executive Officer	Subject to sign-off by Council.
s30(14)	<p>8. Strategic Directions Reports</p> <p>8.12 The power pursuant to Section 30(14) of the Act, to request in accordance with the regulations a Minister identified by the regulations for the purposes of this provision to furnish to the Council within the prescribed period a statement of the nature and extent of any infrastructure that, according to the Minister's assessment, should be taken into account in connection with the preparation of a report under Section 30 of the Act.</p>	Chief Executive Officer	Subject to sign-off by Council.

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s30(15)	<p>8. Strategic Directions Reports</p> <p>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.</p>	Chief Executive Officer	Subject to sign-off by Council.
s31(3)	<p>9. Copies of Plans to be Made Available to the Public</p> <p>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.</p>	Chief Executive Officer	NIL
s33(1)(a)	<p>10. Matters Against Which Development Must be Assessed</p> <p>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):</p> <p>10.1.1 the provisions of the appropriate Development Plan;</p>	Chief Executive Officer	<p>Except:</p> <p>1. New dwellings outside of townships which must have the delegate report countersigned by another Statutory Planner prior to decision being issued.</p>

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>2. Licensed premises which must have the delegate report countersigned by another Statutory Planner prior to the decision being issued</p> <p>3. Refusals must be countersigned by either the Director Development & Regulatory Services or Manager Development Services prior to decision being issued.</p> <p>4. Non-complying 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 countersigned by another Statutory Planner prior to SCAP concurrence being sought.</p>
s33(1)(b)	<p>10. Matters Against Which Development Must be Assessed</p> <p>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):</p> <p>10.1.2 the provisions of the Building Rules;</p>	Chief Executive Officer	<p>Except:</p> <p>1. Refusals which must be countersigned by either the Director Development & Regulatory Services or Manager Development Services prior to decision being issued.</p>

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s33(1)(c)	<p>10.Matters Against Which Development Must be Assessed</p> <p>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):</p> <p>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;</p>	Chief Executive Officer	<p>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.</p>
s33(1)(d)	<p>10.Matters Against Which Development Must be Assessed</p> <p>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):</p> <p>10.1.4 in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;</p>	Chief Executive Officer	<p>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.</p>

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s33(1)(e)	<p>10.Matters Against Which Development Must be Assessed</p> <p>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):</p> <p>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</p>	Chief Executive Officer	NIL
s33(1)(f)	<p>10.Matters Against Which Development Must be Assessed</p> <p>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):</p> <p>10.1.6 such other matters as may be prescribed.</p>	Chief Executive Officer	NIL
s33(3)	<p>10.Matters Against Which Development Must be Assessed</p> <p>10.2 The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a</p>	Chief Executive Officer	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	specified matter until further assessment of the development under the Act.		Development Services, or Team Leader Statutory Planning prior to decision being issued.
s33(1)	<p>10. Matters Against Which Development Must be Assessed</p> <p>10.3 If:</p> <p>10.3.1 a development only requires an assessment under paragraph (b) of Section 33(1) of the Act; and</p> <p>10.3.2 the Council:</p> <p>10.3.2.1 is the relevant authority; and</p> <p>10.3.2.2 is to make the assessment under that paragraph; and</p> <p>10.3.3 the Council determines to grant consent under that paragraph,</p> <p>the duty, pursuant to Section 33(4b) of the Act as the relevant authority, to issue the relevant development approval with the consent.</p>	Chief Executive Officer	NIL
s34(1)(b)(iii)	<p>11. Determination of Relevant Authority</p> <p>11.1 The power pursuant to Section 34(1)(b)(iii) of the Act to request the Minister to declare the Development Assessment</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Commission to be the relevant authority for a proposed development.		
s34(1a)	<p>11. Determination of Relevant Authority</p> <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 Development Assessment Commission with a report, relating to the application for development authorisation, within the time prescribed by the Regulations.</p>	Chief Executive Officer	NIL
s34(8a)	<p>11. Determination of Relevant Authority</p> <p>11.3 The power pursuant to Section 34(8a) of the Act to, in conjunction with the Councils for the areas in relation to which a regional development assessment panel has been constituted, remove a member from the panel for a failure to comply with the requirements of Section 34(6a) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.</p>	Elected Body	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s34(21)	11. Determination of Relevant Authority 11.4 The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel	Elected Body	NIL
34(27)(a) 34(23)	11. Determination of Relevant Authority 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.	Chief Executive Officer	NIL
34(27)(b) 34(27)(a)	11. Determination of Relevant Authority 11.6 The duty pursuant to Section 34(27)(b) of the Act to ensure that a copy of the policy established by the Council under Section 34(27)(a) of the Act is available for inspection at the principal office of the council during ordinary office hours and for inspection on the internet.	Chief Executive Officer	NIL
s35(1)	12. Special Provisions Relating to Assessment Against Development Plans	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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).		
s35(1b)	12. Special Provisions Relating to Assessment Against Development Plans 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.	Chief Executive Officer	NIL
s35(1d)	12. Special Provisions Relating to Assessment Against Development Plans 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	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	development that are consistent with the development being complying development accordingly and to assess the balance of the development as merit development.		
s35(2)	<p>12. Special Provisions Relating to Assessment Against Development Plans</p> <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>	Chief Executive Officer	NIL
s35(3)(a)	<p>12. Special Provisions Relating to Assessment Against Development Plans</p> <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>	Chief Executive Officer	Only non-complying 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 not supported or where a development is a non-complying category 3 with opposing representations development the matter must be reported to CAP.

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
35(6)	<p>12. Special Provisions Relating to Assessment Against Development Plans</p> <p>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.</p>	Chief Executive Officer	NIL
s36(1)	<p>13. Special Provisions Relating to Assessment Against the Building Rules</p> <p>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.</p>	Chief Executive Officer	NIL
s36(2)	<p>13. Special Provisions Relating to Assessment Against the Building Rules</p> <p>13.2 The power pursuant to and in accordance with Section 36(2) of the Act:</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>13.2.1 to assess whether a development is at variance with the Building Rules;</p> <p>13.2.2 to determine whether to grant building rules consent where the variance is with the performance requirements of the Building Code and the Building Rules Assessment Commission concurs in the granting of consent;</p> <p>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:</p> <p>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</p>		

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	13.2.3.2 in circumstances where the development has already occurred the variance is justifiable in the circumstances of the particular case.		
s36(3)	<p>13. Special Provisions Relating to Assessment Against the Building Rules</p> <p>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.</p>	Chief Executive Officer	NIL
s36(3a) 36(3)	<p>13. Special Provisions Relating to Assessment Against the Building Rules</p> <p>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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s36(4)(a) 36(4)(b)	<p>13. Special Provisions Relating to Assessment Against the Building Rules</p> <p>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:</p> <p>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</p> <p>13.5.2 such compliance is certified by a private certifier.</p>	Chief Executive Officer	Administration Building Support Officer is limited to issuing development approvals only relating to Class 1A, 1B, 7B (privately certified only), 10A, 10B (except swimming pools and spas).
s36(6)	<p>13. Special Provisions Relating to Assessment Against the Building Rules</p> <p>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</p>	Chief Executive Officer	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services prior to the decision being issued.

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	the requirements of the Building Rules for a building of that classification.		
37(1)(a) 37(1)(b)	<p>14. Consultation With Other Authorities or Agencies</p> <p>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:</p> <p>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 Development Assessment Commission, and</p> <p>14.1.2 not make a decision until a response has been received from the prescribed body in relation to the matter or matters for which the referral was made or the presumption is made that the body does not desire to make a response or concur (as the case requires).</p>	Chief Executive Officer	NIL
s37(5)(a)	14. Consultation With Other Authorities or Agencies	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
s37(6)	<p>14. Consultation With Other Authorities or Agencies</p> <p>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.</p>	Chief Executive Officer	NIL
37AA(2)(e) 37AA(2)(c)	<p>15. Preliminary Advice and Agreement</p> <p>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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s37AA(4)	<p>15. Preliminary Advice and Agreement</p> <p>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.</p>	Chief Executive Officer	NIL
s37A(1)	<p>16. Proposed Development Involving Creation of Fortifications</p> <p>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').</p>	Chief Executive Officer	NIL
s37A(2)(b)	<p>16. Proposed Development Involving Creation of Fortifications</p> <p>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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s37A(5)	<p>16. Proposed Development Involving Creation of Fortifications</p> <p>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:</p> <p>16.3.1 if the proposed development consists only of the creation of fortifications - refuse the application; or</p> <p>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.</p>	Chief Executive Officer	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services prior to the decision being issued.
s37A(6)	<p>16. Proposed Development Involving Creation of Fortifications</p> <p>16.4 The duty pursuant to Section 37A(6) of the Act, if the Delegate acting on the basis of a determination of the Commissioner under subsection 37A(2) refuses an application or imposes conditions in respect of a 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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s38(3)	<p>17. Public Notice and Consultation</p> <p>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.</p>	Chief Executive Officer	NIL
s38(3a)(a)	<p>17. Public Notice and Consultation</p> <p>17.2 Where a person applies for a consent in respect of the Development Plan for a Category 2A development, -</p> <p>17.2.1 the duty pursuant to Section 38(3a)(a) of the Act to:</p> <p>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</p> <p>17.2.1.2 give any other person of a prescribed class, notice of the application; and</p> <p>17.2.2 the duty pursuant to Section 38(3a)(b) of the Act, to:</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>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</p> <p>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</p> <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>		
s38(4)	<p>17. Public Notice and Consultation</p> <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>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s38(5)	17. Public Notice and Consultation 17.4 The duty pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development.	Chief Executive Officer	NIL
s38(8)	17. Public Notice and Consultation 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.	Chief Executive Officer	NIL
s38(10)(a)	17. Public Notice and Consultation 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.	Chief Executive Officer	NIL
s38(10)(b)	17. Public Notice and Consultation 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	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	an interest in appearing before the Delegate, a reasonable opportunity to appear personally or by representative to be heard in support of the representation.		
s38(11)	17. Public Notice and Consultation 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 Council in order to respond to any relevant matter.	Chief Executive Officer	NIL
s38(12)	17. Public Notice and Consultation 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.	Chief Executive Officer	NIL
s38(17)	17. Public Notice and Consultation	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
s38(18)	<p>17. Public Notice and Consultation</p> <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>	Chief Executive Officer	Subject to delegate report sign off by Team Leader Statutory Planning Senior Statutory Planner, Manager Development Services or Director Development & Regulatory Services.
s39(2)	<p>18. Application and Provision of Information</p> <p>18.1 The power pursuant to Section 39(2) of the Act to request an applicant to:</p> <p>18.1.1 provide such additional documents or information to enable assessment of the application;</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>18.1.2 remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;</p> <p>18.1.3 consult with an authority or body prescribed by the Regulations;</p> <p>18.1.4 (where required by the Regulations) prepare a statement of effect in relation to non-complying development; and</p> <p>18.1.5 comply with any other requirement prescribed by the Regulations.</p>		
s39(2a)	<p>18. Application and Provision of Information</p> <p>18.2 If:</p> <p>18.2.1 a development is of a kind that is complying development; and</p> <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> <p>18.2.3 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d),</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
s39(2b)	<p>18. Application and Provision of Information</p> <p>18.3 If:</p> <p>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</p> <p>18.3.2 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act,</p> <p>the power and duty pursuant to Section 39(2b)(c) of the Act, to;</p> <p>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</p> <p>the duty pursuant to Section 39(2b)(d) of the Act, to;</p> <p>18.3.4 make that request within a period prescribed by the Regulations.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s39(3)	<p>18. Application and Provision of Information</p> <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> <p>18.4.1 subject to Section 39(3)(b)(ii) of the Act, refuse the application; and</p> <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>	Chief Executive Officer	<hr/> <p>Delegate report to be countersigned by Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning.</p>
39(3a)	<p>18. Application and Provision of Information</p> <p>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.</p>	Chief Executive Officer	<hr/> <p>Refer to special circumstances policy.</p>

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s39(3b)	<p>18. Application and Provision of Information</p> <p>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.</p>	Chief Executive Officer	Refer to special circumstances policy.
s39(4)(a) s39(5)	<p>18. Application and Provision of Information</p> <p>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.</p>	Chief Executive Officer	NIL
s39(4)(b) s39(5)	<p>18. Application and Provision of Information</p> <p>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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s39(4)(c) s39(5)	18. Application and Provision of Information 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).	Chief Executive Officer	In accordance with Council Fee Waiver Policy where the applicant is a Community Group.
s39(4)(d)	18. Application and Provision of Information 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.	Chief Executive Officer	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services prior to the decision being issued.
s39(4)(e)	18. Application and Provision of Information 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	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	person and to determine not to finalise the matter until any specified matter is resolved, rectified or addressed.		
s39(7)	18. Application and Provision of Information 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.	Chief Executive Officer	Refer to CAP Delegations Policy for exceptions where staff must refer to CAP.
s39(7)(c)	18. Application and Provision of Information 18.13 The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development.	Chief Executive Officer	NIL
s39(7)(d)	18. Application and Provision of Information 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.	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s39(7a)	<p>18. Application and Provision of Information</p> <p>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.</p>	Chief Executive Officer	Refer to CAP Delegations Policy for exceptions where staff must refer to CAP.
s39(8)	<p>18. Application and Provision of Information</p> <p>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.</p>	Chief Executive Officer	NIL
s39(9)	<p>18. Application and Provision of Information</p> <p>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.</p>	Chief Executive Officer	In accordance with Council's Development Application Fee Refund Policy.
s40(1)	<p>19. Determination of Application</p> <p>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</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	of a refusal, the duty to include the reasons for the refusal and any appeal rights that exist under the Act.)		
s40(3)	19. Determination of Application 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.	Chief Executive Officer	NIL
s41(1)	20. Time Within Which Decision Must be Made 20.1 The duty, pursuant to Section 41(1) of the Act to deal with an application as expeditiously as possible and within the time prescribed by the Regulations.	Chief Executive Officer	NIL
s41(1)	20. Time Within Which Decision Must be Made 20.2 If: 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	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>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,</p> <p>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.</p>		
s42(1)	<p>21. Conditions</p> <p>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.</p>	Chief Executive Officer	NIL
s42(4)	<p>21. Conditions</p> <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</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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).		
s42(6) s42(4)	<p>21. Conditions</p> <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>	Chief Executive Officer	Subject to sign off by Team Leader Statutory Planning, Manager Development Services or Director Development & Regulatory Services.
s42(8)(b)	<p>21. Conditions</p> <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>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s43	<p>22. Cancellation by a Relevant Authority</p> <p>22.1 The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate.</p>	Chief Executive Officer	NIL
s45A(2)	<p>23. Investigation of Development Assessment Performance</p> <p>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.</p>	Chief Executive Officer	NIL
s45A(14)	<p>23. Investigation of Development Assessment Performance</p> <p>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.</p>	Chief Executive Officer	NIL
s45A(12) 45A(11)	<p>23. Investigation of Development Assessment Performance</p> <p>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</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	under Section 45A(11) of the Act is based within a period (being at least 28 days) specified by the Minister.		
s49(4a)	<p>24. Crown Development and Public Infrastructure</p> <p>24.1 The power pursuant to Section 49(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.</p>	Chief Executive Officer	NIL
s49(5)	<p>24. Crown Development and Public Infrastructure</p> <p>24.2 The power pursuant to Section 49(5) of the Act to report to the Development Assessment Commission on any matters contained in a notice from the Development Assessment Commission under Section 49(4a) of the Act.</p>	Chief Executive Officer	NIL
s49(9)	<p>24. Crown Development and Public Infrastructure</p> <p>24.3 The power pursuant to Section 49(9) of the Act to withdraw opposition to a State agency proposed development.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s49A(4a)	<p>25. Electricity Infrastructure Development</p> <p>25.1 The power pursuant to Section 49A(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.</p>	Chief Executive Officer	NIL
s49A(5)	<p>25. Electricity Infrastructure Development</p> <p>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 Development Assessment Commission on any matters contained in the said notice.</p>	Chief Executive Officer	NIL
s49A(9)	<p>25. Electricity Infrastructure Development</p> <p>25.3 The power pursuant to Section 49A(9) of the Act, in circumstances where the Council's report to the Development Assessment Commission under Section 49A(5) of the Act expressed opposition to the proposed development, to withdraw that opposition.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s50(1)	<p>26. Open Space Contribution System</p> <p>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:</p> <p>26.1.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or</p> <p>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</p> <p>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,</p> <p>according to the determination and specification of the Council or Delegate.</p>	Chief Executive Officer	Subject to receipt of agreement from Manager Open Space and Director Engineering & Assets prior to the Development Plan Consent being issued.
s50(1)	<p>26. Open Space Contribution System</p> <p>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</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Development Plan to seek the concurrence of the Development Assessment Commission.		
s50(3)	26. Open Space Contribution System 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 Development Assessment Commission and the applicant under which certain land described by the relevant plan of division will be vested in the Council.	Chief Executive Officer	Subject to receipt of agreement from Manager Open Space and Director Engineering & Assets prior to the Development Plan Consent being issued.
s50(3a)	26. Open Space Contribution System 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 Development Assessment Commission 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.	Chief Executive Officer	Subject to receipt of agreement from Manager Open Space and Director Engineering & Assets prior to the Development Plan Consent being issued.
s50(10)	26. Open Space Contribution System	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
s50(11)	<p>26. Open Space Contribution System</p> <p>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.</p>	Chief Executive Officer	NIL
s50A(1)	<p>27. Carparking Fund</p> <p>27.1 The power pursuant to Section 50A(1) of the Act to establish a car parking fund.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s50A(1)	<p>27. Carparking Fund</p> <p>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.</p>	Chief Executive Officer	NIL
s50A(5)(c)	<p>27. Carparking Fund</p> <p>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.</p>	Chief Executive Officer	NIL
s50A(5)(d)	<p>27. Carparking Fund</p> <p>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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s50A(5)	<p>27. Carparking Fund</p> <p>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.</p>	Chief Executive Officer	Subject to DPA being adopted by Strategic Planning & Development Policy Committee & Minister .
s50A(6)	<p>27. Carparking Fund</p> <p>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.</p>	Chief Executive Officer	NIL
s50A(7)	<p>27. Carparking Fund</p> <p>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.</p>	Chief Executive Officer	NIL
s50A(8)	27. Carparking Fund	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
s50B(1)	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).	Chief Executive Officer	Subject to sign-off by Council.
s50B(2)	28. Urban Trees Fund 28.2 The duty, pursuant to Section 50B(2) of the Act, to effect establishment of the fund by notice in the Gazette.	Chief Executive Officer	NIL
s50B(3)	28. Urban Trees Fund 28.3 The duty, pursuant to Section 50B(3) of the Act, to define a designated area by reference to an area established by the relevant Development Plan.	Chief Executive Officer	Subject to sign-off by Council.

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s50B(5)	<p>28. Urban Trees Fund</p> <p>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.</p>	Chief Executive Officer	Subject to concurrence by Director Development & Regulatory Services and Director Corporate Services.
s50B(6)	<p>28. Urban Trees Fund</p> <p>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:</p> <p>28.5.1 maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act; or</p>	Chief Executive Officer	NIL
s50B(6)	<p>28. Urban Trees Fund</p> <p>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:</p> <p>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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s50B(7)	<p>28. Urban Trees Fund</p> <p>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:</p> <p>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;</p> <p>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.</p>	Chief Executive Officer	NIL
s51(2)	<p>29. Certificate in Respect of the Division of Land</p> <p>29.1 The duty pursuant to Section 51(2) of the Act to provide appropriate information to the Development Assessment Commission (upon request by the Development Assessment</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Commission) before it issues a certificate in respect of the division of land.		
s52(4)	<p>30. Saving Provisions</p> <p>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.</p>	Chief Executive Officer	NIL
s52A(2)(a)	<p>31. Avoidance of Duplication of Procedures Etc</p> <p>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.</p>	Chief Executive Officer	NIL
s52A(2)(b)	<p>31. Avoidance of Duplication of Procedures Etc</p> <p>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</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
s52A(2)(c)	<p>31. Avoidance of Duplication of Procedures Etc</p> <p>31.3 The power pursuant to Section 52A(2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement, assessment or other document of the same kind or not) used or to be used for the purposes of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of the Act.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s52A(5)	<p>31. Avoidance of Duplication of Procedures Etc</p> <p>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.</p>	Chief Executive Officer	NIL
s52A(6)(a)	<p>31. Avoidance of Duplication of Procedures Etc</p> <p>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:</p> <p>31.5.1 in circumstances where:</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>31.5.1.1 the Commonwealth Minister has given his or her approval to the controlled action; and</p> <p>31.5.1.2 the applicant for the development authorisation or the Commonwealth Minister has informed the relevant authority of that fact;</p> <p>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</p>		
s52A(6)(b)	<p>31. Avoidance of Duplication of Procedures Etc</p> <p>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:</p> <p>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</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.		
s53A(1)	<p>32. Requirement to Upgrade Building in Certain Cases</p> <p>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.</p>	Chief Executive Officer	NIL
s53A(2)	<p>32. Requirement to Upgrade Building in Certain Cases</p> <p>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</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
s54(2)(d)	<p>33. Urgent Building Work</p> <p>33.1 The power pursuant to Section 54(2)(d) of the Act to issue any directions and specify a period of time with respect to building work performed as a matter of urgency.</p>	Chief Executive Officer	NIL
s55(1)	<p>34. Action if Development Not Substantially Completed</p> <p>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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s55(5)	<p>34. Action if Development Not Substantially Completed</p> <p>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.</p>	Chief Executive Officer	NIL
s55(6)	<p>34. Action if Development Not Substantially Completed</p> <p>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.</p>	Chief Executive Officer	NIL
s56(1)	<p>35. Completion of Work</p> <p>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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s56(2)	<p>35. Completion of Work</p> <p>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.</p>	Chief Executive Officer	NIL
s56(3)	<p>35. Completion of Work</p> <p>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.</p>	Chief Executive Officer	NIL
s56(4)	<p>35. Completion of Work</p> <p>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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s56A(3)	<p>36. Council to Establish Development Assessment Panels</p> <p>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.</p>	Chief Executive Officer	Subject to Council approval.
s56A(3)	<p>36. Council to Establish Development Assessment Panels</p> <p>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.</p>	Chief Executive Officer	Subject to Council approval.
s56A(3)(d)	<p>36. Council to Establish Development Assessment Panels</p> <p>36.3 The duty pursuant to section 56A(3)(d) of the Act to ensure that, unless granted an exemption by the Minister, at least 1 member of the panel is a woman and at least 1 is a man and to ensure that insofar as is reasonably practicable, the panel consists of equal numbers of men and women.</p>	Chief Executive Officer	Subject to Council approval.

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s56A(3)(e)	<p>36. Council to Establish Development Assessment Panels</p> <p>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.</p>	Chief Executive Officer	Subject to Council approval.
s56A(3)(f)	<p>36. Council to Establish Development Assessment Panels</p> <p>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.</p>	Chief Executive Officer	Subject to Council approval.
s56A(3)(g)	<p>36. Council to Establish Development Assessment Panels</p> <p>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:</p> <p>36.6.1 breach of, or failure to comply with, the conditions of appointment; or</p> <p>36.6.2 misconduct; or</p> <p>36.6.3 neglect of duty; or</p>	Chief Executive Officer	Subject to Council approval.

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>36.6.4 incapacity to carry out satisfactorily the duty of his or her office; or</p> <p>36.6.5 failure to carry out satisfactorily the duty of his or her office; or</p> <p>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.</p>		
s56A(5)	<p>36. Council to Establish Development Assessment Panels</p> <p>36.7 The duty pursuant to and in accordance with Section 56A(5) of the Act to give notice of an appointment.</p>	Chief Executive Officer	NIL
s56A(15)(b)	<p>36. Council to Establish Development Assessment Panels</p> <p>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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s56A(20)	36. Council to Establish Development Assessment Panels 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.	Chief Executive Officer	NIL
s56A(22)	36. Council to Establish Development Assessment Panels 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).	Chief Executive Officer	NIL
s56A(23)	36. Council to Establish Development Assessment Panels 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.	Chief Executive Officer	NIL
s56A(27)	36. Council to Establish Development Assessment Panels 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	Chief Executive Officer	Subject to Council approval.

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	requirement to establish a council development assessment panel under Section 56A of the Act.		
s56A(28)	36. Council to Establish Development Assessment Panels 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.	Chief Executive Officer	Subject to Council approval.
s56B(2)	37. Building Rules Assessment Audits 37.1 The duty pursuant to Section 56B(2) to have its building assessment auditor audit the Council's activities in relation to the undertaking of assessments of proposed developments against the provisions of the Building Rules in accordance with the requirements of Section 56B.	Chief Executive Officer	NIL
s56B(5)	37. Building Rules Assessment Audits 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.	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s56B(10)	<p>37. Building Rules Assessment Audits</p> <p>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.</p>	Chief Executive Officer	Report to be provided to Council.
s56B(14)	<p>37. Building Rules Assessment Audits</p> <p>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).</p>	Chief Executive Officer	NIL
s56B(16)	<p>37. Building Rules Assessment Audits</p> <p>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).</p>	Chief Executive Officer	NIL
s56C(2)	<p>37A. Development Plan Assessment Audits</p> <p>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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s56C(10)	37A. Development Plan Assessment Audits 37A.2 The power pursuant to Section 56C(10) of the Act to provide a response to an auditor with a view to correcting any error or fact.	Chief Executive Officer	NIL
s56C(14)	37A. Development Plan Assessment Audits 37A.3 The power pursuant to Section 56C(14) of the Act to make submissions in relation to the matter to the Minister.	Chief Executive Officer	NIL
s56C(15) 56C(12)(a)	37A. Development Plan Assessment Audits 37A.4 The power pursuant to Section 56C(15) of the Act to, if 37A.4.1 the Minister makes a recommendation to the Council under Section 56C(12)(a) of the Act; and	Chief Executive Officer	NIL
s56C(15)	37A. Development Plan Assessment Audits 37A.4 The power pursuant to Section 56C(15) of the Act to, if	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	37A.4.2 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.		
s57(2) and 57(2a)	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.	Chief Executive Officer	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 Manager level.
s57(2c)	38. Land Management Agreements 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).	Chief Executive Officer	NIL
s57(2e)	38. Land Management Agreements 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	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
s57(3)	38. Land Management Agreements 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.	Chief Executive Officer	NIL
s57(5)	38. Land Management Agreements 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.	Chief Executive Officer	NIL
s57(8)	38. Land Management Agreements 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	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	note has been made under Section 57 of the Act has been rescinded or amended, to enter a note of the rescission or amendment made against the instrument of title or against the land.		
s57(11)	38. Land Management Agreements 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.	Chief Executive Officer	NIL
s57A(1)	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.	Chief Executive Officer	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.
s57A(3)	39. Land Management Agreements - Development Applications 39.2 The duty pursuant to Section 57A(3) of the Act to have regard to: 39.2.1 the provisions of the appropriate Development Plan.	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
s57A(5)	39. Land Management Agreements - Development Applications 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.	Chief Executive Officer	NIL
s57A(6)	39. Land Management Agreements - Development Applications 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.	Chief Executive Officer	NIL
s57A(7)	39. Land Management Agreements - Development Applications 39.5 The power pursuant to Section 57A(7) of the Act to provide a person, on payment of the prescribed fee, a copy of an agreement registered under Section 57A(5) of the Act.	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s57A(8)	39. Land Management Agreements - Development Applications 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.	Chief Executive Officer	NIL
s57A(14)	39. Land Management Agreements - Development Applications 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.	Chief Executive Officer	NIL
s57A(16)	39. Land Management Agreements - Development Applications 39.8 The power pursuant to Section 57A(16) of the Act to apply to the Registrar-General where an agreement under Section 57A has been rescinded or amended to enter a note of the rescission or amendment against the instrument of title, or against the land.	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s57A(18)	<p>39. Land Management Agreements - Development Applications</p> <p>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).</p>	Chief Executive Officer	NIL
s59(3)	<p>40. Notification During Building</p> <p>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.</p>	Chief Executive Officer	NIL
s66(2)	<p>41. Classification of Buildings</p> <p>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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s67(2), (3), (4), (5) (6)	42. Certificates of Occupancy 42.1 The duty pursuant to and in accordance with the requirements of Sections 67(2), (3), (4), (5) and (6) of the Act to give a certificate of occupancy.	Chief Executive Officer	NIL
s67(3)(a)	42. Certificates 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.	Chief Executive Officer	NIL
s67(10)	42. Certificates of Occupancy 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.	Chief Executive Officer	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services prior to the notice being issued.
s67(13)	42. Certificates of Occupancy 42.4 The power pursuant to Section 67(13) of the Act to revoke a certificate of occupancy in prescribed circumstances.	Chief Executive Officer	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services prior to the revocation of the certificate.

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s68(1),(2)	<p>43. Temporary Occupation</p> <p>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.</p>	Chief Executive Officer	NIL
s68(3)	<p>43. Temporary Occupation</p> <p>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.</p>	Chief Executive Officer	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services prior to the notice being issued.
s69(1)	<p>44. Emergency Orders</p> <p>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:</p> <p>44.1.1 the power pursuant to Section 69(4) of the Act to cause the required work to be carried out; and</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
s71(18), (19)	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.	Chief Executive Officer	NIL
s71(19)(a)(i)	44A Fire Safety 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.	Chief Executive Officer	NIL
s71(19)(a)(ii)	44A Fire Safety 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)).	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s71(19)(a)(iii)	44A Fire Safety 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.	Chief Executive Officer	NIL
s71(19)(a)(iv)	44A Fire Safety 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.	Chief Executive Officer	NIL
s71(19)(b)	44A Fire Safety 44A.6 The power pursuant to Section 71(19)(b) of the Act to determine the term of the office not exceeding three years of a member of the appropriate authority.	Chief Executive Officer	NIL
s71(19)(d)	44A Fire Safety 44A.7 The power pursuant to Section 71(19)(d) of the Act to appoint deputy members to the appropriate authority.	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s71(19)(e)	44A Fire Safety 44A.8 The power pursuant to Section 71(19)(e) of the Act to determine the procedures of an appropriate authority.	Chief Executive Officer	NIL
s71A	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.	Chief Executive Officer	Subject to Council endorsement except where a change is of a minor nature.
s74(1)	46. Advertisements 46.1 The power pursuant to and in accordance with Section 74(1) of the Act to: 46.1.1 form the opinion that an advertisement or advertising hoarding disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality or is contrary to a character desired for a locality under the relevant Development Plan; and 46.1.2 serve notice in writing requiring the removal or obliteration of the advertisement or the removal of the advertising hoarding (or both).	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s74(3)	<p>46. Advertisements</p> <p>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.</p>	Chief Executive Officer	NIL
s84(2)	<p>47. Enforcement Notices</p> <p>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.</p>	Chief Executive Officer	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services or Team Leader Statutory Planning or Team Leader Building prior to the notice being issued.
s84(3)	<p>47. Enforcement Notices</p> <p>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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s84(2)(b)	<p>47. Enforcement Notices</p> <p>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:</p> <p>47.3.1 the power pursuant to Section 84(6) of the Act to cause the necessary action to be undertaken; and</p> <p>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.</p>	Chief Executive Officer	NIL
s85(1)	<p>48. Applications to Court</p> <p>48.1 The power pursuant to Section 85(1) of the Act to apply to the Court for an order to remedy or restrain a breach of the Act, or a repealed Act.</p>	Chief Executive Officer	NIL
s85(6)(d)	<p>48. Applications to Court</p> <p>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</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	order to be carried out and to recover the costs of doing so as a debt from the person.		
s86(1)(e)	<p>49. General Right to Apply to Court</p> <p>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.</p>	Chief Executive Officer	NIL
s93(1)(b)(iii)	<p>50. Authority to be Advised of Certain Matters</p> <p>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.</p>	Chief Executive Officer	NIL
s94	<p>51. Referrals</p> <p>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.</p>	Chief Executive Officer	NIL

Development Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s101(1)	<p>52. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>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.</p>	Chief Executive Officer	NIL
s101(2)	<p>52. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>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.</p>	Chief Executive Officer	NIL

Development (Development Plans) Amendment Act 2006			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Schedule 1	<p>53. Transitional Provisions</p> <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>	Chief Executive Officer (95)	Subject to sign-off by Council.
Schedule 1	<p>53. Transitional Provisions</p> <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>	Chief Executive Officer (95)	Subject to sign-off by Council.

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r101(5)	<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> <p>104.5.1.2 constitute a breach of any other law; or</p>	Chief Executive Officer	NIL
r8A(1)(a)	<p>53A. Complying Development – Development Plan Consent</p> <p>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:</p> <p>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</p> <p>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).</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r8A(1)(b)	<p>53A. Complying Development – Development Plan Consent</p> <p>53A.2 The power pursuant to Regulation 8A(1)(b) of the Regulations, for the purposes of Section 35(1b) of the Act, to:</p> <p>53A.2.1 form the opinion that a variation from complying development (including complying development as declared under Regulation 8A(1)(a) of the Regulations) is minor; and</p> <p>53A.2.2 determine that 2 or more minor variations, when taken together, constitute a ‘minor variation from complying development’.</p>	Chief Executive Officer	NIL
r8B(1)	<p>53B. Complying Building Work – Building Rules</p> <p>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 Building Code referred to in Schedule 4 Part 2).</p>	Chief Executive Officer	NIL
r9A(1)	<p>54. Infrastructure Planning</p> <p>54.1 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</p>	Chief Executive Officer	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	other government agency, specified by the Minister as part of the agreement on the Statement of Intent.		
r10A(1)	<p>55. Consultation with Government Departments or Agencies</p> <p>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.</p>	Chief Executive Officer	NIL
s25,26	<p>56. Public Consultation - Section 25 & 26</p> <p>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:</p> <p>56.1.1 advising the time and places at which the DPA is available for inspection (without charge) and purchase by the public; and</p> <p>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</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>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</p> <p>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).</p>		
s25,26	<p>56. Public Consultation - Section 25 & 26</p> <p>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).</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s25,26	<p>56. Public Consultation - Section 25 & 26</p> <p>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.</p>	Chief Executive Officer	NIL
s25,26	<p>56. Public Consultation - Section 25 & 26</p> <p>56.4 The duty pursuant to Regulation 11A(5) of the Regulations, to ensure that a copy of any DPA released for public consultation under Section 25 of the Act is provided to the Minister within 2 business days after that release.</p>	Chief Executive Officer	NIL
r12	<p>57. Public Meeting</p> <p>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.</p>	Chief Executive Officer	NIL
r12(4)	57. Public Meeting	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
r15(1)(c)	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.	Chief Executive Officer	NIL
r15(4)	58. Application to Relevant Authority 58.2 The duty pursuant to and in accordance with Regulation 15(4) of the Regulations, if an application is lodged with the Council but a regional development assessment panel is the relevant authority, to retain a copy of the application and other accompanying information and to forward the application on to the appropriate person acting on behalf of the regional development assessment panel.	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r15(5)	<p>58. Application to Relevant Authority</p> <p>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 Development Assessment Commission 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 Development Assessment Commission.</p>	Chief Executive Officer	NIL
r15(7)(b)	<p>58. Application to Relevant Authority</p> <p>58.4 The power pursuant to Regulation 15(7)(b) of the Regulations to indicate, in such manner as may be determined by the Development Assessment Commission, that the Delegate wishes to receive written documentation instead of electronic access to the relevant documents and information via the Internet.</p>	Chief Executive Officer	NIL
15(7b)	<p>58.4A The power pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application under Regulation 15(7a) of the Regulations, furnish to the private certifier:</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	58.4A.1 the Development Assessment number assigned to the development proposed under the application; and		
r15(7b)	<p>58.4A The power pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application under Regulation 15(7a) of the Regulations, furnish to the private certifier:</p> <p>58.4A.2 if the private certifier, at the time of forwarding a copy of an application under Regulation 15(7a) of the Regulations, requests advice on the matters set out in subparagraphs (i) and (ii), and if such advice is relevant:</p> <p>58.4A.2.1 advice about any site contamination that is believed to exist at the site where the development would be undertaken; and</p> <p>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.</p> <p>58.4A.2.3 advice about whether the relevant development plan specifies any requirements relating to finished floor levels (expressed by</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	reference to AHD or ARI) in relation to the site where the development would be undertaken.		
r15(8)	<p>58. Application to Relevant Authority</p> <p>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).</p>	Chief Executive Officer	NIL
r15(10)(c)	<p>58. Application to Relevant Authority</p> <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 Development Assessment Commission within 5 business days after receipt of the application:</p> <p>58.6.1 a copy of the application; and</p>	Chief Executive Officer	Applies to the City of Tea Tree Gully only.

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	58.6.2 a copy of the plans, drawings, specification and other documents or information accompanying the application.		
r15(11)	<p>58. Application to Relevant Authority</p> <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> <p>58.7.1 in the case of an application that is lodged with the Council for assessment as residential code development – the requirements of Schedule 5 may not be modified in any way by the delegate assessing the application (whether so as to require more or less information), except on authority of the Minister under Section 39(1)(a) of the Act;</p> <p>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).</p>	Chief Executive Officer	NIL
r15(12)	<p>58. Application to Relevant Authority</p> <p>58.8 The duty pursuant to Regulation 15(12) of the Regulations to, in exercising the discretion under Section 39(4)(b) of the Act, dispense</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	with the requirements of Schedule 5 in relation to a particular application.		
r16(1)	<p>59. Nature of Development</p> <p>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.</p>	Chief Executive Officer	NIL
r16(2)	<p>59. Nature of Development</p> <p>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.</p>	Chief Executive Officer	NIL
r16(3)	<p>59. Nature of Development</p> <p>59.3 The power pursuant to Regulation 16(3) of the Regulations to, if an application in relation to a proposed development identifies the</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
r16(4)	<p>59. Nature of Development</p> <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>	Chief Executive Officer	NIL
r17(3)	<p>60. Non-Complying Development</p> <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> <p>60.1.1 refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or</p>	Chief Executive Officer	Sign off by Director Development & Regulatory Services or Manager Development Services.

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r17(3)	60. Non-Complying Development 60.1.2 resolve to proceed with an assessment of the application.	Chief Executive Officer	Sign off by Director Development & Regulatory Services, Manager Development Services or Team Leader Statutory Planning.
r17(4)	60. Non-Complying Development 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.	Chief Executive Officer	NIL
r17	60. Non-Complying Development 60.3 The power pursuant to Regulation 17(6) of the Regulations to determine that a proposed development is of a minor nature for the purposes of exemption from the requirements to provide a statement of effect.	Chief Executive Officer	Sign off by Director Development & Regulatory Services Manager Development Services.

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r18	<p>61. Notification of Application for Tree-Damaging Activity to Owner of Land</p> <p>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:</p> <p>61.1.1 to give the owner of land notice of the application; and</p> <p>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.</p>	Chief Executive Officer	NIL
r20(4)	<p>62. Amended Applications</p> <p>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.</p>	Chief Executive Officer	NIL
r20(5)	<p>62. Amended Applications</p> <p>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</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	development to (by agreement with the applicant) proceed with the variation on the basis that the application will be treated as a new application.		
r22(1)	<p>63. Withdrawing/Lapsing Application</p> <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>	Chief Executive Officer	NIL
r22(2)	<p>63. Withdrawing/Lapsing Application</p> <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>	Chief Executive Officer	NIL
r22(2)	63. Withdrawing/Lapsing Application	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<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> <p>63.3.1 take reasonable steps to notify the applicant of the action under consideration; and</p> <p>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.</p>		
r23(2)	<p>64. Contravening Development</p> <p>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.</p>	Chief Executive Officer	NIL
r24(1)	<p>65. Referrals</p> <p>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</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	application until a response has been received from the referral body or the time period for receipt of a response has lapsed.		
r25	<p>66. Procedure Where Concurrence Required</p> <p>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.</p>	Chief Executive Officer	NIL
r27(1)	<p>67. Additional Information or Amended Plans</p> <p>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.</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r28(3)	<p>68. Special Provisions - Referrals</p> <p>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:</p> <p>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</p> <p>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</p> <p>68.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code, and the duty pursuant to Regulation 28(5) of the Regulations to have regard to any report received from the fire authority under Regulation 28.</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r28(4)	<p>68. Special Provisions - Referrals</p> <p>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.</p>	Chief Executive Officer	NIL
r28	<p>68. Special Provisions - Referrals</p> <p>68.3 If, in respect of an application referred to a fire authority under Regulation 28, the fire authority:</p> <p>68.3.1 recommends against the granting of building rules consent; or</p> <p>68.3.2 concurs in the granting of consent on conditions specified in its report,</p> <p>but the Delegate:</p> <p>68.3.3 proposes to grant building rules consent despite a recommendation referred to in Regulation 28(5a)(a) of the Regulations; or</p> <p>68.3.4 does not propose to impose the conditions referred to in Regulation 28(5a)(b) of the Regulations, or proposes to impose the conditions in varied form, on the grant of consent,</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>the duty pursuant to Regulation 28(5a) of the Regulations to:</p> <p>68.3.5 refer the application to the Building Rules Assessment Commission; and</p> <p>68.3.6 not grant consent unless the Building Rules Assessment Commission concurs in the granting of consent.</p>		
r28(6)	<p>68. Special Provisions - Referrals</p> <p>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.</p>	Chief Executive Officer	NIL
r28(7)	<p>68. Special Provisions - Referrals</p> <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>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r29(1)	<p>69. Land Division Applications</p> <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 Development Assessment Commission.</p>	Chief Executive Officer	NIL
r29(1)	<p>69. Land Division Applications</p> <p>69.2 The power pursuant to Regulation 29(2) of the Regulations, when a report from the Development Assessment Commission pursuant to Regulation 29(1) of the Regulations is not received by the Council within eight weeks or within such longer period as the Development Assessment Commission may require by notice in writing to the Council, to presume that the Development Assessment Commission does not desire to make a report.</p>	Chief Executive Officer	NIL
r30(1)	<p>70. Underground Mains Area</p> <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>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r30(2)	70. Underground Mains Area 70.2 The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.	Chief Executive Officer	NIL
r30(4)	70. Underground Mains Area 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.	Chief Executive Officer	NIL
s37AA	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.	Chief Executive Officer	Subject to sign-off by Director Development & Regulatory Services, Manager Development Services, Team Leader Statutory Planning, Senior Statutory Planner.
s37AA	71. Preliminary Advice and Agreement - Section 37AA 71.2 The power pursuant to Regulation 31A(6) of the Regulations if:	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>71.2.1 a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and</p> <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> <p>71.2.3 to obtain a variation to the agreement under Section 37AA of the Act; or</p> <p>71.2.4 to obtain a response from the prescribed body for the purposes of Section 37 of the Act.</p>		
s37AA	<p>71. Preliminary Advice and Agreement - Section 37AA</p> <p>71.3 The power pursuant to Regulation 31A(7) of the Regulations if:</p> <p>71.3.1 an application is withdrawn by the Applicant; and</p> <p>71.3.2 the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application,</p> <p>to notify the relevant prescribed body of the withdrawal of an application.</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r31A(8)	<p>71. Preliminary Advice and Agreement - Section 37AA</p> <p>71.4 The power pursuant to Regulation 31A(8) of the Regulations if:</p> <p>71.4.1 an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and</p> <p>71.4.2 the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application,</p> <p>to notify the relevant prescribed body of the lapsing of an application.</p>	Chief Executive Officer	NIL
r31A(9)	<p>71. Preliminary Advice and Agreement - Section 37AA</p> <p>71.5 The power pursuant to Regulation 31A(9) of the Regulations if:</p> <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> <p>71.5.2 a notice of decision is issued by the relevant authority under Regulation 42 of the Regulations,</p> <p>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.</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r32(5)	<p>71A. Public Notice Categories</p> <p>71A.1 The power pursuant to Regulation 32(5) of the Regulations to determine that a form of development comprises 2 or more elements.</p>	Chief Executive Officer	NIL
r34(1)	<p>72. Public Inspection of Certain Applications</p> <p>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).</p>	Chief Executive Officer	NIL
r34(2)	<p>72. Public Inspection of Certain Applications</p> <p>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.</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r34(3)	<p>72. Public Inspection of Certain Applications</p> <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>	Chief Executive Officer	NIL
r34(4)	<p>72. Public Inspection of Certain Applications</p> <p>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.</p>	Chief Executive Officer	NIL
r36	<p>73. Response by Applicant</p> <p>73.1 The power pursuant to Regulation 36 of the Regulations to extend the time within which an applicant may respond to any representation</p>	Chief Executive Officer	NIL
s34(1)(b)	74. Determination of Commission as Relevant Authority	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>74.1 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:</p> <p>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 Development Assessment Commission 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</p>		
s34(1)(b)	<p>74. Determination of Commission as Relevant Authority</p> <p>74.1 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:</p> <p>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).</p>	Chief Executive Officer	NIL
s34(1)(b)(iv)	<p>74. Determination of Commission as Relevant Authority</p> <p>74.2 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b)(iv) of the Act and the proposed</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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 Development Assessment Commission with comments on the proposed development.		
r39	<p>75. Assessment in Respect of Building Rules Referred to the Council</p> <p>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 Development Assessment Commission or the regional development assessment panel (as the case may be) has made its decision.</p>	Chief Executive Officer	NIL
r42	<p>76. Notification of Decision to Applicant (Including Conditions)</p> <p>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).</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r43	<p>77. Notification of Decision to a Prescribed Body</p> <p>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.</p>	Chief Executive Officer	NIL
r43(3)	<p>77. Notification of Decision to a Prescribed Body</p> <p>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 Development Assessment Commission.</p>	Chief Executive Officer	NIL
r44	<p>78. Notification of Decision to Owner of Land</p> <p>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.</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r45(2)	<p>79. Scheme Description - Community Titles</p> <p>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:</p> <p>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.</p> <p>OR</p> <p>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.</p> <p>This endorsement does not limit a relevant authority's right to refuse, or to place conditions on, development authorisation under the Development Act 1993 in relation to any other development envisaged by this scheme description.</p> <p>Signed:</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Dated:		
r45(2)	<p>79. Scheme Description - Community Titles</p> <p>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.</p>	Chief Executive Officer	NIL
r46(1)	<p>80. Special Provisions Relating to Staged Consents</p> <p>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.</p>	Chief Executive Officer	NIL
r47	81. Endorsed Plans	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
r47A	81A. Minor Variation of Development Authorisation 81A.1 The power pursuant to Regulation 47A(1) of the Regulations, if a person requests the variation of a 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.	Chief Executive Officer	NIL
r48(2)	82. Lapse of Consent or Approval 82.1 The power pursuant to Regulation 48(2) of the Regulations to extend the time when any consent or approval under Part 4 of the Act will lapse.	Chief Executive Officer	NIL
r51(4)	83. Width of Roads and Thoroughfares	Chief Executive Officer	

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	83.1 The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulation 51(1) and (3) dealing with the width of any proposed road or thoroughfare where the Delegate is of the opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services.		Subject to receipt of advice from Council's Engineering Department prior to work commencing.
r51(6)	83. Width of Roads and Thoroughfares 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.	Chief Executive Officer	Subject to receipt of advice from Council's Engineering Department prior to work commencing.
r52(1)	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.	Chief Executive Officer	Subject to receipt of advice from Council's Engineering Department prior to work commencing.
r53(1), (2)	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.	Chief Executive Officer	Subject to receipt of advice from Council's Engineering Department prior to work commencing.

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r53(4)	<p>85. Requirement as to Forming of Roads</p> <p>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.</p>	Chief Executive Officer	Subject to receipt of advice from Council's Engineering Department prior to work commencing.
r53(6)	<p>85. Requirement as to Forming of Roads</p> <p>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.</p>	Chief Executive Officer	Subject to receipt of advice from Council's Engineering Department prior to work commencing.
r54(1)	<p>86. Construction of Roads, Bridges, Drains and Services</p> <p>86.1 The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.</p>	Chief Executive Officer	Subject to receipt of advice from Council's Engineering Department prior to work commencing.
r55(1)	<p>87. Supplementary Provisions</p> <p>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</p>	Chief Executive Officer	

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	the forming of any proposed road, including every footpath, water-table, kerbing, culvert and drain.		Subject to receipt of advice from Council's Engineering Department prior to work commencing.
r55(2)	<p>87. Supplementary Provisions</p> <p>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.</p>	Chief Executive Officer	Subject to receipt of advice from Council's Engineering Department prior to work commencing.
r55(4)	<p>87. Supplementary Provisions</p> <p>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.</p>	Chief Executive Officer	Subject to receipt of advice from Council's Engineering Department prior to work commencing.
r58(1)	<p>88. General Land Division</p> <p>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.</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r58(2)	<p>88. General Land Division</p> <p>88.2 The power pursuant to and in accordance with Regulation 58(2) of the Regulations to advise the Development Assessment Commission that an applicant has entered into appropriate binding arrangements pursuant to Section 51(1) of the Act.</p>	Chief Executive Officer	NIL
r59(1)	<p>89. Division of Land by Strata Title</p> <p>89.1 The power pursuant to Regulation 59(1) of the Regulations to advise the Development Assessment Commission 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.</p>	Chief Executive Officer	NIL
r60(1)	<p>90. General Provisions</p> <p>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 Development Assessment Commission for the purposes of Section 51(1) of the Act.</p>	Chief Executive Officer	Subject to receipt of advice from the Director Engineering & Assets.

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r60(7)	<p>90. General Provisions</p> <p>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 Development Assessment Commission) that a copy of a certificate or plan (or certificates and plans) referred to in Regulation 60(4) of the Regulations be furnished to the Council by sending a written copy to the Council.</p>	Chief Executive Officer	NIL
r60(9)	<p>90. General Provisions</p> <p>90.3 The power pursuant to Regulation 60(9) of the Regulations to consult with the Development Assessment Commission before it grants an extension of the period prescribed by Regulation 60(8) of the Regulations.</p>	Chief Executive Officer	NIL
s46	<p>91. Declaration by The Minister - Section 46</p> <p>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</p>	Chief Executive Officer	Subject to any covering letter being signed by the CEO.

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
s46	<p>91. Declaration by The Minister - Section 46</p> <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>	Chief Executive Officer	NIL
s46	<p>91. Declaration by The Minister - Section 46</p> <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>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s48	<p>92. Referral of Assessment of Building Work</p> <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>	Chief Executive Officer	NIL
r64(1)	<p>92. Referral of Assessment of Building Work</p> <p>92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:</p>	Chief Executive Officer	NIL
r64(1)	<p>92. Referral of Assessment of Building Work</p> <p>92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to: 92.2.1 provide the certification in the form set out in Schedule 12A; and		
r64(1)	92. Referral of Assessment of Building Work 92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to: 92.2.2 to the extent that may be relevant and appropriate:	Chief Executive Officer	NIL
r64(1)	92. Referral of Assessment of Building Work 92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to: 92.2.2.1 issue a schedule of essential safety provisions under Division 4 of Part 12 of the Act; and		
r64(1)	92. Referral of Assessment of Building Work 92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to: 92.2.2.2 assign a classification to the building under the Regulations; and	Chief Executive Officer	NIL
r64(1)	92. Referral of Assessment of Building Work 92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to: 92.2.2.3 ensure that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993.		
r64(3)(a)	92. Referral of Assessment of Building Work 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.	Chief Executive Officer	NIL
r74(1)(b)	93. Notifications During Building Work 93.1 The power pursuant to Regulation 74(1)(b) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r74(1)(c)	<p>93. Notifications During Building Work</p> <p>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.</p>	Chief Executive Officer	NIL
r74(4)	<p>93. Notifications During Building Work</p> <p>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.</p>	Chief Executive Officer	NIL
r76(4)	<p>94. Essential Safety Provisions</p> <p>94.1 The duty pursuant to Regulation 76(4) of the Regulations, on either the granting of a building rules consent or on application by the owner of a building, to issue a schedule in the form set out in Schedule 16 specifying the essential safety provisions for buildings and the standards and requirements for maintenance and testing in respect of those provisions.</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r76(10)	<p>94. Essential Safety Provisions</p> <p>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.</p>	Chief Executive Officer	NIL
r76D(4a)	<p>94A Swimming Pool Safety</p> <p>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.</p>	Chief Executive Officer	NIL
r78(1)	<p>95. Building Rules: Bushfire Prone Areas</p> <p>95.1 Where:</p> <p>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</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>95.1.2 the building is in a bushfire prone area under Regulation 78(1) of the Regulations; and</p> <p>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),</p> <p>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.</p>		
r79(2)	<p>96. Construction Industry Training Fund</p> <p>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.</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r79(4)	<p>96. Construction Industry Training Fund</p> <p>96.2 The power pursuant to Regulation 79(4) of the Regulations to form an opinion whether the appropriate levy under the Construction Industry Training Fund Act 1993 has or has not been paid, or is or is not payable, and notify the applicant that a building rules consent cannot be issued until the Delegate is satisfied that the levy has been paid or is not payable.</p>	Chief Executive Officer	NIL
r79(5)(b)	<p>96. Construction Industry Training Fund</p> <p>96.3 The power pursuant to and in accordance with Regulation 79(5)(b) of the Regulations to determine that the application has lapsed.</p>	Chief Executive Officer	NIL
r80(1a)	<p>96A Requirement to Up-grade Building in Certain Cases</p> <p>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:</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>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</p> <p>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).</p>		
r82(3)(b)(i)	<p>97. Classification of Buildings</p> <p>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.</p>	Chief Executive Officer	NIL
r82(4)	<p>97. Classification of Buildings</p> <p>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</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	classification applied for, possesses the attributes appropriate to its present or intended use.		
r82(4a)	<p>97. Classification of Buildings</p> <p>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).</p>	Chief Executive Officer	NIL
r82(5)	<p>97. Classification of Buildings</p> <p>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 –</p> <p>97.3.1 the maximum number of persons who may occupy the building (or part of the building); and</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	97.3.2 If the building has more than one classification – the part or parts of the building to which each classification relates and the classification currently assigned to the other parts of the building.		
r83(2)(c)	<p>98. Certificates of Occupancy</p> <p>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.</p>	Chief Executive Officer	NIL
r83(2)(d)	<p>98. Certificates of Occupancy</p> <p>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.</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r83(3)	<p>98. Certificates of Occupancy</p> <p>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 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.</p>	Chief Executive Officer	NIL
r83(4)	<p>98. Certificates of Occupancy</p> <p>98.4 Where:</p> <p>98.4.1 a building is required by the Building Rules:</p> <p>98.4.1.1 to be equipped with a booster assembly for use by a fire authority; or</p> <p>98.4.1.2 to have installed a fire alarm that transmits a signal to a fire station; and</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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, 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.		
r83(5)	98. Certificates of Occupancy 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.	Chief Executive Officer	NIL
r83(6)	98. Certificates of Occupancy 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.	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r83(9)	<p>98. Certificates of Occupancy</p> <p>98.7 The power pursuant to Regulation 83(9) of the Regulations to revoke a certificate of occupancy.</p>	Chief Executive Officer	NIL
r88(3)	<p>99. Certificate of Independent Technical Expert in Certain Case</p> <p>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.</p>	Chief Executive Officer	NIL
r95(2)	<p>100. Fees</p> <p>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.</p>	Chief Executive Officer	NIL
r95(3)	<p>100. Fees</p> <p>100.2 The power pursuant to the provisions of Regulation 95(3) of the Regulations to calculate any fee on the basis of estimates made by the</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Delegate where the Delegate believes that any information provided by an applicant is incomplete or inaccurate.		
r95(4)	100. Fees 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.	Chief Executive Officer	NIL
r95(5)	100. Fees 100.4 The duty pursuant to Regulation 95(5) of the Regulations, on a reassessment under Regulation 95(4) of the Regulations: 100.4.1 if it appears that an overpayment has occurred, to refund any amount due in accordance with the reassessment; and 100.4.2 if it appears that an underpayment has occurred, to charge any further amount payable in accordance with the reassessment.	Chief Executive Officer	NIL
r98	101. Register Of Applications	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
r98(3)	101. Register Of Applications 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).	Chief Executive Officer	NIL
r99(2)	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.	Chief Executive Officer	NIL
r99(3)	102. Registration of Land Management Agreements 102.2 The power pursuant to Regulation 99(3) of the Regulations to determine what other information may be contained in the Register.	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r100(2)	103. Land Management Agreements - Development Applications 103.1 The duty pursuant to Regulation 100(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57A of the Act.	Chief Executive Officer	NIL
r100(3)	103. Land Management Agreements - Development Applications 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.	Chief Executive Officer	NIL
r100(5)	103. Land Management Agreements - Development Applications 103.3 The duty pursuant to Regulation 100(5) of the Regulations to keep the register at the principal office of the Council.	Chief Executive Officer	NIL
r100(6)	103. Land Management Agreements - Development Applications 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.	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r100(9)	103. Land Management Agreements - Development Applications 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.	Chief Executive Officer	NIL
r101(a1)	104. Documents to be Preserved by a Council 104.0 The power and duty pursuant to Regulation 101(a1) of the Regulations to retain a copy of each document provided to the Council by a private certifier in relation to any application for a development plan consent assessed by the private certifier.	Chief Executive Officer	NIL
r101(1)	104. Documents to be Preserved by a Council 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.	Chief Executive Officer	NIL
r101(1a)	104. Documents to be Preserved by a Council	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
r101(2)	104. Documents to be Preserved by a Council 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.	Chief Executive Officer	NIL
r101(3)	104. Documents to be Preserved by a Council 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.	Chief Executive Officer	NIL
r101(4)	104. Documents to be Preserved by a Council 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	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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.		
r101(5)	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: 104.5.1 for inspection under Regulation 101(4)(a) if to do so would:	Chief Executive Officer	NIL
r101(5)	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: 104.5.1.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or	Chief Executive Officer	NIL
r101(5)	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:	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	104.5.1.2 constitute a breach of any other law; or		
r101(5)	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: 104.5.2 for copying under Regulation 101(4)(b) if to do so would:	Chief Executive Officer	NIL
r101(5)	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: 104.5.2.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or	Chief Executive Officer	NIL
r101(5)	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: 104.5.2.2 involve an infringement of copyright in matter contained in a document; or	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r101(5)	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: 104.5.2.3 constitute a breach of any other law.	Chief Executive Officer	NIL
r102(2)	104A Documents to be Provided by Private Certifier 104A.1 The power pursuant to Regulation 102(2) of the Regulations to request a private certifier to produce to the Council within a reasonable period, a copy of any document that has been submitted to the private certifier for the purposes of an application for development plan consent (and that it is not already held by the Council under the Regulations) so that the Council can respond to a request from a member of the public for access to such document.	Chief Executive Officer	NIL
r104	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	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	the said register available for public inspection on payment of the appropriate fee.		
Section 115(1)(a)	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.	Chief Executive Officer	NIL
115(1)(b)	106. System Indicators 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.	Chief Executive Officer	NIL
r115(2)	106. System Indicators 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.	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Schedule 1A	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.	Chief Executive Officer	NIL
Schedule 1A	107. Schedule 1A - Demolition 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.	Chief Executive Officer	NIL
cl 2B(4)(b)Schedule 4	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 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.	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Schedule 6	<p>109. Schedule 6 - Fees</p> <p>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.</p>	Chief Executive Officer	Subject to Council approval.
Schedule 8	<p>110. Schedule 8 - Development Near The Coast</p> <p>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.</p>	Chief Executive Officer	NIL
Schedule 8	<p>111. Schedule 8 - Development Adjacent To Main Roads</p> <p>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:</p> <p>111.1.1 alter an existing access; or</p> <p>111.1.2 change the nature of movement through an existing access; or</p> <p>111.1.3 create a new access; or</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	111.1.4 encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972, in relation to an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, or within 25 metres of a junction with an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan).		
Schedule 8	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	Chief Executive Officer	NIL
Schedule 8	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.	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Schedule 8	<p>114. Schedule 8 - Activity of Environmental Significance</p> <p>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.</p>	Chief Executive Officer	NIL
Schedule 8	<p>115. Schedule 8 - Aquaculture Development</p> <p>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.</p>	Chief Executive Officer	NIL

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Schedule 8	<p>116. Schedule 8 - Development Within the River Murray Floodplain Area</p> <p>116.1 The power pursuant to and in accordance with Item 19(b) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.</p>	Chief Executive Officer	NIL
Schedule 8	<p>117. Schedule 8 - Development Within the River Murray Tributaries Area</p> <p>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.</p>	Chief Executive Officer	NIL
Schedule 9	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</p> <p>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</p>	Chief Executive Officer	Delegate report to be countersigned by other statutory planner prior to the decision being made.

