



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

Councillor Kirrilee Boyd
Councillor Adrian Cheater
Councillor Nathan Daniell
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 26 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



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 26 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 Kaurna 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

That a leave of Absence from all duties be granted to:

Cr Kirsty Parkin from 2 October to 8 October 2023

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 12 September 2023

That the minutes of the ordinary meeting held on 12 September 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
 - 8.2.1. Dangerous Driving at Basket Range - Mr Steven Warrick
- 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)
- 11.2. Dangerous Driving at Basket Range (Cr Leith Mudge)

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. *Planning, Development and Infrastructure Act 2016 Delegations
Refer to Agenda*
- 12.2. Proposal to change suburb name of portion of Rostrevor to Morialta
 - 1. *That the report be received and noted.*
 - 2. *That no further action be undertaken in relation to the proposal by the Morialta Resident's Association to change the name of a portion of Rostrevor to Morialta.*
 - 3. *That the CEO (or his delegate) advises the Morialta Resident's Association of its decision.*
- 12.3. Consideration of bike lockers for personal use
 - 1. *That the report be received and noted.*
 - 2. *That Council considers a Public Transport Amenity Program, that includes the installation of bike lockers or bike cages as part of the 2024/25 Annual Business Planning process.*
 - 3. *That Council approve a survey of cyclist and public transport users be undertaken in conjunction with Bike SA to understand needs, demand, and final priority sites for consideration in this Public Transport Amenity Program.*

12.4. Nomination to Dog and Cat Management Board

Decision 1

1. *That the report be received and noted.*
2. *To determine that the method of selecting a nominee for the Dog and Cat Management Board to be by an indicative vote to determine the preferred person for the positions using the process set out in this Agenda report.*
3. *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 Dog and Cat Management Board nominee and for the meeting to resume once the results of the indicative voting for the Member roles has been declared.*

Decision 2

To endorse the nomination of for the Dog & Cat Management Board and authorise the Chief Executive Officer to lodge the completed nomination form(s) to the Local Government Association by COB Friday 27 October 2023.

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 – 13 September 2023

That the minutes of the CAP meeting held on 13 September 2023, as supplied, be received and noted.

17.2. Audit Committee

Nil

17.3. CEO Performance Review Panel

Nil

17.4. Boundary Change Committee

Nil

18. CONFIDENTIAL ITEMS

Nil

19. NEXT MEETING

Tuesday 10 October 2023, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting & Workshops 2023

DATE	TYPE	LOCATION	MINUTE TAKER
SEPTEMBER 2023			
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 12 SEPTEMBER 2023
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Acting Mayor Nathan Daniell

Members:

Councillor Kirrilee Boyd
Councillor Pauline Gill
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Leith Mudge
Councillor Kirsty Parkin
Councillor Louise Pascale

In Attendance:

Greg Georgopoulos	Chief Executive Officer
Terry Crackett	Director Corporate Services
John McArthur	Acting Director Infrastructure & Operations
Natalie Armstrong	Director Development & Regulatory Services
David Waters	Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
Pam Williams	Minute Secretary
Kylie Hopkins	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.

3. Apology

Cr Melanie Selwood
Cr Adrian Cheater
Cr Mark Osterstock

Mayor _____ 26 September 2023

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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 – 22 August 2023

Moved Cr Pauline Gill

S/- Cr Chris Grant

234/23

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

Carried Unanimously

4.2 Special Council Meeting – 4 September 2023

Moved Cr Malcolm Herrmann

S/- Cr Chris Grant

235/23

That the minutes of the Special Council meeting held on 4 September 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 General Conflict of Interest, Cr Kirsty Parkin – Item 12.2, CEO Performance Review Panel Independent Member Recruitment

Under section 75B of the *Local Government Act 1999* Cr Kirsty Parkin disclosed a General (section 74) Conflict of Interest in Item 12.2, CEO Performance Review Panel Independent Member Recruitment, the nature of which is as follows:

- I will be nominating for this position.

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6. PRESIDING MEMBER'S OPENING REMARKS

The Acting Mayor, Nathan Daniell presided over the 11 September 2023 Citizenship Ceremony which was a joyful and happy occasion.

The Acting Mayor acknowledged and thanked departing staff members Lachlan Miller, Executive Manager Governance & Performance for his 10 years of dedicated and exceptional service and Pam Williams, Executive Assistance CEO & Mayor for 27 years of exemplary assistance to staff and Council Members and wished both the best for their new endeavours.

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

Nil

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
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11. MOTIONS ON NOTICE**11.1 Sustainable Procurement**

This item will be considered at the next Council meeting.

12. OFFICER REPORTS – DECISION ITEMS**12.1 Road Exchange Decision 13 Upper Sturt Road Crafers West**

Moved Cr Kirsty Parkin

S/- Cr Louise Pascale

236/23

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.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
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TUESDAY 12 SEPTEMBER 2023
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12.2 CEO Performance Review Panel Independent Member Recruitment – Method of Voting

Moved Cr Chris Grant

S/- Cr Kirrilee Boyd

237/23

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 24 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.**

Carried Unanimously

6:39pm The Council Meeting adjourned for the purpose of conducting an indicative vote for the Selection Panel positions.

6:48pm The Council Meeting resumed.

Cr Kirsty Parkin declared a General Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.2

Cr Kirsty Parkin remained in the Chamber and voted.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
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12.2.1 CEO Performance Review Panel Independent Member Recruitment

Moved Cr Leith Mudge

S/- Cr Kirrilee Boyd

238/23

Council resolves to appoint Cr Kirsty Parkin & Cr Chris Grant and the Manager People & Culture as members of the CEO Performance Review Panel Independent Member Selection Panel.

Carried Unanimously

Cr Kirsty Parkin voted in favour of the motion and the majority of Council Members present voted in favour of the motion.

12.3 Delegations Review

Moved Cr Malcolm Herrmann

S/- Cr Kirsty Parkin

239/23

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*

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- *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;*

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- *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.

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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.

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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
- David Collins, Manager Strategic Assets

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
- David Collins, Manager Strategic Assets

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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
- David Collins, Manager Strategic Assets

Carried Unanimously

12.4 Status Report – Council Resolutions Update

Moved Cr Chris Grant
S/- Cr Leith Mudge

240/23

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

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Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
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

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 12 SEPTEMBER 2023
63 MT BARKER ROAD STIRLING**

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
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 8/8/23	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

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

Nil

14. QUESTIONS WITHOUT NOTICE

Cr Malcolm Herrmann – Amy Gillett Bikeway update

15. MOTIONS WITHOUT NOTICE

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 12 SEPTEMBER 2023
63 MT BARKER ROAD STIRLING**

16. REPORTS

16.1 Council Member Function or Activity on the Business of Council

Acting Mayor Nathan Daniell

- 23 August, Meeting with Nick Champion MP, Stirling
- 23 August, Meeting with Hon Clare Scriven MP, Stirling
- 23 August, CFS Leadership Forum with Hon Joe Szakacs MP, Woodside
- 23 August, Public Transport Forum with Hon Tom Koutsantonis MP, Mt Barker
- 23 August, Meeting with Hon Zoe Bettison MP, Mt Barker
- 23 August, Meeting with Hon Tom Koutsantonis MP, Mt Barker
- 23 August, Country Cabinet Community Forum & BBQ @ Mt Barker
- 24 August, Presentation to Country Cabinet, Balhannah
- 24 August, Reflections of Home with The Courier, Lobethal
- 29 August, Lobethal Community Association AGM, Lobethal
- 11 September, Australian Citizenship Ceremony, Stirling

Cr Melanie Selwood

- 23 August, Country Cabinet Community Forum & BBQ

Cr Kirrilee Boyd

- 23 August, Country Cabinet Forum, Mt Barker
- 30 August, Community Forum on the Voice to Parliament, Stirling

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

Cr Kirsty Parkin

- 25 August, Southern Hills LGA meeting

16.3 CEO Report

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

- Review of Executive Structure
- Financial Sustainability for Green Initiatives
- Service Delivery Review Process
- Boundary Reform Proposal

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 12 SEPTEMBER 2023
63 MT BARKER ROAD STIRLING**

17. REPORTS OF COMMITTEES

17.1 Council Assessment Panel

Nil

17.2 Audit Committee – 21 August 2023

Moved Cr Malcolm Herrmann

S/- Cr Pauline Gill

241/23

That the minutes of the Audit Committee meeting held on 21 August 2023 as distributed, be received and noted.

Carried Unanimously

17.2.1 Audit Committee Recommendations to Council – 21 August 2023

Moved Cr Malcolm Herrmann

S/- Cr Leith Mudge

242/23

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.

Carried Unanimously

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 12 SEPTEMBER 2023
63 MT BARKER ROAD STIRLING**

19. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 26 September 2023 from 6.30pm at 63 Mt Barker Road, Stirling.

20. CLOSE MEETING

The meeting closed at 7:07PM.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 26 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 review the current Procurement Policy and Procurement Framework to require Council's procurement to align with the International Standard for Sustainable Procurement ISO 20400.
 2. That 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 26 September 2023
AGENDA BUSINESS ITEM**

Item: 11.2 Motion on Notice

Originating from: Cr Leith Mudge

Subject: Dangerous driving Basket Range

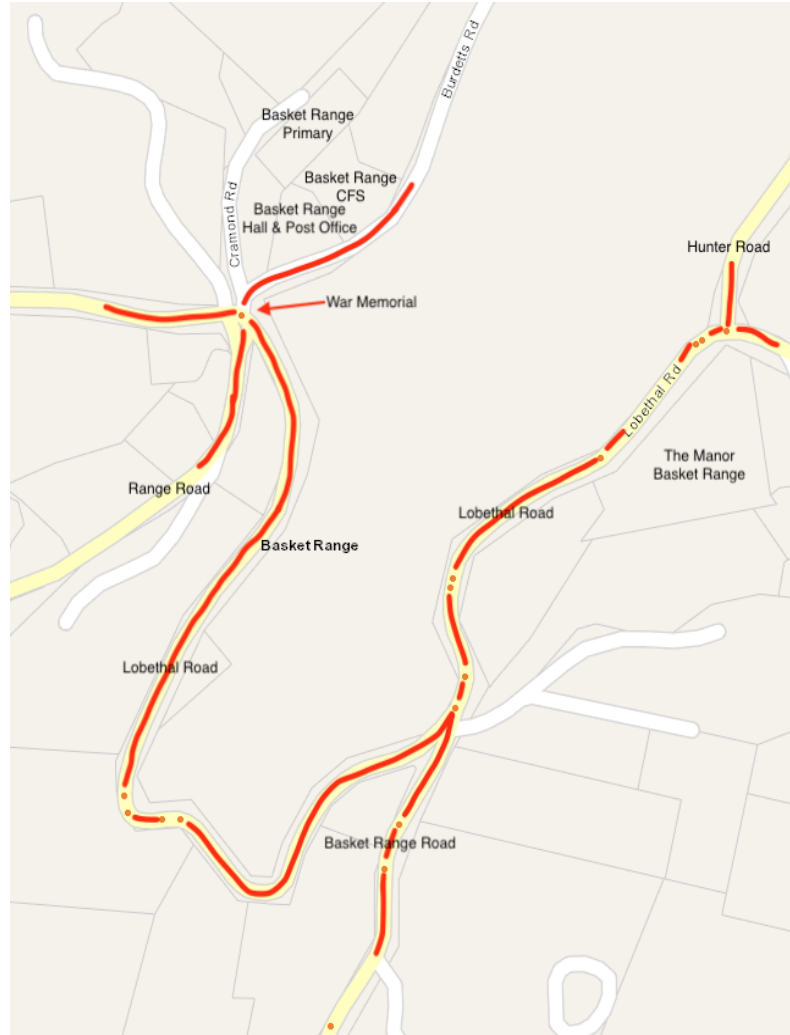
1. MOTION

I move that the CEO

1. Works with the local residents and businesses, Basket Range CFS, Basket Range Primary School, SA Police (SAPOL) and the Department of Infrastructure and Transport (DIT) to reduce the occurrence and impact of reckless and dangerous driving at excessive speeds in Basket Range (including driving with attitude - hoon driving).
2. Investigates and implements (if feasible) additional parking controls and enforcement in areas where dangerous drivers often congregate:
 - a. The section of Burdetts Road in front of the Basket Range Hall, Post Office and CFS station.
 - b. The informal car park next to the CFS station.
3. Writes to DIT to request that the section of the state maintained Lobethal Road between the area near the crossroads with Burdetts Road and Range Road and the Hunters Road intersection have its speed limit reduced from the current 80 km/hr.
4. Conducts an investigation and develops a Traffic Impact Statement for submission to DIT regarding a speed limit reduction from the current 80 km/hr along Burdetts Road, Range Road and Basket Range Road in the areas leading to their intersection with Lobethal Road.
5. Seeks to work with DIT and SAPOL to investigate further traffic controls and warnings to improve road safety along Lobethal Road and feeder roads i.e. Basket Range Road, Burdetts Road and Range Road, including (but not limited to):
 - a. Additional pedestrian warning signs near The Manor Basket Range function centre and the Basket Range Primary School.
 - b. Fixed speed camera along Lobethal Road.
 - c. Give Way or Stop signs at the junction of Lobethal Road and Basket Range Roads.
 - d. A radar activated variable speed sign at the junction of Lobethal Road and Basket Range Roads.
6. Asks SAPOL to increase enforcement activity in this area.

2. BACKGROUND

Over the last 15 years, residents and businesses at Basket Range have been dealing with motorists engaging in increasingly reckless and dangerous driving at excessive speeds (including hoon driving) along Lobethal Rd and feeder roads marked by red lines on the map below.



Red dots indicate reported road crashes (2018-22). The actual number of crashes is likely to be significantly higher, as drivers engaging in illegal activities often do not report accidents to police.

The aerial map below shows the region and highlights the density of housing and business in this area.

CFS volunteers often report having to persuade drivers to move their cars so that appliances can exit the CFS station on late night callouts - causing additional delays to responses.

This issue has been getting progressively worse over the last 15 years. The owner of the Manor Basket Range function centre (Marcus Dewar) is particularly concerned about excessive speeds past his business. The Manor can host up to 5 weddings a week, with buses unloading and loading while cars drive past at excessive speeds up to 80 kph (the current posted limit) and above.

Local community members indicate that they have been reporting to SAPOL for a long time but are not receiving adequate response. This is due to a combination of the fact that the posted limit is 80 kph, so that they are unable to book drivers for speeding and the fact that this is located far from the SAPOL service centres at Mt Barker and Woodside and resources are thin such that patrols are rarely able to visit the area. Local community members are often scared to approach and report bad behaviour due to fears of recrimination.

Many of the residents I have spoken to are CFS volunteers and have attended many accidents that have occurred along this stretch. The photos below show a recent accident attended to by CFS volunteers on Basket Range Road near where it feeds into Lobethal Road.





I have spoken to Senior Constable Andrew Crowe from the Road Safety Section of SAPOL and he indicated that he thinks that there would be merit in Council pushing for a reduction in the speed limit along this stretch of road, similar to the stretch of Lobethal Road through Ashton which has a 60 km/hr limit.

Lobethal Road is a DIT road and the Minister determines the speed limit along all public roads, however this motion asks Adelaide Hills Council to take up this cause and advocate on behalf of its community and do whatever is within its power to help.

3. OFFICER'S RESPONSE – Peter Bice, Director Infrastructure and Operations

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal A Functional Built Environment

Objective B1 Our district is easily accessible for community, our businesses, and visitors.

Priority B1.5 Provide accessibility for the full range of users by ensuring Council's road, footpath and trails network is adequately maintained and service levels for all users are developed and considered.

➤ Legal Implications

Not applicable

➤ **Risk Management Implications**

The investigation of road safety improvements in the vicinity will assist in mitigating the risk of:

Road safety issues increasing incidence of accidents in the area.

Inherent Risk	Residual Risk	Target Risk
Medium (3D)	Low (3E)	Low (3E)

➤ **Financial and Resource Implications**

The support of an external consultant will be required to prepare a Traffic Impact Statement of this nature, likely in the vicinity of \$6,000.

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

Not applicable

➤ **Sustainability Implications**

Not applicable

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

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

External Agencies: Not Applicable

Community: Not Applicable

4. ANALYSIS

Staff are aware of the concerns raised in relation to the road safety and parking in this vicinity. Staff have engaged with a number of the stakeholders outlined in the motion and can continue to do so, as well as include those not yet engaged with.

The Department for Infrastructure and Transport are the relevant authority for the setting of speed limits on South Australian roads. When requesting a change in speed limit on a Council Rd, Council must follow the process outlined in the [Speed Limit Guideline for South Australia](#). The first step is to review the proposal against the guidelines to determine if it is suitable.

Whilst the management of Hoon Driving is considered a SAPOL Matter, we can certainly write to them requesting additional enforcement activity in the specified location.

A Traffic Impact Statement can be prepared by staff to submit to DIT for consideration. In addition, if any changes to traffic controls, signage or line-marking are identified as appropriate following a traffic impact assessment, these can be accommodated by staff within this \$6,000 amount in conjunction with operating budgets.

5. APPENDICES

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 26 September 2023
AGENDA BUSINESS ITEM**

Item:	12.1
Responsible Officer:	Melissa Grimes Governance Assistance Office of the Chief Executive
Subject:	Delegations made under <i>Planning, Development and Infrastructure Act 2016</i>, Regulations, Planning & Design Code and Practice Directions of Powers of a Council
For:	Decision

SUMMARY

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

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

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

Pursuant to Section 44 (6a) of the *Local Government Act 1999*, Council must review all delegations within 12 months after the conclusion of each periodic election. These remaining delegations included within this report concludes Councils review of its delegations in accordance with the Act.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
- 2. Delegations made under *Planning, Development and Infrastructure Act 2016*, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council, a Designated Authority; a Designated Entity – (Instrument A)**
 - a. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (contained in the attachment this Report) are hereby delegated this 26 September 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.

- b. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.**
- 3. Delegations made under *Planning, Development and Infrastructure Act 2016*, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority – (Instrument B)**
 - a. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (contained in the attachment this Report) are hereby delegated this 26 September 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.**
 - b. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.**
-

1. BACKGROUND

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

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

Instrument B – Powers of a council as a relevant authority

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

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

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

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

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

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

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

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 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 is an important element of Council’s commitment to open and transparent decision making which facilitates public accountability.

➤ Legal Implications

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

➤ Risk Management Implications

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

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

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

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

➤ **Financial and Resource Implications**

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>	Council Members received a workshop on the SA planning system and legislation on 19 September 2023. Council Members have received workshops on delegations generally and provided an opportunity (out-of-session) to review the proposed delegations and provide comment.
<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.

3. **OPTIONS**

Council has the following options:

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

(Option 2)

4. APPENDICES

(1) Instrument of Delegation

Appendix 1
Instrument of Delegation



Adelaide Hills
COUNCIL

ADELAIDE HILLS COUNCIL

DELEGATIONS MADE UNDER PLANNING,
DEVELOPMENT AND INFRASTRUCTURE ACT 2016,
REGULATIONS, PLANNING & DESIGN CODE AND
PRACTICE DIRECTIONS OF POWERS OF A COUNCIL

Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s5(5)(b)	<p>1. Planning Regions and Greater Adelaide</p> <p>1.1 The power pursuant to Section 5(5)(b) of the Planning, Development and Infrastructure Act 2016 (the PDI Act) to make submissions to the Minister on a proposed proclamation under Section 5 of the PDI Act.</p>	Chief Executive Officer	In consultation with the Council
s6(3)(b)	<p>2. Subregions</p> <p>2.1 The power pursuant to Section 6(3)(b) of the PDI Act to make submissions to the Minister on the Minister's proposed course of action.</p>	Chief Executive Officer	In consultation with the Council

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s7(5)(b)	<p>3. Environment and Food Production Areas – Greater Adelaide</p> <p>3.1 The power pursuant to Section 7(5)(b) of the the PDI Act, in relation to proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to concur in the granting of the development authorisation to the development.</p>	Chief Executive Officer	NIL
s22(4)(a)(i)	<p>4. Functions</p> <p>4.1 The power pursuant to Section 22(4)(a)(i) of the PDI Act to, if an inquiry is conducted by the Commission under Section 22(1)(e) of the PDI Act make submissions or representations.</p>	Chief Executive Officer	NIL
s35(1)(a)	<p>5. Planning Agreements</p> <p>5.1 The power pursuant to Section 35(1)(a) of the PDI Act and subject to Section 35 of the PDI Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State subject to Section 35 of the PDI Act.</p>	Chief Executive Officer	In consultation with the Council
s35(3)	<p>5. Planning Agreements</p> <p>5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p>	Chief Executive Officer	In consultation with the Council

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	5.2.1 the setting of objectives, priorities and targets for the area covered by the agreement; and		
s35(3)	<p>5. Planning Agreements</p> <p>5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>5.2.2 the constitution of a joint planning board including, in relation to such a board:</p> <p>5.2.2.1 the membership of the board, being between 3 and 7 members (inclusive); and</p> <p>5.2.2.2 subject to Section 35(4) of the PDI Act, the criteria for membership; and</p> <p>5.2.2.3 the procedures to be followed with respect to the appointment of members; and</p> <p>5.2.2.4 the terms of office of members; and</p> <p>5.2.2.5 conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and</p> <p>5.2.2.6 the appointment of deputy members; and</p> <p>5.2.2.7 the procedures of the board; and</p>	Chief Executive Officer	In consultation with the Council

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s35(3)	<p>5. Planning Agreements</p> <p>5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>5.2.3 the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and</p>	Elected Body	
s35(3)	<p>5. Planning Agreements</p> <p>5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>5.2.4 the staffing and other support issues associated with the operations of the joint planning board; and</p>	Elected Body	
s35(3)	<p>5. Planning Agreements</p> <p>5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p>	Elected Body	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>5.2.5 financial and resource issues associated with the operations of the joint planning board, including:</p> <p>5.2.5.1 the formulation and implementation of budgets; and</p> <p>5.2.5.2 the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and</p>		
s35(3)	<p>5. Planning Agreements</p> <p>5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>5.2.6 such other matters as the delegate thinks fit.</p>	Elected Body	
s35(5)(a)	<p>5. Planning Agreements</p> <p>5.3 The power pursuant to Section 35(5)(a) of the PDI Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).</p>	Elected Body	
s35(5)(b)	<p>5. Planning Agreements</p>	Elected Body	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	5.4 The power pursuant to Section 35(5)(b) of the PDI Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.		
s41(2)(a)	6. Appointment of Administrator 6.1 The power pursuant to Section 41(2)(a) of the PDI Act to make submissions to the Minister on the Minister appointing an administrator under Section 41 of the PDI Act.	Chief Executive Officer	In consultation with the Council
s44(6)(a)	7. Community Engagement Charter 7.1 The power pursuant to Section 44(6)(a) of the PDI Act, to make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 of the PDI Act that is relevant to the Council (unless the proposal has been initiated by the Council).	Chief Executive Officer	In consultation with Council
s44(9)(b)	7. Community Engagement Charter 7.2 The power pursuant to Section 44(9)(b) of the PDI Act to the extent that Section 44(9)(a) of the PDI Act does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case.	Chief Executive Officer	In consultation with Council

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s44(10)	<p>7. Community Engagement Charter</p> <p>7.3 The power pursuant to Section 44(10) of the PDI Act to:</p> <p>7.3.1 seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the charter; and</p> <p>7.3.2 with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the charter.</p>	Chief Executive Officer	In consultation with Council
s45(2)(c)	<p>8. Preparation and Amendment of Charter</p> <p>8.1 The power pursuant to Section 45(2)(c) of the PDI Act to make representations (including in writing or via the SA planning portal) on a proposal to prepare or amend the charter.</p>	Chief Executive Officer	In consultation with Council
s73(2)(b)(iv)	<p>9. Preparation and Amendment</p> <p>9.1 The power pursuant to Section 73(2)(b)(iv) of the PDI Act to:</p> <p>9.1.1 seek the approval of the Minister to initiate a proposal to amend a designated instrument; and</p> <p>9.1.2 initiate a proposal to amend a designated instrument with the approval of the Minister acting on the advice of the Commission.</p>	Chief Executive Officer	In consultation with Council

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s73(6)	<p>9. Preparation and Amendment</p> <p>9.2 The power pursuant to Section 73(6) of the PDI Act where the Council is authorised or approved under Section 73 of the PDI Act, after all of the requirements of Section 73 of the PDI Act have been satisfied:</p> <p>9.2.1 to prepare a draft of the relevant proposal; and</p> <p>9.2.2 to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and</p> <p>9.2.3 to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board – consult with the joint planning board; and</p> <p>9.2.4 to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:</p> <p>9.2.4.1 an owner or occupier of the land; and</p> <p>9.2.4.2 an owner or occupier of each piece of adjacent land,</p> <p>a notice in accordance with the regulations; and</p>	Chief Executive Officer	9.2.1 - In consultation with Council

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>9.2.5 to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and</p> <p>9.2.6 to carry out such investigations and obtain such information specified by the Commission; and</p> <p>9.2.7 to comply with any requirement prescribed by the regulations.</p>		
s73(7)	<p>9. Preparation and Amendment</p> <p>9.3 The power pursuant to Section 73(7) of the PDI Act, after complying with Section 73(6) of the PDI Act, to prepare a report in accordance with any practice direction that applies for the purposes of Section 73 of the PDI Act (including information about any change to the original proposal that the delegate considers should be made) and furnish a copy of the report to the Minister.</p>	Chief Executive Officer	In consultation with Council
s73(8)	<p>9. Preparation and Amendment</p> <p>9.4 The power pursuant to Section 73(8) of the PDI Act, after the Council has furnished a report to the Minister under Section 73(7) of the PDI Act, to ensure that a copy of the report is published on the SA planning portal in accordance with a practice direction that applies for the purposes of Section 73 of the PDI Act.</p>	Chief Executive Officer	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s73(9)	<p>9. Preparation and Amendment</p> <p>9.5 The power pursuant to Section 73(9) of the PDI Act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the PDI Act (subject to the requirement to charge costs under Section 73(4)(b) of the PDI Act (if relevant)).</p>	Chief Executive Officer	In consultation with Council.
s74(8)(c)	<p>10. Parliamentary Scrutiny</p> <p>10.1 The power pursuant to Section 74(8)(c) of the PDI Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the PDI Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks.</p>	Chief Executive Officer	NIL
s75(1)	<p>11. Complying Changes – Planning and Design Code</p> <p>11.1 The power pursuant to Section 75(1) of the PDI Act to submit to the Minister a proposal to agree to an amendment to the Planning and Design Code under Section 75 of the PDI Act if:</p> <p>11.1.1 the amendment comprises a change to:</p> <p>11.1.1.1 the boundary of a zone or subzone; or</p>	Elected Body	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	11.1.1.2 the application of an overlay; and 11.1.2 the amendment is consistent with a recommendation in the relevant regional plan that, through the use of: 11.1.2.1 specific maps or other spatial information; and 11.1.2.2 specific information about the changes that are being proposed, clearly and specifically identifies (in the opinion of the Minister) the changes that are considered to be appropriate.		
s75(3)	11. Complying Changes – Planning and Design Code 11.2 The power pursuant to Section 75(3) of the PDI Act to effect an amendment under Section 75 of the PDI Act by an instrument deposited on the SA Planning database (in accordance with requirements established by the Chief Executive).	Chief Executive Officer	In consultation with Council
s82(d)	12. Entities Constituting Relevant Authorities 12.1 The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel.	Elected Body	NIL
s83(1)	13. Panels Established by Joint Planning Boards or Councils	Elected Body	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>13.1 The power pursuant to Section 83(1) of the PDI Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the PDI Act, to:</p> <p>13.1.1 appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess;</p> <p>13.1.2 determine:</p> <p>13.1.2.1 the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and</p> <p>13.1.2.2 the procedures to be followed with respect to the appointment of members; and</p> <p>13.1.2.3 the terms of office of members; and</p> <p>13.1.2.4 conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and</p> <p>13.1.2.5 the appointment of deputy members; and</p> <p>13.1.2.6 who will act as the presiding member of the panel and the process for appointing an acting presiding member.</p>		

