

CITY OF WEST TORRENS



Notice of Council & Committee Meetings

NOTICE IS HEREBY GIVEN in accordance with Sections 83, 84, 87 and 88 of the Local Government Act 1999, that a meeting of the

COUNCIL

and

- **Urban Services Prescribed Standing Committee**
- **Governance Prescribed Standing Committee**

of the

CITY OF WEST TORRENS

will be held in the Council Chambers, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

**TUESDAY, 7 JUNE 2016
at 7.00 PM**

**Terry Buss
Chief Executive Officer**

City of West Torrens Disclaimer

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

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1. MEETING OPENED

1.1 Evacuation Procedure

2. PRESENT

3. APOLOGIES

Leave of Absence

Cr Mangos

Cr Palmer

4. DISCLOSURE STATEMENTS

Elected Members are required to:

1. Consider Section 73 of the *Local Government Act 1999* and determine whether they have a conflict of interest in any matter to be considered in this Agenda; and
2. Disclose these interests in accordance with the requirements of Sections 74 and 75 of the *Local Government Act 1999*.

5. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of Council held on 17 May 2016 be confirmed as a true and correct record.

6. MAYOR'S REPORT

(Preliminary report for the agenda to be distributed Friday 3 June 2016)

In the three weeks since the last Council Meeting of 17 May 2016, functions and meetings involving Mayor Trainer have included:

Thursday 19 May

6.30pm Attended the official opening by His Excellency Governor Hieu Van Le of the Photo Federation of SA's Exhibition in the Auditorium Gallery.

Friday 20 May

9.00am Attended, with CEO Terry Buss, the Adelaide Airport Consultative Committee meeting.

10.30am Attended with Katharine Annear the launch in the Library Sunroom of an exhibition by the Orange Tree Quilters and their presentation to Council of 60 patchwork quilts (each valued at between \$150 and \$400) and 60 personal care bags, for distribution to needy residents of West Torrens, including the Australian Refugee Association, local supported residential groups and local domestic violence services.

- 11.30am Attended, with CEO Terry Buss and General Manager Business and Community Pauline Koritsa, a meeting with Fraser Keegan, Acting State Manager of the OPAL Program and Terri Lamoree, OPAL Program Coordinator, to discuss the Program's highlights before it concludes at the end of June 2016.
- 2.00pm Presented a celebratory floral bouquet to Mrs Mona Hancock on the occasion of her 107th birthday, at the Buckland Nursing Home. It was with great sadness that I learned of Mona's passing on just 5 days later, on the same day that her family wrote to me expressing their appreciation for Council's recognition of this wonderful lady.
- 6.00pm As guests of Mayor Robert Bria, Norwood Payneham and St Peters, attended with Mrs Rosemary Trainer a pre-match dinner followed by Norwood v West at Coopers Stadium, Norwood.

Monday 23 May

- 6.00pm Attended the launch by Lord Mayor Martin Haese at the Town Hall of a book by Dr Jeff Nicholas entitled "Behind the Streets of Adelaide".

Tuesday 24 May

- 6.00pm Participated in the Community Facilities General Committee Meeting followed by an Aircraft Noise Workshop with staff at 7pm.

Friday 27 May

- 8.00pm Participated in the official relaunch of the IceArena at Thebarton, after encountering great difficulties in getting back to Adelaide as a consequence of a 7 hours delay of my flight from Sydney.

Sunday 29 May

- 12.30pm Attended a housewarming for City of West Torrens residents Rajinder Singh and Amarjeet Singh at their new home at Brooklyn Park.

Tuesday 31 May

- 10.30am Had great delight in attending the Cowandilla Primary School Centenary Celebration event held at the School. Former student attendees included Deputy Premier John Rau, Treasurer Tom Koutsantonis, and former MHR Steve Georganas. Steve's former teacher Rod Sawford was an apology. Although I was a secondary teacher, my first experience before a class as a trainee teacher in 1961 was at Cowandilla Primary, supervised by the famous principal Ned Golding.
- 12.30pm With CEO Terry Buss, met with Liberal candidate for the Federal electorate of Adelaide, David Colovic.
- 7.00pm Participated in a Tree Strategy Workshop run by Council staff.

Wednesday 1 June

- 10.45am Attended a 10am 'Q&A' type session in the Thebarton Community Centre with Tanya Plibersek and Steve Georganas (ALP Hindmarsh candidate).
- 6.00pm Officially opened an art exhibition in the Auditorium Gallery by local resident Yong Lin, "*Connecting Time*", inspired by both the Dutch master Rembrandt and traditional Chinese painting. Attendees included Yuncai Mei, the Vice Consul General of the People's Republic of China in Adelaide.

In addition, after the compilation of this report on Thursday evening as part of the distributed Agenda on Friday, the Mayor also expects to have attended or participated in the following:

Saturday 4 June

12.30pm Hosting guests at the match between West Adelaide and Centrals.

Tuesday 7 June

5.00pm Participating in a meeting with representatives from the SAAFL, CEO Terry Buss and Cr/s McKay, Nitschke and Polito, regarding a proposal being put forward by the Association.

6.00pm Council pre-brief and dinner

7.00pm Council meeting.

RECOMMENDATION

That the Mayor's Report be noted.

7. ELECTED MEMBER REPORTS

8. PETITIONS

Nil

9. DEPUTATIONS

9.1 Netley Kindergarten - Proposed Reserve Redevelopment

Ms Briony Brooks, Director of the Netley Kindergarten wishes to address Council in relation to the proposed redevelopment of the Joe Wells Reserve.

10. BUDGET CONSULTATION

RECOMMENDATION

That the meeting be adjourned, to allow for consultation on Council's proposed Budget and Annual Business Plan 2016/17 pursuant to Section 123(4) of the *Local Government Act 1999*.

11. ADJOURN INTO STANDING COMMITTEES

RECOMMENDATION

That the meeting be adjourned, move into Standing Committees and reconvene at the conclusion of the Governance Prescribed Standing Committee.

12. ADOPTION OF STANDING COMMITTEE RECOMMENDATIONS

12.1 URBAN SERVICES COMMITTEE

RECOMMENDATION

That the recommendations of the Urban Services Prescribed Standing Committee held on 7 June 2016 be adopted.

12.2 GOVERNANCE COMMITTEE

RECOMMENDATION

That the recommendations of the Governance Prescribed Standing Committee held on 7 June 2016 be adopted.

13. ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS

13.1 COMMUNITY FACILITIES PRESCRIBED GENERAL COMMITTEE

RECOMMENDATION

That the Minutes of the Community Facilities Prescribed General Committee dated 24 May 2016, attached, be noted and the recommendations adopted.

14. QUESTIONS WITH NOTICE

Nil

15. QUESTIONS WITHOUT NOTICE

16. MOTIONS WITH NOTICE

16.1 Election Posters

Cr Woodward has indicated his intention to move the following motion:

That the Administration investigate and report back to Council on how election posters could be banned from public land and infrastructure during local government elections for the City of West Torrens.

17 MOTIONS WITHOUT NOTICE

18. REPORTS OF THE CHIEF EXECUTIVE OFFICER

18.1 CEO Delegations Framework Review 2016

Brief

This report details the results of the 2015/2016 review of delegations made by Council to the person occupying the office of Chief Executive Officer and seeks Council's approval of the resulting CEO Delegations Framework 2016.

RECOMMENDATION(S)

It is recommended to Council that:

1. Revocations

Having conducted a review of the delegations made to the person occupying the office of the Chief Executive Officer by Council in accordance with Section 44(6) of the *Local Government Act 1999*, Council hereby revokes its previous delegations to the person occupying the office of Chief Executive Officer of those powers and functions associated with the following Acts, Regulations, Policies and notices:

1. *Community Titles Act 1996*

2. *Development Act 1993*

- *Development (Development Plans) Amendment Act 2006*
- *Development Regulations 2008*

3. *Dog and Cat Management Act 1995*

4. *Environment Protection Act 1993*

- *Environment Protection (Waste Management) Policy 1994*

5. *Expiation of Offences Act 1996*

6. *Fences Act 1975*

7. *Fire and Emergency Services Act 2005*

- *Fire and Emergency Services Regulations 2005*
- *Fire Prevention Officers Under the Fire and Emergency Services Act 2005*

8. *Food Act 2001*

9. *Freedom of Information Act 1991*

- *Freedom of Information (Fees and Charges) Regulations 2003*

10. *Housing Improvement Act 1940*

11. *Land and Business (Sale and Conveyancing) Act 1994*

12. *Liquor Licensing Act 1997*

13. *Local Government Act 1934*

14. *Local Government Act 1999*

15. Natural Resources Management Act 2004

- *Natural Resources Management (General) Regulations 2005*
- *Natural Resources Management (Transitional Provisions - Levies) Regulations 2005*

16. South Australian Public Health Act 2011

- *South Australian Public Health (Legionella) Regulations 2013*
- *South Australian Public Health (Waste Water) Regulations 2013*

17. Roads (Opening and Closing) Act 1991

18. Road Traffic Act 1961

- *Road Traffic (Miscellaneous) Regulations 2014*
- *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*
- *Notice from the Minister for Transport under the Road Traffic Act 1961 - 22/08/2013*

19. Supported Residential Facilities Act 1992

- *Supported Residential Facilities Regulations 2009*

20. Summary Procedure Act 1921

21. Unclaimed Goods Act 1987

22. Work Health and Safety Act 2012

23. Heavy Vehicle National Law (South Australia) 2013

24. Strata Titles Act 1988

25. Real Property Act 1886

2. Confirmations

In exercise of the power contained in Section 44 of the *Local Government Act 1999*, the powers and functions under the following Acts and specified in the proposed 'Instruments of Delegation' contained in *CEO Delegations Framework 2016* provided under separate cover, are hereby delegated this 7th day of June 2016 to the person occupying the office of Chief Executive Officer subject to the conditions and limitations specified herein or within the *CEO Delegations Framework 2016* in regards to the following Acts, Regulations, Policies and notices:

1. By-Laws

- *By-law 1 - Permits and Penalties*
- *By-law 2 - Local Government Land*
- *By-law 3 - Roads*
- *By-law 4 - Moveable Signs*
- *By-law 5 - Dogs*

2. Community Titles Act 1996

3. Development Act 1993

- *Development (Development Plans) Amendment Act 2006*
- *Development Regulations 2008*

4. Dog and Cat Management Act 1995

5. Environment Protection Act 1993

- *Environment Protection (Waste to Resources) Policy 2010*

6. Expiation of Offences Act 1996

7. Fences Act 1975

8. Fire and Emergency Services Act 2005

- *Fire and Emergency Services Regulations 2005*
- *Fire Prevention Officers Under the Fire and Emergency Services Act 2005*

9. Food Act 2001

10. Freedom of Information Act 1991

- *Freedom of Information (Fees and Charges) Regulations 2003*

11. Heavy Vehicle National Law (South Australia) Act 2013

12. Housing Improvement Act 1940

13. Land and Business (Sale and Conveyancing) Act 1994

14. Liquor Licensing Act 1997

15. Local Government Act 1999

16. Natural Resources Management Act 2004

- *Natural Resources Management (General) Regulations 2005*
- *Natural Resources Management (Transitional Provisions - Levies) Regulations 2005*

17. Real Property Act 1886

18. Road Traffic Act 1961

- *Road Traffic (Miscellaneous) Regulations 2014*
- *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*
- *Notice from the Minister for Transport under the Road Traffic Act 1961 - 22/08/2013*

19. Roads (Opening and Closing) Act 1991

20. South Australian Public Health Act 2011

- *South Australian Public Health (Legionella) Regulations 2013*
- *South Australian Public Health (Wastewater) Regulations 2013*
- *South Australian Public Health (General) Regulations 2013*

21. Strata Titles Act 1988

22. Summary Procedure Act 1921

23. Supported Residential Facilities Act 1992

- *Supported Residential Facilities Regulations 2009*

24. Unclaimed Goods Act 1987

25. Work Health and Safety Act 2012

3. For the purposes of the delegations made by the Council on this the 7th day of June 2016, all delegations to the person occupying the position of Chief Executive Officer extend to any person acting in the office of Chief Executive Officer.

Introduction

Section 44(1) of the *Local Government Act 1999* (the Act) enables Council to delegate powers or functions vested or conferred under this or any other Act. In line with general practice, all current delegations have been made to the person occupying the office of Chief Executive Officer (CEO).

Having made these delegations, s44(6) of the Act states that Council should review its delegations at least once every financial year. The 2015/2016 review has been undertaken by the Administration and is presented to Council for its consideration.

The proposed delegations to the CEO are set out in the *CEO Delegations Framework 2016* document, which has been provided under separate cover due to its size.

To finalise this review, Council must formally revoke its current delegations and 'create' new delegations to the CEO.

Discussion

Principles of delegation

Council has many powers and duties which are governed by legislation however, in the interest of efficiency, Council can delegate many of these decision-making powers and duties to the CEO to enable the Administration to undertake its functional and operational roles and responsibilities effectively and efficiently. Section 101 of the Act assigns the power to the CEO to sub-delegate any of the delegations made to him by Council as he sees fit.

Delegation and sub-delegation processes are necessary to ensure that employees are provided with the legal authority to undertake various duties and exercise powers in accordance with legislation. They promote accountability and are considered a proactive risk management tool.

Delegations review

The current delegations from Council to the CEO were approved by Council at its May 2015 meeting for the 2014/2015 financial year.

The CEO has carefully considered the current delegations afforded to his position by Council taking into account legislative requirements, in particular the commencement of the *Local Government (Accountability and Governance) Amendment Bill 2015*, and the appropriateness and effectiveness of those delegations. As a result, delegations that are considered not to be relevant have been removed because:

- a. the instrument comprises a duty, not a delegation (and, therefore, need not be delegated); or
- b. the instrument provides a power that should remain vested in Council and would ordinarily be actioned by virtue of a decision of Council; or
- c. the powers arising from the instrument have been revoked by virtue of amendments to legislation.

The review process allows Council to add or revoke limitations or conditions to delegations as considered appropriate.

The Administration has implemented a new program (Advent ManageR) to manage the Delegations Framework review process. In the past, delegation reviews were completed manually transposing the templates provided by the Local Government Association (LGA), which have been prepared by Norman Waterhouse. The new program automatically updates amendments from the LGA resulting in improved efficiency, governance and probity for the organisation.

The *CEO Delegations Framework 2016* is a large and complex document so, to assist members understand the tables contained within that framework, the following information is provided:

Column 1 (Provision)

The section number of the Act or Regulation to which the proposed delegation relates is displayed in the first column.

Columns 2 (Item Delegated)

The section title, instrument number and description of the section of the Act or Regulation to which the proposed delegation relates is detailed in the second column.

Column 3 (Delegate)

The detail of whether the section of the Act or Regulations is a duty, applies to Council only or is proposed as a delegation to the person occupying the position of the CEO is featured in the third column.

Column 4 (Conditions and Limitations)

The detail of whether there are any conditions or limitations related to the delegation of the section of the Act or Regulation is featured in the fourth column. This section is predominantly used in relation to sub-delegations.

New Additions and Amendments

The draft Framework features shading for the following additions and amendments since the previous Delegations review in 2015:

	New Addition (legislative)
	Amendment (minor / recommendation)
	Local Government Act Amendments (commenced 31 March 2016)

Notable Changes

Notable changes arising from the current review include the following:

- *By-Laws 1 - 5*
 - Addition of provisions under by-laws 1-5. Powers were not previously included in the Framework.
- *Development Act 1993*
 - Removal of delegation for instruments that do not require a delegation or comprise of a duty, not a delegation.
- *Development Regulations 2008*
 - Additions in line with LGA delegations template and legislative amendments.
- *Freedom of Information Act 1991*
 - Addition in line with the requirements of the Act - Section 14(a)
- *Local Government Act 1999*
 - Additions and amendments in line with *Local Government (Accountability and Governance Amendment Bill 2015)*.
 - Repeal of the *Local Government Act 1934* resulting in the removal of the vegetation clearance provisions.
- *Real Property Act 1886*
 - Addition and minor amendments in line with legislative amendments.
- *South Australian Public Health Act 2011*
 - Addition in line with legislative amendments.
- *South Australian Public Health (General) Regulations 2013*
 - Addition in line with legislative amendments.
- *Strata Titles Act 1988*
 - Addition in line with LGA delegations template. Powers were not previously included in the Framework.
- *Supported Residential Facilities Act 1992*
 - Addition and amendment in line with legislative amendments.

As a point of note, the Board of the Environment Protection Authority (EPA) and the Electoral Commission of South Australia (ECSA) have issued delegations directly to positions within the Administration of the City of West Torrens. Therefore, there is no requirement for these to be delegated by Council to the CEO.

The 'Instruments of Delegation' and *CEO Delegations Framework* used by the City of West Torrens are modelled on the recommended 'Instruments of Delegation' developed by Normal Waterhouse Lawyers in conjunction with the Local Government Association.

Conclusion

This report presents the outcomes of the Administration's review of the delegations made by Council to the CEO and proposes that Council formally approves the recommendations arising from the 2016 Review of Delegations to provide appropriate decision making authority to the CEO.

The Delegations Framework 2016 including the CEO delegated provisions, duties, Council only delegations and sub-delegated provisions will be made available on Council's website or for public inspection or purchase at the Civic Centre during normal business hours as required by the *Local Government Act 1999*.

18.2 Delegations to the Development Assessment Panel 2016

Brief

This report presents the annual review of Council's delegations to its Development Assessment Panel and seeks the approval of the resulting *DAP Delegations Framework 2016*.

RECOMMENDATION(S)

It is recommended to the Council that:

1. Revocations

- 1a. Having conducted a review of the delegations made to the City of West Torrens Development Assessment Panel in accordance with Section 20 and 34(23) of the *Development Act 1993*, Council hereby revokes its previous delegations to the City of West Torrens Development Assessment Panel of those powers and functions associated with the:

- *Development Act 1993* and *Development Regulations 2008*

2. Confirmations

- 2a. In exercise of the power contained in Section 20 and 34(23) of the *Development Act 1993* the powers and functions under the *Development Act 1993* and the *Development Regulations 2008* and specified in the proposed *DAP Delegations Framework 2016* provided with this agenda report, are hereby delegated this 7th day of June 2016 to the City of West Torrens Development Assessment Panel subject to the conditions and limitations specified herein or within the *DAP Delegations Framework 2016* in regards to the *Development Act 1993* and the *Development Regulations 2008*.
- 2b. The City of West Torrens Development Assessment Panel not be authorised to further delegate any of the powers outlined in the *DAP Delegations Framework 2016*.

Introduction

Pursuant to Section 20(3) of the *Development Act 1993* (Act), Council has the ability to delegate powers provided under the Act and the *Development Regulations 2008*, to any person, position, committee or subsidiary. Sections 34(23) and 56A of the Act specifically require that the Council delegates certain powers to the City of West Torrens Development Assessment Panel (DAP).

Discussion

The proposed delegations to the DAP and, where applicable, conditions and limitations are detailed in the *DAP Delegations Framework 2016* (the Framework) for Council's consideration and subsequent approval (**Attachment 1**).

The Framework is a complex document so, to assist Members, the layout of it is explained below:

Column 1 (Provision)

The section number of the Act or Regulation to which the proposed delegation relates is displayed in the first column.

Columns 2 (Item Delegated)

The section title, instrument number and description of the section of the Act or Regulation to which the proposed delegation relates are detailed in the second column.

Column 3 (Delegate)

The details of the position/s, committee or subsidiary assigned with that delegation (in this case the DAP) is featured in the third column.

Column 4 (Conditions and Limitations)

The detail of whether there are any conditions or limitations related to the delegation of the section of the Act or Regulation is featured in the fourth column.

There have been no legislative amendments or additions to any of the sections and/or clauses within the Act or the Regulations which are delegated to the DAP. However, there is one proposed amendment to remove the 'DAP only' condition from all provisions as this condition is exercised in accordance with the DAP terms of reference.

It should be noted that the 'Instruments of Delegation' used by the City of West Torrens are modelled on the recommended 'Instruments of Delegation' developed by Norman Waterhouse Lawyers in conjunction with the Local Government Association.

To finalise this review, Council must formally revoke its current delegations and 'create' new delegations to the DAP.

Once approved, an information report, detailing the delegations and limitations approved by Council, will be provided to the DAP.

Conclusion

This report presents the outcomes of the review of Council's delegations to its Development Assessment Panel and recommends the revocation of current delegations and the approval of the proposed delegations contained in Attachment 1.

ATTACHMENT 1

Proposed DAP Delegations Framework 2016



Proposed DAP Delegations Framework 2016

DAP Delegations Framework 2016

General Conditions - Development Assessment Panel	
DEVELOPMENT ASSESSMENT PANEL shall -	
A) Only exercise their delegated powers and functions in circumstances, in relation to a particular development, if:	
(i)	notice of the application has been given pursuant to Sections 38(4) and 38(5) of the Act and a representation has been received and the person who made the representation has indicated an interest in appearing before the authority personally or by a representative in support of the representation; or
(ii)	the person holding for the time being the position of Deputy CEO (for General Manager Strategy and Community) <u>General Manager Urban Services</u> has determined by written notice to the CEO that the circumstances warrant consideration or determination by the DAP; or
(iii)	the application is recommended for refusal, other than for deemed refusals under Section 39 of the Act, by the Council's Administration.
(iv)	the application has been referred to the Panel by the Council's Administration.

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s33(1)(a)	10. Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.1 the provisions of the appropriate Development Plan;	Development Assessment Panel	DAP Only - To exercise only once a recommendation have been given.	Removal of 'DAP Only' condition as this is exercised in accordance with the DAP terms of reference.
s33(1)(c)	10. Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.3 in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;	Development Assessment Panel	DAP Only - To exercise only once a recommendation have been given.	Removal of 'DAP Only' condition as this is exercised in accordance with the DAP terms of reference.

Proposed DAP Delegations Framework 2016

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s33(1)(d)	10. Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.4 in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;	Development Assessment Panel	DAP Only - To exercise only once a recommendation have been given.	Removal of 'DAP Only' condition as this is exercised in accordance with the DAP terms of reference.
s33(1)(e)	10. Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.5 the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner; and	Development Assessment Panel	DAP Only - To exercise only once a recommendation have been given.	Removal of 'DAP Only' condition as this is exercised in accordance with the DAP terms of reference.
s33(1)(f)	10. Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.6 such other matters as may be prescribed.	Development Assessment Panel	DAP Only - To exercise only once a recommendation have been given.	Removal of 'DAP Only' condition as this is exercised in accordance with the DAP terms of reference.
s33(3)	10. Matters Against Which Development Must be Assessed 10.2 The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.	Development Assessment Panel	DAP Only - To exercise only once a recommendation have been given.	Removal of 'DAP Only' condition as this is exercised in accordance with the DAP terms of reference.
s35(1b)	12. Special Provisions Relating to Assessment Against Development Plans 12.2 The power pursuant to Section 35(1b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development.	Development Assessment Panel	DAP Only - To exercise only once a recommendation have been given.	Removal of 'DAP Only' condition as this is exercised in accordance with the DAP terms of reference.

Proposed DAP Delegations Framework 2016

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s35(2)	12. Special Provisions Relating to Assessment Against Development Plans 12.4 The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan.	Development Assessment Panel	DAP Only - To exercise only once a recommendation have been given.	Removal of 'DAP Only' condition as this is exercised in accordance with the DAP terms of reference.
s35(3)(a)	12. Special Provisions Relating to Assessment Against Development Plans 12.5 The power pursuant to Section 35(3)(a) of the Act in appropriate cases, to concur in the granting of consent to a development described as a non-complying development.	Development Assessment Panel	DAP Only - To exercise only once a recommendation have been given.	Removal of 'DAP Only' condition as this is exercised in accordance with the DAP terms of reference.
s37A(2)(b)	16. Proposed Development Involving Creation of Fortifications 16.2 The power pursuant to Section 37A(2)(b) of the Act to receive the Commissioner's written determination under Section 37A(2)(a) of the Act.	Development Assessment Panel		
s39(2)	18. Application and Provision of Information 18.1 The power pursuant to Section 39(2) of the Act to request an applicant to: 18.1.1 provide such additional documents or information to enable assessment of the application; 18.1.2 remedy any defect or deficiency in any application or accompanying document or information required by or under the Act; 18.1.3 consult with an authority or body prescribed by the Regulations; 18.1.4 (where required by the Regulations) prepare a statement of effect in relation to non-complying development; and 18.1.5 comply with any other requirement prescribed by the Regulations.	Development Assessment Panel		

Proposed DAP Delegations Framework 2016

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s39(3)	18. Application and Provision of Information 18.4 Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power pursuant to Section 39(3)(b) of the Act to: 18.4.1 subject to Section 39(3)(b)(ii) of the Act, refuse the application; and 18.4.2 refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).	Development Assessment Panel		
s39(4)(a) s39(5)	18. Application and Provision of Information 18.7 The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application.	Development Assessment Panel		
s39(7)(c)	18. Application and Provision of Information 18.13 The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development.	Development Assessment Panel		
s42(1)	21. Conditions 21.1 The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.	Development Assessment Panel		
s42(6) s42(4)	21. Conditions 21.3 The power, pursuant to Section 42(6) of the Act, on the application of the applicant, to determine that a payment of an amount calculated in accordance with the Regulations be made into the relevant fund in lieu of planting one or more replacement trees under Section 42(4) of the Act.	Development Assessment Panel		

Proposed DAP Delegations Framework 2016

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s42(8)(b)	21. Conditions 21.4 The power, pursuant to Section 42(8)(b) of the Act, after taking into account any criteria prescribed by the Regulations and if the Minister concurs, to determine that it is appropriate to grant an exemption under Section 42 of the Act in a particular case.	Development Assessment Panel		
s50(11)	26. Open Space Contribution System 26.6 The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the extent that an earlier application in respect of the same development has addressed the requirements of Section 50 of the Act in respect of the area of land as a whole.	Development Assessment Panel		

18.3 Delegations and Authorisations Review 2016 Under the Notice from the Minister for Transport under the Road Traffic Act 1961

Brief

The report details the results of the 2015/2016 review of the delegations and authorisations under the *Notice from the Minister for Transport under the Road Traffic Act 1961 - 22 August 2013*, from Council to the person occupying the office of Chief Executive Officer.

RECOMMENDATION(S)

1. Revocations

Having conducted a review of the delegations made to the person occupying the office of the Chief Executive Officer by Council in accordance with Section 44(6) of the *Local Government Act 1999*, Council hereby revokes its previous delegations to the person occupying the office of Chief Executive Officer of those powers and functions associated with the:

- Notice from the Minister for Transport under the Road Traffic Act 1961 - 22/08/2013
- Clauses E and G of the Notice from the Minister for Transport under the Road Traffic Act 1961 - 22/08/2013

2. Confirmations

2a. In exercise of the power contained in s44 of the *Local Government Act 1999* the powers and functions pursuant to the following Acts, and specified in the proposed Instrument of Delegation, are hereby delegated this 7th day of June 2016 to the person occupying the office of Chief Executive Officer and the positions stated within the Instrument subject to the conditions and limitations specified herein or within in regards to the:

- —2015/2016 Review of the Notice from the Minister for Transport under the Road Traffic Act 1961 - 22/08/2013
- 2015/2016 Review of the Clauses E and G of the Notice from the Minister for Transport under the Road Traffic Act 1961 - 22/08/2013

2b. Such powers and functions be further delegated by the person occupying the office of Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the person occupying the office of the Chief Executive Officer sees fit, unless otherwise indicated herein or in the limitations or conditions contained in the Instrument of Delegation.

Introduction

On 22 August 2013, the Minister for Transport and Infrastructure, Hon Tom Koutsantonis, issued a 'Notice to Council' (Notice) regarding the 'Use of Traffic Control Devices, Road Closure and Granting of Exemptions for Events', made under the *Road Traffic Act 1961* (**Attachment 1**). This Notice revoked the Notice issued in 2009.

This Notice contains authorisations to be made by the Chief Executive Officer (CEO) to officers of Council with respect to traffic controls, signage and traffic control devices, pursuant to the terms of the Instrument of Delegation (Instrument).

Section 44(1) of the *Local Government Act 1999* (the Act) enables Council to delegate powers or functions vested or conferred under this or any other Act. In line with general practice, all current delegations have been made to the person occupying the office of Chief Executive Officer (CEO).

Having made these delegations, s44(6) of the Act states that Council should review its delegations at least once every financial year. The 2015/2016 review has been undertaken by the Administration and is presented to Council for its consideration.

To finalise this review, Council must formally revoke its current delegations and authorisations under the *Notice from the Minister for Transport under the Road Traffic Act 1961 - 22 August 2013* and 'create' new delegations to the CEO.

Discussion

The proposed delegations and authorisations under the Notice, from Council to the person occupying the office of the Chief Executive Officer and, if applicable, conditions and limitations are detailed in the 2015/2016 review for Council's consideration and subsequent approval (**Attachment 2**).

The Notice states that any authorisations to any officer, apart from those stated in Clauses E and G are to be made by an instrument in writing and approved by the CEO on behalf of Council.

The instrument provided by the Local Government Association (the Instrument) to implement the Notice was endorsed by Council in 2013 and has been subsequently reviewed in relation to Clauses E and G which is included within Attachment 2 for approval by Council. This Instrument includes the authorisations regarding Clauses E and G which require resolution of Council. Clause E is to be delegated by Council to the CEO and to the position titles listed in the Instrument. Clause G is to be delegated to the person occupying the office of the CEO.

To assist Members with the 2015/2016 review of the Notice, the layout of Attachment 2 is explained below:

Column 1 (Provision)

The section number of the Act or Regulation to which the proposed delegation relates is displayed in the first column.

Columns 2 (Item Delegated)

The section title, instrument number and description of the section of the Act or Regulation to which the proposed delegation relates are detailed in the second column.

Column 3 (Delegate)

The details of the position/s, committee or subsidiary assigned with that delegation (in this case the DAP) is featured in the third column.

Column 4 (Conditions and Limitations)

The detail of whether there are any conditions or limitations related to the delegation of the section of the Act or Regulation is featured in the fourth column.

There have been no legislative amendments to any of the sections and/or clauses within the Act or the Regulations which are delegated to the CEO. However, there is one minor proposed amendment to Clause A.1 - Traffic Control Devices to remove the delegation to '*all staff who have gained and hold a current Workzone Traffic Management accreditation in the DPTI Workzone Traffic Management Training Program*' as staff who hold a Workzone Traffic Management accreditation are not required to undertake this provision.

Conclusion

This report presents the outcomes of the Administration's 2015/2016 review of the authorisations and delegations under the Notice provided by the Local Government Association to the person occupying the position of Chief Executive Officer and other specified positions subject to the conditions and limitations and proposes that Council formally approves the recommendations arising from the 2016 Review to provide appropriate decision making authority to the CEO.

The authorisations and delegations under the 2015/2016 review of the Notice will be made available on Council's website and for public inspection or purchase at the Civic Centre during normal business hours as required by the *Local Government Act 1999*.

ATTACHMENT 1

**INSTRUMENT OF GENERAL APPROVAL AND DELEGATION TO COUNCIL
USE OF TRAFFIC CONTROL DEVICES, ROAD CLOSURE AND GRANTING OF
EXEMPTIONS FOR EVENTS**

ROAD TRAFFIC ACT 1961 (SECTIONS 17, 20 & 33)

MINISTER FOR TRANSPORT AND INFRASTRUCTURE

REVOCATION OF PREVIOUS INSTRUMENT

I, **Tom Koutsantonis, Minister for Transport and Infrastructure** in the State of South Australia, in accordance with the powers conferred on the Minister by the *Road Traffic Act 1961*, **REVOKE** the previous Instrument issued by the Minister entitled "Notice to Council to use Traffic Control Devices and to close roads and grant exemptions for events" dated 27 April 2009.

INSTRUMENT OF GENERAL APPROVAL

**GENERAL APPROVAL FOR THE INSTALLATION, MAINTENANCE, ALTERATION,
OPERATION OR REMOVAL OF TRAFFIC CONTROL DEVICES**

I, **Tom Koutsantonis, Minister for Transport and Infrastructure** in the State of South Australia, pursuant to section 12 of the *Road Traffic Act 1961* ("the Act"), hereby grant the following **GENERAL APPROVALS** to Council:

A. Traffic Control Devices

For the purpose of sections 17(1) and (2) of the Act, I grant Council **GENERAL APPROVAL** to install, maintain, alter, operate, or remove, or cause to be installed, maintained altered, operated, or removed any traffic control device on, above or near a road which is under its care, control and management subject to the following conditions EXCEPT those traffic control devices specified in Clause A.8 or those dealt with in other clauses of this instrument:

A.1 Authorisation of other Officers

Council may authorise any Officer to exercise the powers conferred on it pursuant to Clause A of this Instrument. Any Authorisations to any Officer must be made by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by any Officer in accordance with Clause A must be done so "for, and on behalf of the Council". Records must be kept of any Authorisations made pursuant to this clause. Council may attach any conditions to such Sub-Authorisations that it considers appropriate.

A.2 Conformity with the *Road Traffic Act*

All traffic control devices used pursuant to Clause A must conform to the requirements of the Act and any Rules and Regulations made under the Act.

A.3 Conformity with the Australian Standards and the Code

All traffic control devices must conform to the requirements of and be installed, maintained, altered, operated or removed in accordance with the applicable Australian Standards, and the provisions contained in the Code and the applicable Australian Standards, as amended from time to time.

The Code refers to and invokes the applicable Australian Standards. The Code must be read together with, but takes precedence over, all applicable Australian Standards.

A.4 Notification to adjoining Councils

Council must notify an adjoining Council before installing, altering or removing a traffic control device on a road that runs into or intersects with, or is otherwise likely to affect traffic on a road (including its flow, speed and composition) that is under the care, control and management of another Council.

Where a Council uses a traffic control device to effect section 32 of the Act, that is, closing a road for traffic management purposes, and the road runs into the area or along the boundary of another Council, each affected Council must concur with the road closure or part road closure.

A.5 Notification to the Commissioner of Highways

Council must notify the Commissioner of Highways before installing, altering or removing a traffic control device on a road that runs into or intersects with, or otherwise is likely to affect traffic on a road (including its flow, speed and composition) that is under the care, control and management of the Commissioner of Highways.

A.6 Consultation on traffic signals

If Council wishes the Commissioner of Highways to maintain Council's:

- (a) traffic signals at intersections;
- (b) emergency services traffic signals;
- (c) mid-block traffic signals (pedestrian actuated crossings);
- (d) signals at Koala crossings; or
- (e) signals at Wombat crossings with flashing lights,

then Council must consult with the Commissioner of Highways when proposing to install the said signals for the purpose of standardising the equipment and establishing a uniform maintenance program.

A.7 Traffic Impact Statement

Before any traffic control device is installed, altered or removed, a Traffic Impact Statement must be prepared by a person, who in the Council's opinion is an experienced traffic engineering practitioner.

The Traffic Impact Statement must be endorsed by a person authorised by Council.

The Traffic Impact Statement summarises the investigations undertaken to justify the installation, alteration or removal of traffic control devices and must address road safety issues and the traffic management effects for all road users, including cyclists and pedestrians. It need not be a lengthy document. The Code provides further guidance on the preparation of Traffic Impact Statements.

A Traffic Impact Statement is not required for the installation, alteration or removal of traffic control devices on road-related areas that do not constitute a public place.

A.8 Traffic control devices requiring separate approval

General approval does not apply to those traffic control devices:

- (a) specifically listed in the Code requiring separate approval; or
- (b) not contained in or referred to in the Australian Standards or the Code; or
- (c) not complying with clause A.3.

Council must obtain separate approval to install, maintain, alter, operate or remove, or cause to be installed, altered, operated or removed, any traffic control device specified in this clause.

Council must address applications for approval under this clause to the Commissioner of Highways who will consider the application as the Minister's delegate. The application must include a Traffic Impact Statement, any plans, and relevant supporting documentation.

B. Speed Limits at Works on Roads

For the purpose of section 20(2) of the Act, I grant Council **GENERAL APPROVAL** to place signs on a road for the purpose of indicating the maximum speed to be observed by drivers while driving on, by or towards

- a work area; or
- a work site

where workers are engaged, or works are in progress at the direction of Council, subject to the following conditions:

B.1 Authorisation of other Officers

Council may authorise any Officer to exercise the powers conferred on it pursuant to Clause B of this Instrument. Any Authorisations to any Officer must be made by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by that Officer in accordance with Clause B must be done so "for, and on behalf of the Council". Records must be kept of any authorisation made pursuant to this clause. Council may attach any conditions to such Sub-Authorisations that it considers appropriate.

B.3 Conformity with the *Road Traffic Act*

The maximum speed to be indicated by signs must be in accordance with section 20 of the Act.

B.4 Conformity with the SA Standards

All traffic control devices must conform to the requirements of and be installed in accordance with the provisions contained in the SA Standards.

B.5 Persons who may act on behalf of Council

For the purposes of this clause, the following people may act on behalf of Council:

- (a) an employee of Council; or
- (b) an employee of a contractor or sub-contractor engaged to carry out works on a road on behalf of Council.

B.6 Training and Accreditation

At all times when a worker is present at a work area or work site at least one worker must:

- have gained accreditation in the DPTI Workzone Traffic Management Training Program; and
- carry a card or certificate certifying accreditation in this course when engaged at a work area or work site; and
- have undertaken re-training in the DPTI Workzone Traffic Management Training Program within the last 3 years.

B.7 Record Keeping

Any person acting on behalf of Council pursuant to Clause B must comply with the SA Standards that outline the procedures and guidelines for record keeping required for the overall safety and smooth operation of a traffic guidance scheme.

C. Traffic Control Devices at Works on Roads

For the purposes of sub-section 17(3) of the Act, I grant Council **GENERAL APPROVAL** to install, display, alter, operate, or remove, any traffic control device in relation to an area where persons are engaged in work or an area affected by works in progress, or in relation to part of a road temporarily closed to traffic under this Act or any other Act. This approval is subject to the following conditions:

C.1 Authorisation of other Officers

Council may authorise any Officers to exercise the powers conferred on it pursuant to Clause C of this Instrument. Any Authorisations to any officer must be by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by that Officer in accordance with Clause C must be done so "for, and on behalf of the Council". Records must be kept of any authorisation made pursuant to

this clause. Council may attach any conditions to such Sub-Authorisations that it considers appropriate.

C.2 Conformity with the Road Traffic Act

All traffic control devices must conform to the requirements of, and be installed, displayed, altered, operated or removed in accordance with the Act and any Rules and Regulations made under the Act.

C.3 Conformity with the Code, and SA Standards

All traffic control devices must conform to the requirements of and be installed, displayed, altered, operated or removed in accordance with the provisions contained in the Code, the SA Standards and the applicable Australian Standards.

C.4 Persons who may act on behalf of Council

For the purposes of this clause, the following people may act on behalf of Council:

- (a) an employee of Council; or
- (b) an employee of a contractor or sub-contractor engaged to carry out works on a road on behalf of Council.

C.5 Training and Accreditation

At all times when a worker is present in an area where persons are engaged in work or an area affected by works in progress at least one worker must:

- have gained accreditation in the DPTI Workzone Traffic Management Training Program; and
- carry a card or certificate certifying accreditation in this course when engaged at a work area or work site; and
- have undertaken re-training in the DPTI Workzone Traffic Management Training Program within the last 3 years.

C.6 Record Keeping

Any person acting on behalf of Council pursuant to Clause C must comply with the SA Standards that outline the procedures and guidelines for record keeping required for the overall safety and smooth operation of a traffic guidance scheme.

D. Temporary Parking Controls

For the purpose of sub-section 17(3) of the Act, I grant Council **GENERAL APPROVAL** to install, display, alter, operate, or remove a traffic control device for the purposes of imposing, varying or abolishing a parking control on a temporary basis on a road which is under its care, control and management, subject to the following conditions:

D.1 Authorisation of other Officers

Council may authorise any Officers to exercise the powers conferred on it pursuant to Clause D of this Instrument. Any Authorisations to any Officer must be made by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by that Officer in accordance with Clause D must be done so "for, and on behalf of the Council". Records must be kept of any authorisation made pursuant to this clause. Council may attach any conditions to such Sub-Authorisations that it considers appropriate.

D.2 Conformity with the Act

All temporary parking controls must conform with the requirements of, and be installed, displayed, altered, operated or removed in accordance with the Act and any Rules and Regulations made under the Act.

D.3 Conformity with Australian Standards and the Code

All temporary parking controls must conform to the requirements and be installed, displayed, altered, operated or removed in accordance with the provisions contained in any applicable Australian Standards and the Code.

The Code refers to and invokes the Australian Standards. The Code must be read together with, but takes precedence over, all applicable Australian Standards.

D.4 Information on Signs

A temporary parking control used in accordance with Clause D must display the words "TEMPORARY PARKING CONTROL" in a prominent position.

D.5 Limitation of Temporary Parking Controls

A temporary parking control used in accordance with Clause D cannot have effect for a period exceeding 35 days.

D.6 Records of Temporary Parking Controls

Council must keep records of any use of temporary parking controls.

E. TRAFFIC CONTROL DEVICES FOR EVENTS

For the purposes of section 17 of the Act, I grant Council **GENERAL APPROVAL** to install, maintain, alter, operate or removed, or cause to be installed, maintained altered, operated, or removed, a traffic control device for the purpose of an event other than those specified in Clause A.8 of this Instrument, on, above or near a road which is under its care, control and management subject to the following conditions:

E.1. Conformity with the Road Traffic Act

All traffic control devices used pursuant to Clause E of this Instrument must conform to the requirements of the Act, and any Rules and Regulations made under the Act.

E.2. Conformity with Plan

All traffic control devices must be installed in accordance with a Traffic Management Plan prepared by a person who in the opinion of the Council has an appropriate level of knowledge and expertise in the preparation of traffic management plans.

Council need not comply with Clause A.7 of this Instrument where using a traffic control device for the purpose of an event.

E.3. Notification to adjoining Councils

Council must notify an adjoining Council before installing, altering or removing a traffic control device on a road that runs into or intersects with, or otherwise is likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council.

E.4 Notification to the Commissioner of Highways

Council must notify the Commissioner of Highways before installing, altering or removing a traffic control device on a road that runs into or intersects with, or otherwise is likely to affect traffic on a road (including its flow, speed and composition) that is under the care, control and management of the Commissioner of Highways.

INSTRUMENT OF DELEGATION

I, **Tom Koutsantonis, Minister for Transport and Infrastructure** in the State of South Australia, pursuant to section 11 of the *Road Traffic Act 1961* ("the Act") hereby **DELEGATE** the powers as detailed in the following clauses –

F. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY

I **DELEGATE** to Council the power conferred on the Minister pursuant to section 17 of the Act to **SPECIFICALLY APPROVE** the installation, maintenance, alteration, operation or removal of a traffic control device in the municipality or district of Council by a road authority on, above or near a road under the care, control and management of the said road authority subject to the following conditions:-

F.1 Sub-Delegation and Authorisation to other Officers

This delegation cannot be sub-delegated without my express approval. Council may, however, authorise any officers to exercise the powers conferred on Council pursuant to Clause F of this Instrument.

Any Authorisations to any Officer should be made by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by that officer in accordance with Clause F must be done so "for, and on behalf of the Council". Records must be kept of any authorisation made pursuant to this clause.

F.2 Conformity with the Road Traffic Act

All traffic control devices used pursuant to Clause F of this Instrument must conform to the requirements of the Act, and any Rules and Regulations made under the Act.

F.3 Conformity with the Australian Standards and the Code

All traffic control devices must conform to the requirements of and be installed, maintained, altered, operated or removed in accordance with the provisions contained in the applicable Australian Standards and the Code.

The Code refers to and invokes the Australian Standards. The Code must be read together with, but takes precedence over, all applicable Australian Standards.

F.4 Power of approval subject to same Conditions in Clause A

The power of Council to grant approvals under Clause F is subject to the same conditions that apply to Council under Clause A where Council itself is the road authority.

F.5 Record Keeping

Council must keep accurate records of any approval granted to another road authority pursuant to Cause F of this Instrument.