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	associated with the classification, to form the opinion that the failure to meet those conditions is of a minor nature only.		
Schedule 9	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</p> <p>118.2 The power pursuant to Clause 2(1)(g) of Part 1 to Schedule 9 of the Regulations to form the opinion that a development is of a kind which is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.</p>	Chief Executive Officer	<hr/> <p>Delegate report to be countersigned by other statutory planner prior to the decision being made.</p>
Schedule 9	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</p> <p>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:</p> <p>118.3.1 the alteration of, or addition to, a building is of a minor nature only, pursuant to sub-paragraph (a);</p> <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</p>	Chief Executive Officer	<hr/> <p>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.</p>

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	enjoyment of the purpose for which the existing building is being used constitutes development of a minor nature only pursuant to sub-paragraph (b).		
Schedule 9	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</p> <p>118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:</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>	Chief Executive Officer	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.
Schedule 9	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</p> <p>118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:</p> <p>118.4.2 whether the division will change the nature or function of an existing road.</p>	Chief Executive Officer	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.

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Schedule 9	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</p> <p>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.</p>	Chief Executive Officer	<hr/> <p>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.</p>
Schedule 9	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</p> <p>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:</p> <p>118.6.1 the duty to not take into account what is included within Schedule 3 of the Regulations; and</p>	Chief Executive Officer	<hr/> <p>NIL</p>

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Schedule 9	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</p> <p>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:</p> <p>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</p>	Chief Executive Officer	NIL
Schedule 9	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</p> <p>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:</p> <p>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.</p>	Chief Executive Officer	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 made.

Development Regulations 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Schedule 9	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</p> <p>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:</p> <p>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</p>	Chief Executive Officer	<hr/> <p>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.</p>
Schedule 9	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</p> <p>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:</p> <p>118.7.2 whether the proposed division will change the nature or function of an existing road.</p>	Chief Executive Officer	<hr/> <p>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.</p>

Development (Waste Reform) Variation Regulations 2019			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Clause 2(2) Schedule 1	<p>120. Development Authorisations to Continue</p> <p>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:</p> <p>120.1.1 grant a new development authorisation to the person; or</p> <p>120.1.2 revoke an existing development authorisation; or</p> <p>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:</p> <p>120.1.3.1 vary the terminology or numbering in the existing development authorisation; or</p> <p>120.1.3.2 impose or vary a condition of the existing development authorisation,</p> <p>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.</p>	Chief Executive Officer	NIL
Clause 2(3) Schedule 1	<p>120. Development Authorisations to Continue</p> <p>120.2 The power pursuant to clause 2(3) of Schedule 1 of the Waste Reform Regulations, if the relevant authority takes action 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>	Chief Executive Officer	NIL

Instrument of Delegation under the Disability Inclusion Act 2018

Disability Inclusion Act 2018				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 16(2)	Prepare a disability access and inclusion plan	Elected Body	NIL	State authority
section 16(4)(b)	Consult with people with disability and person or bodies representing the interests of people with disability and other persons or bodies in preparing a disability access and inclusion plan	Chief Executive Officer	NIL	
16(4)(c)	Call for submissions from members of the public	Chief Executive Officer	NIL	
section 16(5)	Seek the approval of the Minister to prepare a single disability access and inclusion plan for the council and one or more other councils	Elected Body	NIL	council

Disability Inclusion Act 2018				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 16(6)	Vary a disability access and inclusion plan	Chief Executive Officer	Only variations in accordance with section 11(2) of the Disability Inclusion Regulations 2019 are delegated to CEO, all other variations to be approved by Council.	State authority
section 16(7)	Publish a disability access and inclusion plan, and any variation to a plan, on a website	Chief Executive Officer	NIL	
section 17(1)	Report annually to the Chief Executive Officer on the operation of the disability access and inclusion plan	Chief Executive Officer	Report to CEO of the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of this Act. Final report to be provided to Council Members for information.	State authority

Disability Inclusion Act 2018				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 18(1)	Review the disability access and inclusion plan at least once in every 4 year period and prepare a report of the review	Elected Body	NIL	State authority
section 18(2)	Provide a copy of the report prepared under section 18(1) of the Disability Inclusion Act to the Minister	Chief Executive Officer	NIL	State authority
section 23Q(1)	Provide to the Senior Authorising Officer such information relating to a specified person that the Senior Authorising Officer reasonably requires	Chief Executive Officer	Nil	State authority
section 23Q(2)	Provide the information to the Senior Authorising Officer in the manner and within the period specified in the notice	Chief Executive Officer	Nil	State authority
section 23Q(3)	Participate in consultation with the Senior Authorising Officer regarding a refusal or failure to comply with a notice	Chief Executive Officer	Nil	State authority

Disability Inclusion Act 2018				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 26(1)	Prepare and provide a report to the Chief Executive Officer of the administrative unit of the public service that is responsible for assisting a Minister in the administration of this Act	Chief Executive Officer	NIL	State authority
section 26(2)	Prepare and provide a report to the Chief Executive Officer of the administrative unit of the public service that is responsible for assisting a Minister in the administration of this Act	Chief Executive Officer	A copy of the report to be provided to Council Members for information.	State authority
section 27(2)	Provide information or documents prescribed by section 27 of the Disability Inclusion Act to another person or body	Chief Executive Officer	NIL	State authority

Instrument of Delegation under the Disability Inclusion Regulations 2019

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

Disability Inclusion Regulations 2019				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 11(1)	Comply with the steps under regulation 9 in regard to the variation of a disability access and inclusion plan as if the variation were the plan	Chief Executive Officer	NIL	
regulation 11(2)	Vary a disability access and inclusion plan	Chief Executive Officer	NIL	
regulation 11(3)	Provide public notice of a variation to a disability access and inclusion plan	Chief Executive Officer	NIL	

Instrument of Delegation under the Dog and Cat Management Act 1995

Dog and Cat Management Act 1995				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 25A(1)	Appoint authorised persons	Chief Executive Officer	NIL	
section 25A(2)	Impose conditions on appointment of an authorised person	Chief Executive Officer	NIL	
section 25A(3)	Revoke appointment or revoke or vary conditions of an authorised person	Chief Executive Officer	NIL	
section 25B(1)	Issue identity card to an authorised person	Chief Executive Officer	NIL	

Dog and Cat Management Act 1995				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 25C(c)	Enter into an arrangement with another council in relation to the exercise of authorised officer powers	Chief Executive Officer	NIL	
section 26(1)(a)	Maintain a register of dogs	Chief Executive Officer	NIL	
section 26(1)(ab)	Provide information to the Dog and Cat Management Board	Chief Executive Officer	NIL	
section 26(1)(ac)	Maintain other registers	Chief Executive Officer	NIL	
section 26(1)(ad)	Make registers publicly available	Chief Executive Officer	NIL	

Dog and Cat Management Act 1995				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 26(1)(ae)	Limit inspection of register	Chief Executive Officer	NIL	
section 26(1)(b)	Appoint a Registrar	Chief Executive Officer	NIL	
section 26(1)(c)	Make arrangements for the issue and replace certificates of registration and registration discs	Chief Executive Officer	NIL	
section 26(1)(d)	Make arrangements for the exercise of functions and powers of an authorised person	Chief Executive Officer	NIL	
section 26(1)(e)	Make arrangements for the detention of dogs and cats	Chief Executive Officer	NIL	

Dog and Cat Management Act 1995				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 26(1)(f)	Make arrangements for fulfilling other obligations under the Dog and Cat Management Act	Chief Executive Officer	NIL	council
section 26(3)	Expend money in the administration or enforcement of the Dog and Cat Management Act	Chief Executive Officer	NIL	
section 26(4)	Keep separate account of moneys received and expended under the Dog and Cat Management Act	Chief Executive Officer	NIL	
section 26(5)	Pay moneys into the Dog and Cat Management Fund	Chief Executive Officer	NIL	
section 26(6)(a)	Charge fees for the provision of register extracts	Chief Executive Officer	In accordance with the Fees and Charges Register approved by Council	council

Dog and Cat Management Act 1995				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 26(6)(ab)	Charge fees for receipt and management of information	Chief Executive Officer	In accordance with the Fees and Charges Register approved by Council	council
section 26(b)(i)	Charge fees for registration of dogs or businesses	Chief Executive Officer	In accordance with the Fees and Charges Register approved by Council	council
section 26(b)(ii)	Charge fees for late payment of registration	Chief Executive Officer	In accordance with the Fees and Charges Register approved by Council	council
section 26(b)(iii)	Charge fees for meeting requirements under the Dog and Cat Management Act	Chief Executive Officer	In accordance with the Fees and Charges Register approved by Council	council
section 26(7)	Provide a percentage rebate as provided for by the Dog and Cat Management Act	Chief Executive Officer	NIL	council

Dog and Cat Management Act 1995				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 26A(1)	Prepare a dog and cat management plan	Chief Executive Officer	Subject to the approval of Council	council
section 26A(3)	Present dog and cat management plan to Dog and Cat Management Board	Chief Executive Officer	NIL	
section 26A(5)	Amend dog and cat management plan	Chief Executive Officer	Subject to the approval of Council	council
section 33(4)(c)	Approve boarding kennel	Chief Executive Officer	NIL	
section 39	Rectify the register	Chief Executive Officer	NIL	

Dog and Cat Management Act 1995				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 41(1)(c)	Fix fee for application under Part 4, Dog and Cat Management Act	Chief Executive Officer	In accordance with the Fees and Charges Register approved by Council.	council
section 47(5)	Recover cost of giving effect to order if an order has been contravened and authorised person takes steps to effect the order	Chief Executive Officer	NIL	
section 50(1)(a)	Make a Destruction Order	Chief Executive Officer	NIL	
section 50(1)(b)	Make a Control (Dangerous Dog) Order	Chief Executive Officer	NIL	
section 50(1)(c)	Make a Control (Menacing Dog) Order	Chief Executive Officer	NIL	

Dog and Cat Management Act 1995				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 50(1)(d)	Make a Control (Nuisance Dog) Order	Chief Executive Officer	NIL	
section 50(1)(e)	Make a Control (Barking Dog) Order	Chief Executive Officer	NIL	
section 50(2)(b)	Approve a place to detain dogs	Chief Executive Officer	NIL	
section 52(a1)	Determine manner and form of application for the council to make an order under Division 3, Part 5, Dog and Cat Management Act	Chief Executive Officer	NIL	
section 52(1)(a)	Ascertain owners or persons responsible for a dog	Chief Executive Officer	NIL	

Dog and Cat Management Act 1995				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 52(1)(b)	Provide notice of proposed order to each owner or person responsible for a dog	Chief Executive Officer	NIL	
section 52(2)(b)	Note order in register	Chief Executive Officer	NIL	
section 52(3)	Provide notice of order to each owner or person responsible for a dog	Chief Executive Officer	NIL	
section 52(4)	Revoke order	Chief Executive Officer	NIL	
section 52(5)	Note revocation of order in register	Chief Executive Officer	NIL	

Dog and Cat Management Act 1995				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 52(6)	Note order made by Dog and Cat Management Board in register	Chief Executive Officer	NIL	
section 53(1)	Issue directions to each owner or person responsible for a dog regarding complying with order	Chief Executive Officer	NIL	
section 56(1)	Receive prescribed information from an owner or person responsible for a dog subject to an order	Chief Executive Officer	NIL	
section 56(2)	Receive information from an owner or person responsible for a dog subject to an order regarding moving the dog into or out of the council area	Chief Executive Officer	NIL	
section 59A(1)	Make a Prohibition Order	Chief Executive Officer	NIL	

Dog and Cat Management Act 1995				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 59A(2)	Approve place to detain dog	Chief Executive Officer	NIL	
section 59A(5)(b)	Record a Prohibition Order	Chief Executive Officer	NIL	
section 59A(6)	Revoke a Prohibition Order	Chief Executive Officer	NIL	
section 59A(7)	Note revocation of a Prohibition Order in register	Chief Executive Officer	NIL	
section 59A(8)(c)	Note order made by Dog and Cat Management Board in register	Chief Executive Officer	NIL	

Dog and Cat Management Act 1995				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 61(4)	Consider making an order if a dog is seized in order to prevent it attacking, harassing or chasing a person, animal or bird or because it is unduly dangerous	Chief Executive Officer	NIL	
section 61(4)	Consider applying to Magistrates Court for an order if a dog is seized in order to prevent it attacking, harassing or chasing a person, animal or bird or because it is unduly dangerous	Chief Executive Officer	NIL	
section 61(6)	Recover cost of microchipping or desexing dog	Chief Executive Officer	NIL	
section 64(2)(c)	Nominate facility for the detention of cats	Chief Executive Officer	NIL	
section 64B(1)	Cause a detained dog or cat to be microchipped or desexed	Chief Executive Officer	NIL	

Dog and Cat Management Act 1995				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 64B(2)	Recover cost of microchipping or desexing a dog or cat	Chief Executive Officer	NIL	
section 64D(1)(b)(ii)	Receive notice of destruction, injury, seizure or detention of dog or identified cat	Chief Executive Officer	NIL	
section 72	Responding to South Australian Civil and Administrative Tribunal review of council decision	Chief Executive Officer	NIL	
section 88A(4)	Receive a statutory declaration from the owner of a vehicle who has received an expiation notice or an expiation reminder given under the Expiration of Offences Act 1996	Chief Executive Officer	NIL	
section 89	Lay a complaint regarding offence under Dog and Cat Management Act	Chief Executive Officer	NIL	

Instrument of Delegation under the Dog and Cat Management Regulations 2017

Dog and Cat Management Regulations 2017				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 6(3)(b)	Apply payment received under regulation 6(2) to furthering the objects of the Dog and Cat Management Act	Chief Executive Officer	NIL	
regulation 20(1)(a)	Receive notification of prescribed information regarding the keeping of guard dogs on premises	Chief Executive Officer	NIL	council

Instrument of Delegation under the Electricity (Principles of Vegetation Clearance) Regulations 2021

Electricity (Principles of Vegetation Clearance) Regulations 2021				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 4(1)	Take reasonable steps to keep vegetation clear of powerlines	Chief Executive Officer	Nil	council
regulation 4(2)	Inspect overhead powerlines and clear vegetation	Chief Executive Officer	Nil	council
regulation 4(4)	Seek approval of the Technical Regulator to keep vegetation clear of powerlines in accordance with the principles set out in regulation 4(2)(b)(ii)	Chief Executive Officer	Nil	council
regulation 7(3)	Make submissions to the Technical Regulator regarding an exemption application	Chief Executive Officer	Nil	council

Electricity (Principles of Vegetation Clearance) Regulations 2021

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 8(2)	Agree a vegetation scheme with an electricity entity governing the way in which the entity will carry out its duty to clear vegetation in the council area or part of the council area	Chief Executive Officer	Nil	council
regulation 8(5)(b)	Agree with the electricity entity to vary or revoke a vegetation scheme	Chief Executive Officer	Nil	council
regulation 8(6)	Enforce a vegetation clearance scheme with an electricity entity as a contract	Chief Executive Officer	Nil	council
regulation 10(5)(c)	Agree with an objector as to how an objection regarding the council's intention to enter land is to be resolved	Chief Executive Officer	Nil	council
regulation 10(8)	Give notice of intention to enter private land to carry out work under Part 5 of the Act, including a statement of rights of the owner or occupier to lodge an objection under regulation 10	Chief Executive Officer	Nil	council

Instrument of Delegation under the Electricity Act 1996

Electricity Act 1996				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 4(1)	Authorise a person to exercise powers conferred on a council officer under the Electricity Act	Chief Executive Officer	NIL	council
section 47(3)	Agree with an electricity entity to the carrying out of work on public land	Chief Executive Officer	NIL	council
section 47(7)	Refer a dispute with an electricity entity regarding whether work should be permitted on public land or the conditions applying to such work to the Minister	Chief Executive Officer	NIL	council
section 47(9)(a)	Make representations to the Minister in relation to a dispute with an electricity entity regarding whether work should be permitted on public land or the conditions applying to such work to the Minister	Chief Executive Officer	NIL	council

Electricity Act 1996				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 47(9)(b)	Agree to settle a dispute with an electricity entity regarding whether work should be permitted on public land or the conditions applying to such work	Chief Executive Officer	NIL	council
section 55(1a)	Comply with the requirements of a vegetation clearance scheme	Chief Executive Officer	NIL	council
section 55(3)	Carry out vegetation clearance work in relation to vegetation planted or nurtured contrary to the principles of vegetation clearance.	Chief Executive Officer	NIL	council
section 55(3)	Recover the cost of carrying out vegetation clearance work under section 55(3) from a person who planted or nurtured the vegetation	Chief Executive Officer	NIL	council
section 55A(1)	Agree a vegetation clearance scheme with an electricity entity	Chief Executive Officer	NIL	council

Electricity Act 1996				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 55A(4)	Modify a vegetation clearance scheme by written agreement with the electricity entity	Chief Executive Officer	NIL	council
section 55B(2)	Ask the Technical Regulator to determine a vegetation clearance scheme dispute under Division 2, Part 5	Chief Executive Officer	NIL	council
section 55C(2)(c)	Apply to the Technical Regulator for a decision not to determine a vegetation clearance scheme dispute under Division 2, Part 5	Chief Executive Officer	NIL	council
section 55D(2)(a)	Consent to the Technical Regulator conferring on the council the duty to keep vegetation clear of public powerlines	Chief Executive Officer	NIL	council
section 55M	Enforce a vegetation clearance scheme with an electricity entity as a contract	Chief Executive Officer	NIL	council

Electricity Act 1996				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 56(1)	Make an arrangement with an electricity entity conferring on the council a specified role in relation to vegetation clearance around public powerlines outside of prescribed areas	Chief Executive Officer	NIL	council
section 58A(2)	Agree to contribute to the cost of undergrounding powerlines in the council area on the basis determined by the Minister	Chief Executive Officer		council
section 58A(5)	Participate in consultation with, and provide proposals to, the Minister in respect of the undergrounding of powerlines	Chief Executive Officer		council
section 58A(8)	Participate in consultation with the Minister in respect of a variation of the program for undergrounding of powerlines	Chief Executive Officer		council

Instrument of Delegation under the Environment Protection (Air Quality) Policy 2016

Environment Protection (Air Quality) Policy 2016				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
clause 6(1)	Issue a burning permit	Chief Executive Officer	NIL	
clause 16(1)	Fix a testing point in premises to evaluate emissions from the premises	Chief Executive Officer	NIL	administering agency
clause 6(2)	Determine the manner and form for applying for a burning permit	Chief Executive Officer	NIL	

Instrument of Delegation under the Environment Protection (Noise) Policy 2007

Environment Protection (Noise) Policy 2007				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
clause 4(2)	Participate in consultation with the Environment Protection Authority regarding what land uses are principally promoted by relevant development Plan provisions	Chief Executive Officer	NIL	
clause 4(4)	Participate in consultation with the Environment Protection Authority regarding in what land use category a land use principally promoted by relevant Development Plan provisions falls	Chief Executive Officer	NIL	

Instrument of Delegation under the Environment Protection (Used Packaging Materials) Policy 2012

Environment Protection (Used Packaging Materials) Policy 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
clause 9	Provide prescribed information to the Environment Protection Authority	Chief Executive Officer	NIL	

Instrument of Delegation under the Environment Protection (Waste to Resources) Policy 2010

Environment Protection (Waste to Resources) Policy 2010				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
clause 10(1)(b)	Provide a receptacle or waste collection service for the kerbside collection of waste	Chief Executive Officer	NIL	council
clause 10(2)	Provide a weekly general kerbside waste collection service (other than for recyclable waste or vegetative matter) to residential premises in the council area	Chief Executive Officer	NIL	council
clause 15(2)(a)	Provide a receptacle or waste collection service for the kerbside collection of listed waste	Chief Executive Officer	NIL	council
clause 16(1)(a)	Collect medical waste produced in the course of prescribed activity	Chief Executive Officer	NIL	

Environment Protection (Waste to Resources) Policy 2010

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
clause 17(2)	Comply with prescribed requirements in respect of medical waste received by the council	Chief Executive Officer	NIL	
clause 18(1)(a)	Provide a receptacle or service for the collection of sharps by a kerbside waste collection service	Chief Executive Officer	NIL	

Instrument of Delegation under the Environment Protection Act 1993

Environment Protection Act 1993				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 14(c)	Approve the use by the Environment Protection Authority of the services of council officers or employees	Chief Executive Officer	NIL	council
section 18A(2)	Request the Minister to declare the council as an administering agency under the Environment Protection Act	Chief Executive Officer	NIL	council
section 18A(3)	Participate in consultation with the Minister as to whether the council will cease to be an administering agency under the Environment Protection Act	Chief Executive Officer	NIL	council
section 18A(3)	Request the Minister to declare that the council will cease to be an administering agency under the Environment Protection Act	Chief Executive Officer	NIL	council

Environment Protection Act 1993				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 18B(1)	Administering and enforcing the Environment Protection Act in the council area	Chief Executive Officer	NIL	administering agency
section 18C(1)	Delegate a function conferred on the administering agency under Division 1A, Part 3	Chief Executive Officer	NIL	administering agency
section 18D	Report to the Environment Protection Authority on performance of functions under Division 1A, Part 3	Chief Executive Officer	Report to be provided to Council Members following completion of the report.	administering agency
section 59(1)	Enter into an environment performance agreement with the Minister	Chief Executive Officer	NIL	public authority
section 59(4)	Approve provision for the remission of rates or taxed payable to the council in an environment performance agreement	Chief Executive Officer	NIL	council

Environment Protection Act 1993				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 85(3)	Appoint authorised officers	Chief Executive Officer	NIL	council
section 85(4)	Impose conditions on the appointment of an authorised officer	Chief Executive Officer	NIL	council
section 85(5)	Revoke the appointment of an authorised officer	Chief Executive Officer	NIL	council
section 85(5)	Vary or revoke the conditions applying to the appointment of an authorised officer	Chief Executive Officer	NIL	council
section 87(8)(b)	Agree with another council that an authorised officer may exercise power in the other council's area	Chief Executive Officer	NIL	council

Environment Protection Act 1993				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 87(9)	Make good any damage caused by an authorised officer exercising powers under section 87	Chief Executive Officer	NIL	council
section 93(1)	Issue an environment protection order	Chief Executive Officer	NIL	administering agency
section 93(2a)	Provide notice to the authority under the Natural Resource Management Act 2004	Chief Executive Officer	NIL	administering agency
section 93(5)	Confirm an emergency environment protection order by issuing and serving a written environment protection order	Chief Executive Officer	NIL	administering agency
section 93(7)	Revoke or vary an environment protection order	Chief Executive Officer	NIL	administering agency

Environment Protection Act 1993				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 94(1)	Apply to the Registrar General for registration of an environment protection order as a charge on land	Chief Executive Officer	NIL	administering agency
section 94(4a)	Notify the owners and occupiers of land to which a charge has been registered by the Registrar General of the charge and obligations of the owners and occupiers	Chief Executive Officer	NIL	administering agency
section 94(6)	Apply to the Registrar General to cancel the registration of an environment protection order as a charge on land	Chief Executive Officer	NIL	administering agency
section 95(1)	Take action required by an environment protection order which has not been undertaken by the recipient of that order	Chief Executive Officer	NIL	administering agency
section 95(2)	Authorise a person to take action on behalf of the council under section 95(1)	Chief Executive Officer	NIL	administering agency

Environment Protection Act 1993				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 95(3)(a)	Issue an instrument of authority to a person authorised under section 95(2) who is not an authorised officer	Chief Executive Officer	NIL	administering agency
section 95(4)	Recover the reasonable costs and expenses incurred by the council taking action under section 95 as a debt from the person who failed to comply with the environment protection order	Chief Executive Officer	NIL	administering agency
section 95(4a)	Recover from the person to whom an environment protection order was issued an amount prescribed by regulation as being recoverable in respect to the registration of an order as a charge on land or the cancellation of such registration	Chief Executive Officer	NIL	administering agency
section 95(5)(a)	Fix a period by notice within which an amount recoverable by the council under section 95 must be paid	Chief Executive Officer	NIL	administering agency
section 96(1)	Issue an information discovery order	Chief Executive Officer	NIL	administering agency

Environment Protection Act 1993				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 96(4)	Vary or revoke an information discovery order	Chief Executive Officer	NIL	administering agency
section 97(1)	Take action to obtain information required by an information discovery order or a condition of an environment authorisation if person to whom order was issued or condition applies fails to do so	Chief Executive Officer	NIL	administering agency
section 97(2)	Authorise a person to take action on behalf of the council under section 97(1)	Chief Executive Officer	NIL	administering agency
section 97(3)(a)	Issue an instrument of authority to a person authorised under section 97(2) who is not an authorised officer	Chief Executive Officer	NIL	administering agency
section 97(4)	Recover the reasonable costs and expenses incurred by the council taking action under section 97 as a debt from the person who failed to provide the information	Chief Executive Officer	NIL	administering agency

Environment Protection Act 1993				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 99(1)	Issue a clean-up order	Chief Executive Officer	NIL	administering agency
section 99(2a)	Give notice to the relevant authority under the Natural Resources Management Act 2004 of proposed issuing or variation of a clean-up order	Chief Executive Officer	NIL	administering agency
section 99(5)	Confirm an emergency clean-up order by issuing a written clean-up order	Chief Executive Officer	NIL	administering agency
section 99(7)	Vary or revoke a clean-up order	Chief Executive Officer	NIL	administering agency
section 101(1)	Apply to the Registrar General for registration of a clean-up order as a charge on land	Chief Executive Officer	NIL	administering agency

Environment Protection Act 1993				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 101(5a)	Notify the owners and occupiers of land to which a charge has been registered by the Registrar General of the charge and obligations of the owners and occupiers	Chief Executive Officer	NIL	administering agency
section 101(8)	Apply to the Registrar General to cancel the registration of an environment protection order as a charge on land	Chief Executive Officer	NIL	administering agency
section 102(1)	Take action required by a clean-up order if the person to whom the order was issued fails to do so	Chief Executive Officer	NIL	administering agency
section 102(2)	Authorise a person to take action on behalf of the council under section 102(1)	Chief Executive Officer	NIL	administering agency
section 102(3)(a)	Issue an instrument of authority to a person authorised under section 102(2)	Chief Executive Officer	NIL	administering agency

Environment Protection Act 1993				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 103(1)	Recover reasonable costs and expenses incurred in council taking action on non-compliance with a clean-up order	Chief Executive Officer	NIL	administering agency
section 103(2a)	Recover an amount prescribed by regulation in respect of a registration of a clean-up order on land or the cancellation of that registration	Chief Executive Officer	NIL	administering agency
section 103(3)(a)	Fix a period by notice within which an amount recoverable by the council under section 103 must be paid	Chief Executive Officer	NIL	administering agency
section 104(1)(d)	Apply for an order from the Environment, Resources and Development Court against a person who committed a contravention of the Environment Protection Act or a repealed environment law for payment of the reasonable costs and expenses of the council in taking action to prevent or mitigate environmental harm	Chief Executive Officer	NIL	public authority
section 104(7)(a)	Apply for an order under section 104	Chief Executive Officer	NIL	administering agency

Environment Protection Act 1993				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 104(7)(b)	Apply for an order under section 104	Chief Executive Officer	NIL	council
section 109(3a)	Provide details of actions taken by the council which must be included in the register to the Authority	Chief Executive Officer	NIL	administering agency
section 116(a)	Waive the payment of the whole or part of a fee or levy or refund the whole or part of a fee or levy	Chief Executive Officer	NIL	administering agency
section 116(b)	Allow the payment a fee or levy by instalments	Chief Executive Officer	NIL	administering agency
section 120	Require the verification of information by statutory declaration	Chief Executive Officer	NIL	administering agency

Environment Protection Act 1993				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 120A	Apply to the court for an order that a convicted person pay to the council the reasonable costs and expenses incurred in carrying out an investigation or taking action as a result of a false or misleading report	Chief Executive Officer	NIL	administering agency
section 130	Advise a person who submits a report to the council of the action which the council has taken or proposes to take in respect of the allegation	Chief Executive Officer	NIL	administering agency
section 135(1)	Issue a notice requiring a person who has contravened the Environment Protection Act to pay a fee fixed by, or calculated in accordance with, the regulations or the reasonable costs and expenses incurred by the council in taking action to ensure that the person has complied with requirements imposed as a consequence of the contravention or in taking sample or conducting tests, examination or analyses	Chief Executive Officer	NIL	administering agency
section 135(2)	Fix the period for payment of an amount under section 135	Chief Executive Officer	NIL	administering agency

Environment Protection Act 1993				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 135(3)(a)	Extend the period for payment of an amount under section 135	Chief Executive Officer	NIL	administering agency
section 135(3)(b)	Waive or reduce the amount for payment of an amount under section 135	Chief Executive Officer	NIL	administering agency
section 135(8)	Recover an unpaid amount under section 135 as a debt	Chief Executive Officer	NIL	administering agency
section 138(1)	Exercise the powers of a mortgagee under the Real Property Act 1886 in regard to a default on the payment of money secured by the mortgage in the event that there is a default in the payment of an amount subject to a charge on land in favour of the council	Chief Executive Officer	NIL	administering agency
section 139(1)(a)	Execute a certificate certifying as to a matter relating to an environmental authorisation of other authorisation under the Environment Protection Act	Chief Executive Officer	NIL	administering agency

Environment Protection Act 1993				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 139(1)(b)	Execute a certificate certifying as to a matter relating to the appointment of non-appointment of a person as an authorised officer or analyst or otherwise under the Environment Protection Act	Chief Executive Officer	NIL	administering agency
section 139(1)(c)	Execute a certificate certifying as to a matter relating to a delegation or authority under the Environment Protection Act	Chief Executive Officer	NIL	administering agency
section 139(1)(d)	Execute a certificate certifying as to a matter relating to a notice, order, requirement or direction under the Environment Protection Act	Chief Executive Officer	NIL	administering agency
section 139(1)(e)	Execute a certificate certifying as to a matter relating to any other decision of the council	Chief Executive Officer	NIL	administering agency
section 139(1)(f)	Execute a certificate certifying as to a matter relating to the receipt or non-receipt of a notification or information required to be given to the Environment Protection Authority or Minister under the Environment Protection Act	Chief Executive Officer	NIL	administering agency

Environment Protection Act 1993				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 139(2)	Execute a certificate detailing the costs and expenses incurred by the council and the purpose for which the costs and expenses were incurred	Chief Executive Officer	NIL	public authority
section 140(3a)(b)	Certify a code, standard or other document for the purposes of legal proceedings	Chief Executive Officer	NIL	administering agency

Instrument of Delegation under the Environment Protection Regulations 2009

Environment Protection Regulations 2009				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 75(2)	Elect by written notice to the Environment Protection Authority not to comply with regulations 71 and 71(2) in respect of solid waste and to take the solid mass of waste to be as calculated in accordance with the formula in regulation 75(2)(b)	Chief Executive Officer	NIL	council

Instrument of Delegation under the Expiation of Offences Act 1996

Expiation of Offences Act 1996				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 5(1)	Give an expiation notice to an alleged offender	Chief Executive Officer	NIL	issuing authority
section 5(3)(a)	Provide that an offence against a regulation or by-law for which the Council may impose a penalty may be expiated	Elected Body	NIL	issuing authority
section 5(3)(b)	Fix an expiation fee for an offence against a regulation or by-law for which the Council may impose a penalty may be expiated	Elected Body	NIL	issuing authority
section 8(1)	Receive notice from alleged offender electing to be prosecuted for an offence	Chief Executive Officer	NIL	issuing authority

Expiation of Offences Act 1996				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 8A(1)	Receive application from person in receipt of an expiation notice seeking review on grounds that the offence is trifling	Chief Executive Officer	NIL	issuing authority
section 8A(2)	Require applicant to provide further information	Chief Executive Officer	NIL	issuing authority
section 8A(3)	Require application to be verified by a statutory declaration	Chief Executive Officer	NIL	issuing authority
section 8A(4)	Determine application	Chief Executive Officer	NIL	issuing authority
section 8A(5)	Withdraw expiation notice if satisfied that the offence is trifling	Chief Executive Officer	NIL	issuing authority

Expiation of Offences Act 1996				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 11(1)	Issue an expiation reminder notice to alleged offender	Chief Executive Officer	NIL	issuing authority
section 11A(1)	Issue an expiation enforcement warning notice	Chief Executive Officer	NIL	issuing authority
section 11A(2)	Assess acceptability of nomination, statutory declaration or other document provided by alleged offender	Chief Executive Officer	Property Project Officer (108), Senior Statutory Planner (490)	issuing authority
section 12	Accept a later payment of amount due under an expiation notice	Chief Executive Officer	NIL	issuing authority
section 16(1)	Withdraw an expiation notice in prescribed circumstances	Chief Executive Officer	NIL	issuing authority

Expiation of Offences Act 1996				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 16(2)	Refund expiation fee or instalment paid if expiation notice is withdrawn	Chief Executive Officer	NIL	issuing authority
section 16(5)	Prosecute offence following withdrawal of expiation notice	Chief Executive Officer	NIL	issuing authority
section 16(6)	Withdraw expiation notice if alleged offender has not received notice during expiation period due to error of issuing authority, postal service or email	Chief Executive Officer	NIL	issuing authority
section 16(11)	Inform Chief Recovery Officer of the withdrawal of an expiation notice	Chief Executive Officer	NIL	issuing authority
section 17(3)	Pay half of expiation fee for offence reported by the police or another officer of the Crown into the Consolidated Account	Chief Executive Officer	NIL	issuing authority

Expiation of Offences Act 1996				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 18(1)	Enter an agreement with the Chief Recovery Officer in relation to the exchange of information	Chief Executive Officer	NIL	issuing authority

Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017

Fines Enforcement and Debt Recovery Act 2017				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 9(2)	Pay prescribed fee to Chief Recovery officer for a determination under section 9	Chief Executive Officer	NIL	issuing authority
section 20(4)	Receive notice of an arrangement between the Chief Recovery Officer and an alleged offender	Chief Executive Officer	NIL	issuing authority
section 20(18)	Receive notice from the Chief Recovery Officer of the termination or an arrangement with an alleged offender	Chief Executive Officer	NIL	issuing authority
section 20(19)(c)	Receive notice from the Chief Recovery Officer of the reinstatement of an arrangement with an alleged offender	Chief Executive Officer	NIL	issuing authority

Fines Enforcement and Debt Recovery Act 2017				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 22(1)	Provide to the Chief Recovery Officer prescribed particulars to enable enforcement of an expiation notice against an alleged offender	Chief Executive Officer	NIL	issuing authority
section 22(2)	Pay prescribed fee to Chief Recovery Officer for enforcement of an expiation notice	Chief Executive Officer	NIL	issuing authority
section 22(16)	Receive notice from the Chief Recovery Officer of an enforcement determination	Chief Executive Officer	NIL	issuing authority
section 23(3)	Participate in proceedings reviewing an enforcement determination of the Chief Recovery Officer	Chief Executive Officer	NIL	issuing authority

Instrument of Delegation under the Fire and Emergency Services Act 2005

Fire and Emergency Services Act 2005				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 81(13a)	Appoint a person to be an authorised officer to issue permits under section 81 of the Fire and Emergency Services Act 2005	Community Ranger (333), Community Ranger (357), Community Ranger (358), Senior Ranger (99), Team Leader Regulatory Services (196)	Can only be delegated to a Fire Prevention Officer pursuant to Section 93 of the Fire and Emergency Services Act 2005	rural council councils with a designated urban bushfire risk area

Fire and Emergency Services 2005				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 4A(3)	Participate in consultation with the South Australian Fires and Emergency Services Commission (SAFES Commission) regarding designation of an area of urban bushfire risk within council area	Chief Executive Officer	NIL	

Fire and Emergency Services 2005				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 71C	Enter an arrangement with the State Bushfire Coordination Committee for the use of council staff, equipment or facilities	Chief Executive Officer	NIL	
section 72D	Enter an arrangement with a bushfire management committee for the use of council staff, equipment or facilities	Chief Executive Officer	NIL	
section 73A(7)(b)(iv)	Participate in consultation with a bushfire management committee regarding creation or amendment of a bushfire management area plan which includes the council area	Chief Executive Officer	NIL	
section 81(13b)	Apply to the Chief Officer of the South Australian Country Fire Service (SACFS Chief Officer) for an exemption from the requirement to appoint a person to be an authorised officer to issue permits under section 81 of the Fire and Emergency Services Act 2005	Elected Body	Can only be delegated to a Fire Prevention Officer pursuant to Section 93 of the Fire and Emergency Services Act 2005	rural council councils with a designated urban bushfire risk area

Fire and Emergency Services 2005				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 87(1)	Require a person to remove flammable debris on or in the vicinity of, a road as a result of work carried on by that person	Community Ranger (333), Community Ranger (357), Community Ranger (358), Senior Ranger (99), Team Leader Regulatory Services (196)	Can only be delegated to a Fire Prevention Officer pursuant to Section 93 of the Fire and Emergency Services Act 2005	rural council councils with a designated urban bushfire risk area
section 87(2)(a)	Burn or remove flammable debris left on road in contravention of a requirement under section 87(1)	Community Ranger (333), Community Ranger (357), Community Ranger (358), Senior Ranger (99), Team Leader Regulatory Services (196)	Can only be delegated to a Fire Prevention Officer pursuant to Section 93 of the Fire and Emergency Services Act 2005	rural council councils with a designated urban bushfire risk area
section 87(2)(b)	Recover costs of burning or removing flammable debris left on road in contravention of a requirement under section 87(1)	Community Ranger (333), Community Ranger (357), Community Ranger	Can only be delegated to a Fire Prevention Officer pursuant to	rural council

Fire and Emergency Services 2005				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		(358), Senior Ranger (99), Team Leader Regulatory Services (196)	Section 93 of the Fire and Emergency Services Act 2005	councils with a designated urban bushfire risk area
section 94(3)	Participate in consultation with the SACFS Chief Officer with respect to a proposed withdrawal of council functions and powers	Elected Body	Can only be delegated to a Fire Prevention Officer pursuant to Section 93 of the Fire and Emergency Services Act 2005	rural council councils with a designated urban bushfire risk area
section 94(4)(a)	Make a written submission to the Minister in relation to a recommendation of the SACFS Chief Officer to withdraw council function and powers	Elected Body	Can only be delegated to a Fire Prevention Officer pursuant to Section 93 of the Fire and Emergency Services Act 2005	rural council councils with a designated urban bushfire risk area
section 94(4)(b)	Request and undertake a delegation to the Minister to discuss a recommendation of the SACFS Chief Officer to withdraw council function and powers	Elected Body	Can only be delegated to a Fire Prevention Officer pursuant to	rural council

Fire and Emergency Services 2005				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
			Section 93 of the Fire and Emergency Services Act 2005	councils with a designated urban bushfire risk area
section 94(6)	Receive written reasons for a decision of the Minister to withdraw the powers and functions of the council	Elected Body	Can only be delegated to a Fire Prevention Officer pursuant to Section 93 of the Fire and Emergency Services Act 2005	rural council councils with a designated urban bushfire risk area
section 103(1)	Request the SACFS Chief Officer to appoint a person as a fire control officer	Chief Executive Officer	NIL	council
section 103(2)	Participate in consultation with the SACFS Chief Officer regarding proposed appointment of a fire control officer for a designated area of the State which includes the council area	Chief Executive Officer	NIL	council
section 105	Pay any fine recovered for a summary offence under Part 4A committed in the council area where the	Chief Executive Officer		

Fire and Emergency Services 2005				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	complaint has been laid by the council into the general revenue of the council		NIL	
section 105A	Appoint an authorised person for the purposed of Part 4A of the Fire and Emergency Services Act	Chief Executive Officer	NIL	
section 105B(1)	Appoint a fire prevention officer by a rural council or a council with a designated urban bushfire risk area	Chief Executive Officer	NIL	council
section 105B(4)	Apply to SACFS Chief Officer for an exemption from requirement to appoint a fire prevention officer	Chief Executive Officer	NIL	council
section 105D(1)(c)	Approve the delegation by a fire prevention officer of a power or function under the Act to another person or body	Chief Executive Officer	NIL	
section 105D(4)	Receive report from a fire prevention officer regarding delegation of a power or function under the Act to another person or body	Chief Executive Officer	NIL	

Fire and Emergency Services 2005				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 105E	Provide report regarding the exercise or discharge of the functions, power or responsibilities of a fire prevention officer for the council area to the SAFES Commission, the State Bushfire Coordination Committee or a bushfire management committee for the council area	Chief Executive Officer	NIL	
section 105F(5)	Issue notice to owner of land who has failed to take reasonable steps to prevent or inhibit the outbreak or spread of fire, protect property on the land from fire and minimise the threat to human life from fire on the land to remedy the default or protect the land or property	Chief Executive Officer	NIL	
section 105F(9)(c)	Publish notice to owner of land who has failed to comply with section 105F(1) to remedy the default or protect the land or property on website or a newspaper and leaving a copy of notice on land	Chief Executive Officer	NIL	
section 105F(10)	Vary or revoke a notice to owner of land who has failed to comply with section 105F(1) to remedy the default or protect the land or property	Chief Executive Officer	NIL	

Fire and Emergency Services 2005				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 105G(1)	Take reasonable steps in regard to land under the care, control or management of the council which is situated in the country or in a designated urban bushfire risk area to prevent or inhibit the outbreak or spread of fire, protect property on the land from fire and minimise the threat to human life from fire on the land	Chief Executive Officer	NIL	
section 105G(5)	Participate in consultation with the Minister regarding a referral from the SACFS Chief Officer alleging a failure of the council to comply with section 105G(1)	Chief Executive Officer	NIL	council
section 105G(6)	Receive notice of requirements from the Minister	Chief Executive Officer	NIL	
section 105G(7)	Comply with requirements of a notice issued to the council by the Minister under section 105G(6)	Chief Executive Officer	NIL	
section 105J(1)(a)	Give notice of intended entry of land to the owner of land	Chief Executive Officer	NIL	

Fire and Emergency Services 2005				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 105J(1)(b)	Use reasonable force to break into or open any part of, or anything on, the land with the authority of a warrant issued by a magistrate or if immediate action is required	Chief Executive Officer	NIL	
section 105J(3)	Apply to a magistrate for a warrant to use reasonable force to break into or open any part of, or anything on, the land	Chief Executive Officer	NIL	
section 105J(4)(a)	Give directions with respect to stopping, securing or movement of a vehicle, plant, equipment or other thing	Chief Executive Officer	NIL	
section 105J(4)(b)	Take photographs, films, audio, video or other recordings	Chief Executive Officer	NIL	
section 105J(4)(a)	Give directions reasonably required in connection with the exercise of a power under Part 4A	Chief Executive Officer	NIL	

Fire and Emergency Services 2005				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 105J(5)	Select assistants to accompany authorised person in exercise of power under Part 4A	Chief Executive Officer	NIL	
section 105J(6)	Carry out requirements of a notice under section 105F(5) if the owner of land fails to comply	Chief Executive Officer	NIL	
section 105J(7)	Authorise a person to carry out requirements of a notice under section 105F(6) on behalf of an authorised person if the owner of land fails to comply	Chief Executive Officer	NIL	council
section 105J(8)	Recover the reasonable costs and expenses incurred in taking action under section 105J(6)	Chief Executive Officer	NIL	
section 129	Erect a siren for the purpose of giving warning of the outbreak or threat of fire or an emergency	Chief Executive Officer	NIL	

Instrument of Delegation under the Fire and Emergency Services Regulations 2021

Fire and Emergency Services Regulations 2021				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 30(4)	Participate in consultation with the South Australian Country Fire Service Chief Officer in regard to a notice prohibiting or restricting the lighting or maintaining of a fire	Chief Executive Officer	NIL	
regulation 32(3)	Declare by notice in the Gazette that part of the council area is an area in which a person may operate a gas or electric element for cooking purposes in the open air contrary to the terms of a total fire ban	Chief Executive Officer	NIL	
regulation 32(4)(d)	Determine conditions to apply to a notice published under regulation 32(3)	Chief Executive Officer	NIL	
regulation 32(5)	Provide a copy of a notice published under regulation 32 to the South Australian Country Fire Service Chief Officer	Chief Executive Officer	NIL	

Fire and Emergency Services Regulations 2021

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 48(2)	Issue a certificate of identity to a fire prevention officer or assistant fire prevention officer	Chief Executive Officer	NIL	
regulation 48(4)	Accept the surrender of a certificate of identity on person ceasing to be a fire prevention officer or assistant fire prevention officer	Chief Executive Officer	NIL	
regulation 49(1)(a)	Light a fire on a road or on the verge of a road	Chief Executive Officer	NIL	
regulation 49(1)(b)	Direct or regulate the movement of persons, vehicles or animals along a road where a fire lit by the council under regulation 49(1)(a) is burning	Chief Executive Officer	NIL	
regulation 64(b)	Make representations in relation to a fire or other emergency to the South Australian Fire and Emergency Services Commission or an emergency services organisation	Chief Executive Officer	NIL	

Instrument of Delegation under the Food Act 2001

Food Act 2001				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 29	Elect to charge a person with a summary offence	Chief Executive Officer	NIL	council
section 42(2)	Approve the removal or interference with a thing to which a seizure order relates	Chief Executive Officer	NIL	enforcement agency
section 42(3)(a)(i)	Authorise the release of a thing seized under a seizure order	Chief Executive Officer	NIL	enforcement agency
section 42(3)(a)(ii)	Order that food or any other perishable thing be forfeited to the enforcement agency	Chief Executive Officer	NIL	enforcement agency

Food Act 2001				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 42(3)(a)(ii)	Receive food or any other perishable thing being forfeited to the enforcement agency by order of the enforcement agency	Chief Executive Officer	NIL	enforcement agency
section 42(3)(b)(i)	Receive food or any other perishable thing being forfeited to the enforcement agency by court order	Chief Executive Officer	NIL	enforcement agency
section 42(3)(d)	Deal with food or any other perishable thing in accordance with a determination of the Minister	Chief Executive Officer	NIL	enforcement agency
section 42(3)(e)	Dispose of a thing forfeited to the enforcement agency under pursuant to section 42	Chief Executive Officer	NIL	enforcement agency
section 52(2)	Pay compensation if there were no grounds for the council's Chief Executive Officer to make a prohibition order under section 46	Chief Executive Officer	NIL	enforcement agency

Food Act 2001				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 52(3)	Send written notification of determination as to the payment of compensation to each applicant for compensation	Chief Executive Officer	NIL	enforcement agency
section 79(1)(a)	Determine the priority classification of individual food businesses in its council area for the application of any requirements of the regulations relating to food safety programs	Chief Executive Officer	NIL	enforcement agency
section 79(1)(b)	Determine the frequency of auditing of any food safety programs required by the regulations in relation to food businesses in the council area	Chief Executive Officer	NIL	enforcement agency
section 79(3)	Provide written notification to the proprietor of a food business in the council area of the priority classification of its business, the food safety audit frequency and the date by which a food safety program required by the regulations must be implemented	Chief Executive Officer	NIL	enforcement agency
section 79(4)	Change the priority classification of a food business in the council area	Chief Executive Officer	NIL	enforcement agency

Food Act 2001				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 79(5)	Provide written notification to the proprietor of a change to the priority classification of the proprietor's food business	Chief Executive Officer	NIL	enforcement agency
section 81(1)	Receive a report from a food safety auditor of the results of any audit or assessment carried out by the food auditor for the purposes of the Act	Chief Executive Officer	NIL	enforcement agency
section 81(6)	Receive a report from a food safety auditor recommending that the priority classification of a food business be changed	Chief Executive Officer	NIL	enforcement agency
section 81(7)	Provide a copy of any report received from a food safety auditor of the results of any audit or assessment carried out by the food auditor to the proprietor of the food business audited or assessed	Chief Executive Officer	NIL	enforcement agency
section 86(1)	Receive written notice of information specified in the Food Safety Standards from a food business proposed to be conducted in the council area	Chief Executive Officer	NIL	enforcement agency

Food Act 2001				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 86(2)	Receive written notice of information specified in the Food Safety Standards from a food business conducted in the council area	Chief Executive Officer	NIL	enforcement agency
section 86(3)	Receive written notice of transferred ownership or a change in name or address of a food business conducted in the council area	Chief Executive Officer	NIL	enforcement agency
section 88(5)	Consent in writing to the delegation of a power of the relevant authority to the enforcement agency	Chief Executive Officer	NIL	enforcement agency
section 89	Undertake the functions in relation to the administration of the Act conferred or imposed upon the enforcement agency by the Act or by delegation	Chief Executive Officer	NIL	enforcement agency
section 90	Participate in consultation with the relevant authority in regard to proposed conditions or limitation on the exercise of functions of the enforcement agency under the Act	Chief Executive Officer	NIL	enforcement agency

Food Act 2001				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 94(1)	Appoint persons with appropriate qualification or experience to be authorised officers	Chief Executive Officer	NIL	enforcement agency
section 94(2)	Prepare and maintain a list of authorised officers	Chief Executive Officer	NIL	enforcement agency
section 95(1)	Provide each authorised officer with a certificate of authority	Chief Executive Officer	NIL	enforcement agency
section 95(2)	Limit the authority of an authorised officer	Chief Executive Officer	NIL	enforcement agency
section 104(1)	Send samples retained under the Act to an independent analyst in accordance with a court order	Chief Executive Officer	NIL	enforcement agency

Instrument of Delegation under the Food Regulations 2017

Food Regulations 2017				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 13(a)	Impose a fee for the carrying out of an inspection of food premises or food transport vehicles	Chief Executive Officer		
regulation 13(b)	Recover a fee imposed under regulation 13(a) from the occupier of the premises or owner or operator of the vehicle	Chief Executive Officer		

Instrument of Delegation under the Freedom of Information (Fees and Charges) Regulations 2018

Freedom of Information (Fees and Charges) Regulations 2018				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 5	Waive or remit fee or charge	Chief Executive Officer	NIL	agency

Instrument of Delegation under the Freedom of Information Act 1991

Freedom of Information Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 9(1a)	Publish an up-to-date information statement containing the information listed in section 9(2) in the manner prescribed by the regulations	Chief Executive Officer	NIL	agency
section 10(1)	Cause copies of the most recent information statement and each policy document to be available for inspection and purchase by members of the public	Chief Executive Officer	NIL	agency
section 15	Take reasonably practicable steps to assist the applicant to provide information to enable the document to which the application related be identified	Chief Executive Officer	NIL	agency
section 16(1)	Transfer an application for access to a document to another agency	Chief Executive Officer	NIL	agency

Freedom of Information Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 16(3)	Notify the applicant of the transfer of the application for access to a document to another agency	Chief Executive Officer	NIL	agency
section 17(1)	Request the applicant to pay a reasonable amount by way of advance deposit if the cost of dealing with an application is likely to exceed the application fee	Chief Executive Officer	NIL	agency
section 17(2)	Request the applicant to pay a reasonable amount by way of further advance deposit if the cost of dealing with an application is likely to exceed the application fee and advance deposit already paid	Chief Executive Officer	NIL	agency
section 18(1)	Refuse to deal with an application if the work involved in dealing with the application would substantially and unreasonably divert the council's resources from their use by the council in exercise of its functions.	Chief Executive Officer	NIL	agency
section 18(2)	Assist an applicant to amend the application so that the work involved in dealing with the application would not substantially and unreasonably divert the council's resources from their use by the council in exercise of its functions.	Chief Executive Officer	NIL	agency