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s83(1)(h)	<p>13. Panels Established by Joint Planning Boards or Councils</p> <p>13.2 The power pursuant to Section 83(1)(h) of the PDI Act to arrange the staffing and support required for the purposes of the operations of the panel.</p>	Chief Executive Officer	NIL
s83(1)(i)	<p>13. Panels Established by Joint Planning Boards or Councils</p> <p>13.3 The power pursuant to Section 83(1)(i) of the PDI Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the PDI Act.</p>	Chief Executive Officer	NIL
s83(2)	<p>13. Panels Established by Joint Planning Boards or Councils</p> <p>13.4 The power pursuant to Section 83(2) of the PDI Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a council is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.</p>	Chief Executive Officer	NIL
s84(1)(c)(ii)(A)	<p>14. Panels Established by Minister</p> <p>14.1 The power pursuant to Section 84(1)(c)(ii)(A) of the PDI Act to request the Minister to constitute a regional assessment panel in relation to the combined areas of the Council and one or more other Councils.</p>	Chief Executive Officer	Nil

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s84(1)(c)(ii)(B)	<p>14. Panels Established by Minister</p> <p>14.2 The power pursuant to Section 84(1)(c)(ii)(B) of the PDI Act to make submissions to the Minister about the constitution of a regional assessment panel in relation to the area of the Council and one or more other Councils (or parts of such areas).</p>	Chief Executive Officer	In consultation with Council
s86(2)(a)	<p>15. Substitution of Local Panels</p> <p>15.1 The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry.</p>	Chief Executive Officer	In consultation with Council
s89(b)	<p>16. Notification of Acting</p> <p>16.1 The power pursuant to Section 89(b) of the PDI Act to require an accredited professional to provide such information or documentation as the delegate may require.</p>	Chief Executive Officer	NIL
s94(1)(g)	<p>17. Relevant Authority - Commission</p> <p>17.1 The power pursuant to Section 94(1)(g) of the PDI Act to make a request to the Minister that the Minister declare, by notice served on the proponent, that the Minister desires the Commission to act as the relevant authority in relation to the proposed development.</p>	Chief Executive Officer	Nil

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s102(1)(c)(iv)	<p>18. Matters Against which Development Must be Assessed</p> <p>18.1 The power pursuant to Section 102(1)(c)(iv) of the PDI Act in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) where land is to be vested in the Council, to consent to the vesting.</p>	Chief Executive Officer	NIL
s102(1)(d)(iv)	<p>18. Matters Against which Development Must be Assessed</p> <p>18.2 The power pursuant to Section 102(1)(d)(iv) of the PDI Act in relation to a proposed division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 where land is to be vested in the Council, to consent to the vesting.</p>	Chief Executive Officer	NIL
s102(11)(b)	<p>18. Matters Against which Development Must be Assessed</p> <p>18.3 The power pursuant to Section 102(11)(b) of the PDI Act to impose a reasonable charge on account of an encroachment over land under the care, control and management of the Council when the relevant development is undertaken.</p>	Chief Executive Officer	In consultation with Council
s110(2)(b)	<p>19. Restricted Development</p> <p>19.1 The power pursuant to Section 110(2)(b) of the PDI Act to, in accordance with the regulations and within a period prescribed by the regulations, make</p>	Chief Executive Officer	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	representations to the Commission in relation to the granting or refusal of planning consent.		
s110(c)(ii)	19. Restricted Development 19.2 The power pursuant to Section 110(c)(ii) of the PDI Act to appear personally or by representative before the Commission to be heard in support of the Council's representation.	Chief Executive Officer	NIL
s110(7)	19. Restricted Development 19.3 The power pursuant to Section 110(7) of the PDI Act to appeal against a decision on a development classified as restricted development.	Chief Executive Officer	NIL
s112(b)	20. Level of Detail 20.1 The power pursuant to Section 112(b) of the PDI Act to express views in relation to the level of detail required in relation to an EIS.	Chief Executive Officer	NIL
s113(5)(a)(iii)	21. EIS Process	Chief Executive Officer	Nil

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	21.1 The power pursuant to Section 113(5)(a)(iii) of the PDI Act to comment and report within the time prescribed by the regulations on an EIS referred to the Council by the Minister.		
s114(2)(b)	22. Amendment of EIS 22.1 The power pursuant to Section 114(2)(b) of the PDI Act to make written submissions on the amendment to the Minister.	Chief Executive Officer	Nil
s130(6)	23. Essential Infrastructure – Alternative Assessment Process 23.1 The power pursuant to Section 130(6) of the PDI Act to report to the Commission on any matters contained in a notice under Section 130(5) of the PDI Act.	Chief Executive Officer	NIL
s130(14)	23. Essential Infrastructure – Alternative Assessment Process 23.2 The power pursuant to Section 130(14) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 130(5) of the PDI Act, expressed opposition to the proposed development in its report under Section 130(6) of the PDI Act, withdraw the Council's opposition.	Chief Executive Officer	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s131(7)	<p>24. Development Assessment – Crown Development</p> <p>24.1 The power pursuant to Section 131(7) of the PDI Act to report to the Commission on any matters contained in a notice under Section 131(6) of the PDI Act.</p>	Chief Executive Officer	NIL
s131(15)	<p>24. Development Assessment – Crown Development</p> <p>24.2 The power pursuant to Section 131(15) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 131(6) of the PDI Act expressed opposition to the proposed development in its report under Section 131(7) of the PDI Act, withdraw the Council's opposition.</p>	Chief Executive Officer	NIL
s138(1)	<p>25. Land Division Certificate</p> <p>25.1 The power pursuant to Section 138(1) of the PDI Act to enter into a binding agreement supported by adequate security and if the regulations so require in a form prescribed by the regulations.</p>	Chief Executive Officer	NIL
s138(2)	<p>25. Land Division Certificate</p> <p>25.2 The power pursuant to Section 138(2) of the PDI Act to furnish the Commission with appropriate information as to compliance with a particular condition and to comply with any requirement prescribed by the regulations.</p>	Chief Executive Officer	NIL

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

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

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	27.2 The power pursuant to Section 142(2) of the PDI Act, if an owner fails to carry out work as required by a notice under Section 142(1) of the PDI Act, to cause the necessary work to be carried out.		
s142(3)	27. Completion of Work 27.3 The power pursuant to Section 142(3) of the PDI Act to recover as a debt due from the owner, the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 142 of the PDI Act.	Chief Executive Officer	NIL
s142(4)	27. Completion of Work 27.4 The power pursuant to Section 142(4) of the PDI Act, if an amount is recoverable from a person by the Council under Section 142 of the PDI Act: 27.4.1 to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	Chief Executive Officer	NIL
s146(3)	28. Notification During Building 28.1 The power pursuant to Section 146(3) of the PDI Act to, subject to Section 146(4) of the PDI Act, direct a person who is carrying out building work to stop building work when a mandatory notification stage has been reached pending an inspection by an authorised officer who holds prescribed qualifications.	Chief Executive Officer	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s151(2)	<p>29. Classification of Buildings</p> <p>29.1 The power pursuant to Section 151(2) of the PDI Act to assign to a building erected in the Council's area a classification that conforms with the regulations.</p>	Chief Executive Officer	NIL
s151(3)	<p>29. Classification of Buildings</p> <p>29.2 The power pursuant to Section 151(3) of the PDI Act, if the Council assigns a classification under Section 151 of the PDI Act, to give notice in writing to the owner of the building to which the classification has been assigned, of the classification assigned to the building.</p>	Chief Executive Officer	NIL
s152(2)	<p>30. Certificates of Occupancy</p> <p>30.1 The power pursuant to Section 152(2) of the PDI Act to issue a certificate of occupancy.</p>	Chief Executive Officer	NIL
s152(3)(a)	<p>30. Certificates of Occupancy</p> <p>30.2 The power pursuant to Section 152(3)(a) of the PDI Act to require an application for a certificate of occupancy to include any information required by the delegate.</p>	Chief Executive Officer	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s152(5)	<p>30. Certificates of Occupancy</p> <p>30.3 The power pursuant to Section 152(5) of the PDI Act to consider any report supplied under Section 152(4) of the PDI Act before deciding the application.</p>	Chief Executive Officer	NIL
s152(6)	<p>30. Certificates of Occupancy</p> <p>30.4 The power pursuant to Section 152(6) of the PDI Act to issue the certificate if the delegate is satisfied (in accordance with procedures set out in the regulations and on the basis of information provided or obtained under Section 152 of the PDI Act) that the relevant building is suitable for occupation and complies with such requirements as may be prescribed by the regulations for the purposes of Section 152(6) of the PDI Act.</p>	Chief Executive Officer	NIL
s152(10)	<p>30. Certificates of Occupancy</p> <p>30.5 The power pursuant to Section 152(10) of the PDI Act, if the Council refuses an application to notify the applicant in writing of:</p> <p>30.5.1 the refusal; and</p> <p>30.5.2 the reasons for the refusal; and</p> <p>30.5.3 the applicant's right of appeal under the PDI Act.</p>	Chief Executive Officer	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s152(12)	30. Certificates of Occupancy 30.6 The power pursuant to Section 152(12) of the PDI Act to issue a certificate of occupancy that applies to the whole or part of a building.	Chief Executive Officer	NIL
s152(13)	30. Certificates of Occupancy 30.7 The power pursuant to Section 152(13) of the PDI Act to, in accordance with the regulations, revoke a certificate of occupancy in prescribed circumstances.	Chief Executive Officer	NIL
s153(1)	31. Temporary Occupation 31.1 The power pursuant to Section 153(1) of the PDI Act to grant an approval to a person to occupy a building on a temporary basis without a certificate of occupancy.	Chief Executive Officer	NIL
s153(2)	31. Temporary Occupation 31.2 The power pursuant to Section 153(2) of the PDI Act to grant an approval under Section 153(1) of the PDI Act on such conditions (if any) as the delegate thinks fit to impose.	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s153(3)	<p>31. Temporary Occupation</p> <p>31.3 The power pursuant to Section 153(3) of the PDI Act if the Council refuses an application to notify the applicant in writing of:</p> <p>31.3.1 the refusal; and</p> <p>31.3.2 the reasons for the refusal; and</p> <p>31.3.3 the applicant's right of appeal under the PDI Act.</p>	Chief Executive Officer	NIL
s155(5)	<p>32. Emergency Orders</p> <p>32.1 The power pursuant to Section 155(5) of the PDI Act, if an owner fails to carry out work as required by an emergency order, to cause the necessary work to be carried out.</p>	Chief Executive Officer	NIL
s155(6)	<p>32. Emergency Orders</p> <p>32.2 The power pursuant to Section 155(6) of the PDI Act to recover as a debt due from the owner the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 155 of the PDI Act.</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s155(7)	<p>32. Emergency Orders</p> <p>32.3 The power pursuant to Section 155(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 155 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.</p>	Chief Executive Officer	NIL
s157(16)	<p>33. Fire Safety</p> <p>33.1 The power pursuant to Section 157(16) of the PDI Act to establish a body and designate it as an appropriate authority under Section 157 of the PDI Act.</p>	Elected Body	
s157(17)	<p>33. Fire Safety</p> <p>33.2 The power pursuant to Section 157(17) of the PDI Act to:</p> <p>33.2.1 appoint to the appropriate authority:</p> <p>33.2.1.1 a person who holds prescribed qualifications in building surveying; and</p> <p>33.2.1.2 an authorised officer under Part 3 Division 5 or Section 86 of the Fire and Emergency Services Act 2005 who has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and</p> <p>33.2.1.3 a person with expertise in the area of fire safety; and</p>	Elected Body	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	33.2.1.4 if so determined by the delegate, a person selected by the delegate;		
s157(17)	33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to: 33.2.2 specify a term of office of a member of the appropriate authority (other than a member under Section 157(17)(a)(ii) of the PDI Act;	Elected Body	
s157(17)	33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to: 33.2.3 remove a member of the appropriate authority from office for any reasonable cause;	Elected Body	
s157(17)	33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to: 33.2.4 appoint deputy members;	Elected Body	
s157(17)	33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to:	Elected Body	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	33.2.5 determine the appropriate authority's procedures (including as to quorum).		
s163(3)(b)	34. Initiation of Scheme 34.1 The power pursuant to Section 163(3)(b) of the PDI Act to request the Minister initiate a proposal to proceed under Section 163 of the PDI Act.	Chief Executive Officer	In consultation with Council
s163(10)	34. Initiation of Scheme 34.2 The power pursuant to Section 163(10) of the PDI Act to make submissions to the Minister in relation to the draft outline.	Chief Executive Officer	In consultation with Council
s164(3)	35. Initiation of Scheme 35.1 The power pursuant to Section 164(3) of the PDI Act to request the Minister initiate a proposal to proceed under Section 164 of the PDI Act.	Chief Executive Officer	In consultation with Council
s164(12)	35. Initiation of Scheme 35.2 The power pursuant to Section 164(12) of the PDI Act to make submissions to the Minister in relation to the draft outline.	Chief Executive Officer	In consultation with Council

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s166(1)(c)	<p>36. Consideration of Proposed Scheme</p> <p>36.1 The power pursuant to Section 166(1)(c) of the PDI Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.</p>	Chief Executive Officer	NIL
s167(7)	<p>37. Adoption of Scheme</p> <p>37.1 The power pursuant to Section 167(7) of the PDI Act to make submissions to the Minister in relation to a variation to an outline of a scheme.</p>	Chief Executive Officer	In consultation with Council
s169(2)(b)	<p>38. Funding Arrangements</p> <p>38.1 The power pursuant to Section 169(2)(b) of the PDI Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the PDI Act to apply for any matter to be considered or determined by ESCOSA or some other prescribed person or body as part of a periodic review of the levels and amounts of those contributions.</p>	Chief Executive Officer	NIL
s169(9)	<p>38. Funding Arrangements</p> <p>38.2 The power pursuant to Section 169(9) of the PDI Act to make submissions to the Commission in relation to a funding arrangement that is specifically relevant to the Council.</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s177(4)	<p>39. Contributions by Constituent Councils</p> <p>39.1 The power pursuant to Section 177(4) of the PDI Act to make submissions to the Minister in relation to the Council's share.</p>	Chief Executive Officer	In consultation with Council
s177(5)	<p>39. Contributions by Constituent Councils</p> <p>39.2 The power pursuant to Section 177(5) of the PDI Act to, at the request of the Minister, supply the Minister with information in the possession of the Council to enable the Minister to determine shares under Sections 177(2) and (3) of the PDI Act.</p>	Chief Executive Officer	Nil
s180(7)	<p>40. Imposition of Charge by Councils</p> <p>40.1 The power pursuant to Section 180(7) of the PDI Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9, Division 1, Part 13 of the PDI Act.</p>	Chief Executive Officer	NIL
s187(1)	<p>41. Authorised Works</p> <p>41.1 The power pursuant to Section 187(1) of the PDI Act, subject to Section 187(3) of the PDI Act, to carry out any infrastructure works if the Council is authorised to so do by or under the PDI Act or any other Act.</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s187(5)	<p>41. Authorised Works</p> <p>41.2 The power pursuant to Section 187(5) of the PDI Act, subject to Section 187(6) of the PDI Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:</p> <p>41.2.1 inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and</p> <p>41.2.2 give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and</p> <p>41.2.3 ensure that proper consideration is given to the views of the road maintenance authority.</p>	Chief Executive Officer	NIL
s187(5)(b)	<p>41. Authorised Works</p> <p>41.3 The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the designated entity in relation to the matter.</p>	Chief Executive Officer	NIL
s187(6)	<p>41. Authorised Works</p> <p>41.4 The power pursuant to Section 187(6) of the PDI Act, in a case of emergency, to only comply with Section 187(5) of the PDI Act to such extent as is practicable in the circumstances.</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s188(1)	<p>42. Entry onto Land</p> <p>42.1 The power pursuant to Section 188(1) of the PDI Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the PDI Act to:</p> <p>42.1.1 enter and pass over any land; and</p> <p>42.1.2 bring onto any land any vehicles, plant or equipment; and</p> <p>42.1.3 temporarily occupy land; and</p> <p>42.1.4 do anything else reasonably required in connection with the exercise of the power.</p>	Chief Executive Officer	NIL
s188(4)	<p>42. Entry onto Land</p> <p>42.2 The power pursuant to Section 188(4) of the PDI Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the PDI Act.</p>	Chief Executive Officer	NIL
s189(1)	<p>43. Acquisition of Land</p> <p>43.1 The power pursuant to Section 189(1) of the PDI Act, to:</p>	Elected Body	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>43.1.1 seek the consent of the Minister to acquire land for a purpose associated with infrastructure works under and in accordance with the Land Acquisition Act 1969; and</p> <p>43.1.2 with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with the Land Acquisition Act 1969.</p>		
s192(1)	<p>44. Land Management Agreements</p> <p>44.1 The power pursuant to Section 192(1) of the PDI Act to enter into an agreement relating to the development, management, preservation or conservation of land with the owner of the land or a designated entity.</p>	Elected Body	
s192(2)	<p>44. Land Management Agreements</p> <p>44.2 The power pursuant to Section 192(2) of the PDI Act to enter into an agreement relating to the management, preservation or conservation of the land with a greenway authority.</p>	Elected Body	
s192(4)	<p>44. Land Management Agreements</p> <p>44.3 The power pursuant to Section 192(4) of the PDI Act in considering whether to enter into an agreement under Section 192 of the PDI Act which relates to the</p>	Elected Body	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>development of land and, if such an agreement is to be entered into, in considering the terms of the agreement, to have regard to:</p> <p>44.3.1 the provisions of the Planning and Design Code and to any relevant development authorisation under the PDI Act; and</p> <p>44.3.2 the principle that the entering into of an agreement under Section 192 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.</p>		
s192(5)	<p>44. Land Management Agreements</p> <p>44.4 The power pursuant to Section 192(5) of the PDI Act to register agreements entered into under Section 192 of the PDI Act in accordance with the regulations.</p>	Chief Executive Officer	NIL
s192(8)	<p>44. Land Management Agreements</p> <p>44.5 The power pursuant to Section 192(8) of the PDI Act to carry out on private land any work for which provision is made by agreement under Section 192 of the PDI Act.</p>	Chief Executive Officer	NIL
s192(9)	<p>44. Land Management Agreements</p> <p>44.6 The power pursuant to Section 192(9) of the PDI Act to include in an agreement under Section 192 of the PDI Act an indemnity from a specified form of</p>	Elected Body	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	liability or right of action, a waiver or exclusion of a specified form of liability or right of action, an acknowledgment of liability, or a disclaimer, on the part of a party to the agreement.		
s192(10)	<p>44. Land Management Agreements</p> <p>44.7 The power pursuant to Section 192(10) of the PDI Act to express a provision under Section 192(9) of the PDI Act as extending to, or being for the benefit of, a person or body who or which is not a party to the agreement.</p>	Elected Body	
s192(11)	<p>44. Land Management Agreements</p> <p>44.8 The power pursuant to Section 192(11) of the PDI Act to consent to the owner of land entering into an agreement under Section 192 of the PDI Act where the Council has a legal interest in the land.</p>	Elected Body	
s192(12)	<p>44. Land Management Agreements</p> <p>44.9 The power pursuant to Section 192(12) of the PDI Act to apply to the Registrar-General, to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s192(15)	<p>44. Land Management Agreements</p> <p>44.10 The power pursuant to Section 192(15) of the PDI Act to apply to the Registrar-General in relation to an agreement to which a note has been made under Section 192 of the PDI Act that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.</p>	Chief Executive Officer	NIL
s192(16)	<p>44. Land Management Agreements</p> <p>44.11 The power pursuant to Section 192(16) of the PDI Act to provide in an agreement under Section 192 of the PDI Act for remission of rates or taxes on the land.</p>	Elected Body	
s192(17)	<p>44. Land Management Agreements</p> <p>44.12 The power pursuant to Section 192(17) of the PDI Act to seek the Minister's consent to providing in an agreement under Section 192 of the PDI Act entered into by the Council for the remission of rates or taxes payable to the Crown.</p>	Elected Body	
s192(17)	<p>44. Land Management Agreements</p> <p>44.13 The power pursuant to Section 192(17) of the PDI Act to consent to an agreement entered into by the Minister under Section 192 of the PDI Act, providing for the remission of rates or taxes payable to the Council.</p>	Elected Body	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s192(18)	<p>44. Land Management Agreements</p> <p>44.14 The power pursuant to Section 192(18) of the PDI Act to take into account the existence of an agreement under Section 192 of the PDI Act when assessing an application for a development authorisation under the PDI Act.</p>	Chief Executive Officer	NIL
s193(1)	<p>45. Land Management Agreements – Development Applications</p> <p>45.1 The power pursuant to Section 193(1) of the PDI Act to, subject to Section 193 of the PDI Act, enter into an agreement under Section 193 of the PDI Act with a person who is applying for a development authorisation under the PDI Act that will, in the event that the relevant development is approved, bind:</p> <p>45.1.1 the person; and</p> <p>45.1.2 any other person who has the benefit of the development authorisation; and</p> <p>45.1.3 the owner of the relevant land (if he or she is not within the ambit of Sections 193(a) or (b) of the PDI Act and if the other requirements of Section 193 of the PDI Act are satisfied).</p>	Chief Executive Officer	Excludes variation to waiver of terms or rescission to of Agreements signed under Seal of Council.
s193(2)	<p>45. Land Management Agreements – Development Applications</p> <p>45.2 The power pursuant to Section 193(2) of the PDI Act to enter into an agreement under Section 193 of the PDI Act in relation to any matter that the delegate agrees is</p>	Chief Executive Officer	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	relevant to the proposed development (including a matter that is not necessarily relevant to the assessment of the development under the PDI Act).		Excludes variation to waiver of terms or rescission to of Agreements signed under Seal of Council.
s193(3)	<p>45. Land Management Agreements – Development Applications</p> <p>45.3 The power pursuant to Section 193(3) of the PDI Act to have regard to:</p> <p>45.3.1 the provisions of the Planning and Design Code; and</p> <p>45.3.2 the principle that the entering into of an agreement under Section 193 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.</p>	Chief Executive Officer	NIL
s193(5)	<p>45. Land Management Agreements – Development Applications</p> <p>45.4 The power pursuant to Section 193(5) of the PDI Act to register agreements entered into under Section 193 of the PDI Act in accordance with the regulations.</p>	Chief Executive Officer	NIL
s193(10)	<p>45. Land Management Agreements – Development Applications</p> <p>45.5 The power pursuant to Section 193(10) of the PDI Act to consent to an application to note the agreement against the relevant instrument of title or the land.</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

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

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	within the period prescribed by the regulations, to by notice given in accordance with the regulations, lapse the relevant development approval.		
s197(1)(b)	<p>46. Off-setting Contributions</p> <p>46.1 The power pursuant to Section 197(1)(b) of the PDI Act to seek the approval of the Minister to act under Section 197 of the PDI Act.</p>	Chief Executive Officer	In consultation with Council.
s197(2)	<p>46. Off-setting Contributions</p> <p>46.2 The power pursuant to Section 197(2) of the PDI Act to establish a scheme under Section 197 of the PDI Act that is designed to support or facilitate:</p> <p>46.2.1 development that may be in the public interest or otherwise considered by the delegate as being appropriate in particular circumstances (including by the provision of facilities at a different site); or</p> <p>46.2.2 planning or development initiatives that will further the objects of the PDI Act or support the principles that relate to the planning system established by the PDI Act; or</p> <p>46.2.3 any other initiative or policy:</p> <p>46.2.3.1 designated by the Planning and Design Code for the purposes of Section 197(2)(c)(i) of the PDI Act;</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	46.2.3.2 prescribed by the regulations for the purposes of Section 197(2)(c)(ii) of the PDI Act.		
s197(3)	<p>46. Off-setting Contributions</p> <p>46.3 The power pursuant to Section 197(3) of the PDI Act to include in a scheme established under Section 197 of the PDI Act:</p> <p>46.3.1 an ability or requirement for a person who is proposing to undertake development (or who has the benefit of an approval under the PDI Act):</p> <p>46.3.1.1 to make a contribution to a fund established as part of the scheme; or</p> <p>46.3.1.2 to undertake work or to achieve some other goal or outcome (on an 'in kind' basis); or</p> <p>34.2.1.3 to proceed under a combination of Sections 197(3)(a)(i) and (ii) of the PDI Act,</p> <p>in order to provide for or address a particular matter identified by the scheme; and</p> <p>46.3.2 an ability for a provision of the Planning and Design Code to apply with a specified variation under the terms of the scheme; and</p> <p>46.3.3 an ability for any relevant authority to act under or in connection with Sections 197(3)(a) or (b) of the PDI Act.</p>	Chief Executive Officer	NIL

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice
Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s197(4)	<p>46. Off-setting Contributions</p> <p>46.4 The power pursuant to Section 197(4)(b) of the PDI Act to apply the fund towards the purposes of the scheme in accordance with any directions or approvals of the Treasurer made or given after consultation with the Minister.</p>	Chief Executive Officer	NIL
s197(4)(c)	<p>46. Off-setting Contributions</p> <p>46.5 The power pursuant to Section 197(4)(c) of the PDI Act to invest money that is not immediately required for the purposes of the fund in accordance with provisions included in the scheme.</p>	Chief Executive Officer	NIL
s197(7)	<p>46. Off-setting Contributions</p> <p>46.6.1 seek the approval of the Minister to vary or wind up a scheme under Section 197 of the PDI Act; and</p> <p>46.6.2 to vary or wind up a scheme under Section 197 of the PDI Act with the approval of the Minister.</p>	Chief Executive Officer	In consultation with Council.
s198(1)	<p>47. Open Space Contribution Scheme</p> <p>47.1 The power pursuant to Section 198(1) of the PDI Act, where an application for a development authorisation provides for the division of land in the Council's area into</p>	Chief Executive Officer	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>more than 20 allotments, and 1 or more allotments is less than 1 hectare in area to require:</p> <p>47.1.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or</p> <p>47.1.2 that the applicant make the contribution prescribed by the regulations in accordance with the requirements of Section 198 of the PDI Act; or</p> <p>47.1.3 that land be vested in the Council under Section 198(1)(c) of the PDI Act and that the applicant make a contribution determined in accordance with Section 198(8) of the PDI Act,</p> <p>according to the determination and specification of the delegate, and to have regard to any relevant provision of the Planning and Design Code that designates land as open space and to seek the concurrence of the Commission to taking any action that is at variance with the Planning and Design Code.</p>		<p>Where Vesting of land is proposed then this shall be Subject to Agreement by way of a Council resolution.</p>
s198(3)	<p>47. Open Space Contribution Scheme</p> <p>47.2 The power pursuant to Section 198(3) of the PDI Act to enter into an agreement referred to in Section 198(2)(d) of the PDI Act.</p>	Chief Executive Officer	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s198(4)(a)	47. Open Space Contribution Scheme 47.3 The power pursuant to Section 198(4)(a) of the PDI Act to concur with an area being vested in the Council.	Chief Executive Officer	Where Vesting of land is proposed then this shall be Subject to Agreement by way of a Council resolution.
s198(11)	47. Open Space Contribution Scheme 47.4 The power pursuant to Section 198(11) of the PDI Act in relation to money received under Section 198 of the PDI Act to immediately pay it into a fund established for the purposes of Section 198 of the PDI Act and apply it for the purpose of acquiring or developing land as open space.	Chief Executive Officer	NIL
s198(12)	47. Open Space Contribution Scheme 47.5 The power pursuant to Section 198(12) of the PDI Act to form the opinion that the division of land is being undertaken in stages.	Chief Executive Officer	NIL
s200(1)	48. Urban Trees Fund 48.1 The power pursuant to Section 200(1) of the PDI Act to, 48.1.1 seek the approval of the Minister to establish a fund (an urban trees fund) for an area designated by the delegate; and	Chief Executive Officer	Subject to Council resolution.