G. CLOSE ROADS AND GRANT EXEMPTIONS FOR EVENTS

I **DELEGATE** to Council my power in sub-section 33(1) of the Act to declare an event to be an event to which section 33 applies and make orders directing:

- (a) that specified roads (being roads on which the event is to be held or roads that, in the opinion of the Council, should be closed for the purposes of the event) be closed to traffic for a specified period; and
- (b) that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the Australian Road Rules specified in Clause G.4 subject to the conditions in Clause G.5

G.1 Sub-Delegation to other Officers

Council may sub-delegate the power delegated to Council pursuant to Clause G of this Instrument subject to the following conditions:

1. Council may only sub-delegate the power to the person for the time being occupying the position of Chief Executive Officer of Council; and
2. Any such sub-delegation must be made by instrument in writing by Council resolution; and
3. The sub-delegate cannot direct the closure of a road or and grant an exemption for an event on a road that runs into or intersects with, or is otherwise likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council or the Commissioner for Highways; and
4. Council's sub-delegate is subject to all conditions that are imposed on Council under Clause G, in relation to the closure of a road or the grant of an exemption for an event; and
5. Council may impose any other conditions deemed necessary on its sub-delegate in relation to the closure of a road or the grant of an exemption for an event; and
6. Council cannot authorise any other person to exercise the powers conferred on Council, pursuant to G of this Instrument.

G.2 Roads and Road-Related Areas to which Delegation Applies

Council may only exercise the powers of the Minister in sub-section 33(1) of the Act with respect to a road under its care, control and management.

G.3 Conformity with the Road Traffic Act

Council when exercising the powers of the Minister in sub-section 33(1) of the Act must comply with the requirements of section 33 of the Act.

G.4 Exemption from Australian Road Rules

Council can only grant exemptions from the following Australian Road Rules and subject to the conditions listed in Clause G.5:

1. Rule 221: Using hazard warning lights;
2. Rule 230: Crossing a road — general;
3. Rule 231: Crossing a road at pedestrian lights;
4. Rule 232: Crossing a road at traffic lights;
5. Rule 234: Crossing a road on or near a crossing for pedestrians;
6. Rule 237: Getting on or into a moving vehicle;
7. Rule 238: Pedestrians travelling along a road (except in or on a wheeled recreational device or toy);
8. Rule 250: Riding on a footpath or shared path;

9. Rule 264: Wearing of seat belts by drivers;
10. Rule 265: Wearing of seat belts by passengers 16 years old or older;
11. Rule 266: Wearing of seat belts by passengers under 16 years old;
12. Rule 268: How persons must travel in or on a motor vehicle;
13. Rule 269: Opening doors and getting out of a vehicle etc;
14. Rule 298: Driving with a person in a trailer.

G.5 Conditions on Exemptions from Australian Road Rules

Council may only grant exemption from the following Australian Road Rules provided any such exemption contains the following minimum conditions:

1. Rule 237: Getting on or into a moving vehicle – provided the speed of the vehicle does not exceed 5 km/h;
2. Rule 264: Wearing of seat belts by drivers – provided the speed of the vehicle does not exceed 25 km/h;
3. Rule 265: Wearing of seat belts by passengers 16 years old or older – provided the speed of the vehicle does not exceed 25 km/h;
4. Rule 266: Wearing of seat belts by passengers under 16 years old – provided the speed of the vehicle does not exceed 25 km/h;
5. Rule 268: How persons must travel in or on a motor vehicle – provided the speed of the vehicle does not exceed 25 km/h;
6. Rule 269: Opening doors and getting out of a vehicle etc – provided the speed of the vehicle does not exceed 5 km/h;
7. Rule 298: Driving with a person in a trailer – provided the speed of the vehicle does not exceed 25 km/h.

G.6 Notification to Commissioner of Highways

Council must notify the Commissioner of Highways of any declaration under sub-section 33(1) at least two weeks prior to the date of the event.

G.7 Notification to Emergency Services and Public Transport Services Division

Council must notify the SA Metropolitan Fire Service, SA Country Fire Service, SA State Emergency Service, the SA Ambulance Service and the Public Transport Services Division of the Department of Planning, Transport and Infrastructure ("DPTI") as appropriate, of any declaration under sub-section 33(1) at least two weeks prior to the date of the event.

G.8 Notification to Traffic Management Centre, Metropolitan Region

Where an event requires intervention by DPTI to ensure the safe and efficient conduct and movement of traffic, Council must ensure that it or the event organiser contacts the Traffic Management Centre, Metropolitan Region (ph: 1800 018 313) no less than 15 minutes prior to the commencement of the event and immediately upon completion of the need for such intervention.

G.9 Notification to Commissioner of Police

Council must notify the Commissioner of Police of any declaration under sub-section 33(1) at least two weeks prior to the date of the event.

G.10 Agreement of Commissioner of Police

If Council proposes to make an order under sub-section 33(1) that involves any motor vehicular traffic, Council must first obtain the agreement of the Commissioner of Police before making an order that exempts a person from any of the following Australian Road Rules: 230, 231, 232, 234 and 238.

G.11 Use of Advance Warning Signs

Where the event will significantly and/or adversely affect a road which is under the care, control and management of the Commissioner of Highways, Council must ensure that the event organisers place advance warning notification signs on the affected roads. The signs must clearly indicate to the public the times and dates of the temporary road closure.

G.12 Effect on Roadside Furniture

Where an event affects any roadside furniture owned or maintained by the Commissioner of Highways or road markings, Council must ensure that it or the event organiser reinstates such furniture or markings to its original condition.

H. DEFINITION OF TERMS

For the purposes of this Instrument, unless a contrary intention appears:
Words defined in section 5 of the Act have the same meaning as in the instrument.

A reference to a road includes a reference to a road-related area unless it is otherwise expressly stated.

Council means a council constituted under the *Local Government Act 1999*;

Code means the Code of Technical Requirements, as amended from time to time (formerly known as the Code of Technical Requirements for the Legal Use of Traffic Control Devices);

Event means event as defined in section 33 of the *Road Traffic Act 1961* namely an organised sporting, recreational, political, artistic cultural or other activity, and includes a street party;

Officer means Council employee


SA Standards means the Department of Planning, Transport and Infrastructure's SA Standard for Workzone Traffic Management;

Work area means work area as defined in section 20(1) of the Act, namely a portion of road on which workers are, or may be, engaged;

Work site means a portion of road affected by works in progress, together with any additional portion of road used to regulate traffic in relation to those works or for any associated purpose.

I. FUTURE VARIATIONS TO THIS INSTRUMENT

This Instrument may be revoked or varied by a subsequent Instrument in writing.



.....
Hon Tom Koutsantonis MP
MINISTER FOR TRANSPORT AND INFRASTRUCTURE
Dated this 22 day of AUGUST 2013

ATTACHMENT 2

Proposed Authorisations and Delegations under the Road Traffic Act 1961 - 2015/2016 Review



**Proposed
Authorisations and Delegations
under the Road Traffic Act 1961 -
2015/2016 Review**

Proposed Authorisations and Delegations under the Road Traffic Act 1961 - 2015/2016 Review

Authorisations under the Road Traffic Act 1961 Approved by the Chief Executive Officer of the Council in Accordance with the Instrument of General Approval and Delegation to Council

Authorisations under Road Traffic Act 1961 Made in Accordance with the Notice to Council 22 August 2013 from the Minister for Transport				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
§17	AUTHORISATIONS 2. TRAFFIC CONTROL DEVICES 2.1 Pursuant to Clause A of the Instrument the Minister granted the Council approval, for the purposes of Sections 17(1) and (2) of the Act, to install, maintain, alter, operate, or remove, or cause to be installed, maintained, altered, operated or removed, any traffic control device, on, above or near a road which is under the Council's care, control and management subject to the conditions specified in the Instrument, other than those specified in Clause A.8 of the Instrument, or those dealt with in other Clauses of the Instrument.	Delegation Not Required		
Clause A.1	AUTHORISATIONS 2. TRAFFIC CONTROL DEVICES 2.2 Pursuant to Clause A.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause A of the Instrument, provided that such authorisation is made by instrument in writing and approved by the Chief Executive Officer of the Council.	Delegation Not Required		

Proposed Authorisations and Delegations under the Road Traffic Act 1961 - 2015/2016 Review

Authorisations under Road Traffic Act 1961 Made in Accordance with the Notice to Council 22 August 2013 from the Minister for Transport				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
Clause A.1	AUTHORISATIONS 2. TRAFFIC CONTROL DEVICES 2.3 In accordance with Clause A.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council, the following Officers to be AUTHORISED to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause A of the Instrument, subject to the conditions specified in the Instrument in relation to Clause A of the Instrument:	General Manager Urban Services, Manager City Assets, Manager City Works, Traffic Engineer, Parking and Traffic Officer All staff who have gained and hold a current Workzone Traffic Management accreditation in the DPTI Workzone Traffic Management Training Program.		Removal of delegation as staff who hold a Workzone Traffic Management accreditation are not required to undertake this provision.
Clause A.1	AUTHORISATIONS 2. TRAFFIC CONTROL DEVICES 2.4 In accordance with Clause A.7 of the Instrument, the following Officer(s) and other person(s) are authorised to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument, provided that such Officer(s) or person(s) (as the case may be) shall take into account the comments in Clause A.7 of the Instrument in respect of the Traffic Impact Statements:	General Manager Urban Services, Manager City Assets, Traffic Engineer, Parking and Traffic Officer		
Clause B	AUTHORISATIONS 3. SPEED LIMITS AT WORKS ON ROADS 3.1 Pursuant to Clause B of the Instrument, the Minister granted the Council approval, for the purposes of Section 20(2) of the Act, to place signs for the purpose of indicating the maximum speed to be observed by drivers while driving by or towards a work area or a worksite where workers are engaged or works are in progress at the direction of the Council subject to the conditions specified in the Instrument.	Delegation Not Required		

Proposed Authorisations and Delegations under the Road Traffic Act 1961 - 2015/2016 Review

Authorisations under Road Traffic Act 1961 Made in Accordance with the Notice to Council 22 August 2013 from the Minister for Transport				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
Clause B.1	AUTHORISATIONS 3. SPEED LIMITS AT WORKS ON ROADS 3.2 Pursuant to Clause B.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause B of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.	Delegation Not Required		
Clause B.1	AUTHORISATIONS 3. SPEED LIMITS AT WORKS ON ROADS 3.3 In accordance with Clause B.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council the following Officer(s) to be AUTHORISED to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause B of the Instrument, subject to the conditions specified in the Instrument in relation to Clause B of the Instrument: [insert name of Council employee(s)].	Technical Assistant - Capital Works, Technical Officer City Assets All staff who have gained and hold a current Workzone Traffic Management accreditation in the DPTI Workzone Traffic Management Training Program.		
Clause C	AUTHORISATIONS 4. TRAFFIC CONTROL DEVICES SIGNS AT WORKS ON ROADS 4.1 Pursuant to Clause C of the Instrument, the Minister granted the Council approval for the purposes of Section 17(3) of the Act, to install, display, alter, operate or remove any traffic control device in relation to an area where persons are engaged in work or an area affected by works in progress, or in relation to part of a road temporarily closed to traffic under the Act or any other Act, subject to the conditions specified in the Instrument.	Delegation Not Required		
Clause C.1	AUTHORISATIONS 4. TRAFFIC CONTROL DEVICES SIGNS AT WORKS ON ROADS 4.2 Pursuant to Clause C.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause C of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.	Delegation Not Required		

Proposed Authorisations and Delegations under the Road Traffic Act 1961 - 2015/2016 Review

Authorisations under Road Traffic Act 1961 Made in Accordance with the Notice to Council 22 August 2013 from the Minister for Transport				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
Clause C.1	AUTHORISATIONS 4. TRAFFIC CONTROL DEVICES SIGNS AT WORKS ON ROADS 4.3 In accordance with Clause C.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council the following Officer(s) to be AUTHORISED to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause C of the Instrument, subject to the conditions specified in the Instrument in relation to Clause C of the Instrument: [insert name of Council employee(s)].	General Manager Urban Services, Manager City Assets, Manager City Works, Parking and Traffic Officer, Senior Coordinator Civil Works and Services All staff who have gained and hold a current Workzone Traffic Management accreditation in the DPTI Workzone Traffic Management Training Program.		
Clause D	AUTHORISATIONS 5. TEMPORARY PARKING CONTROLS 5.1 Pursuant to Clause D of the Instrument the Minister granted the Council approval for the purposes of Section 17(3) of the Act, to install, display, alter, operate or remove a traffic control device for the purposes of imposing, varying or abolishing a parking control on a temporary basis on a road or road which is under the Council's care, control or management subject to the conditions specified in the Instrument.	Delegation Not Required		
Clause D.1	AUTHORISATIONS 5. TEMPORARY PARKING CONTROLS 5.2 Pursuant to Clause D.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council in Clause D of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.	Delegation Not Required		

Proposed Authorisations and Delegations under the Road Traffic Act 1961 - 2015/2016 Review

Authorisations under Road Traffic Act 1961 Made in Accordance with the Notice to Council 22 August 2013 from the Minister for Transport				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
Clause D.1	AUTHORISATIONS 6. TEMPORARY PARKING CONTROLS 5.3 In accordance with Clause D.1 of the Instrument, I, as Chief Executive Officer of the Council approve, on behalf of the Council the following Officers to be AUTHORISED to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause D of the Instrument, subject to the conditions specified in the Instrument in relation to Clause D of the Instrument: [insert name of Council employee(s)].	General Manager Urban Services, Manager City Assets, Traffic Engineer, Parking and Traffic Officer, Technical Assistant - Capital Works, Technical Officer City Assets All staff who have gained and hold a current Workzone Traffic Management accreditation in the DPTI Workzone Traffic Management Training Program.		
Clause F	AUTHORISATIONS 6. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY 6.1 Pursuant to Clause F of the Instrument the Minister delegated to the Council the power conferred on the Minister pursuant to Section 17 of the Act to specifically approve the installation, maintenance, alteration, operation, or removal of a traffic control device in the municipality or district of the Council by a road authority, on, above, or near a road under the care control or management of the Council, subject to the conditions specified in the Instrument.	Delegation Not Required		
Clause F.1	AUTHORISATIONS 6. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY 6.2 Pursuant to Clause F.1 of the Instrument, the Council may authorise any Officer(s) to exercise, for and behalf of the Council, the powers conferred on the Council in Clause F of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.	Delegation Not Required		

Proposed Authorisations and Delegations under the Road Traffic Act 1961 - 2015/2016 Review

Authorisations under Road Traffic Act 1961 Made in Accordance with the Notice to Council 22 August 2013 from the Minister for Transport				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
Clause F.1	AUTHORISATIONS 6. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY 6.3 In accordance with Clause F.1 of the Instrument, I, as Chief Executive Officer of the Council, approve on behalf of the Council, the following Officer(s) to be AUTHORISED to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause F of the Instrument, subject to the conditions specified in the Instrument in relation to Clause F of the Instrument. [insert name of Council employee(s)].	Manager City Assets, Traffic Engineer		
Clause F	AUTHORISATIONS 7. SPECIFIC APPROVAL FOR INSTALLATION, MAINTENANCE, OPERATION, ALTERATION OR REMOVAL OF TRAFFIC CONTROL DEVICES BY ANOTHER AUTHORITY 7.1 Pursuant to Clause F of the Instrument the Minister delegated to the Council the power conferred on the Minister pursuant to Section 11 of the Act to specifically approve the alteration, maintenance, operation, display, alteration or removal of a traffic control device in the municipality or district of the Council by a road authority, as defined in Section 5 of the Act, on, above, or near a road or road-related area under the care control or management of the said road authority, subject to the conditions specified in the Instrument relation to Clause F of the Instrument.	Delegation Not Required		
Clause F	AUTHORISATIONS 7. SPECIFIC APPROVAL FOR INSTALLATION, MAINTENANCE, OPERATION, ALTERATION OR REMOVAL OF TRAFFIC CONTROL DEVICES BY ANOTHER AUTHORITY 7.2 Pursuant to Clause F.1 of the Instrument to Council, the Council may authorise any Officer to exercise, for and behalf of the Council, the powers conferred on the Council in Clause F of the Instrument, provided that such authorisation is made by instrument in writing and approved by the Chief Executive Officer on behalf of Council.	Delegation Not Required		

Proposed Authorisations and Delegations under the Road Traffic Act 1961 - 2015/2016 Review

Authorisations under Road Traffic Act 1961 Made in Accordance with the Notice to Council 22 August 2013 from the Minister for Transport				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
Clause F	AUTHORISATIONS 7. SPECIFIC APPROVAL FOR INSTALLATION, MAINTENANCE, OPERATION, ALTERATION OR REMOVAL OF TRAFFIC CONTROL DEVICES BY ANOTHER AUTHORITY 7.3 Pursuant to Clause F.1 of the Instrument, I, Terry Buss, Chief Executive Officer approve the following Officer(s) be AUTHORISED to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause F of the Instrument, subject to the conditions specified in the Instrument in relation to Clause F of the Instrument:	General Manager Urban Services, Manager City Assets, Manager City Works, Traffic Engineer, Parking and Traffic Officer, Civil Engineer		
Clause G	AUTHORISATIONS 8. POWER TO CLOSE ROADS AND GRANT EXEMPTION FOR ROAD EVENTS 8.1 Pursuant to Clause G of the Instrument the Minister delegated to the Council the power conferred on the Minister pursuant to Section 33(1) of the Act to declare that an event that is to take place on a road or road related area is an event to which Section 33 of the Act applies and to make an order directing either or both of the following: (a) that specified roads (being roads on which the event is to be held or roads that, in the opinion of the Council, should be closed for the purposes of the event) be closed to traffic for a specified period; and (b) that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the Australian Road Rules specified in Clause G.4 of the Instrument, subject to the conditions in Clause G.5 of the Instrument	Delegation Not Required		
Clause G	AUTHORISATIONS 8. POWER TO CLOSE ROADS AND GRANT EXEMPTION FOR ROAD EVENTS 8.2 Pursuant to Clause G.1 of the Instrument, the Council may sub-delegate the power delegated to the Council pursuant to Clause G of the Instrument, subject to the conditions set out in Clause G.1 of the Instrument.	Delegation Not Required		

Proposed Authorisations and Delegations under the Road Traffic Act 1961 - 2015/2016 Review

Authorisations under Road Traffic Act 1961 Made in Accordance with the Notice to Council 22 August 2013 from the Minister for Transport				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
Clause G	<p>AUTHORISATIONS</p> <p>8. POWER TO CLOSE ROADS AND GRANT EXEMPTION FOR ROAD EVENTS</p> <p>8.3 Pursuant to Clause G.1 of the Instrument, and the resolution of Council made on the 7th day of June 2016, the Council subdelegates to the person occupying the office of Chief Executive Officer of the Council the powers conferred on the Council pursuant to Clause G of the Instrument, subject to the conditions specified in Clause G.1 of the Instrument, and to any other conditions specified below and imposed by the Council on the sub delegate in relation to closing roads and granting exemptions to road events.</p>	Chief Executive Officer		

18.4 AMAC - Legal Challenge Support

Brief

This report seeks Council consideration of a request from AMAC (Australian Mayoral Aviation Council) for Council to provide in-principle agreement to financially support a legal challenge to events in Tasmania relating to the payment of rate equivalent payments to local government bodies for leased Commonwealth airports.

RECOMMENDATION(S)

It is recommended to Council that AMAC be advised:

1. That West Torrens is not able to provide in-principle support to financially support a legal challenge to events in Tasmania relating to the payment of rate equivalent payments to local government bodies for leased Commonwealth airports as set out in AMAC's letter dated 24 May 2016 because Council is of the view that:
 - The success of a legal challenge is considered minimal at best;
 - The likely cost of a legal challenge will be prohibitive;
 - Negotiation between the parties should be the preferred course of action rather than a combative legal challenge;
 - In-principle support to the legal challenge may put at risk the strong working relationship Council has developed over the years with Adelaide Airport Limited; and
 - The cost apportionment model is not considered fair and equitable as those Councils with the least to gain from a legal challenge will pay the lion's share of the cost whereas those with the most to gain will pay a minimal share.
2. That West Torrens is not unsympathetic to the issues being experienced by Clarence and Northern Midlands councils in Tasmania relating to rate equivalent payments from Hobart and Launceston Airports and accordingly, will further consider providing an ex-gratia payment to AMAC of up to 10% of reasonable legal costs incurred or \$15,000, whichever is the lesser, if negotiations fail and a legal challenge is instigated.

Introduction

By letter dated 24 May 2016 (refer **Attachment 1**) AMAC is seeking the support of Council to financially support a legal challenge to events in Tasmania relating to the payment of rate equivalent payments (REP's) to local government bodies for leased Commonwealth airports. Specifically this relates to both Commonwealth leased airports in Tasmania, Clarence City Council and Hobart Airport and Northern Midlands Council and Launceston Airport.

Since the leasing of major airports around Australia in the mid to late 1990's, this issue has arisen from time-to-time however, and as is the case with West Torrens, this issue and other areas of disagreement has been resolved by negotiations between the parties.

Discussion

As pointed out in the letter from AMAC, the issue of REP's for Tasmanian councils relating to Hobart and Launceston airports has been problematic over the years and has come to a head in recent times. It appears that negotiations are not achieving the desired results for the Tasmanian councils (for whatever reasons) and a legal challenge is being contemplated.

Given the costs associated with mounting a legal challenge that may end up in the High Court of Australia, AMAC on behalf of the Tasmanian councils is seeking the financial support of other AMAC member councils that receive REP's from their respective airports.

It is understood that there are 10 AMAC member councils that receive REPs but it is hard to put a specific value on what the total pool of REPs around Australia currently is. The Administration has a reasonable idea specific to the capital city airports but no real handle of what some secondary airports (Bankstown, Essendon, Parafield, etc.) pay in REPs to councils. There are also some councils around Australia that receive REPs that are not members of AMAC (Parafield Airport/ City of Salisbury for example) so these councils are excluded from the funding model proposed by AMAC. All things considered, it is estimated that the WT share to the funding model would be around 8 - 10% should we agree in-principle to support the legal challenge.

The actual cost of a legal challenge needs to be taken into account when considering Council's position on whether to support this request from AMAC. Based on past experience (some 10 odd years ago) when WT was contemplating a similar legal challenge, the costs could be considerable considering such a legal challenge may end up in the High Court of Australia. A figure in excess of \$500,000 is not unreasonable therefore making for a WT contribution of upwards of \$50,000. Apart from the financial aspect, there are a number of other elements that need to be considered if WT was to support a legal challenge including:

- Making sure we preserve our relationship with AAL as any legal challenge usually divides the parties or supporters of the various parties
- One in -all in, if one or more AMAC members decide not to support the legal challenge then why should West Torrens
- The likely success and ultimate cost of any legal challenge
- Negotiations should be the preferred course of action rather than a combative legal challenge
- WT and a number of other AMAC member councils have worked hard at establishing and maintaining strong working relationships with their airports which has resulted in beneficial REP agreements/arrangements. WT has locked away its REP agreement until 2026 so we have nothing to gain from being a supporter of the legal challenge. That said, solidarity amongst AMAC members is recognised in times of adversity.

It should also be acknowledged that under the proposed AMAC funding model, those councils with the most to gain (Clarence and Northern Midlands Councils) will pay the least to fund a legal challenge. Conversely, those with the least to gain, and possibly the most to lose, will pay the most. In the absence of all the relevant figures but based on REP's mentioned in the AMAC letter, it would appear that the Tasmanian councils would contribute up to 5% of the costs, with the councils associated with the major capital city airports of Brisbane, Sydney, Melbourne, Adelaide, and Perth, contributing the remaining 95%. As mentioned earlier, the West Torrens contribution could be up to 10%.

This funding model is based on capacity to pay rather than benefits gained and in the Administration's opinion, should not be supported.

The other issue to consider is the likelihood or otherwise to a successful legal challenge. The AMAC letter suggest every chance of success based on their legal advice however, that success can only be tested in Court and if the matter ends up in Court no doubt the other party (or parties) would be relying on similar legal advice that they would have every chance of success as well. A point of contention in the AMAC letter relates to passenger check-in and baggage handling facilities. AMAC argues strongly that these areas should be subject to REP's and in the past the Tasmanian airports were paying for these facilities accordingly. This position has now changed with the Tasmanian airports, supported by the Commonwealth, claiming they are aeronautical facilities and not subject to REP's. The Administration supports this view as such facilities are not subject to REP's in our agreement with AAL and this position could be used as a precedent to support the position of the Tasmanian airports and the Commonwealth. This point alone points to the uncertainty of the success of a legal challenge but that would be a matter for the Courts to decide!

Conclusion

Council is sympathetic to the issues being experienced by Tasmanian councils relating to REPs however, the request from AMAC to provide in-principle support to fund a legal challenge should not be supported based on the points raised in this report.

ATTACHMENT 1



AMAC Australian Mayoral Aviation Council

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EXECUTIVE COMMITTEE

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Mayor Ben Keneally
City of Botany Bay NSW

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City of Clarence

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Clr Paul Tully
Ipswich City Council

Executive Director
Mr John Patterson

24 May 2016

Mr. Terry Buss
Chief Executive Officer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033

Dear Mr Buss

Airport Rate Equivalent Payments – Legal Challenge

I am writing to you following a resolution of the AMAC Executive Committee at its meeting held in conjunction with this year's Annual Conference.

The resolution adopted unanimously by the Committee is:

"The Executive Director contact member Councils currently receiving rate equivalent payments asking for in-principle agreement to financially support a legal challenge to events in Tasmania, based on the receipt of positive legal advice on the prospect for success.

The Executive Director reports recent events to update the Commonwealth Ombudsman; and

AMAC member Councils be encouraged to raise the matter with local members of the Commonwealth Parliament."

A number of Councils will already be aware of the issue in question. Many will have experienced similar frustrations in past years. Also those who were represented at the Adelaide Conference will have heard the President speak of the matter in his Report and also during a quite lengthy discussion of the issue as the final item at the conference.

For those who may not yet be aware of recent events I will attempt to summarise.

- Clause 26.2 of the Commonwealth Airports head lease provides the following:

Where rates are not payable under Sub-Clause 26.1 because the airport site is owned by the Commonwealth, the lessee must promptly pay to the relevant governmental authority such amount as may be notified to the lessee by such governmental authority as being equivalent to the amount which would be payable for rates as if such rates were leviable and payable in respect of those parts of the airport site

- (i) *Which are subleased to tenants*

or

- (ii) *On which trading or financial operations are undertaken including but not limited to retail outlets and concessions, car parks and valet car parks, golf courses and turf farms, but excluding runways, taxiways, aprons, roads, vacant land, buffer zones and grass verges, and land identified in the airport master plan for these purposes,*

Unless these areas are occupied by the Commonwealth or an authority constituted under Commonwealth law which is excluded from paying rates by Commonwealth policy or law. The lessee must use all reasonable endeavours to enter into an agreement with the relevant governmental authority, body or person to make such payments.

The basis for inclusion of this clause was to accord with long held government policy on competitive neutrality – that government trading enterprises and commercial activities such as those operating on leased Commonwealth airports should be subjected to similar operating costs as other business competitors.

Over the years that the airports have been leased many member Councils have experienced difficulty in recovering the appropriate payments from the lease companies with claims that they are not compelled to pay, have refused to pay, or have offered up some lesser amount claiming that the amount they are liable for is subject to negotiation.

While this issue has simmered over recent years in most jurisdictions they have been brought to a head at both leased Tasmanian airports. Launceston, (Northern Midlands Council) and Hobart, (Clarence City Council).

The Tasmanian Valuer-General provided Tasmanian Councils with a revaluation which saw a considerable increase in the value of commercial properties generally. It is this which has been the trigger for the airports response.

The relevant appeal process regarding contesting the valuations advised was available to all property owners including the airport leasing companies.

Neither airport exercised their appeal rights although Launceston has since had the matter listed for appeal in the court.

The Councils levied their rates on properties in their area in accordance with the valuation supplied and calculated the amount due and payable by the airports on the same basis as was applied to all their commercial property owners.

The airports in question either sought to make payment of a lesser amount fixed by them, indicated they would not pay or challenged the "rateability" of certain areas even though liability had been acknowledged through payments made up to the time of the revaluation.

That led to numerous appeals to the Minister, other parliamentarians and to the Department seeking action to enforce the conditions of the lease.

The Minister, on the advice of the Department, and the Department itself instead encouraged negotiation and subsequently a mediated outcome. By their actions they supported the contention that the rates amount due, (a tax on the property) was something open to negotiation between the airport and Council - an option

not available to other ratepayers, and clearly in breach of competitive neutrality principles and government policy.

In a further attempt to broker an outcome the Department proposed a Commonwealth appointed valuer to value airport commercial properties and the Councils provided conditional support in an attempt to produce a satisfactory resolution.

The Department subsequently appointed Herron Todd White (HTW) Valuers to provide valuations and advised that HTW had been instructed to undertake the valuation process per the following guidelines:

- Identify airport sites that should be subject to payments in lieu of rates referring to:
 1. Site information provided by the Airport lease company;
 2. The ex-gratia rates provisions from the airport leases;
 3. Information detailing the Australian Government's position on rateable and excluded areas;
 4. The definition of passenger and aircraft related services and facilities under Regulation 8.01A of the Airports Regulation 1997; and
 5. The application of the principle of competitive neutrality.
- Identify the ex-gratia rates payable – to be determined by applying the relevant local government rate/s to each land parcel for the relevant rating period and using the applicable valuation methodology as applied by the local government for rating purposes off-airport.
- Identify the ex-gratia rates payable – to be determined by applying the relevant local government rate/s to each land parcel for the relevant rating period and using the applicable valuation methodology as applied by the local government for rating purposes off-airport.
- The determination of ex-gratia rates is to include specification of the amount of ex-gratia rates attributed to each sub-site based on the Land Valuation Service provided.
- An initial determination of ex-gratia rates is to be prepared for the airport using the rates, charges and methodologies adopted by the local government.
- The report and determination is to include a detailed description of the methodology and any checking methodologies utilised in arriving at the valuations of the relevant land parcels and determination of ex-gratia rates.

While there was an expectation by the Councils that they would be consulted during, and have input into the process, Northern Midlands and subsequently Clarence City have simply been provided with the revaluation result.

While Clarence is in the process of analysing their notification which proposes a dramatic reduction in the Commonwealth sponsored valuation assessment and resultant rates entitlement it is clear the methodology applied in Hobart is similar to that applied in the preceding Launceston Airport exercise.

As Northern Midlands received their advice some weeks ago Council has had an opportunity for further analyse their notification.

The Departmental guidelines purporting to have been issued to the Commonwealth appointed valuer (and listed above) suggests an outcome which should be broadly in line with the Tasmanian Valuer-Generals findings. The result however has proven quite different.

While the State valuation would have delivered a rate equivalent payment to Council in 2013 of \$452,565 the airport unilaterally chose to pay an amount of \$152,959. The Commonwealth appointed valuer proposes that the amount due in 2013 should in fact be \$165,932 increasing in 2014 to \$176,030 and to \$196,297 in 2015. Based on those figures Council would receive only 36.66% of State assessed income and a loss of income to Council of approximately \$1M over the three year period.

Councils analysis of the information provided by the Department has not allowed it to identify the location of the \$12,973 differential between what the airport chose to pay and what the Commonwealth valuer assessed as payable. The amounts actually paid by the airport when measured against that assessment by the State Valuer-General shows:

The Valuer General assessments on which the Council rated include:

- Virgin & Qantas Terminals – including check-in area, security, baggage, lounges, lunch rooms, offices etc exclusively allocated to each airline business. The airport charges airlines on a financial or trading enterprise basis as a charge per passenger. The Department appointed valuer proposes that these facilities should be rate exempt with only office areas liable. That equates to some 3.5% of the previous levy.
- Carparks – short term, long term, overflow, total 1,206 car parks – Airport paying approximately 58% of rates levied on State valuation. A new carpark has been built since 2013 however not yet valued or rated due to the court dispute.
- Sharp Airlines – hanger, offices etc - approximately 88%
- Café's, newsagency and car rentals (8 sites) – approximately 60%
- Array of ATM's, signage/promotion areas etc (16 sites leased areas) – nil
- Airport Maintenance Services (Independent third party mechanical workshop leased) – Airport paying approximately 3% of levy.

In Clarence City's case the Commonwealth appointed valuer has similarly excluded substantial areas previously not in dispute and where commercial activity is occurring.

One such area is the check-in and baggage handling facilities. In previous years the airport has made rate equivalent payments on these substantial terminal areas. They, or the Department, are now claiming these to be "aeronautical" and therefore not liable.

In this regard I draw your attention once again to Clause 26.2 cited earlier. It provides examples of those holdings liable for rate equivalent payments and those that are not, namely:

"On which trading or financial operations are undertaken including but not limited to retail outlets and concessions, car parks and valet car parks, golf courses and turf farms, but excluding runways, taxiways, aprons, roads, vacant land, buffer zones and grass verges, and land identified in the airport master plan for these purposes."

The claim therefore is that airport check-in and baggage handling facilities are more akin to a runway than they are to a retail outlet or concession.

AMAC has consistently held the view that these areas are liable since they are a point of commercial activity. A passenger purchases the right to have themselves and their baggage transported by air to their chosen destination. They may have made that purchase by telephone, internet or through an agent but they have come to the check-in to "collect" what they have paid for. A commercial transaction has occurred.

A similar example would be the online purchase of accommodation at an airport hotel. The guest pays on line and then attends the hotel to "collect" their accommodation. Using the argument put forward regarding check-in halls and baggage handling being "aviation related" suggests the same right might accrue to the airport hotel. Clearly an illogical and unreasonable proposition, yet the principle which is now being applied.

Add the proposed exclusions to the vast differential between the respective State and Commonwealth valuations and a major impact on Council revenue is clear should the Tasmanian proposition be sustained.

Needless to say occurrences in Tasmania, if sustained, will establish a clear precedent which other leased airports will undoubtedly seek to embrace.

With that in mind I invite you to consider the impact on your Council's budget if your airport rate income was reduced by some two thirds as is Northern Midlands experience.

The Tasmanian Councils have taken preliminary legal advice suggesting a course of action is available through the courts.

The AMAC Executive Committee is firmly of the view that it is in the best interest of all Councils currently receiving rate equivalent payments to consider in principle financial support for a possible legal challenge in accordance with the Committee resolution outlined at the beginning of this correspondence.

A number of Mayors in attendance at the Adelaide conference indicated they would be encouraging their Councils to lend their support.

As for the mechanics of how that support might be delivered it is proposed that the level of contribution, should an action proceed, would be proportional to the individual Council's share of the combined airport rates levy for the current year. For example, 3 Councils levied airport rates for the current year totaling \$10000. Council A's levy was \$5000, Council B \$3000 and Council C \$2000. If legal costs incurred amounted to \$1000 then A would agree to contribute \$500, Council B \$300 and Council C \$200 towards those costs.

In addition it is proposed that AMAC would act as the central contact in terms of both the distribution of further information and also the invoicing of members and reimbursement of legal costs should an action proceed.

Members are also encouraged to raise the issue with Commonwealth parliamentarians, and, in the current climate, consider the value of canvassing the views of other Canberra aspirants.

The community benefit at stake cannot be over emphasised and, while Northern Midlands and Clarence City will continue to explore all avenues for a final resolution of this issue, a national response will not only assist financially should legal action proceed, but will also demonstrate clearly the mood of airport Council nationally with regard to resolving an issue which has impacted many Councils since current lease arrangements began.

Naturally if there is any further information required to assist your Council in its understanding of the issue and in considering its support, don't hesitate to contact me directly.

Sincerely

A handwritten signature in black ink, appearing to read 'John Patterson', with a stylized flourish at the end.

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18.5 Underdale and Torrensville Industrial Zone Statement of Intent Update and Revised Approach

Brief

This report presents the outcome of recent research undertaken in the Underdale and Torrensville Industry Zone.

RECOMMENDATION(S)

That the Committee recommend to Council that:

1. The Underdale and Torrensville Industry Zone Economic and Land Use Analysis Report by Jones Lang LaSalle be received;
2. A revised Underdale and Torrensville Residential/Industry Interface DPA Statement of Intent be prepared which considers rezoning the South West Precinct, defined in Figure 1, of the Underdale and Torrensville Industry Zone to Urban Employment Zone and removing the non-complying status for low density residential development in existing residential areas;
3. The findings of the research and consultation undertaken in the Underdale and Torrensville Industry Zone be considered in the Employment Development Plan Amendment, including considering 101 Hardys Road, Underdale to be rezoned to allow residential uses.

Introduction

In May 2008 Council received a petition from 48 petitioners requesting:

"...that the Residential Zone boundaries be realigned along the entire length of Ashwin Parade southern side to adjoin the Residential Boundary line across Hardys Road to adjoin the residential boundary there and South through to Ashley Street and west through to Holbrooks Road."

The 2008 West Torrens Strategic Directions Report included a concept plan which identified the existing Industry Zone areas within Underdale and Torrensville as possible locations for future medium density residential development.

Subsequently the City of West Torrens Residential and Industrial Land Use Interface Study was commissioned by Council and presented in October 2013. A recommendation from this report was to *"Consider re-zoning parts of Underdale's Industry Zone to Residential and/or Mixed Use"*.

In September 2014 Council submitted a Statement of Intent (SOI) to undertake a Development Plan Amendment (DPA) related to the Underdale and Torrensville Residential/Industry Interface for the consideration of the Minister for Planning.

In September 2014 Council also received a petition from 184 petitioners which requested;

"...to change the zoning of the area west and south of Ashwin Parade and Hayward Avenue to Ashley Street and along Ashley Street to Holbrooks Road to Cranbrook Avenue in the suburb of Underdale. The zone is to be changed from Industry to Residential."

The petition was submitted with the SOI to the Minister for Planning.

On 14 April 2015 the Council received correspondence from the Minister for Planning which expressed 'in principle' support for a DPA for the subject area, but that after careful consideration he had decided not to support the Council's SOI in its current form.

Instead, the Minister for Planning requested further strategic investigation be undertaken to refine the scope of the SOI and to demonstrate it is not at variance with the State Planning Strategy. The further investigations required by the Minister included:

- *"Analysis of the employment generation provided by this industrial zone and how this sits with employment lands across the Council area" and*
- *"Consultation with current land owners and occupiers within the subject area to understand the current operations (such as hours of operation and noise impacts), siting and locational requirements (EP A buffers and licence conditions) and future plans."*

In his correspondence the Minister also suggested that Council considers adopting the Urban Employment Zone from the South Australian Planning Policy Library in the subject area.

Urban and Regional Planning Solutions (URPS) and SGS Economics and Planning (SGS) were commissioned in October 2015 to undertake the further investigations requested by the Minister for Planning, including an analysis of existing available employment data and a survey of local businesses and residents.

In order to ensure that the unique circumstances of the Wilford Avenue area were considered, a consultation workshop with Wilford Avenue residents and adjacent businesses was also undertaken in February 2016. This URPS/SGS report and the results of the consultation workshop were presented to the Corporate Planning, Policy and Performance Committee on 8 March 2016.

Subsequent to the URPS/SGS report, it was identified that further detailed investigations with a focus on the South West Precinct of the Underdale and Torrensville Industry Zone were needed.

The data available from existing sources such as the Australian Bureau of Statistics and the Department of Planning, Transport and Infrastructure industrial database could not provide sufficient detail for an area of this size. A consultant was therefore sought to undertake this work, and Jones Lang LaSalle (JLL) was engaged.

A report including analysis of this data has been prepared by JLL and is **provided under separate cover**.

After consideration of the results of community consultation and the JLL report, a number of Development Plan policy options have been explored to identify the best approach to balancing employment outcomes and the needs of residents.

Discussion

The option of rezoning part or all of the Industry Zone in Underdale and Torrensville to Mixed Use Zone or Residential Zone (as per the SOI which was submitted to the Minister) has been explored and the reasons for not recommending either of these approaches are provided below.

It is the Administration's view that the best direction to pursue at this point in time would be to rezone part or all of the Industry Zone in Underdale and Torrensville to Urban Employment Zone, promoting a range of employment land uses while including a local amendment to acknowledge existing areas of low density housing.

The Urban Employment Zone enables a range of industrial land uses together with other related employment and business activities including light industry, offices and commercial uses.

The needs of local residents would also be considered through the addition of an exemption from non-complying status for low density residential development in existing residential areas such as Wilford Avenue, Armour Avenue and Vintage Road. This would enable applications for residential development to be assessed on their merits and go through a simpler assessment process.

This approach is deemed to best support a vision for the future development of the area, while balancing the needs of local residents and businesses.

Further investigations

The South West Precinct is indicated in Figure 1 below. The area identified in green is the Industry Zone in Underdale and Torrensville and the portion of that area that is hatched is known as the South West Precinct (SW Precinct).

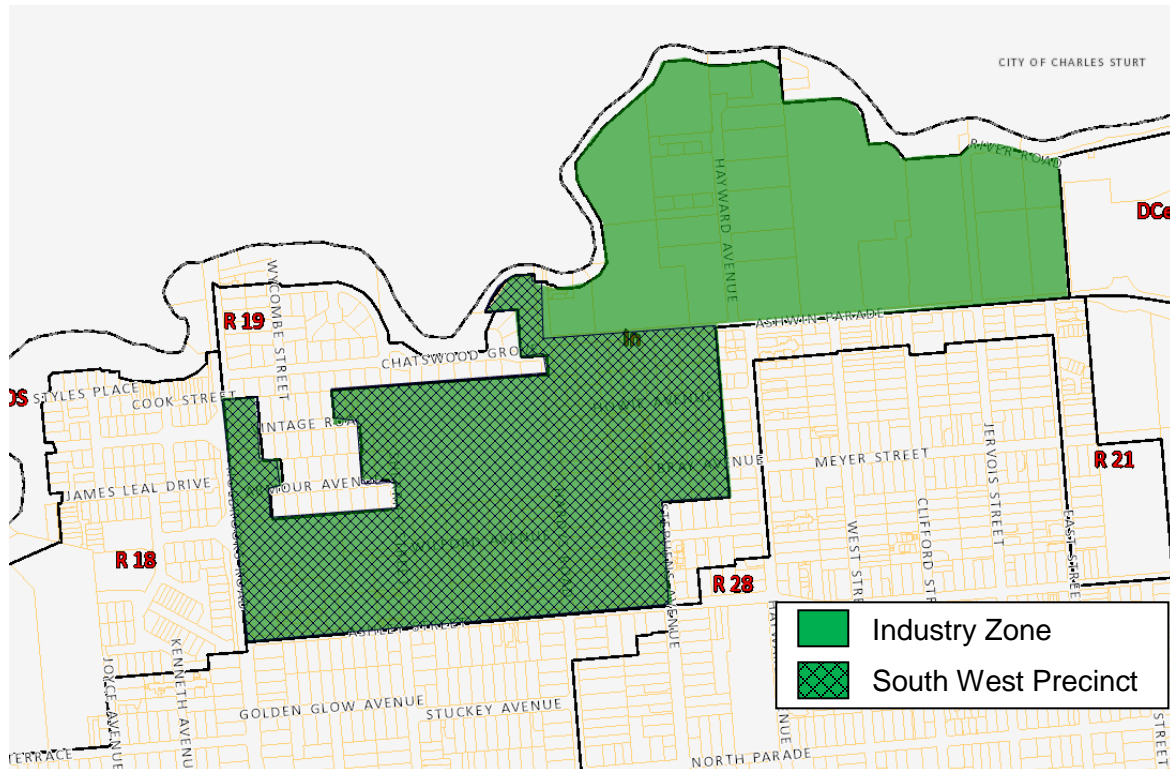


Figure 1: South West Precinct, Underdale and Torrensville Industry Zone

The additional investigations undertaken over past months included a land use and employment survey of all properties in the Underdale and Torrensville Industry Zone and economic analysis of the resulting data. The data collected in the survey was more detailed and recent than that available from other data sources, such as Australian Bureau of Statistics data and the Department of Planning, Transport and Infrastructure industrial database.

The Administration coordinated a door to door survey in which data collectors visited all business properties in the Underdale and Torrensville Industry Zone in February 2016.

Information collected in the survey included:

- Land use and business activities;
- Building ownership, size, type, use;
- Car parking provision;
- Number of employees;
- Business trading period;
- Business intentions; and
- Business location factors.

In February 2016, the City of West Torrens commissioned Jones Lang LaSalle (JLL) to undertake an analysis of the resulting data.

SW Precinct research

The research undertaken by JLL analysed the land use and employment survey data relating to the SW Precinct within the context of wider economic indicators and trends in Metropolitan Adelaide, western Adelaide and the City of West Torrens. The JLL report drew on data from the Australian Census of Population and Housing, Australian Government Department of Employment statistics and commercial property industry indicators.

In assessing the economic function of the precinct, the JLL report also specifically considered the SW Precinct within the context of the West Torrens economy, the metropolitan Adelaide economy and the industrial lands property market.

Jobs

In 2011 West Torrens had the highest ratio of jobs to residents in suburban Adelaide with a total of 41,235 jobs and a ratio of 1.5 jobs for each employed resident.