Freedom of Information Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 18(2a)	Refuse to deal with an application if the application is part of a pattern of conduct that amounts to an abuse of the right of access or is made for a purpose other than to obtain access to information	Chief Executive Officer	NIL	agency
section 18(3)	Refuse to deal with an application if the council has requested payment of an advance deposit and payment of the deposit has not been made within the period specified in the request	Chief Executive Officer	NIL	agency
section 18(4)	Refund any amount of advance deposit which exceeds the council's costs of dealing with the application, if the council refuses to deal with the application	Chief Executive Officer	NIL	agency
section 18(5)	Provide notice to the applicant that the council is refusing to deal with the application	Chief Executive Officer	NIL	agency
section 19(1)	Determine: (a) whether access to a document is to be given, deferred or refused; (b) any charge payable in respect of giving access; and	Chief Executive Officer	NIL	agency

Freedom of Information Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	(c) any charge payable for dealing with the application			
section 20(1)	Refuse access to a document	Chief Executive Officer	NIL	agency
section 21(1)	Defer access to a document	Chief Executive Officer	NIL	agency
section 22(1)	Determine the form of access to a document	Chief Executive Officer	NIL	agency
section 22(2)	Determine to provide access to a document in a form other than that requested by the applicant	Chief Executive Officer	NIL	agency
section 22(4)	Agreeing with an applicant the form of access to a document	Chief Executive Officer	NIL	agency

Freedom of Information Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 22(5)	Refuse to give access to a document if a charge payable in respect of the application, or giving access to the document, has not been paid	Chief Executive Officer	NIL	agency
section 23(1)	Notify an applicant to the agency's determination or, if relevant, that the agency does not hold the document	Chief Executive Officer	NIL	agency
section 25(2)	Obtain the views of the government of the Commonwealth or of another State or a council (including a council constituted under the law of another State) as to whether a document is an exempt document	Chief Executive Officer	NIL	agency
section 25(2)	Provide view as to whether a document is an exempt document	Chief Executive Officer	NIL	council
section 25(3)	Notify the relevant government or council (a) that the agency has determined to provide access to the document; (b) of the rights of review conferred by the Freedom of Information Act in relation to that determination; and	Chief Executive Officer	NIL	agency

Freedom of Information Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	(c) the procedures to be followed to exercise those rights of review			
section 25(3)(d)	Apply for a review of a decision to provide access to a document under section 25(3)	Chief Executive Officer	NIL	council
section 26(2)	Notify a person that access to a document containing information concerning his or her personal affairs is being sought under the Freedom of Information Act and seek that person's views on whether the document is an exempt document	Chief Executive Officer	NIL	agency
section 26(3)	Notify the relevant person: (a) that the agency has determined to provide access to the document; (b) of the rights of review conferred by the Freedom of Information Act in relation to that determination; and (c) the procedures to be followed to exercise those rights of review	Chief Executive Officer	NIL	agency
section 26(4)(c)	Form the opinion that disclosure of information may have an adverse effect on the physical or mental health, or emotional state, of the applicant	Chief Executive Officer	NIL	agency

Freedom of Information Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 27(2)	Notify a person that access to a document concerning trade secrets, of a commercial value or concerning the business, professional, commercial or financial affairs of the person is being sought under the Freedom of Information Act and seek that person's views on whether the document is an exempt document	Chief Executive Officer	NIL	agency
section 27(3)	Notify the relevant person: (a) that the agency has determined to provide access to the document; (b) of the rights of review conferred by the Freedom of Information Act in relation to that determination; and (c) the procedures to be followed to exercise those rights of review	Chief Executive Officer	NIL	agency
section 28(2)	Notify a person that access to a document containing information concerning research that is being, or is intended to be, carried out by or on behalf of the person is being sought under the Freedom of Information Act and seek that person's views on whether the document is an exempt document	Chief Executive Officer	NIL	agency

Freedom of Information Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 28(3)	Notify the relevant person: (a) that the agency has determined to provide access to the document; (b) of the rights of review conferred by the Freedom of Information Act in relation to that determination; and (c) the procedures to be followed to exercise those rights of review	Chief Executive Officer	NIL	agency
section 29(3)	Confirm, vary or reverse a determination under Part 3 following an application for an internal review	Chief Executive Officer	NIL	agency
section 29(4)	Refund any application fee paid in respect of the internal review if the agency varies or reverses a determination so that access to a document is given	Chief Executive Officer	NIL	agency
section 33	Take reasonably practicable steps to assist an applicant to provide information to enable the identification of an agency's document to which access has been given	Chief Executive Officer	NIL	agency

Freedom of Information Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 34(a)	Amend records in accordance with an application under section 30	Chief Executive Officer	NIL	agency
section 34(a)	Refuse to amend records in accordance with an application under section 30	Chief Executive Officer	NIL	agency
section 35	Refuse an application to amend records	Chief Executive Officer	NIL	agency
section 36(1)	Notify applicant of determination regarding an application to amend records or that the agency does not hold the record	Chief Executive Officer	NIL	agency
section 37(2)	Add to the agency's record a notation specifying that the applicant claims that the record is incomplete, incorrect, out-of-date or misleading and including any information which the applicant claims is required to bring the record up-to-date	Chief Executive Officer	NIL	agency

Freedom of Information Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 37(2)	Notify the applicant of the nature of the notation	Chief Executive Officer	NIL	agency
section 37(3)(a)	Provide a statement to a person to whom the agency discloses information stating that the person to whom the information relates claims that the information is incomplete, incorrect, out-of-date or misleading and setting out the particulars of the notation added to its records in compliance with section 37(2)	Chief Executive Officer	NIL	agency
section 37(3)(b)	Provide a statement as to the reasons for the agency's refusal to amend the records in accordance with the notation	Chief Executive Officer	NIL	agency
section 38(3)	Confirm, vary or reverse a determination under Division 1, Part 4 following an internal review	Chief Executive Officer	NIL	agency
section 39(5)(c)(i)	Participate in a settlement between the participants to a review	Chief Executive Officer	NIL	agency

Freedom of Information Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 39(5)(c)(ii)	Request a suspension of the proceedings under section 39 to allow an opportunity for a settlement to be negotiated	Chief Executive Officer	NIL	agency
section 39(7)	Cooperate in a process proposed by a relevant review authority for the purposes of the conduct of an external review	Chief Executive Officer	NIL	agency
section 39(9)(a)	Advise a relevant review authority for the purposes of the conduct of an external review that a determination of the agency was made on grounds of the public interest	Chief Executive Officer	NIL	agency
section 40(1)	Apply to South Australian Civil and Administrative Tribunal for a review of a determination by the relevant review authority on an external review on a question of law	Chief Executive Officer	NIL	agency
section 40(7)	Advise South Australian Civil and Administrative Tribunal that a determination of the agency was made on grounds of the public interest	Chief Executive Officer	NIL	agency

Freedom of Information Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 41(1)	Apply to South Australian Civil and Administrative Tribunal to receive evidence and hear argument in the absence of the public, the other party to the review and the party's representative in respect of a restricted document	Chief Executive Officer	NIL	agency
section 53(2a)	Waive, reduce or remit a fee or charge	Chief Executive Officer	NIL	agency
section 53(3)	Review a fee or charge on application of the person required to pay the fee or charge and if appropriate reduce the fee or charge	Chief Executive Officer	NIL	agency
section 53(5)	Recover a fee or charge as a debt	Chief Executive Officer	NIL	agency
section 54AA(a)	Furnish information to the Minister as required by notice in the Gazette	Chief Executive Officer	NIL	agency

Freedom of Information Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 54AA(b)	Comply with requirement of the Minister regarding furnishing and keeping records	Chief Executive Officer	NIL	agency
clause 3(b), Schedule 1	Provide notice that information would be protected from disclosure under a corresponding law of the Commonwealth or another State	Chief Executive Officer	NIL	council
clause 13(2)(b)(iii), Schedule 1	Approve a term of a contract which contains matter the disclosure of which would constitute a breach of contract or found an action for breach of confidence	Chief Executive Officer	NIL	agency
clause 13(6), Schedule 1	Notify the Minister of the approval of a term of a contract in accordance with clause 13(2)(b)(iii)	Chief Executive Officer	NIL	agency

Instrument of Delegation under the Gas Act 1997

Gas Act 1997				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 47(3)(b)	Agree to a gas entity carrying out work on public land owned by the council	Chief Executive Officer	NIL	
section 47(7)	Refer a dispute between the council and a gas entity regarding whether work should be permitted on public land of the conditions on which work should be permitted to the Minister	Chief Executive Officer	NIL	
section 47(9)(a)	Make representations to the Minister on questions at issue in the dispute	Chief Executive Officer	NIL	
section 47(9)(b)	Settle a dispute with a gas entity by agreement	Chief Executive Officer	NIL	

Instrument of Delegation under the Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)

Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 13(1)(b)	Consent to the Regulator making an HML declaration	Chief Executive Officer	NIL	
regulation 14(3)	Require a condition on an HML declaration that stated intelligent access conditions are imposed on the use of a stated type of HML heavy vehicle under the higher mass limits in an area or on a route to which the declaration applies	Chief Executive Officer	NIL	
regulation 14(4)(a)	Provide to the regulator written reasons for the road manager's decision to give consent to the making of the declaration subject to the condition	Chief Executive Officer	NIL	
regulation 14(4)(a)	Provide to the regulator written reasons for the road manager's decision to give consent to the making of the declaration subject to the condition	Chief Executive Officer	NIL	

Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 15(4)(b)	Consent to the amendment of a map or list	Chief Executive Officer	NIL	
regulation 18(2)	Request the Regulator to amend or cancel an HML declaration	Chief Executive Officer	NIL	
regulation 22(1)(b)	Consent to the Regulator granting an HML permit for an HML heavy vehicle	Chief Executive Officer	NIL	
regulation 29(4)(c)	Consent to an amendment to an HML permit sought by the holder of the permit	Chief Executive Officer	NIL	
regulation 31(2)	Request the Regulator to amend or cancel an HML permit	Chief Executive Officer	NIL	

Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 41(1)	Consent to the declaration by the regulator of areas, roads and routes and major roads under regulation 40	Chief Executive Officer	NIL	

Instrument of Delegation under the Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)

Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 118(1)(b)	Consent to a mass or dimension exemption (notice) for a category of heavy vehicle	Chief Executive Officer	NIL	
section 124(1)(b)	Consent to a mass or dimension exemption (permit) for a heavy vehicle	Chief Executive Officer	NIL	
section 139(1)(b)	Consent to the grant of a class 2 heavy vehicle authorisation (notice)	Chief Executive Officer	NIL	
section 145(1)(b)	Consent to the grant of a class 2 heavy vehicle authorisation (permit)	Chief Executive Officer	NIL	

Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 156(2)	Request an extension to the time periods in section 156(1)	Chief Executive Officer	NIL	
section 156A(4)	Provide a written statement to the Regulator explaining the road manager's decision not to consent to the grant of a mass or dimension authority	Chief Executive Officer	NIL	
section 159(2)	Notify the regulator that a route assessment is required for the road manager determining whether to give consent and the fee payable under law (if any) for the route assessment	Chief Executive Officer	NIL	
section 159(4)(a)	Cease considering whether or not to provide consent pending the payment of a fee	Chief Executive Officer	NIL	
section 160(1)	Require a condition on the mass or dimension authority that: (a) except in the case of a class 2 heavy vehicle authorisation (notice)—the condition that a stated road condition is imposed on the authority; or	Chief Executive Officer	NIL	

Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	(b) in the case of a class 2 heavy vehicle authorisation (notice)—the condition that a stated road condition of a type prescribed by the national regulations is imposed on the authority			
section 160(2)(a)	Provide a written statement to the Regulator explaining the road manager's decision to give consent to the grant of a mass or dimension authority subject to the condition	Chief Executive Officer	NIL	
section 161(1)	Require a condition on the mass or dimension authority that a stated travel condition is imposed on the authority	Chief Executive Officer	NIL	
section 161(2)	Provide a written statement to the Regulator explaining the road manager's decision to give consent to the grant of a mass or dimension authority subject to the condition	Chief Executive Officer	NIL	
section 162(1)	Request the Regulator to impose a stated vehicle conditions on a mass or dimension authority	Chief Executive Officer	NIL	

Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 167(2)(b)	Provide notice of objection to the Regulator in relation to a proposed replacement authority	Chief Executive Officer	NIL	
section 167(2)(b)	Seek an extension of time in which to lodge a notice of objection to a proposed replacement authority	Chief Executive Officer	NIL	
section 167(2)(b)	Provide notice to Regulator that the road manager gives or refuses consent to a proposed replacement authority	Chief Executive Officer	NIL	
section 169(1)	Consent to the grant of a mass or dimension authority for a trial period	Chief Executive Officer	NIL	
section 170(3)	Lodge an objection with the Regulator in respect of the renewal of a mass or dimension authority for a further trial period	Chief Executive Officer	NIL	

Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 174(2)	Request the Regulator to amend the mass or dimension authority or cancel the authority	Chief Executive Officer	NIL	
section 176(4)(c)	Consent to an amendment of a mass or dimension authority requested by the holder of the permit	Chief Executive Officer	NIL	
section 178(2)	Request the Regulator to amend or cancel a mass or dimension authority	Chief Executive Officer	NIL	
section 611(2)	Apply for a compensation order	Chief Executive Officer	NIL	
section 612(2)(c)	Issue a certificate for the purposes of the assessment of a compensation order	Chief Executive Officer	NIL	

Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 613(1)	Provide a copy of a certificate to be submitted under section 612(2)(c) in a proceeding for a compensation order to the defendant at least 28 days prior to the date fixed for the hearing or the proceeding	Chief Executive Officer	NIL	
section 643(2)	Undertake an internal review of a reviewable decision	Chief Executive Officer	NIL	
section 645(5)	Provide notice of internal review decision and reasons for decision to the Regulator	Chief Executive Officer	NIL	
section 646(6)(a)(ii)	Agree with the Regulator a longer period for undertaking an internal review	Chief Executive Officer	NIL	road manager

Instrument of Delegation under the Independent Commission Against Corruption Act 2012

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

Independent Commission Against Corruption Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 18F(1)(b)	Act on a referral from the Office for Public Integrity	Chief Executive Officer	NIL	public authority
section 28	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the person heading the investigation requires, verify the statement by statutory declaration	Chief Executive Officer	NIL	public authority
section 34(1)	Undertake a joint investigation with the Independent Commission Against Corruption	Chief Executive Officer	NIL	public authority
section 34(3)	Provide comments to the Independent Commission Against Corruption with respect to the terms of a notice issued under section 34(1) of the Independent Commission Against Corruption Act	Chief Executive Officer	NIL	public authority
section 36(1)(b)	Act on a referral from the Independent Commission Against Corruption	Chief Executive Officer	NIL	public authority

Independent Commission Against Corruption Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 36(4)	Comply with direction or guidance given by the Independent Commission Against Corruption	Chief Executive Officer	NIL	public authority
section 36(7)	Comply with varied or further direction or guidance issued by the Independent Commission Against Corruption	Chief Executive Officer	NIL	public authority
section 36(8)	Provide comments to the Independent Commission Against Corruption	Chief Executive Officer	NIL	public authority
section 39A	Ensure each person who was the subject of an investigation in relation to a matter referred to the Council by the Independent Commission Against Corruption is informed of a determination of the council not to further investigate or deal with the matter	Chief Executive Officer	NIL	public authority
section 40(2)	Assist the Independent Commission Against Corruption in an evaluation of the practices, policies and procedures of the council	Chief Executive Officer	NIL	public authority

Independent Commission Against Corruption Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 41(1)	Comply with recommendations of the Independent Commission Against Corruption	Chief Executive Officer	NIL	public authority
section 41(4)	Provide comments to the Independent Commission Against Corruption	Chief Executive Officer	NIL	public authority
section 44(1)	Assist public officers of the council to comply with requirements and directions issued under the Independent Commission Against Corruption Act	Chief Executive Officer	NIL	public authority
section 56A(1)(b)	Receive and use evidence or information for the purposes of any criminal investigation or proceedings, proceedings for the imposition of a penalty and any disciplinary investigation or action	Chief Executive Officer	Nil	public authority/ prosecution authority
Clause 9(6), Schedule 4	Act on a referral of the inspector	Chief Executive Officer	NIL	public authority

Instrument of Delegation under the Labour Hire Licensing Act 2017

Labour Hire Licensing Act 2017				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 16(1)	Lodge an objection with the Commissioner of Consumer Affairs to an application for a licence under section 15 of the Labour Hire Licensing Act 2017	Chief Executive Officer	Subject to approval by the Chief Executive Officer.	designated entity
section 32(2)	Lodge an objection with the Commissioner of Consumer Affairs to an application for a licence to which section 31 of the Labour Hire Licensing Act 2017 applies	Chief Executive Officer	Subject to approval by the Chief Executive Officer.	designated entity
section 42(2)	Appeal against the grant of a licence to the District Court	Chief Executive Officer	Subject to approval by the Chief Executive Officer.	designated entity
section 42(4)	Require the Commissioner for Consumer Affairs to provide reasons for the Commissioner's decision	Chief Executive Officer	NIL	designated entity

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

Land and Business (Sale and Conveyancing) Act 1994				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 7	Respond to enquiries regarding prescribed matters by a vendor of land	Chief Executive Officer	NIL	council
section 8	Respond to enquiries regarding prescribed matters by a vendor of a small business	Chief Executive Officer	NIL	council
section 12	Provide information regarding any charge or prescribed encumbrance over land within the council's area of which the council has the benefit or insurance under Division 3 of Part 5 of the Building Work Contractors Act 1995 in relation to a building on land within the council's area	Chief Executive Officer	NIL	

Instrument of Delegation under the Landscape South Australia (General) Regulations 2020

Landscape South Australia (General) Regulations 2020				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 10(1)(b)	Make submissions to the regional landscape board	Chief Executive Officer	NIL	
regulation 13(3)	Pay monies to the regional landscape board	Chief Executive Officer	NIL	
regulation 14(9)	Furnish a regional landscape board with a reasonable estimate of the costs that the council expects to claim under regulation 14 of the Landscape South Australia (General) Regulations 2019	Chief Executive Officer	NIL	
regulation 14(13)	Furnish a regional landscape board with an invoice setting out the amount the council is claiming and the calculations used by the council to determine the amount	Chief Executive Officer	NIL	

Instrument of Delegation under the Landscape South Australia (Water Management) Regulations 2020

Landscape South Australia (Water Management) Regulations 2020				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 22(2)	Determine the form of notice to be provided for the purpose of section 113(2)(c) of the Landscape South Australia Act	Chief Executive Officer	NIL	
regulation 24(2)	Increase the period of time for the purposes of section 113(5) of the Landscape South Australia Act from the period prescribed in regulation 24(1) of the Landscape South Australia (Water Management) Regulations	Chief Executive Officer	NIL	

Instrument of Delegation under the Landscape South Australia Act 2019

Landscape South Australia Act 2019				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 17(4)(a)	Provide an up-to-date copy of the voters roll for the area of the council to the person conducting an election for the members of the regional landscape board	Chief Executive Officer	NIL	council
section 25(4)	Work collaboratively with the regional landscape board	Chief Executive Officer	NIL	council
section 32(7)	Consent to the Governor making a proclamation under sections 32(1), 32(2) or 32(6) in relation to infrastructure or land vested in or under the care, control or management of the council	Elected Body	Subject to the approval of Council.	council
section 37(1)(c)	Approve the delegation by a regional landscape board of a function or power vested in the regional landscape board under any Act to the council or an officer of the council	Chief Executive Officer	Any function or power delegated by the Landscape Board to either the Council or	council

Landscape South Australia Act 2019				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
			an officer of the Council to be notified to Council Members	
section 41(b)	Enter an arrangement with the regional landscape board to make use of the services of staff, equipment or facilities of the council	Chief Executive Officer	NIL	public authority
section 47(7)	Consider any regional landscape plan in the performing of functions or the exercise of powers under any Act	Chief Executive Officer	NIL	council
section 51(5)(b)	Participate in consultation with the regional landscape board in regard to a prescribed levy proposal to the extent required by regulations	Chief Executive Officer	NIL	council
section 66(1)	Contribute to the costs of the regional landscape board performing its functions	Elected Body	NIL	council

Landscape South Australia Act 2019				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 67(1)	Pay contribution to the costs of the regional landscape board performing its functions	Chief Executive Officer	NIL	council
section 67(2)	Pay contribution to the costs of the regional landscape board performing its functions	Chief Executive Officer	NIL	council
section 69(10)	Apply to the regional landscape board for a refund of an amount of the regional landscape levy	Chief Executive Officer	NIL	council
section 72(6)(a)	Enter an arrangement with the regional landscape board for service of a notice to be effected as part of any other notice serviced by the council	Chief Executive Officer	NIL	public authority
section 72(6)(b)	Enter an arrangement with the regional landscape board for the collection of a levy to be effected by the council	Chief Executive Officer	NIL	public authority

Landscape South Australia Act 2019				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 101(6)	Make a submission to the Minister regarding proposed declaration of a prescribed water resource	Chief Executive Officer	NIL	relevant authority
section 103(3)	Appoint the Minister, a regional landscape board, a designated entity, a council or a council subsidiary in place of the council as the 'relevant authority'	Elected Body	NIL	relevant authority
section 104(3)	Grant a person a water management authorisation or permit to undertake an activity prescribed in sections 104(3)(e) or 104(3)(f) of the Landscape South Australia Act (except in the case of the discharge of water into a watercourse for the purpose of running the water down the watercourse for storage in a reservoir or other facility)	Chief Executive Officer	NIL	relevant authority
section 107(1)	Issue a notice to the owner of land in respect of an activity for which the council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act	Chief Executive Officer	NIL	relevant authority

Landscape South Australia Act 2019				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 107(2)(b)	Enter land and take action specified in a notice issued under section 107(1) of the Landscape South Australia Act	Chief Executive Officer	NIL	relevant authority
section 112(1)	Approve a form of application in respect of a permit for an activity for which the council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act	Chief Executive Officer	NIL	relevant authority
section 112(6)	Specify conditions on a permit for an activity for which the council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act	Chief Executive Officer	NIL	relevant authority
section 112(9)	Vary, suspend or revoke a permit for an activity for which the council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act	Chief Executive Officer	NIL	relevant authority
section 112(10)	Vary a permit for an activity for which the council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act	Chief Executive Officer	NIL	relevant authority

Landscape South Australia Act 2019				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 112(11)	Revoke a permit for an activity for which the council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act	Chief Executive Officer	NIL	relevant authority
section 112(12)	Revoke a permit for an activity for which the council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act	Chief Executive Officer	NIL	relevant authority
section 112(13)	Revoke a permit for an activity for which the council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act	Chief Executive Officer	NIL	relevant authority
section 112(14)	Serve notice of the variation or revocation of a permit	Chief Executive Officer	NIL	relevant authority
section 113(2)	Give notice of an application for a permit in accordance with the regulations	Chief Executive Officer	NIL	relevant authority

Landscape South Australia Act 2019				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 113(3)	Receive representations in relation to the granting or refusal of a permit	Chief Executive Officer	NIL	relevant authority
section 113(4)	Forward a copy of representations in relation to the granting or refusal of a permit to the applicant and allow the applicant an opportunity to respond in writing	Chief Executive Officer	NIL	relevant authority
section 113(6)	Allow a person who made a representation regarding the granting or refusal of a permit the opportunity to appear personally or by representative before the authority	Chief Executive Officer	NIL	relevant authority
section 113(7)	Allow an applicant to appear personally or by representative before the authority	Chief Executive Officer	NIL	relevant authority
section 113(8)(a)	Give notice to each person who made a representation to the authority of the authority's decision and the person's appeal rights under the Landscape South Australia Act	Chief Executive Officer	NIL	relevant authority

Landscape South Australia Act 2019				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 113(8)(b)	Give notice to the Environment, Resources and Development Court of the authority's decision and the names and addresses of persons who made representations under section 113 of the Landscape south Australia Act	Chief Executive Officer	NIL	relevant authority
section 113(13)	Provide for inspection and purchase written representations made under section 113 of the Landscape south Australia Act and the written response of the applicant	Chief Executive Officer	NIL	relevant authority
section 202(4)	Agree with the Minister that an officer of the council may be appointed as an authorised officer	Chief Executive Officer	NIL	council
section 219(3)	Receive notice from the Minister of a proposed management agreement that provides for the remission of council rates and provide submissions to the Minister on the proposed agreement	Chief Executive Officer	NIL	council
clause 89(4)(e) Schedule 5	Consent to property, assets, rights or liabilities vesting in or attaching to the Council	Chief Executive Officer	Subject to the approval of Council.	authority

Instrument of Delegation under the Liquor Licensing Act 1997

Liquor Licensing Act 1997				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 22(1)	Apply to the Court for a review of a decision of the Commissioner in relation to an application for or in relation to a licence	Chief Executive Officer	NIL	council
section 37(5)	Participate in consultation with the Minister in relation to any proposed regulations declaring an area to be a prescribed area for the purposes of section 37 of the Liquor Licensing Act	Chief Executive Officer	NIL	prescribed body
section 69(3)(e)	Approval of an application for the extension of a trading area where the relevant area is under the control of the council	Chief Executive Officer	NIL	council
section 106(2)(b)	Lodge a complaint under section 106(1) regarding unduly offensive, annoying, disturbing or inconvenient activity, noise or behaviour relating to licensed premises	Chief Executive Officer	NIL	council

Liquor Licensing Act 1997				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 106(4)	Request that the matter proceed direct to a hearing	Chief Executive Officer	NIL	council
section 106(5)	Request that the Commissioner determine the matter	Chief Executive Officer	NIL	council
section 106(6)(a)	Make submissions in regard to the matter to the Commissioner or Court	Chief Executive Officer	NIL	council
section 120(2)(c)	Lodge a complaint under section 120(1) alleging that proper grounds for disciplinary action exist against a specified person	Chief Executive Officer	NIL	council
section 128E(1)	Prepare a draft local liquor accord	Chief Executive Officer	In consultation with Council	council

Liquor Licensing Act 1997				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 128H(3)	Request a variation of a local liquor accord	Chief Executive Officer	In consultation with Council	council
section 128H(5)	Request the Commissioner to add or remove the council as a party to a local liquor accord	Chief Executive Officer	NIL	council
section 128H(6)	Request the Commissioner to terminate a local liquor accord	Chief Executive Officer	NIL	council
section 128H(7)	Seek the consent of the other parties to a local liquor accord prior to request the Commissioner to terminate the local liquor accord	Chief Executive Officer	NIL	council
section 131(1ab)	Prohibit the consumption or possession or both of liquor in a public place within the council area during a specified period by notice published in the Gazette	Chief Executive Officer	NIL	council

Liquor Licensing Act 1997				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 131(1ad)	Provide a copy of notice published under section 131(1ab) to the Commissioner of Police	Chief Executive Officer	NIL	council
section 131(1c)	Vary or revoke a notice published under section 131(1ab)	Chief Executive Officer	NIL	council

Instrument of Delegation under the Local Government (Building Upgrade Agreements) Regulations 2017

Local Government (Building Upgrade Agreements) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 8(b)	Send a copy of a notice sent to building owner under clause 9(1) of Schedule 1B of the Local Government Act to any ratepayer in respect of the relevant land and any registered mortgagee of the land	Chief Executive Officer	NIL	council
regulation 8(c)(i)	Place a copy of a notice sent to building owner under clause 9(1) of Schedule 1B of the Local Government Act in a newspaper circulating throughout the State	Chief Executive Officer	NIL	council
regulation 8(c)(ii)	Leave a copy of a notice sent to building owner under clause 9(1) of Schedule 1B of the Local Government Act in a conspicuous place on the relevant land	Chief Executive Officer	NIL	council
regulation 8(e)	Set a reserve price for the sale of land by auction	Chief Executive Officer	Subject to the approval of Council	council

Local Government (Building Upgrade Agreements) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 8(f)	Advertise the auction in a newspaper circulating throughout the State	Chief Executive Officer	NIL	council
regulation 8(g)	Cancel an auction	Chief Executive Officer	Subject to the approval of Council	council
regulation 8(h)	Sell land by private contract	Chief Executive Officer	Subject to the approval of Council	council

Instrument of Delegation under the Local Government (Elections) Act 1999

Local Government (Elections) Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 4(2)(d)	Fix a day for a poll	Chief Executive Officer	Only by resolution of Council to hold a Poll.	council
section 8(1)	Appoint a person or persons to the office or officer not filled by a supplementary election which has wholly or partially failed or been declared void	Elected Body		council
section 8(1a)	Appoint a person or persons to the office or officer that remain unfilled where not all vacancies are filled	Elected Body		council
section 9(1)	Hold a poll	Elected Body		council
section 9(3)	Fix a day as polling day for a poll by notice published on the council website	Chief Executive Officer	Only by resolution of Council to hold a Poll.	council

Local Government (Elections) Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 9(4)	Fix a day as the day on which the voters roll for the purposes of the poll closes	Chief Executive Officer	Only by resolution of Council to hold a Poll.	council
section 10(3)	Nominate a person as a deputy returning officer of the council area	Chief Executive Officer	Except where the nominee is a delegate.	council
section 10(9)	Participate in consultation with the Electoral Commissioner regarding the proposed removal of a deputy returning officer nominated by the council	Chief Executive Officer	Except where the deputy returning officer is a delegate.	council
section 12(b)	Provide information, education and publicity designed to promote public participation in the electoral processes for its area, to inform potential voters about the candidates who are standing for election in its area, and to advise its local community about the outcome of elections and polls conducted in its area	Chief Executive Officer	NIL	council

Local Government (Elections) Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 13A(2)(a)	Inform potential electors in the council area of the requirements to be enrolled on the voters roll	Chief Executive Officer	NIL	council
section 13A(2)(b)	Arrange advertising Informing potential electors in the council area of the requirements to be enrolled on the voters roll	Chief Executive Officer	NIL	council
section 15(14)	Provide copies of the voters roll for the council area for inspection at the principal office of the council	Chief Executive Officer	NIL	council
section 15(15)	Provide a copy of the voters roll to a nominated candidate for the election	Chief Executive Officer	NIL	council
section 55(1)	Participate in consultation with the returning officer regarding the use of a computer program to carry out steps involved in the recording, scrutiny or counting of votes in an election or poll	Chief Executive Officer	NIL	council

Local Government (Elections) Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 70(3)	Contest a petition to the Court by lodging a reply	Chief Executive Officer	NIL	council
section 75(1)(a)	Participate in proceedings as a party pursuant to an order of the Court	Chief Executive Officer	NIL	council
section 75(1)(b)	Apply to intervene in proceedings	Chief Executive Officer	NIL	council
section 75(3)	Intervene in proceedings in the manner and to the extent directed by the Court and on such other conditions as the court directs	Chief Executive Officer	NIL	council
section 76	Engage counsel to represent the council in proceedings	Chief Executive Officer	NIL	council

Local Government (Elections) Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 77	Apply to the court to refer a question of law to the Court of Appeal	Chief Executive Officer	NIL	council
section 91A(1)	Prepare and adopt a caretaker policy	Elected Body	Nil	council
section 91A(3)	Apply in writing for an exemption from the prohibition against making a designated decision during an election period	Elected Body	NIL	council

Instrument of Delegation under the Local Government (Financial Management) Regulations 2011

Local Government (Financial Management) Regulations 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 9(1)	Prepare and consider the reports prescribed in regulation 9(1) of the Local Government (Financial Management) Regulations	Elected Body		
regulation 10(1)	Prepare and consider the report prescribed in regulation 10(1) of the Local Government (Financial Management) Regulations	Elected Body		
regulation 11(1)	Prepare and maintain all accounting records, accounts and financial statements in accordance with all relevant Australian Accounting Standards	Chief Executive Officer	NIL	
regulation 12	Revalue all material non-current assets in accordance with the requirements of Australian Accounting Standards AASB 116	Chief Executive Officer	NIL	
regulation 22(2)	Engage the council's auditor to certify that a grant or subsidy received by the council has been acquitted in accordance with any conditions required by the provider of the grant or subsidy	Chief Executive Officer	NIL	

Instrument of Delegation under the Local Government (Forestry Reserves) Act 1944

Local Government (Forestry Reserves) Act 1944				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 4(1)	Establish and manage a forest on any local government forestry reserve	Chief Executive Officer (95), Director Infrastructure and Operations (114)	NIL	council
section 4(2)	Expend money of the council for the purposes of establishing and managing a forest or for any incidental purpose	Chief Executive Officer (95), Director Infrastructure and Operations (114)	NIL	council
section 5(2)	Repay an advance of money in such a manner as the Minister directs	Chief Executive Officer (95), Director Infrastructure and Operations (114)	NIL	council
section 5(2)	Expend an advance of money in accordance with any direction given by the Minister	Chief Executive Officer (95), Director Infrastructure and Operations (114)	NIL	council

Local Government (Forestry Reserves) Act 1944

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 6(1)	Manage a forest established by the council	Chief Executive Officer (95), Director Infrastructure and Operations (114)	NIL	council
section 6(1)	Sell or otherwise dispose of timber or other products derived for a forest established by the council	Chief Executive Officer (95), Director Infrastructure and Operations (114)	NIL	council
section 7(2)	Carry out directions of the Minister regarding the management of a forest established by the council	Chief Executive Officer (95), Director Infrastructure and Operations (114)	NIL	council

Instrument of Delegation under the Local Government (General) Regulations 2013

Local Government (General) Regulations 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 8AB	Publish information listed in regulation 8AB of the Local Government (General) Regulations on a website determined by the chief executive officer as soon as practicable after the holding of an information or briefing session	Chief Executive Officer	Nil	council
clause 2(1), Schedule 2A	Prepare and maintain a policy relating to complaints against employees	Elected Body	Nil	council

Instrument of Delegation under the Local Government (Members Allowances and Benefits) Regulations 2010

Local Government (Members Allowances and Benefits) Regulations 2010				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 5(3)	Aggregate claims for reimbursement of expenses and pay the claim on a quarterly or monthly basis	Chief Executive Officer	NIL	

Instrument of Delegation under the Local Government (Procedures at Meetings) Regulations 2013

Local Government (Procedures at Meetings) Regulations 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 6(3)	Review the operation of a code of practice under regulation 6 of the Local Government (Procedures at Meetings) Regulations	Elected Body	NIL	council

Instrument of Delegation under the Local Nuisance and Litter Control Act 2016

Local Nuisance and Litter Control Act 2016				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 7(2)(a)	Take action to manage local nuisance and littering within the council area	Chief Executive Officer	NIL	council
section 7(2)(b)	Cooperate with any other person or body in the administration of the Act	Chief Executive Officer	NIL	council
section 7(2)(c)	Provide, or support the provision of, educational information within the council areas to help detect, prevent and manage local nuisance and littering	Chief Executive Officer	NIL	council
section 8	Include in the council's annual report details of the performance of the council during the year of functions conferred on it under the Act	Chief Executive Officer	NIL	council
section 12(3)	Appoint authorised officers	Chief Executive Officer	NIL	council

Local Nuisance and Litter Control Act 2016				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 12(4)(a)	Determine conditions to apply to the appointment of authorised officers	Chief Executive Officer	NIL	council
section 12(6)	Revoke the appointment of an authorised officer	Chief Executive Officer	NIL	council
section 12(6)	Vary or revoke a condition applying to the appointment of an authorised officer or impose a further condition	Chief Executive Officer	NIL	council
section 13(2)	Issue an identity card to an authorised officer	Chief Executive Officer	NIL	council
section 15(a)	Agree in writing that an authorised officer appointed by another council may exercise powers under the Act in the council area	Chief Executive Officer	NIL	council
section 16(1)(a)	Hold a substance, material or thing seized under Division 3, Part 3 of the Act pending proceedings	Chief Executive Officer	NIL	council
section 16(1)(a)	Authorise the release of a substance, material or thing seized under Division 3, Part 3 of the Act	Chief Executive Officer	NIL	council

Local Nuisance and Litter Control Act 2016				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 16(1)(d)	Receive a substance, material or thing forfeited pursuant to a court order	Chief Executive Officer	NIL	council
section 16(1)(e)(i)	Request the person entitled to recover a substance, material or thing to collect the substance, material or thing	Chief Executive Officer	NIL	council
section 16(1)(e)(ii)	Make reasonable attempts to locate the person entitled to recover a substance, material or thing to collect the substance, material or thing	Chief Executive Officer	NIL	council
section 16(1)(f)	Dispose of any substance, material or things forfeited to the council under section 16	Chief Executive Officer	NIL	council
section 19(1)	Declare a person to be exempt from the application of section 18	Chief Executive Officer	NIL	council
section 19(2)	Receive an application for an exemption under section 19	Chief Executive Officer	NIL	council
section 19(2)(b)	Specify any information the council requires to be provided with an application under section 19	Chief Executive Officer	NIL	council

Local Nuisance and Litter Control Act 2016				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 19(4)	Determine conditions to apply to a declaration under section 19	Chief Executive Officer	NIL	council
section 19(5)	Vary or revoke a declaration under section 19	Chief Executive Officer	NIL	council
section 19(6)	Specify a date of expiry in a declaration under section 19	Chief Executive Officer	NIL	council
section 19(7)	Publish a declaration under section 19 or any variations to a declaration on a website determined by the council	Chief Executive Officer	NIL	council
section 22(3)(a)(i)	Provide a bin or other receptacle for litter of a particular kind	Chief Executive Officer	NIL	council
section 22(3)(a)(ii)	Approve or authorise the disposal of litter in a manner other than in a bin or receptacle provided by the council	Chief Executive Officer	NIL	council
section 25(1)	Receive a citizen's notification from a person who reasonably suspects another person has committed an offence under Division 2, Part 4 of the Act	Chief Executive Officer	NIL	council

Local Nuisance and Litter Control Act 2016				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 26(3)	Issue a notice to the owner of a vehicle for an alleged offence	Chief Executive Officer	NIL	council
section 29	Notify the Environment Protection Authority of a belief that an offence committed under section 18 of section 22 has, or may have, resulted in material environmental harm or serious environmental harm	Chief Executive Officer	NIL	council
section 30(1)(a)	Issue a nuisance abatement notice	Chief Executive Officer	NIL	council
section 30(1)(b)	Issue a litter abatement notice	Chief Executive Officer	NIL	council
section 30(7)	Issue and serve a notice confirming an emergency notice	Chief Executive Officer	NIL	council
section 30(8)	Vary or revoke a notice issued under section 30	Chief Executive Officer	NIL	council
section 31(1)	Take action required by a nuisance abatement notice or a litter abatement notice if the requirements of the notice has not been fulfilled	Chief Executive Officer	NIL	council

Local Nuisance and Litter Control Act 2016				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 31(2)	Authorise a person to take action on behalf of the council if the requirements of a nuisance abatement notice or a litter abatement notice have not been fulfilled	Chief Executive Officer	NIL	council
section 31(3)(a)	Issue an instrument of authority to a person other than an authorised officer taking action on behalf of the council under section 31(1)	Chief Executive Officer	NIL	council
section 31(5)	Recover the reasonable costs and expenses incurred in taking action under section 31	Chief Executive Officer	NIL	council
section 31(6)	Fix a period within which an amount under section 31(5) must be paid to the council	Chief Executive Officer	NIL	council
section 32(4)	Participate as a party to any proceedings under section 32	Chief Executive Officer	NIL	council
section 33(6)(a)	Make an application to the Environment, Resources and Development Court for an order under section 33(1)	Chief Executive Officer	NIL	council

Local Nuisance and Litter Control Act 2016				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 33(8)(a)	Serve a copy of an application under section 33 on the Minister	Chief Executive Officer	NIL	council
section 33(9)(b)	Apply to the Environment, Resources and Development Court to join proceedings for an order under section 33(1) commenced by another person	Chief Executive Officer	NIL	council
section 33(14)	Apply to the Environment, Resources and Development Court for an interim order under section 33	Chief Executive Officer	NIL	council
section 33(19)	Apply to the Environment, Resources and Development Court to vary or revoke an order under section 33	Chief Executive Officer	NIL	council
section 34(1)	Agree with a person who the council is satisfied has contravened the Act a civil penalty in respect of the contravention	Chief Executive Officer	NIL	council
section 34(1)	Apply to the Environment, Resources and Development Court for an order for a civil penalty in respect of a contravention of the Act	Chief Executive Officer	NIL	council

Local Nuisance and Litter Control Act 2016				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 34(3)(a)	Serve a notice on a person who the council is satisfied has contravened the Act advising the person that they may elect to be prosecuted for the contravention	Chief Executive Officer	NIL	council
section 40	Require a person required by or under the Act to provide information to the council to verify the information by statutory declaration	Chief Executive Officer	NIL	council
section 40	Require a person required by or under the Act to provide information to the council to verify the information by statutory declaration	Chief Executive Officer	NIL	council
section 43(1)(d)	Commence proceedings for an offence against the Act	Chief Executive Officer	NIL	council
section 48(1)	Serve notice on a person who has contravened the Act requiring the person to pay the reasonable costs of the council taking prescribed action under the Act	Chief Executive Officer	NIL	council

Local Nuisance and Litter Control Act 2016				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 48(3)(a)	Extend the time for payment of an amount payable under a notice under section 48(1)	Chief Executive Officer	IL	council
section 48(3)(b)	Waive or reduce payment of an amount payable under a notice under section 48(1)	Chief Executive Officer	NIL	council
section 48(6)	Recover an amount payable under a notice under section 48(1) which is unpaid as a debt	Chief Executive Officer	NIL	council
section 50(4)	Execute a certificate regarding the appointment or non-appointment of a person as an authorised officer; a delegation or authority under the Act; a notice, requirement or direction of the council; any other decision of the council; receipt or non-receipt of a notification, report or information	Chief Executive Officer	NIL	council
section 50(5)	Execute a certificate detailing costs and expenses and the purpose for which they were incurred for the purposes of proceedings to recover the reasonable costs of the council	Chief Executive Officer	NIL	council

Local Nuisance and Litter Control Act 2016				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 51(9)	Participate in consultation with the Minister in regard to proposed regulations	Chief Executive Officer	NIL	council

Instrument of Delegation under the Local Nuisance and Litter Control Regulations 2017

Local Nuisance and Litter Control Regulations 2017				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 6(1)(a)(ii)(A)	Fix a lodgement period for an application under section 19(2) of the Act in relation to an activity that is to take place over a period not exceeding 24 hours	Chief Executive Officer	NIL	council
regulation 6(1)(a)(ii)(B)	Fix a lodgement period for an application under section 19(2) of the Act in relation to an activity that is to take place over a period of 24 hours or longer	Chief Executive Officer	NIL	council

Local Nuisance and Litter Control Regulations 2017				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 6(1)(b)	Fix a fee for an application under section 19(2) of the Act	Chief Executive Officer	NIL	council
regulation 6(2)	Refuse to consider an application for the purposes of section 19(2) of the Local Nuisance and Litter Control Act	Chief Executive Officer	NIL	council
regulation 13(2)(a)	Give notice to the Registrar-General for the purposes of creating a charge on land	Chief Executive Officer	NIL	council
regulation 13(2)(g)	Give notice to the Registrar-General for the purposes of cancelling a charge on land	Chief Executive Officer	NIL	council
regulation 13(3)	Recover costs or expenses incurred by the council in relation to the creation or cancellation of a charge over land	Chief Executive Officer	NIL	council

Local Nuisance and Litter Control Regulations 2017				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 15(1)	Allow a fee payment under the Local Nuisance and Litter Control Act or regulations to be paid in instalments	Chief Executive Officer	NIL	council
regulation 15(1)	Add a charge by way of interest or an administrative fee to the payment of a fee by instalments	Chief Executive Officer	NIL	council
regulation 16	Waive or refund a fee or other amount payable under the Local Nuisance and Litter Control Act or regulations	Chief Executive Officer	NIL	council
regulation 17	Recover a fee or other amount payable under the Local Nuisance and Litter Control Act or regulations	Chief Executive Officer	NIL	council

Mining Act 1971

Mining Act 1971				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of council
section 9AA(1)	Enter into an agreement with a mining operator to waive the benefit of an exemption	Elected Body	NIL	council
section 9AA(1a)	Advise a tenement holder of the council's position in relation to a waiver of the benefit of an exemption and the conditions which may apply to such a waiver	Chief Executive Officer	NIL	
section 9AA(4)	Give written notice to a mining operator rescinding an agreement to waive an exemption	Chief Executive Officer	NIL	
section 9AA(7)	Participate in proceedings before the Environment, Resources and Development Court brought by a mining operator seeking an order waiving the benefit of an exemption	Chief Executive Officer	NIL	

Mining Act 1971

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of council
section 9AA(8a)	Apply for a court order under section 9AA(9) of the Mining Act	Chief Executive Officer	NIL	

Mining Regulations 2020

Mining Regulations 2020

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of council
regulation 74(3)(b)	Make submissions to the Director of Mines in regard to the draft objectives and criteria of a mine operations plan for a mine located in the council area	Chief Executive Officer	NIL	council

Instrument of Delegation under the Ombudsman Act 1972

Ombudsman Act 1972				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 12D(1)	Comply with directions and guidelines prepared by Ombudsman governing reporting or misconduct or maladministration in public administration	Chief Executive Officer	NIL	public authority
section 12D(3)	Report to the Ombudsman any matter the council reasonably suspects involves misconduct or maladministration in public administration	Chief Executive Officer	NIL	public authority
section 12H(1)(b)	Act on a referral from the Ombudsman	Chief Executive Officer	NIL	public authority
section 12H(2)(a)	Produce a specified document or a document relating to a specified matter	Chief Executive Officer	NIL	public authority

Ombudsman Act 1972				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 12H(2)(b)	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the written notice so requires, verify the statement by statutory declaration	Chief Executive Officer	NIL	public authority
section 18(4)	To comment on the subject matter of a report	Chief Executive Officer	NIL	public authority
section 19A(1)	Comply with a notice of the Ombudsman	Chief Executive Officer	NIL	agency
section 19A(5)	Advise the Ombudsman that the council's failure to comply with a notice is reasonable and justifiable	Chief Executive Officer	NIL	agency
section 25(2)	Act in accordance with a recommendation of the Ombudsman	Chief Executive Officer	NIL	public authority

Ombudsman Act 1972				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 28	Apply to the Supreme Court for a determination regarding the Ombudsman's jurisdiction	Chief Executive Officer	NIL	agency
section 28A(1)	Comply with directions of the Ombudsman	Chief Executive Officer	NIL	public authority
section 28A(2)	Comply with varied or further directions of the Ombudsman	Chief Executive Officer	NIL	public authority
section 28A(3)	Provide comments to the Ombudsman	Chief Executive Officer	NIL	public authority
section 29(8)	Act on a referral of the inspector	Chief Executive Officer	NIL	public authority

Ombudsman Act 1972				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 31(1)(b)	Receive and use evidence or information for the purposes of any criminal investigation or proceedings, proceedings for the imposition of a penalty or disciplinary investigation or action	Chief Executive Officer	NIL	Agency/ prosecution authority

Instrument of Delegation under the Private Parking Areas Act 1986

Private Parking Areas Act 1986				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 9(1)	Enter into an agreement with the owner of a private parking area for council to enforce Part 3 of the Act with respect to the private parking area	Chief Executive Officer	NIL	

Instrument of Delegation under the Real Property Act 1886

Real Property Act 1886				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 223LDA(b)(i)	Issue a certificate certifying compliance with the requirements of the Act under which the encumbrance was entered to, or is in force, as to the variation or termination of the statutory encumbrance	Chief Executive Officer	NIL	
section 223LH(1)(c)	Issue a certificate certifying the council's consent to the division of land	Chief Executive Officer	NIL	
section 252	Provide the Registrar-General with a map or plan showing particulars of the new street or road vested in the council	Chief Executive Officer	NIL	

Instrument of Delegation under the Road Traffic (Miscellaneous) Regulations 2014

Road Traffic (Miscellaneous) Regulations 2014				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 6(2)	Participate in consultation with respect to an event management plan	Chief Executive Officer	NIL	
regulation 7(3)	Participate in consultation with respect to an order to close a road	Chief Executive Officer	NIL	council
regulation 8	Provide information supplied by the Minister for the inspection of the public at the office of the council until the event causing a road closure has occurred	Chief Executive Officer	NIL	
regulation 66	Designate an area for parking	Chief Executive Officer	NIL	council

Instrument of Delegation under the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014

Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 17(2)	Determine for the purposes of rule 185 of the Australian Road Rules: (a) the class of permits required for vehicles to stop in the permit zone; (b) the persons entitled to such permits; (c) any fees to be paid for such permits; (d) the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles)	Chief Executive Officer	NIL	council
regulation 17(2)	Vary a determination under regulation 17(2)	Chief Executive Officer	NIL	council
regulation 17(3)	Issue for the purposes of rule 185 of the Australian Road Rules permits in respect of the permit zone to persons entitled to them	Chief Executive Officer	NIL	

Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 17(3)	Determine conditions to apply to permits issued under regulation 17(3)	Chief Executive Officer	NIL	
regulation 22(2)	Determine for the purpose of rule 207(2) of the Australian Road Rules the fees payable for parking in the length of road or the area by (a) operation of parking ticket-vending machines or parking meters installed or to be installed in or near the length of road or area; or (b) the use of an electronic device or an electronic method of payment determined by the council that is indicated on or with the sign or a meter, ticket or ticket vending machine	Chief Executive Officer	NIL	council
regulation 22(2)	Vary a fee determined under regulation 22(2)	Chief Executive Officer	NIL	council
regulation 22(2)(b)	Determine the electronic method of payment	Chief Executive Officer	Nil	council

Instrument of Delegation under the Road Traffic Act 1961

Road Traffic Act 1961				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 17(1)	Install, maintain, alter or operate, or cause to be installed, maintained, altered or operated, a traffic control device on, above or near a road	Chief Executive Officer	NIL	road authority
section 17(2)	Remove a traffic control device or cause a traffic control device to be removed	Chief Executive Officer	NIL	road authority
section 17(3)	Install, display, alter, operate or remove traffic control device: (a) in relation to an area where persons are engaged in work or an area affected by works in progress; (b) in relation to a part of a road temporarily closed to traffic under this or any other Act; or (c) for any temporary purposes.	Chief Executive Officer	NIL	road authority
section 17(5)	Apply to the Minister for approval to take action under section 17 of the Road Traffic Act	Chief Executive Officer	NIL	road authority

Road Traffic Act 1961				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 18(5)	Comply with a direction of the Minister to install, maintain, alter, operate or remove a traffic control device on, above or near a road	Chief Executive Officer	NIL	road authority
section 18(6)	Carry out a direction with which a road authority has failed to comply at the direction of the Minister	Chief Executive Officer	NIL	council
section 18(7)	Recover as a debt from a defaulting road authority any expenses incurred in carrying out a direction under section 18(6)	Chief Executive Officer	NIL	council
section 19(6)	Maintain a traffic control device for which the council is liable to bear the costs in good order	Chief Executive Officer	NIL	council
section 19A(3)	Recover any amount due under a requirement under section 19A as a debt	Chief Executive Officer	NIL	road authority
section 20(3)	Place speed limit signs on road	Chief Executive Officer	NIL	public authority

Road Traffic Act 1961				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 20(4)(b)	Place speed limit signs on road	Chief Executive Officer	NIL	public authority
section 20(5)	Close road pursuant to a permit	Chief Executive Officer	NIL	public authority
section 20(6)	Apply to the Minister for a road works permit	Chief Executive Officer	NIL	public authority
section 20(9)	Apply to the Minister for an extension of time	Chief Executive Officer	NIL	public authority
section 20(13)	Engagement of a contractor to undertake works on behalf of the public authority	Chief Executive Officer	NIL	public authority
section 20A(1)	Appeal a decision of the Minister under section 17 or section 20 to the District Court	Chief Executive Officer	NIL	public authority

Road Traffic Act 1961				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 20A(2)	Request the Minister to provide reasons in writing for a decision under section 17 or section 20	Chief Executive Officer	NIL	public authority
section 21(2)	Certify that there was not proper authority for the installation or display of a specified sign, signal, marking, structure or other device or thing as a traffic control device on, above or near a specified part of a road	Chief Executive Officer	NIL	road authority
section 21(3)	Comply with conditions of approval under section 17 or a permit under section 20	Chief Executive Officer	NIL	road authority
section 31(2)	Remove any false traffic control device or any device, structure or thing that might constitute a hazard to traffic.	Chief Executive Officer	NIL	road authority
section 32(1)	Cause a notice of a proposal to close a road or part of a road to all vehicles or vehicles of a specified class or to cause a road as a through road for motor vehicles to be: (a) published both in a newspaper circulating generally in the State and a newspaper circulating within the area of the council;	Chief Executive Officer	NIL	public authority

Road Traffic Act 1961				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	<p>(b) to be given by post to each ratepayer of land immediately abutting the road, or portion of road, the subject of the proposal;</p> <p>(c) if the road is a prescribed road, to be given to each affected council; and</p> <p>(e) if the road is a highway, or runs into or intersects with a highway, to be given to the Commissioner of Highways.</p>			
section 32(2)	Consider written submissions made	Chief Executive Officer	NIL	public authority
section 32(6)	<p>Cause a notice of a decision to close a road or part of a road to all vehicles or vehicles of a specified class or to cause a road as a through road for motor vehicles to be:</p> <p>(a) published both in a newspaper circulating generally in the State and a newspaper circulating within the area of the council;</p> <p>(b) to be given by post to each ratepayer of land immediately abutting the road, or portion of road, the subject of the proposal;</p>	Chief Executive Officer	NIL	public authority

Road Traffic Act 1961				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	(c) if the road is a prescribed road, to be given to each affected council; and (e) if the road is a highway, or runs into or intersects with a highway, to be given to the Commissioner of Highways.			
section 33(2)	Consent to the closure of a road for an event	Chief Executive Officer	Must not be sub delegated by CEO	council
section 40P(3)	Offer a vehicle for sale by public auction	Chief Executive Officer	NIL	council
section 40P(4)	Dispose of a vehicle as the council thinks fit	Chief Executive Officer	NIL	council
section 40P(6)	Make reasonable enquiries to locate the owner of a vehicle	Chief Executive Officer	NIL	council

Road Traffic Act 1961				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 86(a)	Determine that a ticket must be obtained for parking in a length of road or area without the payment of a fee	Chief Executive Officer	NIL	council
section 86(a)	Vary or revoke a determination under section 86(a)	Chief Executive Officer	NIL	council
section 163ZC(2)	Apply for a compensation order	Chief Executive Officer	NIL	road authority
section 163ZD(2)(c)	Certify that the road authority maintains a road	Chief Executive Officer	NIL	road authority
section 163ZD(2)(c)	Certify other matters including: (a) estimating the monetary value of all or any part of the road infrastructure or of the damage to it; (b) estimating the cost of remedying the damage; or (c) estimating the extent of the offender's contribution to the damage	Chief Executive Officer	NIL	road authority

Road Traffic Act 1961				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 163ZE(1)	Serve a certificate referred to in section 163ZD on the defendant	Chief Executive Officer	NIL	road authority
section 163ZH(1)(b)	Repay payments under an order to the extent that the order is void	Chief Executive Officer	NIL	road authority
section 174A(4)	Issue notice inviting the owner of a vehicle issued with an expiation notice or expiation reminder notice under the Expiation of Offences Act 1996 to provide a nomination setting out the name and address of the driver or the details of the transfer of the vehicle	Chief Executive Officer	NIL	council
section 174A(4a)	Form belief a nomination has been made in error and permit nomination to be withdrawn and new nomination made	Chief Executive Officer	NIL	council
section 174A(5a)	Require person to verify information by statutory declaration	Chief Executive Officer	NIL	council

Road Traffic Act 1961				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 174C(1)	Exempt a person or a person of a specified class or any vehicle or any vehicle of a specified class from compliance within the council areas with a prescribed provision of the Road Traffic Act	Chief Executive Officer	NIL	council
section 174C(2)	Specify conditions to apply to the granting of an exemption under section 174C(1)	Chief Executive Officer	NIL	council