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	48.1.2 to, with the approval of the Minister establish a fund (an urban trees fund) for an area designed by the delegate (a designated area).		
s200(2)	48. Urban Trees Fund 48.2 The power pursuant to Section 200(2) of the PDI Act to effect the establishing of the fund by notice published in the Gazette.	Chief Executive Officer	Subject to Council resolution.
s200(3)	48. Urban Trees Fund 48.3 The power pursuant to Section 200(3) of the PDI Act to define a designated area by reference to an area established by the Planning and Design Code.	Chief Executive Officer	NIL
s200(5)	48. Urban Trees Fund 48.4 The power pursuant to Section 200(5) of the PDI Act to invest any money in an urban trees fund that is not immediately required for the purpose of the fund and to pay any resultant income into the fund.	Chief Executive Officer	NIL
s200(6)	48. Urban Trees Fund 48.5 The power pursuant to Section 200(6) of the PDI Act to apply money standing to the credit of an urban trees fund:	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>48.5.1 to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under the PDI Act; or</p> <p>48.5.2 to purchase land within the designated area in order to maintain or plant trees which are or will (when fully grown) constitute significant trees under the PDI Act.</p>		
s200(7)	<p>48. Urban Trees Fund</p> <p>48.6 The power pursuant to Section 200(7) of the PDI Act if, the Council subsequently sells land purchased under Section 200(6)(b) of the PDI Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 200 of the PDI Act, subject to the qualifications in Sections 200(7)(a) and (b).</p>	Chief Executive Officer	NIL
s210(1)	<p>49. Appointment of Authorised Officers</p> <p>49.1 The power pursuant to Section 210(1) of the PDI Act to:</p> <p>49.1.1 appoint a person to be an authorised officer for the purposes of the PDI Act; and</p> <p>49.1.2 appoint a person who holds the qualifications prescribed by the regulations to be an authorised officer for the purposes of the PDI Act if the Council is required to do so by the regulations.</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s210(2)	<p>49. Appointment of Authorised Officers</p> <p>49.2 The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions.</p>	Chief Executive Officer	NIL
s210(3)	<p>49. Appointment of Authorised Officers</p> <p>49.3 The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:</p> <p>49.3.1 containing a photograph of the authorised officer; and</p> <p>49.3.2 stating any conditions of appointment limiting the authorised officer's appointment.</p>	Chief Executive Officer	NIL
s210(5)	<p>49. Appointment of Authorised Officers</p> <p>49.4 The power pursuant to Section 210(5) of the PDI Act to, at any time, revoke an appointment which the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.</p>	Chief Executive Officer	NIL
s213(1)	<p>50. Enforcement Notices</p> <p>50.1 The power pursuant to Section 213(1) of the PDI Act, if the delegate has reason to believe on reasonable grounds that a person has breached the PDI Act or</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>the repealed Act, to do such of the following as the delegate considers necessary or appropriate in the circumstances:</p> <p>50.1.1 direct a person to refrain, either for a specified period or until further notice, from the PDI Act, or course of action, that constitutes the breach;</p> <p>50.1.2 direct a person to make good any breach in a manner, and within a period, specified by the delegate;</p> <p>50.1.3 take such urgent action as is required because of any situation resulting from the breach</p>		
s213(2)	<p>50. Enforcement Notices</p> <p>50.2 The power pursuant to Section 213(2) of the PDI Act to give a direction under Section 213(1) of the PDI Act by notice in writing unless the delegate considers that the direction is urgently required.</p>	Chief Executive Officer	NIL
s213(5)	<p>50. Enforcement Notices</p> <p>50.3 The power pursuant to Section 213(5) of the PDI Act, if a person fails to comply with a direction under Section 213(1)(b) of the PDI Act within the time specified in the notice, to cause the necessary action to be taken.</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s213(6)	<p>50. Enforcement Notices</p> <p>50.4 The power pursuant to Section 213(6) of the PDI Act to recover the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 213 of the PDI Act, as a debt due from the person whose failure gave rise to the PDI Action</p>	Chief Executive Officer	NIL
s213(7)	<p>50. Enforcement Notices</p> <p>50.5 The power pursuant to Section 213(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 213 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.</p>	Chief Executive Officer	NIL
s214(1)	<p>51. Applications to Court</p> <p>51.1 The power pursuant to Section 214(1) of the PDI Act to apply to the Court for an order to remedy or restrain a breach of the PDI Act or the repealed Act.</p>	Chief Executive Officer	NIL
s214(2)	<p>51. Applications to Court</p> <p>51.2 The power pursuant to Section 214(2) of the PDI Act to consent to proceedings under Section 214 of the PDI Act being brought in a representative capacity on behalf of the Council.</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s214(4)	<p>51. Applications to Court</p> <p>51.3 The power pursuant to Section 214(4) of the PDI Act to make an application without notice to any person and to make an application to the Court to serve a summons requiring the respondent to appear before the Court to show cause why an order should not be made under Section 214 of the PDI Act.</p>	Chief Executive Officer	NIL
s214(6)	<p>51. Applications to Court</p> <p>51.4 The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings.</p>	Chief Executive Officer	NIL
s214(9)	<p>51. Applications to Court</p> <p>51.5 The power pursuant to Section 214(9) of the PDI Act to appear before a final order is made and be heard in proceedings based on the application.</p>	Chief Executive Officer	NIL
s214(10)	<p>51. Applications to Court</p> <p>51.6 The power pursuant to Section 214(10) of the PDI Act to make an application to the Court to make an interim order under Section 214 of the PDI Act.</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s214(11)	<p>51. Applications to Court</p> <p>51.7 The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person.</p>	Chief Executive Officer	NIL
s214(12)	<p>51. Applications to Court</p> <p>51.8 The power pursuant to Section 214(12) of the PDI Act, if the Court makes an order under Section 214(6)(d) of the PDI Act and the respondent fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and recover the costs of that work, as a debt, from the respondent</p>	Chief Executive Officer	NIL
s214(13)	<p>51. Applications to Court</p> <p>51.9 The power pursuant to Section 214(13) of the PDI Act, if an amount is recoverable from a person by the Council under Section 214(12) of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.</p>	Chief Executive Officer	NIL
s214(17)	<p>51. Applications to Court</p> <p>51.10 The power pursuant to Section 214(17) of the PDI Act to apply to the Court to vary or revoke an order previously made under Section 214 of the PDI Act.</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s219(1)	52. Proceedings for Offences 52.1 The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.	Chief Executive Officer	NIL
s223(2)	53. Adverse Publicity Orders 53.1 The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.	Chief Executive Officer	NIL
s223(4)	53. Adverse Publicity Orders 53.2 The power pursuant to Section 223(4) of the PDI Act, if the offender fails to give evidence to the Council in accordance with Section 224(1)(b) of the PDI Act to: 53.2.1 take the PDI Action or actions specified in the order; and 53.2.2 authorise a person in writing to take the PDI Action or actions specified in the order.	Chief Executive Officer	NIL
s223(5)	53. Adverse Publicity Orders 53.3 The power pursuant to Section 223(5) of the PDI Act, if:	Chief Executive Officer	NIL

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>53.3.1 the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and</p> <p>53.3.2 despite the evidence, the delegate is not satisfied that the offender has taken the PDI Action or actions specified in the order in accordance with the order, to apply to the court for an order authorising the Council, or a person authorised in writing by the Council, to take the PDI Action or actions and to authorise a person in writing to take the PDI Action or actions.</p>		
s223(6)	<p>53. Adverse Publicity Orders</p> <p>53.4 The power pursuant to Section 223(6) of the PDI Act, if the Council, or a person authorised in writing by the Council, takes an action or actions in accordance with Section 223(4) of the PDI Act or an order under Section 223(5) of the PDI Act, to recover from the offender an amount in relation to the reasonable expenses of taking the PDI Action or actions, as a debt, due to the Council.</p>	Chief Executive Officer	NIL
s225(1)	<p>54. Civil Penalties</p> <p>54.1 The power pursuant to Section 225(1) of the PDI Act, subject to Section 225 of the PDI Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the PDI Act, to, as an alternative to criminal proceedings,</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	recover, by negotiation or by application to the Court, an amount as a civil penalty in respect of the contravention.		
s225(2)	<p>54. Civil Penalties</p> <p>54.2 The power pursuant to Section 225(2) of the PDI Act, in respect of a contravention where the relevant offence does not require proof of intention or some other state of mind, to determine whether to initiate proceedings for an offence or take action under Section 225 of the PDI Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.</p>	Chief Executive Officer	NIL
s225(3)	<p>54. Civil Penalties</p> <p>54.3 The power pursuant to Section 225(3) of the PDI Act to serve on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention.</p>	Chief Executive Officer	NIL
s225(13)	<p>54. Civil Penalties</p> <p>54.4 The power pursuant to Section 225(13) of the PDI Act to seek the authorisation of the Attorney-General to the commencement of proceedings for an order under Section 225 of the PDI Act.</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s225(17)	<p>54. Civil Penalties</p> <p>54.5 The power pursuant to Section 225(17) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 225 of the PDI Act.</p>	Chief Executive Officer	NIL
s228(7)	<p>55. Make Good Order</p> <p>55.1 The power pursuant to Section 228(7) of the PDI Act to apply to the Court to vary or revoke an order under Section 228 of the PDI Act.</p>	Chief Executive Officer	NIL
s229(5)	<p>56. Recovery of Economic Benefit</p> <p>56.1 The power pursuant to Section 229(5) of the PDI Act to apply an amount paid to the Council in accordance with an order under Section 229(1) of the PDI Act for the purpose of acquiring or developing land as open space and to hold it in a fund established for the purposes of Section 198 of the PDI Act.</p>	Chief Executive Officer	NIL
s230(1)	<p>57. Enforceable Voluntary Undertakings</p> <p>57.1 The power pursuant to Section 230(1) of the PDI Act to accept (by written notice) a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the PDI Act.</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s230(4)	<p>57. Enforceable Voluntary Undertakings</p> <p>57.2 The power pursuant to Section 230(4) of the PDI Act if the delegate considers that a person has contravened an undertaking accepted by the Council, to apply to the Court for enforcement of the undertaking.</p>	Chief Executive Officer	NIL
s230(7)	<p>57. Enforceable Voluntary Undertakings</p> <p>57.3 The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to:</p> <p>57.3.1 vary the undertaking; or</p> <p>57.3.2 withdraw the undertaking.</p>	Chief Executive Officer	NIL
s230(11)	<p>57. Enforceable Voluntary Undertakings</p> <p>57.4 The power pursuant to Section 230(11) of the PDI Act to accept an undertaking in respect of a contravention or alleged contravention before proceedings in respect of that contravention have been finalised.</p>	Chief Executive Officer	NIL
s230(12)	<p>57. Enforceable Voluntary Undertakings</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	57.5 The power pursuant to Section 230(12) of the PDI Act if the delegate accepts an undertaking before the proceedings are finalised, to take all reasonable steps to have the proceedings discontinued as soon as possible.		
s230(14)	57. Enforceable Voluntary Undertakings 57.6 The power pursuant to Section 230(14) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 230 of the PDI Act.	Chief Executive Officer	NIL
s231(1)	58. Advertisements 58.1 The power pursuant to Section 231(1) of the PDI Act, if, in the opinion of the delegate, an advertisement or advertising hoarding: 58.1.1 disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality; or 58.1.2 is contrary to the character desired for a locality under the Planning and Design Code, to, by notice served in accordance with the regulations on the advertiser or the owner or occupier of the land on which the advertisement or advertising hoarding is situated, whether or not a development authorisation has been granted in respect of the advertisement or advertising hoarding, order that person to remove or obliterate	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	the advertisement or to remove the advertising hoarding (or both) within a period specified in the notice (of at least 28 days from the date of service of the notice).		
s231(3)	<p>58. Advertisements</p> <p>58.2 The power pursuant to Section 231(3) of the PDI Act if a person on whom a notice is served under Section 231(1) of the PDI Act fails to comply with a notice within the time allowed in the notice to enter on the land and take the necessary steps for carrying out the requirements of the notice and to recover the costs of so doing, as a debt, from the person on whom the notice was served.</p>	Chief Executive Officer	NIL
s235(1)	<p>59. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>59.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.</p>	Chief Executive Officer	NIL
s235(2)	<p>59. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>59.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s239(1)	<p>60. Charges on Land</p> <p>60.1 The power pursuant to Section 239(1) of the PDI Act if a charge on land is created under a provision of the PDI Act in favour of the Council, to deliver to the Registrar-General a notice in a form determined by the Registrar-General, setting out the amount of the charge and the land over which the charge is claimed.</p>	Chief Executive Officer	NIL
s239(6)	<p>60. Charges on Land</p> <p>60.2 The power pursuant to Section 239(6) of the PDI Act if a charge in the Council's favour exists and the amount to which the charge relates is paid, to by notice to the appropriate authority in a form determined by the Registrar-General, apply for the discharge of the charge.</p>	Chief Executive Officer	NIL
s240(1)	<p>61. Registering Authorities to Note Transfer</p> <p>61.1 The power pursuant to Section 240(1) of the PDI Act to apply to the Registrar General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, to register or record in an appropriate manner the transfer to the Council of an asset, right or liability by regulation, proclamation or notice under the PDI Act.</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl13(3)(b) sch2	62. Reporting 62.1 The power pursuant to Clause 13(3)(b) of Schedule 2 of the PDI Act to require a report under Clause 13(2) of Schedule 2 of the PDI Act to contain any other information or report required by the delegate.	Chief Executive Officer	If a Joint Planning Board and subsidiary is established.
cl3(3)	63. Review of Performance 63.1 The power pursuant to Clause 3(3) of Schedule 4 of the PDI Act to explain the Council's actions, and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action), to the Minister.	Chief Executive Officer	Must be reported to Council.
cl3(14)	63. Review of Performance 63.2 The power pursuant to Clause 3(14) of Schedule 4 of the PDI Act to make submissions to the Minister on the report on which the PDI Action to be taken by the Minister under Clause 3(13) of Schedule 4 of the PDI Act is based.	Chief Executive Officer	Must be reported to Council.
cl3(15)	63. Review of Performance 63.3 The power pursuant to Clause 3(15) of Schedule 4 of the PDI Act, if the Minister makes a recommendation to the Council under Clause 3(13)(a) of Schedule 4 of the PDI Act and the Minister subsequently considers that the Council has not,	Chief Executive Officer	Must be reported to Council.

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice
Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	within a reasonable period, taken appropriate action in view of the recommendation, to make submissions to the Minister in relation to the directions of the Minister.		
cl3(16) sch4	63. Review of Performance 63.4 The power pursuant to Clause 3(16) of Schedule 4 of the PDI Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the PDI Act.	Chief Executive Officer	Must be reported to Council.
cl9(6)(a)	64. Planning and Design Code 64.1 The power pursuant to Clause 9(6)(a) of Schedule 8 of the PDI Act to apply to the Minister for approval to commence the process under Section 25 of the repealed Act.	Chief Executive Officer	In consultation with Council
cl30(3)	65. General Schemes 65.1 The power pursuant to Clause 30(3) of Schedule 8 of the PDI Act to request the Minister make a declaration under Clause 30(2) of Schedule 8 of the PDI Act in relation to a scheme.	Chief Executive Officer	In consultation with Council

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r11B(1)	<p>67. Mutual Liability Scheme – Rights of Indemnity</p> <p>67.1 The power pursuant to Regulation 11B(1) of the Planning, Development and Infrastructure (General) Regulations 2019 (the General Regulations) to:</p> <p>67.1.1 in being responsible under Section 83(1)(h)(ii) of the PDI Act for the costs and other liabilities associated with the activities of an assessment panel appointed by the Council; and</p> <p>67.1.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 84(1)(a) and (i) of the PDI Act,</p> <p>have arrangements in place to indemnify the members of any such panel in respect of a claim against a member of the panel arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as a member of the panel.</p>	Chief Executive Officer	NIL
r11B(5)	<p>67. Mutual Liability Scheme – Rights of Indemnity</p> <p>67.2 The power pursuant to Regulation 11B(5) of the General Regulations to:</p> <p>67.2.1 in being responsible under Section 87(f) of the PDI Act for the costs and other liabilities associated with the activities of an assessment manager for an assessment panel appointed by the Council; and</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>67.2.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 87(1)(a) and (i) of the PDI Act,</p> <p>have arrangements in place to indemnify an assessment manager for any such panel in respect of a claim against the assessment manager arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as an assessment manager.</p>		
r47(4)(d)	<p>68. Performance Assessed Development and Restricted Development</p> <p>68.1 The power pursuant to Regulation 47(4)(d) of the General Regulations to determine the fee payable by the applicant as being appropriate to cover the reasonable costs of placing the notice on the land.</p>	Chief Executive Officer	As set during the Annual Business Plan process in the Fees & Charges Register.
r78(1)	<p>69. Underground Main Areas</p> <p>69.1 The power pursuant to Regulation 78(1) of the General Regulations if the delegate considers an area should be declared an underground mains area to seek a report from the relevant electricity authority in relation to the matter.</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r78(2)	<p>69. Underground Main Areas</p> <p>69.2 The power pursuant to Regulation 78(2) of the General Regulations after having received and considered a report from the electricity authority to declare the area to be an underground mains area.</p>	Chief Executive Officer	NIL
r81(4)	<p>70. Width of Roads and Thoroughfares</p> <p>70.1 The power pursuant to Regulation 81(4) of the General Regulations to dispense with a width prescribed by Regulations 81(1) or (3) of the General Regulations (and specify a different width) if the delegate is of the opinion that the width so prescribed is not necessary for the safe and convenient movement of vehicles or pedestrians, or for underground services.</p>	Chief Executive Officer	NIL
r81(5)	<p>70. Width of Roads and Thoroughfares</p> <p>70.2 The power pursuant to Regulation 81(5) of the General Regulations to subject to Regulation 81(6) of the General Regulations specify the width of the road at the head of every cul-de-sac in such dimensions as may be acceptable to the delegate.</p>	Chief Executive Officer	NIL
r81(6)	<p>70. Width of Roads and Thoroughfares</p> <p>70.3 The power pursuant to Regulation 81(6) of the General Regulations to dispense with a requirement under Regulation 81(5) of the General Regulations if it appears to the delegate that the cul-de-sac is likely to become a through road.</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r82(1)	<p>71. Road Widening</p> <p>71.1 The power pursuant to Regulation 82(1) of the PDI Act, subject to Regulation 82(2) of the General Regulations, if an existing road abuts land which is proposed to be divided, to form the view that the road should be widened in order to provide a road of adequate width having regard to existing and future requirements of the area.</p>	Chief Executive Officer	NIL
r83(1)	<p>72. Requirement as to Forming of Roads</p> <p>72.1 The power pursuant to Regulation 83(1) of the General Regulations, subject to Regulation 83(2) of the General Regulations, to specify the width and manner of the formation of the roadway of every proposed road on a plan of division.</p>	Chief Executive Officer	NIL
r83(2)	<p>72. Requirement as to Forming of Roads</p> <p>72.2 The power pursuant to Regulation 83(2) of the General Regulations to form the opinion that it is necessary to specify a width for a roadway to be formed under Regulation 83(1) in excess of 7.4m, in view of the volume or type of traffic that is likely to traverse that road.</p>	Chief Executive Officer	NIL
r83(4)	<p>72. Requirement as to Forming of Roads</p> <p>72.3 The power pursuant to Regulation 83(4) of the General Regulations, to dispense with the requirements under Regulation 83(3) of the General Regulations, if the delegate is of the opinion that the cul-de-sac is likely to become a through road.</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r83(5)	<p>72. Requirement as to Forming of Roads</p> <p>72.4 The power pursuant to Regulation 83(5) of the General Regulations, subject to Regulation 83(6) of the General Regulations to require every footpath, water-table, kerbing, culvert and drain of every proposed road to be formed in a manner satisfactory to the delegate.</p>	Chief Executive Officer	NIL
r83(6)	<p>72. Requirement as to Forming of Roads</p> <p>72.5 The power pursuant to Regulation 83(6) of the General Regulations, to dispense with a requirement under Regulation 83(5) of the General Regulations.</p>	Chief Executive Officer	NIL
r84(1)	<p>73. Construction of Roads, Bridges, Drains and Services</p> <p>73.1 The power pursuant to Regulation 84(1) of the General Regulations to require the roadway of every proposed road within the relevant division to be constructed and paved and sealed with bitumen, tar or asphalt or other material approved by the delegate.</p>	Chief Executive Officer	NIL
r85(1)	<p>74. Supplementary Provisions</p> <p>74.1 The power pursuant to Regulation 85(1) of the General Regulations to approve the road location and grading plan for the manner of forming any proposed road, footpath, water-table, kerbing, culvert or drain required under Division 6 of the General Regulations.</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r85(2)	<p>74. Supplementary Provisions</p> <p>74.2 The power pursuant to Regulation 85(2) of the General Regulations, subject to Regulation 85(4) of the General Regulations, to require all work referred to in Regulations 83 and 84 of the General Regulations to be carried out in a manner satisfactory to the delegate and in conformity with detailed construction plans and specifications signed by a professional engineer or, at the discretion of the delegate, a licensed surveyor, and approved by the delegate before the commencement of the work.</p>	Chief Executive Officer	NIL
r85(4)	<p>74. Supplementary Provisions</p> <p>74.3 The power pursuant to Regulation 85(4) of the General Regulations to form the opinion that all connections for water supply and sewerage services to any allotment delineated on the plan which, in the opinion of the Chief Executive of the South Australian Water Corporation and any other water industry entity identified under Regulation 79(1) of the General Regulations in relation to any such allotment are necessary and need to be laid under the surface of the proposed road, have been made.</p>	Chief Executive Officer	NIL
r89(1)	<p>75. General Provisions</p> <p>75.1 The power pursuant to Regulation 89(1) of the General Regulations to form the opinion that another form of arrangement is satisfactory for the purposes of Section 138(1) of the PDI Act.</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r89(3)	<p>75. General Provisions</p> <p>75.2 The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which:</p> <p>75.2.1 evidences the consent of the Council to an encroachment by a building over other land; and</p> <p>75.2.2 sets out:</p> <p>75.2.2.1 the date on which any relevant building was erected (if known); and</p> <p>75.2.2.2 the postal address of the site.</p>	Chief Executive Officer	NIL
r89(6)(b)	<p>75. General Provisions</p> <p>75.3 The power pursuant to Regulation 89(6)(b) of the General Regulations to request a written copy of the certificate and plan (or certificates and plans) referred to in Regulation 89(3) of the General Regulations.</p>	Chief Executive Officer	NIL
r89(8)	<p>75. General Provisions</p> <p>75.4 The power pursuant to Regulation 89(8) of the General Regulations to make submissions to the Commission before the Commission grants an extension of the period prescribed by Regulation 89(7).</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r93(1)(b)	<p>76. Notifications During Building Work</p> <p>76.1 The power pursuant to Regulation 93(1)(b) of the General Regulations to specify by notice to the building owner and to the licensed building work contractor responsible for carrying out the relevant building work (if any), when development approval is granted in respect of the work, any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.</p>	Chief Executive Officer	NIL
r93(1)(c)	<p>76. Notifications During Building Work</p> <p>76.2 The power pursuant to Regulation 93(1)(c) of the General Regulations to specify by notice in writing to the building owner on the granting of development approval in respect of the work any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.</p>	Chief Executive Officer	NIL
r94(13)	<p>77. Essential Safety Provisions</p> <p>77.1 The power pursuant to Regulation 94(13) of the General Regulations to require compliance with Regulation 94(10) of the General Regulations if:</p> <p>77.1.1 the essential safety provisions were installed</p> <p>77.1.1.1 under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the Building Code; or</p> <p>77.1.1.2 as part of a performance solution under the Building Code; or</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	77.1.2 the building has been the subject of a notice under Section 157 of the PDI Act.		
r102(3)	<p>78. Classification of Buildings</p> <p>78.1 The power pursuant to Regulation 102(3) of the General Regulations to require an application under Regulation 102(1) or (2) of the General Regulations to be accompanied by:</p> <p>78.1.1 such details, particulars, plans, drawings, specifications, certificates and other documents as the delegate may reasonably require to determine the building's classification.</p>	Chief Executive Officer	NIL
r102(4)	<p>78. Classification of Buildings</p> <p>78.2 The power pursuant to Regulation 102(4) of the General Regulations, to subject to Regulation 102(5) of the General Regulations, assign the appropriate classification under the Building Code to a building if the delegate is satisfied, on the basis of the owner's application, and accompanying documentation, that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.</p>	Chief Executive Officer	NIL
r102(5)	<p>78. Classification of Buildings</p> <p>78.3 The power pursuant to Regulation 102(5) of the General Regulations, if an application under Regulation 102 of the General Regulations is made in respect of an</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	existing Class 2 to Class 9 building, to require the applicant to satisfy the delegate that the provisions of any relevant Ministerial building standard relating to upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).		
r102(6)	<p>78. Classification of Buildings</p> <p>78.4 The power pursuant to Regulation 102(6) of the General Regulations, on assigning a classification to a building (or part of a building) to, if relevant, determine and specify in the notice to the owner under Section 151(3) of the PDI Act:</p> <p>78.4.1 the maximum number of persons who may occupy the building (or part of the building); and</p> <p>78.4.2 if the building has more than 1 classification—the part or parts of the building to which each classification relates and the classifications currently assigned to the other parts of the building.</p>	Chief Executive Officer	NIL
Regulation 103A(1)	<p>79. Required Documentation</p> <p>79.1 The power pursuant to Regulation 103A(1) of the General Regulations to, in relation to an application for the issuing of a certificate of occupancy relating to a Class 1b to 9 (inclusive) building under the Building Code, require the following documentation:</p> <p>79.1.1 if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that the conditions have been satisfied;</p>	Chief Executive Officer	Nil

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>79.1.2 if the application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, such further evidence as the delegate may reasonably require to show –</p> <p>79.1.2.1 in the case of a building more than 1 storey – that the requirements of any relevant Ministerial building standard have been complied with; or</p> <p>79.1.2.2 in any other case – that the building is suitable for occupation.</p>		
Regulation 103A(2)	<p>79. Required Documentation</p> <p>79.2 The power pursuant to Regulation 103A(2) of the General Regulations to, in relation to an application for the issuing on or after 1 July 2022 of a certificate of occupancy relating to a Class 1a building under the Building Code, to require the following documentation:</p> <p>79.2.1 if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that any conditions relevant to the suitability of the building for occupation have been satisfied,</p>	Chief Executive Officer	Nil
Regulation 103A(3)	<p>79. Required Documentation</p> <p>79.3 The power pursuant to Regulation 103A(3) of the General Regulations to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after 12 March 2018, dispense with the</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>requirement to provide a Statement of Compliance under subregulation (1)(a) or (2)(a) if –</p> <p>79.3.1 the delegate is satisfied that a person required to complete 1 or both parts of the statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification or certifications; and</p> <p>79.3.2 it appears to the delegate, after undertaking an inspection, that the relevant building is suitable for occupation.</p>		
Regulation 103C(1)(c)	<p>80. Statement of site suitability</p> <p>80.1 The power pursuant to Regulation 103C(1)(c) of the General Regulations, in relation to a building on a site to which Schedule 8 clause 2A of the General Regulations applies and upon which remediation on the site is necessary, to not grant a certificate of occupancy until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.</p>	Chief Executive Officer	Nil
Regulation 103D(1)	<p>81. Report from fire authority</p> <p>81.1 The power pursuant to Regulation 103D(1) of the General Regulations, if –</p> <p>81.1.1 a building is –</p> <p>81.1.1.1 to be equipped with a booster assembly for use by a fire authority; or</p>	Chief Executive Officer	Nil