The survey identified there are 1,515 employees across 86 businesses and organisations in the SW Precinct. This represents a substantial proportion of the 2,724 employees in the wider Underdale and Torrensville Industry Zone (including the area north of Ashwin Parade).

Vacancy rates

The SW Precinct contains 128 separate premises. This includes 86 businesses, 18 vacant premises and 3 vacant land sites, as well as 21 residences (primarily in Wilford Avenue and Ashley Street).

The JLL report assessed this as a relatively high rate of vacant premises, however it also suggested that this is a reflection of the current leasing market which is quite subdued. Metropolitan Adelaide is currently experiencing a flat industrial property market evidenced by a significantly reduced take-up of industrial land during 2014 and 2015.

The report also noted that inner west Adelaide continues to be the preferred location for smaller sized industrial businesses, due to the central location, proximity to the CBD and Adelaide Airport and access to transport routes.

Types of employment

The manufacturing sector is the largest employment sector in West Torrens accounting for 14.6% of jobs across the city. In comparison, manufacturing accounts for a significant 26.7% of jobs in the SW Precinct.

Jobs in the sector declined by 18.6% between 2001-2011 and this trend is expected to continue across western Adelaide with a forecast decline of 1,949 jobs between 2014-2019.

The report noted that the typical businesses most associated with Industry Zones are expected to lose employment over the next 5 years and that, based on trends expected across the Adelaide West region, the City of West Torrens can expect a gradual decline over time in employment in many of the key employment categories that locate in Industry Zones.

Intention to stay

Nearly 70% of respondents had been in the SW Precinct for at least 10 years. 87% of respondents intended to continue operating at the same premise over the next five years. Respondents identified proximity to the CBD, markets and customers and main roads as their preferred business characteristics of the SW Precinct.

The JLL report concluded that the SW Precinct remains an important employment area, although not considered a Prime Industrial Area. It noted that many existing businesses appear viable and satisfied in their current location. However the report also suggested that future employment decline in industry-related sectors will reduce demand for industry land over time and that some existing business may also consider relocating in the future.

The report concluded that this will particularly affect businesses on large sites, but indicates that there will continue to be demand for smaller industry sites. It also suggested that large sites within the SW Precinct are potential catalyst sites for redevelopment and land use change.

Issues for residents

21 of the 128 separate premises in the SW Precinct are dwellings used for residential purposes (not business). The residential development in the Industry Zone occurred at the same time as the first industrial businesses and predates the current industrial zoning policy.

Over a period of time, residents in and near the Industry Zone have experienced environmental nuisances caused by businesses, such as noise, odour, vibration, car parking limitations and traffic congestion.

At the workshop held on 24 February 2016 with Wilford Avenue residents and landowners, a number of people expressed an interest in undertaking new residential development within Wilford Avenue and in the wider locality.

Some attendees also expressed an interest in developing medium density housing and allowing the wider SW Precinct to transition to non-industrial uses, including residential, over time.

Attendees at the workshop also expressed concerns that the current Development Plan Policy does not allow them to undertake low density residential development or residential/industrial mixed use development in the existing Wilford Avenue residential locality.

The residents who attended the workshop discussed the importance of a long term vision for the future of the area as well as a staged planning approach to realise this over time.

A vision for Torrensville and Underdale Industry Zone

In Adelaide the progressive transition of industrial areas to other land uses, such as residential, has occurred over time. In particular, this has occurred as inner suburban industrial areas face pressure from higher value use, and historically established land uses capitalise on redevelopment opportunities to relocate to lower valued land in outer suburban industrial areas.

In line with this pattern of redevelopment, the 2008 West Torrens Strategic Directions Report identified the future promotion of medium density residential development in this area with a 2025 timeframe.

However, both the JLL report and URPS/SGS report indicate that the area functions as a stable area of employment generation. This is an important finding considering the current status of the South Australian economy and the forecast decline in the manufacturing sector in Western Adelaide.

In terms of identifying a future development approach for Underdale and Torrensville Industry Zone, the following characteristics of the current area are particularly relevant:

- The area is a functioning area for employment generation and stable business location;
- A number of large sites containing businesses have not indicated any intentions to relocate;
- Pockets of residential development have grown up alongside industry creating a situation where existing landowners are unable to redevelop their properties for residential purposes; and
- A number of small businesses that generate some environmental nuisances (traffic, car parking, noise and/or odour issues) cause conflicts with existing residential activities.

Council's future objective for the development of medium density residential in the Torrensville and Underdale area is more likely to succeed if a large site were available to act as a catalyst for land use change.

Catalyst sites are critical to the redevelopment and transition of inner suburban industrial areas. An example is the Clipsal site in Bowden. Catalyst sites are typically held by businesses that are located in the area as a legacy of previous times and their location is not necessarily the most logical for their current and future operations. At some point the businesses may reconsider their business needs and may choose to relocate out of the area.

Given that the demand trend for inner suburban industrial and employment land is from smaller businesses, there is likely to be limited demand for large inner-suburban industrial sites. This presents an opportunity for small/low impact business or residential use, or potentially both in mixed use development.

Large sites have the capacity to:

- contain land use conflicts on site;
- address pressures from other land uses;
- maximise the use of the land; and
- provide flexibility to create a substantial redevelopment that will meet the demands of the property market.

It is, therefore, unlikely that the vision for medium density residential development in the Underdale and Torrensville area will be realised until a larger site becomes available as a catalyst. It is also more likely that the redevelopment of smaller sites will follow a larger site which acts as the initial trigger for further land use change and redevelopment.

There has, however, been interest in further residential development of existing residential sites in Wilford Avenue. In acknowledgement of these existing residential sites, it is recommended that the SOI consider enabling low density residential redevelopment in this area. As well as recognising the established residential use by remaining low density. This approach also manages the risk of intensifying the impact of environmental nuisances.

Policy options

The South Australian Planning Policy Library (SAPPL) is a suite of policy 'templates' developed by the Department of Planning, Transport and Infrastructure.

The Council's policy options for the Underdale and Torrensville Residential/Industry Interface DPA are generally limited to implementing one the SAPPL templates. However the DPA process also allows councils to include local variations where there is strong rationale.

In the SOI submitted in 2014, Council sought to allow mixed use or residential uses in the Underdale and Torrensville Industry Zone. This would facilitate a transition toward mixed use or residential land uses and away from a primarily industrial area.

In the Minister for Planning's response on the SOI, he suggested the Council instead consider implementing the Urban Employment Zone.

The following table summarises the potential SAPPL zoning options, identifies key local amendments recommended and considers the advantages and disadvantages of each option.

OPTION	BENEFITS	DISADVANTAGES
<p>Status Quo <i>Retain the Industry Zone in Underdale and Torrensville</i></p>	<p>Employment: The continued operation and support of industrial and business activities within Underdale and Torrensville as an area of employment generation within the City of West Torrens.</p>	<p>Continuing Interface and Amenity Issues: Existing environmental nuisance concerns of existing residential land uses would continue.</p> <p>Lack of investment and redevelopment: Inadequate certainty and policy for the consideration of historical non-business uses within the area (particularly the residential uses in Wilford Avenue) resulting in a lack of investment and redevelopment in the area.</p> <p>Non-industrial businesses not envisaged: The policy does not enable some non-industrial, low impact businesses to develop in the area.</p>
<p>Mixed Use Zone <i>Rezone part or all of the Industry Zone in Underdale and Torrensville as Mixed Use Zone which enables light industry, offices, a range of commercial uses and medium density housing.</i></p> <p><i>Note: New low density housing is not enabled in this option.</i></p>	<p>Redevelopment: The zoning would allow future catalysts sites to redevelop for non-industrial uses without further rezoning or precinct planning.</p> <p>Flexibility: Property owners would have significant flexibility to undertake light industrial, a range of commercial uses and medium density residential redevelopment in a manner that best meets their needs and/or market demand.</p>	<p>Land Use Conflict: An increase in land use conflicts would be expected to impact the amenity of sensitive land uses and the viability of industrial and business land uses.</p> <p>Uncertainty: The zoning would not provide landowners with certainty about the nature of future development in the area - as light industry and medium density housing could be developed in the same area.</p> <p>Potential redevelopments may be delayed due to speculation of other potential residential developments and small residential sites are unlikely to be accepted with the market within a primarily industrial environment.</p>

OPTION	BENEFITS	DISADVANTAGES
		<p>This is not likely to instil sufficient confidence that the property market will support the development of smaller residential sites within a prevailing industrial area.</p> <p>There would also continue to be barriers to redevelopment for low density residential uses for existing residential properties in the area.</p>
<p>Residential Zone <i>Rezone part or all of the Industry Zone in Underdale and Torrensville as Residential Zone which enables a range of housing and associated ancillary uses.</i></p> <p><i>Note: New industrial and commercial type development are not enabled in this option.</i></p>	<p>Residential redevelopment: The zoning would allow future catalysts sites to redevelop for non-industrial uses without further rezoning or precinct planning.</p> <p>Property owners of potentially unviable industrial areas would have the option to redevelop for another use - residential development.</p> <p>Existing residential properties in the area would be able to redevelop for residential uses.</p>	<p>Curtailed Industrial Expansion: Existing industrial uses would have existing use rights however this may not extend to future expansions and development.</p> <p>Continuing Interface and Amenity Issues: Existing environmental nuisance concerns of existing residential land uses would continue while existing industrial land uses remain, and the rate of conflicts and complaints are likely to increase if the residential land uses increase. This would result in a poor amenity outcome for residential land uses and may constrain the feasibility of industrial and business land uses to continue operation in the area.</p> <p>Developer uncertainty: The zoning would significantly differ from the existing industrial development in the area. This could result in uncertainty for landowners in relation to the nature of future development, as the property market is unlikely to support the development of smaller residential sites within a long term prevailing industrial area. Potential redevelopments may be delayed due to speculation about other developments.</p>

OPTION	BENEFITS	DISADVANTAGES
<p>Urban Employment Zone with local amendment acknowledging existing areas of low density housing.</p> <p><i>Rezone part or all of the Industry Zone in Underdale and Torrensville as Urban Employment Zone which promotes a range of employment land uses, enabling light industry, offices and a range of commercial uses. Also include a local variation for a non-complying exemption to enable low density residential development in existing residential areas in Wilford Avenue, Vintage Road and Armour Avenue.</i></p>	<p>Coordinated Redevelopment: The future DPA process for medium density housing would enable consideration of site and locality characteristics to capitalise on opportunities to ensure a coordinated and high amenity development.</p> <p>Transition Compatible Land Uses: Future land uses and development introduced to the area would be compatible with a potential future transition of the area to higher value sensitive land uses.</p> <p>Catalyst redevelopment: There would be an opportunity for future catalyst redevelopment sites to be spatially planned in a way that incorporates other sites in the locality and maximises a high amenity development. This is an opportunity for catalyst site redevelopment to consider layouts that address interface concerns.</p> <p>Redevelopment Density: It would enable redevelopment of existing residential areas in Wilford Avenue, Vintage Road and Armour Avenue consistent with the existing density.</p> <p>Contain Interface Issues: Land use interface conflicts with sensitive land uses are contained within existing areas and activities.</p>	<p>Further Planning Processes: Future rezoning or precinct planning would be required to enable residential development of catalyst sites.</p> <p>Departure of Existing Activities: Over time existing industrial uses could face some pressure to leave the area.</p>

It is therefore recommended that the Urban Employment Zone option is the most appropriate policy to enable the Council to work towards the vision for medium density residential development, while also considering the existing prevailing industrial activities and a number of low density residential uses.

A staged approach to future development in the Torrensvile and Underdale Industry Zone

The path to achieving the vision for medium density housing in Underdale and Torrensvile cannot be realised through zoning alone. Land uses that currently exist with development approval have existing use rights and are entitled to remain indefinitely even if the new zone policy does not support that type of land use.

Council could take a staged approach to working toward the longer term vision for medium density housing in the Underdale and Torrensvile industrial area. This approach would involve making use of a number of statutory and non-statutory approaches to actively guide and shepherd change in this area over an extended period.

A staged approach could be undertaken by:

1. **Enabling a wider range of low-impact businesses and commercial enterprises within the Industry Zone** which are more compatible with sensitive land uses and will over time reduce the proportion of industrial activities in the area. Rezoning to Urban Employment Zone (as is recommend by this report) would be a first step towards achieving this.
2. **Reducing the presence of incompatible land uses in the area to reduce the incidence of land use conflict** by ensuring businesses comply with Council requirements and (if appropriate) Council could support actions to minimise land use conflicts. This could include facilitating relocation of businesses to a more suitable area where the characteristics of development and surrounding land uses are compatible with a higher level of nuisance as relevant to that business (traffic, noise, pollution, odour).
3. **Identifying and actively attracting the types of businesses that are envisaged in the area** by promoting the benefits of the location and characteristics of the area. This may require a concerted effort to promote and brand the area to attract tenants and owner-operators of the types of business that are both complementary to existing businesses and minimise impacts on existing and future sensitive land uses. This would be particularly important to ensure that urban decline does not occur during the land use transition.
4. **Identifying potential major catalyst sites** and promoting the use of a precinct planning process to enable for mixed use or residential development of the area at such time as a key catalyst site is ready to consider a change in land use. At this time the precinct process could also consider redevelopment of smaller sites within the locality of the catalyst site and identify opportunities for their redevelopment.

In order to accommodate urban uplift and the types of residential dwellings envisaged in a mixed use area, catalyst sites may be identified that would assist in creating the tipping balance from an industrial zone with minimal residential to a more residential-focused zone with commercial uses incorporated.

Identifying parcels of land suitable for site amalgamations and encouraging uses that do not further fragment ownership of land holdings in the area would assist to maintain the site areas required for large footplates. These would be needed for medium density development of apartment-buildings and the like which may be anticipated if the area was up-zoned for residential use in the future.

A staged approach of this nature would enable Council to support transition to a high amenity mixed use or residential locality at Underdale and Torrensvile over a long-term timeframe.

Additional Consultation with 101-105 Hardys Road, Underdale

The URPS/SGS report analysed the appropriateness of rezoning in a number of areas within the SW Precinct. One of these sites was 101-105 Hardys Road, Underdale, which is a vacant site at the northern end of Hardys Road fronting the River Torrens Linear Park. The site is adjacent industrial business uses to the south and west and has residential properties neighbouring the southern side that front Primrose Court, off Chatswood Grove.

The URPS/SGS report suggested that 101-105 Hardys Road, Underdale is suitable for residential rezoning. This finding took into consideration a previously approved residential land division, adjoining residential land uses and the adjoining Linear Park. The Development Approval issued for this site approves the creation of 9 residential allotments. The landowner has since submitted another development application for the construction of 20 dwellings on the site. This development application is currently in progress and a decision has not yet been made on the application.

The Administration met with the landowner who indicated that they would support the rezoning of the land to residential zone. To allow for completion of the Development Application, which is currently in train for this property, it may be more appropriate to consider rezoning this site in the upcoming Employment DPA rather than in the Underdale and Torrensville SOI.

Conclusion

This report sets out options for Council to progress the Underdale and Torrensville Residential/Industry Interface Development Plan Amendment within the context of its wider vision for the area to transition in the long term to medium density housing.

Council has now undertaken the further investigations requested by the Minister for Planning. In light of the findings of these investigations, it is recommended that a revised SOI be prepared which proposes to rezone part or all of the Industry Zone in Underdale and Torrensville to Urban Employment Zone, while including policy that acknowledges existing areas of low density housing and potential future residential development in these areas.

18.6 Proposed Development of Morphettville Racecourse (and surrounds)

Brief

This report compares available options to facilitate the proposed development of land by the South Australian Jockey Club adjacent to the Morphettville Racecourse and seeks Council's direction on its preferred approach.

RECOMMENDATION(S)

It is recommended to Council that:

1. Council supports a Ministerial Development Plan Amendment funded by the developer as the preferred approach for facilitating the proposed development of land at the northern end of the Morphettville Racecourse site, on the proviso that the two Councils play an integral part in the DPA process to ensure the development is appropriately coordinated and that local issues and aspirations are appropriately considered in the master-planning and policy creation process.
2. The Chief Executive Officer writes to the City of Marion confirming support for the proposed approach.
3. The Chief Executive Officer writes to the Minister for Planning recommending that a Ministerial Development Plan Amendment is initiated to facilitate the proposed development of the SAJC owned land adjacent to the Morphettville Racecourse.

Introduction

The South Australian Jockey Club (SAJC) owns land including the Morphettville Racecourse and its surrounds. The parcel of land spans two council areas; the City of West Torrens and the City of Marion.

The SAJC has hired a consultant planner to master plan a mixed use transit-oriented development (TOD) based around the tram stop adjacent the Morphettville Racecourse and ANZAC Highway.

The affected councils have been approached by the SAJC to consider changes to their respective Development Plans in order to facilitate the proposed level of development; copies of relevant correspondence are provided at **Attachment 1**.

An aerial image of the site of the proposed development has been provided at **Attachment 2**.

Options available to consider include Council-initiated Development Plan Amendments, a Ministerial Development Plan Amendment or undertaking a Precinct Planning process.

Strategic planning staff met with Marion staff to discuss the proposed development, the options available to both councils and the pros and cons of the various planning pathways that could be used.

On 24 May 2016, the City of Marion considered a report on the proposed development and resolved that Council:

1. *Supports a Ministerial DPA as the preferred approach for facilitating the proposed development of land at the northern end of the Morphettville Racecourse site on the proviso that:*
 - *the two Councils play an integral part in the DPA process to ensure the development is appropriately coordinated and that local issues and aspirations are appropriately considered in the master-planning and policy creation process.*
2. *Write a letter to the City of West Torrens seeking agreement that a Ministerial DPA is the most appropriate means of facilitating the proposed development of land at the northern end of the Morphettville Racecourse site.*
3. *Write a letter to the Minister of Planning, seeking his approval for a Ministerial DPA facilitating the proposed development of land at the northern end of the Morphettville Racecourse site.*

Discussion

Although the Morphettville Racecourse location was not previously identified for this level of densification in the City of West Torrens Strategic Directions Report, the general nature of the development is consistent with the policy currently in the City of West Torrens Development Plan.

It is also consistent with the policy directions articulated through the Housing Diversity DPA. This sought to "*change the future form and character of some parts of the City by identifying areas suitable for medium and high density housing, as well as mixed use development*", with a focus on densification in areas close to transport corridors.

Prior to any future development occurring at the Morphettville Racecourse site (and surrounds) changes would need to be made to the policy provisions in the relevant council Development Plans.

Under current zone provisions in the West Torrens Development Plan many of the proposed uses are envisaged, however the height limits indicated in the plan do not accommodate the heights proposed. The building height limits in the ultimate design may also be somewhat constrained by the designation of the land in Airport Building Heights Zone C which requires referrals of all buildings over 15 metres above ground level.

While the City of Marion considered the area as a potential location for increased population growth in the development of their Strategic Directions Report in 2013, policy in the current City of Marion Development Plan renders elements of the proposed development within their council area 'non-complying'.

Processes for amending Development Plans

The standard processes for amending Development Plans are outlined in the *Development Act 1993*. DPAs can be initiated by councils or the Minister for Planning. In circumstances where a developer's interests are driving a policy change, the Development Act allows for developer-funded DPAs. This would be applicable in the case of the SAJC land.

An alternative mechanism for introducing changes into a Development Plan is available through the Urban Renewal Act 1995, whereby the Minister for Housing and Urban Development can declare an area where a major development project is to be undertaken as a 'precinct' and appoint a 'precinct authority' to develop a 'precinct plan' for the area.

Council's direction is being sought as to the preferred approach to the proposed Morphetville Racecourse development.

Key factors to consider include the requirement that the development spans the two council boundaries; that the subject area is adjacent ANZAC Highway, a Department of Planning Transport and Infrastructure (DPTI) controlled road and the proposed design includes integration of a tram stop on crown land, also controlled by DPTI.

A summary of the three main options follows:

1. Joint Council-DPA process by City of Marion/City of West Torrens

As the development proposal spans the boundary of both the Cities of Marion and West Torrens but envisages a fully integrated development, a Council-initiated DPA for the development would require a joint-council DPA.

A joint DPA process requires a coordinated response between the two councils including negotiation of timelines, priorities, resourcing and decision-making.

Under this method, applications for individual buildings would need to be submitted to the relevant authority to be assessed against the relevant Development Plan.

Depending on the scale, nature and development cost of the development, the relevant Council or the Development Assessment Commission would be the authority, and therefore collect the fees associated with development assessment.

An issue with this approach would potentially be that Council would have no direct control over the tram corridor, which is located on Crown land and controlled by the State government. This could pose problems as the proposal envisages the upgrading and potential development over the tram line. As a consequence, this approach is not recommended.

2. Precinct Planning Process

The information below is based on DPTI's 'Precinct Planning and the Urban Renewal Act- Fact Sheets 1 to 6', and cross-referenced with LGA SA's *Precinct Planning Guidelines*.

The precinct planning process facilitated by the *Urban Renewal Act 1995*, is, as yet, untested by any council in South Australia. Under the provisions of the Act, the Minister for Housing and Urban Development (Minister for HUD) can declare an area where a major development project is to be undertaken as a 'precinct' and appoint a 'precinct authority' to develop a 'precinct plan' for that area.

The process requires Council/s or other eligible parties to lodge a precinct request and business case with the Minister for HUD and establish a precinct authority. The precinct authority can be a council, subsidiary of a council, the Urban Renewal Authority or other statutory corporation under the Urban Renewal Act. The precinct authority is responsible for the whole of the strategic planning and implementation of a precinct, extending from the early feasibility of a precinct, development of a precinct master plan and implementation plan, through to assessing separate development applications against the approved precinct master plan.

A 'precinct master plan' is a strategic high level document that identifies how the whole of the precinct will be developed. It must be supported by the Minister for HUD and the Minister for Planning, signed off by the Governor, and referred to the Environment, Resources and Development Committee of Parliament. A 'precinct implementation plan' then provides a greater level of detail about how a precinct will be developed, and may include details such as development staging. It must be endorsed by the Minister for HUD.

The precinct authority is required to establish a design review panel, to provide advice on design matters relating to the precinct, and a community reference panel comprising representatives of persons who live in and around the precinct.

The assessment process under the Urban Renewal Act 1995 modifies the standard Development Act 1993 assessment process, and would be undertaken as follows:

1. Development application is lodged with the precinct authority, which certifies whether the application is complying against the master plan.
2. Application is lodged with relevant council as a complying development (council only needs to ensure the proposal has been certified by the precinct authority).
3. Building Rules Consent assessment undertaken by private certifier or council
4. Full development approval issued by council.

The DPTI Fact Sheets and further analysis undertaken through a project funded by LGA SA suggest that a precinct authority is potentially an effective option where certain circumstances are present, such as a number of stakeholders are involved, two or more councils are affected, and/or land is in disparate ownership.

It is envisaged that if a precinct process was followed in this circumstance, the precinct authority would be made up of a partnership between the Urban Renewal Authority, South Australian Jockey Club and both councils.

Establishing a precinct authority is likely to have benefits in situations when complex collaboration is required and a co-design approach is sought, and, for these reasons, could look an attractive option in relation to the Morphetville development. However, the co-design approach would however take considerable time and involve achieving high level (Ministerial) support for the creation of detailed master planning and implementation plans, as well as setting up a community panel and design review panel.

There is also potential that if Council were not the precinct authority, it may have less control over the development from master-planning through to assessment of individual component of the proposal.

To date, the precinct planning process has yet to be implemented by any council in South Australia. It might be unreasonable to impose an untested and multi-faceted precinct planning process approach on the developer who would otherwise simply be required to fund the DPA, which is a tried and tested process.

The comparative budget impacts of precinct planning should also be considered. The administration of assessments relating to a precinct planning process would still require a level of involvement by Council, without the income associated with assessment as the relevant authority. Those fees would go to the precinct authority that could also collect rates, levies and charges for properties within the precinct boundary. In addition, the initiation of a precinct authority with Council involvement is likely to be resource intensive. Consequently, all things being equal, this approach is not recommended to Council.

3. Ministerial DPA

When a DPA involves land in more than one council area or, in the opinion of the Minister, the matter is of significant social, economic or environmental importance, the Minister may choose to undertake the DPA. In these circumstances, the affected councils may also request the Minister to undertake the DPA.

Under this method, the Minister and DPTI administration coordinate and facilitate the process with Council involvement and input into the DPA. A schematic of the master plan for the site could be included into the DPA through a concept plan, and the land use types would be described in the policy provisions.

As with the option considered above, applications for individual buildings would need to be submitted to the relevant authority to be assessed against the relevant Development Plan. Depending on the scale, nature and development cost of the development, the relevant Council or Development Assessment Commission would be the relevant authority and therefore collect the fees associated with development assessment.

This option is the preferred option of the SAJC (**refer Attachment 1**) and has also been endorsed as the preferred approach of the City of Marion *"on the proviso that the two Councils play an integral part in the DPA process to ensure the development is appropriately coordinated and that local issues and aspirations are appropriately considered in the master-planning and policy creation process."*

Consequently while the Ministerial DPA approach is recommended to Council, it is conditional on the two councils being permitted to play an integral role in the DPA process to ensure the development appropriately considers local contexts, issues and aspirations in the master-planning process and policy creation process.

The overall objectives of the proposed Morphettville Racecourse development project are consistent with the objectives in the *30-Year Plan for Greater Adelaide*, including significant opportunity for mixed-use infill development and the creation of purpose-built Transit Oriented Development in inner metropolitan Adelaide.

A Ministerial DPA, which would include coordination of input from the two councils and the relevant State Government department stakeholders, is considered most appropriate for the proposal. The development assessment process would generally require input from the two Councils, either as the relevant assessing authority, or through referrals from the Development Assessment Commission (DAC).

Conclusion

Council has been approached by the SAJC about its proposal to master plan a mixed use transit-oriented development based around the tram stop adjacent the Morphettville racecourse and ANZAC Highway.

The Administration has met with City of Marion staff and planning consultants engaged by the SAJC. Three planning options have been identified and presented to Council for its consideration:

1. A Joint Council-DPA process by City of Marion/City of West Torrens
2. Precinct Planning Process
3. Ministerial DPA

After consideration of these options, and taking into consideration that it is the preferred approach of the SAJC and the City of Marion, it is recommended that a Ministerial DPA be sought, on the proviso that this is undertaken in close collaboration with the affected councils.

As the majority of the subject land is in one ownership (apart from the tramline corridor), a Ministerial DPA appears to be the best option to achieve the level of coordination necessary to ensure appropriate development of the proposal.

ATTACHMENT 1



South Australian Jockey Club Inc.
Morphettville Racecourse
GPO Box 2646 ADELAIDE SA 5001
T (08) 8295 0111
enquiries@sajc.com.au
www.sajc.com.au
ABN 78 740 603 852

31st May 2016

Mr Terry Buss
Chief Executive Officer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033

Dear Terry,

Further to our previous communications dated 17th February, the South Australian Jockey club wishes to advise that whilst it is very happy to participate in a joint Councils DPA between West Torrens and Marion it is considered that the most effective way to facilitate the proposed development, which involves coordination of State Government transport infrastructure, is by the Ministerial DPA process.

We anticipate that there will still be considerable opportunity for City of West Torrens and City of Marion to play an integral part in the DPA process to ensure that the development is integrated and that local issues and aspirations are appropriately considered in the policy formulation process.

The SAJC looks forward to working with you to establish a high quality transit oriented development in this part of your council area.

Yours sincerely



Brenton Wilkinson
Chief Executive Officer

From: Geof Bone
Sent: Wednesday, 17 February 2016 10:03 AM
To: 'Kathleen Allen' <kallen@wtcc.sa.gov.au>
Subject: SAJC Morphettville

Attention Mr Terry Buss

Dear Terry,

I confirm that the SAJC have finalised a concept for the development of surplus land at Morphettville and is pleased to formalise its intent to pursue a Transit Orientated Development (TOD) incorporating an activity centre and higher density transit living for surplus land, integrated with existing racing facilities.

This proposal has been presented in principle to the State Government Office of the Coordinator General and it has received support to progress via a joint Council's Development Plan Amendment.

In overview the SAJC owns 7.3 hectares of surplus land at Morphettville which has the capacity to facilitate a TOD of up to 1,000 dwellings, a neighbourhood level activity centre, bulky goods, offices and renewal of core racing facilities.

This property is Located in two council areas (Marion and West Torrens) and adjoining Holdfast Bay boundary.

Its potential embraces:

- The Morphettville tram station, a potential central Activity Node.
- Supports a Neighbourhood Centre retail function.
- At grade and multi-level park and ride parking capacity of significance.
- Bulk goods along the western side of Morphett Road, adjacent to the large tram maintenance buildings.
- Residential development scaled down to adjoining eastern existing residential areas.
- Higher density to central areas overlooking racecourse and separated from existing residential areas.
- Central open spaces areas, pedestrian orientated and linked to SAJC facilities.
- Residential access from eastern road network.
- Relocation of existing TAFE complex to core racing areas.
- Integrated stormwater management.
- Consolidation of SAJC core facilities and joint car parking uses.

This project aims to deliver on state targets and objectives.

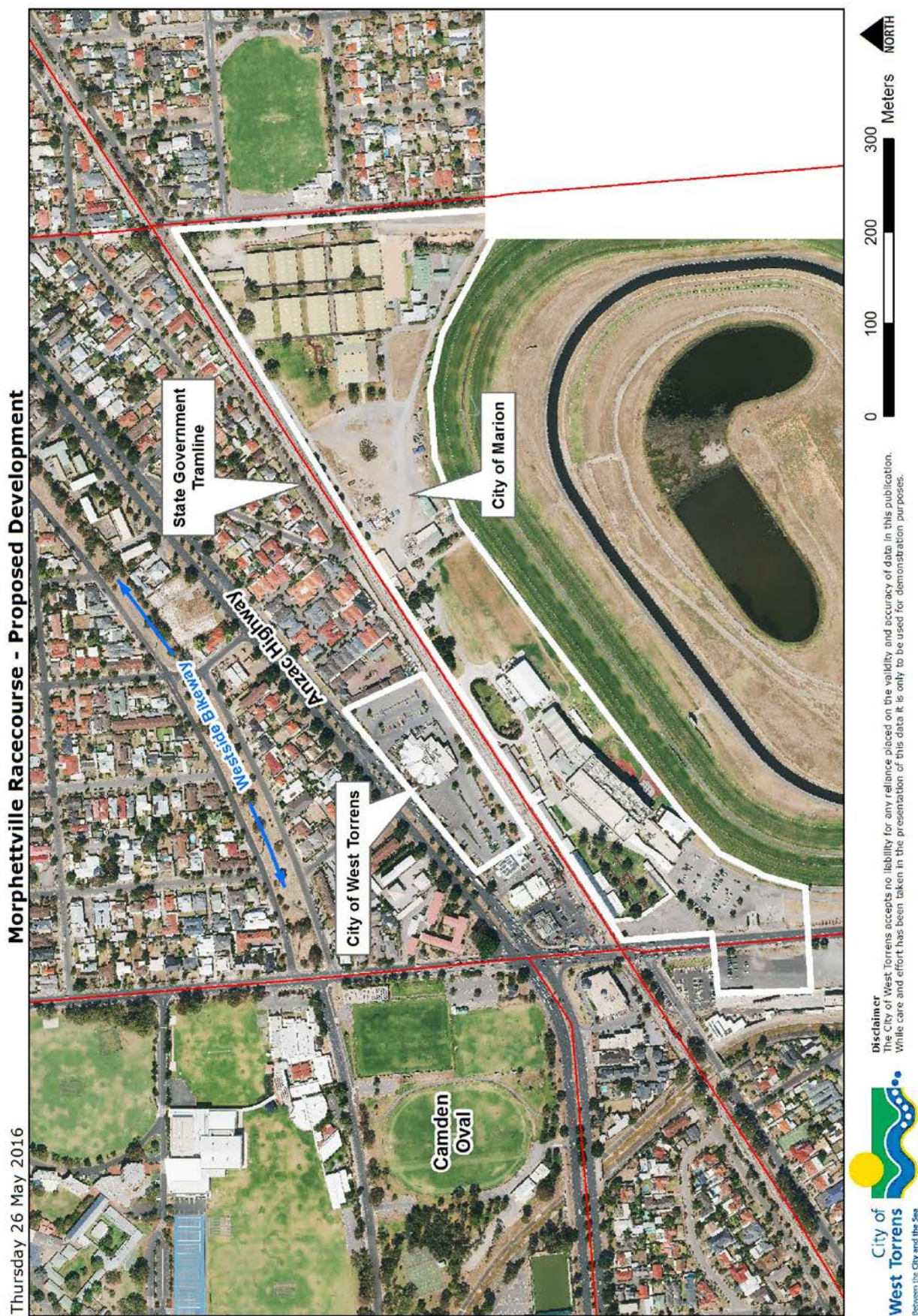
- It supports a national global industry. Thoroughbred racing underpins the sustainability of a 2,500 job industry in South Australia.
- Creates 500 new permanent jobs in SA over 20 years.
- Delivers on the 30 Year Growth Plan for Greater Adelaide with:
 - Low infrastructure requirements
 - An individual stand-alone project
 - Negligible local community impact
 - Short term commencement
 - Best practice urban development
- State Priority – Creating A Vibrant City.
- Tourism Icon - sustainability and growth.
- Significant expansion of SAJC's racing industry based infrastructure.

Accordingly the SAJC wishes to present the proposal to your Council to brief elected members of its scope and then seek to work with you to prepare a developer funded DPA, jointly with Marion.

We look forward to your advice of a suitable time, preferably on 15 March as we discussed.

Regards,
Geof Bone
0448 588001

ATTACHMENT 2



18.7 Existing Activity Centres Policy Review Ministerial Development Plan Amendment Update

Brief

This report updates Council on the Minister's Existing Activity Centres Policy Review Development Plan Amendment which was consolidated into the City of West Torrens Development Plan on 5 May 2016.

RECOMMENDATION(S)

It is recommended to Council that this report be received.

Introduction

In August 2015, the Minister for Planning released the draft Existing Activity Centres Policy Review Ministerial Development Plan Amendment (DPA) for public and agency consultation.

The DPA affects 25 councils in suburban and regional areas of Greater Adelaide, including the City of West Torrens and excluding the City of Adelaide. The draft DPA was available for community consultation for eight weeks from August to October 2015.

Council submitted comments during this time, a copy of the Council's submission on the draft DPA is provided in **Attachment 1**.

In March 2016, a letter from the Minister for Planning was received advising that he had approved the DPA. A copy of the letter is provided in **Attachment 2**.

Subsequently, on 21 April 2016, a notice was published in the Government Gazette to formally approve the DPA.

Policy developed in the DPA was consolidated into the City of West Torrens Development Plan (Plan) on 5 May 2016.

Discussion

The DPA changes planning policies used to assess development proposals in 'activity centres' such as commercial and retail centres, shopping strips, business precincts and high streets.

The Minister's stated aim was to achieve greater business opportunities, flexibility, competition and certainty.

The key changes to the Plan are broadly as follows:

- Adjustments to Centres and Urban Corridor zones policy wording to water down strict enforcement of floor caps in activity centres and relax adherence to specific types of envisaged retail uses.
- Removal of shopping and commercial land uses from non-complying lists to 'release' land for all potential retail and commercial uses. (This eliminates third party appeal rights, purportedly to prevent vexatious representations based on commercial competition.)
- The update and addition of new parking tables that outline minimum required off-street parking and introduce a level of complexity to determining complying development.

Council's feedback on the DPA, submitted as part of the formal consultation process, is provided at **Attachment 1**.

The Minister for Planning's letter stated that he has given regard to the submission by Council. It also indicated that he had made some amendments to improve 'readability' of the policy before approving the DPA.

Council's recommendation to allow applications for a change of land use to shop, office or consulting room at the Brickworks shopping area to be processed as complying development was accepted. In the draft version of the DPA, Brickworks Policy Area 6 was excluded from the complying development provisions.

A change was also made to the DPA to address interface issues through enabling consideration of potential impacts of exhaust emissions for commercial kitchens and waste management for shops in the Urban Corridor Zone that handle and sell food near Residential Zones.

However most of the feedback provided by Council was not taken on board, including the following key issues raised in the submission:

- *Policy should not favour a specific part of the retail sector (such as chain and franchise-type development) over another. Retention of stronger floor caps could safeguard the retention of suitable land for small and medium enterprises.*

The final DPA also did not take on board Council's concerns regarding support for the emergence of bespoke 'experiential' enterprises and start-ups which are usually linked to smaller sized retail spaces. Council's response stated that a balance in the policy is required to ensure that large enterprise is not favoured at the expense of small and medium enterprises, especially when this disadvantages the new and emerging business innovators the state needs to encourage for sustainable economic development.

The Minister's position was evident in the final version of the DPA through policy that relaxes the application of maximum floor space caps within centres. The relaxation of floor caps was further expanded to cover Transit Living Policy Area 36 in the Urban Corridor Zone to bring it onto line with policy applied to other Urban Corridor Zone policy areas in the DPA.

- *The investigations informing the DPA are largely based on outdated data for the City of West Torrens.*

Council's response stated that further investigations are required to demonstrate that retail demand cannot be met in City of West Torrens through other recent and impending changes to the Development Plan. The DPA estimated the amount of land available for commercial/retail development based on the amount of land zoned for these purposes prior to changes made through the Housing Diversity DPA.

The DPA does not consider the impact of the large amount of land in West Torrens which has recently been converted to Urban Corridor Zone through the Housing Diversity DPA, as well as the proposed Inner Middle and Metropolitan Corridor Infill Ministerial DPA. Both these changes open up a considerable amount of commercial-zoned land for a broader range of retail uses.

The widespread availability of land zoned for retail and commercial development to occur conflicts with orderly and cost efficient provision of services and infrastructure to support such development. Ideally, retail/commercial development would be facilitated and contained in co-located areas to assist Council to budget and plan for orderly and efficient infrastructure upgrades to meet the needs of business and community.

Additional issues raised in Council's response to the draft DPA that were not addressed in the final DPA are:

- *The need for development to be balanced with the objectives of proper, orderly and efficient planning, including suitable public transport options and adequate car parking.*
- *Consideration of how airport land may impact on demand for centre-zoned land surrounding the Adelaide Airport, while acknowledging that airport land is Commonwealth-controlled and not subject to State land use planning laws.*

Conclusion

The Minister's Existing Activity Centres Policy Review DPA is now consolidated in the West Torrens Council Development Plan.

While a number of changes were made, the Minister for Planning did not adopt the majority of comments and suggested changes contained in the Council's submission on the consultation version of the DPA.

ATTACHMENT 1

Civic Centre
165 Sir Donald Bradman Drive
Hilton, SA 5033
Tel 08 8416 6333
Fax 08 8443 5709
Email: csu@wtcc.sa.gov.au
Web: westtorrens.sa.gov.au



20 October 2015

Sent via email: dpac@sa.gov.au

Presiding Member, DPAC
c/- Department of Planning, Transport and Infrastructure
GPO Box 1815
Adelaide SA 5001

Dear Presiding Member,

Re: Existing Activity Centres Policy Review

Thank you for the opportunity to provide feedback on the *Existing Activity Centres Policy Review Development Plan Amendment* (DPA) in accordance with section 26 (5a) of the Development Act 1993.

At its meeting on 6 October 2015, Council considered a report and endorsed the preparation of a response to the DPA public consultation as detailed in this letter and the feedback table attached.

The DPA affects policy in the following zones listed in the City of West Torrens Development Plan: District Centre, Neighbourhood Centre, Local Centre; and; Urban Corridor Zone.

Council believes that further investigation is required to demonstrate that retail demand cannot be addressed through other recent and impending changes to the Development Plan, such as expansion of the Urban Corridor in June 2015 and the proposed IMMCi Ministerial DPA.

The investigations undertaken to inform the DPA are largely based on outdated figures for City of West Torrens. Figures relating to vacancy rates, land values and hectares available for retail development were calculated based on zoning prior to the consolidation of the Housing Diversity DPA in June 2015. Extensive areas of the Council have since been converted to Urban Corridor Zone which allows for a range of commercial, retail and mixed land uses.

In addition, changes suggested through the Inner Middle and Metropolitan Corridor Infill Ministerial (IMMCi) DPA propose to open up a considerable amount of commercial-zoned land for a broader range of retail uses by converting land to the Urban Corridor Zone policy.

Furthermore, the impact of the recently completed upgraded 'Brickworks Marketplace' shopping centre complex, although acknowledged, has not been calculated in the figures quoted.

Appendix 5, in the Consultation Documents provided, shows that prior to the gazettal of the Housing Diversity DPA, the West Torrens Council Area had limited vacant land outside of Centre and Shopping Zones.

The greatest opportunity for further development is shown to be in the Airfield Zone where 40.2 hectares of land is available. Council and State Government's ability to influence this land is limited as it is Commonwealth-controlled and therefore not subjected to State land use planning laws. However, it is necessary in planning for the development of land external to the Airfield Zone to consider how the availability of airport land may impact on demand for retail and commercial zoned land in the Council areas surrounding.

Please refer to the attached feedback table which addresses technical elements of each policy clause proposed as part of this DPA.

Provisions to enhance the prosperity of the state should not favour one part of the retail sector over another. Policy that facilitates chain and franchise-type commercial and retail development needs to be balanced with opportunities for the emergence of bespoke 'experiential' enterprises and start-ups.

Retaining stronger floor caps in prescribed local or neighbourhood centres could be one way of safeguarding the retention of suitable land for small and medium enterprises (SMEs), as well as the emergence of new start-ups, by ensuring SMEs have an alternative to large corporate group shopping centre rents.

While it is acknowledged that the state's prosperity is important, development needs to be balanced with the objectives of proper, orderly and efficient planning, including suitable public transport options and adequate car parking that the community has come to expect.

Please refer to the attached feedback table which addresses technical elements of each policy clause proposed as part of this DPA.

Should you have further queries about the information provided, please do not hesitate to contact me by email dmoore@wtcc.sa.gov.au or by telephone on 84166202.

Kind regards,



Declan Moore
Deputy Chief Executive Officer
City of West Torrens

enc

Activity Centres Review Ministerial DPA- Table of Issues re: Part 24, West Torrens Council

Item No.	Clause, Table Reference and Proposed Change	Comment	Policy Comments
District Centre Zone			
2.	In PDC 1 after the words 'bulky goods' delete the words: 'within the Kurralta Park Policy Area 7.'	<ul style="list-style-type: none"> Effectively makes bulky goods development an envisaged form of development across the whole District Centre Zone, where it is currently only envisaged in policy area 7. This means it will be up to the market to decide where bulky goods development occurs. 	
3.	Before the sub-heading "Land Division" add new sub-heading "Vehicle Parking". Add PDC- "Vehicle Parking should be provided in accordance with the rates set out in Table WETO/2 Off Street Vehicle Parking Requirements or Table WeTo/6- Off Street Vehicle Parking requirements for Designated Areas (whichever applies).	<ul style="list-style-type: none"> Clumsily worded- suggest the text is written in a way that helps guide the applicant/developer to determine which Table applies. E.g. Vehicle Parking for development in designated areas should be provided in accordance with the rates set out in Table WeTo/6, all other development in this Zone is assessed against Table WeTo/2. The inserted clause effectively reduces the number of off-street car parks required in association with development. (Further discussion on the particulars of the table below at item 36.) 	
4.	In the Desired Character statement for the Brickworks Policy Area 6, amend the clause "...and establish a total floor space of no more than 25 000 square metres, with 20 000 square metres of that dedicated to retailing (including a redeveloped market)" With the following: '...and establish a maximum total gross leasable floor space in the order of 25 000 square metres, with a minimum gross leasable floor space in the order of 20 000 square metres of that dedicated to retailing (including a redeveloped market).'	<ul style="list-style-type: none"> This is the first of many changes that require a watering-down of floor caps- so that they become more a guideline than a hard and fast cap. While the principle may be sound, the technical implementation of the policy will be compromised. Assessment planners will have less opportunity to negotiate optimal development outcomes based on a 'hard and fast' cap. This will effectively limit opportunity to refuse substandard development- and shifts the power to developers to control development outcomes. 	