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

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 4	Make a road process order	Elected Body		
section 5	Commence a road process in relation to a road or a proposed road	Chief Executive Officer	NIL	council
section 9(1)	Cause to be prepared: (a) a preliminary plan of the land subject to the proposed road process in a form approved by the Surveyor-General; and (b) a statement in a form approved by the Surveyor-General containing the names and addresses of those persons affected who can be identified by reasonable enquiry and such information in relation to the land subject to the proposed road process as is required by the Surveyor-General	Chief Executive Officer	NIL	council
section 9(2)	Deposit a copy of the preliminary plan and statement at the Adelaide office of the Surveyor-General with the prescribed fee	Chief Executive Officer		

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
			NIL	
section 10(1)(a)	Give public notice in accordance with the regulations of the proposed road process	Chief Executive Officer	NIL	
section 10(1)(b)	Serve notice of the proposed road process on each person affected who can be identified by reasonable enquiry	Chief Executive Officer	NIL	relevant authority
section 10(2)	Deposit a copy of the notice at the Adelaide office of the Surveyor-General	Chief Executive Officer	NIL	
section 11(a)(ii)	Lodge a caveat with the Registrar-General forbidding any dealing with the land without the consent of the council	Chief Executive Officer	NIL	
section 11(b)(iii)	Lodge a copy of the notice of the proposed road opening at the General Registry Office	Chief Executive Officer	NIL	

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 11(b)(iii)	Serve a notice on any person requiring the person to deliver up to the Registrar-General any instrument evidencing the person's interest in the land	Chief Executive Officer	NIL	
section 12(1)	Make agreements for exchange or transfer in relation to land subject to a proposed road closure with the owners of land adjoining that land	Chief Executive Officer	NIL	
section 12(3)(a)	Endeavour to secure an agreement for exchange with a person who owns adjoining land and land subject to a proposed road opening	Chief Executive Officer	NIL	
section 12(3)(b)	Invite offers from the owners of land adjoining the land subject to the proposed road closure	Chief Executive Officer	NIL	
section 13(3)	Receiving an objection or application in respect of a proposed road process	Chief Executive Officer	NIL	

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 14(1)	Notify a person who has made an objection or application in relation to a proposed road process of the time and place at which the relevant authority will meet to consider all such objections and applications	Chief Executive Officer	NIL	
section 15(1)	Determine whether or not to make a road process order	Chief Executive Officer	NIL	
section 15(3)	Give notice of a decision that no road process order is to be made to the Surveyor-General, any person who made an objection or application in relation to the proposed road process pursuant to Division 1, Part 3 and, in the case of a proposed road opening, to any person who has an interest in land over which a road was proposed to be opened	Chief Executive Officer	NIL	
section 17	Make one or more of the orders listed in section 17 as part of a road process order dealing with land the subject of a road closure	Chief Executive Officer	NIL	
section 18(1)	Make an order as part of a road process order for the granting of an easement over land subject to the road closure	Chief Executive Officer	NIL	

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 19(a)	Give notice of the making of a road process order to any person who made an objection or application in relation to the proposed road process pursuant to Division 1, Part 3	Chief Executive Officer	NIL	
section 19(b)(i)	Give notice of the making of a road process order to any person who has an interest in land over which a road will be opened	Chief Executive Officer	NIL	
section 19(b)(i)	Give notice of the making of a road process order to any person who has an interest in land over which a road was proposed to be opened, but which does not form part of the land over which the road will be opened, advising of the discontinuance of the road process in respect of that land	Chief Executive Officer	NIL	
section 19(c)	Deliver to the Adelaide Office of the Surveyor-General a copy of the minutes of all meetings held by the authority in relation to the proposed road process certified by the chief executive officer of the council	Chief Executive Officer	NIL	

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

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 22(2)(b)	Give notice of an amendment of a road process order to any person who was required to be given notice of the road process order under sections 19(a) or 19(b) and, if the road authority is not the council, the council	Chief Executive Officer	NIL	
section 22(2)(b)	Receive notice from the relevant authority of an amendment of a road process order	Chief Executive Officer	NIL	
section 24(2)(b)	Give notice of a decision by the Minister to decline to confirm a road process order to any person who made an objection of application in relation to the proposed road process pursuant to Division 1, Part 3 and any person who has an interest in the land over which the road was proposed to be opened	Chief Executive Officer	NIL	
section 31(1)(a)	Serve notice of the road process order on each person who had an interest in the land immediately before it vested in the council by virtue of the road opening and append to the notice an offer in writing stating the total amount of compensation that the council proposes to pay to the person and dividing that amount so far as practicable into separate components	Chief Executive Officer	NIL	council

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 31(1)(b)	Assess and pay compensation in respect of a road opened over land not owned by the council as prescribed	Chief Executive Officer	NIL	council
section 32(3)	Assess and pay compensation in respect of a road opened over land not owned by the council as prescribed	Chief Executive Officer	NIL	council
section 33(1)	Acquire additional land adjoining or near the land to which the proposed road opening relates with the approval of the Minister	Elected Body	NIL	council
section 33(4)	Sell or otherwise deal with additional land acquired under section 33	Elected Body	NIL	council
section 33(4)	Apply the proceeds from the sale of additional land to defraying expenses incurred by the council in connection with the road opening	Chief Executive Officer	NIL	

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 33(5)	Comply with conditions imposed by the Minister on the manner in which additional land may be dealt with by the council	Chief Executive Officer	NIL	
section 34(1)(b)	Receive a notice of a proposal to close a road from the Surveyor-General	Chief Executive Officer	NIL	
section 34(2)	Make a representation to the Surveyor-General regarding the proposed road closure	Chief Executive Officer	NIL	
section 34B(2)(a)(i)	Receive notice of a proposal to open or close a road in an environmental impact statement	Chief Executive Officer	NIL	council
section 34B(2)(c)	Make written submissions on the proposal to open or close a road	Chief Executive Officer	NIL	

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 34G(1)	Apply to the Minister to make a road wider, narrower, longer or shorter pursuant to section 6B of the Roads (Opening and Closing) Act	Not Applicable to Adelaide Hills Council		Adelaide City Council or council adjoining the City of Adelaide
section 34G(4)(a)	Give public notice of the proposal, in accordance with the regulations, if the Minister determines that the application under section 34G(1) should be considered	Not Applicable to Adelaide Hills Council		Adelaide City Council or council adjoining the City of Adelaide
section 34G(4)(b)	Give notice of the proposal to any State authority or council specified by the Minister	Not Applicable to Adelaide Hills Council		Adelaide City Council or council adjoining the City of Adelaide
section 34G(4)(c)	Give notice of the proposal to the Adelaide Park Lands Authority	Not Applicable to Adelaide Hills Council		Adelaide City Council or council adjoining the City of Adelaide

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 34G(6)	Forward to the Surveyor-General any representation in relation to the proposal made to the council within the period under section 34G(5) and any response that the council wishes to make in relation to those representations	Not Applicable to Adelaide Hills Council		Adelaide City Council or council adjoining the City of Adelaide
section 34G(9)	Consult with the Surveyor-General regarding survey plans and other documents to be prepared as required by the Registrar-General	Not Applicable to Adelaide Hills Council		Adelaide City Council or council adjoining the City of Adelaide
section 34G(9)	Submit survey plans and other documents as required by the Registrar-General to the Minister	Not Applicable to Adelaide Hills Council		Adelaide City Council or council adjoining the City of Adelaide
section 34G(14)	Provide any documentation required by the Registrar-General to the Registrar-General	Not Applicable to Adelaide Hills Council		Adelaide City Council or council adjoining the City of Adelaide

Roads (Opening and Closing) Act 1991				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 35(2)	Reserve any question of law for the consideration of the Supreme Court, prior to making any road process order	Chief Executive Officer	NIL	relevant authority
section 36(2)(a)	Repay any amount paid to the council in pursuance of an agreement for exchange or transfer which is avoided by virtue of the operation of section 12(4)	Chief Executive Officer	NIL	
section 39	Fence along its boundaries a road as altered or diverted by the council with a substantial fence of the same nature as the fence previously in the boundary of the road and abutting the land	Chief Executive Officer	NIL	

Instrument of Delegation under the Safe Drinking Water Act 2011

Safe Drinking Water Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 7(1)	Notify the Minister if the council ceases to be engaged in the supply of drinking water	Chief Executive Officer	NIL	drinking water provider
section 8(3)	Apply to the Minister for a variation in a condition on the council's registration as a drinking water provider	Chief Executive Officer	NIL	drinking water provider
section 8(5)	Comply with a condition on the council's registration as a drinking water provider	Chief Executive Officer	NIL	drinking water provider
section 9(3)	Receive notice from the Minister proposing the suspension of the council's registration as a drinking water provider	Chief Executive Officer	NIL	drinking water provider

Safe Drinking Water Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 9(5)	Lodge a written objection with the Minister regarding a proposed suspension of the council's registration as a drinking water provider	Chief Executive Officer	NIL	drinking water provider
section 9(6)	Make submissions to the Minister regarding a proposed suspension of the council's registration as a drinking water provider	Chief Executive Officer	NIL	drinking water provider
section 9(10)	Apply to the Minister for the cancellation of a suspension to the council's registration as a drinking water provider	Chief Executive Officer	NIL	drinking water provider
section 10(1)	Seek a review by the South Australian Civil and Administrative Tribunal under section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of: a condition imposed by the Minister in relation to a registration under Part 2 of the Act; a variation of a condition of registration made by the Minister on the Minister's own initiative;	Chief Executive Officer	NIL	drinking water provider

Safe Drinking Water Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	a decision of the Minister to refuse to grant an application to vary a condition of registration; a decision of the Minister to suspend a registration under Part 2.			
section 11(3)	Receive a notice of registration of a drinking water provider from the Minister	Chief Executive Officer	NIL	council
section 12(1)(a)	Prepare a risk management plan in relation to the supply of drinking water	Chief Executive Officer	NIL	drinking water provider
section 12(1)(b)	Keep the risk management plan in relation to the supply of drinking water under continuous review	Chief Executive Officer	NIL	drinking water provider
section 12(1)(c)	Revise the risk management plan	Chief Executive Officer	NIL	drinking water provider

Safe Drinking Water Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 12(3)	Adopt a standard risk management plan published for the purposes of section 12	Chief Executive Officer	NIL	drinking water provider
section 14(2)	Furnish a copy of its monitoring program and incident identification and notification protocol to the Minister	Chief Executive Officer	NIL	drinking water provider
section 14(3)(b)	Participate in consultation with the Minister in regard to proposed alterations to the program or protocol	Chief Executive Officer	NIL	drinking water provider
section 14(4)	Seek a review by the South Australian Civil and Administrative Tribunal under section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of proposed alterations to the program or protocol	Chief Executive Officer	NIL	drinking water provider
section 14(7)	Implement the council's risk management plan	Chief Executive Officer	NIL	drinking water provider

Safe Drinking Water Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 20(4)	Ensure that an audit or inspection is carried out by an approved auditor or approved inspector in accordance with a determination of the Chief Executive of the State government department administering the Act	Chief Executive Officer	NIL	drinking water provider
section 22(6)	Receive a copy of a report provided to the Chief Executive of the State government department administering the Act under section 20(1) or 20(4)	Chief Executive Officer	NIL	drinking water provider
section 23(1)	Comply with a reasonable request or requirement of an auditor or inspector in or in connection with an audit or inspection under Division 2, Part 4	Chief Executive Officer	NIL	drinking water provider
section 25(1)	Ensure drinking water supplied by the council is collected and tested in accordance with prescribed requirements	Chief Executive Officer	NIL	drinking water provider
section 27(1)	Make available to the public the results of any monitoring program that the drinking water provider conducts on drinking water for the purpose of the council's risk management plan	Chief Executive Officer	NIL	drinking water provider

Safe Drinking Water Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 34(1)	Appoint a person with appropriate qualification or experience to be an authorised officer	Chief Executive Officer	NIL	enforcement agency
section 34(2)	Prepare and maintain a list of authorised officers	Chief Executive Officer	NIL	enforcement agency
section 35(1)	Provide each authorised officer with a certificate of authority	Chief Executive Officer	NIL	enforcement agency
section 35(2)	Determine limits on the powers of an authorised officer	Chief Executive Officer	NIL	enforcement agency
section 35(4)	Receive a surrendered certificate of authority	Chief Executive Officer	NIL	enforcement agency

Safe Drinking Water Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 37(2)	Approve the removal or interference with a thing subject to a seizure order under section 37	Chief Executive Officer	NIL	enforcement agency
section 37(3)(a)	Hold a thing subject to a seizure order pending proceedings	Chief Executive Officer	NIL	enforcement agency
section 37(3)(a)(i)	Authorise the release of a thing subject to a seizure order ending proceedings subject to conditions which the council thinks fit	Chief Executive Officer	NIL	enforcement agency
section 37(3)(a)(ii)	Order that a thing subject to a seizure order be forfeited to the council	Chief Executive Officer	NIL	enforcement agency
section 37(3)(b)(i)	Receive a thing forfeited to the council by court order	Chief Executive Officer	NIL	enforcement agency

Safe Drinking Water Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 37(3)(d)	Dispose of a thing forfeited to the council under section 37	Chief Executive Officer	NIL	enforcement agency
section 38(1)	Issue a notice to secure compliance with a requirement imposed by or under the Act or to avert, eliminate or minimise a risk, or a perceived risk, to the public in relation to drinking water	Chief Executive Officer	NIL	enforcement agency
section 38(5)	Issue a notice confirming an emergency notice issued by an authorised officer	Chief Executive Officer	NIL	enforcement agency
section 38(6)	Vary or revoke a notice to secure issued under section 38	Chief Executive Officer	NIL	enforcement agency
section 39(1)	Take action required by a notice issued under Division 3, Part 7 which has not been undertaken	Chief Executive Officer	NIL	enforcement agency

Safe Drinking Water Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 39(2)	Authorise a person to take action under section 39(1) on behalf of the council	Chief Executive Officer	NIL	enforcement agency
section 39(3)	Enter relevant land in order to take action under section 39	Chief Executive Officer	NIL	enforcement agency
section 39(4)	Recover the reasonable costs and expenses in taking action under section 39	Chief Executive Officer	NIL	enforcement agency
section 39(5)	Fix a period from the date of a notice issued under section 39 within which an amount under section 39(4) must be paid	Chief Executive Officer	NIL	enforcement agency
section 40(5)	Recover the reasonable costs and expenses incurred by an authorised officer taking action under section 40	Chief Executive Officer	NIL	enforcement agency

Safe Drinking Water Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 41(1)	Require a person to furnish information relating to the quality or supply of drinking water or any other matter associated with the administration or operation of the Act	Chief Executive Officer	NIL	enforcement agency
section 42(3)	Act as a party in proceedings under section 42	Chief Executive Officer	NIL	enforcement agency
section 52(1)	Furnish a report to the Minister on or by 30 September on the activities of the council under the Act during the financial year ending on the preceding 30 June	Chief Executive Officer	NIL	enforcement agency

Instrument of Delegation under the Safe Drinking Water Regulations 2012

Safe Drinking Water Regulations 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 4	Observe the Australian Drinking Water Guidelines 2011 prepared by the National Health and Medical Research Council and the Natural Resources Management Ministerial Council in relation to the quality and supply of drinking water	Chief Executive Officer	NIL	drinking water provider
regulation 9(5)	Keep copies of each risk management plan prepared or adopted by the council and all documents generated in the implementation of the risk management plan	Chief Executive Officer	NIL	
regulation 15(2)	Determine the fee payable for an authorised officer appointed by the council carrying out an inspection of any premises or vehicle reasonably required in connection with the administration or enforcement of the Safe Drinking Water Act	Chief Executive Officer	NIL	

Instrument of Delegation under the South Australia Public Health (General) Regulations 2013

South Australia Public Health (General) Regulations 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 5B(2)	Deliver a notice to the Registrar-General setting out the amount recoverable under section 93 of the South Australian Public Health Act, setting out the land in relation to which the relevant action was taken and requesting the registrar-General to make a notation under regulation 5B in relation to the relevant land	Chief Executive Officer	NIL	
regulation 5B(7)	Recover an amount under section 93 of the South Australian Public Health Act as if it were a rate constituting a charge on land under section 144(2) of the Local Government Act	Chief Executive Officer	NIL	
regulation 8(1)	Operate and maintain a public pool in accordance with regulation 8(1)	Chief Executive Officer	NIL	public pool/spa pool operator
regulation 8(2)	Take prescribed steps to monitor compliance with regulation 8(1)	Chief Executive Officer	NIL	

South Australia Public Health (General) Regulations 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 8(3)	Maintain records made under regulation 8(2)	Chief Executive Officer	NIL	
regulation 8(4)	Close public pool if filtration system ceases to operate or a reading taken under regulation 9 indicates that the total chlorine concentration in the water exceeds 10mg/L	Chief Executive Officer	NIL	public pool/spa pool operator
regulation 9(1)	Operate and maintain a public spa pool in accordance with regulation 9(1)	Chief Executive Officer	NIL	
regulation 9(2)	Take prescribed steps to monitor compliance with regulation 9(1)	Chief Executive Officer	NIL	
regulation 9(3)	Maintain records made under regulation 9(2)	Chief Executive Officer	NIL	

South Australia Public Health (General) Regulations 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 9(4)	Close public spa pool if filtration system ceases to operate or a reading taken under regulation 9 indicates that the total chlorine concentration in the water exceeds 10mg/L	Chief Executive Officer	NIL	public pool/spa pool operator
regulation 11A(1)	Refund, reduce or remit payment of a prescribed fee	Chief Executive Officer	NIL	relevant authority under South Australian Public Health (Legionella) Regulations 2013 or South Australian Public Health (Wastewater) Regulations 2013
regulation 11A(2)	Recover a prescribed fee as a debt in a court of competent jurisdiction	Chief Executive Officer	NIL	

Instrument of Delegation under the South Australia Public Health (Legionella) Regulations 2013

South Australia Public Health (Legionella) Regulations 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 5(3)	Approve the manner and form for applying to register a high risk manufactured water system	Chief Executive Officer	NIL	
regulation 5(3)	Receive fee for registration of a high risk manufactured water system	Chief Executive Officer	NIL	
regulation 5(3)	Register a high risk manufactured water system	Chief Executive Officer	NIL	
regulation 5(6)	Approve the manner and form for applying to renew the registration of a high risk manufactured water system	Chief Executive Officer	NIL	

South Australia Public Health (Legionella) Regulations 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 5(6)	Receive fee for renewal of registration of a high risk manufactured water system	Chief Executive Officer	NIL	
regulation 5(6)	Register a renewal of the registration of a high risk manufactured water system	Chief Executive Officer	NIL	
regulation 6(1)	Keep a register of high risk manufactured water system	Chief Executive Officer	NIL	
regulation 6(2)	Determine manner and form of keeping a register of high risk manufactured water system	Chief Executive Officer	NIL	
regulation 6(4)	Receive notice of a change in particulars from the owner of premises on which a high risk manufactured water systems registered with the council	Chief Executive Officer	NIL	

South Australia Public Health (Legionella) Regulations 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 6(5)	Receive notice of the permanent decommissioning or removal of a high risk manufactured water systems registered with the council	Chief Executive Officer	NIL	
regulation 15(1)(a)	Cause an inspection of a high risk manufactured water systems registered with the council	Chief Executive Officer	NIL	
regulation 15(1)(b)	Arrange for a NATA accredited laboratory to conduct microbiological testing of water taken from each cooling water and each warm water system	Chief Executive Officer	NIL	relevant authority
regulation 15(2)(a)	Notify the owner of premises on which a high risk manufactured water systems registered with the council of inspection and microbiological testing requirements	Chief Executive Officer	NIL	
regulation 15(2)(b)	Receive reports from the owner of premises on which a high risk manufactured water systems registered with the council in regard to inspection of the system and microbiological testing	Chief Executive Officer	NIL	

South Australia Public Health (Legionella) Regulations 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 16(1)	Notify the owner of premises with a high risk manufactured water system of microbiological testing requirements	Chief Executive Officer	NIL	
regulation 16(1)(d)	Receive report from the owner of premises on which a high risk manufactured water system is installed regarding microbiological testing	Chief Executive Officer	NIL	
regulation 17(1)(b)	Receive report from the owner of premises on which a high risk manufactured water system is installed regarding detection of Legionella	Chief Executive Officer	NIL	
regulation 17(2)(b)	Receive report from the owner of premises on which a high risk manufactured water system is installed regarding detection of Legionella	Chief Executive Officer	NIL	
regulation 17(3)	Forward a report regarding detection of Legionella under regulation 17 to the Department of Health and Wellbeing	Chief Executive Officer	NIL	

South Australia Public Health (Legionella) Regulations 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 21(3)	Notify a person liable to pay a fee of a period in which the fee must be paid	Chief Executive Officer	NIL	

Instrument of Delegation under the South Australia Public Health (Wastewater) Regulations 2013

South Australia Public Health (Wastewater) Regulations 2013				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 6(1)(b)	Agree to act as a relevant authority in respect of a wastewater systems or wastewater works being undertaken by another council or a person in conjunction with another council	Chief Executive Officer	Subject to the approval of Council.	
regulation 8(1)	Give notice to the owners of land in the area affected by the proposed establishment of a community wastewater management system by the council	Chief Executive Officer	NIL	
regulation 8(2)	Consider any submissions received regarding the proposed establishment of a community wastewater management system by the council	Chief Executive Officer	NIL	
regulation 8(3)	Obtain a wastewater works approval from the Minister	Chief Executive Officer	NIL	

South Australia Public Health (Wastewater) Regulations 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 9(1)	Require the operator of an on-site wastewater system to connect the system to a community wastewater management system and submit an application for the connection to the relevant authority	Chief Executive Officer	NIL	
regulation 9(1)(b)	Receive an application for connection of an on-site wastewater system to a community wastewater management system	Chief Executive Officer	NIL	
regulation 9(4)	Grant approval for wastewater works for the connection of an on-site wastewater system to a community wastewater management system	Chief Executive Officer	NIL	
regulation 9(6)	Cause the requirements of an approval under regulation 9 for wastewater works to be carried out	Chief Executive Officer	NIL	
regulation 9(7)	Recover the costs and expenses reasonably incurred in exercising power under regulation 9(6) and the application fee which would have been payable	Chief Executive Officer	NIL	

South Australia Public Health (Wastewater) Regulations 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 10(1)	Determine application for an exemption from regulation 9	Chief Executive Officer	NIL	
regulation 10(3)	Impose conditions on an exemption from regulation 9	Chief Executive Officer	NIL	
regulation 10(4)	Vary or revoke an exemption granted under regulation 10(3)	Chief Executive Officer	NIL	council
regulation 11(1)	Ensure that the requirements of regulation 11(1) are met	Chief Executive Officer	NIL	
regulation 11(2)	Receive a certificate indicating that wastewater works have been undertaken in accordance with the wastewater works approval and detailed drawings as prescribed	Chief Executive Officer	NIL	

South Australia Public Health (Wastewater) Regulations 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 12(1)	Ensure that the wastewater system is operated, maintained and serviced in accordance with the conditions of any wastewater works approval and any prescribed code	Chief Executive Officer	NIL	
regulation 13(1)	Ensure that wastewater from the wastewater system is not reused or disposed of to land unless authorised by conditions of the wastewater works approval	Chief Executive Officer	NIL	
regulation 15(1)	Receive an application for exemption from compliance with specific provisions of the regulations requiring compliance with prescribed codes	Chief Executive Officer	NIL	
regulation 15(1)	Apply for exemption from compliance with specific provisions of the regulations requiring compliance with prescribed codes	Chief Executive Officer	NIL	
regulation 15(3)	Determine conditions to apply to an exemption from a prescribed code	Chief Executive Officer	NIL	

South Australia Public Health (Wastewater) Regulations 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 15(5)	Vary or revoke an exemption from a prescribed code	Chief Executive Officer	NIL	relevant authority
regulation 23(1)	Receive an application for a wastewater works approval	Chief Executive Officer	NIL	
regulation 23(2)	Request applicant for a wastewater works approval to provide further technical specifications, information or documents	Chief Executive Officer	NIL	
regulation 23(1)	Apply for a wastewater works approval	Chief Executive Officer	NIL	
regulation 23(2)	Provide further technical specifications, information or documents requested by the relevant authority	Chief Executive Officer	NIL	

South Australia Public Health (Wastewater) Regulations 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 24(1)	Refuse to grant a wastewater approval	Chief Executive Officer	NIL	
regulation 24(2)	Provide SA Water with a reasonable opportunity to comment on an application for a wastewater works approval involving the connection of a community wastewater management system to SA Water sewerage infrastructure	Chief Executive Officer	NIL	
regulation 25(1)	Specify conditions applying to a wastewater works approval	Chief Executive Officer	NIL	
regulation 25(1)	Comply with conditions applying to a wastewater works approval	Chief Executive Officer	NIL	
regulation 25(4)	Provide a copy of a code referred to in a condition of approval for inspection and the council's office	Chief Executive Officer	NIL	

South Australia Public Health (Wastewater) Regulations 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 25(6)	Vary or revoke a condition of a wastewater approval	Chief Executive Officer	NIL	
regulation 25(6)	Apply for a variation or revocation of a condition of a wastewater approval	Chief Executive Officer	NIL	
regulation 25(7)	Vary or revoke a condition of a wastewater approval or impose a further condition	Chief Executive Officer	NIL	
regulation 25(7)	Consent to the variation or revocation of a condition of a wastewater approval or the imposition of a further condition	Chief Executive Officer	NIL	
regulation 26(2)	Postpone the expiry of a wastewater approval	Chief Executive Officer	NIL	

South Australia Public Health (Wastewater) Regulations 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 27(1)	Keep a register of wastewater approvals	Chief Executive Officer	NIL	
regulation 27(5)	Enable the inspection of the register of wastewater works approvals at the council's offices and the provision of extracts of the register by electronic means	Chief Executive Officer	NIL	
regulation 29(1)	Notify the operator of a wastewater system which the council considers on reasonable grounds is adversely affecting or threatening public or environmental health to provide a report from an independent wastewater engineer	Chief Executive Officer	NIL	
regulation 29(1)	Provide a report from an independent wastewater engineer to the Minister or relevant authority as requested under regulation 29(1)	Chief Executive Officer	NIL	
regulation 29(3)	Obtain a report from an independent wastewater engineer regarding a wastewater system which the council considers on reasonable grounds is adversely affecting or threatening public or environmental health	Chief Executive Officer	NIL	

South Australia Public Health (Wastewater) Regulations 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 29(3)	Recover the costs and expenses reasonably incurred in obtaining a report from an independent wastewater engineer	Chief Executive Officer	NIL	

Instrument of Delegation under the South Australian Public Health Act 2011

South Australian Public Health Act 2011

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 18(2)	Provide a report as required by the Minister on any matter relevant to the administration or operation of the Act	Chief Executive Officer	NIL	
section 22(2)	Respond to a request from the Chief Public Health Officer under section 22(1)	Chief Executive Officer	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 36	Enter an arrangement with the South Australian Public Health Council for the use of the staff, equipment or facilities of the council	Chief Executive Officer	NIL	
section 37(2)(a)	Take action to preserve, protect and promote public health in the council area	Chief Executive Officer	NIL	
section 37(2)(b)	Cooperate with other authorities involved in the administration of the Act	Chief Executive Officer	NIL	
section 37(2)(c)	Ensure that adequate sanitation measures are in place in the council area	Chief Executive Officer	NIL	
section 37(2)(d)	Implement adequate measures in the council area (insofar as reasonably practicable) to ensure that activities do not adversely affect public health	Chief Executive Officer	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 37(2)(e)	Identify risks to public health within the council area	Chief Executive Officer	NIL	
section 37(2)(f)	Take remedial action to reduce or eliminate adverse impacts or risks to public health	Chief Executive Officer	NIL	
section 37(2)(g)	Assess activities and development, or proposed activities or development, within the council area in order to determine and respond to public health impacts (or potential public health impacts)	Chief Executive Officer	NIL	
section 37(2)(h)	Provide, or support the provision of, educational information about public health and to provide or support activities within the council area to preserve, protect or promote public health	Chief Executive Officer	NIL	
section 38(1)	Provide, or support the provision of, immunisation programs within the council area	Chief Executive Officer	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 39(1)	Act in conjunction or partnership with, or cooperate or coordinate the council's activities, with one or more other councils	Chief Executive Officer	NIL	local public health authority
section 39(3)	Furnish a written report to the Chief Public Health Officer responding to a request from the Chief Public Health Officer to cooperate with one or more other councils	Chief Executive Officer	NIL	
section 40(2)	Participate in consultation with the Chief Public Health Officer regarding the Chief Public Health officer exercising powers of the council under the Act	Chief Executive Officer	NIL	
section 41(1)	Participate in consultation with the Minister regarding the Minister's opinion that the council has failed to perform a function under the Act	Chief Executive Officer	NIL	
section 41(6)(a)(ii)	Make submissions to the Minister regarding the proposed withdrawal of council powers under the Act	Chief Executive Officer	Subject to the approval of Council	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 42(1)	Request that a function of the council under the Act be performed by the Chief Public Health Officer	Chief Executive Officer	NIL	
section 42(10)	Enter into an agreement with the Chief Public Health Officer	Chief Executive Officer	NIL	
section 42(11)	Request that a notice issued by the Minister under section 42(4) vesting a council function in the Chief Public Health Officer be varied or revoked	Chief Executive Officer	NIL	
section 42(11)	Participate in consultation the Minister regarding the proposed variation or revocation of the vesting of a council function in the Chief Public Health Officer	Chief Executive Officer	NIL	
section 44(1)	Appoint a suitably qualified person as a local authorised officer	Chief Executive Officer	NIL	local public health authority

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 44(2)	Impose conditions on the appointment of a local authorised officer	Chief Executive Officer	NIL	local public health authority
section 44(4)	Issue directions to a local authorised officer	Chief Executive Officer	NIL	local public health authority
section 44(6)	Vary or revoke the appointment of a local authorised officer	Chief Executive Officer	NIL	local public health authority
section 44(7)	Notify the Chief Public Health Officer of an appointment or the revocation of an appointment of a local authorised officer	Chief Executive Officer	NIL	local public health authority
section 46(1)	Issue an identity card of a local authorised officer	Chief Executive Officer	NIL	local public health authority

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 49(1)	Require a person to furnish information relating to public health as may be reasonably required for the purposes of the Act	Chief Executive Officer	NIL	
section 51(1)	Prepare and maintain a regional public health plan	Elected Body	NIL	local public health authority
section 51(10)	Amend a regional public health plan	Elected Body	NIL	local public health authority
section 51(11)(a)	Prepare a draft regional public health plan	Elected Body	NIL	local public health authority
section 51(11)(b)(i)	Provide a copy of a draft regional public health plan to the Minister, any incorporated hospital established under the Health Care Act 2008 that operates a facility within the region, any relevant public health partner authority and any other prescribed body or group	Chief Executive Officer	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 51(11)(b)(ii)	Consult with the public in regard to a draft regional public health plan	Chief Executive Officer	NIL	
section 51(12)	Participate in consultation with the Minister, or any other person or body specified by the Minister, before releasing a draft regional health plan under section 51(12)	Chief Executive Officer	NIL	
section 51(13)	Submit a regional public health plan to the Chief Public Health Officer for consultation before bringing the plan into operation	Chief Executive Officer	NIL	
section 51(15)	Take into account any comments of the Chief Public Health Officer, South Australian Public Health Council and any other body determined by the Chief Public Health Officer	Chief Executive Officer	NIL	
section 51(16)	Adopt a regional public health plan either with or without amendment	Elected Body	NIL	local public health authority

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 51(17)	Incorporate a regional public health plan into the councils strategic management plan under the Local Government Act 1999	Chief Executive Officer	NIL	
section 51(19)	Review a regional public health plan at least every 5 years	Elected Body		local public health authority
section 52(1)	Prepare a report to the Chief Public Health Officer that contains a comprehensive assessment of the extent to which the council has in the reporting period succeeded in implementing its regional public health plan	Chief Executive Officer	NIL	
section 64(3)	Receive a report from the Chief Public Health Officer regarding a suspected death from a notifiable condition in the council area	Chief Executive Officer	NIL	
section 65(a)	Receive a report from the State government department responsible for the administration of the Act on the occurrence or incidence of notifiable conditions in the council area and any problems or issues caused by or arising on account of such diseases of medical conditions in the council area	Chief Executive Officer	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 65(b)	Receive information from the State government department responsible for the administration of the Act on the occurrence or incidence of notifiable conditions in the council area that constitutes, or may constitute, a threat to public health	Chief Executive Officer	NIL	
section 66(6)	Recover costs and expenses reasonably incurred in an authorised officer taking action in accordance with a direction or requirement issued under section 66(1) which has not been complied with by the person subject to the direction or requirement	Chief Executive Officer	NIL	
section 66(9)	Take action reasonably open to the council to prevent the spread of a disease constituting a notifiable condition	Chief Executive Officer	NIL	
section 92(1)	Issue a notice for the purpose of securing compliance with the Act or averting, eliminating or minimising a risk, or a perceived risk, to public health	Chief Executive Officer	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 92(2)(b)	Give a preliminary notice to a person to whom it is proposed that a notice under section 91(1) will be given	Chief Executive Officer	NIL	
section 92(8)	Confirm an emergency notice given by an authorised officer under section 92(6)	Chief Executive Officer	NIL	
section 92(9)	Vary or revoke a notice issued by the council under section 92	Chief Executive Officer	NIL	relevant authority
section 93(1)	Take action required by a notice issued under Part 12 if the requirements of the notice have not been fulfilled	Chief Executive Officer	NIL	
section 93(2)	Authorise a person to take action on behalf of the council under section 93(1)	Chief Executive Officer	NIL	relevant authority

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 93(3)	Enter any relevant premises at any reasonable time to take action under section 93	Chief Executive Officer	NIL	
section 93(4)	Recover the reasonable costs and expenses incurred by the council in taking action under section 93 from the person who failed to comply with the requirements of the notice	Chief Executive Officer	NIL	
section 93(5)	Fix a period from the date of a notice issued under section 93 within which an amount under section 93(4) must be paid	Chief Executive Officer	NIL	
section 94(5)(b)	Recover the reasonable costs and expenses of a local authorised officer taking action under section 94 from any person who caused the risk to which the action relates	Chief Executive Officer	NIL	
section 96(5)	Apply to the South Australian Civil and Administrative tribunal under section 34 of the South Australian Civil and Administrative Tribunal Act 2013 for a review of the outcome of review proceedings by the Review panel under section 95	Chief Executive Officer	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 96(5)	Participate as a party to proceedings under section 96	Chief Executive Officer	NIL	

Instrument of Delegation under the State Records Act 1997

State Records Act 1997				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 13	Maintain official records in the council's custody in good order and condition	Chief Executive Officer	NIL	agency
section 15(2)	Afford the manager of State records reasonable cooperation and assistance in conducting surveys of the official records and record management practices of agencies	Chief Executive Officer	NIL	agency
section 18(1)	Deliver records voluntarily into the custody of State Records	Chief Executive Officer	NIL	agency
section 19(1)	Deliver records into the custody of State Records on the earlier of the council ceasing to require access to the record for current administrative purposes or during the year occurring 15 years after the creation of the record	Chief Executive Officer	NIL	agency
section 19(3)(c)	Participate in consultation with the Manager of State Records in regard to the postponement of delivery of records into the custody of State	Chief Executive Officer	NIL	agency

State Records Act 1997

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	Records on the basis that the records are required for the administrative purpose of the council or should be retained by the council for another special reason			
section 19(5)(a)	Apply to the Manager of State Records for the variation or revocation of an exemption granted under section 19(4)	Chief Executive Officer	NIL	agency
section 20(1)	Advise the Manager of State Records of any restriction on the disclosure of contents of a record delivered into the custody of State Records	Chief Executive Officer	NIL	agency
section 22(2)	Determine conditions reasonably required in regard to an arrangement under section 22(1)	Chief Executive Officer	NIL	agency
section 23(1)	Dispose of official records in accordance with a determination of the Manager of State Records	Chief Executive Officer	CEO for final approval before destruction.	agency
section 23(2)	Request the Manager of State Records to make a determination as to the disposal of official records	Chief Executive Officer	NIL	agency

State Records Act 1997

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 23(4)	Apply to the Minister to determine a dispute as to a determination under section 23	Chief Executive Officer	NIL	agency
section 24(3)	Consent to the disposal of a record under section 24(1)	Chief Executive Officer	NIL	agency
section 25(3)	Apply to the Minister to determine a dispute as to access under section 24	Chief Executive Officer	NIL	agency
section 26(1)	Determine in consultation with the Manager of State Records that access to a record delivered by the council into the custody of State Records is not subject to any restrictions other than those determined by the Manager	Chief Executive Officer	NIL	agency
section 26(2)	Determine in consultation with the Manager of State Records conditions excluding or restricting access to the record delivered by the council into the custody of State Records	Chief Executive Officer	NIL	agency

Instrument of Delegation under the Strata Titles Act 1988

Strata Titles Act 1988				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 12(2)(c)	Consent to an amendment of a deposited strata plan	Chief Executive Officer	NIL	council (as holder of a statutory encumbrance)
section 12(3a)(d)(i)	Consent to an encroachment over public land	Chief Executive Officer	NIL	council
section 12A(b)	Issue a certificate certifying compliance with the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance	Chief Executive Officer	NIL	council (as holder of a statutory encumbrance)
section 28(1)(c)	Specify work to be carried out by a unit holder	Chief Executive Officer	NIL	council

Instrument of Delegation under the Supported Residential Facilities Act 1992

Supported Residential Facilities Act 1992				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 9(1)(a)	Administer and enforce the Supported Residential Facilities Act in the council area	Chief Executive Officer	NIL	
section 9(1)(b)	Licence supported residential facilities situated in the council area	Chief Executive Officer	NIL	council
section 9(1)(c)	Undertake other functions assigned to the council by the Supported Residential Facilities Act	Chief Executive Officer	NIL	
section 9(1)(c)	Undertake other functions assigned to the council by the Supported Residential Facilities Act	Chief Executive Officer	NIL	

Supported Residential Facilities Act 1992				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 9(2)	Delegate a power or function under the Supported Residential Facilities Act	Chief Executive Officer	NIL	council
section 9(5)	Participate in consultation with the Minister regarding a perceived failure of council to discharge duties under the Supported Residential Facilities Act	Chief Executive Officer	NIL	council
section 9(8)(a)(ii)	Make submissions to the Minister regarding the vesting of council powers or functions in another person or body	Chief Executive Officer	NIL	council
section 9(8)(b)	Undertake a delegation to discuss with the Minister the vesting of council powers or functions in another person or body	Chief Executive Officer	NIL	council
section 21(1)	Appoint an authorised officer	Chief Executive Officer	NIL	council

Supported Residential Facilities Act 1992				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 21(2)	Issue an identity card to an authorised officer	Chief Executive Officer	NIL	council
section 21(4)	Revoke the appointment of an authorised officer	Chief Executive Officer	NIL	council
section 24(1)	Receive an application from a proprietor of a supported residential facility for a licence	Chief Executive Officer	NIL	licensing authority
section 24(3)	Issue a notice to the applicant for a licence requiring further information to determine the application for a licence	Chief Executive Officer	NIL	licensing authority
section 24(5)	Require information provided by an applicant to be verified by statutory declaration	Chief Executive Officer	NIL	licensing authority

Supported Residential Facilities Act 1992				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 24(9)	Conditionally approve the issue of a licence	Chief Executive Officer	NIL	licensing authority
section 24(9)	Grant a licence	Chief Executive Officer	NIL	licensing authority
section 24(10)	Refuse an application for a licence	Chief Executive Officer	NIL	licensing authority
section 24(10)	Notify the applicant of a refusal of an application for a licence	Chief Executive Officer	NIL	licensing authority
section 25(1)	Determine matters to be taken into account in determining an application for a licence	Chief Executive Officer	NIL	

Supported Residential Facilities Act 1992				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 25(2)	Determine matters to be taken into account in determining whether the applicant is suitable to be granted a licence	Chief Executive Officer	NIL	licensing authority
section 25(3)	Determine matters to be taken into account in determining whether the premises are suitable to be used as a supported residential facility	Chief Executive Officer	NIL	licensing authority
section 27(3)	Determine to consider a late application for renewal of a licence	Chief Executive Officer	NIL	licensing authority
section 27(4)	Notify the applicant of a decision on an application for the renewal of a licence	Chief Executive Officer	NIL	licensing authority
section 28	Refuse to renew a licence	Chief Executive Officer	NIL	licensing authority

Supported Residential Facilities Act 1992				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 29(1)(b)	Impose conditions on a licence	Chief Executive Officer	NIL	licensing authority
section 29(3)(b)	Vary or revoke a condition on a licence	Chief Executive Officer	NIL	licensing authority
section 30(1)	Receive an application for the transfer of a licence	Chief Executive Officer	NIL	licensing authority
section 30(3)	Request further information from an applicant for a transfer of a licence	Chief Executive Officer	NIL	licensing authority
section 30(4)	Transfer a licence	Chief Executive Officer	NIL	licensing authority

Supported Residential Facilities Act 1992				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 30(5)	Receive a surrendered licence	Chief Executive Officer	NIL	licensing authority
section 31(1)	Cancel a licence	Chief Executive Officer	NIL	licensing authority
section 31(2)(a)	Notify the holder of a licence of a proposed cancellation of the licence	Chief Executive Officer	NIL	licensing authority
section 31(2)(b)	Receive submissions from the holder of a licence regarding a proposed cancellation of the licence	Chief Executive Officer	NIL	licensing authority
section 31(3)	Impose conditions pending the cancellation of a licence to protect the interests of residents of the facility	Chief Executive Officer	NIL	licensing authority

Supported Residential Facilities Act 1992				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 31(4)(a)	Appoint an administrator to a facility	Chief Executive Officer	NIL	licensing authority
section 31(4)(b)	Take steps to secure the proper care of the residents of a facility	Chief Executive Officer	NIL	
section 31(6)(a)	Determine whether or not the imposition of conditions pending the cancellation of a licence would adequately protect the interests of residents of the facility	Chief Executive Officer	NIL	licensing authority
section 31(6)(g)(ii)	Revoke the appointment of an administrator	Chief Executive Officer	NIL	licensing authority
section 32(1)	Participate in the review of a decision of the licensing authority by the South Australian Civil and Administrative Tribunal	Chief Executive Officer	NIL	licensing authority

Supported Residential Facilities Act 1992				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 32(3)	Order that a licence subject to an application to review decision regarding renewal remain in force until the determination of the review	Chief Executive Officer	NIL	licensing authority
section 32(4)(a)	Impose conditions on an order given under section 32(3)	Chief Executive Officer	NIL	licensing authority
section 32(4)(b)	Vary or revoke an order given under section 32(3)	Chief Executive Officer	NIL	licensing authority
section 33(1)	Grant licence	Chief Executive Officer	NIL	licensing authority
section 34(1)	Approve a manager of a facility	Chief Executive Officer	NIL	licensing authority

Supported Residential Facilities Act 1992				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 34(2)	Determine a time period after which the proprietor of a facility will be guilty of an offence if no approved person is managing the facility	Chief Executive Officer	NIL	licensing authority
section 35	Approval of a person to be the licence holder if a licence holder dies	Chief Executive Officer	NIL	licensing authority
section 37	Receive a copy of the prospectus and any alterations to the prospectus	Chief Executive Officer	NIL	licensing authority
section 39(2)(b)	Approve an alternative to the prescribed means of serving a notice of termination of a resident contract by the proprietor of a facility	Chief Executive Officer	NIL	licensing authority
section 43(1)(a)	Receive an application in regard to disputes between a resident of a supported residential facility and the proprietor	Chief Executive Officer	NIL	

Supported Residential Facilities Act 1992				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 43(1)(b)	Receive an application if a resident of a support residential facility objects to a decision of the proprietor of the facility to terminate his or her residential contract	Chief Executive Officer	NIL	
section 43(1)(c)	Receive an application if a resident of a support residential facility believes that the proprietor has failed to comply with the terms or their resident contract or a provision of the Support Residential facilities Act or the proprietor has acted in any unauthorised manner	Chief Executive Officer	NIL	
section 43(2)	Explore avenues of conciliation between the resident and the proprietor	Chief Executive Officer	NIL	
section 43(3)(a)	Make recommendations as to the settlement of a dispute between a resident and the proprietor	Chief Executive Officer	NIL	
section 43(3)(b)	Order the proprietor to vary or reverse a decision or take such actions necessary to remedy the breach or reverse the effect of any act of the proprietor	Chief Executive Officer	NIL	

Supported Residential Facilities Act 1992				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 43(3)(c)	Order the resident to refrain from any future action of a kind specified in the order or take action appropriate in the circumstances of the case	Chief Executive Officer	NIL	
section 43(3)(d)	Order the resident or proprietor to take action to remedy any default or to correct any unauthorised act	Chief Executive Officer	NIL	
section 43(3)(e)	Take any action appropriate in the circumstances	Chief Executive Officer	NIL	
section 43(6)(a)	Require an applicant to furnish further information in relation to the subject matter of the application	Chief Executive Officer	NIL	
section 43(6)(b)	Require an applicant to verify any information by statutory declaration	Chief Executive Officer	NIL	licensing authority

Supported Residential Facilities Act 1992				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 43(7)	Notify the applicant and respondent of the time and place of any hearing of the application	Chief Executive Officer	NIL	
section 43(8)	Investigate or determine the subject matter of an application	Chief Executive Officer	NIL	
section 43(9)	Make an interim order pending final resolution of the matter	Chief Executive Officer	NIL	
section 43(10)(a)	Determine the time period (not exceeding 2 months) during which the interim order will operate	Chief Executive Officer	NIL	
section 43(11)	Vary or revoke an order	Chief Executive Officer	NIL	

Supported Residential Facilities Act 1992				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 43(12)(a)	Specify procedures for the resolution of the dispute	Chief Executive Officer	NIL	
section 43(12)(a)	Decline to proceed with an application until reasonable steps have been taken to resolve the dispute pursuant to procedures specified by the licensing authority	Chief Executive Officer	NIL	
section 43(12)(b)	Decline to proceed with an application if it would be more appropriate for the proceedings to be taken in a court or tribunal constituted by law	Chief Executive Officer	NIL	
section 43(12)(b)	Decline to proceed (or further proceed) with an application if proceedings have been commenced in a court or tribunal constituted by law	Chief Executive Officer	NIL	
section 44(1)	Participate in proceedings for a review of a decision or order of the licensing authority by the South Australian Civil and Administrative Tribunal	Chief Executive Officer	NIL	

Supported Residential Facilities Act 1992				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 47(1)	Approve a person to enter any premises that comprise a support residential facility, or any residential-only premises, for the purpose of visiting or attending on any person residing at those premises	Chief Executive Officer	NIL	
section 49(1)(a)	Receive complaints regarding the management of a supported residential facility or any residential-only premises	Chief Executive Officer	NIL	
section 49(1)(b)	Receive complaints regarding the conduct of a resident of a supported residential facility or any residential-only premises	Chief Executive Officer	NIL	
section 49(2)	Determine whether a complaint must be reduced to writing	Chief Executive Officer	NIL	
section 49(3)	Take appropriate action in regard to a complaint	Chief Executive Officer	NIL	

Supported Residential Facilities Act 1992				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 49(4)	Appoint an authorised officer to investigate the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible	Chief Executive Officer	NIL	licensing authority
section 56(4)	Pay prescribed percentage of licence fees into the Supported Residential Facilities Indemnity Fund	Chief Executive Officer	NIL	
section 57(5)	Exempt a proprietor of a facility from a regulation that applies to the facility	Chief Executive Officer	NIL	licensing authority
section 57(6)	Attach conditions to an exemption granted under section 57(5)	Chief Executive Officer	NIL	licensing authority
section 57(7)(a)	Revoke an exemption granted under section 57(5)	Chief Executive Officer	NIL	licensing authority

Supported Residential Facilities Act 1992				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 57(7)(b)	Vary or revoke condition applying to an exemption granted under section 57(5)	Chief Executive Officer	NIL	licensing authority

Instrument of Delegation under the Supported Residential Facilities Regulations 2009

Supported Residential Facilities Regulations 2009				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 17(2)	Approve an acting manager of a facility	Chief Executive Officer	NIL	licensing authority
regulation 18(1)	Approve a registered nurse to oversee the provision of nursing care at a facility	Chief Executive Officer	NIL	licensing authority
regulation 18(2)	Revoke the approval of a registered nurse to overseeing the provision of nursing care at a facility	Chief Executive Officer	NIL	licensing authority
regulation 18(2)	Require a new appointment of a registered nurse to oversee the provision of nursing care at a facility	Chief Executive Officer	NIL	licensing authority
regulation 21(1)(b)	Approve a kitchen at a facility which does not meet the prescribed requirements	Chief Executive Officer	NIL	

Supported Residential Facilities Regulations 2009

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 21(3)(e)	Require the fitting of handrails, ramps and lifts at a facility	Chief Executive Officer	NIL	
regulation 24(1)	Direct a proprietor of a supported residential facility to install a communication system at the facility	Chief Executive Officer	NIL	