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>81.1.1.2 to have installed a fire alarm that transmits a signal to a fire station or to a monitoring service approved by the relevant authority; and</p> <p>81.1.2 facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act,</p> <p>to not grant a certificate of occupancy unless or until the delegate has sought a report from the fire authority as to whether those facilities have been installed and operate satisfactorily.</p>		
Regulation 103D(2)	<p>81. Report from fire authority</p> <p>81.2 The power pursuant to Regulation 103D(2) of the General Regulations, if a report from the fire authority is not received within 15 business days, to presume that the fire authority does not desire to make a report.</p>	Chief Executive Officer	Nil
Regulation 103D(3)	<p>81. Report from fire authority</p> <p>81.3 The power pursuant to Regulation 103D(3) of the General Regulations to have regard to any report received from a fire authority under subregulation (1) before it issues a certificate of occupancy.</p>	Chief Executive Officer	Nil
Regulation 103E(1)(b)	<p>82. Issue of certificate of occupancy</p> <p>82.1 The power pursuant to Regulation 103E(1)(b) of the General Regulations to, on receipt of notification of intended completion of building work under Regulation 93(1)(f) of</p>	Chief Executive Officer	Nil

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	the General Regulations, determine that the building work will be inspected by an authorised officer.		
Regulation 103E(3)(c)	82. Issue of certificate of occupancy 82.2 The power pursuant to Regulation 103E(3)(c) of the General Regulations, in respect of a Class 1a building, to determine not to inspect the building work.	Chief Executive Officer	Nil
Regulation 103F	83. Revocation 83.1 The power pursuant to Regulation 103F of the General Regulations to revoke a certificate of occupancy – 83.1.1 if – 83.1.1.1 there is a change in the use of the building; or 83.1.1.2 the classification of the building changes; or 83.1.1.3 building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300m ² is about to commence, or is being or has been carried out; or 83.1.1.4 the building is about to undergo, or is undergoing or has undergone, major refurbishment,	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>83.1.2 if the delegate considers that the building is no longer suitable for occupation because of building work undertaken, or being undertaken, on the building, or because of some other circumstance; or</p> <p>83.1.3 if the schedule of essential safety provisions has been issued in relation to the building and the owner of the building has failed to comply with the requirements of Regulation 94(10); or</p> <p>83.1.4 if the delegate considers –</p> <p>83.1.4.1 that a condition attached to a relevant development authorisation has not been met, or has been contravened, and that, in the circumstances, the certificate should be revoked; or</p> <p>83.1.4.2 that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.</p>		
r109(1)(b)	<p>84. Mining Production Tenements</p> <p>84.1 The power pursuant to Regulation 109(1)(b) of the General Regulations to make submissions to the appropriate Authority and object to the granting of the tenement.</p>	Chief Executive Officer	NIL
r111(2)	<p>85. Register of Land Management Agreements (Section 193)</p> <p>85.1 The power pursuant to Regulation 111(2) of the General Regulations to establish a register of agreements entered into by the Council under Section 193 of the PDI Act.</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r111(3)	<p>85. Register of Land Management Agreements (Section 193)</p> <p>85.2 The power pursuant to Regulation 111(3) of the General Regulations to include in a register, or provide access to a copy of each agreement entered into by the Council under Section 193 of the PDI Act and such other information the delegate considers appropriate.</p>	Chief Executive Officer	NIL
r112(1)	<p>86. Authorised Officers and Inspections</p> <p>86.1 The power pursuant to Regulation 112(1) of the General Regulations to appoint at least 1 authorised officer under Section 210(1)(b) of the PDI Act:</p> <p>86.1.1 who is an accredited professional who is:</p> <p>86.1.1.1 an Accredited professional - building level 1; or</p> <p>86.1.1.2 an Accredited professional - building level 2; or</p> <p>86.1.1.3 an Accredited professional - building level 3; or</p> <p>86.1.1.4 an Accredited professional - building level 4; or</p> <p>86.1.2 who holds a current accreditation recognised by the Chief Executive for the purposes of this Regulation; or</p> <p>86.1.3 who holds an approval from the Chief Executive.</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r8(1)(c)	<p>66. Adoption of DPAs</p> <p>66.1 The power pursuant to Regulation 8(1)(c) of the Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 (the Transitional Provisions Regulations) to apply to the Minister under Regulation 8 of the Transitional Provisions Regulations in accordance with any requirement determined by the Minister.</p>	Chief Executive Officer	

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r5(1)	<p>87. Calculation of Assessment of Fees</p> <p>87.1 The power pursuant to Regulation 5(1) of the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged under a related set of regulations (including via the SA planning portal):</p> <p>87.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and</p>	Chief Executive Officer	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	87.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).		
r5(2)	<p>87. Calculation of Assessment of Fees</p> <p>87.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate acting under Regulation 5(1) of the Fees Regulations, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.</p>	Chief Executive Officer	NIL
r5(3)	<p>87. Calculation or Assessment of Fees</p> <p>87.3 The power pursuant to Regulation 5(3) of the Fees Regulations to at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of Regulations.</p>	Chief Executive Officer	NIL
r7	<p>88. Waiver or Refund of Fee</p> <p>88.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:</p> <p>88.1.1 waive the payment of the fee, or the payment of part of the fee; or</p>	Chief Executive Officer	In accordance with Council Fee Waiver Policy. Refunds are limited to Manager Development Services, Assessment Manager, Team Leader Building, Team

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	88.1.2 refund the whole or a part of the fee.		Leader Statutory Planning and Team Leader Administration.

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl5(1)	<p>89. Requirements in Relation to Preparing an Engagement Plan</p> <p>89.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction – 2 Preparation and Amendment of Designated Instruments (PD2), to prepare an engagement plan that:</p> <p>89.1.1 meets the principles and performance outcomes of the Charter;</p> <p>89.1.2 describes the persons or bodies to be consulted on the proposed amendment of the Designated Instrument, which must include any persons or bodies:</p> <p>89.1.2.1 require to be consulted with under a condition imposed by the Minister under Section 73(5) of the PDI Act</p> <p>89.1.2.2 specified by the Commission under Section 73(6)(e) of the PDI Act;</p> <p>89.1.2.3 who must be consulted with under the Charter;</p> <p>89.1.3 outlines any relevant previous engagement undertaken to inform the proposal;</p>	Chief Executive Officer	NIL

State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	89.1.4 describes the evaluation framework for the engagement.		
cl5(2)	89. Requirements in Relation to Preparing an Engagement Plan 89.2 The power pursuant to clause 5(2) of PD2 to submit all engagement plans which relate to proposed preparation of or amendment to a State Planning Policy or a Regional Plan to the Commission for approval prior to commencement of formal engagement on the proposal.	Chief Executive Officer	In consultation with Council.
cl6(1)	90. Preparation of an Engagement Report (Following Consultation) 90.1 The power pursuant to clause 6(1) of PD2, at the completion of engagement on a draft of a proposal to prepare or amend a designated instrument to provide an engagement report to the Minister.	Chief Executive Officer	
cl6(2)	90. Preparation of an Engagement Report (Following Consultation) 90.1 The power pursuant to clause 6(2) of PD2 to set out in an engagement report: 90.1.1 details of the engagement undertaken and how that engagement met the engagement plan, and reasons for variations, if any to the engagement plan; 90.1.2 the outcome of the engagement including a summary of the written submission or feedback made;	Chief Executive Officer	In consultation with Council.

State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>90.1.3 any proposed changes to the proposal to prepare or amend a Designated Instrument (when compared with the proposal that was engaged on) and the reasons for those proposed changes which specifically indicates:</p> <p>90.1.3.1 where changes are proposed to the Designated Instrument based on or as a result of the engagement; and</p> <p>90.1.3.2 any other changes which are proposed based on or as a result of additional investigations or information which was not available when the proposal was released for engagement.</p>		
cl7(1)	<p>91. Initiating a Code Amendment</p> <p>91.1 The power pursuant to clauses 7(1) and (2) of PD2 to lodge a Proposal to initiate with the Department via the SA Planning Portal that sets out:</p> <p>91.1.1 Code Policy – an outline of:</p> <p>91.1.1.1 any overlay, general development policy, zone, subzone or technical or numeric variation in the Code being proposed for amendment; and/or</p> <p>91.1.1.2 the intended spatial application of an overlay, zone, subzone or technical or numeric variation in the Code over an identified area;</p> <p>91.1.2 Affected Area</p> <p>91.1.2.1 a map or description of the Affected Area;</p> <p>91.1.3 State Planning Policies</p>	Chief Executive Officer	In consultation with Council

State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>91.1.3.1 identification of the relevant principles or objectives of the State Planning Policies and an assessment of the proposed Code Amendment’s alignment with those State Planning Policies;</p> <p>91.1.4 Regional Plan</p> <p>91.1.4.1 Identification of relevant regional plans and assessment of how the matters or issues proposed to be addressed by the proposed Code Amendment will relate to the relevant regional plan;</p> <p>91.1.5 Consultation -</p> <p>91.1.5.1 information regarding any consultation that has already occurred with respect to the proposed Code Amendment;</p> <p>91.1.5.2 details of further consultation proposed to be undertaken with respect to the proposed Code Amendment;</p> <p>91.1.6 Investigations -</p> <p>91.1.6.1 information regarding any investigations which have already been undertaken with respect to the proposed Code Amendment</p> <p>91.1.6.2 an outline of the further investigations that will be undertaken to support the proposed Code Amendment;</p> <p>91.1.6.3 details of any infrastructure required to support development arising through proposed Code Amendment and how the infrastructure will be provided;</p> <p>91.1.6.4 details of any infrastructure agreement (or agreements) or infrastructure scheme which will need to be established or</p>		

State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>entered into in connection with the proposed Code Amendment</p> <p>91.1.7 Timetable</p> <p>91.1.7.1 identification of a consultation start date;</p> <p>91.1.7.2 an outline of the proposed timetable for each step of the Code Amendment process (ensuring that the process is completed within reasonable time limits), and a commitment from the Proponent (where it is also the Designated Entity) that it will take steps to update the timetable and seek approval from the Department if it appears that timeframes will not be met.</p>		
cl7(1) and (3)	<p>91. Initiating a Code Amendment</p> <p>91.2 The power pursuant to clauses 7(1) and (3) of PD2 to lodge the SA Planning Portal Publication Instructions – for Initiation that sets out:</p> <p>91.2.1 identification of a consultation start date, consistent with the Proposal to Initiate timetable;</p> <p>91.2.2 an outline of the consultation approach including period of consultation, key audience and consultation methods (noting the Commission may also recommend specific conditions); and</p> <p>91.2.3 a summary of the Code Amendment in plain English.</p>	Chief Executive Officer	NIL
cl7(4)	91.3 Initiating a Code Amendment	Chief Executive Officer	NIL

State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>The power pursuant to clause 7(4) of PD2, in addition to a Code Amendment which is intended to designate a place as a place of local heritage value, to provide a report which:</p> <p>91.3.1 includes a heritage datasheet for each proposed Local Heritage Place, which includes:</p> <p>91.3.1.1 all relevant property details and descriptions (including images);</p> <p>91.3.1.2 historical background and thematic analysis;</p> <p>91.3.1.3 a statement of heritage value;</p> <p>91.3.1.4 an assessment against the Local Heritage Criteria; and</p> <p>91.3.1.5 the extent of listing (including any exclusions);</p> <p>91.3.2 includes an analysis of historic themes of importance to the area;</p> <p>91.3.3 is prepared by a heritage architect, historian or person with similar qualifications, skills or experience; and</p> <p>91.3.4 is otherwise prepared in accordance with any guidelines prepared and published by the Commission under Section 67(2)(c) of the PDI Act.</p>		
cl 7(5)	<p>91. Initiating a Code Amendment</p> <p>91.4 The power pursuant to clause 7(5) of PD2 in relation to a Code Amendment which is intended to designate a tree (or stand of trees) as a significant tree (or trees), to provide a report which:</p> <p>91.4.1 includes relevant details and descriptions of the tree or stand of trees (including images as necessary)</p>	Chief Executive Officer	In consultation with Council

State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	91.4.2 includes an assessment of the tree (or stand of trees) against the Significant Tree Criteria; 91.4.3 is prepared by an urban planner, arborist or person with qualifications, skills or experience relevant to the assessment in the report.		
cl8(1)	<p>92. Preparation of a Draft Proposal Code Amendment (Prior to Consultation)</p> <p>92.1 The power pursuant to clause 8(1) of PD 2 to, prior to consultation occurring on a draft Code Amendment, to:</p> <p>92.1.1 carry out investigations and obtain such information:</p> <p>92.1.1.1 as provided in the Proposal to Initiate approved by the Minister;</p> <p>92.1.1.2 as required under any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act; and</p> <p>92.1.1.3 as specified by the Commission under Sections 73(6)(e) or 73(6)(f) of the PDI Act;</p> <p>92.1.2 provide the Department with:</p> <p>92.1.2.1 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p> <p>92.1.2.2 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable</p>	Chief Executive Officer	In consultation with Council

State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment;</p> <p>92.1.3 prepare the draft Code Amendment in accordance with the approved Proposal to Initiate and any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act and the requirements of this Practice Direction;</p> <p>92.1.4 provide the Department with written instructions (in a form acceptable to the Department) to prepare the SA Planning Portal for consultation on the draft Code Amendment; and</p> <p>92.1.5 provide the Department with the engagement plan prepared (and approved, if required) under these Practice Directions, for the purpose of the Department publishing the engagement plan on the SA Planning Portal.</p>		
cl8(2)	<p>92. Preparation of a Draft Proposal Code Amendment (Prior to Consultation)</p> <p>92.2 The power pursuant to clause 8(2) of PD2, where an engagement plan is amended during any period of consultation or at any time prior to finalisation of the engagement report under the Practice Directions, to provide the Department with the engagement plan (as updated) for the purpose of the Department publishing the updated engagement plan on the SA Planning Portal</p>	Chief Executive Officer	In consultation with Council
cl9(1)	<p>93. Requirements For a Draft Code Amendment</p> <p>93.1 The power pursuant to clause 9(1) of PD2 to support a draft Code Amendment by the following information:</p>	Chief Executive Officer	In consultation with Council

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

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

State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>95.1.2 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p> <p>95.1.3 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment</p>		
cl6(3)	<p>90. Preparation of an Engagement Report (Following Consultation)</p> <p>90.3 The power pursuant to clause 6(3) of PD2 to, in the engagement report also include an evaluation of the effectiveness of the engagement that considers whether:</p> <p>90.3.1 the principles of the Charter have been achieved; and</p> <p>90.3.2 all mandatory requirements identified in the Charter have been met (where the consultation category is applicable).</p>	Chief Executive Officer	Nil

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl6(3)(b)	<p>96. Responsibility to Undertake Notification</p> <p>96.1 The power pursuant to clause 6(3)(b) of the State Planning Commission Practice Direction – 3 (Notification of Performance Assessed Development Applications) 2019 (PD3) to determine the relevant fee as being appropriate to cover the relevant authority’s reasonable costs in giving public notice of the application under Section 107(3)(a)(i) of the PDI Act.</p>	Chief Executive Officer	As set during the Annual Business Plan process in the Fees & Charges Register.

State Planning Commission Practice Direction (Council Inspections) 2020

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl2(2)	<p>97. Mandatory Inspections</p> <p>97.1 The power pursuant to clause 2(2) of Part 2 of the State Planning Commission Practice Direction (Council Inspections) 2020 (PD9) to, in carrying out an inspection under PD9, take all reasonable steps to ensure each inspection includes an inspection and assessment of the following elements (elements), as may be present at the time of inspection:</p> <p>97.1.1 primary structural elements;</p> <p>97.1.2 structural framing and roof trusses;</p>	Chief Executive Officer	NIL

State Planning Commission Practice Direction (Council Inspections) 2020

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	97.1.3 wet areas and waterproofing; 97.1.4 barriers to prevent falls; 97.1.5 cladding; 97.1.6 egress provisions; 97.1.7 bushfire protection systems; 97.1.8 passive and active fire safety elements; 97.1.9 private bushfire shelters; and 97.1.10 performance solutions.		
cl3(2)	98. Additional Inspections 98.1 The power pursuant to clause 3(2) of Part 2 of PD9 to consider carrying out an inspection in addition to any specified in clause 2 of Part 2 of PD9 (additional inspections) if the delegate has information to indicate that the circumstances warrant it, having regard to the objects of PD9.	Chief Executive Officer	NIL
cl4(3)	99. Inspections Generally 99.1 The power pursuant to clause 4(3) of Part 2 of PD9, in relation to building work listed in Schedule 7 of the General Regulations to consider if an additional inspection may be appropriate.	Chief Executive Officer	NIL

State Planning Commission Practice Direction (Council Inspections) 2020

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl1(2)	<p>100. General Requirements</p> <p>100.1 The power pursuant to clause 1(2) of Part 3 of PD9 to ensure that an inspection under PD9 and subsequent assessment of each of the applicable elements in clause 2(2) of Part 2 of PD9 is carried out by a person who has the appropriate qualifications, skills, knowledge and experience to carry out an inspection assigned to that officer under PD9.</p>	Chief Executive Officer	NIL

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

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

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

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

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s7(5)(a)	<p>1. Environment and Food Production Areas – Greater Adelaide</p> <p>1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.</p>	Chief Executive Officer	NIL
s7(5)(d)	<p>1. Environment and Food Production Areas – Greater Adelaide</p> <p>1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.</p>	Chief Executive Officer	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s99(2)(b)(ii)	<p>2. Related Provisions</p> <p>2.1 The power pursuant to Section 99(2)(b)(ii) of the PDI Act to, if appropriate, grant development approval in the case of Section 99(1)(d) of the PDI Act.</p>	Chief Executive Officer	NIL
s99(3)	<p>2. Related Provisions</p> <p>2.2 The power pursuant to Section 99(3) of the PDI Act where a proposed development is to be undertaken within the area of the Council, to, subject to the regulations, if appropriate, grant the final development approval after all elements of the development have been approved by one or more relevant authorities under Section 99 of the PDI Act.</p>	Chief Executive Officer	NIL
s102(1)	<p>3. Matters Against Which Development Must be Assessed</p> <p>3.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against and grant or refuse a consent in respect of the relevant provisions of the Building Rules (building consent).</p>	Chief Executive Officer	NIL
s102(8)	<p>3. Matters Against Which Development Must be Assessed</p> <p>3.2 The power pursuant to Section 102(8) of the PDI Act, when all relevant consents have been granted in relation to a development, to in accordance with the PDI Act, indicate that the development is approved.</p>	Chief Executive Officer	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s118(1)	<p>4. Building Consent</p> <p>4.1 The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent (subject to such conditions or exceptions as may be prescribed by the regulations).</p>	Chief Executive Officer	NIL
s118(2)(a)	<p>4. Building Consent</p> <p>4.2 The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard.</p>	Chief Executive Officer	NIL
s118(2)	<p>4. Building Consent</p> <p>4.3 The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if:</p> <p>4.3.1 the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied:</p> <p>4.3.1.1 that:</p>	Chief Executive Officer	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>(a) the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and</p> <p>(b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or</p> <p>4.3.1.2 in a case where the consent is being sought after the development has occurred - that the variance is justifiable in the circumstances of the particular case.</p>		
s118(4)	<p>4. Building Consent</p> <p>4.4 The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial building standard.</p>	Chief Executive Officer	NIL
s118(6)	<p>4. Building Consent</p> <p>4.5 The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant</p>	Chief Executive Officer	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	safety and amenity are achieved in respect of the development that are as good as can reasonably be achieved in the circumstances.		
s118(7)	<p>4. Building Consent</p> <p>4.6 The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.</p>	Chief Executive Officer	NIL
s118(8)	<p>4. Building Consent</p> <p>4.7 The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that:</p> <p>4.7.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or</p> <p>4.7.2 such compliance is certified by a building certifier.</p>	Chief Executive Officer	NIL
s118(10)	<p>4. Building Consent</p> <p>4.8 The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification		
s118(11)	<p>4. Building Consent</p> <p>4.9 The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document):</p> <p>4.9.1 the variance; and</p> <p>4.9.2 the grounds on which the decision is being made.</p>	Chief Executive Officer	NIL
s119(1)(b)	<p>5. Application and Provision of Information</p> <p>5.1 The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.</p>	Chief Executive Officer	NIL
s119(3)	<p>5. Application and Provision of Information</p> <p>5.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant:</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>5.2.1 to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;</p> <p>5.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;</p> <p>5.2.3 to consult with an authority or body prescribed by the regulations;</p> <p>5.2.4 to comply with any other requirement prescribed by the regulations.</p>		
s119(6)(b)	<p>5. Application and Provision of Information</p> <p>5.3 The power pursuant to Section 119(6)(b) of the PDI Act if a request is made under Section 119(3) of the PDI Act and the request is not complied with within the time specified by the Regulations, subject to Section 119(6)(b)(ii), to refuse the application.</p>	Chief Executive Officer	NIL
s119(7)	<p>5. Application and Provision of Information</p> <p>5.4 The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.</p>	Chief Executive Officer	NIL
s119(9)	<p>5. Application and Provision of Information</p> <p>5.5 The power pursuant to Section 119(9) of the PDI Act to:</p>	Chief Executive Officer	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	5.5.1 permit an applicant: 5.5.1.1 to vary an application; 5.5.1.2 to vary any plans, drawings, specifications or other documents that accompanied an application, (provided that the essential nature of the proposed development is not changed);		
s119(9)	5. Application and Provision of Information 5.5 The power pursuant to Section 119(9) of the PDI Act to: 5.5.2 permit an applicant to lodge an application without the provision of any information or document required by the regulations;	Chief Executive Officer	NIL
s119(9)	5. Application and Provision of Information 5.5 The power pursuant to Section 119(9) of the PDI Act to: 5.5.3 to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);	Chief Executive Officer	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s119(9)	<p>5. Application and Provision of Information</p> <p>5.5 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>5.5.4 if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.</p>	Chief Executive Officer	NIL
s119(10)	<p>5. Application and Provision of Information</p> <p>5.6 The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.</p>	Chief Executive Officer	NIL
s119(12)	<p>5. Application and Provision of Information</p> <p>5.7 The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.</p>	Chief Executive Officer	NIL

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s119(14)	<p>5. Application and Provision of Information</p> <p>5.8 The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.</p>	Chief Executive Officer	In accordance with the Development Application Fee Refund Policy.
s120(1)	<p>6. Outline Consent</p> <p>6.1 The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.</p>	Chief Executive Officer	In accordance with Practice Direction released by the SPC.
s120(3)	<p>6. Outline Consent</p> <p>6.2 The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:</p> <p>6.2.1 grant any consent contemplated by the outline consent; and</p> <p>6.2.2 not impose a requirement that is inconsistent with the outline consent.</p>	Chief Executive Officer	In accordance with Practice Direction released by the SPC.
s122(1)	<p>7. Referrals to Other Authorities or Agencies</p> <p>7.1 The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to:</p>	Chief Executive Officer	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>7.1.1 refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and</p> <p>7.1.2 not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made where the regulations so provide, subject to Section 122 of the PDI Act.</p>		
s122(5)(b)	<p>7. Referrals to Other Authorities or Agencies</p> <p>7.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:</p> <p>7.2.1 to refuse the application; or</p> <p>7.2.2 consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body)</p> <p>where the regulations so provide.</p>	Chief Executive Officer	NIL
s122(7)	<p>7. Referrals to Other Authorities or Agencies</p> <p>7.3 The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of</p>	Chief Executive Officer	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.		
s122(10)	<p>7. Referrals to Other Authorities or Agencies</p> <p>7.4 The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.</p>	Chief Executive Officer	Relevant Authority must comply with the request unless it is inconsistent with the Regulations.
s124(1)	<p>8. Proposed Development Involving Creation of Fortifications</p> <p>8.1 The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).</p>	Chief Executive Officer	NIL
s124(5)	<p>8. Proposed Development Involving Creation of Fortifications</p> <p>8.2 The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:</p> <p>8.2.1 if the proposed development consists only of the creation of fortifications – refuse the application;</p>	Chief Executive Officer	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	8.2.2 in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortification.		
s124(6)	<p>8. Proposed Development Involving Creation of Fortifications</p> <p>8.3 The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.</p>	Chief Executive Officer	NIL
s124(7)	<p>8. Proposed Development Involving Creation of Fortifications</p> <p>8.4 The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act, to apply to the Court to be joined as a party to the appeal.</p>	Chief Executive Officer	NIL
s126(1)	<p>9. Determination of Application</p> <p>9.1 The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with</p>	Chief Executive Officer	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).		
s126(3)	<p>9. Determination of Application</p> <p>9.2 The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.</p>	Chief Executive Officer	NIL
s127(1)	<p>10. Conditions</p> <p>10.1 The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.</p>	Chief Executive Officer	NIL
s127(2)(c)	<p>10. Conditions</p> <p>10.2 The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.</p>	Chief Executive Officer	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s128(1) and (2)	<p>11. Variation of Authorisation</p> <p>11.1 The power pursuant to Sections 128(1) and (2) of the PDI Act to determine an application seeking the variation of a development authorisation previously given under the PDI Act (including an application seeking the variation of a condition imposed with respect to the development authorisation).</p>	Chief Executive Officer	NIL
s128(2)(d)	<p>11. Variation of Authorisation</p> <p>11.2 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.</p>	Chief Executive Officer	NIL
s133(3)	<p>12. Saving Provisions</p> <p>12.1 The power pursuant to Section 133(3) of the PDI Act to, in order to avoid or reduce hardship, extend the limitation period referred to in Section 133(2) of the PDI Act.</p>	Chief Executive Officer	NIL
s134(1)	<p>13. Requirement to Up-grade</p> <p>13.1 The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.</p>	Chief Executive Officer	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s134(1)	<p>13. Requirement to Up-grade</p> <p>13.2 The power pursuant to Section 134(1) of the PDI Act, if:</p> <p>13.2.1.1 building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or</p> <p>13.2.1.2 a change of classification of a building; and</p> <p>13.2.2 the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition,</p> <p>to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.</p>	Chief Executive Officer	NIL
s134(2)	<p>13. Requirement to Up-grade</p> <p>13.3 The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed.</p>	Chief Executive Officer	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s134(3)	<p>13. Requirement to Up-grade</p> <p>13.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:</p> <p>13.4.1 subject to Section 134(3)(b) of the PDI Act - on the basis that the relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and</p> <p>13.4.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed</p>	Chief Executive Officer	NIL
s134(4)	<p>13. Requirement to Up-grade</p> <p>13.5 The power pursuant to Section 134(4) of the PDI Act if:</p> <p>13.5.1 an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and</p> <p>13.5.2 the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities,</p> <p>to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance</p>	Chief Executive Officer	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	requirements of the Building Code or the Ministerial building standard (as the case may be).		
s134(5)	<p>13. Requirement to Up-grade</p> <p>13.6 The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:</p> <p>13.6.1 subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority will grant building consent; and</p> <p>13.6.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.</p>	Chief Executive Officer	NIL
s135(2)(d)	<p>14. Urgent Building Work</p> <p>14.1 The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.</p>	Chief Executive Officer	NIL
s143(1)	15. Cancellation of Development Authorisation	Chief Executive Officer	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	15.1 The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.		
s143(2)	15. Cancellation of Development Authorisation 15.2 The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.	Chief Executive Officer	NIL
s235(1)	16. Professional Advice to be Obtained in Relation to Certain Matters 16.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.	Chief Executive Officer	NIL
s235(2)	16. Professional Advice to be Obtained in Relation to Certain Matters 16.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.	Chief Executive Officer	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl18(2) sch8	<p>17. Continuation of Processes</p> <p>17.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:</p> <p>17.1.1 adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>17.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>17.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and</p> <p>17.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>17.1.5 take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r25(7)(c)	<p>18. Accredited Professionals</p> <p>18.1 The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to form the opinion and be satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations.</p>	Chief Executive Officer	NIL
r31(1)	<p>19. Verification of Application</p> <p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>19.1.1 determine the nature of the development; and</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r31(1)	<p>19. Verification of Application</p> <p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>19.1.2 if the application is for planning consent - determine:</p> <p>19.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and</p> <p>19.1.2.2 the category or categories of development that apply for the purposes of development assessment; and</p>	Chief Executive Officer	NIL
r31(1)	<p>19. Verification of Application</p> <p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>19.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r31(1)	<p>19. Verification of Application</p> <p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>19.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application):</p> <p>19.1.4.1 check that the appropriate documents and information have been lodged with the application; and</p> <p>19.1.4.2 confirm the prescribed fees required to be paid at that point ; and</p> <p>19.1.4.3 provide an appropriate notice via the SA planning portal; and</p>	Chief Executive Officer	NIL
r31(1)	<p>19. Verification of Application</p> <p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>19.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application):</p> <p>19.1.5.1 provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and</p> <p>19.1.5.2 provide an appropriate notice via the SA planning portal.</p>		
r35(3)	<p>20. Amended Applications</p> <p>20.1 The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.</p>	Chief Executive Officer	NIL
r35(4)	<p>20. Amended Applications</p> <p>20.2 The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	basis that the application (as so varied) will be treated as a new application under the General Regulations.		
r38(1)	<p>21. Withdrawing/Lapsing Applications</p> <p>21.1 The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:</p> <p>21.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and</p> <p>21.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations, of the withdrawal.</p>	Chief Executive Officer	NIL
r38(2)	<p>21. Withdrawing/Lapsing Applications</p> <p>21.2 The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r38(3)	<p>21. Withdrawing/Lapsing Applications</p> <p>21.3 The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations to:</p> <p>21.3.1 take reasonable steps to notify the applicant of the action under consideration; and</p> <p>21.3.2 allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.</p>	Chief Executive Officer	NIL
r40	<p>22. Court Proceedings</p> <p>22.1 The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.</p>	Chief Executive Officer	NIL
r42(1)	<p>23. Additional Information or Amended Plans</p> <p>23.1 The power pursuant to Regulation 42(1) of the General Regulations if the relevant authority has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.		
r45(1)	<p>24. Building Matters</p> <p>24.1 The power pursuant to Regulation 45(1) of the General Regulations to, if, in assessing an application for building consent, the delegate considers that:</p> <p>24.1.1 a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p> <p>24.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p> <p>24.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code, refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the relevant authority that a referral is not required.</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r45(2)	<p>24. Building Matters</p> <p>24.2 The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.</p>	Chief Executive Officer	NIL
r45(3)	<p>24. Building Matters</p> <p>24.3 The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations.</p>	Chief Executive Officer	NIL
r45(4)	<p>24. Building Matters</p> <p>24.4 The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:</p> <p>24.4.1 recommends against the granting of building consent; or</p> <p>24.4.2 concurs in the granting of consent on conditions specified in its report,</p> <p>but the delegate:</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>24.4.3 proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or</p> <p>24.4.4 does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent,</p> <p>to:</p> <p>24.4.5 refer the application to the Commission; and</p> <p>24.4.6 not grant consent unless the Commission concurs in the granting of the consent.</p>		
r45(5)	<p>24. Building Matters</p> <p>24.5 The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.</p>	Chief Executive Officer	NIL
r57(4)(a)	<p>25. Notice of Decision (Section 126(1))</p> <p>25.1 The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r60	<p>26. Consideration of Other Development Authorisations</p> <p>26.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.</p>	Chief Executive Officer	NIL
r61(4)(c)	<p>27. Certificate of Independent Technical Expert in Certain Cases</p> <p>27.1 The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.</p>	Chief Executive Officer	NIL
r63(1)	<p>28. Urgent Work</p> <p>28.1 The power pursuant to Regulation 63(1) of the General Regulations to,</p>	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>28.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and</p> <p>28.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.</p>		
r63(2)	<p>28. Urgent Work</p> <p>28.2 The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.</p>	Chief Executive Officer	NIL
r63(3)	<p>28. Urgent Work</p> <p>28.3 The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.</p>	Chief Executive Officer	NIL
r65(1)(a)	<p>29. Variation of Authorisation (Section 128)</p> <p>29.1 The power pursuant to Regulation 65(1)(a) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to</p>	Chief Executive Officer	Except variations to development decisions previously made by the CAP where a condition is requested to be completely revoked either by the lodgment of a separate application or simply by written request or where the variation is adding new elements or substantively amending the proposal.