Activity Centres Review Ministerial DPA- Table of Issues re: Part 24, West Torrens Council

5.	<p>Replace 'Complying Development' Table and associated text with Attachment WeTo/1</p> <p>To the list of areas excluded from the provisions of Attachment WeTo/1.</p> <p>Add:</p> <ul style="list-style-type: none"> • Brickworks Policy Area 6 	<p>Suggested amendments to attachment WeTo/1 below:</p> <ul style="list-style-type: none"> • The preamble to point (a) should read... "...to accommodate one or any combination of those uses where items <u>(a)-(f)</u> are satisfied". (This will clarify the intent- as the previous wording implied ALL sub clauses would need to be satisfied despite some sub clauses being listed as 'one or the other'. • In relation to item (d) it may provide greater clarity to nominate areas where it will be impossible to meet the criteria, and add these to the list of areas to be excluded. • In addition, now that the 'Brickworks Market Place' Shopping complex has been developed it does not seem necessary to have this area listed as an exclusion- as a change in use within the existing supermarket complex seems relatively low risk, with minimal offsite impacts. • Provisions in clause (e)(i) that consider access to retail development over 250m² through non-arterial roads to be complying are not ideal. Increasing 'through traffic' in adjacent residential areas is likely to contribute to interface concerns. • Item (f) indicates that if a development is assessed as being <ul style="list-style-type: none"> ○ (i) ... a local heritage place ○ (ii) ... the same or substantially the same as a previously approved development, ○ (iii) ...in a building (or buildings) comprising multiple tenancies that operate as an integrated complex used primarily for shops, office and/or consulting rooms and incorporates off-street vehicle parking areas, vehicle loading and unloading bays, and areas for the storage and collection of refuse; ... then the minimum vehicle provisions prescribed in Attachment WeTo/1 do not apply. The provisions for such development would then presumably revert to Council-wide provisions in the Development Plan- or when no relevant provisions exist, require no minimum to be met? • Additionally, it is noted that there are no provisions for disability permit parking required to meet the complying criteria.
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Activity Centres Review Ministerial DPA- Table of Issues re: Part 24, West Torrens Council

6.	In the table under the heading 'Non-Complying Development' delete the following: "Shop or group of shops with a combined gross leasable floor area in excess of 10 000 square metres within the Kurralta Park Policy Area 7' and associated exceptions.	<ul style="list-style-type: none"> This is in line with the new planning paradigm in the state which sees the planning system as an <i>enabler</i> of economic prosperity (by attracting retail development to the state). A balance is required to ensure there are places for small and medium enterprises (especially start-ups) - although it is acknowledged that these may be better placed in Local and Neighbourhood Centres - rather than the larger District Centre Zone.
Local Centre Zone		
7.	Replace PDC 1 'shop with a maximum gross leasable floor area of 450m ² ,' with: 'shop with a maximum gross leasable floor area in the order of 450 square metres.'	<ul style="list-style-type: none"> As before, although the intent of the policy is acknowledged, practical application of how Development Plan Policy is implemented at the assessment stage is ignored.
8.	Insert sub-heading "Land Division" Add PDC- "Vehicle Parking should be provided in accordance with the rates set out in Table WeTo/2 Off Street Vehicle Parking Requirements or Table WeTo/6- Off Street Vehicle Parking requirements for Designated Areas (whichever applies)."	<ul style="list-style-type: none"> Clumsily worded- suggest text change as per item 3, above. The inserted clause effectively reduces the number of off-street car parks required in association with development. (Further discussion on the particulars of the table below.) Item (e)(i) relating to primary vehicle access for shops greater than 250 square metres having access from a non-arterial road may have implications for residential land uses when additional traffic movements are funnelled through nearby streets- particularly surrounding smaller Local Centres. Item (e)(ii) indicates that if a development is assessed as being "the same or substantially the same as a previously approved development" then the minimum vehicle provisions prescribed in Attachment WeTo/1 do not apply. The provisions for such cases would then presumably require no minimum to be met?
9.	Replace sub-heading "Complying Development" and associated text with Contents in Attachment WeTo/2.	<ul style="list-style-type: none"> Comments as per item 5 above. If Brickworks Policy Area is removed as an exemption in Attachment WeTo/1 (as suggested in comments in item 5 above) the table is identical to WeTo/2 and a second table may not be required.

Activity Centres Review Ministerial DPA- Table of Issues re: Part 24, West Torrens Council

10.	In the table under the heading "Non-complying Development" delete: "Shop or Group of Shops' and associated exception 'except 450 m ² or less'.	<ul style="list-style-type: none"> Require measures to ensure a balance between big business and policy that supports local entrepreneurs and other small to medium business enterprises. This is particularly important for smaller Local Centres.
11.	<p>Neighbourhood Centre Zone</p> <p>Insert new sub heading "Vehicle Parking". Add PDC- "Vehicle Parking should be provided in accordance with the rates set out in Table WeTo/2 Off Street Vehicle Parking Requirements or Table WeTo/6- Off Street Vehicle Parking requirements for Designated Areas (whichever applies).</p>	<ul style="list-style-type: none"> Clumsily worded- suggest text change as per item 3 above. The inserted clause effectively reduces the number of off-street car parks required in association with development. (Further discussion on the particulars of the table below at point 26.) Provisions in clause (e)(i) that consider access to retail development over 250m² through non-arterial roads to be complying are not ideal. Increasing 'through traffic' in adjacent residential areas is likely to contribute to interface concerns. Item (f) indicates that if a development is assessed as being <ul style="list-style-type: none"> (i) ... a local heritage place (ii) ... the same or substantially the same as a previously approved development, (iii) ...in a building (or buildings) comprising multiple tenancies that operate as an integrated complex used primarily for shops, office and/or consulting rooms and incorporates off-street vehicle parking areas, vehicle loading and unloading bays, and areas for the storage and collection of refuse; <p>... then the minimum vehicle provisions prescribed in Attachment WeTo/1 do not apply. The provisions for such development would then presumably require no minimum to be met?</p> This may have implications for existing and new residents in nearby streets- particularly surrounding smaller Neighbourhood Centres where less parking is available immediately adjacent the zone frontage. Additionally, it is noted that there are no provisions for disability permit parking required to meet the complying criteria. The intent of the policy is acknowledged, however, practical application of the way in which Development Plan policy is implemented at the assessment stage is ignored.
12	In PDC 4 (a)(ii) of the Hilton Policy Area 11, replace: 'not contain bulky goods outlets';	

Activity Centres Review Ministerial DPA- Table of Issues re: Part 24, West Torrens Council

	with: 'not contain large scale bulky goods outlets'	<ul style="list-style-type: none"> This policy is designed to allow 'smaller to medium scale' bulky goods development however there are no definitions of such uses and the tipping point at which a bulky goods development is considered to become large scale. Therefore the ability to determine whether or not development meets the provisions is unclear and requires clarity to ensure certainty for developers and assessing authorities. This change is consistent with the DPA's general intent of further relaxing any policy that may potentially constrain commercial or retail development in Centre Zones.
13	Delete PDC 4 (a) iii of the Hilton Policy Area, which states: 'not exceed the total gross leasable floor area of shops (excluding bulky goods outlets and restaurants) in the zone by more than 4700 square metres, above the total gross leasable area of shops that existed in the zone as at 27 October 1993.'	<ul style="list-style-type: none"> This change is consistent with the DPA's general intent of further relaxing any policy that may potentially constrain commercial or retail development in Centre Zones.
14	Delete PDC 4 (c)ii of the Hilton Policy Area 11, which states: 'contain consulting rooms, small scale offices, commercial and business uses, bulky goods outlets and up to an additional total of 500 square metres gross leasable area or shops, other than bulky goods outlets and restaurants, above the total gross leasable area of shops, excluding bulky goods outlets and restaurants that existed as at 27 October 1993.'	<ul style="list-style-type: none"> The intent of the policy is acknowledged, however, practical application of the way in which Development Plan Policy is implemented at the assessment stage is ignored. Wording such as "retail floor space ... in the order of 1500 square metres", is impractical to apply at the development assessment stage. Applications are generally assessed on a case by case basis- so unless the Centre is developed as a holistic development or by a single entity through a master-planned precinct (such as allowed under precinct legislation- whereby a precinct authority oversees the master plan of the development) it is difficult to enforce

Activity Centres Review Ministerial DPA- Table of Issues re: Part 24, West Torrens Council

	space in the Policy Area should be in the order of 1500 square metres, the majority of which should be in the 'Retail Core' area.'	any absolute control over where the majority of a particular type of development occurs- i.e. which application is the tipping point?
16	<p>PDC 2 for the Marleston Policy Area 12, which states: 'The gross leasable retail floor area within the policy area should not exceed 1500 square metres.'</p> <p>To be replaced with the following: 'The maximum gross leasable floor space with the Policy Area should be in the order of 2500 square metres.'</p>	<ul style="list-style-type: none"> As above.
17	<p>In PDC 5(b) for the Marleston Policy Area 12, after the words: 'Recreation/Community should' Insert: 'primarily'</p>	<ul style="list-style-type: none"> Watered down policy makes it more difficult to refuse substandard applications, and limits bargaining power for the relevant assessing authority to negotiate improved development outcomes.
18	<p>PDC 2 for the Novar Gardens Policy Area 13, which states: 'The gross leasable retail floor space of the policy area should not exceed 2500 square metres.'</p> <p>To be replaced with the following: 'The Policy Area should have a maximum gross leasable retail floor space in the order of 2500 square metres.'</p>	<ul style="list-style-type: none"> Watered down policy makes it more difficult to refuse substandard applications, and limits bargaining power for the relevant assessing authority to negotiate improved development outcomes.
19	<p>In the first paragraph of the Desired Character for the Richmond Policy Area 14, replace 'A gross leasable floor space limit of 2500 square metres will apply to this centre.'</p>	<ul style="list-style-type: none"> Watered down policy makes it more difficult to refuse substandard applications, and limits bargaining power for the relevant assessing authority to negotiate improved development outcomes.

Activity Centres Review Ministerial DPA- Table of Issues re: Part 24, West Torrens Council

	With the following: 'The Policy Area should have a maximum total gross leasable floor space in the order of 2500 square metres.'	
20	In the second paragraph of the Desired Character for Richmond Policy Area 14, delete the following: 'A supermarket will be located between Trennery and Passmore Streets.'	-
21	PDC 2 for the Richmond Policy Area 14 which states: 'The gross leasable retail floor area of the policy area should not exceed 2500 square metres.' Is to be replaced with: 'The Policy Area should have a maximum gross leasable retail floor space in the order of 2500 square metres.'	<ul style="list-style-type: none"> Watered down policy makes it more difficult to refuse substandard applications, and limits bargaining power for the relevant assessing authority to negotiate improved development outcomes.
22	In PDC 5 (b) for the Richmond Policy Area 14, after the words: 'Retail/ Office/ Community should' Insert 'primarily'.	<ul style="list-style-type: none"> Watered down policy makes it more difficult to refuse substandard applications, and limits bargaining power for the relevant assessing authority to negotiate improved development outcomes.
23	In the first paragraph of the Desired Character for the Tennyson Street Policy Area 15, after the words: 'limited to' add(?) 'in the order of'	<ul style="list-style-type: none"> The policy requires clarity (acknowledge that this is in the current policy, but is not corrected by the edits) whereby it is unclear the intent of the exclusion of bulky goods from the floor cap. Is a greater emphasis on bulky goods to be encouraged in this centre?
24	PDC 2 for the Tennyson Street Policy Area 15, which states: 'The total gross leasable retail floor space of the bulky goods outlets should not exceed 2500 square metres.' To be replaced with the following: 'The maximum total gross leasable floor space of the policy area, excluding bulky goods	<ul style="list-style-type: none"> Watered down policy makes it more difficult to refuse substandard applications, and limits bargaining power for the relevant assessing authority to negotiate improved development outcomes.

Activity Centres Review Ministerial DPA- Table of Issues re: Part 24, West Torrens Council

	outlets, should be in the order of 2500 square metres.'	
25	In PDC 4(a) for the Tennyson Street Policy Area 15, after the words: 'Retail core should', insert: 'primarily'.	<ul style="list-style-type: none"> Watered down policy makes it more difficult to refuse substandard applications, reduces clarity of the intent of the policy and limits bargaining power for the relevant assessing authority to negotiate improved development outcomes.
26	In PDC 4 (b) for Tennyson Street Policy Area 15 after the words: 'Retail/Office/Commercial should', insert: 'primarily'.	<ul style="list-style-type: none"> Watered down policy makes it more difficult to refuse substandard applications, reduces clarity of the intent of the policy and limits bargaining power for the relevant assessing authority to negotiate improved development outcomes.
27	<p>The desired character for the Thebarton Policy Area which states:</p> <p>'Development within the policy area will be limited to small-scale specialty shops, offices and community facilities and be sited so as to complement the existing shops.</p> <p>The supermarket at the intersection of Dew Street and George Street forms the nucleus of the zone and it is envisaged that the supermarket will continue to function as the most important shopping facility serving the locality which surround it.'</p> <p>To be replaced with:</p> <p>'Development with the policy area should comprise primarily small-scale specialty shops, offices and community facilities sited so as to complement the existing shops.</p> <p>Larger shops in the form of a supermarket are also envisaged to provide a focus for services in the locality.'</p>	<p>The following comment was provided by Council's Traffic Engineering Consultant:</p> <p>Thebarton Policy Area 16-</p> <ul style="list-style-type: none"> While other Neighbourhood Centre Zones have a "limit" of floor areas specified, this particular policy area is missing that "limit". The change seems to reflect the small Foodland that is already there and it would seem reasonable that any future supermarket should continue as a "local" and small supermarket. Hence a cap in floor area would be useful in ensuring this to be the case. A full scale supermarket is only a short distance away at the Brickworks SC, so there should not be a need for a larger supermarket within this policy area.
28	The sub-heading 'Complying Development' and associated text to be replaced with the contents of attachment WeTo/2.	<p>Suggested amendments to attachment WeTo/2 below:</p> <ul style="list-style-type: none"> The preamble to point (a) should read... "to accommodate one or any combination of those uses where items (a)- (e) are satisfied". (This will clarify the intent - as the previous wording implied <i>all</i> sub clauses would

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		<p>need to satisfied despite some sub clauses being listed as 'one or the other'.)</p> <ul style="list-style-type: none"> • In relation to item (c) it may provide greater clarity to nominate areas where it will be impossible to meet the criteria, and add these to the list of areas to be excluded. • Provisions in clause d(i) that consider access to retail development over 250m² through non-arterial roads to be complying are not ideal. • Increasing 'through traffic' in adjacent residential areas is likely to contribute to interface concerns. • Item (e) indicates that if a development is assessed as being <ul style="list-style-type: none"> ○ (i) ... a local heritage place ○ (ii) ... the same or substantially the same as a previously approved development, ○ (iii) ...in a building (or buildings) comprising multiple tenancies that operate as an integrated complex used primarily for shops, office and/or consulting rooms and incorporates off-street vehicle parking areas, vehicle loading and unloading bays, and areas for the storage and collection of refuse; <p>... then the minimum vehicle provisions prescribed in Attachment WeTo/2 do not apply. The provisions for such development would then presumably revert to require no minimum to be met? This may have implications for existing and new residents in nearby streets- particularly surrounding smaller Neighbourhood Centres where less on-street parking is available immediately adjacent the zone frontage.</p> <ul style="list-style-type: none"> • Additionally, it is noted (and of concern) that there are no provisions for disability permit parking required to meet the complying criteria.
29	<p>In the table under the heading 'Non-complying Development' delete the following: 'Bulky goods outlet where it is located within the Novar Gardens Policy Area 13'. All listing commencing with the words 'shop or group of shops' and associated exceptions.</p>	<ul style="list-style-type: none"> • This change is consistent with the DPA's general intent of further relaxing any policy that may potentially constrain commercial or retail development in Centre Zones.

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	<p>Urban Corridor Zone (including Policy Areas)</p>	
<p>30</p>	<p>Under the sub-heading 'Vehicle Parking', PDC 19 which states: 'Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table WeTo/6- Off Street Vehicle Parking Requirements for Urban Corridor Zone' Is to be replaced with the following: 'Vehicle parking should be provided in accordance with the rates set out in WeTo/6- Off Street Vehicle Parking Requirements for Designated Areas'</p>	<ul style="list-style-type: none"> • The intent of the new planning paradigm is to get people out of cars and onto public transport and/or using active modes of transport, therefore it would seem that the primary purpose of providing parking should ultimately be to provide for those people for whom engaging in such active transport or taking public transport may be problematic. • This may include people with disabilities and their carers as well as parents with prams. As Adelaide's population increasingly ages, there will be more people who may fall into this category due to hip replacements and similar which tend to be more prevalent as we age. • To eliminate all requirements for disability access parking could be discriminatory at worst, and sets up a two-tiered system, where people who require accessible parking are excluded from participation in Activity Centres and Urban Corridor Zones. • In addition the new policy includes clauses that may create confusion, require further clarity and lead to uncertainty in development. For example: • Clause 3 which describes circumstances under which the prescribed minimums may be unmet including: <ul style="list-style-type: none"> ○ (e) generous on-street parking and/or parking areas are available and in convenient proximity, other than where such parking may become limited or removed by future loss of access, restrictions, road modifications or widening. <p>The above point is a concept, not policy written in a way that can be enforceable- is more suited to a merit assessment and is not suitable as criteria for determining complying development.</p> <p>For this criteria to be assessable it should clearly relate to mapped areas (to be included in Development Plans) that are to be acquired for road widening etc. and indicate areas that will be affected.</p>

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		There is no time frame set for when the road widening may occur, one could argue that at some time in the future <i>any</i> road may require widening that leads to a loss of car parking. Thus the clause is not finite and lacks clarity, leading to uncertainty for developers and assessing authority.
31	<p>PDC 4 of the Boulevard Policy Area 34, which states, "Shop or groups of shops contained in a single building, should have a gross leasable area of less than 2000 square metres." To be replaced with the following: 'Shop or groups of shops contained in a single building, should have a maximum gross leasable floor space in the order of 2000 square metres.'</p> <p>PDC 2 of the High Street Policy Area 35, which states: "Shop or groups of shops contained in a single building, other than a restaurant, should have a gross leasable area of less than 2000 square metres." To be replaced with the following: 'Shop or groups of shops contained in a single building, other than a restaurant, should have a maximum gross leasable floor space in the order of 2000 square metres.'</p>	<ul style="list-style-type: none"> Watered down policy makes it more difficult to refuse substandard applications, reduces clarity of the intent of the policy and limits bargaining power of the relevant assessing authority to negotiate improved development outcomes. Watered down policy makes it more difficult to refuse substandard applications, reduces clarity of the intent of the policy and limits bargaining power of the relevant assessing authority to negotiate improved development outcomes. Watered down policy makes it more difficult to refuse substandard applications, reduces clarity of the intent of the policy and limits bargaining power of the relevant assessing authority to negotiate improved development outcomes.
33	<p>PDC 3 of the Business Policy Area 37, which states, 'Shops or group of shops should have a gross leasable areas of less than 500 square metres'. TO be replaced with the following, 'Shop or groups of shops should have a maximum gross leasable floor space in the order of 500 square metres.'</p>	<ul style="list-style-type: none"> Watered down policy makes it more difficult to refuse substandard applications, reduces clarity of the intent of the policy and limits bargaining power of the relevant assessing authority to negotiate improved development outcomes.

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34	<p>The sub-heading 'Complying Development' and associated text to be replaced with: The contents of Attachment WeTo/3, with the following exception added: 'High Street Policy Area 35'</p>	<ul style="list-style-type: none"> • Traffic and Parking Considerations: The following information was provided by Council's Traffic Engineering Consultant: The main issue with this Ministerial DPA relates to changes from ... a typical commercial use or residential use to higher parking demand uses, such as 'restaurants' and 'call centres', where it is not supported by new parking and where other parking opportunity is limited. For change of use e.g. shop to office or office to shop, the difference in parking requirement is not as significant. But for other cases, e.g. a change in use from dwelling (low parking demand) to a restaurant (where usually you can fit many seats with a typical dwelling footprint) would create on-going parking issues for Council. • As above (in item 34)- certain types of shop, office and consulting room changes may be problematic as they generate additional car parking demand compared to other uses that are considered similar in this clause.
35	<p>Under the heading 'Table WeTo/2 – Off Street Vehicle Parking Requirements' Insert the following text: 'The following off street parking requirements apply except as otherwise stated in Table WeTo/6.'</p>	<ul style="list-style-type: none"> • 1 (a) The use of terminology including the word 'conditions' in the table is confusing- especially as traditionally development classified as 'Complying' has been excluded from the ability to apply conditions of approval. • After the words 'car parking fund' in clause 3(d) ADD 'in an area where a fund exists'. • Table 4 appears to be missing the data that stipulates the number of parks to be provided (in the 2nd column). • Item (e) states that development in a Centre Zone (District, Local or Neighbourhood) that is located within 400 metres of the Adelaide Parklands is covered by the Designated Area. It is not clear why proximity to the Parklands renders a development eligible to provide fewer carparks- as this does not improve ability to access public transport- and in fact for night time activities could increase risk to personal safety.
36	<p>Table WeTo/6 Off Street Vehicle Parking Requirements for Urban Corridor Zone To be replaced with Contents of Attachments WeTo/4</p>	

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		<ul style="list-style-type: none"> Maximum vehicle parking spaces listed are considered unnecessary as developers are unlikely to provide more than the minimum. Table numbering within updated Table WeTo/6 (as shown in Attachment WeTo/4) is considered potentially confusing. Using alpha-numeric indicators may be a solution. (E.g. Table 1 becomes Table A, Table 2 becomes Table B etc.) More investigation as to the methods in which Local and Neighbourhood scale centres are accessed needs to be undertaken to ensure that actual transport modes used are considered. <p>Local and Neighbourhood Centres are potentially accessed more often via active transport modes such as walking or cycling, as their catchment is more likely to come from people who live, work, play or study nearby. Therefore parking provisions that discount for proximity to public transport may be unfounded.</p> <ul style="list-style-type: none"> It is also noted that no disability access provisions are included in the vehicle parking requirements. It is unclear if this is an oversight or is deliberate!? <p>Given that Activity Centres are, in part, intended to support vibrant, inclusive and accessible Centres where those who are able are encouraged to walk, cycle and or use public transport- it would seem unjust not to reserve some spaces for those who are not as able to access those options, and/ or those who care for people living with disability.</p> <p>The following commentary is provided by Council's Traffic Engineering Consultant:</p> <ul style="list-style-type: none"> In the new Table WeTo/6, conditions are listed as to what would constitute a "Designated Area". The more common condition in our area is ... "<i>within 200m of a passenger bus stop that is part of a high frequency public transit service</i>". This has a very specific definition for the frequency of service (15 minutes or 30 minutes) for Monday to Friday and other days and also at different times of the day. <p>It may be quite time consuming for our development planners to always have to</p>
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	<p>check if a high frequency public transit service is available nearby by looking at bus timetables, which are continually upgraded as routes change and timetables change.</p> <ul style="list-style-type: none"> • It would make more sense if DPTI were to publish maps of roads (updated by DPTI as changes occur) which are defined as "high frequency public transit service", just like their B Double network for instance. Then any council planner in metropolitan Adelaide would only need to go online to check if that were the case. DPTI already has a website "Location SA Map Viewer" online, which has lots of information on infrastructure and traffic data which is updated to the latest available information regularly. This would be a more practical approach for users. • ...the main issues ... relate to changes from say a typical commercial use or residential use to higher parking demand uses, such as 'restaurants' and 'call centres', where it is not supported by parking and where other parking opportunity is limited. For change in use e.g. to office or shop, the difference in parking requirements is not as significant. • Planner's NOTE: compounding effects of multiple 'change in use' applications and increased residential densities may exacerbate parking issues. <p>The following commentary is provided by Council's Coordinator Engineering Services in relation to stormwater management issues:</p> <ul style="list-style-type: none"> • Where new parking is provided in association with a development we would typically seek assessment and measures to address stormwater quality improvement and under some circumstances stormwater detention requirements. • It (is) strongly desired that inclusion of such assessment and measures be retained in any alteration of the Development Plan, with this providing further evidence for excluding the consideration of change in use from dwellings to any more intensive land use from (complying development classification).
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		Mapping Comments
37.	Table WeTo/6 Off Street Vehicle Parking Requirements for Urban Corridor Zone To be replaced with Contents of Attachments WeTo/4	<ul style="list-style-type: none"> • Applicable areas around eligible public transport nodes should be clearly identified in mapping layers included in the Development Plan. • Applicable areas around eligible public transport nodes should be clearly identified in mapping layers included in the development plan- this would provide clarity, consistency and certainty for developers (and the assessing authority) as to which locations are eligible. • Any public transport proximity discount distances should be measured based on pedestrian-accessible routes. In some cases a 400m distance "as the crow flies" may not be logical- as there may be impediments on the route- such a major roadway without suitably located pedestrian lights and/or river without an access bridge.
38.	Local Centre Zone	<ul style="list-style-type: none"> • 10metre refuse buffers from residential zone boundaries should be identified on Concept Maps and Precinct maps associated with Local Centre Zone.

		Technical Comments
39.	Impact of Airport Land	<ul style="list-style-type: none"> • Appendix 5, in the Consultation Documents provided, shows that prior to the gazettal of the Housing Diversity DPA the West Torrens Council Area had limited vacant land outside of Centre and Shopping Zones. • The greatest opportunity for further development is shown to be in the Airfield Zone where 40.2 hectares of land is available, representing 4.8% of the developable zone area; currently only 2.4% of the Airfield Zone is developed as services, offices or shops. • Council and State Government's ability to influence this land is limited as it is Commonwealth-controlled and therefore not subjected to State land use planning laws. However, it is necessary in planning for the development of land external to the Airfield Zone to consider how the availability of airport land may impact on demand for retail and commercial zoned land in the Council areas surrounding.

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40.	Impact of more recent planning policy and current reform initiatives	<ul style="list-style-type: none"> The changes are purported to be in support of greater business opportunities, flexibility, competition and certainty. Further investigation is required to demonstrate that retail demand cannot be addressed through the changes proposed in the proposed IMMCI Ministerial DPA and land recently rezoned to Urban Corridor in June 2015. The investigations undertaken to inform the DPA are largely based on outdated figures for City of West Torrens. Figures relating to vacancy rates, land values and hectares available for retail development were calculated based on zoning prior to the consolidation of the Housing Diversity DPA in June 2015. Since June 2015, extensive areas of the Council have since been converted to Urban Corridor Zone which allows for a range of commercial, retail and mixed land uses. In addition, changes suggested through the Inner Middle and Metropolitan Corridor Infill Ministerial (IMMCI) DPA propose to open up a considerable amount of commercial-zoned land for a broader range of retail uses by converting land to the Urban Corridor Zone policy. Furthermore, the impact of the recently completed upgraded 'Brickworks Marketplace' shopping centre complex, although acknowledged, has not been calculated in the figures quoted.
41.	Supporting Small and Medium Enterprises	<ul style="list-style-type: none"> Provisions for chain and franchise-type commercial and retail opportunities need to be balanced with the emergence of bespoke 'experiential' enterprises and start-ups which tend to be linked to smaller sized retail spaces. A balance of the two distinct sectors should be considered so that large enterprise is not favoured at the expense of small and medium enterprises, especially new and emerging business innovations. Provisions to enhance the prosperity of the state should not favour one part of

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		the retail sector over another. Retaining stronger floor caps in prescribed local or neighbourhood centres could be one way of safeguarding the retention of suitable land for small and medium enterprises (SMEs), as well as the emergence of new start-ups, by ensuring SMEs have an alternative to large corporate group shopping centre rents.
42	Processing applications	<ul style="list-style-type: none"> • Complying criteria that requires proximity to bus stops that match certain criteria requires a merit assessment. This takes time for which the assessing authority is not compensated as complying development is processed for a minimal fee. • To ensure the assessment process is as quick and efficient as possible, applicable areas around eligible public transport nodes should be clearly identified in mapping layers included in the development plan.

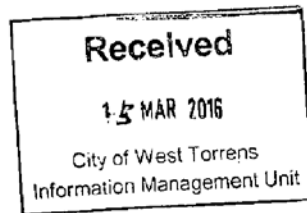
ATTACHMENT 2

The Hon John Rau MP

10166625

10 March 2016

Mayor John Trainer
City of West Torrens
HILTON SA 5033



**Government
of South Australia**

Deputy Premier
Attorney-General
Minister for Justice Reform
Minister for Planning
Minister for Industrial Relations
Minister for Child Protection
Reform
Minister for the Public Sector
Minister for Consumer and
Business Services
Minister for the City of
Adelaide

45 Pirie Street
ADELAIDE SA 5000

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Adelaide SA 5001
Tel 08 8207 1723
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Dear Mayor Trainer

I refer to the Existing Activity Centres Policy Review Ministerial Development Plan Amendment (DPA) which was released for consultation on 27 August 2015, and to which your Council was consulted during the public consultation period.

The purpose of this letter is to advise you that I have now approved the DPA (as amended), having had regard to the submissions received and the advice of the Development Policy Advisory Committee in accordance with section 26 of the *Development Act 1993*. Approval will be formally granted via a notice in the Government Gazette.

The DPA, as approved, amends the Development Plan for your Council by changing some land use and process requirements to foster business and retail activity in areas primarily intended to accommodate and support such uses. The amendments include:

1. Changes to retail floor space requirements to ensure quantitative standards are used as a guide when assessing development proposals, and involves the removal of such standards when used as a 'trigger' for non-complying development processes for shops, offices and consulting rooms.
2. Increasing flexibility in the use of existing buildings for consulting rooms, offices or shops as a complying form of development (including heritage places) to improve adaptability and resilience in key business and commercial precincts.
3. Ensuring development proposals are subject to Category 1 or 2 Public Notification requirements in business/commercial areas (consistent with notification categories for centre zones under the Development Regulations 2008).
4. Providing more consistent off-street parking requirements for all non-residential development in centre zones and business/commercial areas when located near high frequency public transport routes, public transport interchanges and rail/tram stations (assisting with the adaptive reuse of buildings as complying forms of development).

Alterations were made to the DPA prior to its approval as a result of the comments received during the consultation period and advice provided to me. A summary of the key changes is contained in the approved Amendment, which will be available to view on the government website at www.sa.gov.au/planning/ministerialdpas following gazettal of the amendment.

If you require any further information on this DPA, please contact Mr Steven Copus, Principal Planning Officer on telephone 7109 7020, or at Steven.Copus@sa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Rau', with a large, stylized loop at the end.

John Rau
Deputy Premier
Minister for Planning

18.8 Confidential Order Review - Thebarton Theatre Complex - Upgrade Report

Brief

In accordance with the provisions of Section 91(9)(a) of the Local Government Act 1999, this report presents the annual review of the confidential order applied to *Item 21.1 - Thebarton Theatre Complex - Upgrade Report* at the 2 July 2013 Meeting of Council.

RECOMMENDATION(S)

It is recommended to Council that:

1. Pursuant to Section 91(9)(a), having reviewed the confidentiality order made on 2 July 2013 and reviewed at Council's 5 August 2014 and 23 July 2015 meetings, pursuant to 91(7), 91(7)(a) and 91(7)(b) of the *Local Government Act 1999*, in respect of confidential item 21.1 - 'Thebarton Theatre Complex- Upgrade Report', Council orders the information contained in:
 - a. the confidential report item 21.1- 'Thebarton Theatre Complex- Upgrade Report' presented to Council at its 2 July 2013;
 - b. the confidential Minutes to item 21.1- 'Thebarton Theatre Complex- Upgrade Report' of 2 July 2013; and
 - c. all relevant documentation associated with and attached to the confidential agenda item 21.1 -'Thebarton Theatre Complex Report' of 2 July 2013;continues to be kept confidential in accordance with sections 91(7)(a), 91(7)(b) of the *Local Government Act 1999* and not be available for public inspection until all identified works are completed on the basis that the disclosure of the documents would reasonably be expected to breach a duty of confidence to the lessee of the facility.
3. Council delegates the power to revoke, but not extend, the confidentiality order to the Chief Executive Officer on a monthly basis pursuant to and in accordance with provisions of Section 91(9)(c) of the *Local Government Act 1999*.

Introduction

Section 91(9)(a) of the *Local Government Act 1999* (the Act) requires that any confidential order made by Council under sections 91(7)(a) and 91(7)(b) of the Act must be reviewed at least once every twelve months. This order was last reviewed at the 23 June 2015 meeting of Council, at which it was resolved that the confidential order should remain in place.

Discussion

At its 2 July 2013 meeting, Council ordered that the agenda item, minutes and all relevant documentation relating to *Item 21.1 - 'Thebarton Theatre Complex - Upgrade Report'*, be kept confidential until all identified works are completed. This order was made in accordance with sections 91(7)(a) and 91(7)(b) of the Act on the basis that the disclosure of the documents would reasonably be expected to breach a duty of confidence to the lessee of the facility.

While the works on the Thebarton Theatre Complex upgrade have commenced, the project is staged over a four or five year period which means the works won't be completed for some time. Therefore, it is recommended that the confidentiality order applied by Council at its 2 July 2013 in relation to item 21.1 - Thebarton Theatre Complex - Upgrade Report remains in place until the identified works have been completed to ensure that Council does not breach a duty of confidence to the lessee of the facility.

Conclusion

The confidential order applied by Council at its 2 July 2013 meeting in relation to *item 21.1 'Thebarton Theatre Complex - Upgrade Report'*, has been in place for over twelve months and is required to be reviewed annually to determine whether the order should be revoked or remain in place.

As the identified works associated with the Thebarton Theatre have not yet been completed, it is recommended that the order remains in place until these works are completed.

18.9 Max and Bette Mendelson Scholarship Awards - 2016

Brief

To advise Council of the proposed Max and Bette Mendelson Foundation Scholarship Awards to the successful 2016 applicants.

RECOMMENDATION(S)

It is recommended to Council that:

1. Approval be granted to the Mendelson Management Committee to award the 2016 Max and Bette Mendelson scholarships as outlined in the list provided separately; and
2. Approval be granted for the Mendelson Management Committee, in conjunction with the Chief Executive Officer, to arrange a suitable presentation ceremony to be held on Friday 1 July 2016 along the lines of previous years.

Discussion

At the meeting of the Mendelson Management Committee held on Friday 27 May 2016 the applications for the 2016 Scholarships were discussed and it was resolved that it be a recommendation to Council that the applicants, as per the list provided separately to Elected Members on the night of the Council meeting, be awarded the Max and Bette Mendelson Scholarship for 2016.

The Committee recommends 12 scholarships be awarded at \$4,000 each.

18.10 Australian Airports Association National Conference 2016

Brief

This report provides notice of the Australian Airports Association (AAA) National Conference which is being held from Monday 21 to Friday 25 November 2016 at the National Convention Centre, Canberra.

RECOMMENDATION(S)

It is recommended to Council that:

1. Subject to their confirmation, Council approves the attendance of Cr/s at the Australian Airports Association (AAA) National Conference being held from Monday 21 to Friday 25 November 2016 at the National Convention Centre, Canberra;
2. Expenses be reimbursed in accordance with Council Policy; and
3. Subject to their confirmation, Council approves the attendance of spouses/partners of attending Elected Members and further, consistent with Council Policy, that costs other than airfares, be met by Council.

Introduction

The 2016 Australian Airports Association (AAA) National Conference is being held from Monday 21 to Friday 25 November at the National Convention Centre, Canberra. A copy of the Conference program is attached for Member's information at **Attachment 1**.

Discussion

The Conference is the pre-eminent aviation conference and exhibition in the Asia Pacific Region and is expected to attract over 600 delegates from all over Australia as well as New Zealand and Asia.

The Conference provides an excellent networking opportunity as well as the opportunity for delegates to discuss the latest trends and get the latest information on emerging issues in the aviation industry.

Cost of registration for days 1 and 2 for AAA Members is \$1695 (Early Bird Rate until 15 July 2016) and includes breakfasts, lunches, morning and afternoon teas, Networking Event - The National Museum of Australia, and the AAA Airport Industry Awards and Gala Dinner on the Wednesday night. Registration after 15 July is \$1995.

Approximate airfare is \$500 to \$600 return with early booking and accommodation is approximately \$240 to \$280 per night, again, with early booking to secure the best available rooms and rates.

Cr Palmer has expressed his interest in attending.

ATTACHMENT 1

AAA NATIONAL CONFERENCE KEYNOTE SPEAKERS



JASON HARFIELD DAY 1

Jason Harfield was appointed Chief Executive Officer of Airservices Australia in March 2016.

With over 25 years experience in the aviation and air traffic management industry, Jason has been a core member of the Airservices Executive Leadership Team since 2005. His previous roles include General Manager Safety Management and Executive General Manager Air Traffic Control group.

Jason has an EMBA from Melbourne Business School [Mt Eliza], has completed the Advanced Management Program at Harvard Business School and is a Managing Successful Programmes (MSP) Registered Advanced Practitioner.

Jason is also a fellow of the Australian Institute of Company Directors, a fellow of the Royal Aeronautical Society and a private pilot.



ALEX MALLEY DAY 1

Sponsored by MSS Security

CEO of CPA Australia, television host of *The Bottom Line* and best-selling author of *The Naked CEO*: in every way Alex Malley is a free spirit in leadership and life.

As a respected global leader in business, Alex has been included on *The Accountant Magazine's* Global Accounting Power 50 List; addressed the National Press Club Australia on issues impacting Australia's economic competitiveness; and currently serves on both The Prince of Wales Accounting for Sustainability Project and the International Integrated Reporting Council.

While he is a passionate and inspiring speaker on a wide range of leadership topics, the dominant theme behind his messages is an invigorating call to action: for people to resist letting feelings of fear and embarrassment hold them back from leading a big life.

THE AUSTRALIAN AIRPORTS ASSOCIATION

The Australian Airports Association (AAA) is a non-profit organisation that was founded in 1982 in recognition of the real need for one coherent, cohesive, consistent and vital voice for ALL aerodromes and airports throughout Australia.

The AAA represents the interests of over 380 members. This includes more than 260 airports and aerodromes Australia wide – from the local country community landing strip to major international gateway airports.

The AAA also represents more than 140 aviation stakeholders and organisations that provide goods and services to airports.

The AAA facilitates co-operation among all member airports and their many and varied partners in Australian aviation, whilst contributing to an air transport system that is safe, secure, environmentally responsible and efficient for the benefit of all Australians and visitors.

The AAA is the leading advocate for appropriate national policy relating to airport activities and operates to ensure regular transport passengers, freight, and the community enjoy the full benefits of a progressive and sustainable airport industry.

KEYNOTE SPEAKERS



MIKE MRDAK DAY 1

Mike Mrdak is Secretary, Department of Infrastructure and Regional Development, a position he has held since June 2009.

Mike began his Australian Public Service career in 1988 as a graduate with the then Department of Transport and Communications. Since then he has held a number of senior positions across the portfolio and with the Department of the Prime Minister and Cabinet.

His work with the Infrastructure and Regional Development portfolio includes management of infrastructure investment; policy initiatives to increase productivity; security, safety and regulation in road, rail, aviation and maritime transport; regional development; local government; and services to Australia's territories.



KEVIN SHEEDY DAY 2

Sponsored by Perth Airport

Kevin Sheedy is one of the Australian Football League's most successful and enduring figures. A player and coach over five decades, he has an unsurpassed record of involvement in over 1000 games and eight premierships.

In 1981 he was appointed Senior Coach at the Essendon Football Club, where he coached for a record 635 games during 27 years of continuous coaching. In that time the club competed in 19 finals series.

In 2000 he was named the Australia Sports Commission Coach of the Year and was awarded an Australian Sports Medal in recognition of his service to Australian Football. Also in 2000 he was inducted into the AFL's Hall of Fame, made a Legend of the Essendon Football Club, nominated as The Australian Thinker of the Year, appointed an Ambassador for the AFL and made a Member of the Order of Australia in recognition of his service to sport and the community.

Kevin has two honorary doctorates from the Australian Catholic University and the University of Western Sydney and is the co-author of eight books.



CHRIS CHALK DAY 2

London-based Chris Chalk is Mott MacDonald's Group Practice Leader for aviation with a reputation for cutting edge finance, economics, planning and design of airports around the world.

His recent experience ranges from lead roles at Hong Kong, Heathrow, St Petersburg, Istanbul, Quito, Male, Kilimanjaro and South African Airports. With experience advising on all sides of aviation deals for 20 years Chris is well acquainted with the range of risks and opportunities that the sector presents. He is currently involved in a range of projects including the new Istanbul Airport. Chris is currently Chairman of the British Aviation Group, the aviation member of the Institution of Civil Engineers Transport Expert Panel and sits on the Airports Council International World Business Partners Board.

AAA NATIONAL CONFERENCE NETWORKING EVENTS

NETWORKING EVENTS



Pool of Reflection, The Australian War Memorial.

Last Post Ceremony, The Australian War Memorial

Monday 21 November
4:15pm – 5:15pm

The Australian War Memorial
Dress: Business attire

Buses leave the National Convention Centre at 3:30pm and arrive at The Australian War Memorial in time for delegates to explore the collection before attending the Last Post Ceremony at 4:45pm.

This memorable event will leave a lasting impression and set the scene for catching up with fellow Conference attendees before being bused back at 5:15pm and arriving back at the National Convention Centre at 5:30pm.



Parliament House, under the flagmast.

Parliamentary Welcome Reception, Parliament House

Monday 21 November
6:00pm – 8:00pm

Great Hall, Parliament House
Dress: Business attire

The Parliamentary Welcome Reception is the first official Networking Event of Conference. Join other delegates for drinks and refreshments at Parliament House. Given this is a Commonwealth Parliamentary Sitting Week, Ministers, MPs and Senators will also be invited to join delegates. This is a unique opportunity to reach key decision makers and promote the importance of Australia's airports and the aviation industry.



Women in Airports Breakfast, Hobart 2015.

Women in Airports Breakfast, The National Convention Centre

Tuesday 22 November
7:00am – 8:45am

Ballroom, The National Convention Centre
Dress: Smart casual

The Women in Airports Breakfast is a relaxing, sit down breakfast featuring an inspiring guest speaker.

The purpose of this breakfast is to recognise the women in the airport industry in both leadership and aspiring to leadership roles.

The invitation to attend this breakfast is open to all members of the airport industry, both male and female.

The guest speaker is Major General Simone Wilkie AM.

WITH MORE OPPORTUNITIES THAN EVER TO NETWORK AT THE AAA NATIONAL CONFERENCE

Breakfast, morning tea, lunch and afternoon tea served daily in the Exhibition Hall provide multiple opportunities to network during Conference. There will be drinks in the Exhibition Hall on Days 2 and 3 from 4pm.



The National Museum of Australia:
Biopaint Exhibition

Networking Event, The National Museum of Australia

Tuesday 22 November
7:00pm – 10:00pm

The National Museum of Australia
Dress: Smart casual

This Networking Event will be held at The National Museum of Australia beside the shores of Lake Burley Griffin. Watch the sun set from the patio area or mingle in the open Exhibition Halls. This function will include the 'tastes of Canberra' with a selection of award-winning local wines and produce.

Sponsored by



The AAA National Airport Industry Awards and
Gala Dinner, Hobart 2015.

The AAA National Airport Industry Awards 2015 and Gala Dinner, Parliament House

Wednesday 23 November
7:00pm – 11:30pm

Great Hall, Parliament House
Dress: Business attire

The AAA National Airport Industry Awards acknowledge organisations and individuals achieving excellence within Australia's airport industry. The Gala Dinner will provide the perfect platform at which to present these prestigious awards and celebrate the success of the recipients and the success of the 2016 Conference.

Addition tickets: \$200

Priority for additional tickets goes to those delegates registering for Commercial Forum only, as Gala Dinner tickets are not included in Commercial Forum registration. Additional tickets will only be available until sold out.



ANZAC Hall at The Australian War Memorial.

Networking Event, The Australian War Memorial

Thursday 24 November
7:00pm – 10:00pm

ANZAC Hall, The Australian War Memorial
Dress: Smart casual

The final evening Networking Event of Conference will allow delegates to relax and network in ANZAC Hall at The Australian War Memorial. ANZAC Hall offers a unique dining experience between the massive Lancaster Bomber, a midget submarine and rare WWI aircraft and works of art depicting Australia's military history.