Instrument of Delegation under the Water Industry Act 2012

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 19(1)	Apply for a licence	Elected Body		applicant for a licence
section 19(2)	Pay the application fee	Chief Executive Officer	NIL	
section 19(4)	Provide further information requested by the Commission with respect to an application for a licence	Chief Executive Officer	NIL	
section 22(1)	Provide services or carry on operations or activities in accordance with the terms and conditions of the licence	Chief Executive Officer	NIL	
section 24(1)	Pay the annual licence fee	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 24(2)(a)	Provide annual return to the Commission	Chief Executive Officer	Annual Return to be provided to Council Members following lodgment	water industry entity
section 24(2)(b)	Pay the annual licence fee	Chief Executive Officer	NIL	
section 25(2)	Participate in consultation with the Commission	Chief Executive Officer	NIL	
section 28(2)(a)	Apply to the Commission for a variation in the terms and conditions applying the licence	Chief Executive Officer	Council to approve the application for variation prior to lodgment	water industry entity
section 28(2)(a)	Agree with the Commission a variation in the terms and conditions applying the licence	Chief Executive Officer		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
			Council to approve the application for variation prior to lodgment	
section 28(2)(b)	Make submissions to the Commission regarding a proposed variation to the terms and conditions applying to a licence	Chief Executive Officer	NIL	
section 29(1)	Transfer licence with the Commission's agreement	Elected Body	NIL	water industry entity
section 29(4)	Apply to the Commission for the transfer of a licence	Elected Body	NIL	water industry entity
section 29(5)	Pay to the Commission the application fee for the transfer of a licence	Chief Executive Officer	NIL	
section 29(6)	Provide to the Commission further relevant information requested by Commission in respect of the application fee for the transfer a licence	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 32(1)	Surrender a licence to the Commission	Chief Executive Officer	NIL	water industry entity
section 32(3)	Agree with the Commission a shorter notice period than the prescribe period for the surrender of a licence	Chief Executive Officer	NIL	water industry entity
section 33(3)(b)	Make submissions to the Commission in relation to a proposed suspension or cancellation of licence	Chief Executive Officer	NIL	water industry entity
section 36(1)	Fix standard terms and conditions governing the provision of services by the entity	Chief Executive Officer	NIL	water industry entity
section 36(2)	Publish standard terms and conditions governing the provision of services by the entity in the Gazette	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 36(3)	Publish notice in a newspaper circulating generally in the State regarding the standard terms and conditions	Chief Executive Officer	NIL	
section 36(5)	Agree with a customer to exclude a standard term or condition	Chief Executive Officer	NIL	
section 36(6)(a)	Supply a copy of the standard terms and conditions to the Commission	Chief Executive Officer	NIL	
section 36(6)(b)	Publish a copy of the standard terms and conditions on the entities website	Chief Executive Officer	NIL	
section 37(3)(a)	Adopt a customer hardship policy published by the Minister	Elected Body	NIL	water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 37(3)(b)	Seek the approval of the Commission to adopt a customer hardship policy published by the Minister with modifications	Elected Body	NIL	water industry entity
section 37(3)(b)	Adopt a customer hardship policy published by the Minister with modifications in accordance with approval of the Minister	Elected Body	NIL	water industry entity
section 38(2)	Make submissions to the Commission as to proposed proclamation to take over the water industry entity's operations	Elected Body	NIL	water industry entity
section 39(2)	Accept an appointment to take over relevant operations of a water industry entity subject to a proclamation under section 38	Chief Executive Officer	In consultation with Council	water industry entity
section 39(3)	Facilitate the take-over of relevant operations by the operator	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 41(1)	Appoint a person to be a water industry officer	Chief Executive Officer	NIL	water industry entity
section 41(2)	Impose conditions of appointment of a water industry officer	Chief Executive Officer	NIL	water industry entity
section 42(1)	Impose time period for the appointment of a water industry officer	Chief Executive Officer	NIL	water industry entity
section 42(2)	Remove a water industry officer from office	Chief Executive Officer	NIL	water industry entity
section 43(1)	Issue a water industry officer with an identity card	Chief Executive Officer	NIL	water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 44(1)	Agree with the occupier of land to enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure	Chief Executive Officer	NIL	
section 44(1)	Seek the authorisation of the Minister to enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure	Chief Executive Officer	NIL	
section 44(3)(a)	Enter and remain on land to undertake prescribed works	Chief Executive Officer	NIL	
section 45(1)	Give notice of proposed entry on land under section 44 to the occupier	Chief Executive Officer	NIL	
section 45(3)(a)	Give notice of proposed entry on public land under section 45 to the authority responsible to the management of the public land	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 45(3)(b)	Agree with an authorised entity to enter onto public land within the care, control and management of the council	Chief Executive Officer	NIL	
section 45(4)	Impose conditions on the entry of an authorised entity onto public land within the care, control and management of the council	Chief Executive Officer	NIL	
section 45(7)	Refer a dispute regarding whether work should be permitted on public land within the care, control and management of the council by an authorised entry of the conditions applying to that work to the Minister	Chief Executive Officer	NIL	
section 45(9)(a)	Make submissions to the Minister in relation to a dispute referred under section 45(7)	Chief Executive Officer	NIL	
section 45(9)(b)	Settle a dispute referred under section 45(7)	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 45(11)	Notify the occupier of public land of the reason and the date and time of proposed entry	Chief Executive Officer	NIL	
section 45(14)	Use reasonable force to enter any land under section 45	Chief Executive Officer	NIL	
section 45(16)	Request an authorised entity undertaking work on public land within the care, control and management of the council to separate the land on which the work is being undertaken from other parts of the land by a fence	Chief Executive Officer	NIL	
section 45(16)	Separate the public land on which the work is being undertaken from other parts of the land by a fence	Chief Executive Officer	NIL	
section 45(16)	Refer a dispute regarding the separation of a land by a fence to the Magistrates Court	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 45(17)	Make good any damage caused by exercise of powers under section 45	Chief Executive Officer	NIL	
section 45(19)	Exercise of powers under section 45 in an emergency without prior notice or agreement	Chief Executive Officer	NIL	
section 45(22)	Comply with conditions imposed by the Minister of the exercise of powers under section 45	Chief Executive Officer	NIL	
section 46(1)	Acquire land in accordance with the Land Acquisition Act 1969	Elected Body	NIL	water industry entity
section 46(2)	Seek authorisation of the Minister to acquire land by compulsory acquisition under the Land Acquisition Act 1969	Elected Body	NIL	water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 48(2)	Apply to the Minister for approval of a scheme under section 48	Elected Body	NIL	water industry entity
section 48(3)(c)	Approve a scheme as being fit and adequate for the provision of the services that are proposed to be offered under the scheme	Elected Body	NIL	council
section 48(3)(d)	Participate in consultation for the development of a scheme for sewerage services in the council area	Chief Executive Officer	NIL	
section 48(6)	Issue a notice requiring the connection of drains, equipment or works to prescribed infrastructure in order to provide for the discharge of sewerage into the infrastructure	Chief Executive Officer	NIL	
section 48(9)	Take action required by a notice served under section 48(6), if the recipient fails to take that action	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 48(10)	Authorise a person to take action under section 48(9) on the water industry entities behalf	Chief Executive Officer	NIL	
section 48(12)	Recover the reasonable costs of taking action under section 48(9) as a debt	Chief Executive Officer	NIL	
section 48(13)	Apply to the Minister for approval to vary a scheme under section 48	Chief Executive Officer	NIL	
section 48(13)	Vary a scheme under section 48	Chief Executive Officer	NIL	
section 49(1)	Consent to a person: (a) constructing or placing a building, wall, fence or other structure on or over any water/sewerage infrastructure, or creating some other form of	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	<p>encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure);</p> <p>(b) creating any form of encroachment over any easement that exists for the purposes of any water service or sewerage service;</p> <p>(c) obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or</p> <p>(d) excavating or altering any land or structure supporting any water/sewerage infrastructure</p>			
section 49(2)(a)	Enter land and carry out an inspection of any place if the water entity believes on reasonable grounds that a person has contravened section 49(1)	Chief Executive Officer	NIL	
section 49(2)(b)	Serve a notice requiring a person to take action to remedy a contravention of section 49(1)	Chief Executive Officer	NIL	
section 49(3)	Obtain a warrant under Part 10 of the Water Industry Act to enter land	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 49(4)	Take action required by a notice served under section 49(2)(b), if the recipient fails to take that action	Chief Executive Officer	NIL	
section 49(6)	Recover the reasonable costs of taking action under section 49(4) as a debt	Chief Executive Officer	NIL	
section 49(7)	Authorise a person to take action under section 49(4) on the water industry entities behalf	Chief Executive Officer	NIL	
section 50(1)	Authorise a person to: (a) attach any equipment or other thing, or make any connection, to water/sewerage infrastructure; (b) interfere with: (i) the collection, storage, production, treatment, conveyance, reticulation or supply of water through the use of water infrastructure; or (ii) the collection, storage, treatment, conveyance or reticulation of sewage through the use of sewerage infrastructure;	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	(c) disconnect or interfere with any water/sewerage infrastructure, or any equipment associated with any water/sewerage infrastructure; or (d) damage any water/sewerage infrastructure, or any equipment associated with any water/sewerage infrastructure.			
section 50(2)(a)	Enter land and carry out an inspection of any place if the water entity believes on reasonable grounds that a person has contravened section 50(1)	Chief Executive Officer	NIL	
section 50(2)(b)	Disconnect, close, turn off or remove anything that has been attached or used in connection with a contravention section 50(1)	Chief Executive Officer	NIL	
section 50(3)	Obtain a warrant under Part 10 of the Water Industry Act to enter land	Chief Executive Officer	NIL	
section 50(4)	Authorise a person to take action under section 50 on the water industry entities behalf	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 50(7)	Recover compensation from a person guilty of a contravention of section 50(1) on application to a court convicting the person of an offence against this section or by action in a court of competent jurisdiction	Chief Executive Officer	NIL	
section 51(1)	Receive notice from a person proposing to do work near water/sewerage infrastructure	Chief Executive Officer	NIL	
section 51(3)(b)	Specify requirements to apply for the protection of the infrastructure or the safety of person carrying out the work	Chief Executive Officer	NIL	
section 51(4)	Recover compensation from a person guilty of a contravention of section 51 on application to a court convicting the person of an offence against this section or by action in a court of competent jurisdiction	Chief Executive Officer	NIL	
section 52(1)	Receive notice from a person proposing to: (a) to first lay the pavement or hard surface in any road; (b) to relay the pavement or hard surface in any road;	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	(c) to widen or extend the pavement or hard surface in any road; (d) to alter the level of any road; (e) to construct or alter any footpaths, gutters, kerbing or water tables in any road; or (f) to construct or alter any drainage work in any road in which water/sewerage infrastructure is laid			
section 52(2)	Advise the person giving notice under section 52(1) of any new water/sewerage infrastructure proposed in the relevant road and of any interference that is expected to be caused to the existing water/sewerage infrastructure	Chief Executive Officer	NIL	
section 52(4)	Confer with a person giving notice under section 52(1) with respect to variations to the proposed work	Chief Executive Officer	NIL	
section 52(6)	Waive the requirement to provide notice under section 52(1)	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 53(2)(b)	Approve the installation or maintenance of a pipe capable of conveying water beyond the boundaries of a site occupied by the person	Chief Executive Officer	NIL	
section 53(1)	Authorise a person to: (a) abstract or divert water from any water infrastructure; or (b) abstract or divert any sewage from any sewerage infrastructure	Chief Executive Officer	NIL	
section 53(3)	Recover compensation from a person guilty of a contravention of section 53 on application to a court convicting the person of an offence against this section or by action in a court of competent jurisdiction	Chief Executive Officer	NIL	
section 54(1)(a)	Require a person supplied water by the water industry entity to allow a person authorised by the entity to enter land and fix a meter supplied by the entity	Chief Executive Officer	NIL	
section 54(1)(b)	Require a person supplied water by the water industry entity to ensure that a meter of a kind specified by the entity is fixed and used for the purposes of measuring water supplied to the person	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 54(3)	Supply a water meter	Chief Executive Officer	NIL	
section 54(4)	Issue a direction or requirement in regard to the installation or use of a meter	Chief Executive Officer	NIL	
section 54(10)	Serve a notice on a person who fails to ensure that access to the meter or fitting for the purpose of reading, replacement, repair or maintenance is not obstructed requiring the person to take specified action to provide access to the meter or fitting	Chief Executive Officer	NIL	
section 54(11)	Enter land and take action to provide access to the meter or fitting	Chief Executive Officer	NIL	
section 54(12)	Recover compensation from a person guilty of a contravention of section 54 on application to a court convicting the person of an offence against this section or by action in a court of competent jurisdiction	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 54(13)	Recover costs of taking action under section 54(11) as a debt	Chief Executive Officer	NIL	
section 55(1)	Authorise a person to discharge any solid, liquid or gaseous materials, or any other item or thing, into water infrastructure	Chief Executive Officer	NIL	
section 55(3)	Recover compensation from a person guilty of a contravention of section 55 on application to a court convicting the person of an offence against this section or by action in a court of competent jurisdiction	Chief Executive Officer	NIL	
section 56(1)	Authorise a person to discharge into any sewerage infrastructure any solid, liquid or gaseous material, or any other item or thing that is likely to damage the infrastructure	Chief Executive Officer	NIL	
section 56(3)(a)	Authorise a person to discharge specific waste material into sewerage infrastructure	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 56(3)(b)	Enter into a contract with a person in regard to the provision of a sewerage service authorising the discharge specific waste material into sewerage infrastructure	Chief Executive Officer	NIL	
section 56(5)	Authorise a person to cause, permit or allow any rainwater, stormwater or surface water to flow into, or to otherwise enter, any sewerage infrastructure	Chief Executive Officer	NIL	
section 56(7)	Attach conditions to an authorisation under section 56(5)	Chief Executive Officer	NIL	
section 56(7)	Vary or revoke an authorisation under section 56(5)	Chief Executive Officer	NIL	
section 56(9)	Recover the reasonable costs and expenses incurred by the water entity in addressing any damage or loss caused as a result of, or in remedying circumstances caused by, a contravention of section 56 as a debt	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 57(1)	Issue a notice requiring an owner or occupier of land to carry out specified work	Chief Executive Officer	NIL	
section 57(3)	Vary or revoke a notice issued under section 57(1)	Chief Executive Officer	NIL	
section 57(5)	Take action required by a notice if the recipient of the notice fails to take the action	Chief Executive Officer	NIL	
section 57(6)	Authorise a person to take action under section 57(5) on the entity's behalf	Chief Executive Officer	NIL	
section 57(8)	Recover the reasonable costs and expenses incurred by the water industry entity taking action under section 57(5) as a debt	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 58(1)	Close off or disconnect from the sewerage infrastructure one or more drains on the land that are connected to the sewerage infrastructure or restrict the provision of any sewerage service to the land	Chief Executive Officer	NIL	
section 58(2)	Reopen or reconnect a drain closed off or disconnected under section 58(1)	Chief Executive Officer	NIL	
section 58(2)	Require the owner or occupier of land to pay the prescribed fee prior to reopening or reconnecting a drain closed off or disconnected under section 58(1)	Chief Executive Officer	NIL	
section 59(3)(a)	Lessen the supply through any infrastructure	Chief Executive Officer	NIL	
section 59(3)(b)	Prohibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 59(3)(c)	Prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used	Chief Executive Officer	NIL	
section 59(3)(d)	Prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used	Chief Executive Officer	NIL	
section 59(3)(e)	Discontinue the supply of water	Chief Executive Officer	NIL	
section 59(4)	Impose a requirement that a permit of the water industry entity must be held to undertake an activity involving the use of water	Chief Executive Officer	NIL	
section 59(4)	Issue a permit authorising an activity involving the use of water	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 59(5)(b)	Publish or serve a notice regarding a prohibition or notice under section 59(3)	Chief Executive Officer	NIL	
section 59(5)(b)	Vary or revoke a prohibition or notice under section 59(3)	Chief Executive Officer	NIL	
section 60(1)	Serve notice on the owner or occupier of land that is connected to water infrastructure operated by the entity directing the owner or occupier to install a flow reducing device of a specified kind and to use the device to reduce flow in the pipes on the land which are connected to the water infrastructure	Chief Executive Officer	NIL	
section 60(5)	Install a flow reducing device if the owner or occupier has failed to comply with the requirements of a notice under section 60(1)	Chief Executive Officer	NIL	
section 60(6)	Recover the reasonable costs and expenses incurred by the water industry entity as a debt from the person who failed to comply with the notice under section 60(1)	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 63(3)(a)	Disconnect the supply of water or the collection of sewage, or restrict the supply of services	Chief Executive Officer	NIL	
section 63(3)(b)	Obtain a warrant under Part 10 to enter a place for the purpose of disconnecting the supply of water or the collection of sewage, or restricting the supply of services	Chief Executive Officer	NIL	
section 63(5)(b)	Restore a connection for the supply of water or the collection of sewage	Chief Executive Officer	NIL	
section 64	Cut off the supply of water to any region, area, land or place if it is necessary to do so to avert danger to any person or property	Chief Executive Officer	NIL	
section 68	Comply with prescribed technical and safety requirements or any technical and safety requirements of the Technical Regulator	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 69(3)	Disconnect the supply of water or the collection of sewerage, or restrict the supply of services	Chief Executive Officer	NIL	
section 84(1)(b)	Make an application to the Commission for a review of a decision of the Commission under Part 4 to suspend or cancel the entity's licence or vary the terms or conditions of the entity's licence	Chief Executive Officer	NIL	
section 85(1)(a)	Make an application for a review of a decision or an enforcement notice under Part 8, Division 4 under section 34 of the South Australian Civil and Administrative Tribunal Act 2013	Chief Executive Officer	NIL	
section 88(1)	Provide information requested by the Minister	Chief Executive Officer	NIL	
section 98(1)	Provide and maintain fire plugs, maintain various standards, and comply with any other requirements relating to the provision of water for fire-fighting purposes, in accordance with any scheme determined by the Minister	Chief Executive Officer	NIL	

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 102(2)	Commence proceeding for an offence under the Water Industry Act	Chief Executive Officer	NIL	water industry entity
section 111(7)	Certify a plan delineating the position of any equipment, plant or drain connected to any water/sewerage infrastructure	Chief Executive Officer	NIL	
section 111(8)	Certify a date on and from which the water industry entity was prepared to supply water by means of a direct service to land specified in the certificate or could by means of drains or other infrastructure, be drained or serviced by a sewer	Chief Executive Officer	NIL	
section 111(9)	Certify a copy or extract of a register of readings of meters maintained by the water industry entity	Chief Executive Officer	NIL	
section 113(1)	Cause a ventilating shaft, pipe or tube for any sewerage infrastructure or drain to be attached to the exterior wall of a building	Chief Executive Officer	NIL	

Instrument of Delegation under the Water Industry Regulations 2012

Water Industry Regulations 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 9	Enter into an agreement with a person undertaking work which would involve the alteration of any water/sewerage infrastructure to share the cost of the work	Chief Executive Officer	NIL	
regulation 11(1)	Provide a statement of the amount paid to a person who has paid an amount for the provision of retail services	Chief Executive Officer	NIL	water industry entity
regulation 11(2)	Provide a consumer with a statement of the quantity of water supplied by the entity to the consumer in the financial year	Chief Executive Officer	NIL	
regulation 11(3)	Provide a statement of the amount paid for retail services or the quantity of water supplied by the entity financial year to any other person acting with the consent of the person referred to in regulations 11(1) and 11(2)	Chief Executive Officer	NIL	

Water Industry Regulations 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 12(1)	Provide a statement as the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the Land and Business (Sale and Conveyancing) Act 1994	Chief Executive Officer	NIL	
regulation 13(a)(i)	Seek the approval of a water industry entity (that owns or operated sewerage infrastructure that may be affected by the planting) to plant trees and shrubs (except those listed I Schedule 2 and Schedule 3) on public land	Chief Executive Officer	NIL	
regulation 13(a)(i)	Grant approval to plant trees and shrubs on public land	Chief Executive Officer	NIL	
regulation 13(b)	Grant approval to plant trees and shrubs on a road closer than 1 metre to any water infrastructure	Chief Executive Officer	NIL	
regulation 14(1)	Receive and comply with a notice from water industry entity directing action in regard to a tree or shrub on public land which is causing, or is likely to cause,	Chief Executive Officer	NIL	

Water Industry Regulations 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure			
regulation 14(1)	Direct a council or other person with care, control or management of land to take action in regard to a tree or shrub on public land which is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure	Chief Executive Officer	NIL	
regulation 14(2)	Take action specified in a notice under regulation 14(1) if the recipient fails to comply with the notice	Chief Executive Officer	NIL	
regulation 14(3)	Recover costs of taking action specified in a notice under regulation 14(2) as a debt	Chief Executive Officer	NIL	
regulation 15	Recover costs of taking action specified in a notice under regulation 14 as a debt	Chief Executive Officer	NIL	

Water Industry Regulations 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 16(3)(b)	Authorise a person to enter infrastructure owned or operated by the entity	Chief Executive Officer	NIL	
regulation 17(1)(a)	Obtain the approval of ESCOSA prior to taking action under sections 59(3)(a) to 59(3)(e) (inclusive)	Chief Executive Officer	NIL	
regulation 17(1)(b)(i)	Notify the public of the intention to exercise a power under sections 59(3)(b) to 59(3)(d) (inclusive) by notice in the Gazette	Chief Executive Officer	NIL	
regulation 17(1)(b)(ii)	Notify the public of the intention to exercise a power under sections 59(3)(a) to 59(3)(e) (inclusive) by a notice of a website, in a newspaper circulating throughout the area of the State in which person affected by the exercise of the power are situated and in any other manner considered appropriate	Chief Executive Officer	NIL	
regulation 18	Issue a permit for the purposes of section 59(4) of the Water Industry Act	Chief Executive Officer	NIL	water industry entity

Water Industry Regulations 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 23(2)(a)	Give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration to the surface height of a road, footpath or easement to a water industry entity	Chief Executive Officer	NIL	council
regulation 23(2)(b)	Alter the height of an entry point, inspection point or other fitting	Chief Executive Officer	NIL	water industry entity
regulation 23(3)	Recover costs under regulation 23(2)(b) as a debt from entity which altered the height of the road, footpath or easement	Chief Executive Officer	NIL	water industry entity
regulation 34(1)(b)	Direct a person to disconnect a pipe which is intersected by the boundary of adjoining allotments from water/sewerage infrastructure	Chief Executive Officer	NIL	water industry entity
regulation 34(4)	Direct a person to disconnect a pipe which lies across the boundary of adjoining allotments from water/sewerage infrastructure	Chief Executive Officer	NIL	water industry entity

Water Industry Regulations 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 34(7)	Enter land and undertake work required by a notice under regulation 34 if the recipient has failed to undertake the required work	Chief Executive Officer	NIL	water industry entity
regulation 36	Estimate the quantity of water supplied through a meter	Chief Executive Officer	NIL	water industry entity
regulation 38	Impose a charge in respect of land of a kind specified by the Minister by notice in the gazette despite the fact that the land is not connected to infrastructure by which a retail service is provided by the water industry entity or the provision of a retail service to the land by the water industry entity has been reduced or discontinued	Chief Executive Officer	NIL	water industry entity

Instrument of sub-delegation for the purposes of the Instrument of General Approval and Delegation (dated 22 August 2013) under the Road Traffic Act 1961

Instrument of General Approval and Delegation to Council Use of Traffic Control Devices, Road Closure and Granting of Exemptions for Events Road Traffic Act 1961 (Sections 17, 20 & 33) Minister for Transport and Infrastructure			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s33(1)	<p>2. Pursuant to the General Approval, the Council sub-delegates to the Chief Executive Officer the power under section 33(1) of the Road Traffic Act to declare an event to be an event to which section 33 of the Road Traffic Act applies and make orders directing:</p> <p>(a) that specified roads (being roads on which the event is to be held or roads that, in the opinion of the delegate, should be closed for the purpose of the event) be closed to traffic for a specified period; and</p> <p>(b) that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the following provisions of the Australian Road Rules:</p> <p>(i) rule 221: using hazard warning lights;</p> <p>(ii) rule 230: crossing a road – general;</p> <p>(iii) rule 231 crossing a road at pedestrian lights;</p> <p>(iv) rule 232: crossing a road at traffic lights;</p>	Chief Executive Officer (95)	<p>3. The delegation granted in this instrument is subject to the conditions set out in Clause G of the General Approval and the following conditions:</p> <p>(a) the sub-delegate must ensure that the delegated powers are exercised in accordance with relevant legislative requirements and relevant policies and guidelines adopted by the Council; and</p>

**Instrument of General Approval and Delegation to Council Use of Traffic Control Devices, Road Closure and Granting of Exemptions for Events
Road Traffic Act 1961 (Sections 17, 20 & 33) Minister for Transport and Infrastructure**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>(v) rule 234: crossing a road on or near a crossing for pedestrians;</p> <p>(vi) rule 237: getting on or into a moving vehicle (provided that the speed of the vehicle does not exceed 5 km/h);</p> <p>(vii) rule 238: pedestrians travelling along a road (except in or on a wheeled recreational device or toy);</p> <p>(viii) rule 250: riding on a footpath or shared path;</p> <p>(ix) rule 264: wearing of seat belts by drivers (provided that the speed of the vehicle does not exceed 25 km/h);</p> <p>(x) rule 265: wearing of seat belts by passengers 16 years old or older (provided that the speed of the vehicle does not exceed 25 km/h);</p> <p>(xi) rule 266: wearing of seat belt by passengers under 16 years old (provided that the speed of the vehicle does not exceed 25 km/h);</p> <p>(xii) rule 268: how persons must travel in or on a motor vehicle; (provided that the speed of the vehicle does not exceed 25 km/h)</p> <p>(xiii) rule 269: opening doors and getting out of a vehicle etc (provided that the speed of the vehicle does not exceed 5 km/h); and</p> <p>(xiv) rule 298: driving with a person in a trailer (provided that the speed of the vehicle does not exceed 25 km/h).</p>		

Instrument of Delegation under the Joint Criminal Rules 2022

Joint Criminal Rules 2022				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
rule 62.1	File an Information	Chief Executive Officer		public authority

By-Law No.1 - Permits and Penalties By-Law 2018

By-Law No.1 - Permits and Penalties By-Law 2018			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Clause 8.4	The power pursuant to Clause 8.4 of the By-law to suspend or revoke a grant of permission at any given time by notice in writing to the person granted permission.	Chief Executive Officer	
Clause 8.2	The power pursuant to Clause 8.2 of the By-law to attach conditions to a grant of permission as thought fit, and to vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.	Chief Executive Officer	

By-Law No.2 - Moveable Signs By-Law 2018

By-Law No.2 - Moveable Signs By-Law 2018			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Clause 11.3	The power pursuant to Clause 11.3 of the By-law to grant permission for a moveable sign to be placed on a footpath area other than; being displayed with material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and the business premises to which it relates is open to the public, for the purpose of this By-law.	Chief Executive Officer	
Clause 13.2	The power pursuant to Clause 13.2 of the By-law to, if a person does not comply with an order, recover costs of any action taken from the person to whom the order was directed.	Chief Executive Officer	
Clause 11.2	The power pursuant to Clause 11.2 of the By-law to grant permission to display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local government land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.	Chief Executive Officer	
Clause 11.1	The power pursuant to Clause 11.1 of the By-law to grant permission to display more than one moveable sign for each business premises on the footpath area of a road at any one time.	Chief Executive Officer	

By-Law No.2 - Moveable Signs By-Law 2018

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Clause 10	The power pursuant to Clause 10 of the By-law to grant permission to erect or display a banner on any building, structure, fence, vegetation or other item owned by the Council.	Chief Executive Officer	
Clause 7.1	The power pursuant to Clause 7.1 of the By-law to grant permission for a sign of some other kind (not being known as an 'A' frame or sandwich board sign, or an 'inverted T' sign or a flat sign) to be a moveable sign for the purpose of this By-law.	Chief Executive Officer	

By-Law No.3 - Local Government Land By-Law 2018

By-Law No.3 - Local Government Land By-Law 2018			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Clause 12	The power pursuant to Clause 12 of the By-law to, if a person does not comply with an order, recover costs of any action taken from the person to whom the order was directed.	Chief Executive Officer	
Clause 9	<p>The power pursuant to Clause 9 of the By-law to grant permission for a person to do any of the following on Local Government land as specified within the by-law:</p> <ol style="list-style-type: none"> 1. Advertising 2. Aircraft 3. Alcohol 4. Amplification 5. Animals 6. Annoyance 7. Aquatic Life 8. Attachments 9. Bees 	Chief Executive Officer	The delegation to issue a permit for fireworks is only to CEO and can only be sub-delegated to Director Development and Regulatory Services.

By-Law No.3 - Local Government Land By-Law 2018

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	10. Boats & Mooring 11. Bridge Jumping 12. Buildings 13. Burials and Memorials and Cemeteries 14. Camping and Tents 15. Canvassing 16. Defacing Property 17. Distribution 18. Donations 19. Entertaining and Busking 20. Equipment 21. Fires 22. Fireworks 23. Flora and Fauna 24. Games and Sport 25. Interference with Land		

By-Law No.3 - Local Government Land By-Law 2018

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	26. Model Aircraft, Boats and Cars 27. Overhanging Articles or Displaying Personal Items 28. Playing Area 29. Pontoons 30. Preaching 31. Ropes 32. Rubbish and Rubbish Dumps 33. Swimming 34. Trading 35. Vehicles 36. Weddings, Functions and Special Events 37. Wheeled Recreational Devices		
Clause 8	The power pursuant to Clause 8 of the By-law to grant permission to a person to enter or remain on any Local Government Land: 1. Which has been closed or in respect of which access by the public is regulated or restricted in accordance with clause 7.1	Chief Executive Officer	

By-Law No.3 - Local Government Land By-Law 2018

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	2. Where entry fees or charges are payable, without paying those fees or charges; or 3. Where the land has been enclosed by fences and/or walls and gates that have been closed and locked.		

By-Law No.4 Roads By-Law 2018

By-Law No.4 - Roads By-Law 2018			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Clause 9	The power pursuant to Clause 9 of the By-law to, if a person does not comply with an order, recover costs of any action taken from the person to whom the order was directed.	Chief Executive Officer	
Clause 7	<p>The power pursuant to Clause 7 of the By-law to grant permission for a person to do any of the following on a road:</p> <ol style="list-style-type: none"> 1. Advertising 2. Amplification 3. Animals 4. Camping and Tents 5. Obstructions 6. Preaching 7. Public Exhibitions and Displays 8. Rubbish Bins 9. Soliciting 10. Vehicles 	Chief Executive Officer	

By-Law No.5 - Dogs By-Law 2018

By-Law No.5 - Dogs By-Law 2018			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Clause 12.3	The power pursuant to Clause 12.3 of the By-law to, if a person does not comply with an order, recover costs of any action taken from the person to whom the order was directed.	Chief Executive Officer	
Clause 9	<p>The power pursuant to Clause 9 of the By-law to permit a person to allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfill its functions) to be or remain:</p> <p>9.1 off leash on Local Government land or in a public place to which the Council has resolved that this sub-clause applies; or</p> <p>9.2 off leash on any park or reserve during times when organised sport is being played.</p>	Chief Executive Officer	
Clause 7.1.3	The power pursuant to Clause 7.1.3 of the By-law to permit a person to keep more than three dogs (other than working dogs) on any premises outside of a Township.	Chief Executive Officer	
Clause 7.1.2	The power pursuant to Clause 7.1.2 of the By-law to permit a person to keep more than two dogs other than a small dwelling, in a township.	Chief Executive Officer	

By-Law No.5 - Dogs By-Law 2018

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Clause 7.1	The power pursuant to Clause 7.1.1 of the By-law to permit a person to keep more than one dog in a small dwelling in a township.	Chief Executive Officer	

By-Law No.6 - Cats By-Law 2018

By-Law No.6 - Cats By-Law 2018			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Clause 12.3	The power pursuant to Clause 12.3 of the By-law to, if a person does not comply with an order, recover costs of any action taken from the person to whom the order was directed.	Chief Executive Officer	
Clause 7	The power pursuant to Clause 7.1 of the By-law to permit a person to keep or cause, suffer or permit to be kept, more than two cats on any premises.	Chief Executive Officer	

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 12 September 2023
AGENDA BUSINESS ITEM**

Item: 12.4

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

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

For: Decision

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 Council Resolutions Update 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
28/06/2022	Ordinary Council	157/22	Revocation of Community Land Classification - Closed Roads Mt Torrens & Norton Summit	Perceived - Cr Linda Green
28/06/2022	Ordinary Council	175/22	Fabrik Tender & Contract - Confidential Item	Nil
4/08/2022	CEO Performance Review Panel	PRP16/22	CEO Performance & Remuneration Report – Confidential Item	Nil
24/01/2023	Ordinary Council	7/23	First Nations and Australia Day	Nil
14/02/2023	Ordinary Council	30/23	Policy Review Access to Council, Committee, Information or Briefing Sessions	Nil
11/04/2023	Ordinary Council	77/23	Uluru Statement from the Heart and Voice Referendum	Nil
26/04/2023	Ordinary Council	98/23	Coronation of King Charles III	Nil
15/05/2023	Audit Committee	AC20/23	Budget Review 3	Nil
13/06/2023	Ordinary Council	145/23	Gawler River Floodplain Management Authority 2023-24 Annual Business Plan & Budget	Nil
13/06/2023	Ordinary Council	149/23	2023 – 24 Draft Annual Business Plan and Rating Structure Change – Consultation Results	Nil
13/06/2023	Ordinary Council	151/23	Confidential Items Review	Nil
13/06/2023	Ordinary Council	159/23	Delegations Review	Nil
27/06/2023	Ordinary Council	171/23	2023-24 Southern & Hills LGA Budget & Member Contributions	Nil
27/06/2023	Ordinary Council	173/23	Annual Business Plan Adoption	Nil
27/06/2023	Ordinary Council	175/23	First Nations Use of Council Land	Nil
27/06/2023	Ordinary Council	182/23	Appointment of GRFMA Chairperson	Nil
27/06/2023	Ordinary Council	183/23	Appointment of GRFMA Chairperson - Duration of Confidentiality	Nil

11/07/2023	Ordinary Council	187/23	Policy Reviews – Code of Practice for Council Meeting Procedures and Code of Practice for Access to Council and Council Committee and Information	Nil
11/07/2023	Ordinary Council	182/23	CEO Performance Review Panel Recommendations to Council	Nil
25/07/2023	Ordinary Council	198/23	Revocation Community Land - Closed Roads off Lenger Road Mt Torrens and Nicholls Road Norton Summit	Nil
25/07/2023	Ordinary Council	199/23	CEO Approval to Act	Nil
8/08/2023	Ordinary Council	209/23	Proposed OTR Development Heathfield	General - Cr Leith Mudge
8/08/2023	Ordinary Council	211/23	Road Closures Young Drivers Awareness Course 2023-24	General - Cr Melanie Selwood
8/08/2023	Ordinary Council	212/23	CEO Appointment to SHLGA	Nil
22/08/2023	Ordinary Council	221/23	Updates to Minutes Council Meeting 8 August 2023	Nil
22/08/2023	Ordinary Council	225/23	Appointment to Adelaide Hills Reconciliation Working Group	Nil
22/08/2023	Ordinary Council	227/23	Code of Practice for Access to Meetings and Documents	Nil

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

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

Priority O5.3 Demonstrate accountability through robust corporate planning and reporting that enhances performance, is relevant and easily accessible by the community

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

➤ **Legal Implications**

Not applicable

➤ **Risk Management Implications**

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

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

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

➤ **Financial and Resource Implications**

Not applicable

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

Not applicable

➤ **Sustainability Implications**

Not applicable

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

Not applicable

2. BACKGROUND

At its meeting of 24 March 2015 Council resolved:

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

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

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

3. ANALYSIS

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

4. OPTIONS

Council has the following options:

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

5. APPENDIX

- (1) Action List

Appendix 1

Action List

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Confidential
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	FALSE
28/08/2018	Ordinary Council	200/18	Proposal to enter 11 AHC Reserves into Heritage Agreements 2018	None declared	<ol style="list-style-type: none"> That the report be received and noted. That the Biodiversity Officer be authorised to enter: Doris Coulls Reserve, 152 Old Mt Barker Road, Aldgate; Heathfield Waste Facility, 32 Scott Creed Road, Heathfield; Kiley Reserve, 15 Kiley Road, Aldgate; Shanks Reserve, 1 Shanks Road, Aldgate; Stock Reserve, Stock Road, Mylor; Leslie Creek Reserve, Leslie Creek Road, Mylor; Mi Mi Reserve, 125 Aldgate Valley Road, Mylor; Aldgate Valley 2 Reserve, 114 Aldgate Valley Road, Mylor; Kyle Road Nature Reserve, Kyle Road, Mylor; Carey Gully Water Reserve, Deviation Road, Carey Gully; Heathfield Stone Reserve, 215 Longwood Road, Heathfield; Mylor Parklands, Mylor all being of significant biodiversity value, into Heritage Agreements. That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves. 	Peter Bice	In Progress	FALSE
11/09/2018	Special Council	229/18	Road Exchange McBeath Drive, Skye Horsnell Gully	None declared	<p>In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, as regards the land within the Adelaide Hills Council area, enter into an Agreement for Exchange with Boral Resources (SA) Ltd and issue a Road Process Order to open as road portions of Section 906 Hundred of Adelaide numbered "1", "2" and "3" on Preliminary Plan No. 17/0066 (Appendix 1) and in exchange to close portions of McBeath Drive marked "A", "B", "C" and "D" on Preliminary Plan No. 17/0066, subject to the following: Boral Resources (SA) Ltd agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs; Boral Resources (SA) Ltd agreeing to pay all costs associated with a Council boundary adjustment between Adelaide Hills Council and the City of Burnside to rectify the resulting Council boundary anomaly from the road exchange process</p> <p>The closed road is excluded as Community Land pursuant to the <i>Local Government Act 1999</i>. Council approves the sale of the differential between the total area of closed road and the total area of opened road of approximately 1,242m² to Boral Resources (SA) Ltd for the amount of \$6,210 as determined by an independent valuation.</p> <p>Subject to the successful completion of the road exchange process, Council undertakes a process in conjunction with the City of Burnside to realign the local government boundary along the new location of McBeath Drive to the south side of pieces 42, 52 and 62 of the proposed residential allotments in accordance with the provisions of the Local Government (Boundary Adjustment) Amendment Act 2017 (to commence on 1 January 2019) and/or Part 2 of Chapter 3 of the Local Government Act 1999.</p> <p>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.</p>	Terry Crackett	In Progress	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Confidential
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	FALSE
15/12/2020	Ordinary Council	300/20	Road Exchange Pomona Road Stirling	None declared	<p>1. That the report be received and noted2. In accordance with sections 12 and 15 of the Roads Opening and Closing) Act 1991, enter into an Agreement for Exchange with the owner of the land of 21 Pomona Road Stirling and issue a Road Process Order to open as public road the area identified as "Road to be opened 1" on the Preliminary Plan No 20/0038 and in exchange to close a portion of Pomona Road as identified on the Preliminary Plan No 20/0038 as "Public Road A", subject to the owner of the land at 21 Pomona Road Stirling agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs</p> <p>3. The closed road be excluded as Community Land pursuant to the Local Government Act 1999.</p> <p>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</p>	Terry Crackett	In Progress	FALSE
27/01/2021	Ordinary Council	22/21	CWMS Review	None declared	that the report, related attachments and the discussion and considerations of the subject matter be retained in confidence until 30 July 2021.	Peter Bice	In Progress	FALSE
23/03/2021	Ordinary Council	52/21	Crown Land Revocation	None declared	<p>1. That the report be received and noted</p> <p>2. That the consultation report (<i>Appendix 1</i>) be received and noted</p> <p>3. To apply to the Minister for Planning to revoke the Community Land classification of the following parcels of land:-</p> <ul style="list-style-type: none"> i. CR 5752/186, Lot 32 Fullgrave Road, Crafers ii. CR 5753/725, Section 1609 Illert Road, Mylor iii. CR 5753/729, Section 1657 Scott Creek Road, Scott Creek iv. CR 5753/741, Sections 53 and 54 Sandy Waterhole Road, Woodside v. CR 5753/742, Section 547 Schuberts Road, Lobethal vi. CR 5753/744, Section 553 Pedare Park Road, Woodside vii. CR 5753/745, Section 556 Tiers Road, Woodside viii. CR 5753/746, Section 565 Old Carey Gully Road, Stirling ix. CR 5753/754, Section 511 North East Road, Inglewood x. CR 5753/758, Section 262 Reserve Road, Forreston xi. CR 5763/631, Section 1591 Silver Road, Bridgewater xii. CR 5763/634, Section 71 Magarey Road, Mount Torrens xiii. CR 5763/635, Section 72 Magarey Road, Mount Torrens xiv. CR 5763/636, Section 84 Forreston Road, Forreston xv. CR 6142/329, Lot 501 Greenhill Road, Balhannah xvi. CR 5926/487, Lot 20 Bell Springs Road Charleston (for rededication to the Department of Environment & Water) xvii. CR 5753/718, Section 1544 Reserve Terrace Aldgate (for rededication to Meals on Wheels) xviii. CR 5753/753, Section 495 off Kersbrook Road Kersbrook (for rededication to Forestry SA) <p>4. That a further report be presented to Council once a response from the Minister for Planning is received.</p>	Terry Crackett	In Progress	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Confidential
24/08/2021	Ordinary Council	170/21	Road Exchange Aldi Development Pomona Road Stirling	None declared	That the report be received and noted in accordance with sections 12 and 15 of the <i>Roads (Opening and Closing) Act 1991</i> , enter into an Agreement for Exchange with the owner of the land of 3-5 Pomona Road Stirling and issue a Road Process Order to open as public road the area identified as "Road to be opened 1" on the Preliminary Plan No 21/0011 and in exchange to close a portion of Pomona Road as identified on the Preliminary Plan No 21/0011 as "Public Road A", subject to the owner of the land at 3-5 Pomona Road Stirling and Council agreeing to share all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs. The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i> . 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	FALSE
24/08/2021	Ordinary Council	178/21	Operational Workplace Review	None declared	<ol style="list-style-type: none"> That the report be received and noted That Council take up commercial lease space in Stirling at 85 Mount Barker Road Stirling, and the associated costs for the leasehold premises detailed in <i>Appendix 1</i> be adjusted in the 2021-22 financial year at Budget Review 1 Further detailed scoping be undertaken on the proposed renewal and energy efficiency upgrades to the Stirling Office, Heathfield Depot, Gumeracha Depot and Woodside Offices (current Development and Building Team offices) and presented to Council for consideration where appropriate within the 2021-22 Budget Review 1 and the next review of the Long Term Financial Plan Subject to endorsement of the detailed scoping identified in 3 above, the Development and Building Team be relocated from Woodside to Stirling To include budget provision in the draft Annual Business Plan for the 2022-23 financial year to undertake a feasibility study on the medium to long term needs for community and operational sites and where greater efficiencies may be obtained through consolidation of sites. 	Terry Crackett	In Progress	FALSE
26/10/2021	Ordinary Council	220/21	Charleston Cemetery Compulsory Acquisition	None declared	<ol style="list-style-type: none"> That the report be received and noted. To revoke the resolution of Council of 22 May 2001, B129. To commence a process to compulsorily acquire, under the <i>Land Acquisition Act 1969</i>, the Charleston Cemetery being the land contained in Certificate of Title Volume 5066 Folio 740 located at 36 Newman Road Charleston from The Charleston Cemetery Trust Inc. To continue to manage the Charleston Cemetery on behalf of The Charleston Cemetery Trust Inc in the interim from the date of this resolution until the completion of the land acquisition process. To authorise the Mayor and Chief Executive Officer to undertake all necessary actions, including execution of documents, including under the common seal of Council, to give effect to this resolution. 	Terry Crackett	In Progress	FALSE
26/10/2021	Ordinary Council	235/21	Ashton Landfill - Confidential Item	None declared	As per Confidential minute	Peter Bice	In Progress	TRUE
26/10/2021	Ordinary Council	238/21	Electricity Procurement Legal Matter - Confidential Item	None declared	As per confidential minute	Peter Bice	In Progress	TRUE
14/12/2021	Ordinary Council	274/21	Woodside Recreation Ground Reuse further information	Perceived - Cr Stratford	<ol style="list-style-type: none"> The report be received and noted. That a report be prepared for Council's information on the costs associated with bore water saving initiatives that could be implemented in respect to Council-owned recreational assets that are currently irrigated by bore water. 	Peter Bice	In Progress	FALSE
22/03/2022	Ordinary Council	52/22	Response to MON Bore Use	Nil	<ol style="list-style-type: none"> That the report be received and noted To negotiate an agreement with the Summertown Village Water Company for access to the Council bore located on Anya Crescent Reserve at Summertown for a defined period, being not more than 3 years, on terms and conditions to be agreed whereby by the end of the agreement term, the Summertown Village Water Company has established an independent water supply for its shareholders and current use of the Council bore ceases To negotiate an in principle agreement with the Summertown Community Centre Inc. for a land exchange at Tregarthen Reserve Summertown that would see the public infrastructure located on land owned by the Council and the sport and recreation infrastructure on land owned by the Summertown Community Centre Inc. with the Council being responsible for the provision of water to Tregarthen Reserve To negotiate an agreement with the owner of 30 Stonehenge Avenue Stirling, for access to and use of the bore located on Council land at 28 Stonehenge Avenue Stirling, for a defined reasonable period of time, say 18 – 24 months, on terms and conditions to be agreed whereby by the end of the agreement, the landowner has established an independent water supply for its land and use of the Council bore ceases To undertake further investigations in relation to the Mylor bore and tanks and to which properties it supplies water The CEO further reports to Council on an annual basis of progress being made on points 2-5. 	Terry Crackett	In Progress	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Confidential
22/03/2022	Ordinary Council	53/22	Removal of Remoteness Sculpture, Stirling	Nil	<ol style="list-style-type: none"> 1. That the report be received and noted. 2. That the sculpture known as <i>The Remoteness</i>, be removed from the area in front of the Coventry Library, Stirling. 3. That best endeavours should be made to retain suitable elements of the sculpture for placement in the surrounding landscape in a manner appropriate to the setting, such as for informal seating. 4. That the Council works with the Stirling Business Association and stakeholders from the former Adelaide Hills International Sculpture Symposium Inc to identify and implement appropriate means of recognising the sculpture and ensuring its legacy is not lost to the precinct in which it is presently situated and the overall Hills Sculpture Trail. 	David Waters	In Progress	FALSE
26/04/2022	Ordinary Council	86/22	MON Property Lobethal Road Lenswood	Nil	<ol style="list-style-type: none"> 1. Council notes the long history of compliance action taken by the Council under both the <i>Development Act 1993</i>, and the <i>Local Nuisance and Litter Control Act 2016</i>, in relation to: continuing unauthorised use of the land as a junkyard/scrap storage facility/builder's storage facility; the continuing unsightly condition of the land when viewed from the public realm; and ongoing nuisance caused by wandering livestock and animals which issues continue to bring about adverse impacts within the locality. The Council instructs the Chief Executive Officer to take such further action/s as he may be advised to take under (including but not limited to) the <i>Local Nuisance and Litter Control Act 2016</i>, and/or the <i>Planning, Development and Infrastructure Act 2016</i>, (which action/s may involve the commencement legal proceedings and/or the exercise of step-in rights) to address the above issues on an ongoing basis. Wherever possible, such action should seek to recover the Council's costs associated with the relevant action/s. 	Natalie Armstrong	In Progress	TRUE
24/05/2022	Ordinary Council	122/22	Purchase of Land 8 St John Road Norton Summit	Perceived - Cr Leith Mudge	I move that the matter of the purchase of land at 8 St John Road Norton Summit be brought to a workshop to ensure all members are fully aware of the situation which includes issues that have to be resolved, e.g. Council's encroachment onto Church land of the septic system and part of the CFS shed.	Terry Crackett	In Progress	FALSE
28/06/2022	Ordinary Council	157/22	Revocation of Community Land Classification - Closed Roads Mt Torrens Perceived - Cr Linda Green	Perceived - Cr Linda Green	<p>That the report be received and noted</p> <p>A report be prepared and submitted to the Minister for Planning seeking approval for the revocation of the community land classification of the land identified as:</p> <ol style="list-style-type: none"> a. Closed Road AA in Road Plan No. 2142 contained in Certificate of Title Volume 6261 Folio 496 located at Mount Torrens (Appendix 1) b. Closed Road AB in Road Plan No. 1573 contained in Certificate of Title Volume 6261 Folio 497 located at Norton Summit (Appendix 1) 	Terry Crackett	Completed	FALSE
28/06/2022	Ordinary Council	166/22	Warren Road Birdwood Blackspot - Confidential Item	Nil	See Confidential Minute	Peter Bice	In Progress	TRUE
28/06/2022	Ordinary Council	172/22	Ashton Landfill - Confidential	Nil	See Confidential Minute	Peter Bice	In Progress	TRUE
28/06/2022	Ordinary Council	175/22	Fabrik Tender & Contract - Confidential Item	Nil	See Confidential Item	Terry Crackett	Completed	TRUE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Confidential
26/07/2022	Ordinary Council	182/22	Policy Review - Festivals and Events	Nil	That the report be received and noted. To undertake public consultation on the Draft July 2022 <i>Festivals and Events Policy</i> and the CEO prepares a report for Council.	David Waters	In Progress	FALSE
20/12/2022	Ordinary Council	303/22	Surplus Government Land Notification	Nil	See Confidential Minute	Terry Crackett	In Progress	FALSE
24/01/2023	Ordinary Council	3/23	Questions adjourned - Options to reduce traffic congestion and improve	Nil	<ol style="list-style-type: none"> That the report be received and noted. That following the completion of the Child Care development, and in liaison with the Department for Education, Council Staff undertake a Traffic Monitoring Study of the local road network in the vicinity of Bridgewater Primary School including Lezayre Avenue, Morella Grove, Trenouth Street and Shannon Road. That a report be brought back to Council within 6 months of the opening of the Childcare Centre. 	Peter Bice	In Progress	FALSE
24/01/2023	Ordinary Council	7/23	First Nations and Australia Day	Nil	<p>That Council</p> <ol style="list-style-type: none"> Reaffirms its commitment to being an inclusive council that respects First Nations culture and values Acknowledges the 26th of January is a day of mourning for many First Nations people Requests the Chief Executive Officer prepares a report for Council's consideration on the proposal to move citizenship ceremonies, award ceremonies and related events to a date other than 26 January from 2024 onwards. 	David Waters	Completed	FALSE
24/01/2023	Ordinary Council	14/23	37 Yanagin Road Greenhill Revocation of Community Land Classification	Nil	<ol style="list-style-type: none"> That the report be received and noted. That Council commences a revocation of community land process for the land identified in Appendix 2 including consultation in accordance with Council's Public Consultation Policy and the <i>Local Government Act 1999</i> with the intention of undertaking a land swap with the owners of 37 Yanagin Road, Greenhill, together with varying the existing Heritage Agreement over Yanagin Reserve. That a report be brought back to Council following completion of the Community Consultation process. 	Terry Crackett	In Progress	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Confidential
24/01/2023	Ordinary Council	4/23	MON Aldgate Main Street Amenity Upgrade - Stage 2	General - Cr Mark Osterstock General - Cr Kirrilee Boyd	<p>1. A report be prepared for Council's consideration on the feasibility (including costings) of: Refurbishing (high pressure cleaning, realignment, reseating and replacement where necessary) the paved footpath on the western side of Mount Barker Road, from Euston Road to Kingsland Road (landscaping, plantings, bin replacement, street furniture replacement, signage replacement), consistent with that of the recently completed Aldgate Main Street Amenity Upgrade – Stage 1. Maintenance (including yet not limited to, landscaping, plantings, signage replacement) of the Aldgate roundabout, consistent with that of the Stirling roundabout. Refurbishment (high pressure cleaning and sealing of the limestone supporting structures, including yet not limited to, replacement landscaping, plantings and signage) of the Aldgate Railway Bridge and its approaches.</p> <p>2. That the funding source for these works will be the Local Roads and Community Infrastructure Program (Phase 4), and where possible, and within existing budgetary parameters and commitments, the use of in-house staff for these proposed works, as opposed to external contractor/s.</p> <p>3. That the subject report be presented to Council for consideration in March 2023, or earlier, depending on the Local Roads and Community Infrastructure Program (Phase 4) requirements and guidelines.</p> <p>4. That the report also includes a strategic priority list of potential Main Street/Town Centre upgrades and the merits of implementing a Plan (including financial implications) to undertake upgrades aligned with the priority list.</p>	Peter Bice	In Progress	FALSE
14/02/2023	Ordinary Council	26/23	Preserving Randell's Workers Cottages 1 Beavis Ct Gumeracha	Nil	<p>1. That the report be received and noted.</p> <p>2. That the amount of \$20,000 be considered as part of the 2023/24 budget preparation process to prevent further deterioration of Randell's Cottages at 1 Beavis Court, Gumeracha.</p> <p>3. That Council explores another submission to the State Government in an attempt to excise this parcel of land from the Environmental Food Production Zone.</p>	Natalie Armstrong	In Progress	FALSE
14/02/2023	Ordinary Council	30/23	Policy Review Access to Council, Committee, Information or Briefing Se: Nil	Nil	<p>1. That the report be received and noted.</p> <p>2. That in relation to the Code of Practice for Access to Council and Council Committee and Information or Briefing Session Meetings & Documents:</p> <p>3. This Code of Practice be brought to the Elected Body in a Workshop so the newly Elected Body has the opportunity to fully explore and understand both the Code in its current form and the implications of the proposed changes.</p>	Greg Georgopoulos	Completed	FALSE
28/02/2023	Ordinary Council	45/23	Parking and Road Safety Wattle Tree Road Bridgewater	Nil	<p>That the report be received and notedTo implement the recommended signage addition and vegetation management outlined in the reportIn addition to the recommended signage, to investigate and implement advisory speed signage in the vicinity of the crest, or other appropriate traffic control mechanisms aimed at reducing vehicle speeds That Council ensure the road siding of section 2 is maintained through the regular application of appropriate fillThat parking, access and safety considerations on Wattle Tree Road be monitored again once current residential development on the street is complete.</p>	Peter Bice	In Progress	FALSE
28/02/2023	Ordinary Council	46/23	Coach Parking in Stirling	Nil	<p>The report be received and notedThe merit of coach parking in Stirling be further explored by the administration and the development of costings be consideredThe Stirling Business Association and Adelaide Hills Tourism be consulted as part of this processA report be brought back to Council by December 2023.</p>	David Waters	In Progress	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Confidential
14/03/2023	Ordinary Council	52/23	Heritage Agreements	Nil	That the report be received and noted. That the Chief Executive Officer further investigate and where feasible and eligible, be authorised to enter: Bridgewater Recreation Reserve, Cave Reserve, Bridle Path & Walking trails at Cave Ave, Ayr Street, Anzac Ridge Road, BridgewaterRAA Tower Reserve at 21 Hillcrest Avenue Crafers WestHeron Reserve at 21 Onkaparinga Rd, BridgewaterCharleston Waste Facility (Mt Charles) at Harrison Road, CharlestonThe Deanery, Old Mount Barker Rd, BridgewaterGrasby Reserve at Pye Road, BalhannahHalliday Reserve at Wright Rd, StirlingRudall Reserve at 7-9 Rudall Ave, CrafersSmith Rd/Stone Quarry Reserve at South Para Rd, KersbrookHampton Reserve at Hampton Rd, MylorCooper's Reserve at Silver Lake Rd, MylorGurr Rd Reserve parcel at Gurr Rd North, BradburyHeathfield/Longwood Reserve, Corner of Heathfield & Longwood Rd, HeathfieldAldgate Tennis Courts at 180 Mt Barker Rd, AldgateChapman Water Reserve at Chapman Road, InglewoodAldgate Valley Wildlife Corridor, aka "Bandicoot Lane" Stock Road to Stevens Rd, MylorSilver Rd Reserve at 34 Silver Rd BridgewaterPitt Road Reserve at Pitt Rd, ParacombeHead Rd Reserve at Head Road North, HoughtonFernwood Reserve at Fernwood Way, Upper SturtPound reserve, Marble Hill and Pound Rd, AshtonMt Bold Cutting, Mount Bold Road Cut, Dorset ValeStirling Cemetery, Strathalbyn Rd, AldgateAldgate Valley Reserve, 96 Aldgate Valley Rd, AldgateWindmill Reserve, 151 Norton Summit Rd, Woodfordebeing of significant or high potential biodiversity value, into Heritage Agreements. That the Heritage Agreement applications seek to apply to those portions of the abovementioned reserves which are of significant or high potential biodiversity value, while retaining any existing dog access and established recreational use arrangements in place for each of those reserves.	Peter Bice	In Progress	FALSE
28/03/2023	Ordinary Council	64/23	Fire Water Tank Upper Hermitage	General - Cr Pauline Gill General - Cr Malcolm Herrmann General - Cr Adrian Cheater	1. the report be received and noted. 2. Council acknowledges the fundraising efforts by Ms Jan Verrall and Ms Denise Elland. 3. in view of advice by letter dated 21 February 2023 received from the CFS Regional Commander Region 2, summarised as follows:the whole of the land is needed for CFS volunteers to exercise and train;the tank would not be used or maintained by the CFS, andthe Upper Hermitage site is a dangerous location to place a community water tank for use during a time of fire; Council respectfully declines the offer for the donation and placement of a fire water tank at the corner of Range Road North and Warner Road Upper Hermitage. 4. That Council staff continue to work with the CFS across the Regions to support firefighting, fire prevention and fire educational efforts. 5. That the CEO or his delegate formalises the use of the land described as allotment 5 in Filed Plan 218343 and contained in Certificate of Title 5854 Folio 841, commonly known as the Upper Hermitage tennis courts and CFS land, to the SA Country Fire Service (CFS) for its purposes.	Terry Crackett	In Progress	FALSE
28/03/2023	Ordinary Council	66/23	Community Event Electrical Certificates of Compliance Subsidies	Material - Cr Malcolm Herrmann Material - Cr Adrian Cheater	1. That in relation to Anzac Day 2023, NAIDOC Week and National Reconciliation Week 2023, Council subsidises the cost of obtaining licenced electricians to review and certify electrical installations in respect to community groups holding dawn services and other commemorative events on Council land (including roads) to a limit of \$150 per event. 2. That as part of the current review of the Council's Festivals and Events Policy, consideration be given to the feasibility (including costings) of: Financial subsidies for the attainment of a Certificate of Compliance (CoC) for community groups conducting activities on council lands and utilising council electrical outlets.That subsidies only apply for community events held on prominent national or local commemoration days including, but not limited to, ANZAC Day, NAIDOC Week and Remembrance Day, noting that the Council's position on events normally held on Australia Day (26 January) is currently under review. 3. The report be made available for Council's consideration by 22 August 2023.	David Waters	In Progress	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Confidential
28/03/2023	Ordinary Council	67/23	Adelaide Hills Subzone Code Amendment	General - Cr Nathan Daniell General - Cr Leith Mudge	That the report be received and noted. That the CEO progress preliminary investigations including pre-engagement with affected residents and landowners, to inform Council's position on whether a formal Code Amendment process for the Adelaide Hills Subzone will be initiated, with the CEO to table a report for Council's consideration on the matter by 23 May 2023. To instruct the CEO to inform the State Planning Commission and the Minister of Planning of Council's intention to progress preliminary investigations in preparation for a Code Amendment process for the Adelaide Hills Subzone, including the rationale.	Natalie Armstrong	In Progress	FALSE
11/04/2023	Ordinary Council	76/23	Bike Lockers for Personal Use	Nil	the CEO prepare a report for Council's consideration examining installation of bike lockers or cages for public use including: key locations on council land where bike lockers or bike cages could strategically be placed, taking into consideration public transport stops and cycleways, including but not limited to: Verdun Junction, Woodside Main Street, Balhannah Main Street, Kayannie Corner (Intersection of Woodside Road and Onkaparinga Valley Road), Aldgate Bus Depot and/or Main Street, Bridgewater Oval, Steamroller Park, Stirling, Uraidla Main Street, the initial installation cost and ongoing maintenance costs of bike lockers and cages, any other implications for Council resources. The report be presented to Council no later than September 2023.	Peter Bice	In Progress	FALSE
11/04/2023	Ordinary Council	77/23	Uluru Statement from the Heart and Voice Referendum	Nil	<ol style="list-style-type: none"> 1. Acknowledges the Uluru Statement from the Heart and acknowledges that the Statement seeks to have, amongst other things, a First Nations Voice to Parliament enshrined in the Australian Constitution. 2. Notes the passage of the First Nations Voice Bill 2023 through State Parliament and assent by Her Excellency the Governor of SA. 3. Is supportive of the upcoming Federal referendum, proposing a law; "to alter the Australian Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice". 4. Acknowledges and accepts that such a decision to approve this proposed law to alter the Australian Constitution is a matter for the Australian people. 5. Resolves to submit an item of business for the Greater Adelaide Region of Council's consideration for the Local Government Association to support the positions set out in points 1 – 4 of this resolution. 6. Requests that the Mayor write to the Federal Member for Mayo, Rebekha Sharkie MP, the Hon. Peter Malinauskas MP, Premier of South Australia, the Hon. David Speirs MP, Leader of the State Opposition, and the Co-Parliamentary Leaders of The Greens SA, informing them of this resolution. 	Greg Georgopoulos	Completed	FALSE
11/04/2023	Ordinary Council	78/23	Illegal Native Vegetation Clearance	Nil	<ol style="list-style-type: none"> 1. Condemns the unapproved and excessive clearance of remnant native vegetation at 104 Mount Lofty Road, Crafers. 2. Reaffirms its unwavering commitment to protecting and restoring the Adelaide Hills natural environment. 3. Requests the Mayor write to the Minister for Climate, Environment and Water, Hon Dr Susan Close MP to request: <ol style="list-style-type: none"> a. The <i>Native Vegetation Act 1991</i> be amended to increase penalties associated with the illegal clearance of native vegetation; b. The budget allocated to the <i>Native Vegetation Council</i> be increased to enable appropriate resources to be allocated to compliance and enforcement 4. Requests the CEO review legislative options available to strengthen Council's compliance and enforcement efforts in preventing and addressing illegal clearance of native vegetation. That as part of this review: <ol style="list-style-type: none"> a. A workshop be conducted with elected members. b. A report be provided to Council by 30 June 2023 including options that would improve Council's ability to ensure prevention, compliance, and enforcement, associated with the illegal clearance of native vegetation. 5. Requests the CEO investigate any scope for the inclusion of additional Council owned properties to be assessed for suitability to be encumbered by a Heritage Agreement for the additional protection of native vegetation on that land. That as part of this investigation: <ol style="list-style-type: none"> a. A workshop be conducted with elected members (at the same time as 4(a) above). 	Peter Bice	In Progress	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Confidential
26/04/2023	Ordinary Council	91/23	MON Western Border Suburbs of Council	General - Cr Louise Pascale	<ol style="list-style-type: none"> That the Adelaide Hills Council undertake a safety audit with footpath study for Heather Ave connecting Kintyre Road and Morialta Road, Woodforde, with the outcome informing future capital works budget proposals. That the Adelaide Hills Council audit the suburb signage for Woodforde, Rostrevor and Teringie and the CEO report to Council costs and logistics for increasing signage along the western border of Adelaide Hills Council. That Adelaide Hills Council invite Managing Director Damon Nagel from Kite Property to present to Council the planning and design of Hamilton Hill at a Councillors Workshop held at the Norton Summit Community Centre prior to the Regional Planning briefing Workshop. 	Peter Bice	In Progress	FALSE
26/04/2023	Ordinary Council	91/23	Foothills Suburbs - Community Connections	General - Cr Louise Pascale	<ol style="list-style-type: none"> That the Chief Executive Officer form an internal working group to explore opportunities to establish and support connections between the residents of the newly developed part (Hamilton Hill) and established part of Woodforde by July 2023 and report back to Council in a workshop on the outcome. 	David Waters	In Progress	FALSE
26/04/2023	Ordinary Council	93/23	PLEC and Main Street Projects	Nil	<ol style="list-style-type: none"> The report be received and noted. Strategic Prioritisation criteria for Main Street upgrades and activation to support placemaking outcomes be workshopped with Council Members to guide implementation priorities moving forward. Council staff submit an application for undergrounding of power lines for Lobethal Stage 3 for construction following 2024-25, as well as requesting Mount Torrens and Woodside Stages to be considered for future rounds. The refurbishment of the southern side of Aldgate Main Street and the roundabout at the intersection of Mount Barker Road and Strathalbyn Road, be undertaken in 2023-24 in a style consistent with paving and landscaping on the northern side, with funding obtained from Local Roads and Community Infrastructure Program Phase 4 supplemented by operational budgets where appropriate. 	Peter Bice	In Progress	FALSE
26/04/2023	Ordinary Council	94/23	Development of Behavioural Support Policy	Nil	<ol style="list-style-type: none"> That the report be received and noted. To determine not to develop a Behavioural Support Policy at this point in time. To request the Chief Executive Officer to prepare a report on the operation of the Behavioural Management Framework, specifically as it relates to the Adelaide Hills Council, for its April 2024 meeting. That the Chief Executive Officer (or another person delegated by them) may make public comment and/or statements to the media on behalf of the Council relating to the policy of Council, its position on particular issues, and operational matters. 	Greg Georgopoulos	In Progress	FALSE
26/04/2023	Ordinary Council	98/23	Coronation of King Charles III	Nil	That, from existing tree planting resources and with support from local community groups, the A/CEO arrange for the planting of a suitable native tree in Federation Park Gumeracha to commemorate the coronation of King Charles III.	Peter Bice	Completed	FALSE
26/04/2023	Ordinary Council	102/23	Confidential Item - Amy Gillett Bikeway Stage 4 Agreement	General - Cr Melanie Selwood	Refer to Confidential Minute	Peter Bice	In Progress	FALSE
9/05/2023	Ordinary Council	108/23	Burning on Private (Council) Lands Program	Nil	<p>That the report be received and noted.</p> <p>To endorse the investigation of additional Council sites under the DEW Burning on Private Lands Program: Bradwood Park (Heritage Agreement #1266)Red Hill Road, Bradbury (Heritage Agreement #1594)Sedum Place Reserve, Crafers WestMylor Parklands (Heritage Agreement #1264)Camp Gooden (Heritage Agreement #1232)Stock Road, Mylor (Blue Marker Site NVM552)</p>	Peter Bice	In Progress	FALSE
9/05/2023	Ordinary Council	110/23	Building Upgrade Finance	Nil	<ol style="list-style-type: none"> That the report be received and noted. To undertake a two year pilot program of Environmental Upgrade Agreements, nominally commencing 1 July 2023. To appoint Sustainable Australia Fund, trading as Better Building Finance, to work collaboratively with Council to establish, administer and support the delivery of Environmental Upgrade Agreements. To delegate the power to the Chief Executive Officer to finalise the commencement date for the pilot program into an Environmental Upgrade Agreement on behalf of Council and declare and levy an environmental upgrade charge. To report back to Council on the outcomes of the two year pilot by 30 June 2025. 	David Waters	In Progress	FALSE
9/05/2023	Ordinary Council	111/23	Revocation of Community Land - Bridgewater Retirement Village	NI	<p>That the report be received and noted.</p> <p>That the Community Land classification over the land comprised in Certificate of Title Volume 5488 Folio 788 being Allotment 220 in filed plan 8131, known as the Bridgewater Retirement Village, be revoked.</p> <p>That a report be provided to Council which: a. Includes the outcomes of the 2021 consultation process regarding the Proposed upgrades for Caripook Park</p> <p>b. Provides options for the upgrade of Caripook Park or another Park in Bridgewater.</p>	Terry Crackett	In Progress	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Confidential
23/05/2023	Ordinary Council	129/23	12.3 Managin Road Consultation Outcomes & Revocation of Community I Nil		That the report be received and noted. To apply to the Minister for Local Government to revoke the Community Land Classification over portion of allotment 7 in File Plan 129661 as hatched in purple, in land division dated 14/10/2022 and as shown in <i>Appendix 1</i> of this Report. Following a response from the Minister a report be submitted back to Council outlining the outcome of the Minister's decision.	Terry Crackett	In Progress	FALSE
13/06/2023	Ordinary Council	145/23	Gawler River Floodplain Management Authority 2023-24 Annual Busine Nil		That the report be received and noted. To advise the Board of the Gawler River Floodplain Management Authority that it has reviewed its 2023-24 Annual Business Plan and approves the Adelaide Hills Council's contribution of \$27,356 as set out in the draft 2023-24 Budget.	Greg Georgopoulos	Completed	FALSE
13/06/2023	Ordinary Council	146/23	MON Establishing a Tree Strategy	Nil	That Council develop and implement a Tree Strategy.The Tree Strategy should include actions which help Council positively impact on the environment, for example, actions may be established for the following:Plantings to replace trees removed by Council to ensure a net-positive impact is achieved (i.e. more trees planted than removed);Increasing the quality and quantity of tree canopy within Council townships and major tourist thoroughfaresIncreased species diversity which complements nearby remnant vegetation;Strategies to save existing trees, particularly regulated and significant trees;A strategic and data driven tree planting program.Consideration be given for endemic species to be a priority where appropriate.That a Council workshop be held with elected members to seek their input into the preparation of the draft Tree Strategy.That a draft Tree Strategy be put out to public consultation prior to the final version being endorsed by Council.	Peter Bice	In Progress	FALSE
13/06/2023	Ordinary Council	147/23	MON Traffic Issues Woodforde & Teringie	General - Cr Pascale	1. Mayor Wisdom writes to the Minister for Transport and Infrastructure, Hon Tom Koutsantonis MP, concerning traffic congestion at the intersection of Magill Road and Norton Summit Road and lack of public transport in Woodforde and Teringie areas. In the letter Council requests;the Department of Infrastructure and Transport explore the roundabout option as outlined in the Woodforde Land Development Part B: Traffic Management Plan of 2017 and detail its findings back to Council.That the Department revise its traffic modelling to include the additional traffic generated by the Morialta High School.prioritise an investigation in to extending bus routes down Glen Stuart Road, Woodforde and into Teringie and detail its findings back to Council.2. Council investigate implementing parking restrictions on Glen Stuart Road between Grant Street and Kintyre Road on the western side to limited parking of no standing zones between 8am to 4pm, Monday to Friday and 9am to 12pm on Saturdays. That Council write to Campbelltown City Council and request they investigate implementing parking restrictions on Glen Stuart Road between Olive Street and Koongarra Ave, and Koongarra Ave and Moules Road on the eastern side to limited parking of no standing zones between 8am to 4pm, Monday to Friday and 9am to 12pm on Saturdays	Peter Bice	In Progress	FALSE
13/06/2023	Ordinary Council	148/23	Kerbside Bin System Option & Trial	Nil	1. That the report be received and noted. 2. To endorse Option 1 and Option 3 contained in the Kerbside Bin System Options report and as summarised below as the options to proceed to a 12 month trial of changes to the kerbside bin system over 2023-24 and 2024-25. Option 1: Rural properties provided with a Food Organics Garden Organics service Fortnightly collection of comingled recycling and general waste for township and rural properties Weekly collection of Food Organics Garden Organics for township and rural properties Option 3: Rural properties provided with a Food Organics Garden Organics service Fortnightly collection of comingled recycling and general waste for township and rural properties Weekly collection of Food Organics Garden Organics for township properties Fortnightly collection of Food Organics Garden Organics for rural properties 3. To reaffirm the allocation of \$120,000 in the 2023-24 budget and \$30,000 earmarked for the 2024-25 budget to undertake the trial, noting that this is above the usual waste management budget and that some of the usual waste management budget will be expended on the trial. 4. To authorise the Chief Executive Officer, or delegate, to finalise the details of the trial (including trial areas), enter into the necessary agreements and undertake the necessary actions to implement the trial over the 2023-2025 period within the abovementioned funding limits.	Peter Bice	In Progress	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Confidential
13/06/2023	Ordinary Council	149/23	2023 – 24 Draft Annual Business Plan and Rating Structure Change – Co Nil	Nil	<ol style="list-style-type: none"> That the report be received and noted. To adopt the outcomes of the <i>draft Annual Business Plan 2023-24</i> public consultation undertaken from 12 May - 2 June 2023 as contained in the <i>Annual Business Plan 2022-23 Community Engagement Outcomes Report</i> in Appendix 1. To adopt the outcomes of the <i>Proposed Rating Structure Change</i> public consultation undertaken from 12 May - 2 June 2023 as contained in the <i>Change in Rating Structure Proposal Communication Engagement Outcomes Report</i> in Appendix 3. To endorse the following recommended changes to the draft Annual Business Plan 2023-24: Adjustments to budget/financial figures to account for:Alignment of Budget to the new post 30 June 2023 Electricity contracts requiring an increase in costs of \$57kSolid Waste Levy Budget adjustment: \$23k increaseWaste Management User Charges increases for Additional Bins and Hard Waste: \$11k increase 	Greg Georgopoulos	Completed	FALSE
13/06/2023	Ordinary Council	151/23	Confidential Items Review	Nil	1 - 8: refer to Minutes	Greg Georgopoulos	Completed	FALSE
13/06/2023	Ordinary Council	159/23	Delegations Review	Nil	<ol style="list-style-type: none"> That the report be received and noted That, having considered a review of Council's Delegations as presented, the Council hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts: Instrument of Delegation<i>Local Government Act 1999</i> 3. That, having considered a review of Council's Delegations as presented, in exercise of the power contained in Section 44 of the <i>Local Government Act 1999</i> the powers and functions under the following Acts and statutory instruments made thereunder contained in the proposed Instrument of Delegation attached to the Report dated 13 June 2023 and entitled as detailed in the table below are hereby delegated this 13th Day of June 2023 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation. Instrument of DelegationAppendix Number<i>Local Government Act 1999</i> Appendix 1 	Greg Georgopoulos	Completed	FALSE
13/06/2023	Ordinary Council	164/23	Boundary Change Committee Recommendations to Council	General - Cr Pascale	<ol style="list-style-type: none"> That the report be received and noted. That the CEO engage a suitably qualified person to forensically examine the Campbelltown City Council (CCC) boundary change proposal that was submitted to the Boundary Change Commission (and CCC's subsequent submissions), with a view to identifying the proposal's weaknesses (critical flaws), errors, omissions, and factual inaccuracies. That the examination also identifies areas of focus for Council to make its own case against the proposal, should the opportunity arise through a Stage 3 Inquiry. 	Greg Georgopoulos	In Progress	FALSE
13/06/2023	Ordinary Council	166/23	Confidential Item - Sale of Land for non payment of Rates	Material - Cr Mudge	Refer to Confidential Minute	Terry Crackett	In Progress	TRUE
13/06/2023	Ordinary Council	164/23	Boundary Change Committee Recommendations to Council	General - Cr Pascale	<ol style="list-style-type: none"> That the CEO develop a communication and engagement strategy, which targets the affected communities of Woodforde and Rostrevor, the subject of the Boundary Change Proposal, with a view to building a powerful community narrative, including yet not limited to:regularly informing these communities of the status of the proposal (in writing, social media, AHC website, Hills Voice newsletter, media)reinforcing with the communities the outcomes of the two community surveys that have been previously conducted (AHC and CCC) rejecting the proposalhighlighting the advantages and benefits of remaining a part of the Adelaide Hills Councilinforming the communities of the services available to them that the Adelaide Hills Council has to offer and provides (community services) direct consultation with significant key community stakeholders 	David Waters	In Progress	FALSE
27/06/2023	Ordinary Council	171/23	2023-24 Southern & Hills LGA Budget & Member Contributions	Nil	<p>That the report be received and noted.</p> <p>That the Southern & Hills Local Government Association's 2023-24 Key Action Plan and Budget (including the Adelaide Hills Council contribution of \$27,103.12 of Member Contributions) be received and noted.</p>	Greg Georgopoulos	Completed	FALSE
27/06/2023	Ordinary Council	173/23	Annual Business Plan Adoption	Nil	Refer to Minute	Greg Georgopoulos	Completed	FALSE
27/06/2023	Ordinary Council	175/23	First Nations Use of Council Land	Nil	<ol style="list-style-type: none"> That the report be received and noted. That the Council continue to make good on its commitment to reconciliation and ensure it supports the spiritual connection of its First Nation groups to Country. That Council listen to the aspirations held by its First Nation groups and that Council encourages the use of relevant lands for cultural activities in line with any Community Land Management Plan applicable to the site. 	Terry Crackett	Completed	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Confidential
27/06/2023	Ordinary Council	176/23	Stirling Business Association Three Year Funding Agreement	Nil	<ol style="list-style-type: none"> That the report be received and noted. That the three year funding agreement which provides \$110,000 p.a. until 30 June 2026, as contained in Appendix 1, with the Stirling Business Association be approved and that the Chief Executive Officer be authorised to make any minor changes or variations to the Agreement before execution by both parties or during the life of the Agreement. That the Chief Executive Officer be authorised to execute the Agreement on behalf of Council. That the Chief Executive Officer be authorised to appoint a representative, who shall not be a member of the Stirling Business Association management committee, to attend regular meetings of the Association for the purposes of Annexure A of the Funding Agreement. 	David Waters	In Progress	FALSE
27/06/2023	Ordinary Council	177/23	Dog & Cat Pound Facilities	Nil	<ol style="list-style-type: none"> That the report be received and noted. To commit a portion of the capital funding included in the 2023-24 Annual Business Plan for a New Dog and Cat Facility, to make upgrades to the current facilities at Heathfield to provide immediate additional capacity to hold dogs and cats whilst medium to long term options are further explored. To delegate to the CEO and Mayor to write to both the Local Government Association, the Dog & Cat Management Board and all State Members of Parliament advocating for their leadership to develop a solution to the current issues impacting the whole of the Local Government sector in relation to the housing and rehoming of dogs and cats. To delegate to the CEO (or his delegate) to commence formal discussions with Council's immediate adjoining Councils, or other Councils or stakeholders, to investigate options for a regional solution should there be no solution put forward by either the Local Government Association or the Dog & Cat Management Board. 	Natalie Armstrong	In Progress	FALSE
27/06/2023	Ordinary Council	182/23	Appointment of GRFMA Chairperson	Nil	Refer to confidential minute	Greg Georgopoulos	Completed	FALSE
27/06/2023	Ordinary Council	183/23	Appointment of GRFMA Chairperson - Duration of Confidentiality	Nil	<p>retain the Items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Item Duration of Confidentiality</p> <p>NB: Item to be reviewed every 12 months if not releasedReportuntil the appointment has been confirmed, but not longer than 30 September 2023Related Attachmentsuntil the appointment has been confirmed, but not longer than 30 September 2023Minutesuntil the appointment has been confirmed, but not longer than 30 September 2023Other (presentation, documents, or similar)N/A</p> <p>Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i>, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.</p>	Greg Georgopoulos	Completed	FALSE
11/07/2023	Ordinary Council	185/23	MON White Rock Quarry	Nil	<ol style="list-style-type: none"> The Chief Executive Officer, on behalf of Council, writes to Benjamin Zammit, Acting Executive Director, Mineral Resources Division, Department for Energy and Mining:Acknowledging receipt of his letter to Council dated 02 May 2023.Seeking clarification as to whether the Minister for Energy and Mining, the Honourable Tom Koutsantonis MP, has the legislative power to over-rule the Director's decision should the Director of Mines approve the revised Mine Operations Plan (MOP) (and if so, provide details of the said legislative instrument).Advising that Council notes that the revised MOP may require Hanson to acquire from Council, a portion of Horsnell Gully Road (a Council public road), together with an allotment of Council (community) land.This being the case, Council seeks clarification as to how it is possible for DEM to consider the revised MOP, when Council has made no decision to dispose of a portion of Horsnell Gully Road, together with an allotment of Council (community) land, to Hanson, in order for Hanson to facilitate their proposed expansion. Once a response is received from the Department for Energy and Mining, that response will be tabled at the next scheduled Ordinary meeting of Council. 	Terry Crackett	In Progress	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Confidential
11/07/2023	Ordinary Council	187/23	Policy Reviews – Code of Practice for Council Meeting Procedures and C Nil		<p>1. That the report be received and noted.</p> <p>2. That Council in relation to the <i>Code of Practice for Council Meeting Procedures</i>: With an effective date of 17 July 2023, to revoke the 22 March 2022 <i>Code of Practice for Council Meeting Procedures</i> and adopt the 11 July 2023 <i>Code of Practice for Council Meeting Procedures</i>, as contained in Appendix 1.</p> <p>That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 11 July 2023 <i>Code of Practice for Council Meeting Procedures</i> prior to the effective date.</p> <p>3. That Council in relation to the <i>Code of Practice for Access to Council and Council Committee and Information or Briefing Session Meetings & Documents</i>: Approve the proposed <i>Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents</i>, as contained in Appendix 2, for public consultation in accordance with the provisions of Council's <i>Public Consultation Policy</i> and for the further report to be provided to Council following the consultation process.</p> <p>That the CEO be authorised to: Make any formatting, nomenclature or other minor changes to the Code prior to being released for public consultation and Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's <i>Public Consultation Policy</i>.</p>	Greg Georgopoulos	Completed	FALSE
11/07/2023	Ordinary Council	182/23	CEO Performance Review Panel Recommendations to Council	Nil	<p>1. That the report be received and noted.</p> <p>2. To determine that the Acting CEO has achieved the following status in relation to the 2022-23 CEO Performance Targets as at 11 July 2023: Target 1: Fabrik Redevelopment – Project on track, performance target achieved. Target 2: User Pays Bin Collection Study – Completed, with additional steps taken to progress alternative waste collection options. Target 3: Savings Strategies – On track and subject to verification in the end of year financial reporting. Target 4: Gumeracha Library Upgrade – Achieved. Target 5: New Dog & Cat Facility – Achieved, with further steps taken to explore the broader challenges of longer term animal impounding. Target 6: Central Irrigation System – Achieved. Target 7: Unformed Public Roads Review – On track for completion in July 2023, with presentation to Council Members to occur when workshop schedule allows.</p> <p>3. To note the Remuneration Tribunal's Determination 4-2023 - Minimum and Maximum Chief Executive Officer Remuneration and determine not to undertake a Substantive CEO Total Employment Cost Package Review at this time.</p> <p>4. To approve the proposed CEO Probationary Period Performance Review Process with the follow key activities/milestones: Week 1 (w/b 17/7/23)Substantive CEO commencesWeek 2 (w/b 24/7/23)CEOPRP meets with Substantive CEO and sets out the CPPRP and agrees the broader Performance Review Process (see next section)Week 11 (w/b 25/9/23) CEOPRP:Receives the Interim Performance Review & Development Report from the Substantive CEO Discusses Key Performance Indicators with Substantive CEO and makes recommendation to Council for adoption of Indicators.Finalises Probation Review Survey contentsWeek 17 (w/b 6/11/23)Consultant administers the Probation Review SurveyWeek 22 (w/b 11/12/23) CEOPRP:Receives the Interim Performance Review & Development Report from Substantive CEO Considers Probation Review Survey Report from the Consultant and makes recommendation to</p>	Greg Georgopoulos	Completed	FALSE
25/07/2023	Ordinary Council	195/23	Proposed Date Change Citizenship and Award Ceremonies	Nil	That the report be received and noted; To not conduct Citizenship Ceremonies, confer awards or support events on 26 January from this date onwards in recognition of the difficulties of the 26 January for First Nations Peoples; andThat the CEO find alternative dates and opportunities in consultation with local groups for award and citizenship ceremonies (acknowledging that a Citizenship Ceremony must still be conducted within 3 days either side of 26 January).	David Waters	In Progress	FALSE
25/07/2023	Ordinary Council	196/23	Road Safety Analysis Lobethal	Nil	The Chief Executive Officer arranges for staff to undertake an in-house road safety assessment into speeding and increased road use on Ridge Road and Mill Road, Lobethal, both of which are becoming used as a thoroughfare for road users attempting to avoid traffic on Main Street.If the outcomes of the road safety assessment deem it necessary, that options to discourage road users from choosing these roads instead of the Main Street and combat speeding be explored using an external professional (including but not limited to the installation/construction of chicanes, speed bumps or additional signage).The Chief Executive engages with the Department for Education and Child Development regarding increased road usage and speeding vehicles on Mill Road, which affects all traffic and pedestrians to and from the primary school.A report be prepared detailing the outcomes of this assessment for Council's consideration at the ordinary meeting scheduled for 24 October 2023.	Peter Bice	In Progress	FALSE
25/07/2023	Ordinary Council	197/23	Proposed renaming of portion of suburb of Rostrevor to "Morialta"	Nil	That the CEO prepares a report on the viability and feasibility of changing the name of that portion of the suburb of Rostrevor that is located within the Adelaide Hills Council district to Morialta and for that report to be delivered to Council by 30 September 2023.	Natalie Armstrong	In Progress	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Confidential
25/07/2023	Ordinary Council	198/23	Revocation Community Land - Closed Roads off Lenger Road Mt Torren: Nil	Nil	<ol style="list-style-type: none"> That the report be received and noted. That the Community Land classification over the land comprised in Certificate of Title Volume 6261 Folio 496 being for Allotment 10 in Filed Plan No. 257096 be revoked. That the Community Land classification over the land comprised in Certificate of Title Volume 6261 Folio 497 being for Pieces 1 and 2 in Filed Plan No. 257220 be revoked. 	Terry Crackett	Completed	FALSE
25/07/2023	Ordinary Council	199/23	CEO Approval to Act	Nil	That the report be received and noted.To acknowledge the disclosure of interests contained in this report and to authorise the Chief Executive Officer (designate), Mr Greg Georgopoulos, to act in the course of his official duties in relation to the following matters/entities:Preparation and endorsement of the Council's suite of Human Resource Policies including the Employee Behavioural Standards.	Greg Georgopoulos	Completed	FALSE
25/07/2023	Ordinary Council	200/23	MWN Stormwater Management Mill Road & Pioneer Avenue Lobethal	Nil	In addition to the scope of issues identified in resolution 11.2 Road Safety Analysis Ridge Road and Mill Road Lobethal 25 July 2023, the investigation be extended to include stormwater management at the intersection of Mill Road and Pioneer Avenue Lobethal.	Peter Bice	In Progress	FALSE
8/08/2023	Ordinary Council	209/23	Proposed OTR Development Heathfield	General - Cr Leith Mudge	<ol style="list-style-type: none"> Council endorses the recent decision of the Council Assessment Panel (CAP) in relation to DA 21031284, Proposed OTR Development at Heathfield (the applicant) dated the 26th day of July 2023. (Appendix 1) Council confirms, that in the event that the applicant for DA 21031284 appeals the CAP's refusal, and notwithstanding the Council's obligations under section 83(1)(h)(ii) of the Planning, Development and Infrastructure Act 2016, the Council is supportive of the CAP and its decision-making process in this matter. Further, the Council extends its encouragement to the Assessment Manager, in her role in assisting and supporting the CAP, under section 87 of the PDI Act, and by extension, if necessary, in defending the CAP's refusal of the subject application to the fullest extent possible. 	Natalie Armstrong	Completed	FALSE
8/08/2023	Ordinary Council	210/23	Mt Lofty Golf Resort Stirling	General - Cr Adrian Cheater	<ol style="list-style-type: none"> That the report be received and noted. To delegate to the CEO and Mayor to lodge a submission in response to the Development Report including a letter of response to the State Planning Commission/Department for Trade and Investment outlining the comments of Council and Council Assessment Panel, with a copy of the staff planning report (<i>Appendix 1</i>) in relation to the Mount Lofty Golf Resort by 16 August 2023, with the Council submission to highlight its and its communities concerns regarding the following in particular:Gofflinks Road is not considered suitable as the main traffic entrance to the development site given the increased number of vehicles, size of vehicles, current sightlines and current road width which is limited by topography and native vegetation, as well as the risks to all persons in the event of evacuation for a fire or other reason and pedestrians/cyclists. Noting that the Council has commissioned an independent traffic study/assessment which will be provided to the State Planning Commission as soon as it is received. An Infrastructure Agreement is required to be negotiated between Mount Lofty Golf Estate Pty Ltd and the Adelaide Hills Council to finance any necessary upgrades of Gofflinks Road and the intersection of Gofflinks and Carey Gully Roads. The Infrastructure Agreement terms should be agreed prior to the final assessment of the development, and entered into, should the Minister for Planning grant Planning Consent to the development. Loss of significant amount of native vegetation without inclusion of a revegetation plan that looks to increase native vegetation plantings on the site. Stormwater management of additional water into Cox Creek which is already above capacity during rain events. Wastewater disposal may not be viable in Council's CWMS system without significant upgrades to the infrastructure. An Infrastructure Agreement is required to be negotiated between Mount Lofty Golf Estate Pty Ltd and the Adelaide Hills Council to finance any necessary upgrade of the Council's Community Wastewater Management System infrastructure to accommodate the development. The Infrastructure Agreement terms should be agreed prior to the final assessment of the 	Natalie Armstrong	In Progress	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Confidential
8/08/2023	Ordinary Council	211/23	Road Closures Young Drivers Awareness Course 2023-24	General - Cr Melanie Selwood	<p>That the report be received and noted.</p> <p>To, pursuant to Section 33(1) of the Road Traffic Act 1961 and Clause G of the Instrument of General Approval of the Minister dated 22 August 2013:a. Declare that the Driver Education Program that is to take place on Newman Road, Charleston is an event to which Section 33 of the Road Traffic Act 1961 applies.</p> <p>b. 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 11 October 2023, and 9.00am and 6.00pm Wednesday 24 April 2024.</p> <p>c. 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).</p> <p>d. To 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.</p>	David Waters	Completed	FALSE
8/08/2023	Ordinary Council	212/23	CEO Appointment to SHLGA	Nil	<p>That the report be received and noted.</p> <p>With an effective date of 8 August 2023, to revoke the appointment of David Waters and appoint Greg Georgopoulos to the Board of Southern and Hills Local Government Association as the Council's employee or elected member nominee until the conclusion of the 2022 – 2026 Council term.</p>	Greg Georgopoulos	Completed	FALSE
8/08/2023	Ordinary Council	214/23	Corporate Carbon Management Plan	Nil	<p>1. That AHC recognises that climate change is already having a negative impact on AHC communities and this will continue with increasing severity;</p> <p>2. That AHC recognises local government has a leadership role to play in reducing greenhouse gas emissions as a matter of urgency, as well as attempting to address the effects of climate change on our community, and;</p> <p>3. That staff hold workshops with elected members to explore options available to address both the causes and effects of climate change, including: How we can incorporate actions to address the causes and effects of climate change in our Strategic Plan;</p> <p>Present progress in implementing the recommended actions in the Corporate Carbon Management Plan in the time since that plan was adopted;</p> <p>Present planned actions and other feasible options, with timelines and cost benefit analyses, that can reduce the carbon footprint of the AHC and the AHC area;</p> <p>Present planned actions and other feasible options, with timelines and cost benefit analyses, that can reduce the impacts of climate change on our communities; and</p> <p>Discuss the best strategy to continue to progress AHC action on this urgent issue.</p>	Peter Bice	In Progress	FALSE
8/08/2023	Ordinary Council	217/23	Confidential - Country Cabinet August 2023	Nil	Refer to Confidential Minute	Greg Georgopoulos	Not Started	FALSE
22/08/2023	Ordinary Council	221/23	Minutes Council Meeting 8 August 2023	Nil	That the minutes of the Ordinary Council meeting held on 8 August 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting with the inclusion of Carried Unanimously in the resolution outcome of Item 4.1 – Minutes of 25 July 2023 Ordinary Council Meeting.	Greg Georgopoulos	Completed	FALSE
22/08/2023	Ordinary Council	222/23	MON Bringing Community Groups Together	General - Cr Mudge, Cr Selwood, Cr Daniell	Council convenes an inaugural gathering of our local community groups whose primary focus is to assist and promote a vibrant and thriving community for their local area.The inaugural gathering has two key objectives, to provide:An opportunity for information sharing between different community groups;To provide both the administration and elected members with insight into how the community groups are supporting their local area, along with current opportunities and challenges they face.Council engages with local community groups to inform the format of the event.Once the event has been held the CEO prepare a report which:Reviews and reports on the success (or otherwise) of the event;Considers the merits and feasibility of holding semi-regular events such as this into the future.	David Waters	In Progress	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Confidential
22/08/2023	Ordinary Council	223/23	Recovery Ready Halls Grant	General - Crs Mudge & Selwood	<ol style="list-style-type: none"> That the report be received and noted. That Council approve the awarding of Recovery Ready Halls funding totalling \$228,000.00 as follows: Charleston Community Centre Kitchen upgrade, UHF radios, internal electrical upgrade \$25,000; Houghton Inglewood & Hermitage Memorial Park Inc Solar panels, battery & Generator \$15,000; Mylor Citizens Friendship Club Inc Replacement rainwater tank \$10,000; Longwood Bradbury Progress Association Servery window & community noticeboard \$3,000; Uraidla & Summertown Horticultural & Floricultural Society Ember proofing works to roof \$27,000; Upper Sturt Community Association Inc Planning & engineering docs for accessibility works, website upgrade, generator & BBQ \$10,000; Basket Range war memorial hall Inc Solar panels & battery \$30,000; Piccadilly Community Hall Inc Access ramp, handrails & compliant doors \$18,000; Uraidla Institute Electrical upgrade & air-conditioning units \$35,000; Gumeracha & District Town Hall Committee Inc Electrical upgrade \$25,000; Mount Torrens Soldiers Memorial Hall Inc Electrical upgrade \$22,000; Scott Creek Progress Association Kitchen upgrade \$8,000 That Council authorises the Chief Executive Officer to amend specific financial allocations to each recipient if required due to changes in circumstances, (including but not limited to: reduced project management costs, applicants' ability to commit to the scope of work for the allocated funding and projects not proceeding) not exceeding total funding amount of \$250,000. 	David Waters	Not Started	FALSE
22/08/2023	Ordinary Council	224/23	Preliminary End of Year Financial Results and Carry Forwards	Nil	<p>That the report be received and the preliminary end of year financial results for 2022-23 be noted. That the following Carry Forward amounts from 2022-23 (<i>Appendix 1</i> of this report) be approved for inclusion in the 2023-24 Budget: Additional Capital expenditure of \$4,488,377; Additional Capital Income of \$2,919,143; Additional Operating expenditure of \$439,736; Additional Operating income of \$434,636. To note that changes to the 2023-24 Budget as a result of the proposed Carry Forward amounts will result in Financial sustainability indicators within Council's agreed targets as follows:</p> <ol style="list-style-type: none"> Operating Surplus Ratio 2.1% (Target 1% to 5%) Operating Surplus Ratio (underlying) 2.2% (Target 1% to 5%) Net Financial Liabilities Ratio 54% (Target 25% to 75%) Asset Renewal Funding Ratio 100% (Target 95% to 105%) 	Terry Crackett	Not Started	FALSE
22/08/2023	Ordinary Council	225/23	Appointment to Adelaide Hills Reconciliation Working Group	Nil	Council resolves that Cr Leith Mudge be appointed to the Reconciliation Working Group for the term 9 August 2023 to 28 February 2025.	David Waters	Completed	FALSE
22/08/2023	Ordinary Council	226/23	Accredited Professionals Policy	Nil	<ol style="list-style-type: none"> That the report be received and noted. With an effective date of 5 September 2023, to revoke the 23 June 2020 Accredited Professionals Policy and to adopt the 22 August 2023 Accredited Professionals Policy as contained in <i>Appendix 1</i>. The Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the draft Accredited Professional Policy contained in <i>Appendix 1</i>. 	Natalie Armstrong	Not Started	FALSE
22/08/2023	Ordinary Council	227/23	Code of Practice for Access to Meetings and Documents	Nil	<p>That the report be received and noted.</p> <p>That in relation to the <i>Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents</i>: With an effective date of 23 August 2023, adopt the <i>Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents</i> as contained in <i>Appendix 1</i>.</p> <p>That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the <i>Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents</i> prior to the date of effect.</p>	Greg Georgopoulos	Completed	FALSE
4/09/2023	Special Council	232/23	Amy Gillett Bikeway	Nil	Refer to Confidential Minute	Peter Bice	Not Started	TRUE

Item 17 Minutes of Committees

**ADELAIDE HILLS COUNCIL AUDIT COMMITTEE
MINUTES OF MEETING
MONDAY 21 AUGUST 2023
63 MT BARKER ROAD STIRLING**

In Attendance**Members:**

Cr Malcolm Herrmann	Presiding Member
Peter Brass	Independent Member
David Moffatt	Independent Member
Pamela Lee	Independent Member
Cr Melanie Selwood	Council Member

In Attendance:

Greg Georgopoulos	Chief Executive Officer
Terry Crackett	Director Corporate Services
David Waters	Director Community Capacity
Liz Packer	A/Manager Financial Services
Lachlan Miller	Executive Manager Governance & Performance
Kira-marie Laverty	Corporate Planning & Performance Coordinator

Guests in Attendance:

Nil

1. COMMENCEMENT

The meeting commenced at 6.00pm.

1.1. Acknowledgement of Country

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kaurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land. Together we will care for this country for the generations to come.

2. APOLOGIES/LEAVE OF ABSENCE**2.1. Apology**

Nil

2.2. Leave of Absence

Nil

Presiding Member _____ 16 October 2023

**ADELAIDE HILLS COUNCIL AUDIT COMMITTEE
MINUTES OF MEETING
MONDAY 21 AUGUST 2023
63 MT BARKER ROAD STIRLING**

2.3. Absent

Nil

3. MINUTES OF PREVIOUS MEETINGS

3.1. Special Audit Committee Meeting – 19 June 2023

Moved Peter Brass

S/- Pamela Lee

AC28/23

That the minutes of the Special Audit Committee meeting held on 19 June 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

4. PRESIDING MEMBER'S OPENING REMARKS

1. Peter Bice, Director Infrastructure and Operations has resigned and will leave the Council early October.
2. Country Cabinet meets at Mount Barker on 23/24 August. AHC making a submission on a range of strategic topics.

5. DELEGATION OF AUTHORITY

In accordance with the Audit Committee Terms of Reference, the Committee has no delegated decision-making powers. There are no Recommendations arising to be submitted to Council for consideration.

6. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF AUDIT COMMITTEE

Nil

7. PRESENTATIONS, ACTION REPORT & WORKPLAN

7.1. Community Capacity Risk Presentation – David Waters – Director Community Capacity

**ADELAIDE HILLS COUNCIL AUDIT COMMITTEE
MINUTES OF MEETING
MONDAY 21 AUGUST 2023
63 MT BARKER ROAD STIRLING**

7.2. Action Report and Work Plan Update

Moved David Moffatt
S/- Cr Melanie Selwood

AC29/23

The Audit Committee resolves:

1. That the Action Report and Work Plan Update be received and noted
2. To note the status of the *Action Report August 2023* as contained in *Appendix 1*.
3. To note the *Audit Committee Work Plan 2023, Version: 1.2* as contained in *Appendix 2*.
4. To approve the proposed changes to the *Draft Audit Committee Work Plan 2023, Version:1.3a* as contained in *Appendix 3*.

Carried Unanimously

8. OFFICER REPORTS – DECISION ITEMS

8.1. End of Financial Year Update

Moved Peter Brass
S/- Pamela Lee

AC30/23

The Audit Committee resolves:

1. That the End of Financial Year Update 2022-23 be received and noted.
2. To note to Council that changes to the 2023-24 Budget as a result of the proposed Carry Forward amounts will result in Financial Sustainability indicators within Council's agreed targets as follows:

a.	Operating Surplus Ratio	2.1%	(Target 1% to 5%)
b.	Operating Surplus Ratio (underlying)	2.2%	(Target 1% to 5%)
c.	Net Financial Liabilities Ratio	54%	(Target 25% to 75%)
d.	Asset Renewal Funding Ratio	100%	(Target 95% to 105%)

Carried Unanimously

**ADELAIDE HILLS COUNCIL AUDIT COMMITTEE
MINUTES OF MEETING
MONDAY 21 AUGUST 2023
63 MT BARKER ROAD STIRLING**

8.2. Service Review Biannual Report – Civil Services

Moved Peter Brass
S/- Pamela Lee

AC31/23

The Audit Committee resolves that the Service Review Biannual Report – Civil Services be received and noted with the exclusion of Item 4.1.

Carried Unanimously

8.3. Debtors Report

Moved Peter Brass
S/- David Moffatt

AC32/23

The Audit Committee resolves that the Debtors Report – 30 June 2023 be received and noted.

Carried Unanimously

8.4. Quarterly Council Performance Q4

Moved Peter Brass
S/- Pamela Lee

AC33/23

The Audit Committee resolves the Quarterly Council Performance Report – Q4 2022-23 be received and noted.

Carried Unanimously

**ADELAIDE HILLS COUNCIL AUDIT COMMITTEE
MINUTES OF MEETING
MONDAY 21 AUGUST 2023
63 MT BARKER ROAD STIRLING**

8.5. Placement of Council's Insurance Portfolio

Moved Pamela Lee
S/- Cr Melanie Selwood

AC34/23

The Audit Committee resolves that the Placement of Council's Insurance Portfolio Report be received and noted.

Carried Unanimously

8.6. Risk Management Quarterly Report

Moved Cr Melanie Selwood
S/- Peter Brass

AC35/23

The Audit Committee resolves:

1. That the Risk Management Quarterly Report be received and noted.
2. To recommend to Council that the CEO review internal processes to ensure that reviews of strategic risks are undertaken in a timely manner, and are not overdue by more than 6 months.

Carried Unanimously

8.7. Audit Actions Implementation Report

Moved Cr Melanie Selwood
S/- Pamela Lee

AC36/23

The Audit Committee resolves:

1. That the Audit Actions Implementation Report be received and noted
2. To note the implementation status of Internal and External Audit actions.

Carried Unanimously

**ADELAIDE HILLS COUNCIL AUDIT COMMITTEE
MINUTES OF MEETING
MONDAY 21 AUGUST 2023
63 MT BARKER ROAD STIRLING**

9. QUESTIONS WITHOUT NOTICE

Nil

10. CONFIDENTIAL ITEMS

Nil

11. NEXT MEETING

The next ordinary meeting of the Audit Committee will be held on Monday 16 October 2023 from 6.00pm at 63 Mt Barker Road, Stirling.

12. CLOSE MEETING

The meeting closed at 8.04pm.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 12 October 2023
AGENDA BUSINESS ITEM**

Item: 17.2.1

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

Subject: Audit Committee Recommendations to Council – 21 August 2023

For: Decision

SUMMARY

The Audit Committee recently met on 21 August 2023.

The Committee made a recommendation to Council in relation to the Quarterly Risk Management Report.

The item is briefly summarised in this report and the full Audit Committee Report is included as an appendix.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. That the Chief Executive Officer review internal processes to ensure that reviews of strategic risks are undertaken in a timely manner, and are not overdue by more than 6 months.
-

1. BACKGROUND

The Audit Committee's role is to assist Council to accomplish its objectives by monitoring and providing advice on the adequacy and effectiveness of the systems and processes regarding financial management and reporting, internal control and risk management, internal audit and governance functions.

The Committee considers matters within the above specialist functions and, where appropriate, makes recommendations to Council on matters which are outside of its delegation to approve.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5	A Progressive Organisation
Objective O5	We are accountable, informed and make decisions in the best interests of the whole community
Priority O5.1	Enhance governance structure and systems to prudently adapt to changing circumstances and meet our legislative obligations
Priority O5.3	Demonstrate accountability through robust corporate planning and reporting that enhances performance, is relevant and easily accessible by the community

➤ Legal Implications

As per the report in **Appendix 1**.

➤ Risk Management Implications

Receiving specialist advice and recommendations from the Audit Committee will assist in mitigating the risk of:

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

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (3E)	Low (3E)

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

➤ Financial and Resource Implications

As per the report in **Appendix 1**.

➤ Customer Service and Community/Cultural Implications

As per the report in **Appendix 1**.

➤ Sustainability Implications

As per the report in **Appendix 1**.

➤ Engagement/Consultation conducted in the development of the report

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	The Audit Committee considered the Quarterly Risk Management Report at its 21 August 2023 meeting.
<i>Council Workshops:</i>	Not Applicable
<i>External Agencies:</i>	Not Applicable
<i>Community:</i>	Not Applicable

➤ **Additional Analysis**

The Audit Committee has a workplan which sets out the items will consider at each of its meetings. One of these items, the Quarterly Risk Management Report, provides the Committee with the current assessments of Council’s Strategic Risks on a quarterly basis.

At its 21 August 2023 meeting the Committee consider the report and resolved as follows:

8.6. Risk Management Quarterly Report

Moved Cr Melanie Selwood
S/- Peter Brass

AC35/23

The Audit Committee resolves:

1. That the Risk Management Quarterly Report be received and noted.
2. To recommend to Council that the CEO review internal processes to ensure that reviews of strategic risks are undertaken in a timely manner, and are not overdue by more than 6 months.

Carried Unanimously

The Strategic Risks are managed in the SkyTrust system which was primarily developed to manage WH&S obligations (which is does quite well and is used extensively in the SA local government sector). The corporate risk module (which is used for the Strategic Risks) lacks contemporary functionality including automatic date updates when information is reviewed. This lack of functionality is the primary cause for the concern expressed by the Audit Committee in part two of its resolution to Council regarding Strategic Risks appearing to not be reviewed regularly.

Appendix 1 does elaborate of the functionality limitations of the SkyTrust system and that alternate corporate risk management systems are being explored. In the interim, in accordance with the Audit Committee’s recommendation to Council, Strategic Risk Owners will be reminded to exercise greater diligence in ensuring that they manually update date fields which reviewing their Strategic Risks.

3. OPTIONS

Council has the following options:

- I. To resolve as recommended by the Audit Committee (Recommended)
- II. To determine not to resolve as recommended by the Audit Committee or to resolve an alternate approach to dealing with the concerns raised (Not Recommended)

4. APPENDIX

- (1) AHC Audit Committee - *Quarterly Risk Management Report* – 21 August 2023

Appendix 1

*AHC Audit Committee - Quarterly Risk Management
Report – 21 August 2023*

**ADELAIDE HILLS COUNCIL
AUDIT COMMITTEE MEETING
Monday 21 August 2023
AGENDA BUSINESS ITEM**

Item: 8.6.

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

Subject: Quarterly Risk Management Report

For: Decision

SUMMARY

This report provides the Audit Committee with an update on Risk Management activities including the current status of the Strategic Risk Profile and Management Plan.

In relation to the Strategic Risk assessments, there has been the following change since the February 2023 assessment.

- Inherent Risk: Nil (0) Change
- Residual Risk: Nil (0) Change
- Target Risk: Nil (0) Change
- New Mitigation(s): No new mitigations
- Completed: Increase from 61% (60) to 74% (87) with ten (10) completed actions
- In Progress: Decrease from 36% (36) to 26% (30)
- Not Commenced: Decrease from 3% (3) to 0% (0)

In relation to the Corporate Risk Framework, the SkyTrust Software Council uses for managing its WHS and other obligations has had its Corporate Risk Module populated with information from the previously used Strategic Risk Register spreadsheets. A copy of the *SkyTrust Strategic Risk Register* is at **Appendix 1**.

RECOMMENDATION

The Audit Committee resolves that the report be received and noted.

1. BACKGROUND

Council's Strategic Risk Profile monitoring and reporting process has been in place since 2014 based on the, then, current Risk Management Policy and the Risk Management Framework.

The allocation of risk owners has been reviewed over time due to changes in the portfolio allocation within the Administration. The current allocations have been in place since January 2020 with the exception of SR9a (human resources) which has been transferred to the Director Corporate Services following the November 2022 resignation of the Executive Manger Organisational Development.

Reports on the Strategic Risk Profile have been provided to the Audit Committee and subsequently Council on a quarterly basis since February 2016.

At its 13 May 2019 meeting, the Committee reviewed the Risk Management Policy and noted that only minor nomenclature changes were required, prior to recommending it for Council's consideration.

Council adopted the revised Policy at its 28 May 2019 meeting.

Risk Management Framework

Additionally, an extract of the Strategic Risk Register is usually provided to the Committee and Council. At its 13 May 2019 meeting the Committee requested that the full Register be provided for the Committee's review. The SkyTrust Software Council uses for managing its WHS and other obligations has had its Corporate Risk Module populated with information from the previously used Strategic Risk Register spreadsheets. A copy of the SkyTrust Strategic Risk Register is at **Appendix 1**.

2. ANALYSIS

Strategic Plan 2020-24 – A brighter future

Goal 5	A Progressive Organisation
Objective O4	We actively represent our community
Priority O4.3	Attract and develop a diverse and capable elected body that represents, promotes and reflects the composition of the community
Priority O4.3	Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region
Objective O5	We are accountable, informed, and make decisions in the best interests of the whole community
Priority O5.1	Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations
Priority O5.2	Make evidence-based decisions and prudently assess the risks and opportunities to our community before taking action.

A number of actions contained in the *2023-24 Annual Business Plan* have been added as mitigations against the applicable strategic risk

➤ **Legal Implications**

A number of sections of the *Local Government Act 1999* require councils to identify and manage the risks associated with its functions and activities. Further, s125 requires council to have appropriate internal controls.

Similarly, the *Work Health & Safety Act 2012* is structured around the protection of workers and others against harm to their health, safety and welfare through the elimination or minimisation of risk arising from work or specified substances or plant.

➤ **Risk Management Implications**

Improvements in the implementation of the risk management framework will assist in mitigating the risk of:

A lack of effective risk management occurs which leads to greater uncertainty in the achievement of objectives and/or negative outcomes.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Medium (4D)	Medium (4D)

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

➤ **Financial and Resource Implications**

While there are no direct financial or resource implications from this report, a number of Strategic Risk Profile and Management Plan treatments are impacted by funding limitations or have been accommodated in the *2023-24 Annual Business Plan and Budget*.

Council's Governance & Risk Coordinator resigned from the position in June 2023 and this has impacted on the initiatives to progress the Review of the Risk Management Framework.

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

There is a high expectation that Council has appropriate corporate governance processes in place including an effective corporate risk management system.

➤ **Sustainability Implications**

There are no direct sustainability implications arising from this report.

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

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

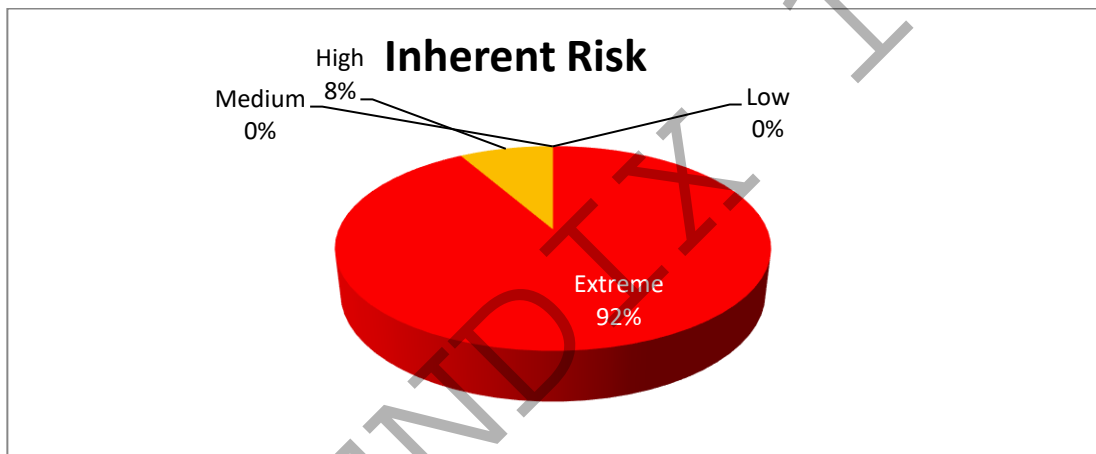
➤ **Additional Analysis**

Strategic Risk Profile

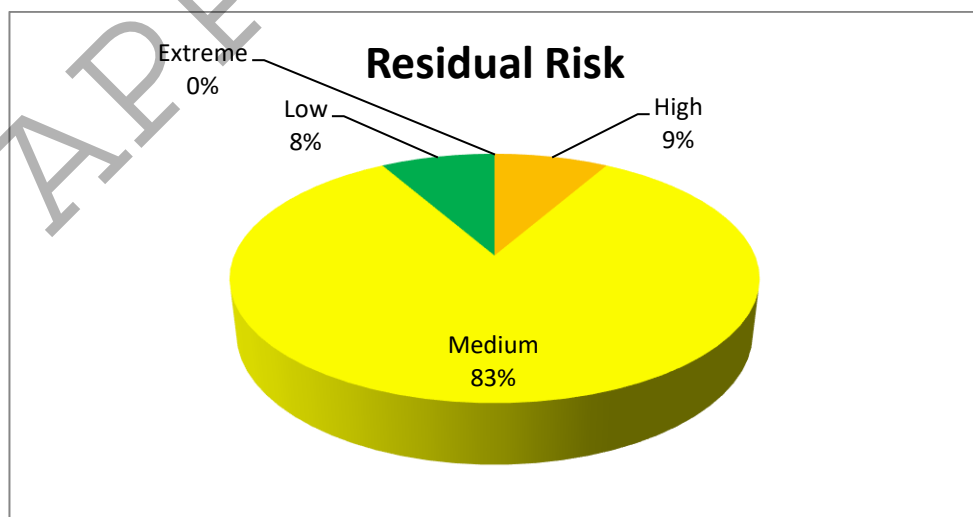
The Strategic Risks are regularly reviewed by the risk owners responding to triggers in the risk environment, changes in causation or impact, changes in the control environment and on the completion of mitigation actions (which then form part of the control environment) which collectively can impact the likelihood and/or consequence of the risk.

The Strategic Risks were recently reassessed, and the following diagrams depict the Inherent, Residual and Target ratings.

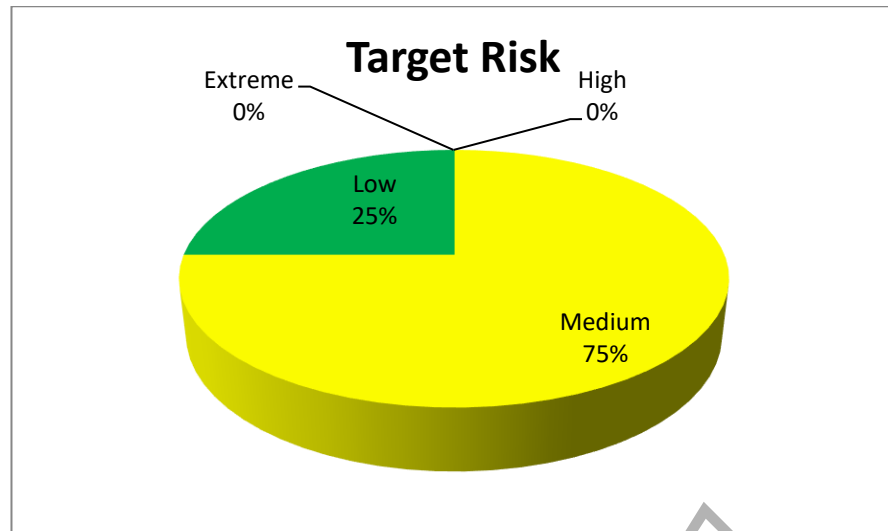
There has been no change to the Inherent risk ratings from the February 2023 assessment.



Officers regularly review their risks and mitigations and there has been no change to the Residual Risk ratings from the February 2023 assessment.



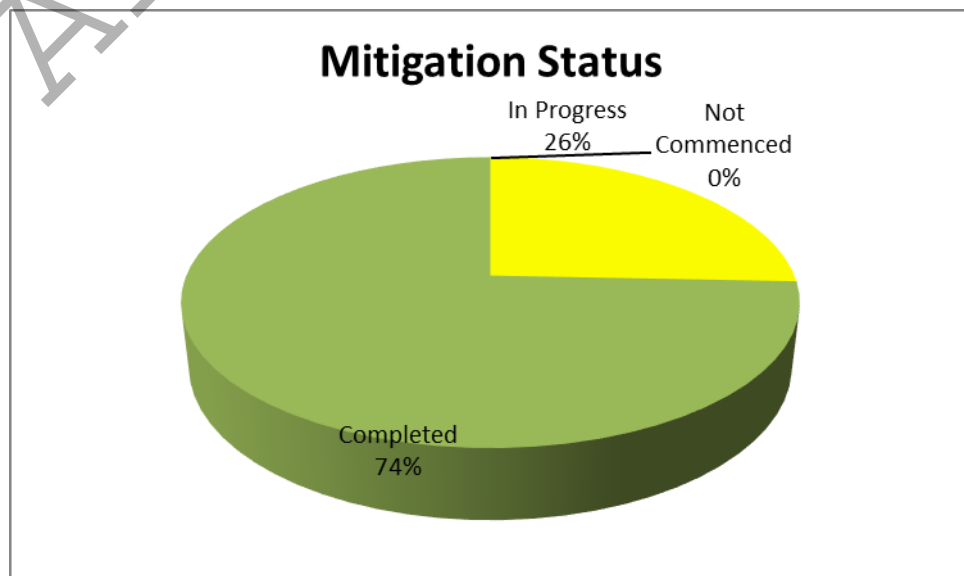
Officers regularly review their risks and mitigations and there has been no change to the Target Risk ratings from the February 2023 assessment.



The implementation of Mitigation Actions has been progressing steadily with increased new mitigations from risk owners undertaking their latest assessments in line with the 2023-24 Annual Business Plan adoption. The current status is as follows:

Status	May 2022	August 2022	February 2023	August 2023
Completed	64% (76 actions)	61% (78 actions)	61% (78 actions)	74% (87 actions)
In Progress	25% (24 actions)	32% (31 actions)	36% (36 actions)	26% (30 actions)
Not Commenced	11% (10 actions)	7% (7 actions)	3% (3 actions)	0% (0 actions)
New Initiatives (in above totals)	Nil (0) New Mitigations	Six (6) New Mitigations	One (1) New Mitigation	No New Mitigations

This is shown diagrammatically below:



Risk Management Framework

As identified through an action in the Strategic Risk Register, the Administration has continued to work on the Risk Management Framework. The key outstanding item has been improvements by the software provider to the registration functionality and reporting capabilities of the SkyTrust system.

Unfortunately, there has been minimal progress by the developer to address these deficiencies and Council will need to explore alternative system options to achieve the required functionality for an effective corporate risk management system.