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	form the opinion and be satisfied that the variation is minor in nature, and approve the variation.		
r99(4)	<p>30. Construction Industry Training Fund</p> <p>30.1 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable.</p>	Chief Executive Officer	NIL
r99(5)	<p>30. Construction Industry Training Fund</p> <p>30.2 The power pursuant to Regulation 99(5) of the General Regulations, if a notification has been given under Regulation 99(4) of the General Regulations and if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification to, if the delegate thinks fit, determine that the application has lapsed.</p>	Chief Executive Officer	NIL
cl4(3) sch8	31. Plans for Building Work	Chief Executive Officer	NIL

Planning, Development and Infrastructure (General) Regulations 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>31.1 The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building if:</p> <p>31.1.1 the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or</p> <p>31.1.2 the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building,</p> <p>to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.</p>		

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r5(1)	<p>32. Calculation or Assessment of Fees</p> <p>32.1 The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged with the Council under a related set of regulations (including via the SA planning portal):</p> <p>32.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate a prescribed fee; and</p> <p>32.1.2 to make any other determination for the purposes of the Fees Regulations a related set of regulations or a fee notice (even if the Council is not a relevant authority)</p>	Chief Executive Officer	NIL
r5(2)	<p>32. Calculation or Assessment of Fees</p> <p>32.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate a prescribed fee on the basis of estimates made by the delegate.</p>	Chief Executive Officer	NIL

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

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
5(3)	<p>32. Calculation or Assessment of Fees</p> <p>32.3 The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.</p>	Chief Executive Officer	NIL
r7	<p>33. Waiver or Refund of Fee</p> <p>33.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:</p> <p>33.1.1 waive the payment of the fee, or the payment of part of the fee; or</p> <p>33.1.2 refund the whole or a part of the fee.</p>	Chief Executive Officer	In accordance with Council Fee Waiver Policy. Refunds are limited to Manager Development Services, Assessment Manager, Team Leader Building, Team Leader Statutory Planning and Team Leader Administration in accordance with Council Development Application Fee Refund Policy.

Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority

Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s7(5(a) and (d)	<p>1. Environment and Food Production Areas – Greater Adelaide</p> <p>1.1 The power pursuant to Section 7(5)(a) and (d) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments:</p> <p>1.1.1 to seek the concurrence of the Commission in the granting of the development authorisation to the development;</p> <p>1.1.2 to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.</p>	Chief Executive Officer	NIL

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 26 September 2023
AGENDA BUSINESS ITEM**

Item: 12.2

Responsible Officer: Natalie Armstrong
Director Development & Regulatory Services
Development & Regulatory Services

Subject: Response to Motion on Notice 25.7.2023
Proposed renaming of Rostrevor to Morialta

For: Decision

SUMMARY

At the meeting of 25 July 2023, the Council resolved the following:

11.3 Proposed renaming of portion of suburb of Rostrevor to “Morialta”

**Moved Cr Louise Pascale
S/- Cr Leith Mudge**

197/23

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.

Carried Unanimously

Council staff have sought further background into the previous proposal and have conferred with the Geographical Names Unit for further advice.

The Geographical Names Unit have advised that a proposal in its present form will not be supported.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted**
- 2. That no further action be undertaken in relation to the proposal by the Morialta Resident’s Association to change the name of a portion of Rostrevor to Morialta**
- 3. That the CEO (or his delegate) advises the Morialta Resident’s Association of its decision**

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal Community Wellbeing
Objective C2 A connected, engaged and supported community
Priority C2.4 Increase participation from the broadest range of our community and engage with them to shape policies, places and decisions that affect them

Goal A progressive Organisation
Objective O4 We actively represent our 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

➤ Legal Implications

There are no legal implications in relation to the investigations undertaken and the provision of this report.

Proposals to change a location/suburb are managed under the *Geographical Names Act 1991* and administered by the Geographical Names Unit and the Surveyor-General of the State Government.

➤ Risk Management Implications

The investigation undertaken and report on feasibility will assist in mitigating the risk of:

community dissatisfaction that the Council has not appropriately investigated the feasibility of an important community issue leading to loss in confidence of Council as the community's elected body.

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

➤ Financial and Resource Implications

The investigation and report have been managed within existing resources. As the report recommends no further action, no financial or resource implications are anticipated.

If the Council resolves to proceed with a formal submission to the Geographical Names Unit, budget will need to be allocated for consultation and project costs. Consultation costs, to undertake target consultation with the affected residents as well as seeking input on the proposal from the other residents of Rostrevor are estimated to be \$2,000 (determined by exact number of properties). Consultant assistance may be needed to review and report on the consultation outcomes which could range from \$500 - \$1,000.

➤ Customer Service and Community/Cultural Implications

This is a community led proposal that is seeking Council's support to run the process and advocate on their behalf.

The Morialta Resident's Association will be disappointed with the position of the Geographical Names Unit and the proposed recommendation to Council which may have an impact on community sentiment in that area.

The Geographical Names Unit has advised that a change of suburb results in considerable impost on affected residents to undertake change of address notifications with all of their individual providers of services, goods and other relevant parties. This is not an insignificant impost on residents and landowners which would capture all in that defined area, including any that do not support the proposal.

➤ **Sustainability Implications**

As the background details, the local community have a strong attachment to the history of the area and the identifier of Morialta, and as such, a strong social connection to the area and its history.

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

Council staff have engaged with staff from the Geographical Names Unit to provide context to the background and seek a position of the Geographical Names Unit.

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

2. BACKGROUND

Taken from the Motion on Notice written by Cr Pascale:

Rostrevor is 3.56km² suburb in the foothills of Adelaide. It is a suburb Adelaide Hills Council shares with the City of Campbelltown and our section of it is settled on the northeast corner of Morialta Conservation Park. The 1.02kms² within Rostrevor that is part of the Adelaide Hills Council is distinctly different from the other two thirds of its area.

Rostrevor carries the qualities of who we are as a Council and community. It incorporates the lush environment of Morialta Conservation Park, has original narrow streets, natural stone gutters and lined with significant red gums. For over 55 years the residents of this pocket of Rostrevor have lovingly and painstakingly preserved and advocated for their community as many others in the Adelaide Hills Council have.

Seeing and being distinct from their neighbours in the City of Campbelltown the Morialta Residents Association pursued a name change to Morialta in 2006/7. This was supported by the Adelaide Hills Council however in March 2009 after their initial request for a name

change was rejected by the Surveyor General, and at the time the Administration reported to Council;

“The Surveyor General advised that if there was to be any re-consideration of an application for a name change, it would need to be a completely revised proposal. Subsequent advice suggested that AHC would need to be the applicant and that further additional justifications should also be included (i.e. statistical zones, planning zoning, governance issues).”

By July 2009, the Morialta Residents Association re-applied for a name change, this time they also received support from Kurna Warra Pintyandi for their use of the Kurna language. This proposal also included Morialta Conservation Park be rezoned into their suburb.

The following August this new proposal was endorsed by Council however objections from Woodforde residents on losing Morialta Conservation Park as part of their suburb saw the subsequent failure of the name change.

Over 10 years later the Morialta Residents Association would like Council to once again endorse and explore the name change of their section of Rostrevor to Morialta. This time they have asked Adelaide Hills Council to make the submission to the Office of the Surveyor General.

This proposal does not include incorporating Morialta Conservation Park into their suburb. This may help a renewed application to the Surveyor General however in their rejection of the last application they did state; *“the GNU have advised that they would not support a small suburb of Morialta, which was previously refused.”*

In this new endeavour to change their suburb name, the Morialta Residents Association have provided examples of suburbs smaller than theirs and it would be recommended that Council Administration include this in their investigations with the Office of the Surveyor General.

The Morialta Residents Association has written to me as their local Councillor to bring to the Chamber endorsement to explore this name change once again. Included in this background is the letter from Morialta Residents Association to myself for this motion (*Appendix A*) and the previous background to Council from December 2009 (*Appendix B*) which outlines the previous attempts.

As this is the third attempt for Morialta Residents Association the Motion on Notice recommended Council explore the feasibility of a name change, the cost and resources involved and an informal approach to the Office of the Surveyor General on its viability.

Given the time that has elapsed since that proposal, and the ongoing strong desire of the local community to have their area formally identified as Morialta, a further investigation and report to Council on the process and feasibility can be accommodated at this time.

Council supported the Motion on Notice at its meeting of 25 July 2023.

The area that is the subject of this report is identified in *Appendix 3*.

3. ANALYSIS

Council staff engaged with staff from the Geographical Names Unit of the Office of the Surveyor-General. Staff from the Geographical Names Unit undertook their own background investigations and advised the following:

- that the proposed submission is substantially the same as the previous submissions (with or without the inclusion of Morialta Conservation Park) with the same reasons provided by the Morialta Residents Association in support of the proposal
- that the previous submissions were not supported as the justification was largely for social and topographical reasons and this had not altered
- Nationally, and including in South Australia, respective governments are moving away from approving small suburbs, so whilst there is evidence of suburbs with a smaller geographical area, these are historical and would not be supported if proposed today, for the same reasons as this proposal
- Emergency Services had previously indicated that they did not have any issues with locating any of the properties proposed to be included in the suburb name change that would warrant support of a name change to address any confusion
- they have raised the new proposal with the Surveyor-General who provided feedback that it would not be supported as social and topographical reasons were not sufficient to warrant a suburb name change

The Geographical Names Unit also advised that in their experience, suburb name changes can cause angst with residents and business owners:

“It must be noted that any suburb renaming/boundary realignment will impact the residential and billing address of directly affected residents, ratepayers and businesses. This alone comes at considerable cost and inconvenience and consequently causes significant angst and objection within the community. The cost alone to businesses (including home businesses) would be substantial including updates to websites, social media platforms, postal address, signage, and in some instance an entire business name.

Recent suburb name changes have highlighted that a change of a resident’s address can take up to 12 months for third party addressing databases to be formally updated, following gazettal. This includes, and not limited to – insurance companies, banks, utilities, internet providers, etc. Again, causing major inconvenience.

Furthermore, Adelaide Hills Council and Department for Infrastructure and Transport (DIT) will incur costs to alter road signage, whilst all affected Certificates of Title will require amendment by Land Services SA (ex-Land Titles Office) to show the new area (suburb) name.”

If the Council wishes to proceed with a formal submission, Council will need to undertake preliminary community consultation in the way of a targeted survey with affected residents to gauge community opinion and support about the proposal before progressing any further. The survey undertaken by the Morialta Residents Association can not be used for this purpose. The survey results would need to demonstrate that there is “significant majority support of the affected residents” and non-respondents cannot be assumed to be in favour of the proposal.

4. OPTIONS

Council has the following options:

- I. Resolve to not take any further action in relation to the proposal (Recommended)
- II. Resolve to undertake community consultation and further assess if it wants to make a formal submission to the Geographical Names Unit (i.e. this will require budget and resource allocation to undertake and given the Surveyor-General has indicated that it would not be supported, may lead to further disappointment for the Morialta Residents Association) (Not Recommended)

5. APPENDICES

- (1) Letter from Morialta Residents Association
- (2) Previous Report of Council with attachments
- (3) Locality

Appendix 1

Letter from Morialta Residents Association



1 Marola Avenue, Rostrevor 5073 • 8337 3264
www.morialtaresidents.net • info@morialtaresidents.net

Cr Louise Pascale,
Adelaide Hills Council,
63 Mount Barker Road,
Stirling SA 5152
July 15, 2023

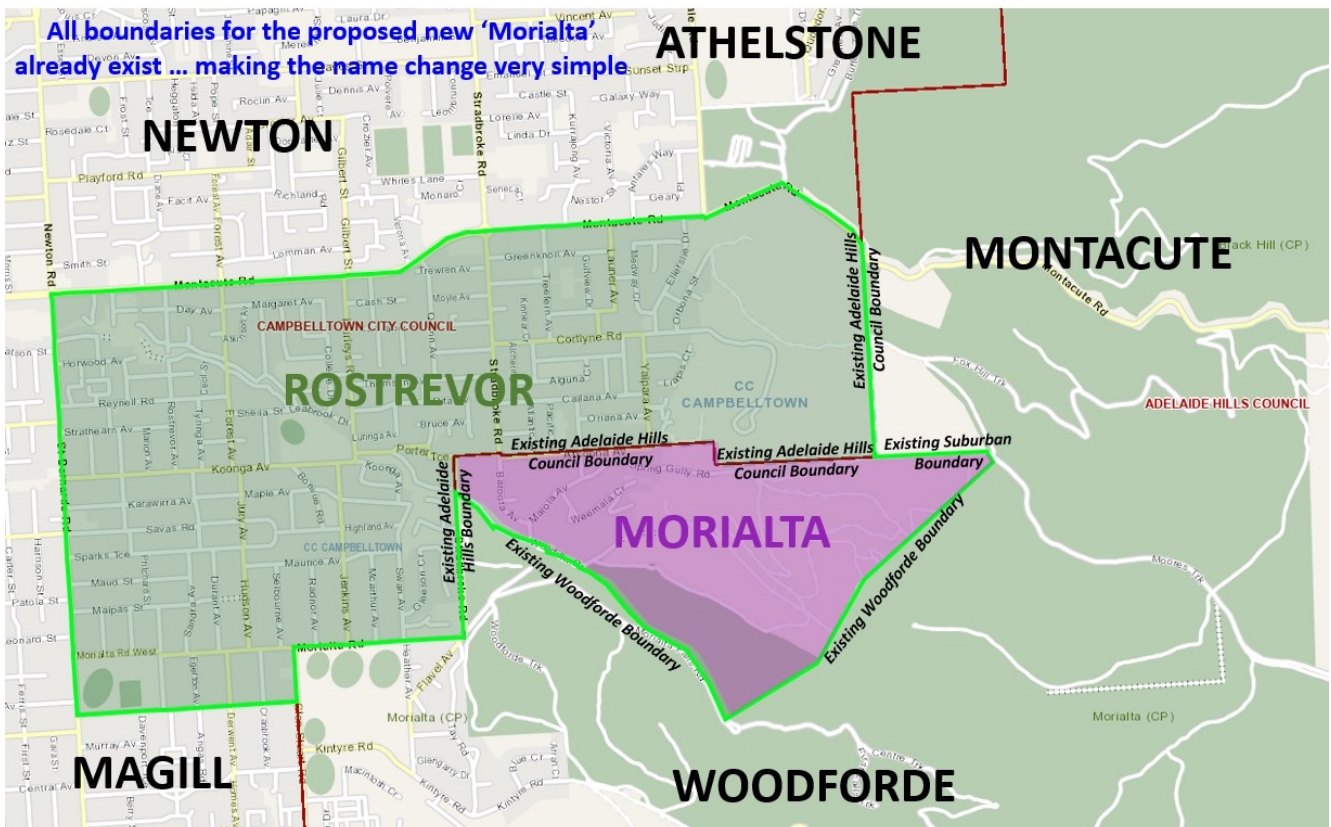
Morialta suburb name change proposal

Dear Louise,

The Morialta Residents' Association seeks the Adelaide Hills Council's backing for its new campaign to have its part of Rostrevor renamed "Morialta."

This is the second name change bid by the MRA – it's previous attempt in 2007 was endorsed by the AHC but not accepted by the Surveyor General and the Geographic Names Unit.

A recent survey of residents has once again shown substantial support for the proposal, which aims to excise the area shown below from the suburb of Rostrevor.



Previous name change application

In 2004, the MRA set up a name change committee. With advice and support from the Adelaide Hills Council a case study commenced. A survey of 'Morialta' resident's wishes for a name change showed strong support – 124 households were surveyed, with 111 in favour. The case was submitted by the MRA to the Geographical Names Unit (GNU) in November 2007.

The case was rejected outright in September 2008, not going further than the initial *prima facie* level of consideration by the Surveyor-General acting alone, the single reason being stated formally as '*the case is predominantly based on social differences.*'

The MRA strongly disagrees with this contention.

The residents of 'Morialta' are a balanced community of many immigrant nationalities, trades, professions, income brackets and ages. There is no evidence that we have ever held, or shown, elitist views.

Indeed, many of the houses here are more modest than those in the adjacent (Rostrevor) area. Morialta is fiercely proud of its long and successful heritage, for its preservation of the original environment and for the key things it has achieved, some for itself, and many for the public good in the adjacent Morialta Park.

Morialta is not better than nor worse than the rest of Rostrevor, however, the bush feel to the area is quite distinct.

Following the 2008 application refusal, a revised proposal was put to the AHC to realign its suburb boundaries so that the Morialta Conservation Park would be part of the new 'Morialta', moving it from Woodforde.

This move was suggested by former Mayor Bill Spragg, the reasoning being that the new suburb would be significantly larger and might therefore have a better chance of approval. However, this proposal generated pushback from some Woodforde residents, who did not want to see their suburb reduced in size. As a result, the MRA asked the AHC to withdraw the motion asking Council to take the case to the GNU. The MRA did not want to develop unhelpful relationships with its Woodforde neighbours. Further name change attempts were abandoned.

Morialta Residents Association background

The Morialta Residents Association has operated for more than 55 years and has always represented the residents of the area subject to this application.

The Morialta Residents Association (MRA) first met on October 17, 1968 to protect the interests of residents of Section 857, adjacent to the Morialta Conservation Reserve.

The constitution states the objects of the Association as:

- To preserve and enhance the indigenous qualities of the area.
- To prevent ugliness whether from development, neglect or any other cause.
- To promote a public awareness of the factors affecting our environment
- To make representations to Council and other authorities regarding works, amenities and services in the area.
- To cooperate with other bodies having similar aims.

When the allotment owners of the 1960s set up the residents' association to '*protect their environment*' it needed a name.

'Rostrevor' was clearly inappropriate. Being the only people living with house frontages right on the land adjacent to the Fourth creek (previously named the 'Morialta Rivulet') that was lived on by the Kaurna people, it was logical to call it the *Morialta Residents' Association MRA*, which it is still today.

The issues that face Morialta are very different from those that affect the rest of Rostrevor. The way that these issues have been solved is also unique – and, to some extent, pioneering.

Examples of those issues:

- Development and retention of narrow streets without footpaths (1960s). Residents were determined to keep the streets narrow and have them follow the old bullock tracks that followed natural contours. After investigating overseas examples, and using money saved on the road width and footpaths (of which there were none), the curbing was lined with natural Wistow stone instead of having normal suburban concrete gutters. This effort resulted in a prize being awarded by the Civic Trust of SA.
- Protection of significant red gum trees in Marola Avenue from destruction during laying of a major water main (1960s).
- Purchase (by a founding member of the MRA) of a portion of what is now the Morialta Conservation Reserve from a developer and on-selling it to the State Government (at a loss) in order to protect it from industrial pollution (1965). This area is adjacent to the picnic grounds on Stradbroke Road and abuts the Fourth Creek.
- Control of development, with residents, on occasion, buying out developer's land and sub-dividing that land more aesthetically.
- Undergrounding power lines - with a significant cost contribution by Morialta residents (1980s).
- Native tree planting within the Morialta area to improve the streetscape (on-going).
- Native tree planting along Fourth Creek within the Morialta Conservation Reserve.
- Preventing habitat destruction by proposed paint ball business within the Hills Face Zone at the top of Spring Gully Road.
- Working to have the Morialta Conservation Park extended to include Lots 88 and 100. The MRA initiated and spearheaded this campaign.

A new application

According to the SA Government web site, submissions for a proposed place name are assessed by considering a number of factors.

The MRA has again reviewed these criteria and makes the following observations:

• The views of police, emergency service providers and Australia Post

Given the use of GPS modern mapping systems, locating premises in the area cannot be considered an issue for police etc. Indeed, the more granular a map the greater the ease in finding an address.

Australia Post – there would be no need to change the existing postcode. Suburbs which currently share postcode 5073 are Hectorville, Rostrevor, Tranmere and Tranmere North.

- **Difficulties the community has in accessing the area**

There are no difficulties involved.

- **The costs associated with the change**

None obvious – Adelaide Hills Council to advise.

- **The impact on local businesses**

This a residential area with no commercial businesses located within it. There may be one or two home-based, work-from-home operations but there would be no impact on these.

- **The level of support from residents and council**

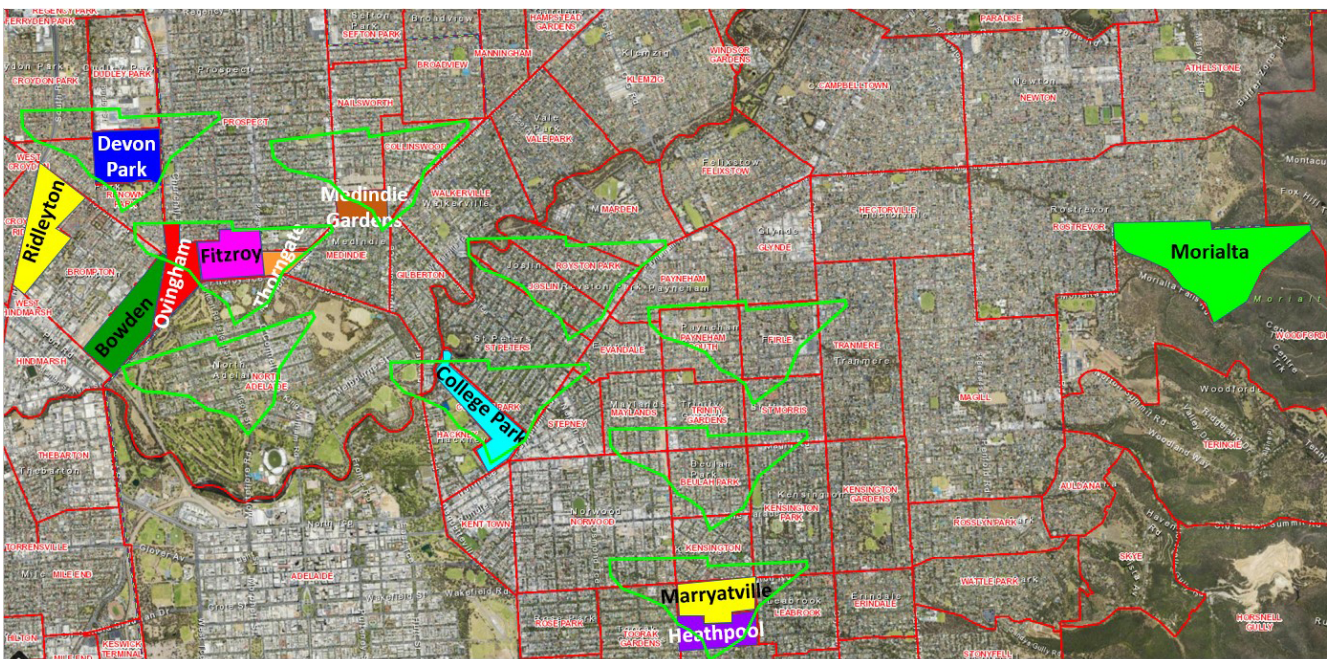
The most recent survey of the area's 126 households drew 76 responses, all of them in favour of the proposed name change, none against.

- **The benefits to the community as a whole**

For its entire history, 'Morialta' has served as a buffer between suburbia and the Adelaide Hills. Residents of the area have committed significant amounts of time, energy and money to preserve the natural heritage of the area. Renaming would recognise the area's distinct character and help sustain the efforts of residents to establish and preserve it.