Sponsored by



AAA NATIONAL CONFERENCE DAY 1 PROGRAM

PRE CONFERENCE – MONDAY 21 NOVEMBER

1530-1545	BUS TRAVEL FROM THE NATIONAL CONVENTION CENTRE TO THE AUSTRALIAN WAR MEMORIAL
1615-1715	LAST POST CEREMONY AT THE AUSTRALIAN WAR MEMORIAL
1715-1730	BUS TRAVEL TO THE NATIONAL CONVENTION CENTRE
1730-1745	BUS TRAVEL FROM THE NATIONAL CONVENTION CENTRE TO PARLIAMENT HOUSE
1800-2000	PARLIAMENTARY WELCOME RECEPTION AT PARLIAMENT HOUSE

DAY 1 – TUESDAY 22 NOVEMBER

0715-0845 WOMEN IN AIRPORTS BREAKFAST	
Women and Leadership	Major General Simone Wilkie AM , Commander of the Australian Defence College and Australian Defence Force Academy, Australian Army and Commissioner of the Australian Football League (AFL)
0800-0900 REGISTRATION & BREAKFAST IN EXHIBITION HALL	
0900-1040 KEYNOTES	
0900-0920	Welcome and Overview of AAA Activities Guy Thompson , National Chairman, Australian Airports Association
0920-0930	Welcome to Canberra Terry Snow , Executive Chairman, Canberra Airport
0930-1000	Why Industry's Future is Airservices' Future Jason Harfield , Chief Executive Officer, Airservices Australia
1000-1040	The Power within - Unleashing Your Potential Alex Malley , Chief Executive, CPA Australia and Author of <i>The Naked CEO</i> Sponsored by MSS Security
1040-1110 MORNING TEA IN EXHIBITION HALL	
1110-1230 CONFERENCE SESSIONS	
1110-1140	The Aviation Industry in Australia Mike Mrdak , Secretary, Department of Infrastructure
1140-1230	Panel: Aviation Leaders Reflections Chair: Caroline Wilkie , Chief Executive Officer, Australian Airports Association Panellists: Julianne Alroe , Chief Executive Officer and Managing Director, Brisbane Airport Kerrie Mather , Managing Director and Chief Executive Officer, Sydney Airport Andrew Parker , Head of Government and International Affairs, Qantas Mark Skidmore AM , Director of Aviation Safety, Civil Aviation Safety Authority
1230-1330 LUNCH IN EXHIBITION HALL	

CONFERENCE PROGRAM

DAY 1 – TUESDAY 22 NOVEMBER

1330-1515	CONFERENCE SESSIONS	
1330-1415	Panel: The Future of Technology at Airports	Chair: George Woods , Partner, LEK Panellists: David Blackwell , Executive General Manager Customer Service, Adelaide Airport Rowan Chalmers , Executive General Manager Operations & Customer Experience, Perth Airport Stuart Rattray , General Manager of Technology, Sydney Airport Tom Roche , Managing Director, SNP Security
1415-1445	Virgin Australia – Brand Transformation and Innovation	Mark Hassell , Chief Customer Officer, Virgin Australia
1445-1515	The 15-Year Australian Infrastructure Plan: the reforms and projects Australia needs	Philip Davies , Chief Executive Officer, Infrastructure Australia
1515-1545	AFTERNOON TEA IN EXHIBITION HALL	
1545-1715	CONFERENCE SESSIONS	
1545-1615		International Airport Chief Executive Officer
1615-1715	Panel: Commercial strategies and initiatives to maximise airport profitability – property, hotels and non-aeronautical developments	Chair: Jim Parashos , Director Operations & Customer Experience, NT Airports Panellists: Stephen Byron , Managing Director, Canberra Airport Paul Ferguson , Chief Executive, Moorabbin Airport Chris Mills , Chief Executive Officer, Queensland Airports Limited
1715-1830	FREE TIME	
1830-1900	BUS TRAVEL TO THE NATIONAL MUSEUM OF AUSTRALIA	
1900-2200	NETWORKING EVENT AT THE NATIONAL MUSEUM OF AUSTRALIA – SPONSORED BY ADB SAFEGATE	



MAJOR GENERAL SIMONE WILKIE AM

Major General (MAJGEN) Simone Wilkie AM joined the Australian Army in 1983, as a young Signals Corps officer, she worked in a number of training and unit roles, and deployed to Cambodia with the Force Communications Unit.

In Australia she has held a number of significant posts including Commandant of the Army Recruit Training Centre; Director General Training - Forces Command; and Chief of Staff, Army Headquarters. MAJGEN Wilkie deployed to Iraq in 2007 as Assistant Chief of Staff on the Multi National Force Headquarters, and to Afghanistan as Assistant Commander, Joint Task Force 633 in 2011/12.

MAJGEN Wilkie's current role is Head Joint Enablers / Commander Australian Defence College. She is a Member of the Order of Australia, and has received a Commendation for Distinguished Service and the United States Bronze Star. MAJGEN Wilkie is also a Commissioner of the Australian Football League (AFL).

AAA NATIONAL CONFERENCE DAY 2 PROGRAM

DAY 2 – WEDNESDAY 23 NOVEMBER

0800-0900 REGISTRATION & BREAKFAST IN EXHIBITION HALL	
0900-1040 KEYNOTES	
0900-0930	The Government's approach to supporting a strong and sustainable airport industry The Hon Darren Chester , Minister For Transport and Infrastructure*
0930-1000	Aviation and the Future Air Chief Marshal Sir Angus Houston AK, AFC (Ret'd) , Chair, Airservices Australia
1000-1040	Empowerment and Leadership in the Workplace Kevin Sheedy , Former AFL Coach Sponsored by Perth Airport
1040-1115 MORNING TEA IN EXHIBITION HALL – SPONSORED BY REHBEIN CONSULTING	
Choose from two CONCURRENT SESSIONS	
<div> CONCURRENT SESSION 1: GENERAL INTEREST SESSIONS </div> <div> CONCURRENT SESSION 2: REGIONAL AIRPORT SESSIONS </div>	
1115-1145	1115-1145
Planning for an Uncertain Future: identifying major risks in the development cycle of airports Chris Chalk , Aviation Practice Leader, Mott MacDonald	Aviation and Regional Australia Senator The Hon Fiona Nash , Minister for Regional Development and Deputy Leader of the Nationals*
1145-1215	1145-1215
Airport Media Management Fiona Lander , Executive General Manager Corporate Affairs, Perth Airport	The AAA and regional airports - reflections on the ACIL ALLEN regional airport infrastructure report Simon Bourke , Policy Manager, Australian Airports Association
1215-1300	1215-1300
Panel: Environmentally Future Proofing Airports Chair: Ken Conway , Manager, Aviation Environment and Sustainability, Airbiz Panellists: Penny Barker , Head of Sustainability, Sydney Airport Stephen Goodwin , General Manager Operations, Brisbane Airport Pete Pallot , General Manager, Sunshine Coast Airport Mark Young , Managing Director, Adelaide Airport	Panel: Reflections on the privatisation of Port Hedland Airport - lessons for industry Chair: Guy Thompson , National Chairman, Australian Airports Association Panellists: Mitchell Cameron , Chief Executive Officer, Port Hedland International Airport Rob Mactaggart , Principal, The Airport Group Mal Osborne , Chief Executive Officer, Town of Port Hedland Sunny Yu , Associate Director - Infrastructure, AMP Capital
1300-1400 LUNCH IN EXHIBITION HALL – SPONSORED BY AIRBIZ AVIATION STRATEGIES	
1400-1430	1400-1430
Topic to be confirmed closer to the event Air Marshall Leo Davies, AO, CSC , Chief of Air Force, Royal Australian Air Force	The growth of Dubbo City Regional Airport - How can regional airports stay competitive? Mayor Mathew Dickerson , Dubbo City Council
1430-1500	1430-1500
Case Study: Newcastle Airport Terminal Redevelopment Peter Cock , Chief Executive Officer, Newcastle Airport	Increasing non-aeronautical revenue at regional airports Jim Parashos , Director Operations & Customer Experience, NT Airports

* Subject to confirmation

CONFERENCE PROGRAM

DAY 2 – WEDNESDAY 23 NOVEMBER

Choose from two CONCURRENT SESSIONS	
CONCURRENT SESSION 1: GENERAL INTEREST SESSIONS	CONCURRENT SESSION 2: REGIONAL AIRPORT SESSIONS
1500-1540	1500-1540
Panel: Lessons learnt from Australia's two most recent terminals - T1 in Perth and T4 in Melbourne Chair: Caroline Wilkie , Chief Executive Officer, Australian Airports Association Panellists: Simon Gandy , Chief of Aviation, Melbourne Airport Guy Thompson , Executive General Manager Assets & Capital Works, Perth Airport	Panel: Regional Airport Masterplanning - the South Australian Experience Chair: Bill Chapman , Airport Operations Manager, Mildura Airport Panellists: Erica Pasfield , Manager, Aviation Policy, SA Department of Planning, Transport and Infrastructure Barrie Rogers , Airport Manager - Port Lincoln, District Council of Lower Eyre Peninsula Shane Saal , Airport Manager, Port Augusta Airport
1540-1610	1540-1610
Case Study: Canberra Airport Stephen Byron , Managing Director, Canberra Airport	Regional Airport Project Overviews Whyalla Airport Redevelopment Howard Aspey , Airport Manager - Whyalla Airport, Whyalla City Council New Parallel Runway Project Phil Hansen , Airport Manager - Bendigo Airport, City of Greater Bendigo
1610-1630	REGISTRATION OPEN FOR AAA ANNUAL GENERAL MEETING
1610-1700	DRINKS IN EXHIBITION HALL
1630-1700	THE AAA ANNUAL GENERAL MEETING
1700-1830	FREE TIME
1830-1900	BUS TRAVEL TO PARLIAMENT HOUSE
1900-2330	THE AAA NATIONAL AIRPORT INDUSTRY AWARDS AND GALA DINNER



AIR CHIEF MARSHAL SIR ANGUS HOUSTON AK, AFC (RET'D)

In July 2011 Sir Angus retired as Chief of the Australian Defence Force after 41 years of service in the military. Sir Angus was the Chief of the Defence Force for six years. Prior to his role as Chief of the Defence Force he was Chief of Air Force for four years. Sir Angus is currently serving as Chair of Airservices Australia.

In July 2014 Sir Angus was appointed as the Prime Minister's Special Envoy to lead Australia's efforts to help recover, identify and repatriate Australians killed in the Malaysia Airlines MH17 crash. Sir Angus also led the Joint Agency Coordination Centre coordinating the Australian Government's support for the search into missing Malaysia Airlines flight MH370 in 2014. Sir Angus was awarded the Knight of the Order of Australia in January 2015 for extraordinary and pre-eminent achievement and merit in service to Australia.

AAA NATIONAL CONFERENCE ACCOMMODATION

BOOK NOW

Conference in 2016 coincides with a Parliamentary Sitting Week.

This presents a unique opportunity for industry to invite Ministers, Senators and MPs to Networking Events where we can promote the importance of Australian airports.

It also means that accommodation could become quite tight during this week.

The AAA strongly advise that anyone planning to attend Conference in 2016 books their accommodation as soon as possible to secure your preferred location.



Crowne Plaza Canberra

★★★★★

1 Binara St, Canberra

4 minutes' walk to the National Convention Centre.

\$240.00 per City View Room per night \$280.00 per Park View room per night.

Terms and Conditions: One night deposit required at time of booking and guests will be required to finalise their account at check in.

Cancellation Policy: Cancellations made between 30 days of arrival and day of arrival will be charged a one night cancellation fee.



Waldorf Apartment Hotel

★★★★★

2 Akuna St, Canberra

6 minutes' walk to the National Convention Centre.

\$180.00 per Studio Apartment per night \$200.00 per 1 Bedroom Apartment per night.

Terms and Conditions: One night deposit required at time of booking and guests will be required to finalise their account at check in.

Cancellation Policy: Cancellations made between 30 days of arrival and day of arrival will be charged a one night cancellation fee.



Novotel Canberra

★★★★★

65 Northborne Ave, Canberra

13 minutes' walk to the National Convention Centre.

\$195.00 per Standard Queen Room per night.

Terms and Conditions: One night deposit required at time of booking and guests will be required to finalise their account at check in.

Cancellation Policy: Cancellations made between 30 days of arrival and day of arrival will be charged a one night cancellation fee.





QT Canberra



**1 London Circuit,
Canberra**

14 minutes' walk
to the National Convention
Centre.

\$255.00 per Standard Room
per night.

Terms and Conditions:
One night deposit required at time
of booking and guests will be
required to finalise their account
at check in.

Cancellation Policy: Cancellations
made between 30 days of arrival
and day of arrival will be charged.



Quest Canberra



**28 West Row St,
Canberra**

15 minutes' walk
to the National Convention
Centre.

\$229.00 per
1 Bedroom Apartment
per night.

Terms and Conditions:
One night deposit required at time
of booking and guests will be
required to finalise their account
at check in.

Cancellation Policy: Cancellations
made between 30 days of arrival
and 15 days of arrival will be
charged a one night cancellation
fee. Cancellations or amendments
made between 15 days of arrival
and date of arrival will be charged
for their full booking.



Hotel Hotel



**25 Edinburgh Ave,
Canberra**

20 minutes' walk
to the National Convention
Centre.

\$335.00 per Original Room
per night.

Terms and Conditions:
One night deposit required at time
of booking and guests will be
required to finalise their account
at check in.

Cancellation Policy: Cancellations
made between 30 days of arrival
and day of arrival will be charged a
one night cancellation fee.



Vibe Hotel



**1 Rogan St,
Canberra Airport**

10-15 minutes' drive
to the National Convention
Centre.

\$179.00 per Lower Deck
Room per night.

Terms and Conditions:
One night deposit required at time
of booking and guests will be
required to finalise their account
at check in.

Cancellation Policy: Cancellations
made after 2pm on the day prior
to arrival will be charged will be
charged for their full booking.

CANBERRA HAS SOMETHING FOR EVERYONE

HOST VENUE

NATIONAL CONVENTION CENTRE

31 Constitution Avenue
Canberra City ACT 2601
T: 02 6276 5200

The National Convention Centre is Canberra's
largest, purpose-built functions, meetings and events
venue. The National Convention Centre is conveniently
located just 7km from airport and just minutes walk
from a range of accommodation options and the
city centre, with simple access to the very best
Canberra attractions.

To find out more about the NCCC,
please visit www.nccc.com.au

AAA NATIONAL CONFERENCE GENERAL INFORMATION

GENERAL INFORMATION

HOW TO GET TO CANBERRA

Plane

Fly into Canberra Airport, which is located approximately 10 to 15 minutes away from the National Convention Centre.

Train

Canberra has a direct rail service from Sydney and a combined rail and bus service from Melbourne. Visit www.nswtrainlink.info for more information.

Road

The Australian Capital Territory has a good network of public roads and highways to navigate if you are driving to Canberra. National highways leading to Canberra include the Barton Highway, Federal Highway, and Monaro Highway.

CAR PARKING

The National Convention Centre car park can be entered off Constitution Avenue and parking for more than 260 cars is available.

A number of flexible parking options are available, for further information please visit: www.nccc.com.au/attend/parking

AIRPORT TRANSFERS

The Airport Express shuttle bus offers airport-city-airport services daily during peak periods which stops at the National Convention Centre. Cost is just \$12 one way and \$20 return. Tickets can be purchased from the car park customer service office located opposite the bus stop or can be pre-booked at www.royalecoach.com.au or by calling 1300 368 897. The bus stop is located kerbside upon exiting the arrivals hall.

TAXIS

A taxi from the airport to the city is approximately \$23.00.

Canberra Elite Cabs 13 22 27
Cabxpress 1300 222 977

WEATHER

For the month of November, Canberra's mean maximum temperature is 23.5°C and the mean minimum is 9.7°C.

DRESS STANDARDS

Conference Sessions, Welcome Reception, Networking Functions – smart casual.

The Last Post Ceremony, The Parliamentary Welcome Reception and the AAA National Airport Industry Awards and Gala Dinner – business attire.

EXHIBITION

Delegates are encouraged to visit the Exhibition to view the latest products and services. Meal breaks during the Conference will be held within the Exhibition Hall.

A light breakfast will also be served in the exhibition area on Tuesday, Wednesday and Thursday morning, and in the foyer on Friday morning.

NAME BADGES

All delegates, sponsors, exhibitors and speakers will be issued with a name badge at registration. Admittance to all sessions and social functions included in the registration fee will require presentation of your name badge.

REGISTRATION AND INFORMATION DESK

All delegates sponsors, exhibitors and speakers must register themselves to be able to attend sessions, breakfasts, lunches, morning and afternoon teas, enter the Exhibition and any Networking Events.

The Registration and Information Desk will be open during the following hours at the National Convention Centre.

Monday	3:00pm – 6:00pm
Tuesday	8:00am – 5:15pm
Wednesday	8:00am – 5:00pm
Thursday	8:00am – 5:00pm
Friday	8:00am – 5:00pm

FURTHER INFO

Visit the conference website:
www.airports.asn.au/conference

Contact the Conference Organisers

All Occasions Management at
T: 08 8125 2200

E: conference@aomevents.com

AUSTRALIAN AIRPORTS
ASSOCIATION **NATIONAL**
CONFERENCE



2016 REGISTRATION FORM

All registration fees are in Australian dollars and include GST.
To register online visit www.airports.asn.au/conference

DELEGATE DETAILS

All correspondence regarding the AAA National Conference will be forwarded to this person.

TITLE	<input type="checkbox"/> MR	<input type="checkbox"/> MRS	<input type="checkbox"/> MS	<input type="checkbox"/> MISS	<input type="checkbox"/> DR	<input type="checkbox"/> OTHER		
FIRST NAME				SURNAME				
PREFERRED NAME ON BADGE								
POSITION				ORGANISATION				
ADDRESS								
CITY				STATE		POSTCODE		
PHONE								
EMAIL								
SPECIAL REQUIREMENTS (E.G. DIETARY REQUIREMENTS, MOBILITY ISSUES)								

PRIVACY

In registering for Conference relevant details will be incorporated into a delegate list for the benefit of all delegates. These details may be made available to parties directly related to Conference including All Occasions Group, the Australian Airports Association, venues and accommodation providers (for the purposes of room bookings and conference options), key sponsors and parties associated with Conference. By completing the registration form you acknowledge that the details supplied by you may be used for the above purposes. Should you not wish your details to be used for these purposes, please contact All Occasions Group as soon as possible.

☐ Please do not include my name and organisation on the delegate list.

The All Occasions Group uses Commercial Electronic Messages (i.e. email updates, newsletters etc.) to keep delegates informed on both current and future, events and travel.

☐ Yes, I would like to be kept informed of conferences, travel and accommodation specials or prize draws.

POLO SHIRT SIZE

MENS:

☐ Small ☐ Medium ☐ Large ☐ X Large ☐ XX Large ☐ XXX Large

WOMENS:

☐ 8 ☐ 10 ☐ 12 ☐ 14 ☐ 16 ☐ 18

SPEAKER

☐ I will be presenting at the AAA National Conference.

AAA NATIONAL CONFERENCE REGISTRATION FORM

REGISTRATION PACKAGES

	Day 1 – Tuesday 22 November	Day 2 – Wednesday 23 November	Day 3 – Thursday 24 November	Day 4 – Friday 25 November	
	Days 1 to 4	Days 1 to 3	Days 2 to 4	Days 1 & 2	Days 3 & 4
					Commercial Forum
Conference and Exhibition					
Conference Sessions	•	•	•	•	•
Exhibition Hall access	•	•	•	•	•
Program, lanyard and satchel	•	•	•	•	•
Polo shirt	•	•	•	•	•
Meals served in the Exhibition (breakfast, morning tea, lunch and afternoon tea)	•	•	•	•	•
Commercial Forum	•	•	•	•	•
Networking Event					
Last Post Ceremony	•	•		•	
Parliamentary Welcome Reception	•	•		•	
Women in Airports Breakfast	•	•		•	
Networking Event, The National Museum of Australia	•	•		•	
The AAA National Airport Industry Awards and Gala Dinner	•	•	•	•	•
Closing Drinks in the Exhibition	•	•	•		•
Networking Event, The Australian War Memorial	•	•	•		•

REGISTRATION TICKETS

	Early Bird Registration (before or on 15 July 2016)	General Registration (after 15 July 2016)	Group The Group rate is applicable on the fourth registration from one organisation.
Conference Days 1 & 2 Registration			
Airport Member	■ \$1,695	■ \$1,995	■ \$1,295
Corporate	■ \$1,950	■ \$2,295	■ \$1,495
Government Stakeholder	■ \$2,295	■ \$2,295	
Non member	■ \$2,995	■ \$2,995	
Training Program Days 3 & 4 Registration			
Airport Member	■ \$1,595	■ \$1,895	■ \$895
Corporate	■ \$1,950	■ \$2,195	■ \$1,150
Government Stakeholder	■ \$2,195	■ \$2,195	
Non member	■ \$2,995	■ \$2,995	
Entire Conference Days 1 to 4 Registration			
Airport Member	■ \$2,495	■ \$2,795	■ \$1,995
Corporate	■ \$2,995	■ \$3,295	■ \$2,495
Government Stakeholder	■ \$3,295	■ \$3,295	
Non member	■ \$3,995	■ \$3,995	
Three Day Registration Please indicate days of attendance			
	■ Days 1 to 3 or	■ Days 2 to 4	
Airport Member	■ \$2,195	■ \$2,495	■ \$1,695
Corporate	■ \$2,495	■ \$2,795	■ \$2,115
Government Stakeholder	■ \$2,795	■ \$2,795	
Non member	■ \$3,595	■ \$3,595	
Commercial Forum Registration			
Airport Member	■ \$1,190	■ \$1,190	
Corporate	■ \$1,490	■ \$1,490	
Government Stakeholder	■ \$1,490	■ \$1,490	
Non member	■ \$1,690	■ \$1,690	

AAA NATIONAL CONFERENCE REGISTRATION FORM

NETWORKING FUNCTIONS

To book a ticket to the following networking functions please tick the relevant box below, even if the networking function is an inclusion in your registration. If the box is not marked you will not be booked into the function. Additional tickets can be purchased for the networking functions by entering the number of tickets required in the relevant box.

Charges apply if the function isn't included as part of your registration fee. Please refer to page 34.

Last Post Ceremony at the Australian War Memorial (Monday 21 November)

Attending ☐ Yes ☐ No

Name of Guests

Parliamentary Welcome Reception at Parliament House (Monday 21 November)

Attending ☐ Yes ☐ No

☐ Extra Tickets \$70 per person

Name of Guests

Women in Airports Breakfast (Tuesday 22 November)

Attending ☐ Yes ☐ No

☐ Extra Tickets \$50 per person

Name of Guests

Networking function at the National Museum of Australia (Tuesday 22 November)

Attending ☐ Yes ☐ No

☐ Extra Tickets \$120 per person

Name of Guests

The AAA National Airport Industry Awards and Gala Dinner at Parliament House (Wednesday 23 November)

Attending ☐ Yes ☐ No

☐ Extra Tickets \$200 per person

Name of Guests

Networking function at the Australian War Memorial (Thursday 24 November)

Attending ☐ Yes ☐ No

☐ Extra Tickets \$120 per person

Name of Guests

ACCOMMODATION

Check in date / / Check out date / /

Estimated time of arrival am/pm

Crowne Plaza Canberra – 4.5 stars

- ☐ \$240.00 per City View Room per night
- ☐ \$280.00 per Park View room per night

Terms and Conditions: One night deposit required at time of booking and guests will be required to finalise their account at check in. Cancellation Policy: Cancellations made between 30 days of arrival and day of arrival will be charged a one night cancellation fee.

Waldorf Apartment Hotel – 4 stars

- ☐ \$180.00 per Studio Apartment per night
- ☐ \$200.00 per 1 Bedroom Apartment per night

Terms and Conditions: One night deposit required at time of booking and guests will be required to finalise their account at check in. Cancellation Policy: Cancellations made between 30 days of arrival and day of arrival will be charged a one night cancellation fee.

Novotel Canberra – 4 stars

- ☐ \$195.00 per Standard Queen Room per night

Terms and Conditions: One night deposit required at time of booking and guests will be required to finalise their account at check in. Cancellation Policy: Cancellations made between 30 days of arrival and day of arrival will be charged a one night cancellation fee.

QT Canberra – 4 stars

- ☐ \$255.00 per Standard Room per night

Terms and Conditions: One night deposit required at time of booking and guests will be required to finalise their account at check in. Cancellation Policy: Cancellations made between 30 days of arrival and day of arrival will be charged a one night cancellation fee.

Quest Canberra – 4 stars

- ☐ \$229.00 per 1 Bedroom Apartment per night

Terms and Conditions: One night deposit required at time of booking and guests will be required to finalise their account at check in. Cancellation Policy: Cancellations made between 30 days of arrival and 15 days of arrival will be charged a one night cancellation fee. Cancellations or amendments made between 15 days of arrival and date of arrival will be charged for their full booking.

Hotel Hotel – 5 stars

- ☐ \$335.00 per Original Room per night

Terms and Conditions: One night deposit required at time of booking and guests will be required to finalise their account at check in. Cancellation Policy: Cancellations made between 30 days of arrival and day of arrival will be charged a one night cancellation fee.

Vibe Hotel – 4.5 stars

- ☐ \$179.00 per Original Room per night

Terms and Conditions: One night deposit required at time of booking and guests will be required to finalise their account at check in. Cancellation Policy: Cancellations made after 2pm on the day prior to arrival will be charged will be charged for their full booking.

To register online visit www.airports.asn.au/conference

AAA NATIONAL CONFERENCE REGISTRATION FORM

Regional Airport Stream – Wednesday 23 November

Will you be attending the Regional Airport Stream being held Wednesday 23 November?

☐ Yes ☐ No

Airport Commercial Forum – Thursday 24 November

Will you be attending the Commercial Forum?

☐ Yes ☐ No

Training Certificate

I will require a training certificate after Conference.

☐ Yes ☐ No

Early bird registration must be paid by COB Friday 15 July 2016 for rates to apply.

Registration Eligibility

To be eligible for:

AAA Member discount rates your airport or organisation must be a financial AAA Member or a member of the NZ Airports Association for the 2016–17 financial year.

Government stakeholder rates are applicable to representatives from Federal or State Governments or departmental representatives such as CASA, Department of Infrastructure etc.

Non-member refers to representatives from companies that are not AAA Members.

Please refer to payment information and the cancellation policy found on page 35.

PAYMENT

Total \$

☐ I have read and agree to the terms and conditions contained within the registration brochure and the cancellation policy as outlined.

Signature

Date / /

PAYMENT METHOD

Credit card payments will appear as 'All Occasions Management' on your statement and will incur a merchant fee of 2.8% for Visa and Mastercard transactions, 3.6% for American Express and 4.95% for Diners.

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18.11 Climate Adaptation Conference 2016

Brief

This report provides notice of the NCCARF and CSIRO Climate Adaptation Conference to be held at Adelaide Convention Centre 5 - 7 July 2016.

RECOMMENDATION(S)

It is recommended to Council that:

1. Subject to their confirmation, Council approves the attendance of Cr/s at the Climate Adaptation Conference to be held at Adelaide Convention Centre 5 - 7 July 2016.
2. Expenses be reimbursed in accordance with Council policy.

Introduction

The LGA has provided notice that the National Climate Change Adaptation Research Facility (NCCARF) Climate Adaptation Conference (the Conference) will be held 5 - 7 July 2016 at the Adelaide Convention Centre (**Attachment 1**).

Discussion

This Conference will showcase the growing body of climate change adaptation knowledge in Australia and internationally, with a program of more than 250 presentations. The full program is attached for Members' information (**Attachment 2**).

Conference themes include:

- Coastal adaptation
- Adaptation of natural ecosystems
- Adaptation in resource sectors including agriculture and mining
- Built environment, urban systems, and critical infrastructure
- People and communities: vulnerability, adaptive capacity and human health
- Adaptation planning and governance
- Adaptation implementation, monitoring and evaluation
- Communication, creativity and community engagement for adaptation
- The business of adapting: costing, funding and partnering for change
- Adaptation to surprises: rapid climate change and more frequent extremes
- Impacts on tourism: responses and strategies
- Adaptation in rural, regional and remote Australia

The total cost of the Conference is \$1000 (excluding GST) for full three day registration which includes morning and afternoon teas, lunches and the conference dinner to be held on the Wednesday evening.

Cr Mangos has expressed an interest in attending the Conference.

ATTACHMENT 1



National Climate Change Research Facility (NCCARF) Conference - Circular 22.13

To	Chief Executive Officer Economic Development and Tourism Staff Elected Members Emergency and Risk Management Staff Environment Staff Environmental Health Staff Governance Officers Parks and Recreation Staff Planning - Building Staff Policy and Strategic Planning Staff Recycling - Waste Management Sustainability Officers	Date	2 June 2016
Contact	Victoria Brown Email: victoria.brown@lga.sa.gov.au		
Response Required	No		
Summary	The 2016 National Climate Change Research Facility (NCCARF) Conference will be held in Adelaide from 5-7 July at Adelaide Convention Centre.		

The Conference is being sponsored by the Department of Environment, Water and Natural Resources (DEWNR) and the Local Government Association of South Australia (LGASA). The content will appeal to representatives from public and private sectors; federal, state and local governments; researchers, practitioners, consultants, NGOs, students, and others.

Conference themes include:

- Coastal adaptation
- Adaptation of natural ecosystems
- Adaptation in resource sectors including agriculture and mining
- Built environment, urban systems, critical infrastructure
- People and communities: vulnerability, adaptive capacity, and human health
- Adaptation planning and governance
- Adaptation implementation, monitoring and evaluation
- Communication, creativity and engagement for adaptation
- The business of adapting: costing, funding and partnering for change
- Adaptation to surprises: rapid climate change and more frequent extremes
- Impacts on tourism: responses and strategies
- Adaptation in rural, regional and remote Australia
- Other – any other aspects of adaptation.

Many of the conference themes relate to the climate adaptation challenges currently being tackled by South Australian councils. In particular, people and communities and the business of adapting are two themes currently driving the adaptation efforts of councils.

To reflect this, the LGA is developing two sessions for the conference:

1. The Great Debate: Public Health Effects of Climate Change will be Greater in Regional Communities!.
Does where I live dictate how healthy I'll be?
2. Adaptation is an Economic Imperative!

It would be great to see as many local government representatives at the sessions as possible.

You can register for the conference at: <http://climate-adaptation.org.au>

For further information on the conference or any other LGA climate activities, please contact Victoria Brown,
Senior Policy Officer by telephone: 08 8224 2053 or email: Victoria.brown@lga.sa.gov.au

ATTACHMENT 2



Climate Adaptation 2016
Change • Challenge • Opportunity
5-7 July 2016, Adelaide

Conference Program

Day Zero Monday 4th July

10.00am - 12.00pm	Early career workshop Chair: Mark Stafford Smith, CSIRO	
12.00am - 1.00pm	Lunch and poster session	(NCCARF National Adaptation Network meetings for SEID & ACCARNSI *by invitation)
1.00am - 4.00pm	Early career workshop continues	
4.00pm - 5.00pm	Social media workshop: Strategic Tweets <ul style="list-style-type: none">• Learn how and why you can use Twitter to build your network, share ideas, and find your online community.• Learn how to use the conference app and the interactive Q&A app Pigeonhole	
5.00pm - 6.30pm	Climate Adaptation 2016 Welcome Reception	

Day One Tuesday 5th July

8.30am - 10.00am Welcome and Plenary 1	<ul style="list-style-type: none"> Welcome to Country The Hon Ian Hunter MLC (Ibc) Jean Palutikof, Director of NCCARF Paul Hardisty, Director of CSIRO Land and Water Voice of Youth Xianfu Lu, United Nations Framework Convention on Climate Change Award of CoastAdapt case study prizes 			
10.00am - 10.30am	Morning tea			
10.30am - 12.00pm Plenary 2	At land's end: coastal and marine adaptation <ul style="list-style-type: none"> Professor Robert Nicholls, Faculty of Engineering and the Environment, University of Southampton, UK Professor Jean Palutikof, NCCARF Dr Elvira Poloczanska, Research Scientist, CSIRO 			
12.00pm - 1.00pm	Lunch			
1.00pm - 2.30pm Panel sessions	Where to now? Adaptation post-Paris Australian Dept of the Environment At the 2015 United Nations Climate Change conference in Paris, 195 countries adopted the first-ever universal, legally binding global climate deal, called the Paris Agreement. The Agreement sets out an ambitious global action plan to avoid dangerous climate change by limiting global warming to well below 2°C (pursuing efforts to limit temperature increase to 1.5°C). It also commits countries to a range of adaptation activities to strengthen societies' ability to deal with the impacts of climate change. The panel will discuss the implications of the Agreement for adaptation policy for the regional, national and sub-national governments and business.	Enabling collaborative Adaptation responses Sponsored by NSW Office of Environment and Heritage A panel session to explore how stakeholders might identify and develop collaborative adaptation outcomes. NSW OEH, Sydney Water and Climate Risk are building on tools like Adapt Water to develop the Adaptation Infrastructure and the Cross Dependency Initiative (XDI) to help understand where collaborative response could occur in the infrastructure sector, the panel session will explore how these collaborative outcomes might be achieved and discuss the current governance structures that impeded collaborative outcomes.	Smarter farming on Adelaide's doorstep Sponsored by SARDI and Adelaide and Mt Lofty RFM Board Introduction to the nexus between primary production, urban encroachment and climate risk in the Adelaide Mt Lofty region (15 mins) Presentations on current adaptation responses by key agricultural sectors in the district (viticulture, dairy, perennial horticulture and annual horticulture) including recent and ongoing initiatives that have applicability beyond the AMLR region (20 mins) A panel discussion discussing questions posed by facilitators and audience (50 mins)	Lessons on implementation from different contexts Sponsored by Adelaide City Council Rising above conflict and sea levels: adaptation through community collaboration with lakeside communities at Marks Point and Belmont South Greg Giles Process to improve NSW Government agency preparedness for climate change Aaron Coutts-Smith Pathway to Implementation for Climate Adaptation Research: Lessons Learnt from the Mekong Delta, Vietnam – Minh Nguyen Panel discussion on adaptation planning implementation
2.30pm - 3.00pm	Afternoon tea			

3.00pm – 4.30pm Parallel sessions	Coasts 1: Adaptation in Coastal Communities	Adapting urban design	Vulnerability and community level adaptation	Engaging the community for adaptation	Lessons from adaptation pathways in practice	The changing shape of primary industries
	Marine projections for natural resource management (NRM) regions of Australia Kathleen Molrines	Localised design solutions for practical urban adaptation Scott Losee	Capturing traditional ecological knowledge and developing strategies to maintain traditional resources in a changing climate Samata Deshong	(ST) Why reinvent the wheel? Engaging for climate adaptation through existing networks Tim Smith	(ST) Adaptive policy pathways planning: sharing techniques, tools and experiences across domains, jurisdictions and institutional settings Judy Lawrence	Future adaptation and mitigation in Australian and systems: land-use and sustainability under global change and domestic policy Brett Bryan
	Decision analysis for long-term coastal adaptation in Australia Timothy Ramm	People, place, and revitalising suburbs for long term sustainability Tayannah O'Donnell	Locally managed marine areas in Kimbe Bay: Reflections and future possibilities for ecosystem-based adaptation Russell Wise	(ST) Engagement: A commitment or military operation? Jenni Metcalfe	(ST) Adaptation pathways planning for conservation in Australia and Colombia Mike Dunlop	The risk of expanding broadacre farms in a changing climate David Feldman
	25 years of coastal climate change policy in SA Murray Townsend	From awareness to action: the implementation challenge of greening our cities Jenni Garden	Assessing and mapping village-level social vulnerability of selected Haiyan-affected areas to climate-related hazards Luigi L. Toda	Effective communication and engagement to motivate adaptation action – learning from the built environment and infrastructure sectors. A network approach. Tanya Wilkins	(ST) The practice and challenges of using an adaptation pathways planning approach – Eyre Peninsula Case Study	Sea-level rise and sugarcane farming on the coast. How long do we have? Robert Quirk
	Enhancing the value of data for adaptation in Australia's coastal zone Jonathon Kool	Application of a green infrastructure typology and airborne remote sensing to classify and map urban vegetation for climate adaptation Carlos Bartsaghi Koc	The impact of gully erosion on biodiversity conservation in South Eastern Nigeria Stanley Obinna Eze	From conflict to collaboration: Sea-level rise adaptation planning with the Marks Point and Belmont South community Stuart Waters	(ST) Applying the concept of adaptation pathways planning in Victoria's NRM: insights, lessons and some working examples Chris Pittfield	Characterising resilience in New Zealand pastoral farming systems: an indicators-based approach Nick Craddock-Henry
	Coastal vulnerability and flexible adaptation planning: the Cockburn Sound Coastal Alliance experience Craig Perry	Developing a baseline of housing resilience to start addressing insurance affordability Henrique Togashi	Impact of temperature extremes on cardiovascular deaths in Jinan, China Jing Han	Climate change adaptation versus mitigation: Implications for NGO communication and advocacy strategies Dana Thomsen	(ST) Lessons on Exploring and Evaluating Adaptation Pathways Andrew Warren	Is climate change responsible for dwindling family farm numbers in the Western Australian Wheatbelt? Neville Ellis
	Where to now for coastal adaptation? Neil Lazarow	(ST) An integrated approach to simulating energy-water-carbon nexus of Australian housing Zhengren Ren	Indicators and Pattern of Social Vulnerability in Metropolitan Lagos, Nigeria Mayowa Fasola	(ST) Climate ready communities. A community engagement guide to getting started Miriam Lumb and Collette Brown	(ST) Adaptation pathways: Lessons from turning theory into practice Mark Siebentritt	On-farm composting with diverted organic waste to build resilience in macadamia industry Susie Chapman
4.30pm – 6.00pm Parallel sessions	CoastAdapt: the beta version	Hot In the City 1 – Coping with heat	Climate science for adaptation	Adaptation of natural ecosystems 1	Social & political aspects of pathways: theory & practice	Adaptation in rural, regional & remote communities
	(ST) Introduction to CoastAdapt Jean Palutikof	Historical evolution of Australia's heatwave intensity and severity: understanding the drivers of heatwaves impact John Nairn	Keeping real and regional: communication to get Victoria climate-ready Paul Holper	Climate services that facilitate the development, delivery and uptake of regional climate projections for natural resource management Kevin Hennessy	Pathways of knowledge co-production and exchange for planning climate change adaptation with remote Indigenous Australians Rosemary Hill	People driving adaptation action: the case of one urbanising community in the Philippines Michael J. Arman
	(ST) Engaging broadly around CoastAdapt to ensure stakeholder needs are understood and met Anne Leitch	Heat health messages: a randomised controlled trial of a preventative messages tool in the older population of South Australia Monika Nitschke	Methods of producing climate change datasets: impact, the resulting policy guidance and chance of mal-adaptation Michael Grose	Planning an adaptation mix as part of an adaptation pathway: an application to shy abattoirs of southern Australia Geoff Tuck	Urban adaptation pathways in practice: mapping options and trade-offs for London Ashley Kingsborough	Saving water for a rainy day: living with water tanks and tank water in a changing climate Carrie Wilkinson

Day One Tuesday 5th July - Continued

(ST) Coastal Climate Adaptation Decision Support (C-CADS) – helping to develop climate change adaptation plans for coastal Australia David Rissik	Talking to our community about extreme heat and how they cope (Marrickville Council, NSW) Lana Frost	Projections of regional Australian rainfall extremes from CMIP5 models Louise Wilson	Rethinking revegetation resilience Shaun Kennedy	People, Places and Pathways: integrating resilience-based regional planning with climate adaptation pathways thinking. Paul Ryan	Rural Australians and the implications of heatwaves: An accident waiting to happen? – Leigh Wilson
(ST) The role of Information Manuals in CoastAdapt Sarah Boulter	Heat stress resilience Gertrud Hatvani-Kovacs	An analogue approach to climate change simulations for a post mining landscape John Lowry	Adaptation pathways and the maintenance of adaptation services by Littoral rainforest in Queensland's Wet Tropics Helen Murphy	Why is coastal retreat so hard to implement? Understanding the political risk of coastal adaptation pathways Mark Gibbs	Rural peoples' concerns about climate change: Findings from the Australian Rural Mental Health Study Emma Austin
(ST) Case studies for CoastAdapt: thoughts on barriers to adaptation Ana Perez	Urban physical and social aspects of cultural vulnerability to heat health: A case study of the Melbourne Jewish elderly, Australia Rachael Berekat	Projections of Southern Hemisphere storm formation to support adaptation in the face of a variable and changing climate Stacey Osbrough	Assessing climate adaptation options for managing COTS on the Great Barrier Reef Alistair Hobday	Operationalising adaptation pathways concepts: Translation between science, practice and local context Rachel Williams	Drought, wellbeing and adaptive capacity in rural NSW Emma Austin
(ST) CoastAdapt visualisation Jo Munimery & Steve Webb	(ST) Electric fan use and heatwaves: a safe and economical solution to heat stress Nathan Morris	High resolution, dynamically downscaled simulations of tropical cyclones Sally Lavender	Enhancing and promoting informed environmental decision making for local government authorities and natural resource management groups Brooke Hynch	An integrated operational approach to transformative adaptation Matt Colloff	Travelling in remote Australia might come a gutsa: an extreme case of transport carbon vulnerability Nicholas Holyoak
(ST) The three-tier climate change risk assessment process of CoastAdapt: meeting user needs Fahim Tonmoy	(ST) Heatwave ready Tasmania: Building capacity in Tasmania's aged care sector to respond to heatwaves Sharon Campbell				
(ST) Role of the Tool Development Partners in CoastAdapt TBC					
6.00pm - 7.30pm	Guided poster session and drinks				
6.00pm - 8.00pm	South Australian Premier's Climate Change Council Reception *by invitation				

Day Two Wednesday 6th July

8.30am - 10.00am Plenary 3	Taking a global perspective <ul style="list-style-type: none"> • Sean Kidney, Climate Bonds Initiative, UK • Professor Admiral Chris Barrie AC, FAICD, FARPI, RAN Retired • James Butler, CSIRO 					
10.00 - 10.30am	Morning tea					
10.30pm - 12.00pm Parallel session	Business & financing for adaptation Mandatory disclosure and reporting of corporate adaptation and resilience: far beyond business as usual or the new normal? Gareth Johnston.	Adaptation at a regional scale: A case study of the Murray Darling Basin Sponsored by the Murray Darling Basin Authority Ecosystem service dynamics and environmental water trade Claire Seltre	No place like home: adaptation & sense of place Sponsored by the NCCARF Vulnerable Communities' Network Introduction to the MDBA by Emeritus Prof Barry Hart	Adaptation of natural ecosystems 2 Climate-ready lens: assessing the vulnerability of decision-making processes to climate change Veronica Doerr	Adaptation planning and governance 1 Thinking through the latest advances in standards for adaptation planning Mark Stafford Smith	Adaptation to extreme events Bridging, bonding or linking: contributions of networks and social capital to disaster resilience and climate change adaptation Hailey McCann
	Climate change implications for the investor sector. Emma Herd	The impact of water and soil salinity on water market trading in the southern Murray Darling Basin, Australia Juliane Haensch	Out of sight, out of mind: Developing disaster and emergency awareness and preparedness education with the homeless community Danielle Every	Lessons from the arid centre: how will ecosystems respond to increased extreme events? Glenda Wardle	Torres Strait adaptation and resilience planning - a strategic systems focused approach John Rainbird	Adaptation after a mega disaster: Building climate resilience through indigenous governance on Tanna Island Johanna Naleu

Day Two Wednesday 6th July - Continued

10.30am - 12.00pm Parallel session

Climate chains: a collaborative platform for understanding supply chain climate risk exposure Talia Jeanneret	How irrigators negotiate complex and competing demands when choosing climate change adaptation options Geoff Kuehne	Local landscape and place attachment as a mechanism to facilitate meaningful multi-stakeholder conversations around the potential impacts and implications of climate change in New Zealand Paula Blackett	Adaptation services: Conceptualising how ecosystems can inform adaptation pathways and help people adapt to climate change Tim Capon	Risk in partnership networks for urban development Ryan McAllister	Who, how and why 'must' participate in building resilience to disasters in a changing climate Paulina Aldunce
Climate change risks, costs and opportunities for maritime supply chains Jack Dyer	Climate modelling predicts shift in distribution and abundance of Queensland fruit fly <i>Bactrocera tryoni</i> in Australia Marja Simpson	Old ways for new days: Climate change adaptation and Indigenous peoples, Australia Phil Rist	Incorporating climate change into NRM planning Kaylene Parker	Outsourcing adaptation: the role and influence of consultants in governmental adaptation planning Svenja Keele	Why adaptation is central to resilience and disaster risk reduction Liz Johnstone
BHP Billiton's approach to climate change resilience and adaptation Erica Korosi	Fire as a fuel for facilitating landscape planning Rhonda Toms-Morgan	Building adaptive capacity through international development, why an empowerment approach matters Annette Salkeld	Environmental pressures in the sub-urban lagoon coastline of Ikorodu, Lagos, Nigeria Shakirudeen Odunuga	(ST) Planning for the impacts of sea level rise on flooding from ocean storms Emma Maratea	Development of a visual climate adaptation platform for Da Nang City, Vietnam Minh Nguyen
Seeing the wood for the trees: climate financing of community-based forestry projects Nicholas Metherall		Losing place in a climate-changed environment: place-related mental health risks for Australian farmers Neville Ellis	Impact of sea level rise on coastal natural values in Tasmania Eric Woehler	(ST) An investigation of the potential influence of climate change on the Woodford Folk Festival site and event Philip Edgar	Integrated approaches to disaster risk reduction and climate change adaptation risk governance. The case of Barbados, A small island developing state Nicole Greenidge
(ST) Supporting adaptation planning and climate finance readiness in the Pacific Sam Mackay		25% of community organisations think they would close for good after an extreme weather event? Would your organisation be one of them? Emily Hamilton		(ST) Mainstreaming climate change mitigation and adaptation in planning and governance by Lagos State Government, Nigeria Olubunmi Adegun	

12.00pm - 1.30pm

Lunch

1.30pm - 3.00pm Panel sessions

A resilient and secure region Sponsored by the Australian Department of Defence	Effective adaptation governance system for Qld Sponsored by the Queensland Government & Global Change Institute	Adaption – getting ready for take off Sponsored by Adelaide Airport	Economic development through adaptation planning Sponsored by the South Australian Local Government Association
The National Climate Adaptation Strategy 2015 states that "climate change does not stop at borders" while the Defence White paper 2016 states that "Australia will be called on to play regional leadership in responding to natural disasters and climate change". What does "a resilient and secure region" mean and how can adaptation support this outcome?	Drawing on previous policy development by the Queensland and policy research carried out by GCI (QCI), this session will examine the dimensions of effective climate adaptation governance arrangements that could facilitate effective adaptation responses in Queensland. In particular the session will explore development of industry sector adaptation plans. This will include key components currently being investigated, in relation to how the proposed sector adaptation plans could best facilitate effective adaptation. The Queensland Government is currently developing a Queensland Climate Adaptation Strategy (Q-CAS) which will propose a collaborative approach to climate adaptation. While the Queensland Government can provide a leadership role and build resilience into programs and services it delivers, and work with the broader community to safeguard public interests, managing the risks to private interests will clearly require leadership from businesses and industry sectors. Therefore in addition to identifying Queensland Government adaptation priorities, Q-CAS will have a central focus on engaging with Local government, industry and community sectors to facilitate development of sector actions.	Overview by Adelaide Airport Climate change and airports: adaptation planning of national and regional aviation critical infrastructure Xiaoming Wang Climate Risk Assessment and Adaptation in Transport Infrastructure Samantha Hayes The Status of Adaptation Planning for Interconnected Transport Systems: Are we There Yet? Tanja Mackenzie Urban adaptation pathways in practice Ashley Kingsborough Integrating climate resilience into asset management Liz Johnstone	Adelaide's Northern Metropolitan Councils are in the process of developing a CleanTech and Green Business hub. They councils will talk about their plans, how they got there and why (linked to their regional adaptation plan process). There will also be four local business leaders to talk about how they transformed their business- and the barriers and opportunities they faced along the way- as well as highlighting the importance of an adaptive economy and why they think it is so important. The LGA will also talk about their economic development activities.