3. OPTIONS

The Audit Committee has the following options:

- I. To note the update on the Strategic Risk Profile as presented (recommended).
- II. To determine not to note either or both updates and/or identify additional actions to be undertaken (not recommended).

4. APPENDIX

- (1) Strategic Risk Register – August 2023

APPENDIX IX

APPENDIX 1

Appendix 1

Strategic Risk Register – August 2023

ID:	Risk - 170963
Risk Title or Work Activity:	Strategic Risk - Representation &&&&& Decision Making
Risk Description:	Failure to act as a representative, informed and responsible decision-maker in the interests of the community. (PR)
Responsible Person:	Lachlan Miller
Date of Risk Identification:	12/11/2020
Corporate Risk?	Yes
Risk Type:	Strategic
Risk Category:	Governance, Legal & Compliance
Team:	Executive Leadership Team
Location/Project:	Other
Possible Risk Events:	<p>Cause:</p> <ul style="list-style-type: none"> - Poor governance practices (CR22) - Poor risk management practices (CR21) - Poor representation arrangements (CR92) - Poor representation of the community by Council Members (CR62) - Lack of effective strategic planning and resource allocation processes. (CR63) - Untimely implementation of Council resolutions (CR37) - Lack of effective financial sustainability processes. (SR9c) - Ineffective performance management and reporting processes. (CR64) - Poor working relationship between Council and Administration. (CR65) - Failure to engage in sector-wide reform initiatives (CR81)
Possible Consequences:	<p>Impact:</p> <ul style="list-style-type: none"> - Decisions are not representative of community sentiment or made in the community's interest - Decisions are poorly or incorrectly informed leading to a high risk profile, errors, loss, waste, omissions, breaches of legislation. - Breaches of legislation, unenforceable decisions/resolutions, creation of liabilities/ additional risk to Council, stakeholder and/or regulator dissatisfaction and/or sanction.
Initial Risk Score:	<p>22 (Extreme (5C)) - 88.00%</p>
Initial Risk Comments:	The main area of impact is community, social and reputational as it is largely based on public perception of conduct compared to individual (and therefore differing) expectations although actual breaches of legislation will contribute to this inherent rating.
Residual Risk Score:	<p>9 (Medium (3D)) - 36.00%</p>
Residual Risk Comments:	There are many controls in place to partially mitigate this risk some are systematic however many are administrative controls and therefore reliant on the diligence of individual Council Members/Officers to implement.
Other Requirements/Comments:	
Current:	Yes

Risk Controls

Control Details	Reviewer	Next Review Date	Last Review Date	Review Notes	Control Effectiveness
CR92 (Poor representation arrangements which leads to decisions that are not made in the best interests of the community) - Provisions of Chpt 3 of the LG Act regarding composition of councils and wards, mandated representation reviews, voluntary representation review, 2017 ERR completed, Strategic Boundary Review report	Lachlan Miller	26/07/2023	11/08/2023		PARTIALLY EFFECTIVE (Designed Partially Adequately; Operating Partially Effectively)
<p>9 (Medium (3D)) - 36.00%</p>					
CR21 (A lack of effective risk management occurs which leads to greater uncertainty in the achievement of objectives and/or negative outcomes.) - Revised CRM Policy adopted, CRMF adopted, training provided to senior staff, RM considerations included in agenda report templates. General awareness of risk management principles and considerations. Strategic Risk Profiling and management of assessments in SkyTrust, MLS Risk Reviews and advisory.	Lachlan Miller	26/07/2023	11/08/2023		PARTIALLY EFFECTIVE (Designed Adequately; Operating Partially Effectively)
<p>13 (Medium (4D)) - 52.00%</p>					
CR62 (Poor representation of the community by Council Members leading to formal decisions that do not appropriately take account the community needs) - Provisions of LG Act and behavioural standards, EM training on role, contact details on website, issue of email addresses and laptops; COI provisions, informed and researched Council reports, public consultation policy and practices.	Lachlan Miller	26/07/2023	11/08/2023		PARTIALLY EFFECTIVE (Designed Partially Adequately; Operating Partially Effectively)
<p>8 (Medium (2C)) - 32.00%</p>					
CR63 (Lack of effective strategic planning and resource allocation processes) - Suite of strategic management plans, strategic, business and project planning and budgeting processes, trained and experienced staff. Corporate Planning & Performance Reporting Framework, CP&R Coord role, Service Review Framework adopted. Council reports contain financial and resource implications.	Lachlan Miller	26/01/2024	11/08/2023	Added control regarding Council report financial and resource implications	EFFECTIVE (Designed Adequately; Operating Effectively)
<p>6 (Low (3E)) - 24.00%</p>					
CR64 (Ineffective performance management and reporting processes leading to poor performance and/or loss of stakeholder confidence) - Budget review processes, provisions of LG Act regarding budget reviews and annual reporting, trained and experienced staff, CEOPRP, Corporate Planning & Performance Reporting Framework, Quarterly Council Performance Report, 4x8 processes, Management contract review process, enhanced major project reporting. Local Government Advice Scheme	Lachlan Miller	26/01/2024	11/08/2023		EFFECTIVE (Designed Adequately; Operating Effectively)
<p>6 (Low (3E)) - 24.00%</p>					

CR65 (Poor working relationship between Council and the Administration leading to ineffective and inefficient performance by Council) - CM and Administration training in the respective roles, team building and relationship development, performance reporting, One Team Communication Protocols, designated administration contact listing, CEO 1:1, strengthened provisions in s58	Lachlan Miller	26/01/2024	11/08/2023		PARTIALLY EFFECTIVE (Designed Adequately; Operating Partially Effectively)
CR37 (Actions arising from Council resolutions not be completed in a timely manner leading to a loss of stakeholder confidence) - Action List, Minutes, Council Resolution Update report. Council Member queries	Lachlan Miller	26/01/2024	11/08/2023		EFFECTIVE (Designed Adequately; Operating Effectively)
CR22 (Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.) - Legal considerations considered in agenda report templates, Governance Manager advises council, well-functioning Audit Committee, flyers and updates from LGA, legal providers and professional associations. Professional and experienced management team. Policies (Conduct, COPMP, allowances, caretaker, Information Sessions, COPAMD, PID), delegations, agendas, minutes, T&D, COI Mgt. Review of s41, AGs, s43 subsidiary and external group fiduciary arrangements. By laws reviewed 2018. Council Resolution Update report shows COIs declared.	Lachlan Miller	26/01/2024	11/08/2023		PARTIALLY EFFECTIVE (Designed Adequately; Operating Partially Effectively)
CR81 (Failure to engage in sector-wide reform initiatives leading to the Adelaide Hills community not being adequately represented) - Monitoring LGA circulars and other invitations to make submissions (OLG, ECCOSA, ECSA), consideration @ ELT and Council level, Membership on LG-related bodies	Lachlan Miller	26/01/2024	11/08/2023		PARTIALLY EFFECTIVE (Designed Adequately; Operating Partially Effectively)

Actions								
Action Source	Action Required	Action Priority	Person Responsible	Extra Comments	Percent Complete	Status	Due Date	
Corporate Risk Register	Governance Framework Review	Immediately	Lachlan Miller	NIL	100%	Complete (Accepted)	30/09/2016	
Corporate Risk Register	Review of s41 Committee and Advisory Group Terms of Reference	Immediately	Lachlan Miller	Last review of Advisory Groups by Council was 18 December 2018. Last review of Audit Committee and CEOPRP was 27 November 2018, SPDPC (ceased) was 24 November 2020.	100%	Complete (Accepted)	30/09/2016	
Corporate Risk Register	Rollout of ControlTrack (Internal control module)	Immediately	Michael Carey	Endorsed and implemented for Financial Controls	100%	Complete (Accepted)	30/12/2015	

Corporate Risk Register	Review of Risk Management Framework	Immediately	Lachlan Miller	<p>SkyTrust configuration adequate for corporate rollout however additional work required on reporting functionality. Documentation being amended for SkyTrust functionality. Intend to conduct function workshops as the training exercise.</p> <p>230215 This work was sidelined whilst work was undertaken on the LG Election and Council Member Induction process. Work is scheduled to recommence March 2023.</p> <p>230811 Resignation of Governance & Risk Coordinator has resulted in deferral of Framework completion until late 2023.</p>	50%	Not Complete (Overdue)	30/12/2023
Corporate Risk Register	Representation Review - 2016/17	Immediately	Lachlan Miller	Representation Review completed and certified by Electoral Commissioner in November 2017	100%	Complete (Accepted)	30/04/2017

APPENDIX 1

				<p>Participation is ongoing as boundary proposals are lodged.</p> <p>230811 - Local Government Boundaries Commission has approved the Campbelltown City Council (CCC) submission to progress to the Inquiry Stage. CCC yet to consider the cost implications of the inquiry and determine whether to proceed.</p> <p><i>27/01/2023 by Lachlan Miller</i></p> <p>-</p> <p>CCC proposal has progressed to the Inquiry stage. AHC has positive impact into the design of the Inquiry Plan. Awaiting CCC decision as to whether to proceed with Inquiry and pay cost estimate.</p>			
Corporate Risk Register	Participation in boundary reform initiatives	Immediately	Lachlan Miller	<p><i>07/08/2022 by Lachlan Miller</i></p> <p>-</p> <p>Campbelltown City Council (CCC) lodged its Stage 2 proposal in April 2022. The Boundaries Commission requested CCC to lodge Supplementary Information to be lodged by 30 June 2022, this was achieved. Boundaries Commission advised on 20 August 2022 that CCC's Proposal can progress to an Inquiry if CCC agree to the cost estimate (to be considered post-election).</p> <p><i>12/07/2021 by Lachlan Miller</i></p> <p>-</p> <p>Watching brief kept on boundary reform proposals and actions of the initiating councils</p>	60%	Not Complete (Overdue)	30/12/2023
Corporate Risk Register	Review of s43 and external group fiduciary duties where Council members or staff are on Boards	Immediately	Lachlan Miller	NIL	100%	Complete (Accepted)	30/12/2016
Corporate Risk Register	2018 LG Election induction training	Immediately	Lachlan Miller	All mandatory and discretionary training completed.	100%	Complete (Accepted)	30/06/2019
Corporate Risk Register	Implementation of Corporate Planning & Performance Reporting Framework	Immediately	Lachlan Miller	Framework adopted by Council on 19 June 2018 and implemented in 2018-19.	100%	Complete (Accepted)	30/06/2019

Corporate Risk Register	Strategic Boundary Review project	Immediately	Lachlan Miller	Final report adopted by Council in September 2020	100%	Complete (Accepted)	30/06/2020
Corporate Risk Register	Implementation of LG Reform legislative changes.	Immediately	Lachlan Miller	<p>Statute Amendment (Local Government Review) Act 2021 passed in Parliament in May 2021 sittings.</p> <p>230811 - Final tranche of LG Reform regarding Audit Committees and Internal Audit to come into effect on 30/11/23. Minor modifications to the Audit Committee Terms of reference required.</p> <p><i>27/01/2023 by Lachlan Miller</i></p> <p>-</p> <p>The latest tranches of changes occurred with the November 2022 periodic elections (specifically COI, BMF)</p> <p><i>07/08/2022 by Lachlan Miller</i></p> <p>-</p> <p>Provisions continue to be released in tranches and the required actions and communications are undertaken at each date.</p> <p><i>11/05/2022 by Lachlan Miller</i></p> <p>-</p> <p>Commencement dates have been published for the majority of the remaining reforms and process/systems are amended leading up to each commencement tranche.</p> <p><i>17/01/2022 by Lachlan Miller</i></p> <p>-</p> <p>Commencement of new provisions on 23 December 2021, reforms mostly related to strategic and financial planning and reporting.</p>	80%	In Process	30/11/2023

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				<p><i>09/11/2021</i> <i>by Lachlan Miller</i></p> <p>-</p> <p>Second tranche of provisions commencing 10 November 2021 - removal of requirement to display documents; full publication of register of interests; independent advice regarding CEO termination, recruitment, performance review; many election-related changes.</p>			
				<p><i>09/08/2021</i> <i>by Lachlan Miller</i></p> <p>-</p> <p>OLG/LGA progressively releasing proposed commencement dates and draft regulations for comment. First tranche of new provisions to commence in August/Sept - role and functions of council, principal and ordinary member role, information sessions, other provisions regarding notifications.</p>			
				<p><i>12/07/2021</i> <i>by Lachlan Miller</i></p> <p>-</p> <p>Awaiting further information from OLG/LGA regarding commencement</p>			
Corporate Risk Register	Service Review Framework development	Immediately	Lachlan Miller	<p>Framework adopted by Council on 26 October 2021</p> <p><i>12/07/2021</i> <i>by Lachlan Miller</i></p> <p>-</p> <p>Currently meeting with internal stakeholders prior to finalising Framework for Council.</p>	100%	Complete (Accepted)	30/09/2021

Corporate Risk Register	Representation Review - April 2024-April 2025	Six Months	Lachlan Miller	<p><i>27/01/2023</i> <i>by Lachlan Miller</i></p> <p>- Revised representation review provisions commenced 30 June 2022. Only a representation report required to be produced.</p> <p><i>09/11/2021</i> <i>by Lachlan Miller</i></p> <p>- Section 12 will be amended to require only one public consultation on representation options (i.e. representation report).</p> <p><i>09/08/2021</i> <i>by Lachlan Miller</i></p> <p>- Representation Review will be included in 2023-24 ABP</p>	0%	In Process	30/04/2025
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Documents		
Date Added	Document Name	Document Details

Saved PDF Versions			
Date Saved	Saved By	Revision	PDF Document

ID:	Risk - 169143
Risk Title or Work Activity:	Strategic Risk - Service Delivery
Risk Description:	Failure to deliver projects, programs and services in accordance with plans (time, budget, quality)
Responsible Person:	Peter Bice
Date of Risk Identification:	15/05/2020
Corporate Risk?	Yes
Risk Type:	Strategic
Risk Category:	Service Delivery
Team:	Executive Leadership Team
Location/Project:	Other
Possible Risk Events:	<p>Causes:</p> <ul style="list-style-type: none"> - Ineffective Budget Bid process (ineffective cost estimates preparation; possible lack of understanding of budget and budget process; - Unrealistic timeframes e.g. 12 months for design, consultation and delivery; Change or poorly defined scope; Inadequate specifications and documentation and design; Lack of stakeholder engagement. - Lack of effective consistent project management methodologies - Unforeseen weather and climate conditions, - Lack of appropriate plant and equipment, - Poor contractor management, - Lack of resources (Lack of adequate skilled resources; Loss of key staff,) - Change in government legislation or policy, - Reduction in grant funding, - Lack of scheduled maintenance - Unclear Service ranges and levels
Possible Consequences:	<p>Impact:</p> <ul style="list-style-type: none"> - Cost of projects escalates, unbudgeted spending, impacts on delivery of the projects - Damage to Council reputation - Outcomes of the project delivered fails to meet community's expectations - Weaknesses in infrastructure necessitating increased maintenanc
Initial Risk Score:	<p>21 (Extreme (4B)) - 84.00%</p>
Initial Risk Comments:	
Residual Risk Score:	<p>9 (Medium (3D)) - 36.00%</p>

Residual Risk Comments:	<ul style="list-style-type: none"> - Monthly capital reports from finance - Reporting of The Quarter to Council - Regular team meetings with project updates - Quarterly budget review process - 3 Year Capital Program - Procurement policy - Process and qualified staff/teams - Project reporting process - Panel contractors - Legislation and policy - KPI monitoring and reporting - Financial Reporting - LTFP processes have been amended to ensure that all key Strategies and Plan (including the Strategic Plan and Asset Management Plans) are captured as part of the LTFP review each year ahead of budget
Other Requirements/Comments:	Addition of the Project Management Framework has further Strengthened the controls.
Current:	Yes

Risk Controls					
Control Details	Reviewer	Next Review Date	Last Review Date	Review Notes	Control Effectiveness
<ul style="list-style-type: none"> - Monthly capital reports from finance - Reporting of The Quarter to Council - Regular team meetings with project updates - Quarterly budget review process - 3 Year Capital Program - Procurement policy - Process and qualified staff/teams - Project reporting process - Panel contractors - Legislation and policy - KPI monitoring and reporting - Financial Reporting - LTFP processes have been amended to ensure that all key Strategies and Plan (including the Strategic Plan and Asset Management Plans) are captured as part of the LTFP review each year ahead of budget 	Peter Bice	01/09/2022	01/09/2021		
<p>12 (Medium (3C)) - 48.00%</p>					

Actions							
Action Source	Action Required	Action Priority	Person Responsible	Extra Comments	Percent Complete	Status	Due Date

Corporate Risk Register	<p>'Project Management</p> <p>a) Implementation of Project management framework. A trial with Built and Natural Assets is underway since 1/7/15. A review was undertaken in 2016 to assess and refine framework. Further review required now that Manager Civil Services appointed</p> <p>b) Process to audit and check project management.</p> <p>c) Implementation of scheduled program maintenance,</p>	Immediately	Peter Bice	<p>IN PROGRESS. Project Management Documentation now being developed in partnership with external expertise.</p> <p><i>13/10/2021 by Peter Bice</i></p> <p>-</p> <p><i>13/10/2021 by Peter Bice</i></p> <p>-</p> <p>PM Framework has now been implemented, beginning with Civil and Open Space Teams, and progressive adoption occurring from other key Project Delivery Areas.</p>	100%	Complete (Accepted)	30/06/2016
Corporate Risk Register	<p>Refine the budget bid process to ensure that sufficient time is allocated to cost budget submissions and also timing recognising that some projects will need to span across multiple years due to lead times associated with planning, consultation and approvals. Action: develop a budget bid database with a two stage process by 30/3/2016</p>	Immediately	Peter Bice	<p>COMPLETED. Initial 3 year program developed for 2017/18 ABP.</p> <p><i>20/05/2021 by Peter Bice</i></p> <p>-</p>	100%	Complete (Accepted)	30/01/2016
Corporate Risk Register	<p>Start to promote multiple year project planning in line with Asset Management Planning</p>	Immediately	Peter Bice	<p>COMPLETED. 3 Year Capital Program has been established, which help to achieve this goal.</p> <p><i>19/05/2021 by Peter Bice</i></p> <p>-</p>	100%	Complete (Accepted)	30/06/2016

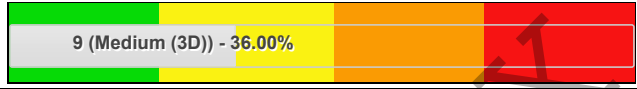
Corporate Risk Register	Develop process in conjunction with Organisational Development to transfer knowledge once an employee has notified intent to leave the organisation (i.e. to capture staff knowledge with consideration of succession planning and transition to retirement)	Six Months	Anne Pett	IN PROGRESS. Process development underway, however progress has stalled due to other delivery priorities. Looking to reinvest in this process development over the coming months. Suggest this be transferred to Executive Manager Organisational Development. OD has some important priorities with strict deadlines currently. This process can be addressed through People Leaders focusing on their teams having documented procedure manuals in their areas being developed and continually updated. Where a person transitions to retirement, conversations are undertaken around the management of knowledge transfer and if a current employee needs to be trained in specific aspects of the work as an interim step.	50%	In Process	30/12/2023
Corporate Risk Register	Amend LTFP and budget processes to capture all Strategic and Functional Strategy funding requirements.	Immediately	Michael Carey	COMPLETED: 2018/19 & 2019/20 Budgets adopted based on a revised LTFP that captured all Strategic and Functional Strategies. <i>13/07/2023 by Michael Carey</i> -	100%	Complete (Accepted)	30/06/2018
Corporate Risk Register	Amend LTFP ratio ranges, as well as rates indice, to ensure growth in Operating Surplus to fund growth in operating expenditure	Immediately	Michael Carey	Budget workshop held on 30/1/2021 where proposed changes we considered appropriate to take to Audit Committee. LTFP adopted April 2021 with updated LTFP financial indicator ranges	100%	Complete (Accepted)	30/06/2021
Corporate Risk Register	Develop Quarterly Report of all key projects to Council that provides a status and financial information	Immediately	Lachlan Miller	COMPLETED: The Quarter now implemented and being reported to Council and Audit Committee	100%	Complete (Accepted)	30/09/2019

Documents		
Date Added	Document Name	Document Details

Saved PDF Versions			
Date Saved	Saved By	Revision	PDF Document

ID:	Risk - 170965
Risk Title or Work Activity:	Strategic Risk - Governance, Legal & Compliance
Risk Description:	Failure to exercise, perform and discharge the powers, functions and duties under legislation, contracts, leases and policies (PR)
Responsible Person:	Lachlan Miller
Date of Risk Identification:	09/02/2021
Corporate Risk?	Yes
Risk Type:	Strategic
Risk Category:	Governance, Legal & Compliance
Team:	Executive Leadership Team
Location/Project:	Other
Possible Risk Events:	<p>Cause:</p> <ul style="list-style-type: none"> - Lack of awareness of legislative/contractual/lease/policy requirements - Lack of standardised lease terms and conditions. - Ineffective delegation and authorisation mechanisms. - Poor procurement and contract management practices - Ineffective compliance management systems - Staff do not possess the appropriate KSE - Legislative changes, not being fully understood - Poor confidential item management processes (CR 15 & 20) - Ineffective implementation of Council resolutions (CR37)
Possible Consequences:	<p>Impact:</p> <ul style="list-style-type: none"> - Legislative/lease/policy of contractual obligations are not discharged leading to breaches of legislation and/ or contractual arrangements - Failure to effectively undertake the functions of a council - Contractual penalties and liabilities. - Inefficient systems that lead to loss of resources - Scrutiny and sanctions by integrity agencies - Resolutions not implemented in a timely manner, opportunities missed, legislative obligations unmet
Initial Risk Score:	<p>21 (Extreme (4B)) - 84.00%</p>
Initial Risk Comments:	Council has obligations under many different legislative, policy and contractual instruments
Residual Risk Score:	<p>9 (Medium (3D)) - 36.00%</p>
Residual Risk Comments:	Notwithstanding many controls in place, few are systematized and most are administrative controls which rely on the diligence/knowledge of the Council Officer.
Other Requirements/Comments:	The ELT has made the decision not to resource a compliance function and therefore doesn't have either a compliance register of all legislative/contractual/policy obligations or a compliance officer role. All functional areas are responsible for their legislative/policy/contractual obligation compliance.
Current:	Yes

Risk Controls

Control Details	Reviewer	Next Review Date	Last Review Date	Review Notes	Control Effectiveness
<p>Legal considerations considered in agenda report templates, updates from LGA, legal providers and professional associations. Professional and experienced management team. Register of leases and licenses. Legislative delegations register regularly reviewed, role specific training & development. Policy registers, policies on web, MLS and WCS audits, contract registers, lease registers, internal audit program, external audit program Governance Legal Compliance Audit Employment of Procurement Coordinator Procurement Framework implemented. Experienced property team. Action List, Minutes, Council Resolution Update report.</p>	Lachlan Miller	26/07/2023	11/08/2023		PARTIALLY EFFECTIVE (Designed Partially Adequately; Operating Partially Effectively)
					

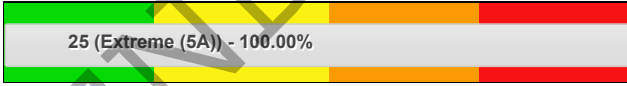

Actions								
Action Source	Action Required	Action Priority	Person Responsible	Extra Comments	Percent Complete	Status	Due Date	
Corporate Risk Register	Legislative compliance audit	Immediately	Lachlan Miller	NIL	100%	Complete (Accepted)	30/06/2016	
Corporate Risk Register	Development of contract management system, subject to funding	Immediately	Michael Carey	NIL	100%	Complete (Accepted)	31/12/2016	
Corporate Risk Register	Development of a legal opinions database	Immediately	Lachlan Miller	As all legal opinions are recorded and accessible in TRIM/RecordsHub, a legal opinions database would be an inefficient use of resources.	100%	Complete (Accepted)	30/06/2020	
Corporate Risk Register	Implementation of new delegations and authorisations management system and associated training.	Immediately	Steven Watson	Software has been implemented and is now being updated as delegation changes occur.	100%	Complete (Accepted)	29/06/2020	
Corporate Risk Register	Community & Recreation Facilities Framework will provide for greater standardisation in leasing terms and conditions	Immediately	Karen Cummings	The draft Framework was endorsed by Council in August 2022. Staff are now working on preparation of new Lease/Licensing/Management Agreement templates with Lawyers which will be progressively implemented by 1 July 2023.	70%	Not Complete (Overdue)	30/06/2023	

Corporate Risk Register	Implement Statutes Amendment (Local Government Review) Act 2021 provisions (see Action ID 278100)	Immediately	Lachlan Miller	<p>230811 - Final tranche of LG Reform regarding Audit Committees and Internal Audit to come into effect on 30/11/23. Minor modifications to the Audit Committee Terms of reference required.</p> <p><i>27/01/2023 by Lachlan Miller</i></p> <p>-</p> <p>The latest tranches of changes occurred with the November 2022 periodic elections (specifically COI, BMF)</p> <p><i>07/08/2022 by Lachlan Miller</i></p> <p>-</p> <p>Provisions continue to be released in tranches and the required actions and communications are undertaken at each date</p> <p><i>09/11/2021 by Lachlan Miller</i></p> <p>-</p> <p>Implementation and transition arrangements are being progressively developed and commenced in tranches. First two tranches 20 September and 10 November 2021 implemented.</p> <p><i>09/08/2021 by Lachlan Miller</i></p> <p>-</p> <p>See Action ID: 278100</p>	80%	In Process	30/11/2023
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Documents		
Date Added	Document Name	Document Details

Saved PDF Versions			
Date Saved	Saved By	Revision	PDF Document

APPENDIX 1

ID:	Risk - 170933
Risk Title or Work Activity:	Strategic Risk - Community Land Management
Risk Description:	Failure to manage and develop public areas vested in, or occupied by the Council (F)
Responsible Person:	Terry Crackett
Date of Risk Identification:	06/02/2021
Corporate Risk?	Yes
Risk Type:	Strategic
Risk Category:	Community Health & Wellbeing
Team:	Executive Leadership Team
Location/Project:	Other
Possible Risk Events:	Lack of strategic and operational processes to manage Council's property portfolio. Poor sports, recreation and open space management practices. Physical hazards to users Poor climate adaptation regimes Lack of maintenance Renewal works not undertaken as planned
Possible Consequences:	Increased cost to maintain infrastructure Reduced confidence in Council by the community Increased risks to staff and community when utilising facilities Disadvantage to AHC community over that of other areas Negative impact on community wellbeing
Initial Risk Score:	 <p>25 (Extreme (5A)) - 100.00%</p>
Initial Risk Comments:	
Residual Risk Score:	 <p>15 (High (5E)) - 60.00%</p>
Residual Risk Comments:	
Other Requirements/Comments:	
Current:	Yes

Risk Controls					
Control Details	Reviewer	Next Review Date	Last Review Date	Review Notes	Control Effectiveness

<p>CLMP Established: Karen: Dec 2024 Building Asset Management Plans Established: Karen: June 22 Sustainable funding for Asset Renewal and Mtce captured within LTFP: Chris / Karen: Annual Strategic Plan includes Goals / Objectives / Priorities associated with Public Areas : Karen: 2024 Sport & Recreation Strategy: Renee : June 22 Property Structure & Resourcing appropriate : Karen: Dec 22 Open Space & Recreation Structure & Resourcing appropriate : Chris : Dec 22 Audit of trees undertaken of high risk trees areas : Damian : Oct 2023 Inspection regime in place for high risk assets (building, playground equipment) : Customer Request System established and integrated with Asset Mgt System : David W : Dec 22 Cemeteries Operating Policy & supporting mtce program: Alana: Dec 21 Leases and Licenses for public areas established: Gen : June 2023 Trails Strategy adopted : Renee : June 22 Strategic Bicycle Plan : Renee : June 22 Crown Land Review Completed</p>	Terry Crackett	30/01/2024	30/07/2023	A cross functional review of this risk was undertaken in July 2021. This review resulted in a reassessment of all controls and actions required.	Moderate reduction in risk
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Actions								
Action Source	Action Required	Action Priority	Person Responsible	Extra Comments	Percent Complete	Status	Due Date	
Corporate Risk Register	Update Community Land Management Plans	Six Months	Karen Cummings	Updated Community Land Management Plans and Register were adopted by Council in September 2019. A review of the Community Land Register and Community Land Management Plans should occur at least every 2 years.	100%	Complete (Accepted)	30/09/2021	
Corporate Risk Register	Programmed maintenance regime to be developed (land and buildings)	Immediately	Karen Cummings	Strategic Property Review endorsed by Council. Programmed maintenance schedules developed in Open Space and Civil Services areas. Building maintenance schedule being developed as part of Facility Framework, service standards to be developed. Open Space operation programs for roadside and reserve maintenance are incorporated into Road Reserves Annual Maintenance Program and to include in Roadside Vegetation Management Plan. Asset Management Plan Review included in 2022/23 Budget	92%	Not Complete (Overdue)	30/06/2023	

Corporate Risk Register	Review of Crown Land under care and control of Council	Six Months	Karen Cummings	<p>Detailed assessment of all land parcels undertaken and workshop and report provided to Council. Preliminary consultation completed in relation to potential land parcels to hand back to the Crown. Revocation of community land classification commenced with formal community consultation completed. A report was presented to Council in March 2021 to continue the revocation process that was endorsed. Application for approval for revocation has been lodged with the Minister for Planning. Following a response from the Minister for Planning, a workshop will be held with Council prior to a report being presented to Council for further consideration.</p> <p>Note 9/01/2023: Response received from Minister - revocation now referred to Crown Lands department to revoke the Community Land classification. Update report to be presented to Council at Jan 2023 Council meeting. Update by June 2023.</p> <p><i>11/07/2023 by Karen Cummings</i></p> <p>- Report to be considered by Council on 25/07/2023 for 18 parcels of Crown Land to be reverted back to the Crown</p> <p><i>04/01/2022 by Natalie Armstrong</i></p> <p>- Application for approval for revocation lodged with Minister for Planning.</p>	75%	Not Complete (Overdue)	30/06/2023
Corporate Risk Register	Review of the Trails Strategy (including Bicycle Plan)	Six Months	Renee O'Connor	<p>Trails Strategy developed and adopted by Council. Funding for implementation of the Strategy included in the 2022/23 Annual Business Plan.</p> <p><i>03/01/2023 by Renee O'Connor</i></p> <p>- The new Trails & Cycling Rotes Framework has been endorsed, concluding the review of all previous trails & cycling strategic documents.</p>	100%	Complete (Accepted)	30/06/2023
Corporate Risk Register	Building Asset Management Plans Updated	Six Months	Peter Bice	<p>The audit across buildings for valuations, condition assessment, insurance and sustainability base line has now been undertaken. The Building AMP is now in development, with the draft document nearing completion. Some delay has been experienced due to competing priority project delivery and staff vacancy, and an end of year completion is more realistic.</p>	75%	Not Complete (Overdue)	30/12/2023

Corporate Risk Register	LTFP reviewed to accommodate the ongoing cost of recovery from disaster events	Six Months	Christopher Janssan	<p>Council has considered the financial impact of significant events such as disasters including bushfire or storm as these type of events have occurred more regularly in recent years. As a result, Council has also assessed its Net Financial Liability ratio with an additional \$3m of borrowings represented by the top red line in the graph below. The resultant ratio shows that even with the additional \$3m, Council still maintains this ratio within a sustainable target range.</p> <p>The \$3m represents the likely Council net contribution to a very significant disaster in the order of \$10m taking into account financial assistance from State and Federal Governments. This assumption is also based on Council's strong preference to borrow if such a major event did occur rather than requiring an increase in rates to fund any financial impact.</p>	100%	Complete (Accepted)	31/03/2022
Corporate Risk Register	Finalise the Community Recreation Facilities Framework (by 31/12/2021) and develop a strategy for inclusion in the LTFP for future funding.	Six Months	Renee O'Connor	<p><i>03/01/2023 by Renee O'Connor</i></p> <p>-</p> <p>The Community & Recreation Facilities Framework was endorsed by Council in 2022, & financial implementation was included in the 2022 iteration of the LTFP review.</p> <p><i>01/08/2022 by Renee O'Connor</i></p> <p>-</p> <p>The final draft documents will be presented to Council at its August 2022 meeting for endorsement. Staged financial implementation has been considered & included in the recent review of the LTFP.</p>	100%	Complete (Accepted)	31/03/2022
Corporate Risk Register	Undertake a review of the Sport and Recreation Strategy	Six Months	Renee O'Connor	<p><i>01/08/2022 by Renee O'Connor</i></p> <p>-</p> <p>Sport & Recreation team staff have commenced the initial phase of the Sport & Recreation Strategy review.</p>	15%	In Process	30/11/2023

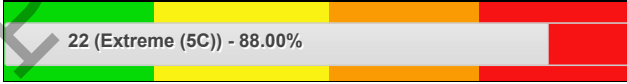
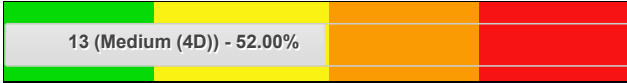
Corporate Risk Register	Develop Public Toilet Strategy	Six Months	Steve Sauerwald	<p>Development of a Public Toilet Strategy will include the assessment of existing facilities (including link to building audit to be undertaken), development of guidelines in relation to public toilet renewal and new options, development of priorities of upgrades and new, position in relation to supporting community groups who provide public toilet facilities in locations where Council does not provide public toilet facilities</p> <p><i>14/07/2023 by Steve Sauerwald</i></p> <p>- Physical Public Toilet audit commenced 11/07/2023. Gathered information will be collated with the Sprout audit information and presented in a one page per asset format. Anticipated completion by end of August 2023.</p>	30%	In Process	31/08/2023
Corporate Risk Register	Review the Open Space Mtce Programs to inform an update to the LTFP	Six Months	Nicole Budd	<p><i>16/01/2023 by Nicole Budd</i></p> <p>- Due to restructure within Open Space Ops team, we are finalising updated programs now that will be allocated within three new 'sub-teams' within the OPs team. Programs to be completed by end of February 2023.</p> <p><i>29/12/2021 by Nicole Budd</i></p> <p>- Mowing schedules have been updated to best reflect efficiency over the prime mowing season. Also, currently reviewing schedule for playground & cemetery maintenance to ensure compliance with Australian Standards & community expectations.</p>	80%	Person Responsible Complete	17/02/2023
Corporate Risk Register	In conjunction with Rec & Sport update the audit regime of high risk assets following finalisation of the Community Recreation Facilities Framework	Six Months	Karen Cummings	<p>Priority has been on implementing the Community and Recreation Facilities Framework which will continue into the first half of 2023. The Building audit findings have just been received in late 2022 and there have been no significant high priority risks identified. Staff will continue to implement the Community and Recreation Facilities Framework and review the building audit data and other data to identify high risk assets and their audit regime.</p>	30%	Not Complete (Overdue)	30/06/2023

Corporate Risk Register	Develop Cemetery Mgt Plans for each cemetery under AHC care and control	Six Months	Karen Cummings	Development of management plans for each cemetery will be undertaken as resourcing allows with the heritage listed cemeteries taking priority.	10%	Not Complete (Overdue)	30/06/2023
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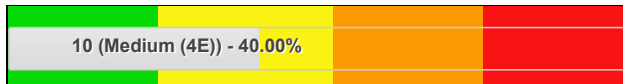
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APPENDIX I

ID:	Risk - 170817
Risk Title or Work Activity:	Strategic Risk - Environment
Risk Description:	Failure to manage, develop, protect, restore , enhance and conserve the environment in an ecologically sustainable manner and to improve amenity. (F)
Responsible Person:	Peter Bice
Date of Risk Identification:	15/05/2020
Corporate Risk?	Yes
Risk Type:	Strategic
Risk Category:	Environment
Team:	Executive Leadership Team
Location/Project:	Other
Possible Risk Events:	<p>Cause:</p> <ul style="list-style-type: none"> -Lack of understanding of biodiversity. - Inadequate planning controls, - Lack of specific skill and knowledge of natural environment, - Insufficient budget, - Lack of internal coordination in project delivery, - Inadequate emergency response to environmental hazard, - Lack of longitudinal planning and service delivery, difficulty of meeting varying community expectation, - Ineffective natural resource management strategies and processes. - Poor environmental management practices. - Illegal dumping
Possible Consequences:	<p>Impact:</p> <ul style="list-style-type: none"> - Damage to local environment - Financial - restoration of failure to act (fines plus the works to restore) - Reputational damage - Impact on human health and wellbeing due to the loss of visual amenity and ability to interact with nature - Local amenity not maximised - Health and economic impacts due to climate change - Failure to meet stakeholder expectation
Initial Risk Score:	 <p>22 (Extreme (5C)) - 88.00%</p>
Initial Risk Comments:	
Residual Risk Score:	 <p>13 (Medium (4D)) - 52.00%</p>
Residual Risk Comments:	
Other Requirements/Comments:	Council continues to work locally but also partner with key agencies to advocate for improved ecological sustainability.
Current:	Yes

Risk Controls					
Control Details	Reviewer	Next Review Date	Last Review Date	Review Notes	Control Effectiveness

<ul style="list-style-type: none"> - Biodiversity Strategy, - Water Management Plan - Biodiversity Advisory Group and Sustainability Advisory Group - Trained & qualified staff - Safe working procedures - Blue Marker sites - Spill kits - SDS - Customer request system for reporting to us - Machinery hygiene - Development Plan - Strategic Plan Reviewed with Goal area for Natural Environment established (including priorities) 	Peter Bice	01/03/2021	12/11/2020		
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Actions							
Action Source	Action Required	Action Priority	Person Responsible	Extra Comments	Percent Complete	Status	Due Date
Corporate Risk Register	Water Resources strategy to be developed	Immediately	Sharon Leith	Water Management Plan endorsed by Council 13 December 2016.	100%	Person Responsible Complete	13/12/2016

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Corporate Risk Register	Project Management framework (see action above)	Immediately	Ashley Curtis	<p>Trail of first draft complete 31 Dec 2020 Trial of revised raft commenced 30 Jun 2021 Target adoption of final draft = 31 Dec 2021</p> <p><i>06/03/2021 by Ashley Curtis</i></p> <p>- PMF was in testing phase, however testing project officer left the organisation, placing the test on hold, to be continued by new project officer.</p>	100%	Complete (Accepted)	31/12/2021
Corporate Risk Register				<p><i>05/03/2021 by Peter Bice</i></p> <p>- Underway, drat documentation completed.</p>			
Corporate Risk Register				<p><i>05/03/2021 by Peter Bice</i></p> <p>- Underway, drat documentation completed.</p>			
Corporate Risk Register	Implementation plan for the Biodiversity Strategy to be developed; Interim review of Strategy	Immediately	Tonia Brown	Biodiversity Strategy endorsed by Council on 24/9/2019. Implementation plan for the Biodiversity Strategy complete.	100%	Person Responsible Complete	24/09/2019
Corporate Risk Register	Ensure adequate budget and human resources are allocated to the priority strategies articulated in the Biodiversity Strategy's Implementation Plan	Immediately	Peter Bice	Implementation plan for the Biodiversity Strategy complete. The plan informs Annual Programming and LTFF.	100%	Complete (Accepted)	26/02/2021
Corporate Risk Register	Establish a program to review the safe operating procedures to ensure that they incorporate contemporary management techniques to minimise environmental impacts.	Immediately	Christopher Janssan	Budget Bids to support this years program were included in the 2018-19 Annual Business Plan and Budget Process.	100%	Complete (Accepted)	26/02/2021
Corporate Risk Register	Expansion of Blue Marker Sites	Immediately	Christopher Janssan		100%	Complete (Accepted)	30/10/2016

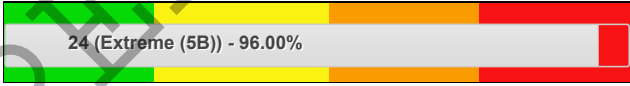
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APPENDIX 1

ID:	Risk - 170941
Risk Title or Work Activity:	Strategic Risk - Financial
Risk Description:	Failure to manage, improve and develop the financial resources available to Council. (F)
Responsible Person:	Terry Crackett
Date of Risk Identification:	12/11/2020
Corporate Risk?	Yes
Risk Type:	Strategic
Risk Category:	Financial
Team:	Executive Leadership Team
Location/Project:	Other
Possible Risk Events:	Poor internal control environment Poor procurement planning and processes. Ineffective insurance arrangements. Poor financial management processes (treasury, AP, AR) Poor contract management Poor People Management Ineffective Asset Planning Lack of Business Planning Poor Strategic Planning Lack of Business Case development (Including Prudential Reviews)
Possible Consequences:	Potential for qualified accounts as an audit outcome; inappropriate segregation of duties; increased potential for fraud; negative impact on Council brand & reputation; lack of consistency in process use; inability to measure process effectiveness and outcomes; increased risk of litigation; inappropriate assets with short medium and long term financial impacts; potential inability to pay; negative impact on ability to service the community; poor customer relations; poor supplier relationships; potential impact on income from rates, fees and charges; increased risk of litigation leading to financial instability.
Initial Risk Score:	 24 (Extreme (5B)) - 96.00%
Initial Risk Comments:	
Residual Risk Score:	 9 (Medium (3D)) - 36.00%
Residual Risk Comments:	
Other Requirements/Comments:	A cross functional review of this risk was undertaken in July 2021. This review resulted in a reassessment of all controls and actions required. Whilst the actions have now been individually created, separate controls are required to be captured.
Current:	Yes

Risk Controls					
Control Details	Reviewer	Next Review Date	Last Review Date	Review Notes	Control Effectiveness

<p>Long Term Financial Plan in place and regularly Reviewed; Annual Business Plan developed and aligned each year to the Long Term Financial Plan; Internal audit and annual review of internal controls; System security and configuration; Induction procedures; Recruitment and selection processes; Financial delegations; Informed level of insurance cover through LGAMLS, rating policy, process and timeframes; Asset management register and program; Executive Manager Governance and Risk employed; Procurement Co-Ordinator role employed; Qualified employees that are trained in policies; Conflict of interest declaration regularly reviewed (Directors/CEO); WHS procedures on plant purchasing, consultation and risk assessment; Fraud and Corruption Policy; Whistleblowers Policy; Insurance reviewed annually and all areas of insurance are reviewed and recalculated for following year; Wage declaration which affects the insurance calculation annually; insurance claims process; Quality accredited insurance company-LG Risk Services; insurer processes claims; professional internal advice; Financial management system; Updated Procurement Policy and Procedures Adopted by Council in 2019 (delegation and authority included); Code of Conduct for Employees and Council Members; Discipline processes; Ongoing training and development; Internal controls framework; Debt Recovery Policy and Accounts Reconciliation Policies updated and adopted External Fund Funding Policy adopted by Council (2017) Implementation of ContolTrack to monitor financial controls environment Treasury Policy established</p>	<p>Terry Crackett</p>	<p>28/02/2024</p>	<p>11/02/2023</p>	<p>A cross functional review of this risk was undertaken in July 2021. This review resulted in a reassessment of all controls and actions required. Whilst the actions have now been individually created, separate controls are however still required to be entered.</p>	<p>EFFECTIVE (Designed Adequately; Operating Effectively)</p>
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APPENDIX 1



Actions								
Action Source	Action Required	Action Priority	Person Responsible	Extra Comments	Percent Complete	Status	Due Date	
Corporate Risk Register	Review positions across council that require criminal history checks, including financial roles	Immediately	Megan Sutherland	Updated Policy and Procedure covering the relevant criminal history check requirements have been adopted and training completed. Identified positions requiring checks are being updated or undertaken currently.	100%	Complete (Accepted)	30/06/2016	
Corporate Risk Register	Recruit Procurement Coordinator Role	Immediately	Michael Carey	Recruitment completed in June 2018	100%	Complete (Accepted)	30/09/2017	
Corporate Risk Register	Review of Procurement Policy and procedures (Stage 1)	Immediately	James Greenfield	Updated Policy and Procedure endorsed by Council in August 2019	100%	Complete (Accepted)	01/06/2019	
Corporate Risk Register	Review the process map of the insurance claims procedure to enable consistency of application.	Six Months	Steven Watson	<p>220104 Development of process map has commenced.</p> <p>220405 Creation and attached herein a Motor Vehicle Incident Report which is used for capturing information proceeding to an insurance claim.</p> <p>220405 Creation and attached herein is an Asset Incident Report which is used for capturing information proceeding to an insurance claim.</p> <p>220405 Attached herein is the LGRS Portal User Manuals</p> <p>230215 This work was sidelined whilst work was undertaken on the LG Election and Council Member Induction process. Work is scheduled to recommence March 2023.</p>	85%	Not Complete (Overdue)	30/06/2023	
Corporate Risk Register	Explore Grant funding opportunities	Immediately	Michael Carey	A Grant Funding Policy endorsed by Council.	100%	Complete (Accepted)	01/07/2016	
Corporate Risk Register	Develop a Treasury Management Policy	Immediately	Michael Carey	Policy endorsed by Council October 2017	100%	Complete (Accepted)	30/11/2018	
Corporate Risk Register	Implement the Cyber Security Plan	Six Months	James Sinden	<p>A Cyber Security Plan has been developed and will be presented to Audit Committee for endorsement in May 2021</p> <p>3rd August 20201 - The implementation of an ISMS is a part of the recently adopted Cyber Security Plan that was adopted at the June 2021 Council Meeting. Commencement is now delayed due to the resignation of a key AHC Staff member responsible for the delivery of the project. It's anticipated that the project will commence in late September 2021.</p> <p><i>09/01/2023 by James Sinden</i></p> <p>-</p> <p>Progress on the ISMS has been the development of an Information Security Manual and End User Security Procedures that are now progressing through formal review and endorsement by the organisation.</p>	100%	Complete (Accepted)	30/06/2023	

				<p><i>02/08/2022</i> <i>by James Sinden</i></p> <p>- AHC is progressing its implementation of its ISMS (Information Security Management System) with the creation of a Cyber Security Calendar, Security Risk Register & Information Asset Inventory.</p>			
				<p><i>10/05/2022</i> <i>by James Sinden</i></p> <p>- The LGITSA Cyber Security Framework has been completed and AHC is currently aligning its Cyber Security Plan to this framework in a sector wide approach of improving Cyber Security maturity. AHC has also engaged CyberCX in the implementation of AHC's ISMS (Information Security Management System) and work activity continues in this area.</p>			
				<p><i>01/04/2022</i> <i>by James Sinden</i></p> <p>- Work activity continues with this action where staff have been closely involved in the working group established by LGITSA (Local Government Information Technology South Australia) to develop a Local Government Cyber Security Framework that's been grant funded by the LGA. As the development of the framework progresses, AHC continues to build upon technical cyber security controls and implementation work activity with consultants that will align to a State based Cyber Security Framework.</p>			
Corporate Risk Register	Develop a Project Management Framework supported by Policies & Procedures	Six Months	Ashley Curtis	Draft Framework has been completed and use broadly across the organisation now occurring. Some refinement being made based on user feedback, with supporting Policies and Procedures developed but subject to ongoing refinement and review.	100%	Complete (Accepted)	30/06/2022

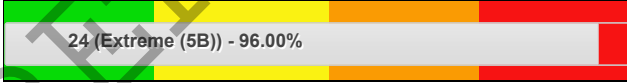
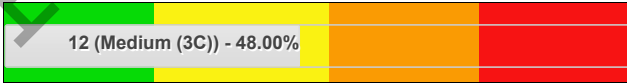
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Corporate Risk Register	Undertake a review of the Fleet Management Framework (including Policies & Procedures)	Six Months	Christopher Janssan	A detailed analysis is being undertaken in 22-23 to confirm the approach to achievement and quantum of savings. Working with Manager People and Culture to look at make-up of fleet and will then work on Policy	20%	In Process	30/06/2024
Corporate Risk Register	Implement biannual reporting of procurement to ELT	One Month	James Greenfield	<i>05/11/2021 by James Greenfield</i> - Presentation held 04/11/2021. Presentations booked for Feb and Sept 2022	100%	Person Responsible Complete	31/08/2021
Corporate Risk Register	Establish a process to ensure that a review of Purchase Order variations is undertaken	Three Months	James Greenfield		100%	Complete (Accepted)	31/12/2021
Corporate Risk Register	Investigate the option for Business Interruption Insurance	Three Months	Steven Watson	LGRS have provided a proposal for undertaking Business Interruption Review (BIR) , however a proposal to undertake a Transferable Risk Profile (TRP) is occurring mid September 2021 which includes identifying Maximum Foreseeable Loss (MFL) on risks identified. Following the TRP an assessment will be made as to any gaps and consideration of furthering the BIR proposal. 210826 Met with stakeholders to discuss. We focused on a loss of rate revenue through a bushfire event and Council's willingness to fund a rate shortfall or willingness to cut services to accommodate such. The agreed approach was to seek quotes for Loss of Rate Revenue of \$5m, \$7m and \$10m for a period of 1, 3 and 5 years. We will reconvene once the quote has been received. 200104 Awaiting feedback from TC / LM on the quote and TRP information provided. 230215 This work was sidelined whilst work was undertaken on the LG Election and Council Member Induction process. Work is scheduled to recommence March 2023.	85%	Not Complete (Overdue)	30/06/2023
Corporate Risk Register	Provide a report to ELT on the Annual Placement of Insurance (including claims experience)	Two Months	Steven Watson	An item was presented to ELT on Thursday 26 August 2021 detailing the insurance report to the Audit Committee, claims history and where to find the insurance claims register. An action arising included presenting to ELT twice yearly on this matter during the months of March and September. 220421 - Another briefing presented to ELT on 21 April 2022.	100%	Person Responsible Complete	30/09/2021
Corporate Risk Register	Undertake an annual review of the Long Term Financial Plan to ensure that changes within the operating environment of Council are captured and accommodated to ensure long term financial sustainability can be achieved. Last reviewed Feb 23.		Elizabeth Packer		%	New	29/02/2024

Documents		
Date Added	Document Name	Document Details

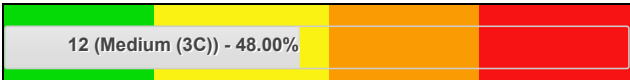
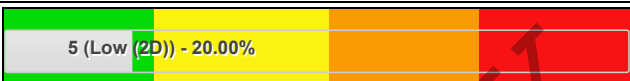

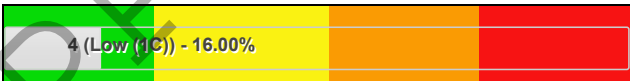
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APPENDIX 1

ID:	Risk - 170934
Risk Title or Work Activity:	Strategic Risk - People & Culture inc WHS
Risk Description:	Failure to manage, improve and develop the human resources available to the Council. (F)
Responsible Person:	Terry Crackett
Date of Risk Identification:	07/08/2020
Corporate Risk?	Yes
Risk Type:	Strategic
Risk Category:	People & Culture (includes WHS)
Team:	Executive Leadership Team
Location/Project:	Other
Possible Risk Events:	Poor IR practices Ineffective attraction and retention initiatives Lack of workforce planning and development. Deficient equity and diversity programs Poor leadership Failure to ensure appropriate WH&S for employees and volunteers. Volunteers not trained or inducted effectively
Possible Consequences:	Increased financial cost; potential litigation; decrease in morale; poor work performance; inability to deliver services; negative impact on council brand and reputation; lacking or ineffective policy/procedures; inability to meet the demand for volunteering opportunities; inability to offer attractive positions; council could fail to meet the legislative requirements if training avoided; not having available staff/volunteers to undertake work at required times; heightened number of complaints around EEO; ineffective management of human resources, lose ability to innovate through poor leadership; increased injured and notifiable incidents; potential death; litigation threatening the viability of the organisation; unable to attract employees and volunteers; lack of handover and transfer of valuable knowledge; challenges about fair and equitable process; higher turnover costs and negative affect on work culture; increase absenteeism.
Initial Risk Score:	
Initial Risk Comments:	There is a huge array of risks associated with the management of people within the organisation. Several large pieces of legislation have requirements to be met to manage these risks.
Residual Risk Score:	
Residual Risk Comments:	There are significant controls in place to manage these risks, with responsibilities to provide procedures and process in key departments that are then utilised by people across the organisation, including People Leaders, employees and 'workers' from a WHS perspective.
Other Requirements/Comments:	
Current:	Yes

Risk Controls					
Control Details	Reviewer	Next Review Date	Last Review Date	Review Notes	Control Effectiveness

Volunteer Framework established and implemented Volunteer Policy Developed	Rebecca Shepherd	30/11/2022	05/08/2022	Volunteer Policy and additional procedures implemented and working effectively with improved practices. Volunteer Policy to be reviewed in 2022.	EFFECTIVE (Designed Adequately; Operating Effectively)
					
Recruitment Policies and Procedures in place	Anne Pett	30/03/2023	05/08/2022	Phase 2 of the HR System implementation will be commencing in August or September 2022 (still being finalised). With the Recruitment and Retention Audit recently being completed, a range of actions, including the update of the Recruitment and Selection Procedure and associated documents will now commence.	EFFECTIVE (Designed Adequately; Operating Effectively)
					
WHS Management System in place (Committee, Reporting, SkyTrust, Policy & Procedures) Regular audits by LGAWCS	Anne Pett	30/07/2023	05/08/2022	WHS policy, procedures, SOP's, risk assessments, inspections, hazard and incident reporting, audits, action processing and updating and use of Skytrust are all ongoing processes that continue to be used and reviewed.	EFFECTIVE (Designed Adequately; Operating Effectively)
					
Established Policies and Procedures Framework	Anne Pett	28/08/2023	05/02/2023	The OD Policy and Procedure Framework was adopted by Executive on 14/7/2022. Work will continue on the review and development of policies and procedures against this framework. This work has been placed on hold given the resignation of the Mgr People and Culture as well as the Team Leader OD. The new Mgr People and Culture will commence on 20 March 2023 at which time the progression of the Policy & Procedure Framework will recommence.	PARTIALLY EFFECTIVE (Designed Adequately; Operating Partially Effectively)
					
Leadership Framework Established and development opportunities undertaken	Anne Pett	30/09/2023	05/02/2023	This work has been placed on hold given the resignation of the Mgr People and Culture as well as the Team Leader OD. The new Mgr People and Culture will commence on 20 March 2023 at which time the progression of the Leadership Framework will be considered.	PARTIALLY EFFECTIVE (Designed Adequately; Operating Partially Effectively)
					

OD Structure supported through trained and experienced staff	Anne Pett	17/10/2023	17/07/2023	Following the resignation of the Mgr OD as well as the Team Leader OD and WHS Advisor, a resource and structure review was undertaken of the now People and Culture Department. This review has been completed and resulted in the provision of additional resourcing to support both the WHS and OD Advisory roles. The new Mgr People and Culture commenced on 20 March 2023 and the new WHS advisor will start 25 July 2023. The People and Culture Department was further reviewed as part of a Corporate Services resource and structure review. This review proposes the removal of the Team Leader OD position and redesigns the OD Advisor role to Senior People & Culture Officer. The OD Officer role is proposed to go full time. Changes are subject to feedback from consultation which closes 21 July 2023.	PARTIALLY EFFECTIVE (Designed Adequately; Operating Partially Effectively)
					
Enterprise Agreement Framework in place	Anne Pett	01/12/2023	05/08/2022	The Enterprise Development Agreements have been in place for many years. This provides Council the opportunity to work with employees in a consultative way, with their Union Organisers (as relevant), to discuss terms and conditions of employment, providing the framework, that sits over Awards, to manage our work and employees. Current Agreements are in place for Field and Office until 30 June 2025.	EFFECTIVE (Designed Adequately; Operating Effectively)
					
2022 Fair Treatment, Bullying & Grievance Policies and Procedures are established	Anne Pett	30/06/2024	05/08/2022	These documents are established and up to date. Their next scheduled review is 30 June 2024 or as legislation or internal controls require.	EFFECTIVE (Designed Adequately; Operating Effectively)
					