- **The size of the area and the proposed boundaries**

The size of the proposed new suburb is consistent with numerous others in the Adelaide area, many of which are notably smaller in area – refer to the map below.



Current Hills Face Zone suburbs of similar size.

(areas approximate as mapped from the Location SA Map Viewer <https://location.sa.gov.au/viewer/>)

Proposed Morialta: total, 102 ha, current built area 25 ha

Woodforde: Excluding the Conservation Park but including Rostrevor College and the land developed as "Hamilton Hill" – total 82 ha. Including the Conservation Park – 430 ha total

Auldana: total 60 ha. Built area approx 50 ha

Skye: Total 135 ha, Built area 65 ha approx

Other “small” suburbs

Marryatville: 29 ha

Kings Park: 25 ha

Heathpool: 24 ha

Medindie Gardens: 13 ha

• If a new name is proposed, the name and its links with the area

Morialta is an aboriginal name, always used by locals, dating back beyond 55 years since first residential development and foundation of the Morialta Residents’ Association.

• Submissions for reasons of perceived status or financial benefit will not be supported

Any ‘status’ attached to the area already derives from its tree-studded, bush-like character, which makes it a desirable area in which to live, irrespective of its name.

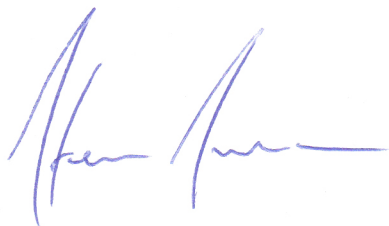
Median property prices in this area are already generally notably higher than in Rostrevor as a whole, according to real estate agent Tom Hector of Harris Real Estate, who specialises in Rostrevor sales.

Any ‘financial benefit’ is, therefore, obviously already evident in higher real estate prices, again due to the area’s unique ambience and character. It is not apparent that changing the area’s name would have any significant effect.

The Morialta Resident’s Association believes the area’s tradition of conservation of its environment (both flora and fauna) may better be sustained through the area being identified with its own name. It is hoped that the easy identification of this area as one whose residents are intent on restoring and sustaining, as far as it possible, the natural environment, may encourage other communities to emulate that vision.

We request, therefore, that the Adelaide Hills Council support the proposed change.

Yours faithfully,



Steve Swann
secretary

Appendix 2

Previous Report of Council

ADELAIDE HILLS COUNCIL MEETING
Tuesday 1 December 2009
AGENDA BUSINESS ITEM

Item: 10.1

Originating Officer: Marc Salver, Director Planning & Development Services

Subject: Proposed renaming of a portion of the suburb of Rostrevor to "Morialta"

File No: 09.58.2

SMP/Council Policy: Goal 2: A Healthy, Safe & Connected Community
Goal 5: Effective & Efficient Governance

1. SUMMARY

At its meeting of 4 August 2009 (Item 10.6), Council resolved to grant its in principle support to the request to rename a portion of Rostrevor located within the Adelaide Hills Council area to the name "Morialta" (refer to Appendix 1 – Locality Plan) and to undertake community consultation in this regard.

Community consultation has subsequently been completed which involved a survey of the "affected" residents in Rostrevor, and obtaining comments from residents of Woodforde and Teringie. In summary, the survey results reflect that 83% of residents within the proposed "Morialta" area support the proposal. However, 12 letters of opposition from residents of Woodforde and Rostrevor were received, including a petition with 140 signatures. One letter of support to the proposed name change was also received.

The Geographic Names Unit (GNU) have advised Council that they consider the residents of Woodforde are affected by this proposal. They also consider the objections from the residents of Woodforde to be valid, and have advised that they will recommend to the Surveyor General that the status quo should be retained (i.e. the suburb renaming proposal would not be proceeded with).

In light of the strong opposition from the residents of Woodforde, and the reasons given, staff are recommending that the proposal to change the suburb name not be proceeded with.

2. BACKGROUND

➤ **Strategic Management Plan / Council Policy**

The Council's Strategic Management Plan empowers Council to consult with and advocate on behalf of the community and also to promote good services. The relevant Goals in our Strategic Management Plan are:

Goal 2 – A Healthy, Safe & Connected Community
Goal 5 – Effective & Efficient Governance

➤ **Legislation**

The name of localities is subject to a formal procedure that includes consultation with the relevant Council for the area and the affected residents.

➤ **Sustainability**

The identification of areas by locality name can have some cultural, heritage and economic impacts for the locality.

- Economic
- Social
- Environmental
- Governance

The Geographical Names Unit (GNU) is an advisory board to the Department for Administrative & Information Services and is charged with the responsibility of reviewing and naming of localities, suburbs, place names and names of other features eg mountains, hills and watercourses. Any requests to change the name of a suburb are therefore submitted to, and processed by, the GNU in accord with their procedures. In fulfilling its responsibilities, the GNU is required to be unbiased and impartial in processing such applications. The decision to change names of places and suburbs rests with the Surveyor General and, where required, the Minister for Transport, Energy & Infrastructure, currently the Hon Patrick Conlon MP.

In this instance, Council received a request from the Morialta Residents' Association (MRA) on 12 July 2006 seeking Council's in principle support in order to commence the process of changing the name of a portion of Rostrevor located within the Adelaide Hills Council area to the name of "Morialta". Such "in principle" support was granted by Council at its meeting of 1 August 2006 (Item 11.1)

A year later on 20 August 2007, Council received a revised request from the MRA again seeking Council's in principle support to include the Morialta Conservation Park into the proposed suburb boundary of Morialta. As the aforementioned Park is owned by the Department of Environment & Heritage (DEH), Council sought their comments with regard to this request. In a letter dated 22 October 2007, DEH advised Council that as the inclusion of Morialta Conservation Park "*will have no operational implications on the management of the Park DEH does not oppose these proposals.*" The matter was then reported to Council on 6 November 2007 (Item 10.5) where it again resolved to provide its in principle support to the proposal.

The MRA then made a formal submission to the GNU to have the suburb name changed to that of "Morialta", but this was subsequently declined by the GNU and Council received notification of this on 29 September 2008.

On the 18 March 2009, a community meeting was called by the Mayor and attended by Ms Lindsay Simmons MP (Member for Morialta), the Council's Director Planning & Development Services, the Surveyor General, Mr Peter Kentish, Bill Watt from the GNU and approximately 70 residents from the "Morialta" area. It was clear from the meeting that the residents wanted the GNU and Surveyor General to review their decision and requested what would need to be done in this regard. The Surveyor General advised that if there was to be any re-consideration of an application for a name change, it would need to be a completely revised proposal. Subsequent advice suggested that AHC would need to be the applicant and that further additional justifications should also be included (i.e. statistical zones, planning zoning, governance issues).

In a letter dated 17 July 2009, the MRA in essence has sought Council's support to progress this matter on their behalf and become the applicant and make the necessary submission to the GNU for the suburb name change (refer to *Appendix 2* for a copy of the letter). The MRA also obtained support from the Kaurna Warra Pintyandi for the use of the name "Morialta" for the suburb and a copy of this letter is provided with *Appendix 2*. The MRA have indicated that they are more than willing to assist Council in the preparation of the submission.

In the original 2006 request by MRA, they provided a number of reasons in support of the name change to Morialta, which are summarised as follows:

- The Association was created in 1968 and the name it bears was chosen because of the already existing longstanding association with the name 'Morialta'.
- The area has been considerably researched and has a well recorded history (in the Warburton book) showing its longstanding uniqueness under the name of Morialta.
- There is a distinct difference between that portion of Rostrevor located within the area of the Adelaide Hills Council and the area located within the Campbelltown Council area.
- The local Rotary Club bears the name Morialta.
- There is a need to better define and distinguish the portion of Rostrevor in the Adelaide Hills Council area for the emergency services in the event of a bushfire due to its location close to the Morialta Conservation Park.

In a report considered by Council on 4 August 2009 (Item 10.6) it was reported that the suburb name change should be supported in principle for the following reasons:

- i. The portion of Rostrevor located within the Adelaide Hills Council area is quite distinct in character and urban form from that of the rest of Rostrevor located within the City of Campbelltown. Council recognised this in its recent Part A submission to the Department of Planning & Local Government regarding Residential Neighbourhood Character which stated that the new Residential Code should not apply to this area without due consideration of the existing neighbourhood character.
- ii. The suburb is located immediately adjacent to the Morialta Conservation Park which is used as a landmark for directing emergency services and visitors to the area.
- iii. This area has a long association with the name Morialta.
- iv. From a governance perspective, it is considered that this area should have a different suburb name to that of the rest of Rostrevor, in order to:
 - a. Recognise it as being situated within a different Council area and a different Federal electorate to the rest of Rostrevor;
 - b. Facilitate easier identification by emergency services;
 - c. Allow for specific statistical / demographic data capture, rather than being subsumed with the greater Rostrevor area.
 - d. Recognise that the zoning of this portion of Rostrevor (Zoned R1 within the Adelaide Hills Council Development Plan) is different from the rest of the suburb of Rostrevor (Zoned R in the Campbelltown City Council Development Plan).
 - e. Recognise that this part of Rostrevor comes under a different regional planning strategy (i.e. the Outer Metropolitan Adelaide Region) versus the rest of Rostrevor which falls within the Metropolitan Adelaide Region.
 - f. Allow Council to use bulk postage to communicate with Residents'.

- v. There is in principle support from the Kurna people as indicated in the letter from the Kurna Warra Pintyandi (refer to *Appendix 2*) for naming the suburb "Morialta", which is a Kurna word meaning eastern cascades.

It was also noted that the suburb name change will have no planning or operational implications for Council.

Council at its meeting of 4 August 2009 (Item 10.6) resolved:

1. *"That Council agrees to initiate the process for the proposed suburb name change for that portion of Rostrevor located in the Adelaide Hills Council area to the name of "Morialta".*
2. *That Council agrees to be the applicant in this instance and make a formal submission to the Geographic Names Unit.*
3. *That staff be authorised to re-survey all affected property owners within the proposed suburb boundary and any other Residents' as required by the Geographic Names Unit (GNU).*
4. *That in the event the survey mentioned in 3 above indicate strong majority support (75% or more) for the proposal, staff prepare the formal submission to the GNU and report this back to Council for consideration before sending it to the GNU.*
5. *That in the event an application fee is payable in this regard, the matter be reported back to Council for a decision but that the Morialta Residents' Association be advised that they may have to pay this fee in the event it is required."*

Staff have since undertaken the public consultation process as discussed below.

3. DISCUSSION

In accordance with the above resolution, staff met with the GNU to determine the extent of public consultation required and at their directive undertook the following consultation:

1. Letters together with voting slips were sent to all 132 property owners within the affected area of the proposed new suburb boundaries which includes all the properties within subject portion of Rostrevor, 2 privately owned properties within the suburb of Montacute, and the Department of Environment & Heritage which owns the Morialta Conservation Park (which lies partly in the suburb of Montacute and Woodforde).
2. Letters seeking comments were sent to all 173 property owners within the suburb of Woodforde as the proposal would result in that portion of the Morialta Conservation Park within the suburb of Woodforde becoming part of the new suburb of Morialta. This would reduce the size of the suburb of Woodforde by approximately 65%.
3. Letters seeking comments were sent to 34 property owners from Teringie who border or are close to the Morialta Conservation Park.

In response to the above, the following table indicates the voting results from the affected residents within the proposed new suburb boundary:

Subject	Number of Votes	Percentage of Votes
Total Number of Residents' sent voting slips	132	100%
Total Residents' who voted "Yes"	109	83%
Total Residents' who voted "No"	11	8%
Total Residents' who did not vote	12	9%

The above table reflects that 83% of the "affected" residents within the proposed new suburb boundary voted in favour of changing the suburb name to that of Morialta which is more than the required 75% as indicated by the GNU.

The Council received one letter of support and 12 letters of opposition to the proposal from residents of Woodforde and Rostrevor, including a petition with 140 signatures (refer to *Appendix 3* for copies).

Staff also received numerous calls from Woodforde residents in this regard and suggested that Council arrange a public meeting with them in order to discuss this further. This meeting took place on 12 November and was attended by the Mayor, Cr Bailey and the Director Planning & Development Services. The 25 residents present at the meeting reiterated their strong opposition to the proposal as it would affect the suburb of Woodforde, they had a strong connection with the Morialta Conservation Park and did not wish to see their suburb reduced in size as a result of loosing the Park to the proposed new suburb or "Morialta".

At the request of the MRA, staff also approached the GNU to obtain their opinion with regard to excluding the Morialta Conservation Park from the proposed suburb. The GNU responded stating that *"the residential portion of the proposal was too small to be a suburb in its own right. This has been (the Surveyor General's) position since the concept was first raised, even before the original proposal was received, and that is why the original proposal was increased to include the park area."* (Response from the GNU received on 27 October 2009)

The GNU was advised of the strong opposition received from the Residents' of Woodforde and in response advised that *"As we consider the consultation with affected Residents', (the Surveyor General) would also consider that the Residents' of Woodforde are affected by this situation as much as the Residents' of the subject portion of Rostrevor. Therefore, their reasons for opposing the change need to be determined. If they are deemed to be valid, then the status quo would be retained."* (Response from the GNU dated 27 October 2009)

Staff then sought clarification from the GNU with regard to the validity of the reasons given by the Woodforde residents who have subsequently confirmed that the reasons are considered valid and therefore the GNU would be recommending to the Surveyor General that the status quo remain, i.e. the suburb name change not be proceeded with.

One way to resolve the objections is to amend the proposal to exclude that portion of Woodforde (i.e. the Morialta Conservation Park) from the proposed new suburb. However, as noted above, the GNU have advised that they would not support a small suburb of Morialta, which was previously refused.

In light of the above points, staff are therefore recommending that Council not proceed with the preparation of a formal application to the GNU for the proposed name change.

4. RECOMMENDATIONS

That Council not proceed with the formal submission of an application to the Geographic Names Unit for the proposed renaming and creation of the suburb of "Morialta".

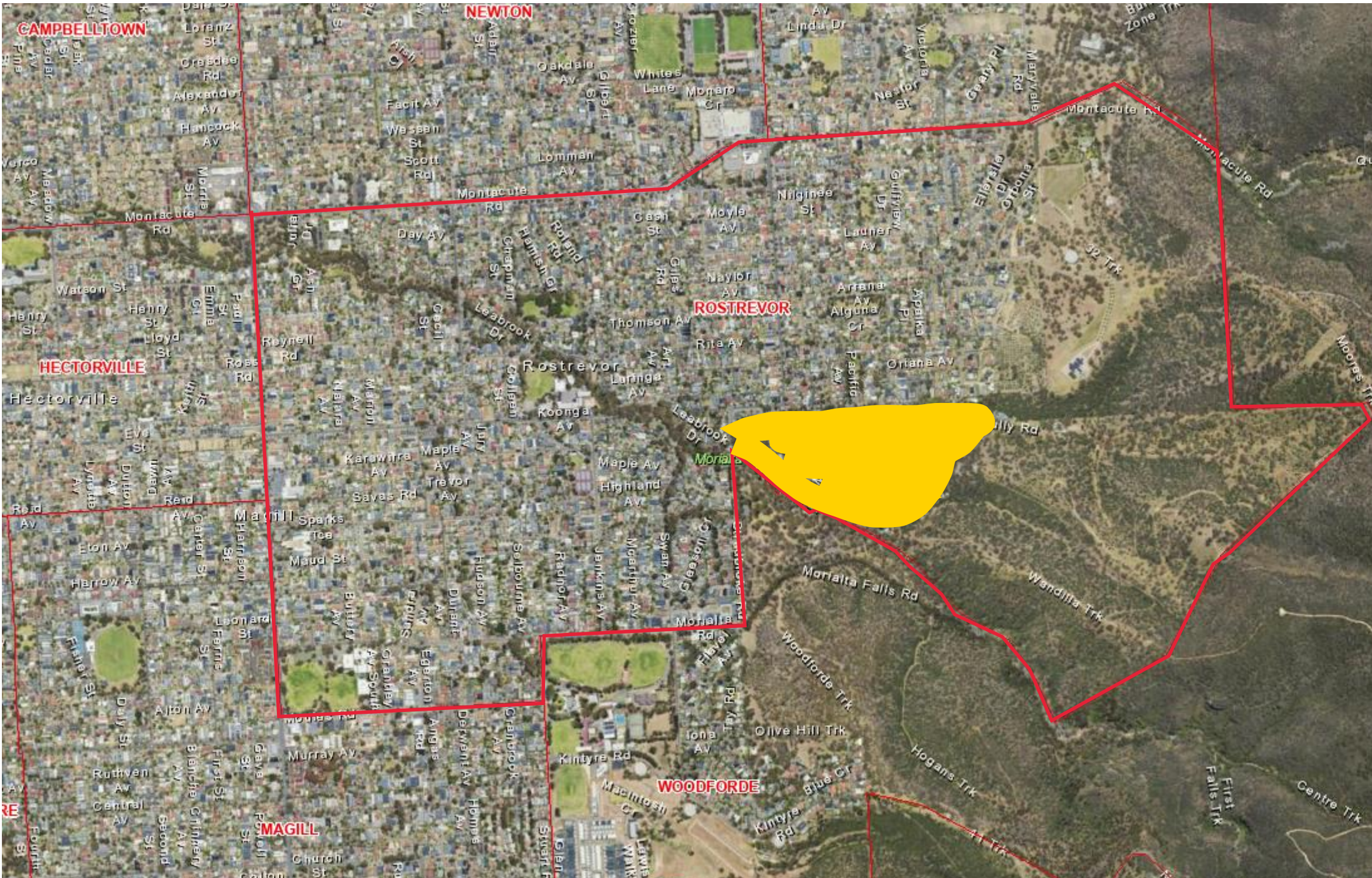
5. ATTACHMENTS

- (1) Locality Plan showing the affected area
- (2) Copy of the request from the "Morialta Residents" Association dated 17 July 2009 including the letter from the Kurna Warra Pintyandi
- (3) Copy of correspondence received from residents during the Community Consultation Process

APPENDIX IX

Appendix 3

Locality



CAMPBELLTOWN

NEWTON

ROSTREVOR

HECTORVILLE

WOODFORDE

MAGILL

Morialta

Morialta

15-September-2023



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 26 September 2023
AGENDA BUSINESS ITEM**

Item: 12.3

Responsible Officer: David Collins
Manager Strategic Assets
Infrastructure and Operations Directorate

Subject: Bike Lockers for Personal Use

For: Decision

SUMMARY

The purpose of this report is to provide an initial assessment of the cost, both capital and operational, of installing bike lockers or bike cages at strategic locations on the network of public transport stops in the Adelaide Hills Council region. The report also considers other implications on Council resources.

Initial discussions have been held with the Department of Infrastructure and Transport (DIT) and Bike SA regarding bike facilities and public transport.

There are no current proposals by DIT to install bike lockers or cages in the Adelaide Hills Council area.

Undertaking a survey of cyclists in our Council area will allow greater certainty of the level of investment required and where to target that investment.

Including a proposal as part of the 2024/25 Annual Business Planning process allows for this investment to be considered along with all other initiatives to ensure that the highest priority initiatives are funded to best meet Council's strategic objectives within available funding.

It is proposed to put forward a Public Transport Amenity Program initiative that would build on past investments into Bus Shelters across our Council area.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. That Council considers a Public Transport Amenity Program, that includes the installation of bike lockers or bike cages as part of the 2024/25 Annual Business Planning process.
 3. That Council approve a survey of cyclist and public transport users be undertaken in conjunction with Bike SA to understand needs, demand, and final priority sites for consideration in this Public Transport Amenity Program.
-

1. BACKGROUND

At Council’s meeting of 26 April 2023, it resolved to investigate the installation of bike lockers or cages, the costs both capital and operational of the installations and any other implications on Council resources.

11.1 Bike Lockers for Personal Use

Moved Cr Melanie Selwood
S/- Cr Leith Mudge

76/23

Council resolves that:

1. the CEO prepare a report for Council’s consideration examining installation of bike lockers or cages for public use including:
 - a. 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;
 - i. Verdun Junction
 - ii. Woodside Main Street
 - iii. Balhannah Main Street
 - iv. Kayannie Corner (intersection of Woodside Road and Onkaparinga Valley Road)
 - v. Aldgate Bus Depot and/or Main Street
 - vi. Bridgewater Oval
 - vii. Steamroller Park, Stirling
 - viii. Uraidla Main Street
 - b. the initial installation cost and ongoing maintenance costs of bike lockers and cages
 - c. any other implications for Council resources
2. The report be presented to Council no later than September 2023.

Carried Unanimously

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 2 Community Wellbeing

Objective C1 A community for everyone - that is inclusive, welcoming and accessible

Priority C4.1 Advocate and Seek opportunities to improve transport options for those who need it most

Strategic Plan 2020-24 – A brighter future

Goal 1 A functional BUILT ENVIRONMENT

Objective B4 Sustainable management of our built assets ensures a safe, functional and well serviced community

Priority B4.1 Ensure the long term management of the built form and public spaces occurs in consideration of the relevant financial, social and environmental management matters.

The provision of built infrastructure through bike locker or bike cages supports community wellbeing through encouraging cycling and provide options for accessibility across our community.

➤ **Legal Implications**

Not applicable

➤ **Risk Management Implications**

There are many residents in the Adelaide Hills area that do not live in close proximity to public transport stops. Currently, if residents would like to ride to the bus stop currently no storage exists at all but one (Crafers has bike lockers) of our bus stop locations.

The installation of public transport facilities to support commuting cyclists will assist in mitigating the risk of:

Lack of secure storage of personal bike assets leading to less use of cycle transport options to access public transport.

Inherent Risk	Residual Risk	Target Risk
High (2A)	Low (1D)	Low (1D)

➤ **Financial and Resource Implications**

Adopting the recommendation does not have any immediate implications, however, should Council include the initiative in its current budget or future annual business plan then there will be additional costs than are currently funded.

Bike Lockers

The installation of bike lockers will cost in the order of \$5,000 to \$8,000 per site where lockers are installed. This would be for a two bay rectangular storage locker that is possibly the most cost-effective option. Therefore, it is anticipated that an initial capital investment of \$ 50,000 - \$ 80,000 may be required.

The booking and recording of the use of the bike lockers would be a manual process and likely to be undertaken within existing resources.

It is possible that, as with any public infrastructure, it may be subject to graffiti and vandalism and potential lock and key replacements. It may be reasonable to allow \$300 – \$400 per site per annum to undertake repairs from these issues.

Some operational costs may be offset if Council determines that a hire fee is appropriate.

Bike Cages

Bike Cages may be considered where the demand for the facility is high and warrants the additional capacity for this level of investment. For example, the model that DIT are proposing involves the use of a metro card for access and would need to include CCTV and high level of lighting.

Council may need to consider a similar approach and hence the set up and management of these facilities would be high. Locations would be limited to locations that had power in proximity or associated alternate power supply options such as solar and batteries.

No specific costs have been undertaken for these facilities, but they will be significantly greater than bike lockers.

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

The introduction of additional public transport facilities may motivate current public transport users to contemplate cycling to their existing transit stops instead of using a car. Furthermore, it will help ensure that individuals without access to a car have adequate facilities to secure their bicycles when using public transportation.

➤ **Sustainability Implications**

Having facilities that support the use of alternate transport options, such as bikes, provides people with options to reduce their reliance on cars.

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

Discussion was held with Bike SA to seek an existing user experience feedback regarding the use of bike lockers and similar infrastructure.

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>	Bike SA, Department of Infrastructure and Transport
<i>Community:</i>	Not Applicable

➤ **Additional Analysis**

Bike Locker Example – inside of dual storage bike locker



Department of Infrastructure and Transport (DIT)

Discussions to date have indicated that DIT are moving away from the provision of individual bike lockers and will in the future be installing bike cages. These bike cages are initially proposed to be located at very high use/demand sites.

The reasons provided for this change in strategic approach is somewhat driven by the inefficient, high administration burden and maintenance costs associated with the provision of bike lockers.

The Department currently does not have any proposals to install bike lockers or bike cages within the Adelaide hills Council network.

Bike Cages installed by DIT will be operated by the use of the Metro Card system. The sites will have CCTV and high levels of lighting. Indications from the Department that these facilities will cost in the tens of thousands of dollars.

Bike SA

- Feedback is that most members tend to want secure locking facilities when using long term parking for public transport.
- Based on previous feedback the lack of general cycling infrastructure and the difficult topography to commute to the bus stop are current impediments.
- The increase in E-Bike use may make the commuting and topography issues less of a challenge as more users have these types of bikes.
- E-Bikes are only likely be left and stored if high security is available.
- Many cyclists would like to be able to take their bike on public transport so that at each end of the route they can utilise their bike for their full commute.

Implications for Council Resources

The current process for booking/hiring council facilities (e.g., Stirling Oval, Bushland Park) is manual and involves PDF forms, email submissions, and in-person key pickups.

Challenges of transposing this process to bike lockers include the need for key-related security deposits (bonds), time-consuming procedures for both customers and staff. These issues are like some of the reasons that DIT are moving away from bike lockers.

Increasingly, customers expect an online and self-service process, as seen in other sectors, which would improve efficiency and user satisfaction. An online booking system with payments may be possible in our new CRM system. The Council is currently completing the draft requirements document to commence the procurement process. It should be noted however that this type of booking functionality may not be included in the first phase of implementation process (and subsequently it will be more than 12 months before this on-line self-serve option may be available). The customer would still need to collect a physical key from Council to access the bike locker.

Certainly, fully online systems are in place. The NSW Transport department has a system of self-service where customers can find a vacant locker, pay the fee on-line and get a secure code that allows access to the locker. Given the scale of our bike locker facilities under consideration, this would add excessive costs to the operational use of each of the lockers and unlikely to be viable.

Current public transport use and bike locker facilities

In the period of February to April 2023 the average daily boarding in the Council area is 2389 boardings. The highest boarding occurred at the Crafers on ramp towards Adelaide with 261 average weekday boardings. The Heathfield high school area has over 10 % of the average daily boardings with 279 on each day.

Council has 276 bus stop location in the Council area.

The information on the boarding information has been provided by the Public Transport area of DIT.

Appendix 1 – Public Transport Patronage shows a list of all bus stops in the Council area and the boarding information for these locations between February to April 2023.

Council has also assessed the number of properties that are within a 400 m radius of a public transport bus stop and found that just under half of all properties are within this distance of a bus stop. The actual number is 8,984 properties in the Council area.

This is just a simple analysis and does not consider routes and topography but provides an indication of the likelihood of people being able to walk to a bus stop. It is acknowledged that 400 m may not be possible for all people to walk this distance. There may be residents within this 400 m radius that would potentially benefit from being able to ride a bike to the bus stop and store the bike.

The assessment has not considered the frequency or if the service meets the community needs as this is beyond the scope of this report. But these issues would be a consideration for residents choosing public transport as an option.

Appendix 2 - Public Transport Catchment Area – Example show an area of the Council with a 400m buffered area from the public transport stops.

Public Transport Investment by Council

Council has over the past 4 years invested \$86,000 in new bus shelters across the network. The Council has allocated \$20,000 in the current 2023/24 budget for further bus shelters.

The proposal of a Public Transport Amenity Program to install bike lockers/ cages would build on the amenity investment that has been undertaken previously by Council to support public transport users.