3.00pm - 3.30pm	Afternoon tea					
3.30pm - 5.00pm Parallel sessions	Adapting 'Next Gen' working with youth	Adapting cities & infrastructure	Understanding vulnerability to facilitate adaptation	Implementation, monitoring & evaluation	Knowledge & learning for adaptation	Synthesising knowledge into policy
	Why we need to diversify our approaches to education and communication about climate change? Bob Stevenson	An end-point of adaptation: What are the implications of 'climigration' for spatial planning? Tony Matthews	Mapping vulnerability to focus adaptation Anna Pannell	Accurate data: the imperative for coastal adaptation study and implementation Mark Western	Adaptation to what, resilience for whom?: Integrating knowledge cultures for adaptation planning in the Torres Strait Erin Bohensky	(ST) How do we translate research into digestible formats Sarah Boulter
	Children as agents of change: The use of a school-based participatory tool to enhance flood risk reduction and adaptation plans at the household level Katharine Haynes	Resilient HVAC: Preparing Australia's Building Services for a Changing Climate Nicki Parker	Social capital and climate change risk: communication with new and emerging communities (NEC): A qualitative analysis Scott Hanson-Easey	Mind the gaps: characterising the 'adaptation deficit' in Aotearoa New Zealand Nick Craddock-Henry	Building Resilience?: Indigenous knowledge and climate change adaptation in China and Australia Melissa Nursey-Bray	Navigating Climate Information for Adaptation Planning: A Guide Brenda Lin
	Education for climate change adaptation in Queensland schools. Jennifer Nicholls	A Conceptual framework for vulnerability assessment of climate change impact on oil and gas critical infrastructures in the Niger Delta Justin Uddie	Low trust, media preferences and seasonal adjustment: Understanding the challenge of communicating climate change adaptation to low socioeconomic groups in Adelaide Robert Palmer	Investing in food, water and infrastructure security: impact evaluation of Australian support for global change Neil Lazarow	Farmers' use of indigenous knowledge to cope with climate change in Kilifi County, Kenya Fiona Mwaniki	The NSW Adaptation Research Hub - providing priority research for policy Heather Stevens
						(ST) The Synthesis Summaries David Flissik
						(ST) The Policy Guidance Briefs Jean Palutikof
	Coastal adaptation and Kids Fred Pribac	Effective climate change adaptation and planning for critical infrastructure Ron Cox	Barriers, enablers and lessons from incorporating traditional indigenous knowledge into climate change adaptation: a community-based adaptation pilot project in Eastern Indonesia. Nicholas D Metherall	Adapting Northern Adelaide: towards an adaptive economy Tim Kelly	Evaluating adaptation practices through co-production of knowledge: a transdisciplinarity approach Paulina Aldunce	(ST) Adapting Australia's trade and aid policies to climate change Jon Barnett
	Education on the boat-adaptation with the climate change KM Taj-Bul Hasan	Measuring employment in renewable energy Peter Comisari	Planning for vulnerable groups, mental health, and community education: The freedom and constraints on local government Lisette Collins	Impacts of recovery interventions on climate extremes and their challenges for building adaptive capacity in regional agricultural systems: a case study in the Burnett Mary region of Queensland Shyamalee Gunasekara	Overcoming the cultural cringe: Why organisational culture is important to successful adaptation decisions Steven Waller	(ST) Marine biodiversity and resources and potential for adaptation Alistair Hobday
		(ST) Understanding human dimensions of climate change in vulnerable communities to inform effective adaptation: insights from the Fiji Islands Shalini Lata	The future is bright: moving from regional adaptation planning to local action Maggie Hine	NRM planning for climate change - Victorian approach to collaboration Kate L Brunt	(ST) The Sector Briefings Ana Perez	
					(ST) Overall lessons Sarah Boulter & Jean Palutikof	
5.00pm - 6.30pm Panel and creative	The great debate Sponsored by the South Australian Local Government Association Public health impacts of climate change will be greater in regional Communities. Does where I live dictate how healthy I'll be? Discuss..... This will be a traditional style debate, with two teams comprising of three debaters each (affirmative and negative) with six minutes per speaker and a moderator. We will 'pitch' regional issues against metro issues and would like to keep the debate light-hearted despite the serious undertone.				Creative session	
6.30pm - 7.30pm	Poster session and drinks					
7.30pm -10.30pm	Conference dinner					

Day Three Thursday 7th July

9.00pm -10.30am
Plenary 4

The challenges of social change

- **Kristie Ebi**, Department of Global Health, University of Washington, USA
- **Margaret Alston** OAM, Department of Social Work, Monash University, VIC
- **Petra Tschakert**, School of Earth & Environment, University of Western Australia, WA

10.30am -11.00am

Morning tea

11.00am - 12.30pm
Parallel sessions

Coasts 2: Adaptation in coastal communities

Informing coastal stakeholders through serious gaming: an example for small island states
Andrew Warren

Understanding intergovernmental tension in the coastal zone: coastal governance, Australian federalism and intergovernmental relations in a South Australian case study
Nicole Polton

Adapting existing coastal settlements to the impacts of climate change: Tools and techniques for achieving planned retreat
John Watson

Middle Beach Community Emergency Management Plan
Carole Myzak

Geelong Queenscliff Coastal Adaptation Program
Ralph Roob

The Geelong-Queenscliff Coastal Climate Change Risk Assessment
Leigh Dennis

(ST) Impacts of sea level rise on South Australian coastal communities
Douglas Bowers

Hot in the city 2 – Designing spaces

Tree shade and housing performance in a warming climate
Guy Barnett

Displacement of daytime and night-time hot spots in Adelaide CBD by traffic and other contributing factors and its implication
Filipa Isabel Neto Duarte

Investigating urban cooling potential through collaboration
Fiona Silke

Potential of urban vegetation for reducing heat-related hospital admission rates in Western Sydney
Dong Chen

Outdoor activity choices of citizens during heat stress conditions in Adelaide: towards increased adaptation capacity of the built environment
Ehsan Sharifi

(ST) AirRater: Early user evaluation of an innovative and unique air quality app in Tasmania
Sharon Campbell

(ST) Heat stress resistant residential buildings
Gertrud Hatvani-Kovacs

Supporting adaptation to health impacts

Strengthening country capacity to manage the health effects of climate change in Cambodia
Katrina Lyne

Perceptions of capacity for the control and prevention of dengue fever in relation to climate change: A cross-sectional survey among CDC staff in Guangdong Province, China
Michael Xiaoliang Tong

Climate change and malaria transmission: An Integrated Vulnerability and Risk Assessment Approach
Esther Onyango

High localised burden of parasitic gastroenteritis in tropical, very remote Australian communities
Aparna Lal

From clinic to climate: the experiences of Australian general practitioners in climate and health advocacy
Janie Maxwell

(ST) Curriculum in a changing climate: a Delphi consensus for medical education
Janie Maxwell

(ST) Hot weather is an occupational hazard: A qualitative study of council workers in Adelaide
Alana Hansen

Communicating climate change science for adaptation

Tailoring climate projections for regional users
John Clarke

Understanding the present via the past for the future: the use of historical analogies for ethically informed climate adaptation
Meg Parsons

Co-creating infographics for adaptation action
Stephen Flood

Visualisation methods for linking scientific and local knowledge of climate change impacts
Claudia Baldwin

South West Climate Change Portal: using internet knowledge sharing and novel visualisations to engage community with climate science
Birgitta Hansen

How should the tourism industry respond to climate change impacts and changing tourism patterns?
Nina Dhirasasna

Approaches for building capacity and learning with practitioners

The contribution of professional organisations to adaptation: Capacity building and certification
Tom Davies

What, how and why do adaptation practitioners want to be informed?
Heather Stevens

Rethinking climate adaptation planning: turning awareness into action
Mark Siebenrüttl

Local Government Climate Change Mentor pilot project
Shane Gladigau

Engaging the next generation of adaptation researchers: a review of past and current practice
Tayannah O'Donnell

Adapting -the regional approach: insights from Victoria
Ali McArthur

12.30pm -1.30pm

Lunch & Birds of a feather

Day Three Thursday 7th July - Continued

1.30pm - 3.00pm Parallel sessions	CoastAdapt research projects	Risk and uncertainty	Adapting water in a changing climate Sponsored by SA Water Corporation	Adaption at the farm-scale	Adaptation planning and governance 2
	(ST) Monitoring and evaluation for climate change related adaptive risk management by Australian Coastal Councils Supriya Mathew	How we are integrating climate risk in a regional council cluster Jessie Ablett	The primary role of water utilities is to provide a safe, secure and affordable water service to their customers, which protects public health and supports population growth and productivity. The need to consider a changing climate has led water utilities to diversify water supplies and implement demand management measures for short and long term water demands	Realising agricultural potential in a variable and changing climate with risk management policy Jeff Connor	Planetary boundaries and our urban future Barbara Norman
	(ST) Risk assessment to inform coastal adaptation. How well are we doing? David Wainwright	Communicating dangerous knowledge, key points for engaging with end users Celeste Young		Dairy businesses for future climates Brendan Cullen	The role of sub national and city governments in achieving national targets for emission reduction and adaptation to climate change Tom Roper
	(ST) A valuation framework for coastal adaptation to sea level rise Chi Truong and Supriya Mathew	Perceptions and responses to extreme heat and heat warnings in regional South Australia and Victoria Susan Williams	SA Water's approach to climate resilience Grace Jennings	Can a free range piggery adapt to climate change Kaylene Parker	South Australia's Adaptation Program - next steps Lauren Burton
	(ST) The business case for climate change adaptation: lessons from the public and private sector of coastal regions in Australia Zsuzsa Banhalmi-Zakar	Understanding the value of shared responsibility - improving potential outcomes from better extreme weather risk management Jennifer Scott	WSAA Climate Change Adaptation Guidelines - including adaptation measures for Sydney Water Christine Turner	Climate change in context: Farmer perspectives on adaptation Electra Kalaugher	A longitudinal look at adaptation by NSW local government Denise Anderson
	(ST) Problems and prospects for moving forward on financing climate change adaptation Zsuzsa Banhalmi-Zakar	Is my house resilient to extreme weather events? Tom Davies	Step change in surface water supplies and adaptation measures. Sue Murphy	Who owns the water? Eliza Mooring	Brisbane's Q100 flood risk assessment: Lessons for cross-level adaptation governance Peter Tangney
	(ST) Talking climate: how the CoastAdapt online forum supports adaptation Simon Torok	Operationalising and responding to the uncertainty of climate change Fiona Silke	Easter Island groundwater case study, under stress from sea water intrusion and reduced rainfall. Ron Cox	Carbon sequestration potential of priority revegetation activities in Eyre and Yorke Peninsula landscapes under a changing climate Trevor Hobbs	Does climate impact regional governance? Suzanne Dunford
	(ST) Communicating coastal risk to local communities Nathan Quadros				
3.00pm - 3.15pm	Short break				
3.15pm - 4.30pm Plenary 5	Speakers: <ul style="list-style-type: none"> • Tim Jarvis: adventurer, environmental scientist, author and promoter of action on climate change. • Voice of Youth • Co-host closing statements: Jean Palutikof, NCCARF & Paul Hardisty, CSIRO Land and Water 				
4.30pm	Conference close				

Day Satellite Friday 8th July

9.00pm - 4.00pm	Vulnerable Communities Network Masterclass with Kris Ebi	Ice WarM workshop - When the rain doesn't fall - water professionals
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19. LOCAL GOVERNMENT BUSINESS

19.1 Local Government Circulars

Brief

This report provides a detailed listing of current items under review by the Local Government Association.

RECOMMENDATION(S)

It is recommended to Council that the Local Government Circulars report be received.

Discussion

The Local Government Association (LGA) distributes a weekly briefing on a range of matters affecting the general functions, administration and operations of councils through a 'General Circular'.

The indices attached for Members' information in this report are numbers 19, 20 and 21.

If Members require further information, they may contact the Chief Executive Officer's Secretariat. In some circumstances, it may then be appropriate for the Member to contact the relevant General Manager for more information.

ATTACHMENT 1



Local Government Association of South Australia

19.1 Local Government Procurement Handbook and Model Documents Survey

LGA Procurement (LGAP) is seeking input from councils to assist with a major review of the South Australian Local Government Procurement Handbook and Model Tendering and Contracting Documentation (the Model Documents). Further details, including the survey link can be found in this circular.

19.2 IPWEA SA State Conference - Friday 27 May 2016

IPWEA SA State Conference is being held on Friday 27 May 2016 at the Stamford Grand, Glenelg. Earlybird Registration has been extended, get in quick to secure your discounted registration.

19.3 Special event invite - Pinery Recovery Concert

Following the postponement of the Pinery Bush Fire Relief Concert in Kapunda in late 2015 a special concert and dinner will be held at Seppeltsfield on Saturday 14 May. Further information can be found in this Circular.

19.5 South Australian Public Health Act 2011 Update

Guidelines are now available for the Public Health Principles to be recognised under the Act.

19.4 Public Lighting Briefing - 25 May 2016 LGA Adelaide

The LGA is facilitating a Public Lighting information forum for council staff and members to brief and update councils on the status of past and present (2016) "street lighting" tariff negotiations, LED business case considerations and future options - Wednesday 25 May 2016, LGA Adelaide.

19.6 New Training Sessions - Decision Making

The LGAs Education & Training service are excited to introduce to our suite of offerings, two new courses on decision making facilitated by Dr Seth Nicholls. Further details can be found in this circular.

19.7 Volunteer Management - Leading without a Title - 15 July 2016

The forum has been designed and developed for those who have responsibilities for the selection, leadership and day to day supervision of volunteers or those responsible for the development, strategic direction and management of a Volunteer Program. Further details can be found in this circular.



Local Government Association of South Australia

20.2 Erection of Barriers on Streetscape in Response to the Implementation of Smoke Free Outdoor Dining

From 1 July 2016, smoking is banned in public outdoor dining areas in South Australia under section 52 of the Tobacco Products Regulation Act 1997 (the Act).

20.3 Reminder to Register - Council Members Forum - 17 & 18 June 2016

The LGA Education & Training Service has scheduled the annual Council Members Forum for Friday 17 and Saturday 18 June 2016 to be held at the Crown Plaza Adelaide. Registration details and program can be found in this circular.

20.4 LG Professionals Australia, SA Workshop IMAGINEERING - 1 June 2016

Local Government Professionals Australia, SA presents IMAGINEERING Local government's role in economic development – from dream to reality. A workshop about connecting innovative creativity with successful business strategy – Only 2 weeks left to register.

20.5 Managing Animals in Emergencies - Have Your Say

The South Australian Government is examining the management of animals during emergencies. This circular has information about the project and a link to a survey in which the public can participate.

20.7 Cycling on Footpaths - Roundtable Outcomes

On 13 May 2016 the Local Government Association (LGA) held a cycling roundtable discussion to garner an understanding of the issues arising from the new cycling regulations permitting people of all ages to cycle on footpaths. This circular provides the outcomes of this roundtable discussion.

20.6 SASD Connect to be unveiled in South Australia

The patronship project of the Local Government Association of South Australia and the Australia China Business Council (SA), the SASD Connect website, is being unveiled in South Australia on Tuesday 24 May 2016, at a Yum Cha Masterclass at Citi Zen restaurant on King William Street.

20.8 Mayors' and Chairpersons' Forum – 29 & 30 July 2016

The LGA Education & Training service has scheduled the annual Mayors' and Chairpersons' Forum for Friday 29 and Saturday 30 June 2016 to be held at the McCracken Country Club, Victor Harbor. Registration details and program can be found in this circular.

20.9 Advanced Diploma of Governance, Risk and Compliance

The LGA Education and Training service, in conjunction with the Paladin Risk Management Training Academy, is offering the Advanced Diploma of Governance, Risk and Compliance. This qualification provides a straight forward and practical approach that addresses Governance as a system of systems where the linkage between organisational programs holds the key.

20.1 Local Nuisance and Litter Control Act passed by Parliament

The Local Nuisance and Litter Control Act, which has just passed through Parliament, is expected to commence operation on 1 July 2017 to enable councils to prepare budgets and resources for the new requirements.



Local Government Association of South Australia

21.1 Local Nuisance and Litter Control Act passed by Parliament

The Local Nuisance and Litter Control Act, which has just passed through Parliament, is expected to commence operation on 1 July 2017 to enable councils to prepare budgets and resources for the new requirements.

21.2 Proposal to deduct a demerit point for parking in a disability parking space

The Department of Planning Transport (DPTI) and Infrastructure is seeking information from councils in relation to the number of expiation notices issued to motorists for parking in a disability parking space without a permit.

21.3 Bill to Require Councils to Undertake Disability Access Inspections

The Hon Kelly Vincent has released a private member's Bill which provides for councils to carry out mandatory inspections of public buildings to ascertain whether the buildings are compliant with disability access requirements.

21.4 UniSA PhD Scholarship Opportunity- Housing and Local Government

A PhD scholarship is being offered to support Professor Andrew Beer's 'Local Government and Housing in Australia' ARC Linkage Project.

21.5 Parliamentary inquiry into TAFE SA

The Parliament of South Australia's Legislative Council Statutory Authorities Review Committee is undertaking an inquiry into TAFE SA. Contributions to a submission from the LGA are to be made to the LGA Secretariat by COB 9 June 2016.

21.11 Professional Development session to be held for communicators on 16 June

The Local Government Communicators Network is holding a Professional Development session on Thursday 16 June to help communicators, community engagement staff and online practitioners build confidence and develop skills.

21.12 Chinese Cultural Etiquette and Social Media session (Basic)

The LGA is hosting a basic training session for Chinese cultural etiquette and Chinese social media use on 22 July in preparation for the upcoming inbound mission in September.

21.8 Specialised Procurement Training for Councils

Procurement is an essential part of councils operations that can reduce costs, add value and forms a key component of a risk management strategy. LGA Procurement developed this suite of training modules to enhance staff knowledge and understanding of "good purchasing" practice in Local Government.

21.6 State Electoral Districts Boundaries Commission Hearings

The state Electoral Districts Boundaries Commission is holding public hearings on South Australia's state electoral boundaries. Further information is available in this circular.

21.7 Confidentiality Guidelines – Revised Guidelines

The LGA has reviewed and revised its Confidentiality Guidelines to take account of the changes introduced by the Local Government (Accountability and Governance) Amendment Act. The revised guidelines are available on the LGA website.

21.9 2016 Model Financial Statements - Approved

The Minister for Local Government, the Hon Geoff Brock, has approved the Model Financial Statements for 2016 and these are available on the LGA website.

21.13 Draft minutes of the LGA Board meeting held 19 May 2016 now available

The draft minutes of the LGA Board meeting held on 19 May 2016 are now available to download.

21.10 i-Responda – Discussion Exercise Workshop

As a result of feedback and observations during the i-Responda training and the Pinery Fire debriefs; the i-Responda program is offering a workshop for local government employees to build skills, develop and conduct discussion (desktop) exercises. Further information can be found in this circular.

21.14 Nominations for the 2016 Jim Hullick Award are now open

Nominations for the 2016 Jim Hullick Award are now open. Further information can be found in this Circular.

22.1 Update on implementation of the Local Nuisance and Litter Control Act

Further to LGA Circular 21.1, this circular provides more information about the implementation of the Local Nuisance and Litter Control Act.

22.2 Historic Shipwrecks Act – feedback sought

The state government is proposing to amend the Historic Shipwrecks Act and is seeking feedback on the proposals.

20. MEMBERS' BOOKSHELF

- Australian Airports Association Annual Review 2015-16
- Planning, Development and Infrastructure Act 2016
 - Renew our Planning System
 - A User's Guide
 - Preliminary Implementation Program 2016

RECOMMENDATION

That the additions to Members' bookshelf be noted.

21. CORRESPONDENCE

21.1 Australian Mayoral Aviation Council Minutes

Correspondence has been received from the Australian Mayoral Aviation Council regarding the minutes from the annual general meeting of the Australian Mayoral Aviation Council held on Wednesday 4 May 2016 (**Attachment 1**).

RECOMMENDATION

That the correspondence be received.

21.2 DPTI - Right Turn Ban Richmond Road to Anzac Highway

Correspondence has been received from the Manager of Traffic Operations of the Safety and Service Division of the Department of Planning, Transport and Infrastructure, Mr Tony Carbone, regarding the proposed twelve month trial to implement a full time right turn ban from Richmond Road to Anzac Highway. Council's response to Traffic Operations has also been attached for reference (**Attachment 2**).

RECOMMENDATION

That the correspondence be received.

21.3 Aircraft Operations during Adelaide Curfew

Correspondence has been received from the Department of Infrastructure and Regional Development summarising aircraft operations during the Adelaide curfew January to April 2016 (**Attachment 3**).

RECOMMENDATION

That the correspondence be received.

21.4 Adelaide Airport Curfew Dispensation Report

Correspondence has been received from the Department of Infrastructure and Regional Development, regarding the granted curfew dispensations January to April 2016 (**Attachment 4**).

RECOMMENDATION

That the correspondence be received.

21.5 Adelaide Basin Aircraft Noise Information Report

Correspondence has been received from the Department of Infrastructure and Regional Development summarising the Adelaide basin aircraft noise data for the first quarter from January to March 2016 (**Attachment 5**).

RECOMMENDATION

That the correspondence be received.

21.6 Inner and Middle Metropolitan Corridor Infill Development Plan Amendment

Correspondence has been received from the Deputy Premier and Minister of Planning, the Hon John Rau MP, regarding the progress of the Inner and Middle Metropolitan Corridor Infill Development Plan Amendment (**Attachment 6**).

RECOMMENDATION

That the correspondence be received.

21.7 Novar Gardens Bowling Club - Letter of Thanks

Correspondence has been received from the Senior Vice President and Grants Officer of Novar Gardens Bowling Club, A. H. Spruzen, thanking City of West Torrens for our support of the Novar Gardens Bowling Club and to advise the Club has been presented with two major awards by Bowls SA at the End of Season Gala Awards Dinner held on 6 May 2016 (**Attachment 7**).

RECOMMENDATION

That the correspondence be received.

21.8 Local Roads Advisory Committee

Correspondence has been received from the Director Infrastructure of the Local Government Association of South Australia, Mr David Hitchcock, advising that Cr Lande from The Barossa Council is the nominee for appointment to the Local Roads Advisory Committee (**Attachment 8**).

RECOMMENDATION

That the correspondence be received.

21.9 Proposed ALDI Supermarket at the Adelaide Airport Burbridge Business Park

Correspondence has been received from the Manager of Property and Lease of the Adelaide Airport Limited, Mr Noel Wellman, acknowledging Council's letter dated 20 January 2016 in relation to the merit use application for a proposed ALDI Supermarket at the Adelaide Airport Burbridge Business Park (**Attachment 1**).

RECOMMENDATION

That the correspondence be received.

21.10 Local Government (Rate Increases) Amendment Bill 2016

Correspondence has been received from the President of Local Government Association of South Australia, Mayor Dave Burgess, writing a letter response to the Shadow Minister for Local Government, Steven Griffiths MP, regarding the Local Government (Rate Increases) Amendment Bill 2016 (**Attachment 10**).

RECOMMENDATION

That the correspondence be received.

21.11 Conflict of Interest Provisions

Correspondence has been received from the President of Local Government Association of South Australia, Mayor Dave Burgess, writing a letter to the Minister for Local Government, Hon Geoff Brock MP, regarding the new Conflict of Interest provisions (**Attachment 11**).

RECOMMENDATION

That the correspondence be received.

21.12 Planning, Development and Infrastructure Act 2016

Correspondence has been received from the Chief Executive of the Department of Planning, Transport and Infrastructure, Michael Deegan, providing additional details about key elements of the *Planning, Development and Infrastructure Act 2016* (**Attachment 12**). Due to their size, attachments 1, 2 and 3 to the letter are available for viewing on the Elected Member's bookshelf.

RECOMMENDATION

That the correspondence be received.

21.13 Development Assessment Commission

Correspondence has been received from the Director of Policy of the Local Government Association of South Australia, Mr Stephen Smith, advising that Cr Vlahos is one of three nominees to be submitted to the Minister's office, from which one Member will be appointed to the Development Assessment Commission (**Attachment 13**).

RECOMMENDATION

That the correspondence be received.

21.14 Government of South Australia - Letter of Appreciation

Correspondence has been received from the Minister for Regional Development, and Local Government, Hon Geoff Brock MP, thanking Mayor Trainer for his participation in the trade mission to Shandong Province, China (**Attachment 14**).

RECOMMENDATION

That the correspondence be received.

21.15 107th Birthday Celebration - Letter of Appreciation

Correspondence has been received from Pamela Hall on behalf of her mother, Mona Hancock, regarding the attendance of Mayor Trainer at her 107th birthday celebration (**Attachment 15**). The Administration has since learnt of the passing of Ms Hancock five days after her birthday celebrations.

RECOMMENDATION

That the correspondence be received.

21.16 Adelaide and Mount Lofty Rangers Business and Operations Plan 2016-17

Correspondence has been received from the Presiding Member of the Adelaide and Mount Lofty Rangers Natural Resources Management Board, Mr. Chris Daniels, regarding the consultation on the adoption of the 2016-2017 Adelaide and Mount Lofty Ranges Business and Operations Plan including the revised NRM Levy (**Attachment 16**).

RECOMMENDATION

That the correspondence be received.

ATTACHMENT 1



AMAC *Australian Mayoral Aviation Council*

PO BOX 331, MASCOT NSW 1460

MINUTES OF THE ANNUAL GENERAL MEETING OF THE AUSTRALIAN MAYORAL AVIATION COUNCIL, HELD AT THE STAMFORD PLAZA HOTEL, 150 NORTH TERRACE, ADELAIDE COMMENCING AT 1.30PM ON WEDNESDAY 4TH MAY 2016.

ITEM 1: Welcome

The President of the AMAC, Mayor Ben Keneally welcomed delegates to the 2016 Conference and Annual General Meeting.

ITEM 2: Attendance and apologies

Those in attendance were:

Alderman Jock Campbell, City of Clarence, TAS
Mayor Doug Chipman, City of Clarence, TAS
Mr Des Jennings, General Manager, Northern Midlands Council, TAS
Mayor David Downie, Northern Midlands Council, TAS
Councillor Fadwa Kebbe, Canterbury City Council, NSW
Councillor Paul Tully, City of Ipswich, QLD
Councillor Adem Atmaca, City of Hume, VIC
Councillor Bernard Ryan, City of Belmont, WA
Councillor Brian Troy, City of Botany Bay, NSW
Councillor Mark Castle, City of Botany Bay, NSW
Mayor Bill Saravinovski, Rockdale City Council, NSW
Mr Warwick Carter, Director Development Services, Shire of Kalamunda, WA
Mr Glen Weekley, T/L Strategic Planning, Blacktown City Council, NSW
Mr Michael Sharp, Strategic Planning Manager, City of Hume, VIC
Councillor Chris Van der Kley, Blue Mountains City Council, NSW
Mr Stuart Cole, CEO, City of Belmont, WA
Ms Rosita Mulqueen, PAMG Secretary, City of Belmont, WA
Ms Lee Matthews, PAMG Secretary, City of Belmont, WA
Mayor John Trainer OAM, City of West Torrens, SA
Councillor Garth Palmer, City of West Torrens, SA
Councillor Arthur Mangos, City of West Torrens, SA
Mayor Ben Keneally, City of Botany Bay, NSW
Mr John Patterson, AMAC, NSW

Apologies from the following were received and noted:

Immediate Past President Ron Hoenig MP NSW
Mayor Phil Marks, City of Belmont WA
Mayor Khal Asfour, Bankstown City Council NSW

ITEM 3: Confirmation of the Minutes of the Annual General Meeting held on Wednesday, 6th May 2015 at the Westin Hotel 205 Collins Street Melbourne VIC.

THAT: The Minutes as circulated be adopted.

ITEM 4: Business arising from the Minutes of the 2015 Annual General Meeting.

There was no business arising.

ITEM 5: President's Report

President Ben Keneally (NSW) presented his report for the current year.

THAT: The Presidents report be received.

ITEM 6: Election of Executive Committee

The Executive Director advised that the Executive Committee would be composed of the following State Representatives for 2016/17:

NSW Mayor Ben Keneally, City of Botany Bay;

TAS Deputy Mayor Jock Campbell, City of Clarence;

VIC Councillor Adem Atmaca, City of Hume;

WA Mayor Phil Marks, City of Belmont;

SA Mayor John Trainer, City of West Torrens;

QLD Councillor Paul Tully, City of Ipswich; and

Immediate Past President Ron Hoenig MP, NSW

The meeting was also advised that Mayor Ben Keneally had been re-elected as President and Deputy Mayor Jock Campbell as Vice President for the 2016/2017 term.

THAT: The Executive Committee as presented be noted and endorsed and that Mayor Ben Keneally and Deputy Mayor Jock Campbell's election as President and Vice President respectively for the year 2016/2017 be also noted and endorsed.

ITEM 7: Executive Director's Report

The Executive Director, John Patterson, presented his Report and the Final Financial Report for 2014/2015, Indicative Financial Report to 30th June 2016 and the Budget for 2016/2017.

THAT: The Executive Directors Report be received, the Final Financial Report for 2014/2015 and Indicative Financial Report to the end of 2015/2016 be endorsed and the Budget for 2016/2017 be adopted.

ITEM 8: Membership

The meeting was advised that, during the course of the year membership of the Association had reduced by one with Waverley Council NSW failing to renew.

THAT: The information be noted.

ITEM 9: Venue for 2017 Annual Conference

The meeting was advised that, due to the outcome of Council merger proposals in NSW and the timing of resulting Council elections being unknown at this time, the Executive Committee requested that the timing and venue of the 2017 Annual General meeting and Conference be left with the Executive Committee.

THAT: The Executive Committee determine the timing and location of the 2017 Annual General Meeting and Conference.

ITEM 10: Close for the 2016 Annual General Meeting

The 2016 Annual General Meeting of the Australian Mayoral Aviation Council closed at 1.58pm.

ATTACHMENT 2



Government of South Australia

Department of Planning,
Transport and Infrastructure

*In reply please quote 2013/13211, #10467531
Enquiries to Derek Lee
Telephone (08) 8226 8222*

**SAFETY AND SERVICES –
Traffic Operations**

GPO Box 1533
Adelaide SA 5001

Telephone: 08 8226 8222
Facsimile: 08 8226 8330

ABN 92 366 288 135

Mr Joseph Ielasi
Manager, City Assets
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033



Dear Mr Ielasi

RICHMOND ROAD / ANZAC HIGHWAY / GREENHILL ROAD, KESWICK

I refer to previous correspondence regarding operation of the intersection of Anzac Highway, Richmond Road and Greenhill Road, Keswick, and the department's proposal to ban right turns from Richmond Road. This proposal is included as part of the package of works under the Operation Moving Traffic (OMT) initiative that was announced by the Minister for Transport on 18 April 2016.

As previously advised, this proposal was initiated as a result of safety concerns raised by SA Power Networks and the safety of pedestrians crossing the southern leg of Anzac Highway at this intersection. Evidence has shown that some motorists are not giving way to pedestrians on Anzac Highway when undertaking a filtered green right turn from Richmond Road.

This right turn movement operates without green arrows (filter turns only) during the peak periods to assist in keeping traffic delays at acceptable levels. A green arrow is provided outside of the peak hours, but motorists are also permitted to filter turn when safe to do so. There have been four right turn type crashes involving this movement between 2010 and 2014, with one crash resulting in a serious injury, two resulting in minor injuries and one was property damage only.

The OMT proposal announced on 18 April 2016 is to implement a full time right turn ban from Richmond Road onto Anzac Highway. This change will be trialled initially for a period of 12 months to assess the effectiveness and any impacts on the road network.

The option of fully controlling the right turns from Richmond Road was considered but not possible, as this would increase delays for all traffic and result in the right turn lane overflowing and causing significant disruption to Richmond Road. It is not feasible to extend the right turn lane.

Banning the right turns will improve safety by reducing the risk of right turn and hit pedestrian crashes. It will also allow for more efficient signal operation during the inter-peak and off peak periods, as the green time previously allocated to the right turn can be reallocated to other movements at the intersection.

This proposal will require road users to adopt alternative routes. The department expects that most of the affected road users will continue onto Greenhill Road and perform a U-turn at the median opening east of Johnstone Terrace, or turn left from Richmond Road onto Anzac Highway and then undertake a U-turn at the sheltered lane approximately 280 metres north of Richmond Road. It is possible that some road users may choose to turn right from Richmond Road onto Hampton Road and then turn onto Anzac Highway from Everard Avenue. However, given the significant delays already experienced by vehicles on Everard Avenue during peak times, this alternative route is not expected to attract many road users.

The department will be monitoring traffic movements in the area during the 12 month trial, and it is expected that road users will quickly become accustomed to using alternate routes.

Yours sincerely,



Tony Carbone
MANAGER, TRAFFIC OPERATIONS

6 May 2016

cc: Mr John Hanchett, City of Adelaide
Mr Satyen Gandhi, City of Unley

5 May 2016

Mr Philip Blake
Lead Engineer, Intelligent Transport Systems
Traffic Operations
Operational Services
Department of Planning, Transport and Infrastructure
GPO Box 1533
ADELAIDE SA 5001

Dear Mr Blake,

Banning Right Turns at the Intersection of Anzac Highway, Greenhill Road and Richmond Road

Council received notification on 19 April 2016 from your department that one of the first initiatives that will be implemented, following the launch of the Operation Moving Transport Report by the Minister for Transport on 18 April 2016, will be the full time ban of the right turn from Richmond Road to Anzac Highway.

On the 20 August 2015, Council wrote to DPTI to advise of our concerns regarding the potential impact of such a measure on the local road network and suggested consideration of other alternatives.

"Because the u-turn diversion option to Greenhill Road involves quite a long distance (approximately 1km), these drivers may look for other less circuitous alternatives. If many of these affected drivers were from the very large "World Park" site or ANR site, then these users, given the location of their car park access, would probably look at diverting to Hampton Road (to Everard Avenue) to circumvent this prohibition. If they do so, Council would be very concerned about the impact on Hampton Road and the safety concerns for the right turns at Everard Avenue.

Before Council can agree that your suggested approach is the best way to deal with the pedestrian issue at the intersection, we ask if DPTI have checked the capacity implication of a right turn arrow being provided at this location, for example, like at OG Road, to allow right turns only at every second cycle of the signal timing to reduce impact on the signal operation.

If you can advise us of your opinions on this option, we can then answer future queries, which no doubt, would come from the public or Elected Members once the prohibition is implemented."

To date, Council has not received any reply from DPTI or a response to the specific issues and suggestions raised.

Council supports DPTI and the Government's Operation Moving Transport strategy, and more particularly the consultative approach with stakeholders that is the

cornerstone of this new approach to managing transport. We look forward to working with DPTI on this strategy. Given the potential implication that some measures may have on the Council's road network, we would suggest that earlier consultation with Council would assist in addressing issues that may arise.

In this instance however, Council feels that its concerns for the Richmond Road issue has not been acknowledged or addressed and therefore this particular project, we believe, falls short of what is expected from the OMT.

While DPTI would be monitoring the traffic impact of the right turn ban once the prohibition has been implemented, we believe that other options should be investigated first, prior to implementation. Otherwise, it would be very difficult to "backtrack" once the right turn ban has been implemented.

Council officers have inspected the u-turn option in Greenhill Road and note that, even during early afternoon around 2pm, the Greenhill Road queue at the Anzac Highway signals already extends past this u-turn location. During peak hours, the Greenhill Road queue would be even longer towards Goodwood Road. Even under these current circumstances, it would seem that any driver, diverted from Richmond Road by the right turn ban, would have great difficulty in safely making the u-turn manoeuvre to the kerbside lane to travel to Anzac Highway. The right turn ban would therefore potentially transfer the problem from the traffic signals to another location further east of Greenhill Road.

We reiterate our previous concerns with the proposal and request DPTI to further consider other alternatives to the right turn ban prior to its implementation, so that the community and stakeholders can be certain that all appropriate and feasible alternatives have been considered, prior to them being discounted by DPTI for this intersection.

Should you require further information, please contact me on tel: 8416 6225.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'J. Ielasi', with a long horizontal stroke extending to the right.

Joseph Ielasi
Manager City Assets

ATTACHMENT 3



AIRCRAFT OPERATIONS DURING ADELAIDE CURFEW

JANUARY – APRIL 2016

SUMMARY

LNHF	Dispensations granted	Pre-curfew Taxi Clearance	Adelaide as an Alternate	Emergency & Search/Rescue Movements	Permitted Jet Movements	Exempt Propeller Driven Aircraft	Declared Medical Emergency
188	4	8	2	808	20	304	5

Low Noise Heavy Freight (LNHF)

- There were 188 permitted Low Noise Heavy Freight movements by Cobham and Airwork using BAe-146 and B737's.

Curfew Shoulder Quota movements

- There were 14 curfew quota shoulder movements by Cathay Pacific airlines.

Dispensations Approved by the Department

- Five curfew dispensations were approved during the January to April 2016 period.

Emergencies/ Search and Rescue

- There were 808 movements declared as emergencies (75 police helicopter movements, 103 Search and Rescue movements and 628 RFDS movements using the BE20 or PC12 aircraft).

Other approved aircraft movements:

- There were 304 approved propeller driven aircraft movements on top of the RFDS operations. These aircraft included:
 - 182 x PC12; 45 x BE20; 42 x Fokker 50; 18 x SW4; 6 x Cessna 441; 3 x ATR43; 2 x Saab 340 and a number of other single aircraft types.
- There were 20 jet movements, 9 of those were organ retrieval or emergency transfers using Learjet 45 and Hawker 800 aircraft. There were other permitted business jets including Beechjet 400, Cessna 525, Cessna 680, Hawker 800 and Falcon 20.
- Five commercial airlines declared medical emergencies and diverted to Adelaide airport during the above period, and there were two weather-related diversions.

ATTACHMENT 4



Curfew Dispensation Report Adelaide

Curfew Dispensations granted January-April 2016

Date	Carrier	Aircraft Type	Movement	Summary of events
05/01/2016	Virgin Australia	B737-800	Landing	Virgin flight VA1404 (Brisbane to Adelaide) was delayed due to the late landing of the aircraft on the previous sector and weather cells enroute to Adelaide. Virgin requested a dispensation to land no later than 11:10pm. There were 92 passengers and six crew members on board. The flight landed at 11:01pm.
09/02/2016	Emirates	B777-300	Take-off	Emirates Flight EK441 (Adelaide to Dubai) was delayed due to an oil leak detected as final preparations were being made for take-off. Emirates requested a dispensation to take-off no later than 11.30pm. The aircraft took-off at 11.27pm.
27/02/2016	Virgin Australia	E190	Landing	Virgin Flight VA722 (Perth to Adelaide) encountered a problem with the aerobridge on departure. As this was being attended to a medical issue occurred on-board, requiring a passenger offload. In addition, the guest was very ill on-board, which required cleaners to come on to clean, creating further delay. Virgin requested a dispensation to land no later than 11.45pm. The aircraft landed at 11.39pm.
11/03/2016	Virgin Australia	E190	Landing	Virgin Australia Flight VA247 (Melbourne to Adelaide) was delayed on departure due to an engineering fault. Virgin requested a dispensation to land at Adelaide no later than 11.20pm. There were 96 passengers and 5 crew on board. The aircraft landed at 11.13pm.