Established Position Descriptions for all roles:	Anne Pett	01/07/2024	05/02/2023	Position descriptions are reviewed at the appointment of recruitment or classification assessments. There is provision for PD's to be reviewed annually with the staff member and People Leader as part of the 4x8 process. OD has undertaken a review of position descriptions with a view to begin updating PD's periodically, particularly those that have not been reviewed more recently. This work has been placed on hold given the resignation of the Mgr People and Culture as well as the Team Leader OD. The new Mgr People and Culture will commence on 20 March 2023 at which time the work will recommence.	EFFECTIVE (Designed Adequately; Operating Effectively)
					

Actions								
Action Source	Action Required	Action Priority	Person Responsible	Extra Comments	Percent Complete	Status	Due Date	
Corporate Risk Register	Equity and diversity plan is being developed	Six Months	Anne Pett	Since this action commenced, the Access and Inclusion Plan 2020-2024 has been adopted by Council in January 2021. A review of the direction of this action is needed so as not to double up on activities. This action has been delayed as resourcing has needed to focus on the HR and payroll system implementation, payroll processing each fortnight, WHS Action Plans and activities and day to day organisational support. The ongoing support of managing COVID and general illness across the organisation has also been important for OD. This action has not been progressed, P&C will be gathering Diversity data from employees that will support the DAIP, RAP and Our Watch and potentially inform an Access and Inclusion Plan (or similar).	30%	Not Complete (Overdue)	30/06/2023	

Corporate Risk Register	Review Fair Treatment and Bullying Procedures, and Grievance Resolution Procedure;	Six Months	Anne Pett	Fair Treatment, Workplace Bullying Policies and Grievance Procedure require an annual review to ensure currency	100%	Complete (Accepted)	01/07/2022
Corporate Risk Register	Review Work From Home Policy & procedures to ensure that meet the changing needs of the workforce stemming from COVID and increased fire events.	Two Months	Anne Pett	Procedures updated to respond to events in 2020 and were implemented successfully. Review now required to ensure application to a more business as usual mode of operation is effective.	100%	Complete (Accepted)	30/10/2021
Corporate Risk Register	Implement replacement Payroll system to comply with legislative requirements that will not be possible with existing system on 1 January 2022.	Immediately	Michael Carey	<p>Project team established and options for upgrade being considered. Advise received that critical deadline may move to 30 June 2022. System set up is well progressed and testing currently underway. The majority of the setup work has now been completed. Go live date was re set for mid February 2022. Go live was reset for 28 March 2022</p> <p><i>11/05/2022 by Megan Sutherland</i></p> <p>- Community Payroll was implemented on the week of 28/3/2022.</p> <p><i>22/04/2021 by Megan Sutherland</i></p> <p>- Currently working with ICT Team and the external system provider to map out requirements. ICT managing the implementation plan.</p>	100%	Complete (Accepted)	01/04/2022

APPENDIX IX

Corporate Risk Register	Undertake training in recruitment practices for staff involved in recruitment panels	Six Months	Anne Pett	<p>Phase 1 of the HR system has been implemented. We are currently scoping out and prioritising Phase 2 of the system implementation which will include Employee Self Service and e-Recruitment. The Recruitment Audit has also been undertaken (May 2022) with the initial report returned (20 June 2022).</p> <p>This work has been placed on hold given the resignation of the OD Manager and Team Leader. The new Mgr People and Culture will commence on 20 March 2023 at which time work will recommence.</p> <p>The Recruitment & Selection Policy and Procedure was supported by ELT in July 2023 and CEO approval is imminent. Following approval training will be deliver to all relevant staff across Council who have responsibility for recruitment and selection.</p> <p><i>07/02/2022 by Niamh Milligan</i></p> <p>-</p> <p>This action will be addressed as part of the work that will occur around the implementation of e-Recruitment through the new HR System, Lanteria. We are working towards the new system going live currently.</p>	20%	Not Complete (Overdue)	30/06/2023
Corporate Risk Register	Review how the Work from Home Procedure is going and if positively contributing to effective and efficient work and working relationships across the organisation.	Three Months	Megan Sutherland	<p>Given the current pandemic arrangement there has been considerable review of WFH processes and procedures. There is still a level of follow up required to ensure compliance. A new register has been established to monitor which employees are working from home each day.</p> <p><i>11/05/2022 by Megan Sutherland</i></p> <p>-</p> <p>WFH processes are reviewed in an ongoing way to enable work to be undertaken that meets the needs of the organisation and it's people. Further work will be progressed as we lead the organisation out of the the 'COVID crisis' and determine if or where any changes to these practices are needed.</p>	100%	Complete (Accepted)	30/04/2022
Corporate Risk Register	Leadership Coaching & Mentoring Program Progressed	Six Months	Anne Pett	<p>This work has been placed on hold given the resignation of the Mgr People and Culture as well as the Team Leader OD. The new Mgr People and Culture will commence on 20 March 2023 at which time the progression of the Leadership Framework will be considered.</p> <p>The Leadership Framework will be considered as part of the review of Values and Behaviours.</p>	5%	In Process	30/12/2023
Corporate Risk Register	Review OD Structure to ensure resources aligned to corporate goals and undertake recruitment to ensure revised structure resourced.	Three Months	Megan Sutherland	<p>Revised structure established and currently out to consultation with staff. Additional resource to to support OD approved within the 2021/22 budget. Systems project resource endorsed by ELT on 5/8/21. Changes to OD structure are currently being implemented.</p> <p>One position has been appointed and is working well. The recruitment process has been completed for the other role and commences in Jan 2022</p>	100%	Complete (Accepted)	20/12/2021

Corporate Risk Register	Update OD Policies & Procedures to align to Framework.	Six Months	Anne Pett	<p>The OD Policy and Procedure Framework has been adopted by Executive on 14/7/2022. Review and update of documents will continue against this Framework. All OD policy/procedures and procedures will not be completed by Dec 2022. Work will continue until all documents have been updated. A Reference Group has been established to support this review process.</p> <p>The Policy and Procedure was reviewed resulting in the consolidation, deletion and creation of policies/procedures. ELT approved the revised framework on 13 July 2023 with a prioritised implementation schedule. It is anticipated that all documents will be reviewed and implemented over a period of 12-18 months.</p> <p><i>21/06/2022 by Niamh Milligan</i></p> <p>-</p> <p>A proposed OD Policy and Procedure Framework was workshopped with the EM OD on 15/06/2022 with feedback incorporated. It will be presented to ELT at the next 'Develop' meeting on 14 July 2022.</p> <p><i>07/02/2022 by Niamh Milligan</i></p> <p>-</p> <p>We are continuing to work through the update of policies and procedures with the current focus being on the Leave Procedure which is currently being reviewed.</p>	15%	Not Complete (Overdue)	02/12/2022
Corporate Risk Register	Undertake Audit of Position Descriptions to Ensure currency and ensure update where not current	Six Months	Karlee Cook	<p>OD has undertaken a review of position descriptions with a view to begin updating PD's periodically, particularly those that have not been reviewed more recently. Note: all PD's across the organisation will not be reviewed by end of 2022 particularly due to the ongoing implementation of the HR system which is expected to continue into 2023 and takes significant resourcing.</p> <p>The review of Position Descriptions has not progressed and additional resources will be required to achieve, which could be through engaging a temporary contractor.</p> <p><i>27/01/2022 by Niamh Milligan</i></p> <p>The OD Advisor has commenced this review with an initial focus on ensuring that we have position descriptions for all positions and identifying any gaps.</p>	15%	Not Complete (Overdue)	31/12/2022


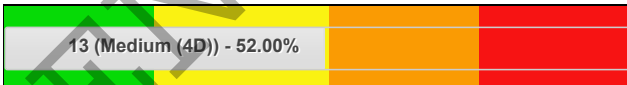
Corporate Risk Register	Training and Development Framework Reviewed & Implemented (captures current 4x8, WHS and Corporate Training needs)	Six Months	Niamh Milligan	<p>T&D is managed in OD in two discrete areas, WHS and HR. The WHS Action Plan and Improvement Plan are both focused on updating training information and developing training plans. Around 75% of the organisation's staff will have their WHS requirements logged against them/their position in Skytrust by end of Sept 2022. Data has been collected and discussed with People Leaders for HR also. This will be added to the HR system once the training module is implemented (timing of this still being determined) and likely to commence later in 2023.</p> <p>The HR System has now been paused and the intent to go out tender in October. The TNA is 100% loaded in SkyTrust and a training plan will be developed by October.</p> <p>07/02/2022 by Niamh Milligan</p> <p>-</p> <p>The OD Advisor has commenced. A meeting is scheduled with the EM OD on 7/2/22 to discuss the WHS Action Plan which includes work associated with a WHS T&D Framework which will be expanded to included corporate training.</p> <p>07/02/2022 by Niamh Milligan</p> <p>-</p> <p>The OD Advisor has commenced. A meeting is scheduled with the EM OD on 7/2/22 to discuss the WHS Action Plan which includes work associated with a WHS T&D Framework which will be expanded to included corporate training.</p>	20%	In Process	30/12/2023
Corporate Risk Register	WHS Policy & Procedure Review at LGAWCS followed by AHC application	Six Months	Anne Pett	The plan to update the WHS procedures is being followed with 17 procedures and forms updated and approved via Executive. Other work is progressing to develop training that can be run via Skytrust to provide basic procedure knowledge, including a knowledge checking process.	75%	Not Complete (Overdue)	30/06/2023
Corporate Risk Register	WHS Reporting across organisation to be reviewed to ensure awareness and education is appropriate. Revised reporting requirements to be implemented if identified.	Six Months	Lee Merrow	Reporting has been updated as a result of audit feedback. Ongoing monitoring and further improvement will take place as the reporting is used and reviewed in the organisation.	100%	Complete (Accepted)	30/11/2021

Documents		
Date Added	Document Name	Document Details

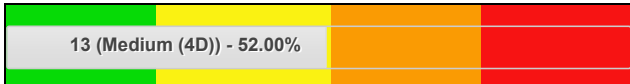
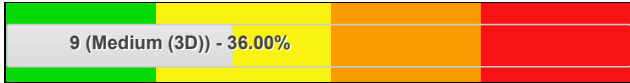
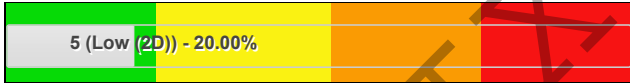

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APPENDIX 1

ID:	Risk - 170939
Risk Title or Work Activity:	Strategic Risk - Information Services
Risk Description:	Failure to manage, improve and develop the information resources available to the Council. (F)
Responsible Person:	Terry Crackett
Date of Risk Identification:	06/02/2021
Corporate Risk?	Yes
Risk Type:	Strategic
Risk Category:	Information Technology
Team:	Executive Leadership Team
Location/Project:	Other
Possible Risk Events:	Cause: - Business systems do not effectively support organisational needs - Poor information management practices (capture, use, storage, retrieval).
Possible Consequences:	Inefficiency; increased risk of errors (from manual systems); negative impact on council brand & reputation; decreased staff morale; potential for increased turnover of staff; lack of consistency; increased cost in undertaking work; systems cannot be upgraded due to inadequate hardware layer; inability to test updates before being implemented; lack of information sharing; working in information silos; failure to capture corporate knowledge effectively; misinformation that leads to negative or undesired outcomes; residents being misinformed or misled; potential legal or financial implications.
Initial Risk Score:	
Initial Risk Comments:	
Residual Risk Score:	
Residual Risk Comments:	
Other Requirements/Comments:	
Current:	Yes

Risk Controls					
Control Details	Reviewer	Next Review Date	Last Review Date	Review Notes	Control Effectiveness
ISMS (Information Security Management System) - LG Cyber Security Framework	James Sinden	08/01/2024	09/01/2023	The level of effectiveness of this control will be determined by the ongoing resourcing that is applied to implement the Cyber Security Framework Cyber Security Audit Completed and endorsed by Audit Committee Implementation plan developed for establishing a Cyber Security Plan and aligned to LG Cyber Security Framework Implement Cyber Security Controls Enacted Undertake penetration testing of corporate systems	Major reduction in risk

					
ICT Business Continuity Systems established	James Sinden	08/01/2024	09/01/2023	Data Centre established & diverse geographic locations and immediate switchover capability Hierarchical back up regime Cloud First Strategy in place & transition of systems occurring System & Application MAO (Maximum Acceptable Outage) - set to organisational requirements Undertake system outage testing	EFFECTIVE (Designed Adequately; Operating Effectively)
					
Information Services Team resourced in accordance with required structure (including \$ & FTE)	James Sinden	08/01/2024	09/01/2023	Induction processes & onboarding driven through OD Systems security & access protocols Work from home access regime	EFFECTIVE (Designed Adequately; Operating Effectively)
					
Information Services Strategic Plan Developed (2022)	James Sinden	08/01/2024	09/01/2023	A review of the Information Services Strategic Plan has commenced (Jan 22) with ISSRG. Draft Information Services Strategic Plan created Consolation with ISSRG and Executive completed Digital Transformation Plan (tactical plan) developed	Major reduction in risk
					

Actions								
Action Source	Action Required	Action Priority	Person Responsible	Extra Comments	Percent Complete	Status	Due Date	

APPENDIX

Corporate Risk Register	Review the Information Services Business Plan	Six Months	James Sinden	<p>The Information Services Business Plan is reviewed on an annual basis to align with the setting of LTFP and Budget..</p> <p><i>07/05/2021 by David Collins</i></p> <p>-</p> <p><i>26/02/2021 by David Collins</i></p> <p>-</p> <p>Confirm Asset Management System is implemented an in use by the organisation.</p>	100%	Complete (Accepted)	30/12/2021
Corporate Risk Register	Finalise development of Cyber Security Framework (including implementation Plan)	Six Months	James Sinden	<p>Implementation of the Cyber Security Program has been completed and has moved into operations mode within the Information Services Department.</p> <p><i>02/08/2022 by James Sinden</i></p> <p>-</p> <p>The LGITSA Cyber Security Framework has been completed and AHC has aligned the Cyber Security Plan (the implementation plan) to the framework and commenced implementation of the ISMS (Information Security Management System).</p> <p><i>10/05/2022 by James Sinden</i></p> <p>-</p> <p>The implementation of an ISMS is a part of the recently adopted Cyber Security Plan (Framework) that was adopted at the June 2021 Council Meeting.</p> <p>Commencement was delayed due to the resignation of a key AHC Staff member responsible for the delivery of the project.</p> <p>After advertising for a Senior Cyber Security ICT Officer, Council was unable to find an appropriate candidate given there is considerable demand in the industry for these skillsets.</p>	100%	Complete (Accepted)	30/06/2023

				<p>In the short term a specialist contract resource is being used to progress with implementation.</p> <p>The newly appointed Team Leader ICT has already introduced a formal ITIL Change Management process using the forms engine via the corporate website for both external vendors and internal ICT change control.</p> <p>Development of ICT Policy and implementation of an ICT Operations Manual planning has started and AHC Staff have assisted with the development of a Local Government Cyber Security Framework that has been grant funded by the LGA and facilitated by LGITSA (Local Government Information Technology South Australia) and external consultants. A draft version of the framework is expected to be released shortly to the LG Sector for feedback.</p> <p>The LGITSA Cyber Security Framework has been completed and AHC is currently aligning its Cyber Security Plan to this framework in a sector wide approach of improving Cyber Security maturity. AHC has also engaged CyberCX in the implementation of AHC's ISMS (Information Security Management System) and work activity continues in this area.</p> <p><i>01/04/2022 by James Sinden</i></p> <p>-</p> <p>Work activity continues with this action where staff have been closely involved in the working group established by LGITSA (Local Government Information Technology South Australia) to develop a Local Government Cyber Security Framework that's been grant funded by the LGA. As the development of the framework progresses, AHC continues to build upon technical cyber security controls and implementation work activity with consultants that will align to a State based Cyber Security Framework.</p>			
Corporate Risk Register	Implement new records management system in conjunction with SharePoint upgrade	Six Months	James Sinden	Completed Action - New SharePoint environment implemented, Record Point software acquired to replace TRIM and installed, project plan established for EDRMS and architecture completed. Build of Test Environment completed and software integration with line of business systems being undertaken. Live environment built and configured and staged rollout commenced in 2020. TRIM Migration Project completed with contractors (AvePoint)	100%	Complete (Accepted)	30/06/2017

ADMITTED

Corporate Risk Register	Develop business case for the electronic capture of all records currently stored in hardcopy format both onsite and offsite.	Six Months	James Sinden	<p><i>10/05/2022</i> <i>by James Sinden</i></p> <p>- The business case developed identified cost estimates that exceed current budget allocation and further analysis is required if the activity is to progress.</p> <p><i>01/02/2022</i> <i>by Jody Atkins</i></p> <p>- Corrected dates: The Scan on Demand proposal was issued to Management November 2020, with a business case issued August 2021, waiting Managers approval for Scan on Demand to occur.</p> <p><i>01/02/2022</i> <i>by Jody Atkins</i></p> <p>- The development of a business case for electronic capture of all hard copy records has commenced. The Scan on Demand proposal was issued to Management November 2019, with a business case issued August 2020, waiting Managers approval for Scan on Demand to occur. Clearing of back Woodside room has occurred to enable over 2000 files to be in a more fire safe environment. Clearing of hard records in other worksites (Heathfield, Garrod Ave, Lobethal, Gumeracha and parts of Nairne Road) have been completed. Still an area in Nairne Road to be cleared (dungeon).</p>	100%	Complete (Accepted)	26/02/2022
Corporate Risk Register	Progress transition to cloud for remaining applications / systems	Six Months	James Sinden	<p><i>08/08/2023</i> <i>by James Sinden</i></p> <p>- CRM System has been given Captial funding to progress work activity for a renewal of the solution and migration to cloud hosting. A project control group has been established and is currently engaging with the organisation with a view to undertake a tender process for the work activity.</p>	25%	In Process	30/06/2027

07/07/2023
by James Sinden

-
Scoping work for implementation of Microsoft 365 - Teams Calling

07/07/2023
by James Sinden

-
Developed and implemented a new Council Members Portal in November 2022 for the new Council with M365

09/01/2023
by James Sinden

-
MS Teams Cloud migration scoping and planning work is underway

02/08/2022
by James Sinden

-
SharePoint Cloud migration scoping out requirements for the EDRM's has commenced including analysis of data governance compliance.

02/08/2022
by James Sinden

-
SharePoint Cloud migration scoping out requirements for the EDRM's has commenced including analysis of data governance compliance.

APPENDIX 1

				<p>10/05/2022 by James Sinden</p> <p>- Payroll Phase 2 (Electronic Timesheet Solution) to commence in May Human Resources (Employee Self Service Portal) Phase 2 to commence in May</p>			
				<p>01/04/2022 by James Sinden</p> <p>- Significant work has been undertaken in transition to Cloud for the following system. Payroll - Completed - Phase 1 Human Resource - Phase 1 Active Director - Completed Exchange - Completed Endpoint Detection & Response (Microsoft Defender Security) - Completed and removal of redundant EDR systems (Carbon Black, Proofpoint etc)</p>			
Corporate Risk Register	Review Information Services Strategic Plan	Six Months	James Sinden	The Information Services Strategic Plan is being reviewed by ISSRG (Information Strategic Reference Group) to align to the technology system reference within the Council Strategic Plan - A Brighter future: Strategic Plan 2020-24 Objective 6 - Technology and innovation.	100%	Complete (Accepted)	30/06/2022

Documents

Date Added	Document Name	Document Details
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Date Saved	Saved By	Revision	PDF Document
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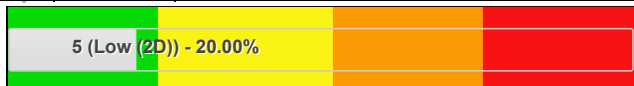
ID:	Risk - 150009
Risk Title or Work Activity:	Strategic Risk - Development
Risk Description:	Failure to plan at the local and regional level for the future development and future requirements of the area. (F)
Responsible Person:	Natalie Armstrong
Date of Risk Identification:	15/09/2020
Corporate Risk?	Yes
Risk Type:	Strategic
Risk Category:	Service Delivery
Team:	Executive Leadership Team
Location/Project:	Other
Possible Risk Events:	<p>Cause:</p> <ul style="list-style-type: none"> - Poor understanding of development, infrastructure, population, transport, demographics and trends - Ineffective liaison with state and federal planning and development agencies. - Ineffective strategies to enhance and conserve character areas and iconic sites. - Poor place making strategies. - Deficient planning and building rules consent practices. - Ineffective infrastructure planning processes. - Lack of appropriately trained and experienced staff. - Poor business planning and budgeting processes to allocate sufficient resources to functions
Possible Consequences:	<p>Impact:</p> <ul style="list-style-type: none"> - Poor planning and development outcomes, ad-hoc and reactionary planning, unresponsive approaches to addressing community needs and trends - Uncoordinated approaches to infrastructure provision, lack of partnership & funding arrangements, lack of collaborative & mutually beneficial outcomes for community, Council and State Govt., duplication of services and resources - Disempowered community with poor and inefficient use of public spaces - Dysfunctional organisation with a poor reputation resulting in community dissatisfaction with level and type of service provision resulting in a Council regime change - Non-compliant with legislative responsibilities resulting in considerable liability exposure - Inconsistent and misdirected operations and service provision
Initial Risk Score:	<p>21 (Extreme (4B)) - 84.00%</p>
Initial Risk Comments:	Lack of poor planning, adequately trained staff, poor research into planning issues facing the Council area from a planning and development point of view leading to poor development outcomes, unresponsive planning policy and controls and lack of appropriate or required infrastructure
Residual Risk Score:	<p>5 (Low (2D)) - 20.00%</p>
Residual Risk Comments:	Employment of appropriately trained and qualified staff; undertaking thorough analysis of planning policy and development related matters facing Council; having adequate community engagement into these matters to ensure development policies are responsive to community needs and aspirations; having appropriate training and delegations in place for effective and efficient decision making for development assessment function; having an effective, trained and experienced Council Assessment Panel in place to determine delegations to the Assessment Manager/staff and make decisions on complex development applications.
Other Requirements/Comments:	

Current:	Yes
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Risk Controls

Control Details	Reviewer	Next Review Date	Last Review Date	Review Notes	Control Effectiveness
<ul style="list-style-type: none"> - Development Policy Planning function in place to monitor, analyse and advise - Implementing and transitioning to the new Planning & Design Code - Up to date Policy in place - Privately funded Code Amendment Policy and other development related policies in place - Participation in relevant forums with State & Federal Govt and other stakeholder groups regarding any changes to development policy - Undertake responsibilities outlined in the Collaborative Work Plan between SPC and Council regarding transitioning to the new Planning, Development & Infrastructure (PDI) Act 2016 - Transition and amend where required the Council's Development Plan to the Planning & Design Code over the next 3 years in accordance with the PDI Act - Precinct Planning Framework and expertise in place - Skilled and experienced planning, building, infrastructure, sport & recreation planning, community development and economic development teams in place - Community engagement and consultation methodologies in place to accord with the State's Community Engagement Charter - Relevant development assessment staff and CAP members accredited in accordance with the State's Accreditation Scheme - 4x8 processes identifying training and development needs - Development and PDI Act delegations and sub-delegations - CAP in place and functioning - Adopted District Master Plan in place - Regional Climate Change Adaptation Plan - Resilient Hills and Coast 	Deryn Atkinson	01/12/2023	01/06/2023	<p>It is noted that the SAPC continues to make changes to the P&D Code with the anticipated Miscellaneous Technical Enhancement Code Amendment envisaged to be uploaded to the P & D Code by 2 June 2023. Opportunity to contribute to the Greater Adelaide 30 Year Regional Plan Review later in 2023 is anticipated with the release of a discussion paper by the SAPC proposed in Q3 of 2023.</p>	EFFECTIVE (Designed Adequately; Operating Effectively)

APPENDIX 1



Actions

Action Source	Action Required	Action Priority	Person Responsible	Extra Comments	Percent Complete	Status	Due Date
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Corporate Risk Register	Rollout of Precinct Planning methodologies as projects are identified	Immediately	James Szabo	COMPLETED. Precinct Planning methodology in place and Place Making Coordinator role established to role out place making initiatives as and when required. Stirling Mainstreet Design Guidelines and Crafers Mainstreet Urban Design Framework completed. Gumeracha mainstreet project underway. Discussions underway with Imagine Uraidla group to commence possible mainstreet project.	100%	Complete (Accepted)	01/01/2021
Corporate Risk Register	Progression of outstanding DPA: Local Heritage (Stage 1 DPA) to be lodged with the Minister for approval in May 2018	Immediately	James Szabo	COMPLETED. Stage 1 DPA approved by SPDC on 14 August 2018 and subsequently by the Minister for Planning on 8 August 2019.	100%	Complete (Accepted)	01/09/2019
Corporate Risk Register	Implementation of Planning, Development & Infrastructure (PDI) Act reforms	Immediately	Deryn Atkinson	COMPLETE: The PDI Act went live for our Council area on 19 March 2021. By the go live date, staff had prepared all the delegations, policies and procedures provided by the State Planning Commission (SPC) and in accordance with the business readiness program. However, the SPC continues to make changes to the delegations and policies & procedures in response to identified issues with the new system. It is anticipated that this will be ongoing for the rest of 2021. Although the compliance inspection module has been implemented by the SPC, full functionality is yet to be determined and staff will monitor this to decide on whether or not the integration with Open Office and the new Planning Portal is still required.	100%	Complete (Accepted)	19/03/2021
Corporate Risk Register	Transition of Development Plan into the new Planning & Design (P&D) Code	Immediately	James Szabo	COMPLETED: Council participated in forums with the State Planning Commission to ensure that desired changes to the Rural Planning Policy were incorporated into development of Planning & Design Code. The entire Development Plan has now transitioned into the aforementioned Code which went live on 19 March 2021. Although not all desired development policies were transitioned into the Code, staff will monitor the assessment of applications and outcomes achieved. If required, recommendations will be put to Council to seek desired amendments to the Code to achieve the desired outcomes in the future.	100%	Complete (Accepted)	19/03/2021
Corporate Risk Register	Asset Management Planning - renewal and future requirements	Immediately	Peter Bice	IN PROGRESS. Asset Management Plan reviews underway, and ongoing. Jeff Roorda Review findings and reasonable assumptions being considered and incorporated where appropriate. <i>06/07/2021 by Peter Bice</i> - Asset Management planning is legislated, and we work with our Auditors annually to ensure the updating schedule is appropriate, and our Asset Management Maturity continues to improve.	100%	Complete (Accepted)	30/06/2021
Corporate Risk Register	Regional Climate Change Adaptation Plan - Resilient Hills and Coast	Immediately	Peter Bice	COMPLETED. Plan endorsed by Council 27/09/16 <i>13/10/2021 by Peter Bice</i> -	100%	Complete (Accepted)	31/12/2021

Documents		
Date Added	Document Name	Document Details

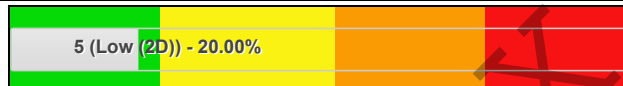
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APPENDIX 1

ID:	Risk - 170851
Risk Title or Work Activity:	Strategic Risk - Growth and Prosperity
Risk Description:	Failure to promote the Council area and provide an attractive climate and locations for the development of business, commerce, industry and tourism (F)
Responsible Person:	David Waters
Date of Risk Identification:	09/02/2021
Corporate Risk?	Yes
Risk Type:	Strategic
Risk Category:	Growth & Prosperity
Team:	Executive Leadership Team Economic Development Team
Location/Project:	Other
Possible Risk Events:	<p>Cause:</p> <ul style="list-style-type: none"> -- Inadequate provision for commercial development in the Development Code -- Minimal or no understanding of, and support for, business and tourism representative groups/associations -- Lack of business operating skills in people who wish to run a business -- Lack of understanding of economic drivers -- Inappropriate infrastructure in industrial precincts or nodes, placing barriers on development of industrial precincts. -- Lack of understanding of tourism demand -- Poor business sustainability in the face of economic challenges
Possible Consequences:	<p>Impact:</p> <ul style="list-style-type: none"> -- Loss of local jobs -- Loss of basic local retail and service businesses -- Devaluation of local residential and commercial property -- Rise in social problems and reduced quality of life -- Reduced property values -- Impact on Council's reputation as being across economic issues and supporting sustainable development
Initial Risk Score:	<p>17 (High (3B)) - 68.00%</p>
Initial Risk Comments:	Inherent risk assessment considered impacts to both the local economy and the Council's reputation (as per consequences outlined above).
Residual Risk Score:	<p>5 (Low (2D)) - 20.00%</p>
Residual Risk Comments:	Residual risk rating is based on the existing controls. It is noted that there are other risk events entirely outside of Council's control which affect economic prosperity in the district and these are not considered here.
Other Requirements/Comments:	
Current:	Yes

Risk Controls					
Control Details	Reviewer	Next Review Date	Last Review Date	Review Notes	Control Effectiveness

<p>Current Economic Development Plan 2020-24 (adopted by Council Feb 21, replacing former Economic Development Strategy); Team of 2 FTE experienced and highly competent officers employed to deliver EDP and provide support to this risk area (the second FTE resourced by Council in 2020); Regular pattern of engagement with local business communities and stakeholder groups; Database containing contact details of all people operating businesses in the district, to enable e-communication (qtlly business newsletter and ad-hoc as required); Partnership with Mount Barker DC and SATC to fund Adelaide Hills Tourism, which is designed to help providers understand and leverage tourism opportunities; Annual subscription to Economy.id, which enables ready access to economic demographic data for the Council district, available for businesses and the public; Active participation in Adelaide Hills Business Support Network, comprising representatives of agencies providing business support services in the Hills.</p>	David Waters	05/08/2024	09/08/2023	Comprehensive risk review undertaken August 2022 to update actions and controls. New risk event identified. Old (completed) actions deleted and new actions added.	Major reduction in risk
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Actions							
Action Source	Action Required	Action Priority	Person Responsible	Extra Comments	Percent Complete	Status	Due Date
Corporate Risk Register	Development of revised Economic Development Strategy Action Plan, involving engagement with key stakeholders to ensure Council's role is appropriately identified.	Immediately	Melissa Bright	Workshop held with Council Members late 2020. Anticipated to come to Council in March 2021 for adoption. Implementation to follow in the ensuing years. <i>08/04/2021 by Melissa Bright</i> Economic Development Plan finalised and endorsed by Council on 23 Feb 2021	100%	Complete (Accepted)	31/03/2021
Corporate Risk Register	Identify significant economic infrastructure issues and opportunities	Immediately	Marc Salver	COMPLETED: Manager ED worked with key stakeholders to progress two major transport routes - b-double access to Lobethal and Northern Freight Train Bypass. The B-double access project was completed in 2019. However, the State Government announced they would not be progressing the Northern Freight Train Bypass.	100%	Complete (Accepted)	31/12/2016
Corporate Risk Register	Assess effectiveness of key points of AHC engagement with community	Immediately	Marc Salver	Ongoing through role of Community Engagement Coordinator, through the introduction of online engagement tool and use of other social media platforms and engagement methodologies	100%	Complete (Accepted)	01/07/2016
Corporate Risk Register	Active and positive engagement with local business communities	Immediately	Melissa Bright	Ongoing role of MED	100%	Person Responsible Complete	01/07/2016

Corporate Risk Register	Encourage an integrated and coordinated approach across all levels of govt to create a diverse and sustainable economy across the District	Immediately	Melissa Bright	Actively developing and maintaining relationships with relevant State and Commonwealth Govt agencies	100%	Person Responsible Complete	30/10/2016
Corporate Risk Register	Work actively with business groups and associations, providing resources to interact and network on a consistent basis. Key role for EDO	Immediately	Melissa Bright	The Manager ED is actively building relationships with existing business associations and working with communities that currently do not have business groups (e.g. Gumeracha, Northern Hills, Lobethal) to explore the benefits	100%	Person Responsible Complete	30/12/2016
Corporate Risk Register	Assess effectiveness of key points of engagement with community e.g. website, contact centre, development approval process, waste, health and regulatory services	Immediately	Melissa Bright	Quarterly e-newsletters distributed to more than 6,000 registered ABNs in the region. Mostly achieving above industry standards with at least 30% open rate and over 10% click rate.	100%	Person Responsible Complete	30/12/2016
Corporate Risk Register	Develop business contact database	Immediately	Melissa Bright	NIL	100%	Person Responsible Complete	31/12/2016
Corporate Risk Register	Identify significant organisations, roles and skillsets within region	Immediately	Melissa Bright	Relationships with key contacts with business and industry organisations being regularly maintained and developed by the MED	100%	Person Responsible Complete	31/12/2016
Corporate Risk Register	Improve partnership with DC Mt Barker and SATC to assist Adelaide Hills Tourism leverage tourism opportunities	Immediately	Melissa Bright	MED active committee member of Adelaide Hills Tourism (AHT) and Visitor Information Servicing Group	100%	Person Responsible Complete	31/12/2016
Corporate Risk Register	Improve engagement with local business associations	Immediately	Melissa Bright	Regular communication established with SBA and WCA	100%	Person Responsible Complete	31/12/2016
Corporate Risk Register	Undertake precinct planning/placemaking, with consideration of triple bottom line (As appropriate)	Immediately	Melissa Bright	The MED is a member of Council's Placemaking group to ensure a coordinated approach	100%	Person Responsible Complete	31/12/2016
Corporate Risk Register	Undertake a mid-term review of progress against activity identified in the Economic Development Plan.	Six Months	Melissa Bright	This action will potentially result in changes to a number of identification actions and order of priority.	100%	Complete (Accepted)	30/06/2023
Corporate Risk Register	Encourage the development of support structures for small, start up and Home Based Businesses.	Immediately	Brett Mayne	A Home Based Business Network has been established and is meeting every 3 times a year and has developed its own Facebook page to maintain contact with members.	100%	Complete (Accepted)	01/09/2023
Corporate Risk Register	Advocate to State and Federal Government agencies for increased availability and improved coordination of Business Services.	Immediately	Brett Mayne	The Adelaide Hills Business Support Network is active and seeking solutions to Business servicing issues. It comprises representatives from Australian State and Local Government as well as locally based service providers.	100%	Complete (Accepted)	30/11/2023
Corporate Risk Register	Design and establish a Business Services Hub for Creative Industries based from Fabrik.	Immediately	Brett Mayne	Initial Research has been undertaken. Next steps are being worked through.	50%	In Process	28/06/2024

Documents

Date Added	Document Name	Document Details
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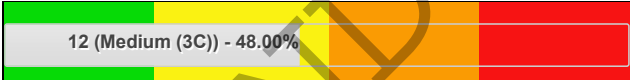
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01/08/2022 3:31:16 PM	David Waters	1	Risk170851_2022-08-01_3-31-16_PM.pdf
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APPENDIX 1

ID:	Risk - 169129
Risk Title or Work Activity:	Strategic Risk - Assets & Infrastructure
Risk Description:	Failure to provide appropriate infrastructure for the community (F)
Responsible Person:	Peter Bice
Date of Risk Identification:	12/11/2020
Corporate Risk?	Yes
Risk Type:	Strategic
Risk Category:	Assets & Infrastructure
Team:	Executive Leadership Team
Location/Project:	Other
Possible Risk Events:	<p>Cause:</p> <ul style="list-style-type: none"> - Ageing infrastructure in need of renewal to remain fit for purpose and/or comply with legislation - Poor asset management regimes (data, levels) - Ineffective maintenance regimes - Leaseholders conducting works outside of contractual/legislative obligations. - Duplication or gaps in infrastructure provision to communities. - Lack of understanding community needs and trends
Possible Consequences:	<p>Impact:</p> <ul style="list-style-type: none"> - Increased cost to maintain infrastructure - Reduced confidence in Council by the community - Increased risks to staff and community when utilising facilities - Disadvantage to AHC community over that of other areas - Negative impact on community wellbeing
Initial Risk Score:	<p>21 (Extreme (4B)) - 84.00%</p>
Initial Risk Comments:	210219 - Transferred from AHC Strategic Risk Assessment Excel Spreadsheet
Residual Risk Score:	<p>13 (Medium (4D)) - 52.00%</p>
Residual Risk Comments:	<p>Current Asset Management Plans for key asset categories</p> <ul style="list-style-type: none"> - Long Term Financial Plan that captures the Strategic Plan and Asset Management Plans - Endorsed annual budget for maintenance program (all asset categories) - Annual Business Plan & Budget consultation undertaken - Customer Survey undertaken - Asset condition audits undertaken cyclically - Asset management system updated to Confirm Enterprise Asset Management - Building inspections (last done 2017) - Compliance audits for buildings as per legislation - Customer request system captures community concerns/issues - Sport and Recreation Strategy - Bike Strategy - Preventative Maintenance regime - Strategic Plan Reviewed with Goal area for Built Environment established (including priorities)
Other Requirements/Comments:	As Asset Management Planning continues to improve, the control of this risk will also improve.

Current:	Yes
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Risk Controls					
Control Details	Reviewer	Next Review Date	Last Review Date	Review Notes	Control Effectiveness
<ul style="list-style-type: none"> - Current Asset Management Plans for key asset categories - Long Term Financial Plan that captures the Strategic Plan and Asset Management Plans - Endorsed annual budget for maintenance program (all asset categories) - Annual Business Plan & Budget consultation undertaken - Customer Survey undertaken - Asset condition audits undertaken cyclically - Asset management system updated to Confirm Enterprise Asset Management - Building inspections (last done 2017) - Compliance audits for buildings as per legislation - Customer request system captures community concerns/issues - Sport and Recreation Strategy - Bike Strategy - Preventative Maintenance regime - Strategic Plan Reviewed with Goal area for Built Environment established (including priorities) 	Peter Bice	01/09/2022	12/11/2020	This is Business As Usual Activity, captured as appropriate in Asset Management Plans.	EFFECTIVE (Designed Adequately; Operating Effectively)
 <p>12 (Medium (3C)) - 48.00%</p>					

Actions								
Action Source	Action Required	Action Priority	Person Responsible	Extra Comments	Percent Complete	Status	Due Date	
Corporate Risk Register	Update asset management plans as per cycle (and LTFP)	Immediately	David Collins	Footpaths, Kerbs and Roads AMP adopted by Council Feb 2021. AMPS for other classes in development.	100%	Complete (Accepted)	30/06/2021	
Corporate Risk Register	Preventative Maintenance regime developed	Immediately	David Collins	NIL <i>07/05/2021 by David Collins</i> - Programmed maintenance cycle in place for Civil services	100%	Complete (Accepted)	01/01/2017	

Corporate Risk Register	Establish service levels in consultation with community	Immediately	David Collins	<p>Updated to CRM response times completed. Levels of service refinements required as part of AMP reviews. Stormwater Level of Service Report adopted by Council. Levels of service established in adoption of Roads, Footpath and Kerb Asset Management Plan.</p> <p><i>07/05/2021 by David Collins</i></p> <p>-</p> <p><i>07/05/2021 by David Collins</i></p> <p>-</p> <p>Asset Management Plan Roads, Footpath and Kerb Adopted 2021</p>	100%	Complete (Accepted)	30/06/2021
Corporate Risk Register	Establish cycle for condition audits and monitor (incl buildings)	Immediately	David Collins	<p>Building audits funded in 2020/21</p> <p>Span Bridge Audits completed in 202/21</p> <p>Condition audits identified in AMP and new system implementation and set up has delayed some condition auditing.</p> <p>Audit of Kerb being undertaken by internal resource on ConfirmConnect February 2021. Footpath audit to be conducted in first half of 2021.</p> <p>Condition audit identified in Road, Footpath and Kerb AMP for all sealed roads. To be undertaken in 2022/23</p>	100%	Complete (Accepted)	01/06/2021
Corporate Risk Register	Develop Bike Strategy to identify infrastructure requirements	Immediately	David Collins	<p>To Council Oct 16 - completed</p> <p><i>07/05/2021 by David Collins</i></p> <p>-</p> <p>Bike Strategy was developed and was reviewed as part of Trail Strategy.</p>	100%	Complete (Accepted)	30/06/2021

Corporate Risk Register	Revise Sport and Recreation Strategy to identify infrastructure requirements	Immediately	David Collins	Strategy completed and infrastructure requirements linked to Strategic Property Review. LTFP now capturing ongoing investment. <i>07/05/2021 by David Collins</i> -	100%	Complete (Accepted)	01/03/2016
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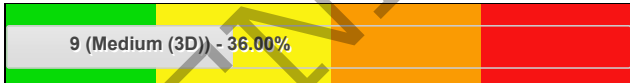
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APPENDIX

ID:	Risk - 170815
Risk Title or Work Activity:	Strategic Risk - Community Health and Wellbeing
Risk Description:	Failure to provide for the welfare, well-being and interests of the community (F)
Responsible Person:	David Waters
Date of Risk Identification:	13/05/2020
Corporate Risk?	Yes
Risk Type:	Strategic
Risk Category:	Community Health & Wellbeing
Team:	Executive Leadership Team
Location/Project:	Other
Possible Risk Events:	<p>Cause:</p> <ul style="list-style-type: none"> - Ineffective public health programs (food, immunisation, waste water) - Ineffective community development programs - Failure to identify and respond to key community issues - Poor understanding of cultural and diversity issues in community. - Lack of effective active and passive recreation participation strategies. - Ineffective strategies to work with vulnerable members of the community. - Inappropriate behaviour of community facility users. - Unaffordable rates, fees and charges - Ineffective regulatory services activities (including management of dogs, noise, parking) - Poor community facilities - Inequity across the district in respect to support for community facilities
Possible Consequences:	<p>Impact:</p> <ul style="list-style-type: none"> - Food poisoning, insanitary conditions, etc. - Decreased wellbeing and an over-reliance on social support - Loss of faith in Council's ability to meet community needs - Inability for people from diverse backgrounds to live/participate in the community - Decreased health and wellbeing across the community - Inability/difficulty for people of all socioeconomic backgrounds to live in the district - cultural disrespect - Inequity in access to community facilities and participation in social/sporting pursuits
Initial Risk Score:	<p>24 (Extreme (5B)) - 96.00%</p>
Initial Risk Comments:	
Residual Risk Score:	<p>9 (Medium (3D)) - 36.00%</p>
Residual Risk Comments:	
Other Requirements/Comments:	
Current:	Yes

Risk Controls

Control Details	Reviewer	Next Review Date	Last Review Date	Review Notes	Control Effectiveness
<ul style="list-style-type: none"> - Qualified staff making informed and evidence based decisions. - Regulatory responsibilities (environmental health) that incorporate inspection regimes, education and prosecution where necessary within a highly regulated environment. - Mandated 4-yearly development of strategic plan, incorporating community engagement, ensures effort is made periodically to understand issues important to the community. - Community engagement policy prescribing minimum consultation and engagement activities. - Communicate with empathy, regular informal contact with the community. - Local engagement via Community Centres is occurring with cultural groups. - Ad-hoc engagement on an as-needs basis. - Development of the Reconciliation Action Plan (2015). - Staff cultural awareness training. - Recreation and Open Space Planner position created in early 2016. - New Sport & Recreation Strategy was developed and adopted in Oct 2016. - Services currently being provided for vulnerable individuals including in-home support, centre based programs, events, support activities and advocacy. - Codes of conduct in place in some programs/services. - LTFP with sustainable and reasonable rates growth profile. Annual review process for fees and charges incorporates review by Exec and Council Members to ensure control. Internal efficiency improvement program aims to keep costs down. - Volunteer Management Policy and Strategy. Well established and funded volunteer based programs. Little reliance on external funding. - Safe Environments Policy (for working with vulnerable people). AHC is now registered on the DHS system for suitability for work screening and all existing staff in prescribed positions have now been checked. - Commonwealth Home Support Program is subject to periodic audit by the funder (Commonwealth) to ensure service standards are being met and quality controls are in place. - Libraries Strategy (adopted 2022) - Newly adopted Community and Recreation Facilities Framework providing more equitable support for recreation facilities across the district. 	David Waters	31/07/2024	24/07/2023		Moderate reduction in risk
 <p>9 (Medium (3D)) - 36.00%</p>					

Actions								
Action Source	Action Required	Action Priority	Person Responsible	Extra Comments	Percent Complete	Status	Due Date	
Corporate Risk Register	Community Cultural Development Officer to develop Cultural Development principles and framework	Immediately	Rebecca Shepherd	<p>The previous risk review has concluded that this action is not necessary to achieve the target risk.</p> <p><i>01/03/2021 by Rebecca Shepherd</i></p> <p>- Action no longer required.</p>	100%	Complete (Accepted)	31/10/2020	

Corporate Risk Register	Implement the new Access and Inclusion Plan	Immediately	Rebecca Shepherd	IN PROGRESS. Provisional DIAP was adopted by Council in November 2020, following by further engagement and final adoption of a revised Plan in January 2021. The plan has a 4 year implementation timetable.	50%	In Process	30/06/2024
Corporate Risk Register	Review facility management arrangements. Develop a more consistent approach to community facility users conduct across the various program areas.	Immediately	Karen Cummings	The final framework has been adopted by Council and is now subject to implementation. A new action/s has been established pertaining to the implementation of the framework.	100%	Complete (Accepted)	30/06/2023
Corporate Risk Register	Recruit additional resource to help implement the new Community Facilities Framework	Two Months	Renee O'Connor		100%	Complete (Accepted)	31/10/2022
Corporate Risk Register	Monitor development of new local government community engagement charter (under recent legislative reform) and react accordingly in respect to any requirements the charter imposes on Council.	Six Months	Jennifer Blake	17/05/2023 - By Jennifer Blake The LGA is advocating to the Minister to progress this action but believes it may not be signed off by him until 2024. <i>07/02/2023 by Jennifer Blake</i> - The Minister is yet to approve the Community Engagement charter and the LGA have advised that they will keep Council informed on progress. No action can be taken at this time.	30%	In Process	24/02/2024

Documents		
Date Added	Document Name	Document Details

Saved PDF Versions			
Date Saved	Saved By	Revision	PDF Document
25/07/2022 2:21:26 PM	David Waters	1	Risk170815_2022-07-25_2-21-26_PM.pdf

APPENDIX

ID:	Risk - 170816
Risk Title or Work Activity:	Strategic Risk - Emergency and Hazzard Management
Risk Description:	Failure to take measures to protect the community from natural and other hazards (F)
Responsible Person:	Peter Bice
Date of Risk Identification:	15/05/2020
Corporate Risk?	Yes
Risk Type:	Strategic
Risk Category:	Community Health & Wellbeing
Team:	Executive Leadership Team
Location/Project:	Other
Possible Risk Events:	<p>Cause:</p> <ul style="list-style-type: none"> - Poor fire prevention initiatives - Poor flood protection initiatives - Poor wind protection initiatives - Ineffective emergency management regimes - Ineffective asset maintenance and replacement plans and programs - Lack of participation in regional emergency management arrangements - Noncompliance with legislation - Insufficient budget - Ineffective planning and preparations
Possible Consequences:	<p>Impact:</p> <ul style="list-style-type: none"> - Significant property loss and damage - Loss of life, injury - Reputational damage - Exposure to liability and penalty - Loss of community normality - Council services stretched and some services may not be fully operational - Loss or damage of public and private infrastructure - Environmental and biodiversity impacts
Initial Risk Score:	<p>24 (Extreme (5B)) - 96.00%</p>
Initial Risk Comments:	
Residual Risk Score:	<p>13 (Medium (4D)) - 52.00%</p>

Residual Risk Comments:	<ul style="list-style-type: none"> - Participation in regional EM arrangements through the ZEMC, and the AMLRBMC and cooperation with other councils and agencies re EM - Provision of assistance to control agencies and the community to respond to emergency incidents as they arise and work with local units to resolve localised issues relating to EM. - Provision of assistance to the community and to relevant government and non-government agencies assist recovery from emergencies. - Contribute to, support and participate in community education programs including the SES Flood Safe Program, Red Cross REDiPlan program and CFS Community Fire Safety Meetings. - Ongoing replacement and maintenance of Council's infrastructure through implementation of Council's AMP and proactive and reactive maintenance programs including stormwater infrastructure (including Flood Plain Modelling), fire track maintenance and street sweeping program. - Ongoing fuel reduction programs on high risk Council owned land including woody weed control, slashing and maintenance of asset protection zones. - Ensure ongoing compliance with the F&ES Act 2005 including annual property inspections to ensure community compliance with requirements of the Act, respond to breaches of the Act as they arise, ongoing appointment of Fire Prevention Officers pursuant with requirements of the Act and provide advice to residents on bushfire prevention and mitigation. - Ongoing implementation of tree maintenance programs including the monitoring and maintenance of high risk trees and undertaking reactive tree pruning and removal of high risk trees minimising failure in windy conditions. Commencement of Zone-based Preventative Main
Other Requirements/Comments:	As improvements to Asset Management Plans occur through each review, the control effectiveness also continue to improve.
Current:	Yes

Risk Controls					
Control Details	Reviewer	Next Review Date	Last Review Date	Review Notes	Control Effectiveness
<ul style="list-style-type: none"> - Participation in regional EM arrangements through the ZEMC, and the AMLRBMC and cooperation with other councils and agencies re EM - Provision of assistance to control agencies and the community to respond to emergency incidents as they arise and work with local units to resolve localised issues relating to EM. - Provision of assistance to the community and to relevant government and non-government agencies assist recovery from emergencies. - Contribute to, support and participate in community education programs including the SES Flood Safe Program, Red Cross REDiPlan program and CFS Community Fire Safety Meetings. - Ongoing replacement and maintenance of Council's infrastructure through implementation of Council's AMP and proactive and reactive maintenance programs including stormwater infrastructure (including Flood Plain Modelling), fire track maintenance and street sweeping program. - Ongoing fuel reduction programs on high risk Council owned land including woody weed control, slashing and maintenance of asset protection zones. - Ensure ongoing compliance with the F&ES Act 2005 including annual property inspections to ensure community compliance with requirements of the Act, respond to breaches of the Act as they arise, ongoing appointment of Fire Prevention Officers pursuant with requirements of the Act and provide advice to residents on bushfire prevention and mitigation. - Ongoing implementation of tree maintenance programs including the monitoring and maintenance of high risk trees and undertaking reactive tree pruning and removal of high risk trees minimising failure in windy conditions. Securing of Elevated Work Platform and additional Tree Team staffing has further improved the controls. 	Peter Bice	31/12/2023	03/01/2023	There is always a risk of negative community perception of the level of risk appetite in relation to some natural hazards given misinformation and emotion attached.	EFFECTIVE (Designed Adequately; Operating Effectively)
<p>13 (Medium (4D)) - 52.00%</p>					

Actions								
Action Source	Action Required	Action Priority	Person Responsible	Extra Comments	Percent Complete	Status	Due Date	
Corporate Risk Register	Development of new Emergency Management Plan.	Immediately	John McArthur	<p>EM Framework endorsed by ELT 14/2/17, EM responsibility now transferred to Infrastructure & Operations, Project timeframes to be reviewed. Update 02/10/19 - Draft Emergency Management Plan completed. Draft Incident Operations Manual (formerly within the Emergency Management Plan) to be considered for endorsement by ELT 3 October 2019. Council to participate in LGA Council Ready Program to complete Emergency Management Plan by September 2020 based on a risk assessment process. Update 07/11/19 - ELT formally resolved to commit to LGA Council Ready Program, scheduling of initial risk assessment workshop set for 9/12/19. Incident Operations Manual adopted by ELT 3 October and is currently being implemented. Update 29/01/20 Lessons learnt from Cudlee Creek fire were identified in an After Action Review in February 2020 and now being incorporated into the Incident Operations Manual. Emergency Management Plan development timeframes may need to be reviewed as priority is on updating the Incident Operations Manual. Draft Emergency Management Plan completed as of 26 February 2021. 29/12/21 - Emergency Management Plan completed and endorsed by ELT 14 October 2021.</p> <p>29/11/2021 by John McArthur</p> <p>-</p> <p>29/11/2021 by John McArthur</p> <p>-</p> <p>Emergency Management Plan completed and endorsed by ELT 14 October 2021</p> <p>27/09/2021 by John McArthur</p> <p>-</p> <p>Update 27 September 2021 - Draft Emergency Management Plan and revised Incident Operations Manual (incorporating 'lessons learnt' from Cudlee Creek and Cherry Gardens bushfires and Exercise Pomona) scheduled for ELT review 14 October 2021.</p> <p>29/07/2021 by John McArthur</p>	100%	Complete (Accepted)	31/08/2021	

				<p>- Update 29 July 2021 - Draft Emergency Management Plan is being finalised. Key response elements previously included in Emergency Management Plans have been prioritised, completed and moved to Council's Incident Operations Manual.</p> <p><i>26/02/2021 by John McArthur</i></p> <p>- Emergency Management Plan is nearing completion. Currently the Emergency Management Plan is in first draft form and comprises sections on Disaster Risk Reduction, Incident Operations and Recovery.</p>			
Corporate Risk Register	Commit to I Responda emergency response framework.	Immediately	Lachlan Miller	Council is now part of this program . Its plan to be transferred to contemporary standard. Anticipated to be complete by 31/12/19.	100%	Complete (Accepted)	01/12/2019
Corporate Risk Register	Develop Emergency Management Team for ongoing development and review of Council's EM processes relating to emergencies that occur external to the organisation (not WHS emergency management)	Immediately	John McArthur	<p>To be developed under EM Framework. Update 05/08/19 - Draft Incident Operations Manual 95% complete. This document will be used with the draft Emergency Management Plan to plan, prepare, respond and recover from emergency events. Anticipated to be completed by 30 November 2019. Update 02/10/19 - Draft Incident Operations Manual to be considered by ELT for endorsement on 3 October 2019. Update 07/11/19 - Incident Operations Manual adopted by ELT 3 October 2019 including establishment of an Incident Management Team completing this action. 29/12/21 - Revised Incident Operations Manual reflecting lessons learnt from Cudlee Creek and Cherry Gardens bushfires and COVID-19 response signed off by Acting CEO 14 October 2021. This action is complete, refer update 07-11/19.</p> <p><i>29/07/2021 by John McArthur</i></p> <p>- Update 29 July 2021 - The completion and implementation of Council's Incident Operations Manual has completed this action. This manual provides a framework to respond to emergencies that occur external to the organisation including the establishment of an Incident Management Team, including a Council Commander, an Emergency Operations Centre and levels of preparedness Standby, Alert, Operations and restore. The Council Commanders discuss emergency management arrangements throughout the year and any outcomes to be delivered are action by the Manager Sustainability, Waste and Emergency Management.</p>	100%	Complete (Accepted)	03/10/2019
Corporate Risk Register	Research the establishment of a dedicated EM role (temporary/permanent)	Immediately	Lachlan Miller	EM responsibilities included in Manager Sustainability, Waste & Emergency Management position.	100%	Complete (Accepted)	31/03/2016

Corporate Risk Register	Establish Zone-based Preventative Maintenance Program	Immediately	Christopher Janssan	Zone program established	100%	Complete (Accepted)	01/02/2016
Corporate Risk Register	Review bushfire prevention and mitigation arrangements	Immediately	Christopher Janssan	Structure in place	100%	Complete (Accepted)	30/06/2017
Corporate Risk Register	Review insurance option related to loss of rate revenue following significant loss of property associated with bushfire	Six Months	Lachlan Miller	<p>Proposal received by Administration in March 2021, still to be assessed.</p> <p><i>09/11/2021 by Lachlan Miller</i></p> <p>- Transferable risk workshop conducted with ELT, awaiting final report. Modelling of revenue loss (rates) scenarios currently under development.</p> <p><i>10/05/2021 by Lachlan Miller</i></p> <p>- Loss of income cover was discussed during the 2021-22 Insurance Placement. A proposal has been received by LGRS and it still to be assessed.</p>	20%	In Process	30/11/2020

Documents		
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APPENDIX 1