3. OPTIONS

Council has the following options:

- I. To identify a new initiative for the 2024/25 Annual Business Planning process to provide time for the administration to gain additional insight into the demand of the cycling public that may utilise the facilities, identify other cycling infrastructure that may be required to ensure the utilisation of the bike lockers and identify fee options and how to best manage the 'hire' and use of the facilities. (Recommended)
- II. To install bike lockers at the current identified locations this financial year. This would require a new budget investment of up to \$80,000. It will add another project to the current capital program, and it may create challenges in getting delivery completed this financial year given the existing capital program of works. (Not Recommended)
- III. Not to install bike locker or cages (Not Recommended)

4. APPENDICES

- (1) Public Transport Patronage
- (2) Public Transport Catchment Area – Example

Appendix 1

Public Transport Patronage

OFFICIAL

stop_name	stop_desc	stop_lat	stop_lon	Avg Weekday	Avg Saturday	Avg Sunday
Stop 24 Crafers Ramp - South side	7 Atkinson Rd, Crafers West	-34.99859	138.7016	261	89	62
Stop 36 Mt Barker Rd - West side	18 Mt Barker Rd, Stirling	-35.00401	138.716	108	48	35
Stop 49 Mt Barker Rd - West side	LOT 92 Mt Barker Rd, Verdun	-35.01523	138.7849	93	14	6
Zone E Heathfield High School	99 Longwood Rd, Heathfield	-35.02255	138.7131	87	0	0
Stop 42 Mt Barker Rd - South side	216 Mt Barker Rd, Aldgate	-35.01473	138.7354	84	33	21
Stop 44 Mt Barker Rd - South side	294 Mt Barker Rd, Aldgate	-35.01219	138.7437	82	18	10
Zone A Heathfield High School	99 Longwood Rd, Heathfield	-35.02193	138.7121	65	0	0
Zone D Heathfield High School	99 Longwood Rd, Heathfield	-35.02242	138.7129	63	0	0
Stop 46 Mt Barker Rd - South side	400-402 Mt Barker Rd, Bridgewater	-35.00988	138.7598	53	36	19
Stop 24A / Zone A Crafers Park N Ride	2 Main St, Crafers	-34.9973	138.7025	51	18	14
Stop 65 Nairne Rd - North side	12 Nairne Rd, Woodside	-34.95319	138.8759	51	0	0
Stop 36 Mt Barker Rd - East side	37 Mt Barker Rd, Stirling	-35.0046	138.7165	47	18	15
Zone B Heathfield High School	99 Longwood Rd, Heathfield	-35.02202	138.7123	40	0	0
Stop 24A / Zone B Crafers Park N Ride	2 Main St, Crafers	-34.99723	138.7023	35	16	7
Stop 37 Mt Barker Rd - South side	52 Mt Barker Rd, Stirling	-35.00666	138.7183	34	18	10
Stop 24 Glen Stuart Rd - East side	84 Glen Stuart Rd, Rostrevor	-34.90172	138.6843	33	12	10
Stop 36 / Zone B Mt Barker Rd - West side	4 Mt Barker Rd, Stirling	-35.00384	138.716	32	3	2
Stop 43 Mt Barker Rd - South East side	268 Mt Barker Rd, Aldgate	-35.01324	138.7404	31	8	4
Stop 37A Longwood Rd - West side	93-99 Longwood Rd, Heathfield	-35.0217	138.7116	30	0	0
Stop 47 Mt Barker Rd - South side	464 Mt Barker Rd, Bridgewater	-35.01012	138.7676	29	13	7
Stop 58 Onkaparinga Valley Rd - South side	156 Onkaparinga Valley Rd, Oakbank	-34.98787	138.8357	28	0	0
Stop 42 Mt Barker Rd - North side	218 Mt Barker Rd, Aldgate	-35.0147	138.7355	26	8	5
Stop 39 Mt Barker Rd - South side	129 Mt Barker Rd, Stirling	-35.0087	138.7248	25	9	4
Zone C Heathfield High School	99 Longwood Rd, Heathfield	-35.02212	138.7124	24	0	0
Stop 73 Main St - East side	30-34 Main St, Lobethal	-34.90519	138.8745	24	0	0
Stop 56 Onkaparinga Valley Rd - North side	91 Onkaparinga Valley Rd, Balhannah	-34.99011	138.8275	22	0	0
Stop 46 Mt Barker Rd - North side	399 Mt Barker Rd, Bridgewater	-35.00975	138.7605	21	7	6
Stop 23 Greenhill Rd - South West side	7-9 Greenhill Rd, Uraidla	-34.9564	138.7448	21	0	0
Stop 48 Mt Barker Rd - South side	510 Mt Barker Rd, Bridgewater	-35.01306	138.7713	20	10	7
Stop 25A Morialta Rd - South side	97 Morialta Rd, Rostrevor	-34.9003	138.6883	20	7	7
Stop 37A Longwood Rd - East side	93-99 Longwood Rd, Heathfield	-35.02167	138.7118	19	0	0
Stop 44 Mt Barker Rd - North side	312 Mt Barker Rd, Aldgate	-35.01192	138.7443	18	3	2
Stop 27 Stradbroke Rd - East side	LOT 26 Stradbroke Rd, Rostrevor	-34.89606	138.6909	18	14	14
Stop 76 Ridge Rd - East side	15 Ridge Rd, Lobethal	-34.89865	138.8796	17	0	0
Stop 56 Onkaparinga Valley Rd - South side	84-90 Onkaparinga Valley Rd, Balhannah	-34.99023	138.8275	17	0	0

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Stop School Hills Christian Community School	14 Onkaparinga Valley Rd, Verdun	-35.01061	138.7866	17	0	0
Stop 25 Main St - North side	3 Main St, Crafers	-34.9973	138.7039	17	6	4
Stop 40 Mt Barker Rd - South side	156 Mt Barker Rd, Aldgate	-35.00838	138.7271	16	7	3
Stop 33 Old Mt Barker Rd - North East side	45-57 Old Mt Barker Rd, Stirling	-34.998	138.7249	16	0	0
Stop 28 Stradbroke Rd - South side	175 Stradbroke Rd, Rostrevor	-34.89403	138.6916	16	6	6
Stop 25 Morialta Rd - South side	77 Morialta Rd, Rostrevor	-34.90044	138.6854	15	12	8
Stop 49 Mt Barker Rd - East side	796 Mt Barker Rd, Verdun	-35.01587	138.7856	13	2	2
Stop 38 Mt Barker Rd - South side	66 Mt Barker Rd, Stirling	-35.00746	138.7201	13	3	3
Stop 63 Riverview Rd - West side	132 Riverview Rd, Woodside	-34.96571	138.8824	13	0	0
Stop 55 Onkaparinga Valley Rd - East side	52 Onkaparinga Valley Rd, Balhannah	-34.99324	138.8228	12	0	0
Stop 45 Mt Barker Rd - South side	324 Mt Barker Rd, Aldgate	-35.01122	138.7472	12	6	4
Stop 27 Cleland Wildlife Park	LOT 741 Mt Barker Rd, Cleland	-34.9667	138.6969	12	12	12
Stop 52 Onkaparinga Valley Rd - North side	892 Onkaparinga Valley Rd, Verdun	-35.00501	138.8065	11	0	0
Stop 64 Woodside Nairne Rd - West side	34 Nairne Rd, Woodside	-34.95612	138.8785	11	0	0
Stop 26 Morialta Rd - South side	122 Morialta Rd, Woodforde	-34.90018	138.691	11	9	13
Stop 41 Mt Barker Rd - South side	1 Kemp Rd, Aldgate	-35.01342	138.7324	10	4	3
Stop 40 Cricklewood Rd - West side	17-21 Cricklewood Rd, Aldgate	-35.02038	138.726	9	0	0
Stop 58 Onkaparinga Valley Rd - North side	156 Onkaparinga Valley Rd, Oakbank	-34.98785	138.8355	9	0	0
Stop 37 Mt Barker Rd - North side	83 Mt Barker Rd, Stirling	-35.00688	138.7189	9	7	8
Stop 20 Greenhill Rd - South West side	1049 Greenhill Rd, Summertown	-34.95829	138.7271	9	0	0
Stop 66 Onkaparinga Valley Rd - East side	99-101 Onkaparinga Valley Rd, Woodside	-34.94909	138.877	9	0	0
Stop 64 Woodside Nairne Rd - East side	45 Nairne Rd, Woodside	-34.95636	138.8785	8	0	0
Stop 75 Main St - East side	106-110 Main St, Lobethal	-34.89902	138.8774	8	0	0
Stop 72 Woodside Rd - North side	5-7 Woodside Rd, Lobethal	-34.90845	138.8748	8	0	0
Stop 48 Mt Barker Rd - North side	531 Mt Barker Rd, Bridgewater	-35.01291	138.7713	7	4	2
Stop 61 Onkaparinga Valley Rd - North side	829 Onkaparinga Valley Rd, Oakbank	-34.97725	138.8562	7	0	0
Stop 60 Onkaparinga Valley Rd - South side	218 Onkaparinga Valley Rd, Oakbank	-34.9838	138.8439	7	0	0
Stop 57 Onkaparinga Valley Rd - South side	1 Ilinga Ave, Balhannah	-34.9892	138.8315	7	0	0
Stop 70 Onkaparinga Valley Rd - East side	LOT 25 Onkaparinga Valley Rd, Woodside	-34.92942	138.8899	7	0	0
Stop School Onkaparinga Valley Rd / Sandow Rd	17 Onkaparinga Valley Rd, Verdun	-35.00918	138.7866	6	0	0
Stop 30F Piccadilly Rd - East side	4 Atkinson Ave, Piccadilly	-34.98232	138.7264	6	0	0
Stop 23A Greenhill Rd - South West side	100-103 Greenhill Rd, Uraidla	-34.95897	138.746	6	0	0
Stop 19A Greenhill Rd - South West side	1016 Greenhill Rd, Summertown	-34.95649	138.7189	6	0	0
Stop 17A Greenhill Rd - South side	771 Greenhill Rd, Greenhill	-34.95054	138.6922	6	0	0
Stop 36A Avenue Rd - North side	2 Avenue Rd, Stirling	-35.0037	138.7157	6	0	0
Stop 23 Greenhill Rd - North East side	LOT 23 Greenhill Rd, Uraidla	-34.95641	138.7451	5	0	0

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Stop 65 Nairne Rd - South side	7 Nairne Rd, Woodside	-34.95329	138.8759	5	0	0
Stop School Onkaparinga Valley Rd	23 Onkaparinga Valley Rd, Charleston	-34.91637	138.8999	5	0	0
Stop 39 Mt Barker Rd - North side	129 Mt Barker Rd, Stirling	-35.00849	138.7239	5	2	3
Stop 45A Carey Gully Rd - West side	Rosewarne Cres, Bridgewater	-35.00537	138.7599	5	0	0
Stop 30D Piccadilly Rd - East side	156 Piccadilly Rd, Crafers	-34.98826	138.7257	5	0	0
Stop 34 Pomona Rd - South side	64 Pomona Rd, Stirling	-35.00006	138.7257	5	1	0
Stop 21 Greenhill Rd - South side	1098 Greenhill Rd, Summertown	-34.95968	138.7334	5	0	0
Stop 18 Greenhill Rd - South West side	167 Yarrabee Rd, Greenhill	-34.95513	138.7016	5	0	0
Stop 17B Greenhill Rd - South side	144-162 Greenhill Rd, Greenhill	-34.95357	138.6971	5	0	0
Stop 74 Main St - East side	105 Main St, Lobethal	-34.90153	138.8757	5	0	0
Stop 25 Greenhill Rd - North side	1981 Greenhill Rd, Carey Gully	-34.96467	138.7622	4	0	0
Stop 25A Greenhill Rd - North side	1284 Greenhill Rd, Carey Gully	-34.96367	138.7659	4	0	0
Stop 47 Mt Barker Rd - North side	468 Mt Barker Rd, Bridgewater	-35.01021	138.7684	4	9	2
Stop 45 Mt Barker Rd - North side	328-330 Mt Barker Rd, Aldgate	-35.01051	138.7482	4	2	2
Stop 43 Mt Barker Rd - North West side	276 Mt Barker Rd, Aldgate	-35.01284	138.7411	4	2	2
Stop 50 Onkaparinga Valley Rd - North side	22-24 Onkaparinga Valley Rd, Verdun	-35.00834	138.7878	4	0	0
Stop 50 Onkaparinga Valley Rd - South side	22-24 Onkaparinga Valley Rd, Verdun	-35.00832	138.7887	4	0	0
Stop 48A Mt Barker Rd - South side	LOT 111 Mt Barker Rd, Verdun	-35.01548	138.7826	4	2	2
Stop 40 Mt Barker Rd - North side	156 Mt Barker Rd, Aldgate	-35.00826	138.7281	4	2	3
Stop 25 Greenhill Rd - South side	1981 Greenhill Rd, Carey Gully	-34.96484	138.7623	4	0	0
Stop 30A Piccadilly Rd - South East side	66 Piccadilly Rd, Crafers	-34.99433	138.717	4	0	0
Stop 26B Rangeview Dr - North West side	117 Rangeview Dr, Carey Gully	-34.97402	138.7565	4	0	0
Stop 26 Summit Rd - Mt Lofty Summit	LOT 24 Sprigg Rd, Cleland	-34.97463	138.7099	4	4	7
Stop 75A Mt Torrens Rd - South side	22 Mt Torrens Rd, Lobethal	-34.89618	138.8824	4	0	0
Stop 68 Onkaparinga Valley Rd - East side	132 Onkaparinga Valley Rd, Woodside	-34.94352	138.8795	4	0	0
Stop 67 Onkaparinga Valley Rd - East side	129 Onkaparinga Valley Rd, Woodside	-34.94674	138.878	4	0	0
Stop 38A Longwood Rd - South side	172-174 Longwood Rd, Heathfield	-35.02468	138.719	4	0	0
Stop 34G Braeside Rd - North East side	57 Braeside Rd, Stirling	-35.00283	138.7339	4	0	0
Stop 34F Paratoo Rd - North West side	34 Paratoo Rd, Stirling	-35.00266	138.7361	4	0	0
Stop 32 Upper Sturt Rd - North side	145-149 Upper Sturt Rd, Upper Sturt	-35.02095	138.6813	4	0	0
Stop 33A Upper Sturt Rd - North side	2 Whitewood Dr, Upper Sturt	-35.01629	138.6923	4	0	0
Stop 21 Greenhill Rd - North side	1093 Greenhill Rd, Summertown	-34.9596	138.7332	3	0	0
Stop 50 Mt Barker Rd - North side	827 Mt Barker Rd, Verdun	-35.01798	138.7873	3	4	3
Stop 54 Onkaparinga Valley Rd - West side	21-23 Onkaparinga Valley Rd, Balhannah	-34.9958	138.8204	3	0	0
Stop 65A Onkaparinga Valley Dr - East side	12-26 Onkaparinga Valley Rd, Woodside	-34.95433	138.8746	3	0	0
Stop 53 Onkaparinga Valley Rd - South side	356 Onkaparinga Valley Rd, Balhannah	-34.99968	138.8134	3	0	0

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Stop 38 Mt Barker Rd - North side	101 Mt Barker Rd, Stirling	-35.00742	138.7206	3	2	3
Stop 50 Mt Barker Rd - South side	821 Mt Barker Rd, Verdun	-35.01775	138.787	3	3	3
Stop 30E Piccadilly Rd - West side	164 Piccadilly Rd, Crafers	-34.98486	138.7263	3	0	0
Stop 30C Piccadilly Rd - South East side	102 Piccadilly Rd, Crafers	-34.99209	138.7212	3	0	0
Stop 30B Piccadilly Rd - South East side	90 Piccadilly Rd, Crafers	-34.99305	138.7196	3	0	0
Stop 31 Old Mt Barker Rd - North East side	17 Old Mt Barker Rd, Crafers	-34.99638	138.7176	3	0	0
Stop 32 Old Mt Barker Rd - North side	33-41 Old Mt Barker Rd, Crafers	-34.99725	138.7223	3	1	0
Stop 31 Old Mt Barker Rd - South West side	20 Old Mt Barker Rd, Crafers	-34.99623	138.7172	3	1	2
Stop 17 Greenhill Rd - South East side	2 Quintin Ave, Greenhill	-34.95114	138.6881	3	0	0
Stop 75C Frick St - West side	28 Frick St, Lobethal	-34.89871	138.8844	3	0	0
Stop 75B Frick St - West side	2 Frick St, Lobethal	-34.89653	138.8844	3	0	0
Stop 39 Longwood Rd - South West side	204 Longwood Rd, Heathfield	-35.02689	138.7238	3	0	0
Stop 30 Piccadilly Rd - South West side	72-74 Piccadilly Rd, Crafers	-34.99429	138.7162	3	1	1
Stop 34B Old Mt Barker Rd - South side	63-89 Old Mt Barker Rd, Stirling	-34.99902	138.7313	3	0	0
Stop 31B Upper Sturt Rd - North West side	171 Upper Sturt Rd, Upper Sturt	-35.02351	138.6766	3	0	0
Stop 32A Upper Sturt Rd - North West side	124-128 Upper Sturt Rd, Upper Sturt	-35.01965	138.6846	3	0	0
Stop 18 Greenhill Rd - North East side	167 Yarrabee Rd, Greenhill	-34.95502	138.7017	2	0	0
Stop 19 Greenhill Rd - North West side	LOT 92 Greenhill Rd, Summertown	-34.95747	138.7159	2	0	0
Stop 19A Greenhill Rd - North East side	1016 Greenhill Rd, Summertown	-34.9564	138.7189	2	0	0
Stop 19B Greenhill Rd - North side	1034 Greenhill Rd, Summertown	-34.95848	138.7224	2	0	0
Stop 21A Greenhill Rd - North side	32 Greenhill Rd, Uraidla	-34.95855	138.7371	2	0	0
Stop 23A Greenhill Rd - North East side	1217 Greenhill Rd, Uraidla	-34.95856	138.7459	2	0	0
Stop 24 Greenhill Rd - North East side	1245-1247 Greenhill Rd, Uraidla	-34.96302	138.7502	2	0	0
Stop 48A Mt Barker Rd - North side	LOT 111 Mt Barker Rd, Verdun	-35.01532	138.7824	2	1	1
Stop 36B Avenue Rd - South East side	41 Avenue Rd, Stirling	-35.00698	138.7106	2	0	0
Stop 37 Longwood Rd - East side	67-77 Longwood Rd, Heathfield	-35.01736	138.7113	2	0	0
Stop 38 Longwood Rd - North side	143 Longwood Rd, Heathfield	-35.02427	138.7152	2	0	0
Stop 39 Longwood Rd - North East side	173 Longwood Rd, Heathfield	-35.02712	138.7241	2	0	0
Stop 39A Cricklewood Rd - West side	74 Cricklewood Rd, Heathfield	-35.02574	138.7268	2	0	0
Stop 53 Onkaparinga Valley Rd - North side	354 Onkaparinga Valley Rd, Balhannah	-34.99975	138.813	2	0	0
Stop 55 Onkaparinga Valley Rd - West side	1 Glebe Rd, Balhannah	-34.99336	138.8225	2	0	0
Stop 57 Onkaparinga Valley Rd - North side	116 Main St, Balhannah	-34.98919	138.831	2	0	0
Stop 59 Onkaparinga Valley Rd - North side	181 Onkaparinga Valley Rd, Oakbank	-34.98539	138.8404	2	0	0
Stop 60 Onkaparinga Valley Rd - North side	221 Onkaparinga Valley Rd, Oakbank	-34.98358	138.8441	2	0	0
Stop 66 Onkaparinga Valley Rd - West side	99-101 Onkaparinga Valley Rd, Woodside	-34.94901	138.8769	2	0	0
Stop 68 Onkaparinga Valley Rd - West side	137 Onkaparinga Valley Rd, Woodside	-34.94414	138.8791	2	0	0

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Stop 69 Onkaparinga Valley Rd - West side	LOT 1002 Pfitzners Rd, Woodside	-34.93734	138.8822	2	0	0
Stop 72 Woodside Rd - South side	8 Woodside Rd, Lobethal	-34.9085	138.8745	2	0	0
Stop 73 Main St - West side	45 Main St, Lobethal	-34.90496	138.8744	2	0	0
Stop 61 Onkaparinga Valley Rd - South side	829 Onkaparinga Valley Rd, Oakbank	-34.97739	138.8562	2	0	0
Stop 59 Onkaparinga Valley Rd - South side	202 Onkaparinga Valley Rd, Oakbank	-34.98537	138.8408	2	0	0
Stop 54 Onkaparinga Valley Rd - East side	17-19 Onkaparinga Valley Rd, Balhannah	-34.99606	138.8203	2	0	0
Stop 51 Onkaparinga Valley Rd - South side	40-44 Onkaparinga Valley Rd, Verdun	-35.00787	138.7923	2	0	0
Stop 40 Cricklewood Rd - East side	21 Cricklewood Rd, Aldgate	-35.02016	138.7259	2	0	0
Stop 65A Onkaparinga Valley Rd - West side	19 Onkaparinga Valley Rd, Woodside	-34.95416	138.8744	2	0	0
Stop 41 Mt Barker Rd - North side	196 Mt Barker Rd, Aldgate	-35.01316	138.7323	2	1	2
Stop 26B Rangeview Dr - South East side	117 Rangeview Dr, Carey Gully	-34.97411	138.7566	2	0	0
Stop 28 Rangeview Dr - South East side	354 Rangeview Dr, Mt George	-34.98523	138.7434	2	0	0
Stop 28A Spring Gully Rd - South West side	53 Old Carey Gully Rd, Stirling	-34.98943	138.7393	2	0	0
Stop 30E Piccadilly Rd - East side	164 Piccadilly Rd, Crafers	-34.98511	138.7265	2	0	0
Stop 34 Pomona Rd - North side	62-64 Pomona Rd, Stirling	-35	138.7257	2	0	2
Stop 33 Old Mt Barker Rd - South West side	45-57 Old Mt Barker Rd, Stirling	-34.9983	138.7249	2	0	1
Stop 32 Old Mt Barker Rd - South side	41 Old Mt Barker Rd, Crafers	-34.99743	138.7229	2	2	0
Stop 30B Piccadilly Rd - North West side	101 Piccadilly Rd, Crafers	-34.99287	138.7196	2	0	0
Stop 30C Piccadilly Rd - North West side	109 Piccadilly Rd, Crafers	-34.99201	138.7212	2	0	0
Stop 30D Piccadilly Rd - West side	139 Piccadilly Rd, Crafers	-34.98781	138.7257	2	0	0
Stop 29 Spring Gully Rd - North side	16 Spring Gully Rd, Crafers	-34.98548	138.7303	2	0	0
Stop 24 Greenhill Rd - South West side	1250 Greenhill Rd, Uraidla	-34.96319	138.7502	2	0	0
Stop 21B Greenhill Rd - South side	20-32 Greenhill Rd, Uraidla	-34.95858	138.739	2	0	0
Stop 21A Greenhill Rd - South side	32 Greenhill Rd, Uraidla	-34.95865	138.7373	2	0	0
Stop 20A Greenhill Rd - South side	1084 Greenhill Rd, Summertown	-34.95972	138.7314	2	0	0
Stop 19B Greenhill Rd - South side	1034 Greenhill Rd, Summertown	-34.95859	138.7224	2	0	0
Stop 19 Greenhill Rd - South East side	LOT 92 Greenhill Rd, Summertown	-34.95744	138.7161	2	0	0
Stop 16 Greenhill Rd - South side	711 Greenhill Rd, Greenhill	-34.94834	138.6789	2	0	0
Stop 37 Longwood Rd - South West side	66-74 Longwood Rd, Heathfield	-35.01681	138.7108	2	0	0
Stop 36C Longwood Rd - South West side	20 Longwood Rd, Stirling	-35.01079	138.7098	2	0	0
Stop 36B Avenue Rd - North West side	44-50 Avenue Rd, Stirling	-35.00656	138.7109	2	0	0
Stop 25 Summit Rd - East side	79 Mt Lofty Summit Rd, Crafers	-34.98846	138.7083	2	4	5
Stop 75D Kumnick St - North side	17 Kumnick St, Lobethal	-34.89898	138.8823	2	0	0
Stop 71 Lobethal Woodside Rd - North side	45-53 Woodside Rd, Lobethal	-34.91542	138.8798	2	0	0
Stop 69 Onkaparinga Valley Rd - East side	184 Onkaparinga Valley Rd, Woodside	-34.9376	138.8823	2	0	0
Stop 63 Riverview Rd - East side	132 Riverview Rd, Woodside	-34.96574	138.8827	2	0	0

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Stop 62 Riverview Rd - South side	LOT 30 River View Rd, Woodside	-34.96541	138.8703	2	0	0
Stop 51 Strathalbyn Rd - West side	LOT 1 Strathalbyn Rd, Mylor	-35.049	138.7584	2	0	0
Stop 50 Strathalbyn Rd - West side	242 Strathalbyn Rd, Mylor	-35.04279	138.7601	2	0	0
Stop 39A Cricklewood Rd - East side	73 Cricklewood Rd, Heathfield	-35.02605	138.7269	2	0	0
Stop 38 Longwood Rd - South side	139-143 Longwood Rd, Heathfield	-35.02431	138.7149	2	0	0
Stop 29 Piccadilly Rd - South side	50 Piccadilly Rd, Crafers	-34.99404	138.7139	2	0	0
Stop 28 Piccadilly Rd - South East side	2 The Crescent, Crafers	-34.99474	138.7111	2	0	0
Stop 26 Piccadilly Rd - South East side	8 Piccadilly Rd, Crafers	-34.99666	138.7076	2	1	1
Stop 25 Main St - South side	1-6 Main St, Stirling	-34.99746	138.7039	2	3	1
Stop 29 Piccadilly Rd - North side	55-65 Piccadilly Rd, Crafers	-34.99389	138.7138	2	0	0
Stop 30 Piccadilly Rd - North East side	73 Piccadilly Rd, Crafers	-34.99426	138.7165	2	0	2
Stop 34H Braeside Rd - North side	34 Braeside Rd, Stirling	-35.00129	138.7304	2	0	0
Stop 34E Paratoo Rd - North West side	33 Paratoo Rd, Aldgate	-35.00185	138.7373	2	0	0
Stop 34D Old Mt Barker Rd - South side	109-133 Old Mt Barker Rd, Stirling	-35.00041	138.7361	2	0	0
Stop 34C Old Mt Barker Rd - South side	110 Old Mt Barker Rd, Stirling	-34.9996	138.7341	2	0	0
Stop 34A Old Mt Barker Rd - South side	63-89 Old Mt Barker Rd, Stirling	-34.99928	138.7274	2	0	0
Stop 32B Upper Sturt Rd - North West side	97-123 Upper Sturt Rd, Upper Sturt	-35.01798	138.6867	2	0	0
Stop 33 Upper Sturt Rd - North side	85 Upper Sturt Rd, Upper Sturt	-35.01598	138.6895	2	0	0
Stop 33B Upper Sturt Rd - North side	34-62 Upper Sturt Rd, Upper Sturt	-35.01476	138.6962	2	0	0
Stop 34 Waverley Ridge Rd - North West side	51-59 Waverley Ridge Rd, Crafers West	-35.00541	138.6993	2	0	0
Stop 32B Upper Sturt Rd - South East side	111 Upper Sturt Rd, Upper Sturt	-35.01835	138.6865	2	0	0
Stop 32 Upper Sturt Rd - South side	145-149 Upper Sturt Rd, Upper Sturt	-35.02111	138.6816	2	0	0
Stop 17 Greenhill Rd - North West side	737 Greenhill Rd, Greenhill	-34.95102	138.688	1	0	0
Stop 17A Greenhill Rd - North side	771 Greenhill Rd, Greenhill	-34.95051	138.692	1	0	0
Stop 17B Greenhill Rd - North side	144-162 Greenhill Rd, Greenhill	-34.9535	138.697	1	0	0
Stop 20 Greenhill Rd - North East side	1049 Greenhill Rd, Summertown	-34.95817	138.7273	1	0	0
Stop 20A Greenhill Rd - North side	1069-1093 Greenhill Rd, Summertown	-34.95961	138.7319	1	0	0
Stop 21B Greenhill Rd - North side	20-32 Greenhill Rd, Uraidla	-34.95847	138.7389	1	0	0
Stop 22A Greenhill Rd - North West side	20-32 Greenhill Rd, Uraidla	-34.95555	138.7417	1	0	0
Stop 23B Greenhill Rd - North East side	100-103 Greenhill Rd, Uraidla	-34.96128	138.749	1	0	0
Stop 45A Carey Gully Rd - East side	1 Shannon Rd, Bridgewater	-35.00571	138.7601	1	0	0
Stop 36C Longwood Rd - North East side	25 Longwood Rd, Stirling	-35.0109	138.71	1	0	0
Stop 38A Longwood Rd - North side	147 Longwood Rd, Heathfield	-35.02462	138.7192	1	0	0
Stop 39B Cricklewood Rd - West side	54 Cricklewood Rd, Heathfield	-35.02308	138.728	1	0	0
Stop 40A Churinga Rd - North side	17 Churinga Rd, Aldgate	-35.01706	138.7271	1	0	0
Stop 40B Churinga Rd - North West side	33-35 Churinga Rd, Aldgate	-35.01581	138.7302	1	0	0