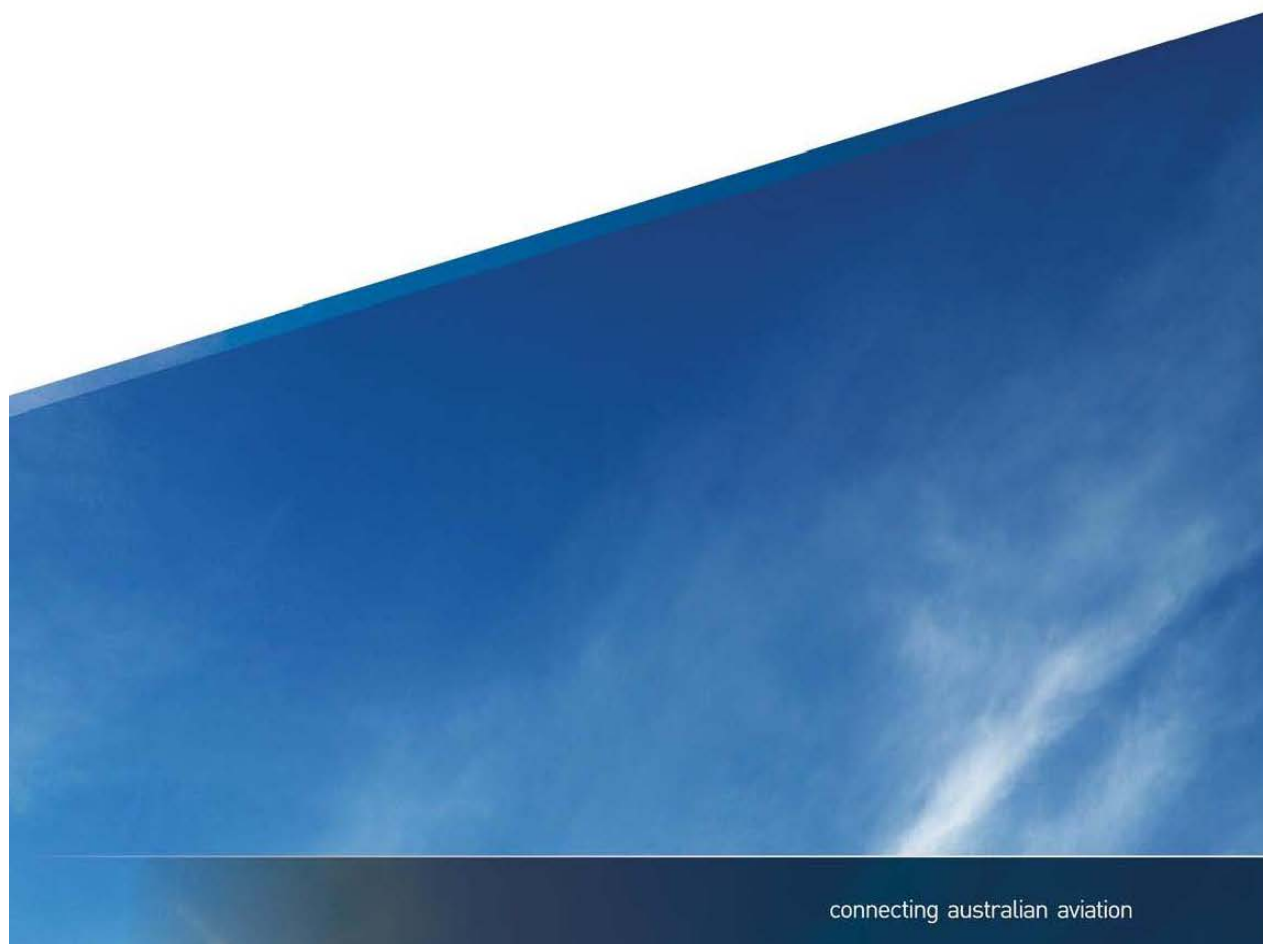
ATTACHMENT 5



Adelaide Basin

Aircraft Noise Information Report

Quarter 1 2016 (January to March)



connecting australian aviation

Version Control

Version Number	Detail	Prepared by	Date
1	-	Environment	May 2016

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This report contains a summary of data collected over the specified period and is intended to convey the best information available from the NFPMS at the time. The system databases are to some extent dependent upon external sources and errors may occur. All care is taken in preparation of the report but its complete accuracy cannot be guaranteed. Airservices Australia does not accept any legal liability for any losses arising from reliance upon data in this report which may be found to be inaccurate.

Adelaide Basin - Aircraft Noise Information Report

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1 Purpose

This report summarises data for Quarter 1 of 2016 (January to March) from Airservices Noise and Flight Path Monitoring System (NFPMS) and Noise Complaints and Information Service (NCIS) for the Adelaide basin, including Adelaide Airport and Parafield Airport, as well as some other sources (such as the Airservices Flight Charging System).

1.1 Adelaide Airport

Adelaide Airport is located 6km west of the central business district. It is bounded by residential areas to the east, south and north. The majority of operations at Adelaide Airport are international and domestic regular passenger services, mostly medium to large jets. During Quarter 1 of 2016 there were around 25,600 operations at Adelaide Airport. A legislated curfew at Adelaide Airport limits operations between 11pm and 6am. More information about Adelaide Airport is available from the Airservices website at www.airservicesaustralia.com/aircraftnoise/airport-information/.

1.2 Parafield Airport

Parafield Airport is located 15km north of the central business district and is surrounded by residential developments. The majority of operations are circuit training for pilots, as well as other operations involving smaller general aviation aircraft. Circuit training can take place at the airport between 7am and 11pm on weekdays and 7am and 9pm at weekends. More information about Parafield Airport is available from the Airservices website at www.airservicesaustralia.com/aircraftnoise/airport-information/.

1.3 Aircraft noise monitoring in Adelaide

Airservices NFPMS captures and stores radar, flight plan and noise data. The NFPMS covers eight city regions around Australia. For the Adelaide region, noise data is captured by five noise monitors - also known as Environmental Monitoring Units (EMUs) - located around Adelaide Airport. These are located at: Brooklyn Park, Medindie, Netley, Glenelg North and West Beach.

1.4 Short term monitoring

Airservices carries out additional short term monitoring at various locations to capture additional data.

A six-month monitoring program of the area around Parafield Airport occurred between July 2015 and January 2016. The intention of the program was to capture data from circuit operations.

Upon completion, a presentation will be provided to the Parafield Airport CACG and a public report will be made available online.

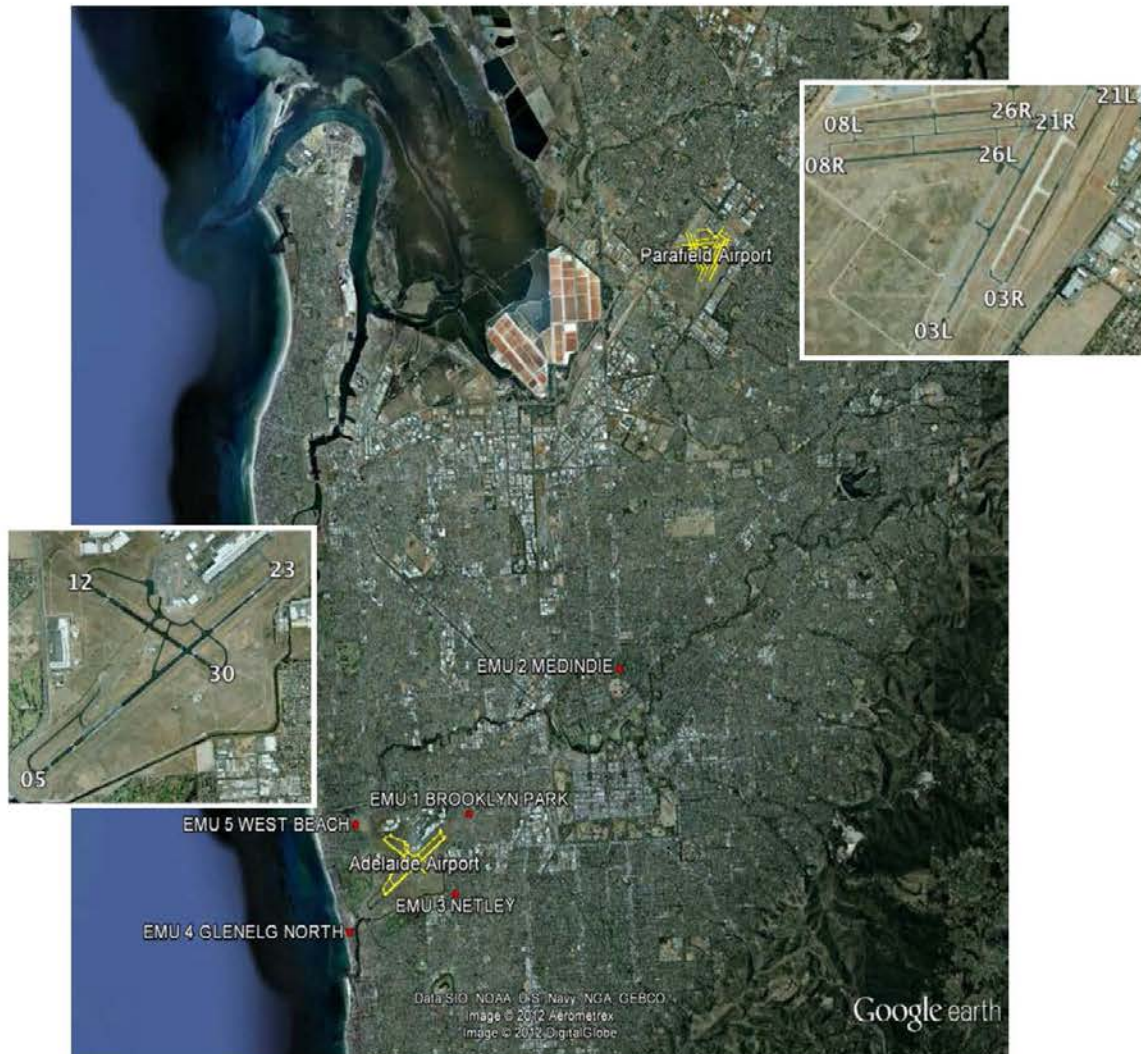


Figure 1: Location of Adelaide and Parafield airports. (Runway orientation at both airports is shown in the inserts. Noise monitoring sites are shown as red dots).

The main runway at Adelaide Airport, 05/23 is 3km long, orientated south-west to north-east. There is a smaller 1.6km long cross runway, 12/30, orientated north-west to south-east, which is primarily used by propeller aircraft.

At Parafield Airport there are two sets of parallel runways, 08L/26R - 08R/26L orientated east to west and 03L/21R - 03R/21L orientated north-east to south west.

Information about runway selection is available on the Airservices website at www.airservicesaustralia.com/aircraftnoise/factsheets/.

2 Flight patterns

2.1 Jet aircraft

Figure 2 below shows jet aircraft track plots for arrivals and departures in the Adelaide region. Noise monitors (EMUs) are shown as yellow circles.

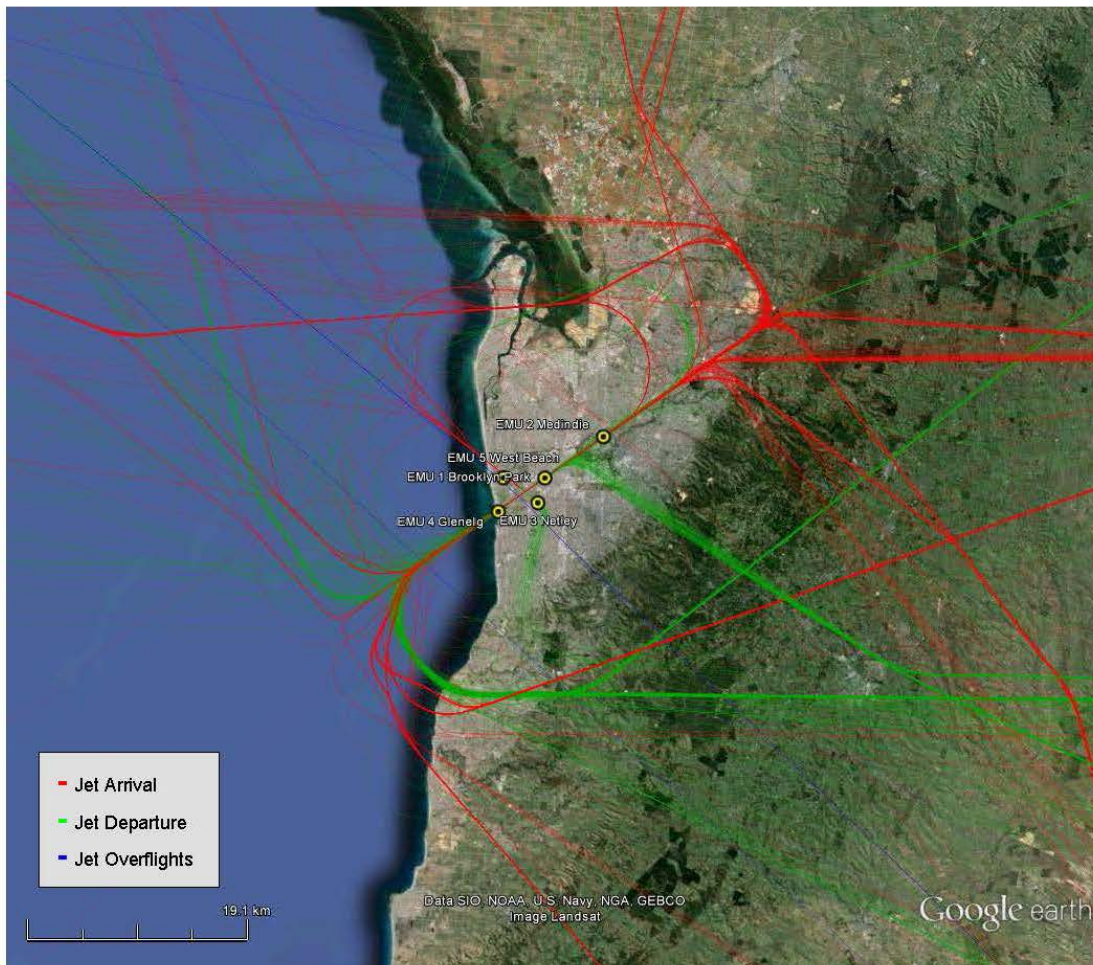


Figure 2: Jet paths for the Adelaide region

Key points are:

- Jet departures from Adelaide Airport's Runway 23 fly over Glenelg before crossing over the coastline. Departures for destinations to the east and north cross over land again around 15km south of Adelaide.
- Some jet departures from Runway 05 turn to the south east over the city shortly after taking off. Others head straight on, with a few turning to the west over water after around 20km.
- Jet arrivals to Runway 23 tend to approach from straight in for at least 15km from the runway threshold.
- Jet arrivals to Runway 05 approach from over water, flying over Glenelg before landing.
- A small number of business and corporate jets operate out of Parafield Airport. Jets arriving at Parafield Airport are required to enter into the circuit configuration before landing.

2.2 Non-jet aircraft

Figure 3 shows non-jet tracks (arrivals and departures) in the Adelaide region. Noise monitors (EMUs) are shown as yellow circles.

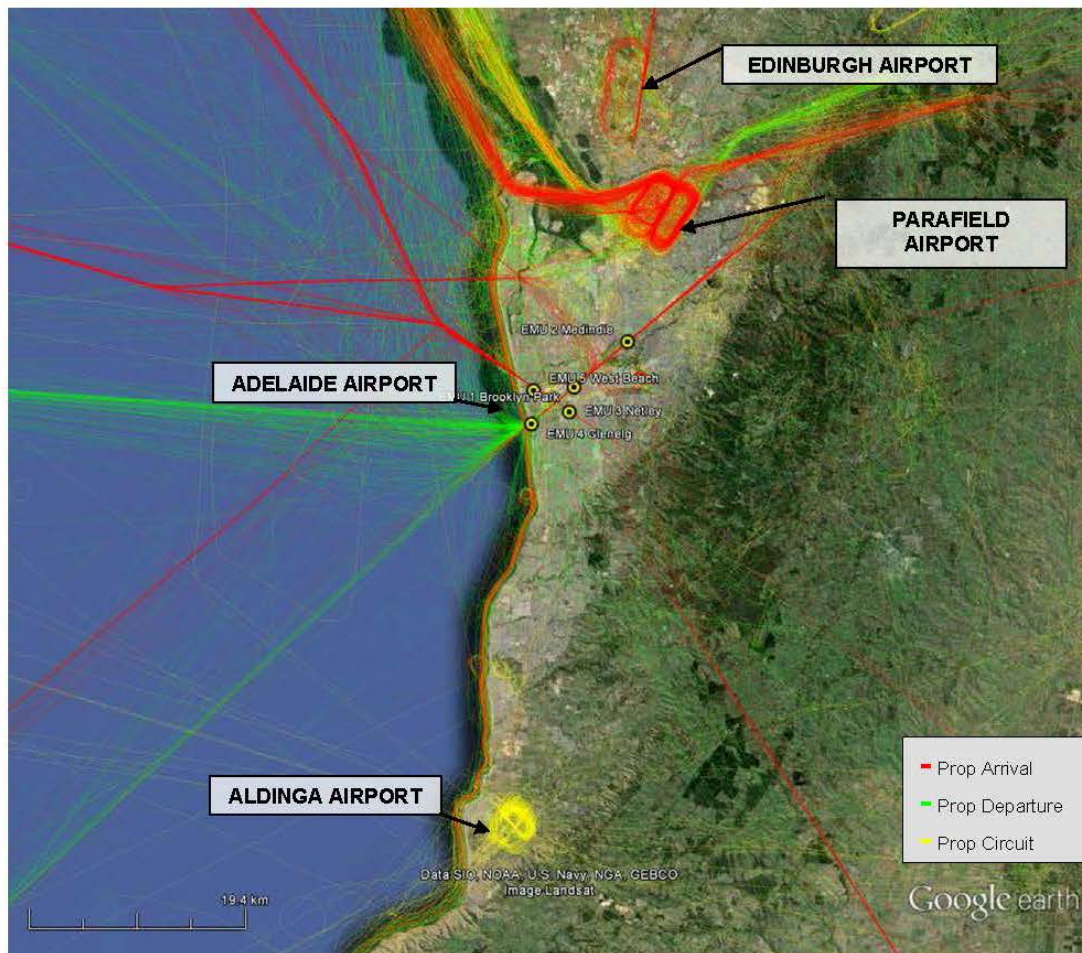


Figure 3: Non-jet flight paths for the Adelaide region

Key points shown in Figure 3 are:

- There are very few areas of Adelaide that are not overflown by aircraft.
- While jet aircraft use well defined flight paths, this is not true to the same extent for non-jets.
- Circuit patterns are visible at Aldinga Airport, Parafield Airport and RAAF Edinburgh.
- The tracks down the coast are mostly leisure, sightseeing and training aircraft.

3 Aircraft Movements and Altitude

3.1 Jet Arrivals / Departures by Altitude

Figure 4 below shows jet aircraft track plots for arrivals and departures within the Adelaide region coloured by altitude. Noise monitors (EMUs) are shown as grey circles.

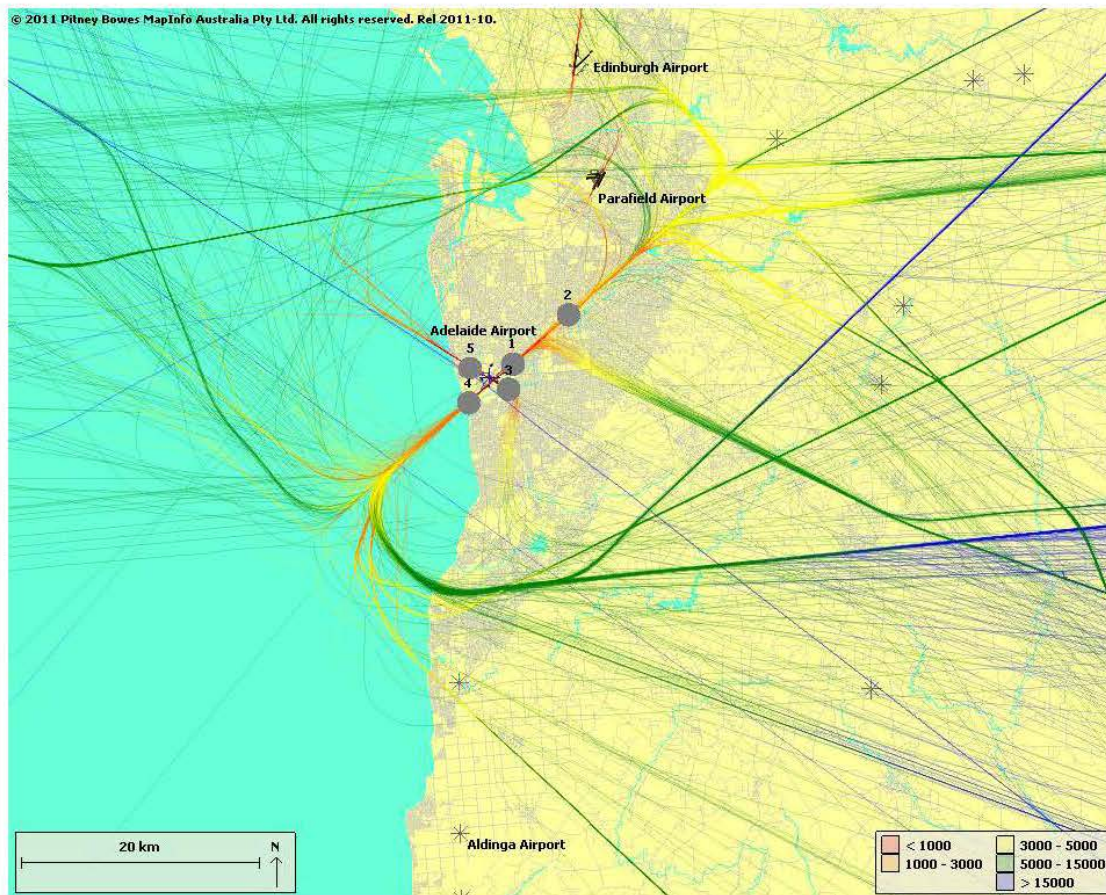


Figure 4: Jet arrivals and departures for the Adelaide region

Key points shown in Figure 4 are:

- Jets departing from Runway 23 and arriving to Runway 05 tend to overfly Glenelg at altitudes below 1 000 feet.
- Jets departing over the ocean turn to the east and cross back over land at a height greater than 5 000 feet to minimise the impact of noise on communities.
- Jets departing from Runway 05 and arriving to Runway 23 overfly residential areas at altitudes below 5 000 feet.

3.2 Non-jet aircraft

Figure 5 below shows non-jet tracks (arrivals and departures) for the Adelaide basin coloured by altitude. Noise monitors (EMUs) are shown as grey circles.

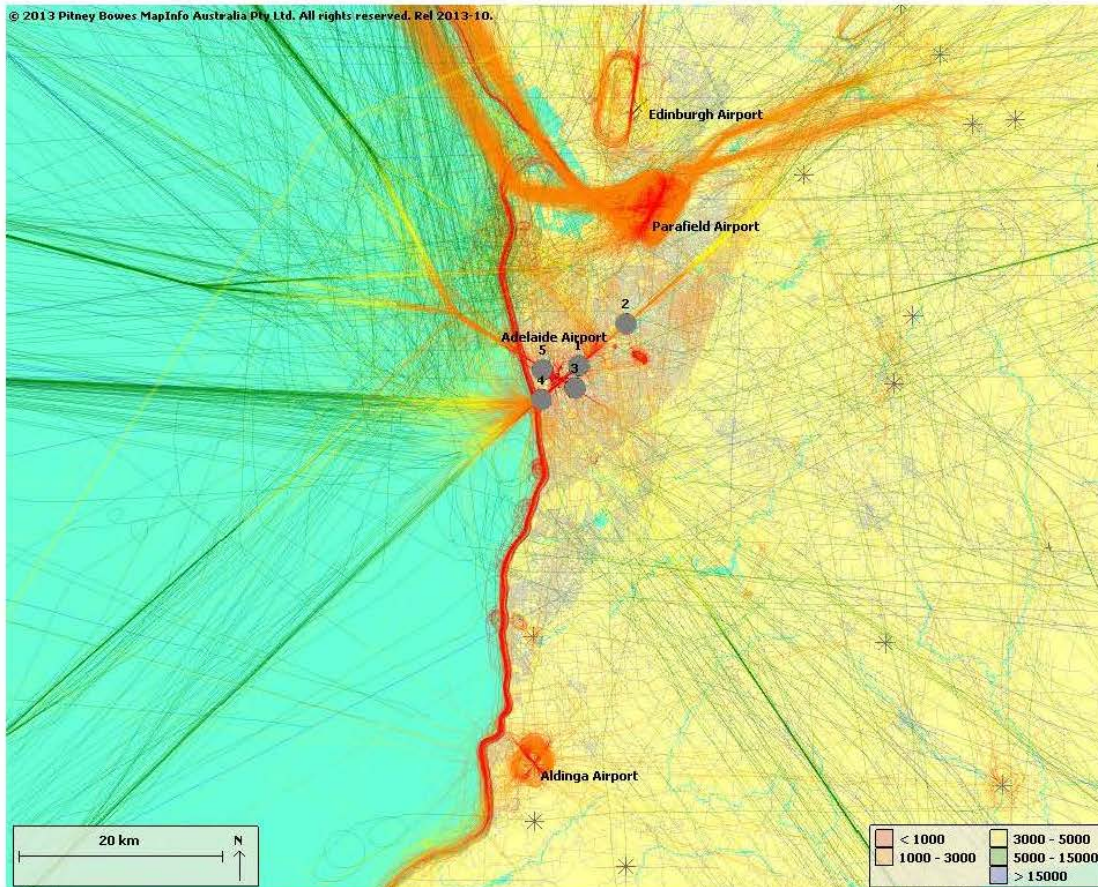


Figure 5: Non jet arrivals and departures for the Adelaide region

Key points are:

- The red track running north to south to the west of Adelaide Airport is largely due to general aviation aircraft flying along the coast at around 1 000 feet.
- Aldinga Airport is a private airfield located outside controlled airspace and catering to private pilots.
- The circuit pattern at Parafield (training aircraft) is visible as a red/orange ring towards the top of the chart indicating that aircraft are generally maintaining a height of around 1 000 feet (in line with Civil Aviation Safety Authority height requirements for circuit operations).

3.3 Track density plots

The track plots above show that residents living up to 15km from the airports and in line with Adelaide Airport's runways are regularly overflown by jet aircraft below 5 000 feet. However, beyond this the regularity of flight path use is not discernible from the track plot display. A track density plot can be useful in showing the underlying track patterns.

A track density plot is a map which displays the pattern of aircraft flight tracks passing over the region around the airport. The region is divided into a set of small grid elements and the number of flights passing over each grid element is summed. Each grid element is coloured according to the number of overflights.

The next map shows a track density plot for all movements over the Adelaide Basin for Quarter 1 of 2016. The grid size adopted is 200m x 200m. The colour coding from green to red represents the range from two flight tracks per day to 20 (182 to 1820 flight tracks for the quarter). If any grid element is not colour coded, the number of aircraft flight tracks passing over that element during the quarter was less than two per day on average. The absence of a colour for a grid element does not mean the grid element is free of aircraft overflights. The grey circles show the location of each noise monitor (EMU).

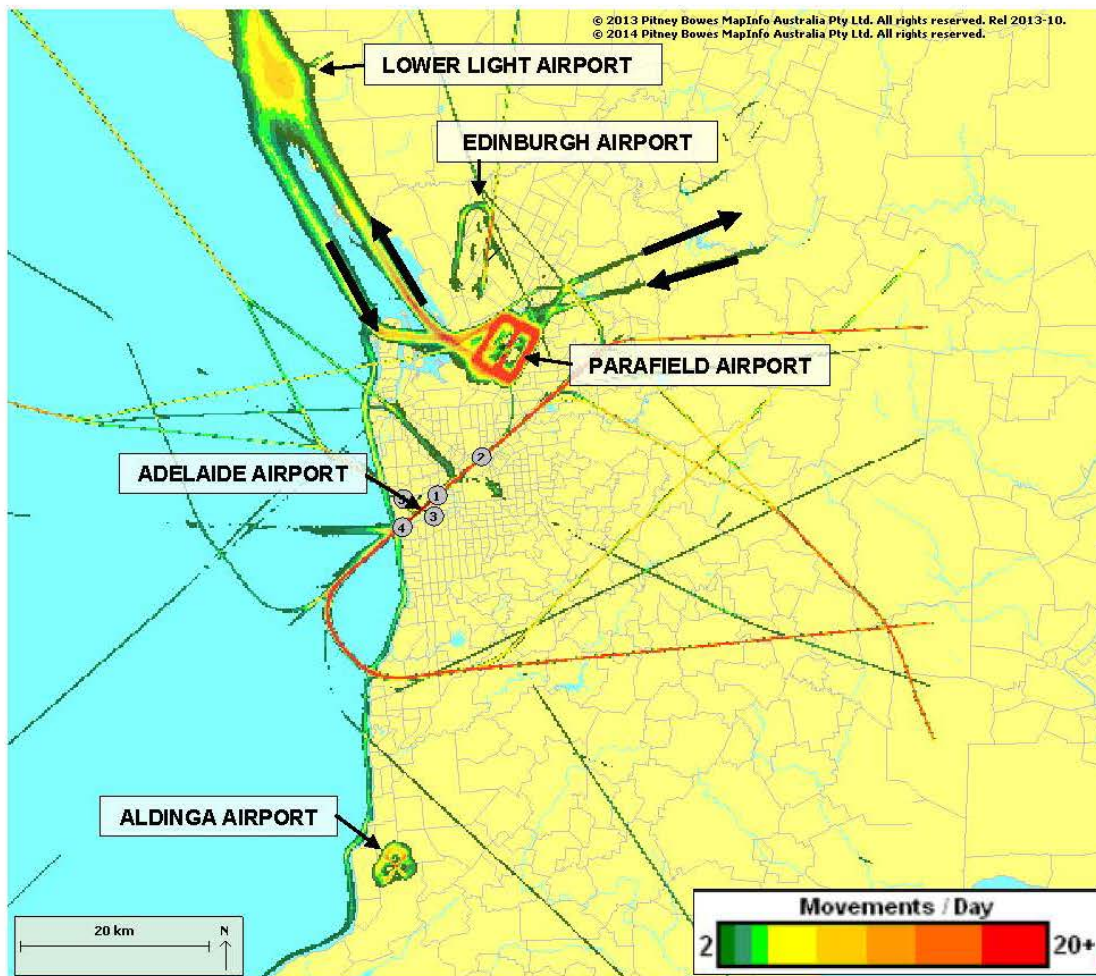


Figure 6: Track density plot for the Adelaide region, Quarter 1 of 2016

Key points are:

- There are two approach corridors for Parafield Airport (one to the north-east and another to the north-west of the airport) and two departure corridors, which are indicated by the black arrows.
- During Quarter 1 of 2016, the most used flight paths were those used for jets arriving straight in from the north on to Runway 23 and those taking off to the south from Runway 23 before turning back over land.
- Most aircraft taking off at Parafield Airport maintain the circuit until they approach the exit corridor. Similarly, arriving aircraft enter the circuit via one of the approach corridors and maintain the circuit until they are given permission by air traffic control to make their final approach to the runway.

4 Airport Statistics and Noise Events

4.1 Adelaide Airport

Figure 7 shows aircraft movements at Adelaide Airport for the 12-month period to the end of Quarter 1 of 2016 (and three-year average for each month).

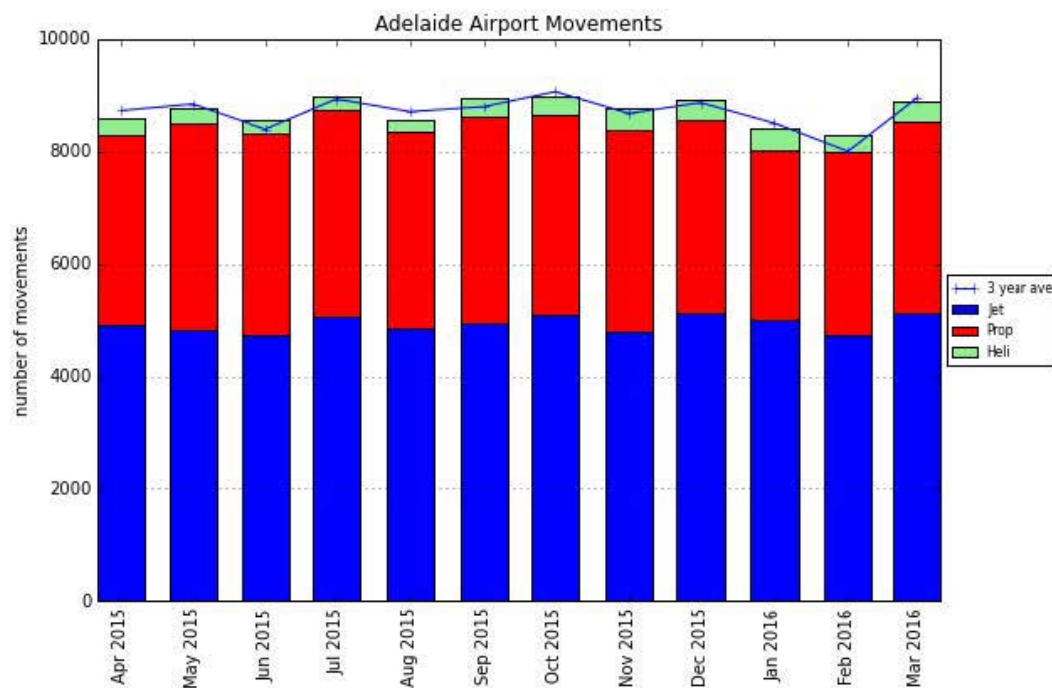


Figure 7: Aircraft movements at Adelaide Airport to Quarter 1 of 2016 (and three-year average for each month).

Key points are:

- Jet and propeller aircraft movements remain steady, and generally in line with the three year average.
- There are relatively few helicopter movements at Adelaide Airport, where they account for just over one per cent of the total number of aircraft operations.

4.1.1 Runway Usage

Figure 8, Figure 9 and Figure 10 show runway usage for arrivals and departures at Adelaide Airport for the year up to the end of Quarter 1 of 2016 (and three-year average for each month).

Runway selection is based on weather conditions, traffic volume and noise abatement procedures. As the wind changes, the runway in use may change as aircraft primarily take off and land into the wind for safety and performance reasons.

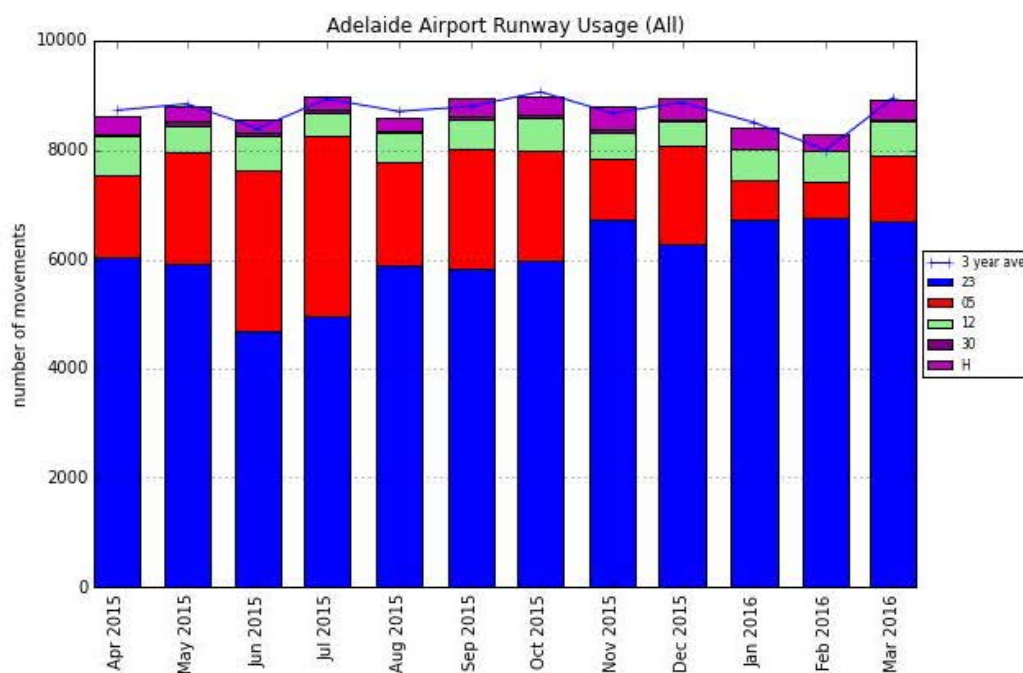


Figure 8: Runway usage (All) at Adelaide Airport to Quarter 1 of 2016 (and three-year average for each month).

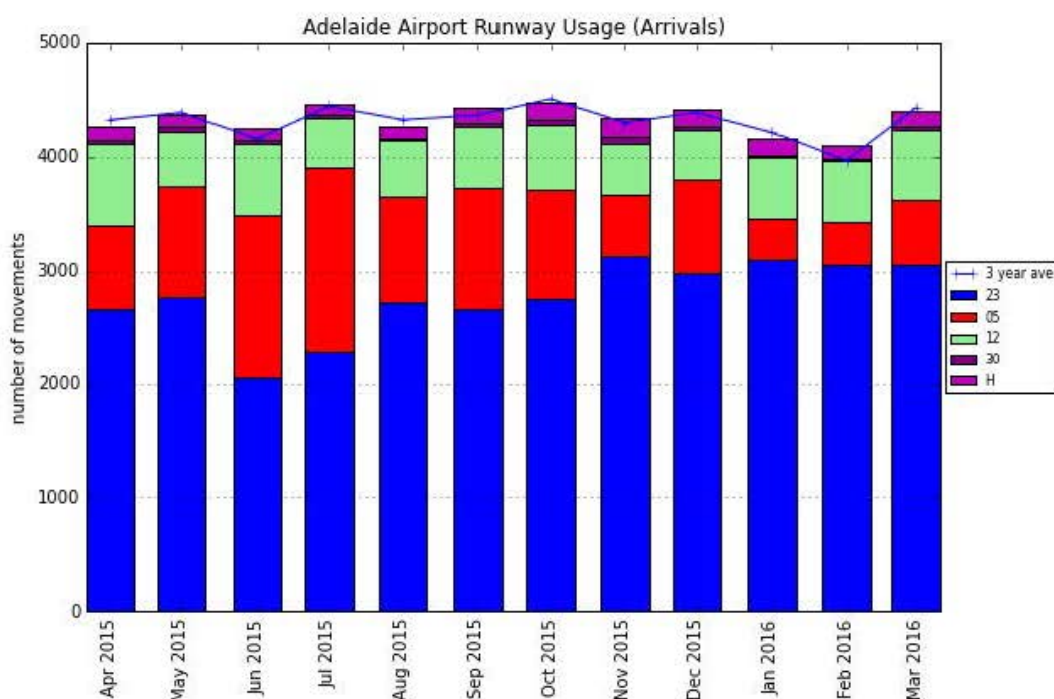


Figure 9: Runway usage (Arrivals) at Adelaide Airport to Quarter 1 of 2016 (and three-year average for each month).

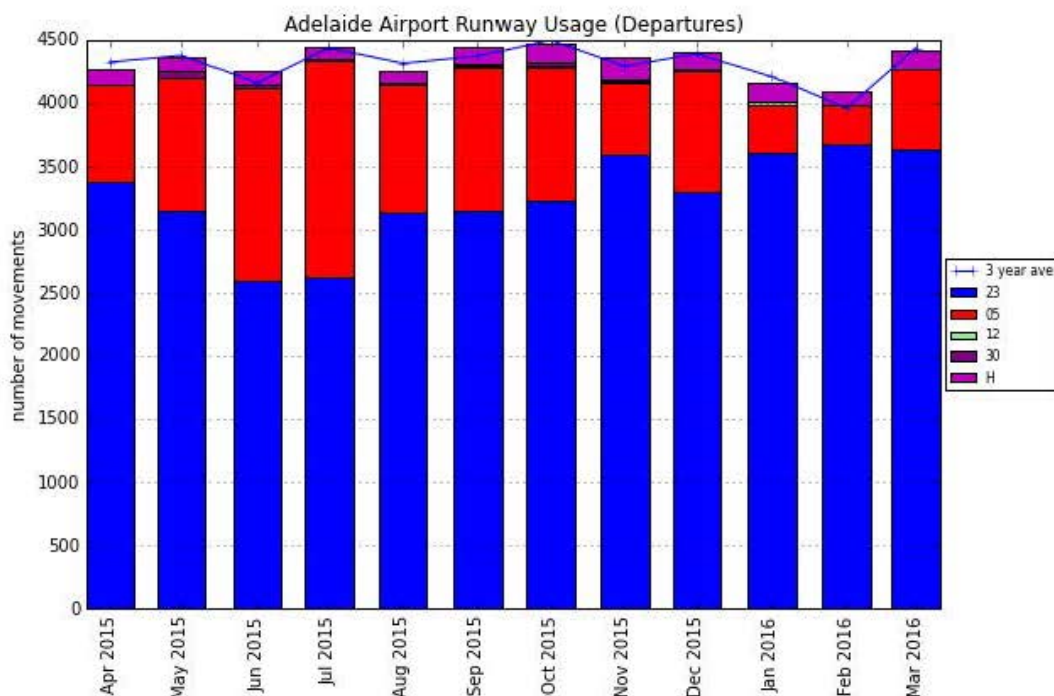


Figure 10: Runway usage (Departures) at Adelaide Airport to Quarter 1 of 2016 (and three-year average for each month).

The key points shown by Figures 8-10 are:

- During Quarter 1 of 2016, Runway 23 was used for around two thirds of all arrivals and departures. This means that during these months, aircraft mostly departed over the

water and arrived over the city and suburbs to the north of the city. This was due to the prevailing winds during those months were predominantly from the south-west.

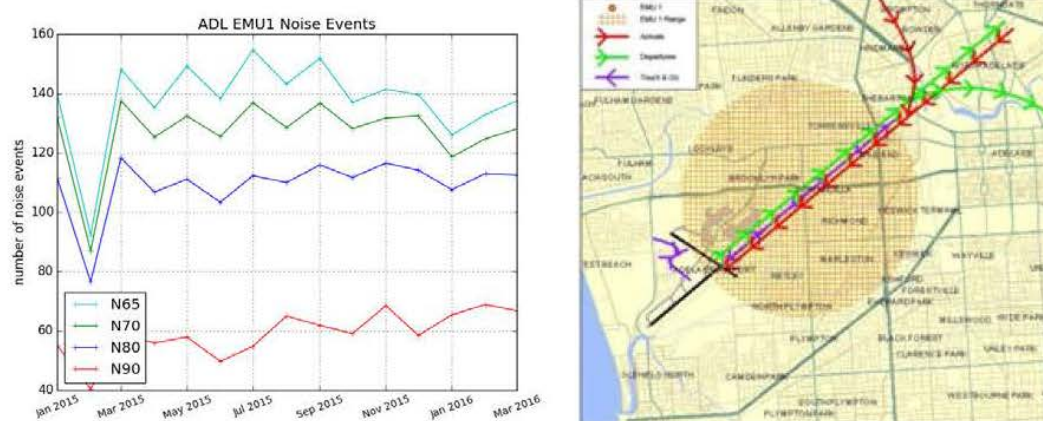
4.2 Noise Monitoring

Airservices collects noise and operational data from noise monitors (EMUs) around Adelaide Airport. This data can be expressed in a number of ways, to show average noise during a period, background noise levels and number of noise 'events' over a certain threshold.

Sound is measured on a logarithmic scale with the decibel (dBA) as the unit of measure. The sound level of typical daytime urban-based activities can vary between 40 dBA and 80 dBA. Further information is available on Airservices website at http://www.airservicesaustralia.com/wp-content/uploads/11-154FAC_Fundamentals_of_sound_WEB.pdf.

Figure 11 through Figure 15 show data from the five Adelaide EMUs for the last 15 months (see Figure 1 for the location of EMUs). The terms used within each of these figures are:

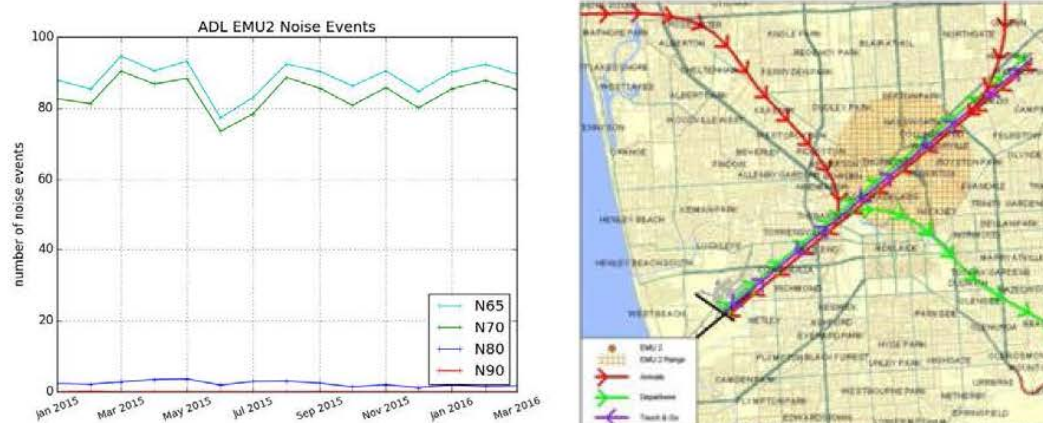
N65: The average number of daily noise events caused by aircraft that are over 65dBA. Figures for *N70*, *N80* and *N90* are also provided.



**Figure 11: Average daily noise events at EMU 1 (Brooklyn Park)
Quarter 1 of 2015 to Quarter 1 of 2016**

Key points shown in Figure 11 are:

- EMU 1 captures arrivals to Runway 23 and departures from Runway 05.
- The pattern of noise events reflects the number of departures from Runway 05.
- EMU 1 experienced a hardware issue during February 2015. As a result the microphone was replaced and data from 17 to 20 February was removed. This caused the dip in the chart above.



**Figure 12: Average daily noise events at EMU 2 (Medindie)
Quarter 1 of 2015 to Quarter 1 of 2016**

Key points shown in Figure 12 are:

- EMU 2 captures arrivals to Runway 23 and departures from Runway 05.