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Stop 51 Onkaparinga Valley Rd - North side	47 Onkaparinga Valley Rd, Verdun	-35.00771	138.7925	1	0	0
Stop 67 Onkaparinga Valley Rd - West side	121 Onkaparinga Valley Rd, Woodside	-34.94697	138.8778	1	0	0
Stop 70 Onkaparinga Valley Rd - West side	LOT 25 Onkaparinga Valley Rd, Woodside	-34.92923	138.8899	1	0	0
Stop 74 Main St - West side	86-88 Main St, Lobethal	-34.90087	138.876	1	0	0
Stop 75 Main St - West side	125 Main St, Lobethal	-34.89867	138.8775	1	0	0
Stop 60A Onkaparinga Valley Rd - South side	258 Onkaparinga Valley Rd, Oakbank	-34.98176	138.8482	1	0	0
Stop 52 Onkaparinga Valley Rd - South side	265 Onkaparinga Valley Rd, Verdun	-35.00563	138.8059	1	0	0
Stop 41 Euston Rd - South side	3 Euston Rd, Aldgate	-35.01448	138.7325	1	0	0
Stop 40B Churinga Rd - South East side	36 Churinga Rd, Aldgate	-35.01584	138.7303	1	0	0
Stop 26A Rangeview Dr - South East side	88 Rangeview Dr, Carey Gully	-34.9715	138.7584	1	0	0
Stop 27C Rangeview Dr - South side	LOT 1 Rangeview Dr, Mt George	-34.9845	138.7475	1	0	0
Stop 28B Spring Gully Rd - South side	42 Spring Gully Rd, Piccadilly	-34.98724	138.734	1	0	0
Stop 29 Spring Gully Rd - South side	16 Spring Gully Rd, Crafers	-34.98558	138.7301	1	0	0
Stop 35 Pomona Rd - North side	21 Pomona Rd, Stirling	-35.001	138.722	1	0	0
Stop 30A Piccadilly Rd - North West side	75-79 Piccadilly Rd, Crafers	-34.99395	138.7176	1	0	0
Stop 28A Spring Gully Rd - North East side	53 Old Carey Gully Rd, Stirling	-34.9895	138.7394	1	0	0
Stop 28 Rangeview Dr - South West side	354 Rangeview Dr, Mt George	-34.9856	138.7431	1	0	0
Stop 27 Rangeview Dr - North West side	LOT 2 Rangeview Dr, Carey Gully	-34.97585	138.7549	1	0	0
Stop 24B Greenhill Rd - South side	1263 Greenhill Rd, Carey Gully	-34.96415	138.759	1	0	0
Stop 23B Greenhill Rd - South West side	100-103 Greenhill Rd, Uraidla	-34.96143	138.7489	1	0	0
Stop 22 Greenhill Rd - South East side	20-32 Greenhill Rd, Uraidla	-34.95702	138.7408	1	0	0
Stop 45 Strathalbyn Rd - West side	155-157 Strathalbyn Rd, Aldgate	-35.02346	138.7547	1	0	0
Stop 50 Strathalbyn Rd - East side	238 Strathalbyn Rd, Mylor	-35.04242	138.7603	1	0	0
Stop 39B Cricklewood Rd - East side	47-51 Cricklewood Rd, Heathfield	-35.02271	138.7283	1	0	0
Stop 27 Piccadilly Rd - South East side	8 Fairview Rd, Crafers	-34.99576	138.7089	1	0	0
Stop 26 Piccadilly Rd - North West side	7-17 Piccadilly Rd, Crafers	-34.99632	138.7079	1	1	0
Stop 27 Piccadilly Rd - North West side	8 Hardy Rd, Crafers	-34.9956	138.7088	1	2	1
Stop 34 Gould Rd - East side	56 Gould Rd, Stirling	-35.00056	138.7263	1	0	0
Stop 34A Waverley Ridge Rd - North West side	20-46 Waverley Ridge Rd, Crafers West	-35.00309	138.7011	1	0	0
Stop 34A Waverley Ridge Rd - East side	46 Waverley Ridge Rd, Crafers West	-35.00349	138.7009	1	0	0
Stop 33B Upper Sturt Rd - South side	55 Upper Sturt Rd, Upper Sturt	-35.01519	138.6954	1	0	0
Stop 32A Upper Sturt Rd - South East side	131-139 Upper Sturt Rd, Upper Sturt	-35.01971	138.6849	1	0	0
Stop 31B Upper Sturt Rd - South East side	171 Upper Sturt Rd, Upper Sturt	-35.02364	138.6767	1	0	0
Stop 16 Greenhill Rd - North side	711 Greenhill Rd, Greenhill	-34.94832	138.679	0	0	0
Stop 22 Greenhill Rd - North West side	20-32 Greenhill Rd, Uraidla	-34.95696	138.7407	0	0	0
Stop 24B Greenhill Rd - North side	1263 Greenhill Rd, Carey Gully	-34.96406	138.7592	0	0	0

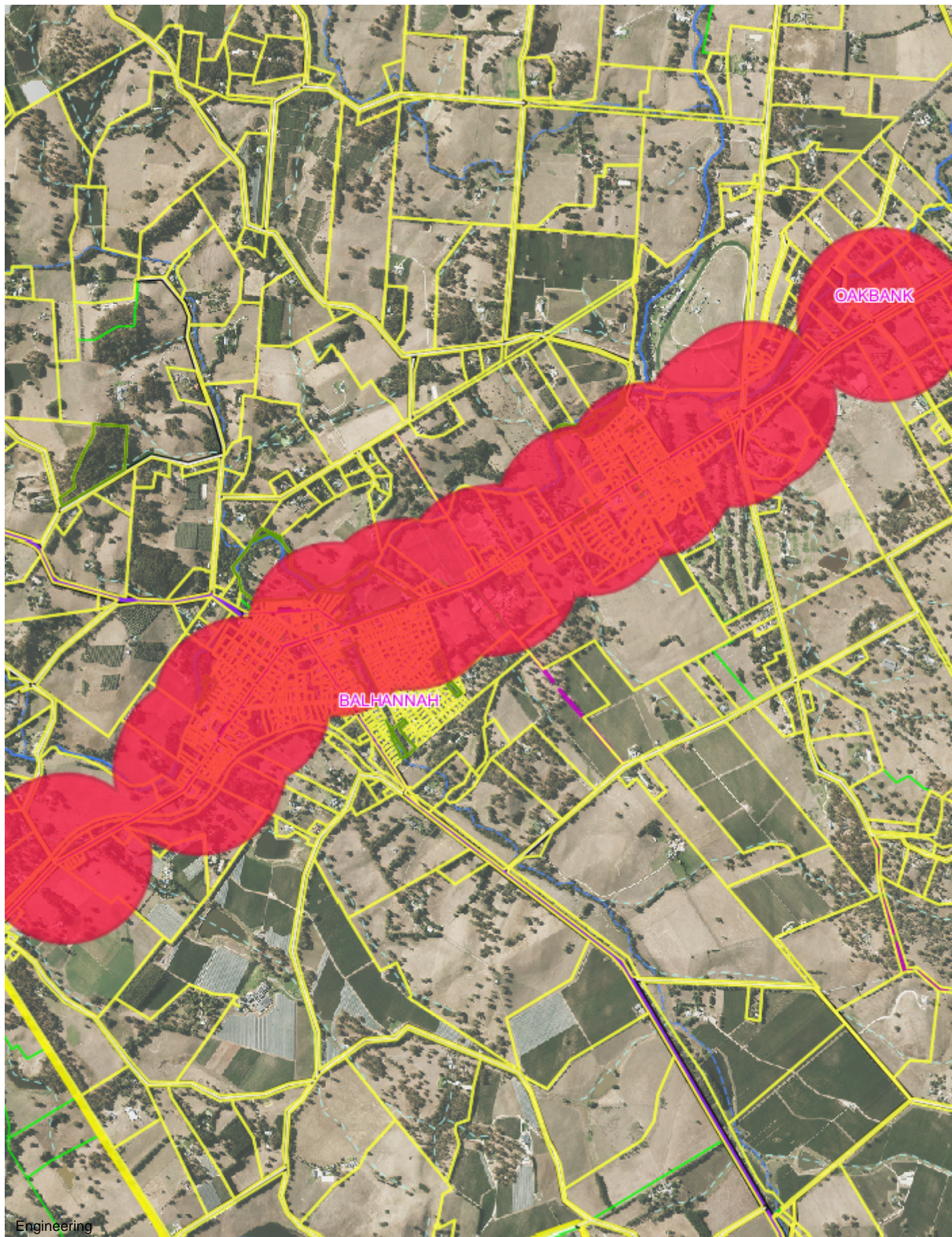
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Stop 41 Euston Rd - North side	3 Euston Rd, Aldgate	-35.01426	138.7331	0	0	0
Stop 60A Onkaparinga Valley Rd - North side	264 Onkaparinga Valley Rd, Oakbank	-34.98111	138.8492	0	0	0
Stop 62 Riverview Rd - North side	LOT 30 River View Rd, Woodside	-34.96529	138.8704	0	0	0
Stop 71 Lobethal Woodside Rd - South side	45-53 Woodside Rd, Lobethal	-34.91552	138.8796	0	0	0
Stop 40A Churinga Rd - South side	17 Churinga Rd, Aldgate	-35.01718	138.7273	0	0	0
Stop 26 Rangeview Dr - South East side	45 Rangeview Dr, Carey Gully	-34.96835	138.7604	0	0	0
Stop 27 Rangeview Dr - South East side	LOT 2 Rangeview Dr, Carey Gully	-34.97625	138.7546	0	0	0
Stop 27A Rangeview Dr - East side	184 Rangeview Dr, Carey Gully	-34.97893	138.7526	0	0	0
Stop 27B Rangeview Dr - South side	LOT 3 Rangeview Dr, Mt George	-34.98261	138.7504	0	0	0
Stop 35 Pomona Rd - South side	21 Pomona Rd, Stirling	-35.0011	138.7219	0	0	0
Stop 28B Spring Gully Rd - North side	36 Spring Gully Rd, Crafers	-34.98687	138.7335	0	0	0
Stop 27C Rangeview Dr - North side	LOT 1 Rangeview Dr, Mt George	-34.98441	138.7477	0	0	0
Stop 27B Rangeview Dr - North side	LOT 3 Rangeview Dr, Mt George	-34.98265	138.7489	0	0	0
Stop 27A Rangeview Dr - North West side	190 Rangeview Dr, Carey Gully	-34.97921	138.7524	0	0	0
Stop 26A Rangeview Dr - North West side	88 Rangeview Dr, Carey Gully	-34.9715	138.7582	0	0	0
Stop 26 Rangeview Dr - North West side	45 Rangeview Dr, Carey Gully	-34.96828	138.7602	0	0	0
Stop 25 Summit Rd - West side	79 Mt Lofty Summit Rd, Crafers	-34.98841	138.7083	0	3	0
Stop 47 Strathalbyn Rd - West side	299 Strathalbyn Rd, Mylor	-35.02991	138.7657	0	0	0
Stop 45 Strathalbyn Rd - East side	157 Strathalbyn Rd, Bridgewater	-35.02353	138.7549	0	0	0
Stop 47 Strathalbyn Rd - East side	LOT 1 Hooper Rd, Mylor	-35.02958	138.7661	0	0	0
Stop 51 Strathalbyn Rd - East side	LOT 1 Strathalbyn Rd, Mylor	-35.04873	138.7587	0	0	0
Stop 31A Upper Sturt Rd - North side	187-191 Upper Sturt Rd, Upper Sturt	-35.02597	138.6719	0	0	0
Stop 34 Waverley Ridge Rd - South East side	51-59 Waverley Ridge Rd, Crafers West	-35.00576	138.6991	0	0	0
Stop 33A Upper Sturt Rd - South side	2 Whitewood Dr, Upper Sturt	-35.01646	138.6922	0	0	0
Stop 33 Upper Sturt Rd - South side	85-95 Upper Sturt Rd, Upper Sturt	-35.01621	138.6893	0	0	0

2389

Appendix 2

Public Transport Catchment Area - Example



Engineering

500 m

Scale =
1:24,124,500

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 26 September 2023
AGENDA BUSINESS ITEM**

Item: 12.4

Responsible Officer: Melissa Grimes
Governance Assistance
Office of the Chief Executive

Subject: Nomination to the Dog & Cat Management Board

For: Decision

SUMMARY

The Local Government Association (LGA) is seeking nominations to fill one position on the Dog and Cat Management Board for a term of up to three years.

The Dog and Cat Management Board (DCMB) is the public face for the management of companion dogs and cats in South Australia and provides policy leadership to councils.

Cr Mark Osterstock has indicated an interest in nominating for the position.

The purpose of this report is for Council to consider any nominations for the Board and, if so, to consider endorsing that candidate(s) to the LGA.

RECOMMENDATION

DECISION 1

Council resolves:

- 1. That the report be received and noted.**
- 2. To determine that the method of selecting a nominee for the Dog and Cat Management Board to be by an indicative vote to determine the preferred person for the positions using the process set out in this Agenda report.**
- 3. 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 Dog and Cat Management Board nominee and for the meeting to resume once the results of the indicative voting for the Member roles has been declared.**

DECISION 2

To endorse the nomination of for the Dog & Cat Management Board and authorise the Chief Executive Officer to lodge the completed nomination form(s) to the Local Government Association by COB Friday 27 October 2023.

1. BACKGROUND

The Dog and Cat Management Board (DCMB) is the public face for the management of companion dogs and cats in South Australia and provides policy leadership to councils. The DCMB also plays a key role as an advocate and intermediary, working with vets, breeders and pedigree organisations, animal rescue and shelter organisations and assistance dog organisations to ensure South Australia's dog and cat laws meet the objects of the Dog and Cat Management Act 1995 (the DCM Act).

Under section 12 of the DCM Act, the DCMB comprises 9 members, of whom:

- four are nominated by the LGA;
- four are nominated by the Minister; and
- one, to chair the Board, is jointly nominated by the LGA and the Minister.

The DCM Act requires that between them, the four members that are nominated by the LGA have the following attributes:

- practical knowledge of and experience in local government, including local government processes, community consultation and the law as it applies to local government;
- experience in the administration of legislation;
- experience in financial management; and
- experience in education and training.

Appointments to the DCMB are for a period of up to three (3) years and Board Members receive a sitting fee for attendance at meetings.

The Minister for Environment and Water has written to the LGA requesting nominations for the Dog and Cat Management Board. In accordance with section 42 of the Legislation Interpretation Act 2021 the LGA must submit a panel of 3 nominees to the Minister and the panel must include at least one man and one woman.

The Board vacancies were advised in the LGA News with nominations for councils to be received by 5pm Tuesday 27 October 2023.

Cr Mark Osterstock has indicated an interest in nominating for the vacancy.

As per the LGA's standard nomination process, nominations must be resolved by the respective councils and these will be collated by the LGA for recommendation to the LGA Board which will resolve to nominate the preferred candidate(s).

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 O4.2 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

➤ Legal Implications

The Dog & Cat Management Board has been established pursuant to the *Dog and Cat Management Act 1995* (the DCM Act).

Section 74 – General conflicts of interest of the Act set out the provisions regarding General Conflicts of Interest. 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. For this matter, Council Members seeking to be appointed may have a General COI and should consider declaring the interest and acting in accordance with s75B – Dealing with general conflicts of interest.

Section 75 – Material conflicts of interest of the Act set out the provisions regarding Material Conflicts of Interest. 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. For this matter, Council Members seeking to be appointed may have a Material COI and should consider declaring the interest and acting in accordance with s75C – Dealing with material conflicts of interest.

➤ Risk Management Implications

As the Dog & Cat Management Board is entirely separate from Adelaide Hills Council, there is no direct risk in relation to the operations of the Council itself.

The nomination of appropriately qualified persons and the management of conflicts of interest are pertinent risk issues in relation to this matter and there are existing controls in place to assist 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)

Council has many internal controls that contribute to managing the above risk and therefore the subject of this report does not in itself have an additional mitigating impact on the residual risk.

➤ **Financial and Resource Implications**

Sitting fees are paid by the Dog & Cat Management Board at the rate of \$206/meeting.

The Council Member Allowance & Support Policy does not provide for the reimbursement of any costs for attendance at bodies such as the Dog & Cat Management Board and therefore there are no financial implications regarding nomination.

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

The community can reasonably expect that Council may have representation on external bodies relating to local government.

➤ **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>	Local Government Association.
<i>Community:</i>	Not Applicable

➤ **Additional Analysis**

Should more than one Council Member wishes to nominate for the position, Council will need to follow its normal practice of the indicative voting process for determining Council appointed positions as set out in Process contained in Clause 4.7 Council's *Code of Practice for Code of Practice for Council Meeting Procedures*..

3. OPTIONS

Council has the following options:

1. Endorse the nomination of a candidate to the Dog & Cat Management Board.
2. Determine not to nominate to the Dog & Cat Management Board.

4. APPENDICES

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 13 SEPTEMBER 2023
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 11 October 2023]

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup

Paul Mickan

Myles Somers

Leith Mudge

In Attendance

Natalie Armstrong

Deryn Atkinson

James Booker

Melanie Scott

Marie Molinaro

Mike O'Donnell

Sarah Kimber

Director Development & Regulatory Services

Assessment Manager

Team Leader Statutory Planning

Senior Statutory Planner

Acting Senior Statutory Planner

ICT Support Officer

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. 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".

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 13 SEPTEMBER 2023
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 11 October 2023]

3. Apologies/Leave of Absence

3.1 Apologies
Nil

3.2 Leave of Absence
Nil

4. Previous Minutes

4.1 Meeting held 9 August 2023

The minutes were adopted by consensus of all members (17)

That the minutes of the meeting held on 9 August 2023 be confirmed as an accurate record of the proceedings of that meeting.

5. Presiding Member's Report
Nil

6. Declaration of Interest by Members of Panel
Nil

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table
Nil

7.2 Matters Deferred
Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 13 SEPTEMBER 2023
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 11 October 2023]

8. Development Assessment Applications – Planning, Development and Infrastructure Act

- 8.1 Development Application 22018960 by Angela Lo-Faro for the creation of 11 camping sites (tourist accommodation – caravan and tourist park), installation of RV dump point and the extension of the outdoor liquor license area associated with existing hotel, post, wire and rail fencing, sign and stable restoration including re-roofing:**
Stage 1: Operation of 11 camping sites (tourist accommodation – caravan and tourist park) and liquor licence amendment
Stage 2: Installation of the RV dump point
Stage 3: Balance of the works to State Heritage place – signage, fencing and stable restoration works at 1 Townsend Street, Mount Torrens

8.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Andrea Borrett	1 Springhead Road Mount Torrens	Andrea Borrett Did Not Attend – provided written statement
Vanessa Peters	PO Box 7, Mount Torrens	Did Not Attend
Alice Pym	84 Pym Road, Rockleigh	Did Not Attend

The applicant addressed the Panel, and answered questions from the Panel.

8.1.2 Decision of Panel

The following was adopted by consensus of all members (18)

The Council Assessment Panel resolved that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**
- 2) Development Application Number 22018960 by Angela Lo-Faro for the creation of 11 camping sites (tourist accommodation – caravan and tourist park), installation of RV dump point and the extension of the outdoor liquor license**

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 13 SEPTEMBER 2023
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 11 October 2023]

area associated with existing hotel, post, wire and rail fencing, sign and stable restoration including re-roofing:

Stage 1: Operation of 11 camping sites (tourist accommodation – caravan and tourist park) and liquor licence amendment

Stage 2: Installation of the RV dump point

Stage 3: Balance of the works to State Heritage place – signage, fencing and stable restoration works at 1 Townsend Street, Mount Torrens is granted Planning Consent subject to the following conditions and reserved matters:

RESERVED MATTERS

- 1) Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matter(s) shall be reserved for further assessment prior to the granting of Development Approval for Stage 3 and the Assessment Manager is delegated to undertake this further assessment:
 1. Proposed stable restoration - detailed drawings of the works shall be provided to the satisfaction of the Assessment Manager in consultation with State Heritage.
 2. The height and schedule of colours and materials of the proposed fencing shall be provided to the satisfaction of the Assessment Manager in consultation with State Heritage.
 3. Confirmation of changes to the site levels, lighting infrastructure and signage shall be provided to the satisfaction of the Assessment Manager in consultation with State Heritage.

- 2) Pursuant to Section 127(1) of the *Planning, Development and Infrastructure Act 2016*, the power to impose further conditions of consent in respect of the reserved matters above is delegated to the Assessment Manager.

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CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2) The 11 camping sites shall be used and operated on a short term stay basis with a maximum stay of seven (7) nights per vehicle in any 30 day period.
- 3) A logbook shall be kept of all occupancies for each calendar year and made available for inspection by the Council, upon request.
- 4) Persons with the benefit of this consent shall ensure the camping sites are only used by fully self-contained vehicles and caravans with built-in grey/black water systems and bathrooms. No power or water connections shall be installed to the camping sites without separate approval from the Council.
- 5) Vehicle arrival and departure to the camp site shall only occur during 6am -9pm seven days a week.
- 6) Prior to the commencement of the camp site operation the proposed access shall be constructed in accordance with Council Engineering Standard Drawing Number 20 Piped Entrance and in accordance with DIT conditions 16 to 22 below, including compacted quarry rubble to the proposed access.
- 7) Prior to commencement of the camp site operation, the individual camping bays must be delineated and the delineation marking must be maintained to a visible standard, all to the reasonable satisfaction of Council.
- 8) No camp/comfort fires shall be permitted.
- 9) No generators shall be used before 7:00am or after 9:00pm.
- 10) Prior to use of the RV Dump Point it shall be connected to a grease trap and the Common Waste Water Management System (CWMS) of Mount Torrens to the reasonable satisfaction of Council.
- 11) All waste shall be removed from the subject land at least once weekly.

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- 12) Prior to commencement of the camp site operation a tree protection zone (TPZ) of 15 metres shall be installed and maintained around the significant oak tree (the Tree) on the land and a sign shall be installed with the following advice:
- a) No machine excavation is permitted within Tree Protection Zone (TPZ).
 - b) Only hand digging is permitted at all times.
 - c) If any major roots (roots with a diameter greater than 25mm) are found outside the TPZ during construction on the site (fence posts, RV dump point installation etc) advice of a qualified arborist shall be obtained before work continues.
 - d) No material, equipment or temporary buildings shall be placed within the TPZ.
 - e) No items shall be attached to the Tree including temporary service wires, nails, screws or any other fixing device.
 - f) No works including additional landscaping, permeable paving or rubble paths shall occur in the TPZ. The area within the TPZ shall be retained at natural ground level and no additional soil or fill shall be placed within the zone
 - g) Any services such as stormwater, sewer, electrical and building fire safety water infrastructure that are proposed in the TPZ must be excavated using non-destructive methods such as Hydro vac[®] or directional boring systems. This work is to be supervised by a qualified arborist.
- 13) At any one time, the overall licence capacity of the hotel shall be limited to a maximum of 145 persons, and the rear outdoor beer garden is limited to a maximum of 56 persons.
- 14) The operating hours of the rear outdoor beer garden shall be 8:00am to 9:00pm Monday to Sunday.
As an annual special event, the rear outdoor beer garden shall only operate from 8:00am to 1:00am (the following day) on New Year's Eve.
- 15) Music and entertainment shall be contained within the building during the operating hours of the hotel. Any proposed outdoor music or entertainment associated with the outdoor beer garden would require a separate development application.

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DIT Conditions

- 16) All access to/from the development shall be gained in accordance with the site plan with file name SitePlansAsAt22March2023-51080842 uploaded to the portal on 27 March 2023 except that the driveway crossover shall be located within the existing gap in the edge line and measure 12m wide where it meets Onkaparinga Valley Road and 9m wide at the property boundary to accommodate simultaneous two-way movements.
- 17) The driveway shall be located a minimum of 1 metre from DIT's Advance Direction sign located along the western side of the proposed driveway.
- 18) The access point shall consist of a suitably compacted material, in order to maximise traction for vehicles exiting the site and minimise debris being dragged onto the carriageway.
- 19) All vehicles shall enter and exit the site in a forward direction. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
- 20) Stormwater run-off shall be collected on-site and discharged without impacting the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.
- 21) Longitudinal drainage along Onkaparinga Valley Road shall be maintained (including any required trafficable headwalls) adjacent and across the access in order to minimise the impact on the integrity and safety of the adjacent road network. All costs associated with any upgrade/alterations shall be borne by the applicant.
- 22) Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
- 23) Any floodlighting associated with the site shall be positioned and/or shielded so as to not produce glare or create a distraction for passing road users on the abutting roads.

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ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- 6) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au

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State Heritage Notes

7) Please note the following requirements of the *Aboriginal Heritage Act 1988*:

- a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

8) Please note the following requirements of the *Heritage Places Act 1993*:

- a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
- b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.

8.2 Development Application 23008597 by Adam Johnson for carport addition to each tourist accommodation unit and variation to Development Authorisation 19/1064/473 to remove Condition 5 and connect tourist accommodation units to an on-site wastewater system with additional changes to the design and orientation of the tourist accommodation units at 11 Onkaparinga Valley Road, Balhannah

8.2.1 Representations
N/A

8.2.2 Decision of Panel

The following was adopted by consensus of all members (19)

The Council Assessment Panel resolved that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**

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- 2) Development Application Number 23008597 by Adam Johnson for carport addition to each tourist accommodation unit and variation to Development Authorisation 19/1064/473 to remove Condition 5 and connect tourist accommodation units to an on-site wastewater system with additional changes to the design and orientation of the tourist accommodation units at 11 Onkaparinga Valley Road, Balhannah is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2) Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 19/1064/473 continue to apply to this amended authorisation.
- 3) Prior to occupation of the two tourist accommodation units on the land, the existing on-site wastewater system servicing the dwelling on the land shall be de-commissioned.

Conditions imposed by Environment Protection Authority under Section 122 of the Act

- 4) Prior to occupation of the two tourist accommodation units on the land, the associated wastewater system and wastewater disposal area must be installed and made operational, as per the details contained within the revised Wastewater Engineers Report prepared by Land Energy Pty Ltd, dated 28 June 2023.

ADVISORY NOTES

Planning Consent

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision

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Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) Building Consent must be obtained prior to expiration of the Planning Consent, which is 13 April 2024.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

- 5) The applicant is advised that during the proposed earthworks, measures to manage soil erosion and the drainage of stormwater should be implemented to ensure that soil and sediment do not pass beyond the bounds of the subject site.
- 6) The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- 7) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au

9. Development Assessment Applications – Development Act
Nil

10. Development Assessment Applications – Review of Decisions of Assessment Manager
Nil

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11. **ERD Court Appeals**
Nil

12. **Policy Issues for Advice to Council**
Nil

13. **Other Business**
Nil

14. **Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil

15. **Confidential Item**
Nil

16. **Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 11 October 2023.

17. **Close meeting**
The meeting closed at 7:43pm.