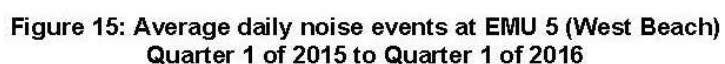
The key points shown in Figure 13 are:

-
- ADL EMU4 Noise Events
- number of noise events
- Legend:
- N65
 - N70
 - N80
 - N90
- Timeline: Jan 2015, Mar 2015, May 2015, Jul 2015, Sep 2015, Nov 2015, Jan 2016, Mar 2016



The key point shown in Figure 14 is:

- EMU 4 captures arrivals on to Runway 05 and departures from Runway 23.



- EMU 5 is located to the north west of the cross runway.
- Most of the noise events EMU 5 captures are associated with departures from Runway 23.

4.3 Historic Adelaide Runway Statistics

Historic movement data is given below for the most frequently used runways at Adelaide Airport.

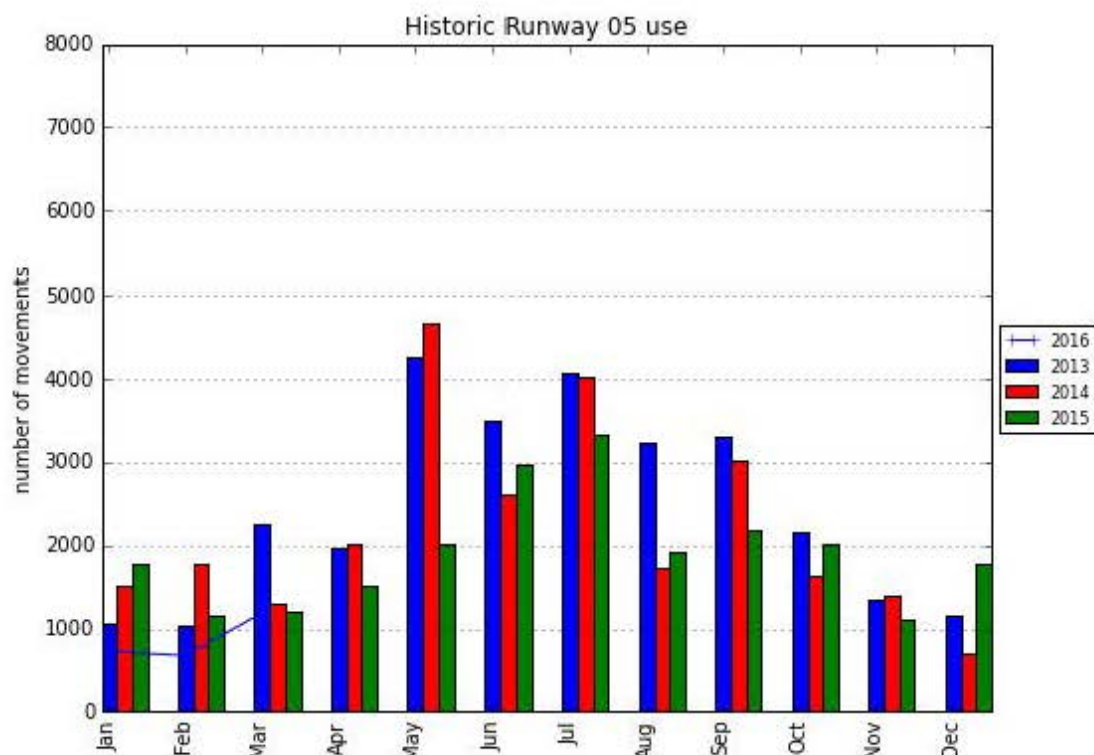


Figure 16: Runway 05 usage at Adelaide Airport 2013 to 2016

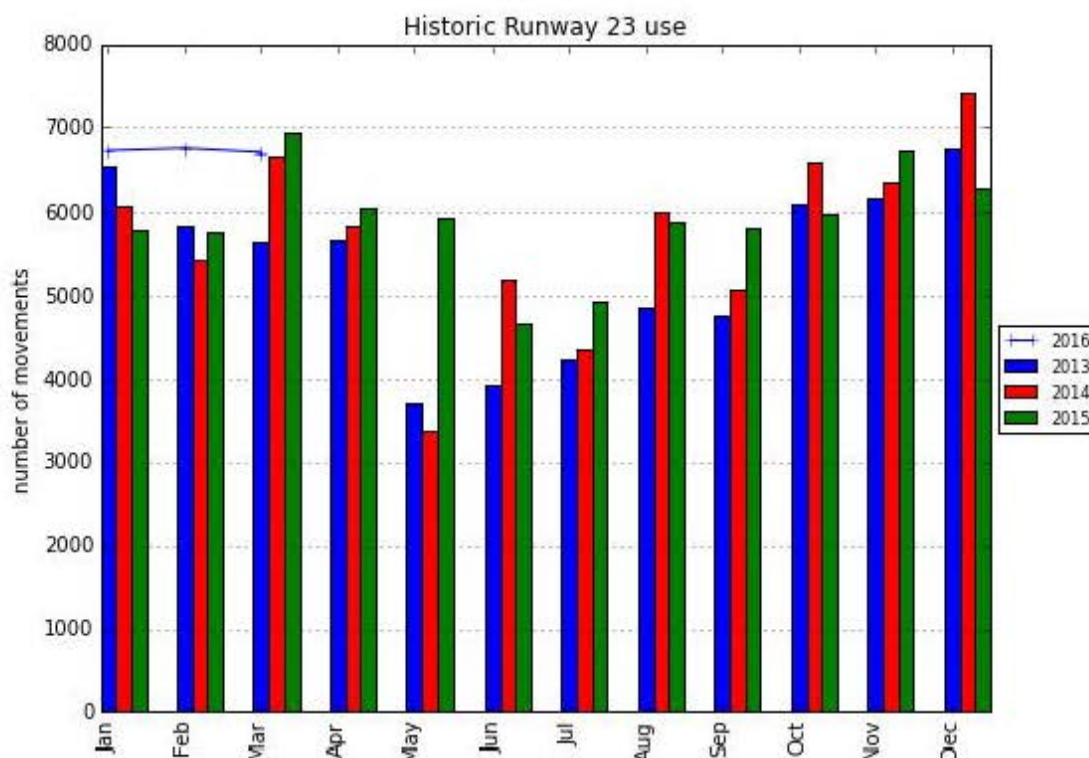


Figure 17: Runway 23 usage at Adelaide Airport 2013 to 2016

Key points shown are:

- There are clear seasonal trends in the usage of both Runway 5 and Runway 23.
- Overall, Runway 23 is used more than Runway 05 throughout the year. Runway 23 is the preferred runway for selection between the hours of 0600 and 2300. However, its use peaks in late spring, summer, and early autumn when prevailing winds are overwhelmingly from the south and south west. During this time use of Runway 05 tends to be low.

4.4 Curfew Operations

Adelaide Airport has a curfew which restricts operations between 11.00pm and 6.00am to provide noise relief to residents near the airport. This does not mean that all operations at the airport cease during these hours. In line with the Adelaide Airport Curfew Act 2000, the Federal Minister for Infrastructure and Regional Development determines which types of movements are permitted. Figure 18 shows curfew movements by category at Adelaide Airport for the 12 month period to the end of Quarter 1 of 2016 (and three-year average for each month).

Figure 19 shows the runways used during the curfew movements at Adelaide Airport for the 12 month period to the end of Quarter 1 of 2016. The Department of Infrastructure and Regional Development encourages operators to land on Runway 05 and take off from Runway 23 to minimise noise disturbance over residential areas at night. However, runway usage is determined by a range of factors, with safety as the primary consideration, and there is no penalty for aircraft that use other runways during the curfew period.

As a general rule, most commercial aircraft carrying passengers are restricted from operating during the curfew. The main exception is a small number of 'shoulder' movements between 5.00am and 6.00am, and 11.00pm and midnight. These are permitted on a quota basis to take account of time differences during the northern hemisphere summer which affect the schedules of airlines flying from these destinations to Australian airports. Other exceptions to curfew restrictions include:

- some small (under 34,000kg) aircraft that comply with the strictest International Civil Aviation Organization noise standards (included in 'approved aircraft' in Figure 18)
- a limited number of low noise freighter aircraft
- aircraft involved in emergencies
- departing aircraft that have received a taxi clearance prior to the start of the curfew.

More detail on curfew restrictions is available on the website of the Department for Infrastructure and Regional Development at

<http://www.infrastructure.gov.au/aviation/environmental/curfews/AdelaideAirport/DispensationGuidelines.aspx>.

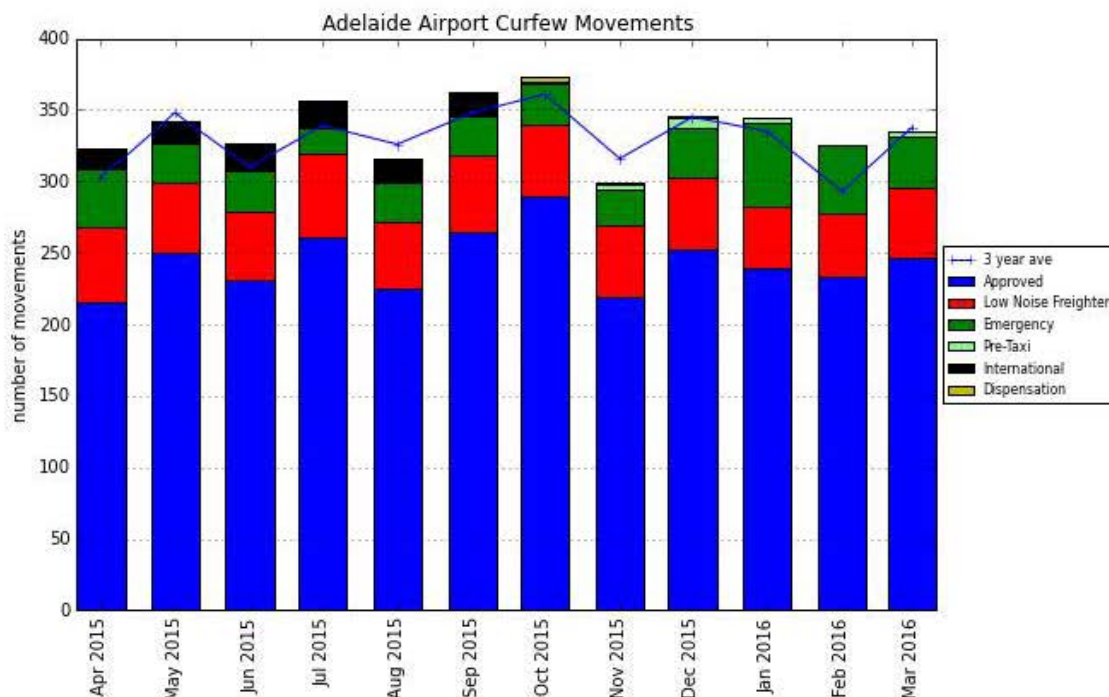


Figure 18: Curfew movements (11.00pm to 6.00am) at Adelaide Airport by curfew category to Quarter 1 of 2016 (and three-year average for each month).

Key points are:

- During January and March of Quarter 1 2016, the number of operations during curfew hours at Adelaide Airport were in line with the three-year average, with February being slightly higher than the three year average. There was an average of 10 curfew movements per night for the quarter.
- The greatest number of curfew movements during this quarter involved approved aircraft (which include diversions from other airports due to poor weather). The second highest category was freighters which have low certified noise levels and emergency services.
- During Quarter 1 of 2016 there were no international movements during curfew hours.
- There were very few occurrences of pre-curfew taxi over the last 12 months.

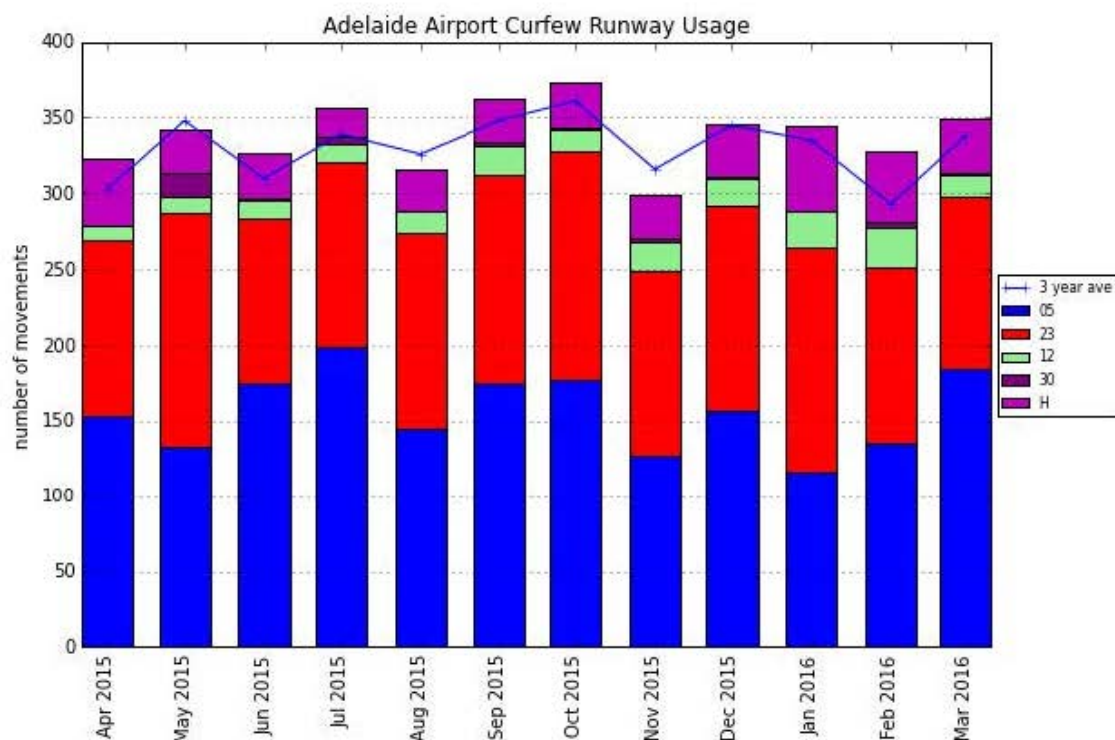


Figure 19: Runway usage for curfew movements (11.00pm to 06.00am) at Adelaide Airport to Quarter 1 of 2016 (and three-year average for each month).

Key points are:

- Runway 23 and Runway 05 were used fairly evenly during curfew hours in Quarter 1 of 2016. This is in line with the noise abatement procedures that encourages operators to land on Runway 05 and take off from Runway 23 to minimise noise disturbance over residential areas at night.
- A small number of operations in the curfew period used Runway 12.

4.5 Parafield Airport

Figure 20 shows aircraft arrival / departure movements at Parafield Airport for the 12-month period to the end of Quarter 1 of 2016 as data entry results at 05/04/2016. The data point for March 2016 is temporarily removed due to uncompleted data entry process at the report preparation time. The chart also includes 3-year averages for each month.

The movements in the graph are based on arrival/departures at the airport and have excluded circuits. This is due to the difficulty in accurately reporting on the number of circuits at the airport. Circuits are usually performed by small General Aviation aircraft.

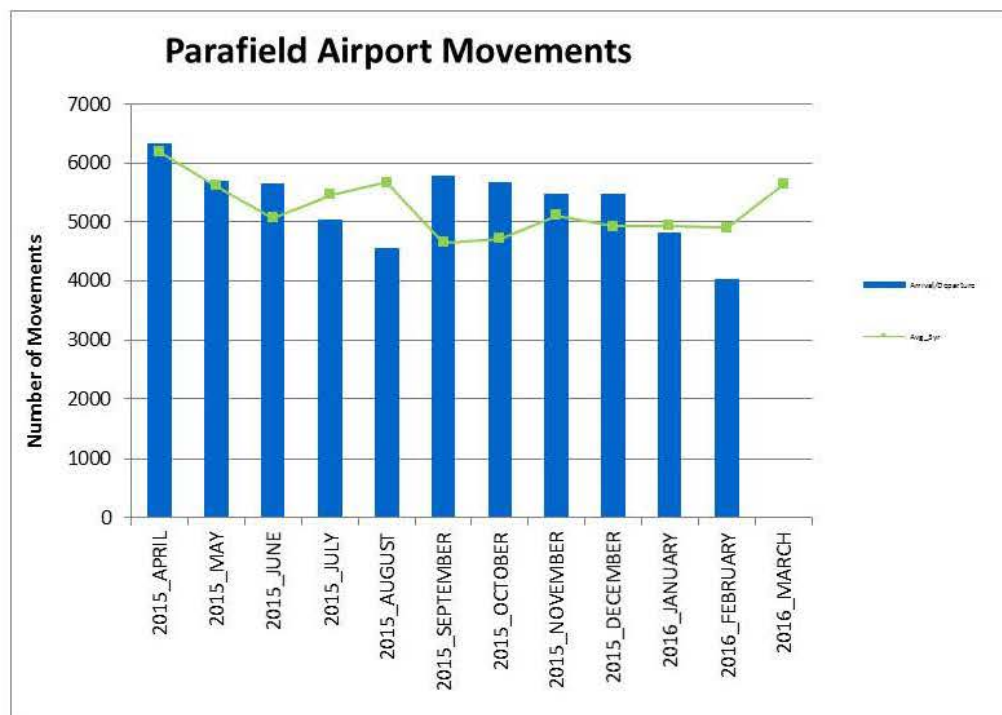


Figure 20: Aircraft movements at Parafield Airport to Quarter 1 of 2016 (and three-year average for each month).

Key points shown in Figure 20 are:

- There are several flight schools based at Parafield Airport and circuits are a key part of their training. As a result the majority of movements involve circuit training movements.
- Movement numbers for Quarter 1 2016 were lower than the three-year average due to a decrease in flying school operations.
- Numbers of circuit operations fluctuate according to flying school schedules.

5 Complaints data

Airservices manages complaints and enquiries about aircraft noise and operations through its Noise Complaints and Information Service (NCIS). Complaints, enquiries and requests for information about aircraft operations received by the NCIS are collected and stored in a database for the purpose of complaint management, analysis of issues and identification of causal factors. Each complaint, enquiry or request for information is referred to as a contact and each person who makes contact with the NCIS is referred to as a complainant. For this report, only complainants making complaints have been included.

5.1 NCIS Complainants by suburb

The NCIS received contacts from 65 complainants from Adelaide Airport and Parafield Airport during Quarter 1 of 2016. Complainant density maps are used to show the number of complainants from each suburb, with suburbs coloured according to how many complainants had contacted the NCIS. The data does not include complainants who contacted other organisations (e.g. airports).

Table 1 and Table 2 provide a breakdown of suburbs from Quarter 1 of 2016 with five or more complainants.

Figure 21 shows complainant density with flight tracks overlaid for Adelaide Airport and Parafield Airport for Quarter 1 of 2016.

Figure 212 shows complainant density with flight tracks overlaid for Parafield Airport for Quarter 1 of 2016.

The following data is derived from a dynamic database and is correct as at 15 April 2016 and may change without notification.

Table 1: Recorded Adelaide Airport Complainants by Suburb, Quarter 1 of 2016

Adelaide Airport				
Suburbs	Q2 2015	Q3 2015	Q4 2015	Q1 2016
-	-	-	-	-
All Other Complainants	29	20	12	43
Total Complainants	29	20	12	43

Table 2: Recorded Parafield Airport Complainants by Suburb, Quarter 1 of 2016

Parafield Airport				
Suburb	Q2 2015	Q3 2015	Q4 2015	Q1 2016
Mawson Lakes	2	5	4	7
Pooraka	1	2	3	6
All other Complainants	16	16	9	11
Total Complainants	19	23	16	24

Key points:

- Key issues for Adelaide Airport were helicopter activities and curfew movements. The helicopter movements were predominantly emergency services such as police and rescue services. Ten complainants raised concerns that touched on both key issues – emergency services helicopter movements during the curfew period.
- The suburbs around Adelaide Airport or under the arrival path to Runway 23 were the source of the majority of complaints about curfew movements. A landing and subsequent departure of an B777 that occurred during the curfew on 15 February as a result of a medical emergency on board generated contacts from six complainants.
- Mawson Lakes and Pooraka were the only suburbs at Parafield Airport with five or more complainants. All complainants at Parafield were regarding circuit movements, the primary operations at the airport.

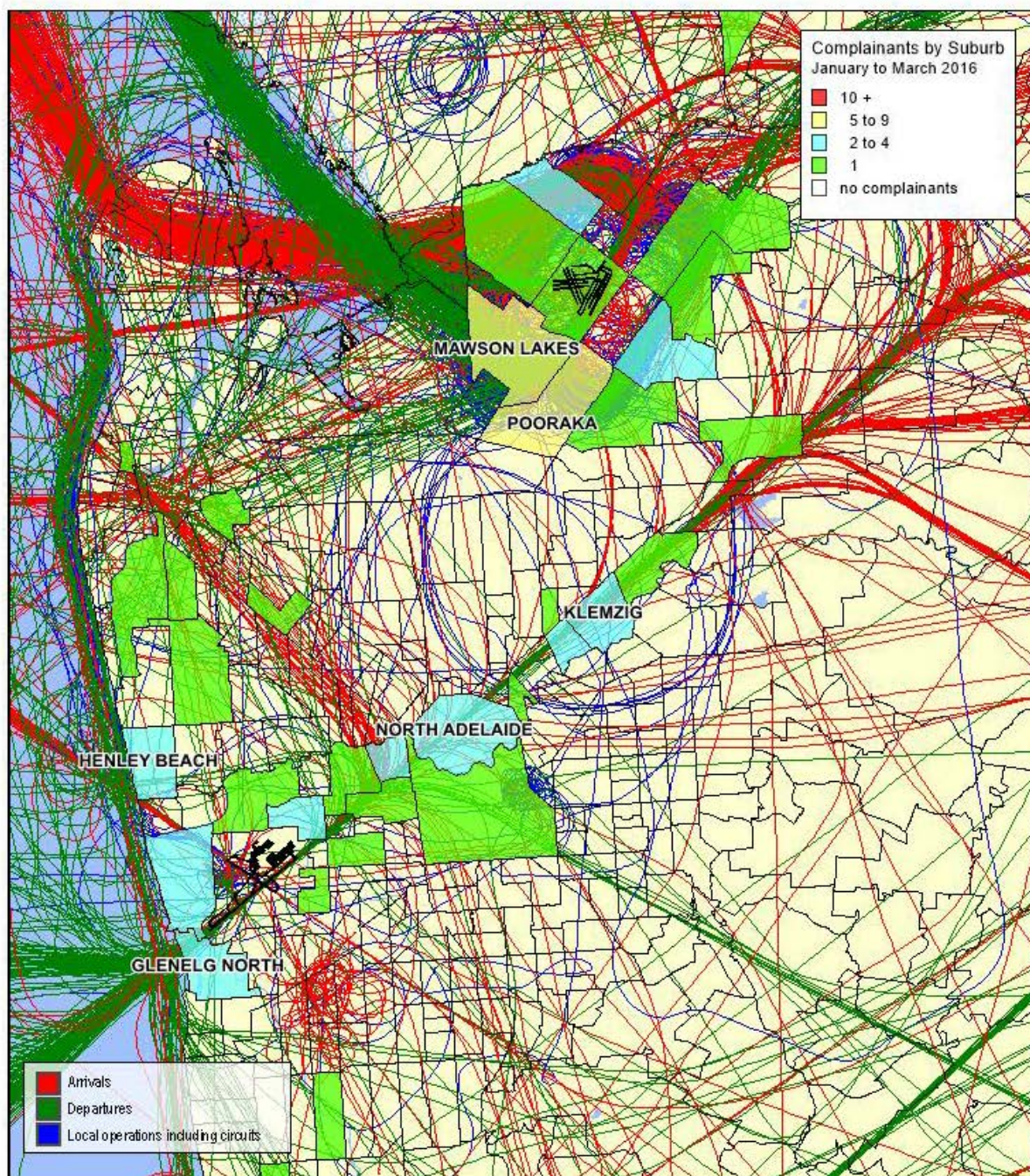


Figure 21: Adelaide basin complainant density for Quarter 1 of 2016 with an overlay of tracks for sample period 1 to 3 March 2016 at Adelaide Airport and Parafield Airport

Key points shown in Figure 21 are:

- Complainants about Adelaide Airport operations are usually from suburbs overflowed by arrivals to Runway 23 or departures from Runway 05.
- Complainants' issues included curfew operations including permitted or emergency operations and also helicopter operations from the airport.

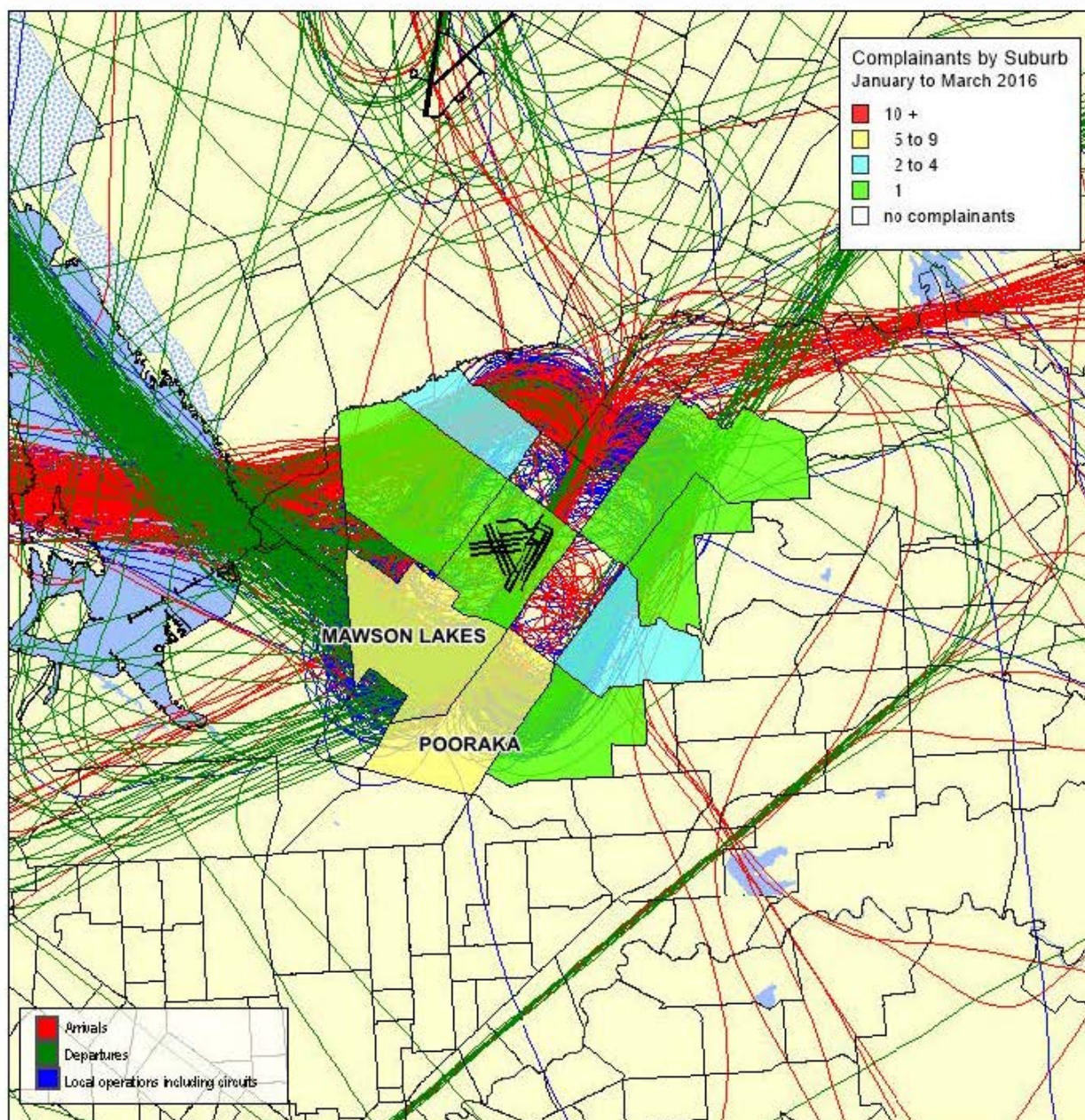


Figure 22: Parafield Airport complainant density for Quarter 1 of 2016 with an overlay of tracks for sample period 1 to 3 March 2016 at Parafield Airport

Key points shown in Figure 22 are:

- Complainants raising issues regarding Parafield Airport were from people living close to the airport where a large number of the airport operations occur.
- The main issue raised by the majority of complainants is circuit training operations at Parafield Airport.

ATTACHMENT 6

The Hon John Rau MP

10312321

14 May 2016

Mayor John Trainer OAM
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033

Dear Mayor Trainer



**Government
of South Australia**

Deputy Premier
Attorney-General
Minister for Justice Reform
Minister for Planning
Minister for Industrial Relations
Minister for Child Protection
Reform
Minister for the Public Sector
Minister for Consumer and
Business Services
Minister for the City of
Adelaide

45 Pirie Street
ADELAIDE SA 5000
GPO Box 464
Adelaide SA 5001
Tel 08 8207 1723
Fax 08 8207 1736

Inner and Middle Metropolitan Corridor Infill Development Plan Amendment

I write further to my letter dated 18 November 2015 regarding the Ministerial Inner and Middle Metropolitan Corridor Infill Development Plan Amendment (DPA), where I advised of my decision to pause its public consultation release so that other significant planning reforms including the Planning Development and Infrastructure Bill 2015 (the Bill) could be further progressed.

I am pleased that the Bill is now through parliament, and I intend to continue to focus on the release of the draft update to *The 30 Year Plan for Greater Adelaide* (the Plan), which seeks to unlock and facilitate further infill potential in metropolitan Adelaide. The Plan's release for public consultation later this year will be led by a program of conversations with Councils and key stakeholders. Its release will also enable implementation of the Government's infill objectives to be clearly progressed, primarily through the development of the new Planning and Design code over the next few years, supported in the meantime by any further amendments to DPAs that support these objectives.

Despite pausing the release of the DPA, I will continue to work with Councils on priorities for urban growth. I believe our strategies are clear and well detailed in the Plan and the Integrated Transport and Land Use Plan. As you would be aware, Minister Mullighan recently wrote inviting your Council to participate in the next stage of detailed planning for the tram roll-out. Integrating land use and transport outcomes will be integral to this planning process.

Should you have any questions please contact Mr Daniel Clapp, Principal Planner, Department of Planning Transport and Infrastructure, who is the project coordinator for the DPA, on direct telephone number 7109 7015 or by email at Daniel.Clapp@sa.gov.au.

Yours sincerely


John Rau
Deputy Premier
Minister for Planning

ATTACHMENT 7



Novar Gardens Bowling Club Inc.

489 Anzac Highway
NOVAR GARDENS SA 5040

Phone (08) 8295 4803

Fax (08) 8376 3451

Email: secretary@novargardensbowlingclub.com

Web: www.novargardensbowlingclub.com

**WINNER OVERALL [STATE] AND METROPOLITAN CLUB OF THE YEAR FOR
2015/2016**

Chief Executive Officer,
City of West Torrens,
165 Sir Donald Drive,
HILTON SA 5033



Attention Mr T. Buss.

Dear Sir,

I am pleased to bring to your attention and advise that the Novar Gardens Bowling Club Inc. has been presented with two major awards by Bowls SA at the End of Season Gala Awards Dinner, held at the Morphettville Racing Centre on Friday 6th of May 2016.

The first was for The Best Adelaide Metropolitan Club, which we were thrilled to receive. At the end of the evening we were also awarded the Best Overall Winner for the whole of South Australia.

Such awards are well sought after and very difficult to achieve, so you will understand how delighted our members are with the result.

On behalf of our members I wish to convey to you, the Mayor, John Trainer OAM, Mr George Demetriou and the Council overall, our sincere thanks and gratitude for the support given our Club, both tangible (financial) and intangible. For without that support these awards would not have been possible.

Yours sincerely,

A. H. SPRUZEN
Senior Vice President.
Grants Officer.

c.c. Mayor John Trainer OAM
c.c. Mr George Demetriou
cwtaward.NGBC.doc

ATTACHMENT 8



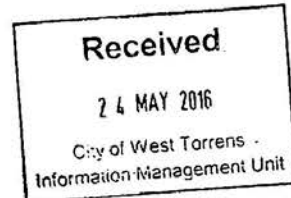
Local Government Association
of South Australia

The **Voice**
of Local
Government

Correspondence: 638202 / DH: AC

23 May 2016

Terry Buss
Chief Executive Officer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033



Dear Terry

Local Roads Advisory Committee

The LGA invited nominations for the Local Roads Advisory Committee from all Councils. At its meeting on 3 May 2016 the LGA Executive Committee resolved to submit the nominee listed below for appointment as the LGA's representative to the Local Roads Advisory Committee, for a three year term commencing immediately.

- Cr Michael (Bim) Lange, The Barossa Council

Thank you for your Council's nomination. Would you please formally notify Cr Demetriou of the outcome.

If you have any queries in relation to this matter please contact me on 8224 2052 or email david.hitchcock@lga.sa.gov.au.

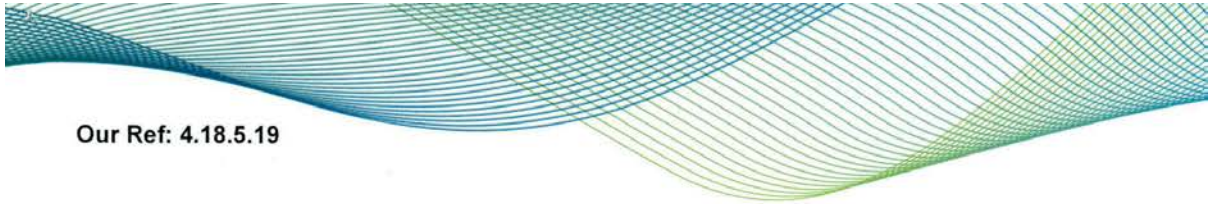
Yours sincerely

David Hitchcock
Director Infrastructure

Telephone: 8224 2052
Email: david.hitchcock@lga.sa.gov.au



ATTACHMENT 9



Our Ref: 4.18.5.19

20 May 2016

Mr Terry Buss
Chief Executive Officer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033



Dear Mr Buss,

Proposed ALDI Supermarket, Burbridge Business Park, Adelaide Airport

Thank you for your letter of 20 January 2016 in regard to the above Merit Use application. Advice is now given that the Merit Use application has been accepted by Adelaide Airport Ltd (AAL).

The matters raised in your submission have been duly considered in the assessment of the proposed development, against the relevant provisions of the Adelaide Airport Master Plan 2014 and contributed to ensuring an extensive evaluation of all possible aspects of this proposal.

We can now provide the following information in response to these concerns:-

Location

- Alternative airport sites were considered for the operation of an Aldi supermarket. This included Harbour Town, however the site bounded by Tapleys Hill Road and Sir Reginald Ansett Drive was considered unsuitable due to available lease terms and potential competing future land use requirements.
- This Merit application proceeded in recognition that while a Shop (to serve the day to day needs of the workforce and visitors to the precinct) is an Envisaged Use and permitted within the Burbridge Business Park (BBP) Policy Area, an Aldi is a specialist shop or small scale supermarket with a net trading floor area of approximately 1,600m². Planning advice also revealed that a supermarket can be considered to be a feature of modern successful business parks, and contributes to the amenity of the precinct, serving employees of existing businesses as well as the wider community.

Traffic/ Access and Car Parking

- It is noted that Council assess that on site car parking is 'more than adequate', and as requested by Council, Aldi appreciates the suggestion and confirm that the first 3 car parks adjacent to the Vimy Avenue entrance will be designated as staff car parking.



Adelaide Airport
Management Limited
ABN 77 077 201 131
Registered Land Agent 224 839

1 James Schofield Drive
Adelaide Airport, SA 5950
A wholly owned subsidiary of
Adelaide Airport Limited
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airportbusinessdistrict.com.au

- Traffic engineers have investigated the southbound travel lane on Vimy Avenue, which is approximately 7.5 metres wide at the location of access to the site, and is therefore considered appropriate and sufficient to enable a vehicle to pass another vehicle that is entering the site, and taking into account the forecast trading patterns.
- Traffic consultants have advised that the loading dock in the proposed development is based on standard layouts for over 300 stores throughout Australia, with the following points to be noted:-
 - These sites have operated satisfactorily for many years with no incidents recorded which would require a change in site management or WHS procedures. The very low frequency of deliveries, the timing outside of store peak hours, driver training and fitment of reverse cameras, warning beepers and wide angle rear vision mirrors facilitates a safe operating environment.
 - Aldi typically only requires 2 deliveries per day by Aldi semi-trailers scheduled outside peak hours.
 - Aldi delivers most goods from their Regency Park Distribution Centre, with all trucks part of the Aldi fleet and all drivers specifically trained for this purpose, including delivery manoeuvring requirements.
 - Aldi is a small scale supermarket, generating a lower level of traffic than typical supermarkets.
- Two separate traffic studies have suitably assessed there to be immaterial impact on the Southern Lockleys Area and the broader local network from this supermarket.
- The proposed development will link to existing paths within the airport site, including the Anna Meares shared use path with a suitable landscape buffer.
- Specialist advice has been obtained which indicates that the existing Bus Stops on either side of Sir Donald Bradman Drive are not compliant with current Code and will be required to be upgraded before 2021. The Aldi retail operation is therefore not a catalyst for such enhancement.

Environmental

- The proposed development is subject to the Airports Act 1996 and Airports (Environment Protection) Regulations 1997 under a process commensurate with the Local Government building approval process, or private certification under State legislation. As such, specific environmental management measures, including stormwater management and required finished floor levels will be assessed by the Commonwealth's Airport Building Controller (ABC) and Airport Environment Officer. As noted in your submission, the intent is to use the existing adjacent stormwater drainage, ensuring appropriate water quality through the utilisation and maintenance of gross pollutant traps, with Council suitably informed with details to review, when final Building Consent applications are lodged with AAL.
- A Construction Environmental Management Plan will also be prepared by the developer for ABC review and approval prior to commencing works on site.
- Aldi has agreed to submit and resolve its final landscape plan in consultation with the City of West Torrens in so far as the interface of the landscaping to the drainage reserve and shared use pathway.

We appreciate the feedback provided in relation to the Aldi supermarket and welcome your ongoing input with respect to the future development of Adelaide Airport.

Please do not hesitate to contact us if you have any further queries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Noel Wellman', with a long, sweeping horizontal stroke extending to the right.

Noel Wellman
Property/ Leasing Manager
Adelaide Airport Limited

ATTACHMENT 10



**Local Government Association
of South Australia**

**The Voice
of Local
Government**

Office of the President

In reply please quote our reference: 638225 / LT : NB

12 May 2016

Mr Steven Griffiths, MP
Shadow Minister for Local Government
Parliament House
North Terrace
ADELAIDE SA 5000

Dear Mr Griffiths

LGA Response to Local Government (Rate Increases) Amendment Bill 2016

The Local Government Association's member councils have voted unanimously to reject the South Australian Liberal Party's policy on rate capping.

Rate capping conflicts with our fundamental belief that decisions about council rates are better informed when they are made by local councils in consultation with their communities. South Australia is far better served when council budgets reflect the unique needs and aspirations of local communities, rather than conform to an artificial price index.

You assert that the Liberal Party is seeking to implement a cap on council rates in an effort to reduce cost of living pressures for South Australians. Addressing the cost of living is an important goal and the local government sector is extremely proud of the role it plays in supporting and building the capacity of vulnerable community members. A comprehensive overview of the services provided by SA councils to prevent or ameliorate the impacts of poverty is available on the LGA website- <http://www.lga.sa.gov.au/antipoverty>

The introduction of rate capping would likely decimate the ability of local government to continue providing these invaluable social services.

The Liberal Party's '2036' manifesto includes priorities in health, education, community development and culture. If rate capping were to be introduced in South Australia, future state governments would need to pursue these objectives without the current level of support provided by councils. Communities and councils would have limited discretion to continue with services such as health promotion, sport and recreation facilities, seniors programs, settlement support, disability support and social inclusion programs. This would create upward pressure on other spheres of government to fund these activities. Alternatively, these services could be delivered by councils or other providers at additional cost to households through a service charge- creating more cost of living pressures for our most vulnerable community members.

I note that the Liberal Party of South Australia is currently conducting a survey to determine the level of constituent support for their rate capping legislation. This survey takes the form of a single yes or no question which asks the respondents to choose a position on the deliberately provocative proposition of 'preventing unnecessary rate hikes'.

Given the overly simplistic and emotive nature of this 'survey', it will come as no surprise to anyone if the vast majority of respondents vote in favour of reduced taxes. However, this test of public opinion fails to inform the electorate that a vote for rate capping is a vote for reduced services, less choice, more red tape and community assets that can't be maintained.

The evidence against rate capping is overwhelming. You are aware that the LGA made a detailed submission to the Economic and Finance Committee Inquiry into Rate Capping. We remain extremely disappointed that you have introduced a Private Members Bill on rate capping before this inquiry has concluded. This leads us to the conclusion that the Liberal Party's rate capping policy is driven by populist politics rather than a sound evidence base.



- 2 -

Councils in South Australia are under significant financial pressure, as they face increasing regulatory and compliance burdens, reduced funding and the introduction or escalation of levies and charges. All of these factors impact on rates. Given the SA Liberal Party's desire to interfere with the rates collected by councils, we must ask what the Liberal Party has done to support the local government sector on issues such as the indexation freeze on Financial Assistance Grants, loss of supplementary road funding, the introduction of rubble royalties, steep hikes in the solid waste levy, community housing rebates, statutory fees and charges that have not been adjusted for 20 years and a state NRM levy that is included in South Australia's rate collection calculations. It is our view that a genuine concern for reducing local government costs would have translated into urgent action on these issues.

Despite these substantial challenges, much has changed in local government in South Australia over the past decade. The Financial Sustainability Inquiry of 2005 has led to profound and sustained improvements in the financial practices of the sector. To demonstrate the extent of this change, the LGA would be pleased to provide you with a detailed briefing on the key financial sustainability indicators that are reported on annually.

The Local Government Association and its members are committed to continuous improvement and are currently pursuing a positive and proactive reform agenda that will deliver further benefits for our communities such as:

- A more streamlined and transparent process for boundary adjustments that are genuinely in the community interest
- Greater flexibility for councils to work together on a regional basis to plan and deliver more efficient and effective services. The LGA is currently conducting an audit and economic analysis of all existing shared service arrangements in place across the sector
- Updated and expanded community consultation processes for strategic management plans, budgets and rating
- Introducing new requirements for performance measures, monitoring and reporting
- Positioning local government as a driver of economic development and a key partner in South Australia's economic recovery

These are sensible, progressive reforms that will drive efficiency and deliver savings for communities, without the costs of rate capping. The LGA would be happy to provide a more detailed briefing on this reform program.

In conclusion, the local government sector is fundamentally opposed to the introduction of any rate capping system in South Australia and will campaign strongly to protect communities from such a retrograde policy.

The Liberal Party's position on rate capping South Australia is impacting on the good relationship the Party has shared with the local government sector for many years. If introduced, it will severely limit the ability of the sector to partner with a future Liberal Government on public infrastructure and on initiatives to make South Australia better.

I urge you to reconsider your position and work with us to develop alternative local government reforms that will not come at a cost to communities.

Yours sincerely



Mayor Dave Burgess
President

Telephone: 8224 2022
Email: lgapresident@lga.sa.gov.au

ATTACHMENT 11



Local Government Association
of South Australia

The Voice
of Local
Government

Office of the President

In reply please quote our reference: 638518 / AM:NB

24 May 2016

Hon. Geoff Brock, MP
Minister for Local Government
GPO Box 2557
ADELAIDE SA 5000

Dear Minister

New Conflict of Interest Provisions

The LGA has received a number of complaints from council members about the complexity, and in some cases the complete unworkability, of the new conflict of interest provisions which commenced operation on 31 March 2016.

Despite the LGA having engaged Wallmans Lawyers to draft comprehensive guidelines to explain the new provisions, it appears that significant failures in the legislative drafting have contributed to on-going difficulties and confusion among members.

For example, where councils appoint council members to the boards of council-owned subsidiaries, these appointees find that they have a material conflict of interest when the subsidiaries interests are discussed at council meetings. This material conflict results in members having to leave the chamber and refrain from debating and voting on matters concerning the subsidiary, which undermines the effectiveness of their membership. This matter could be addressed by including a provision similar to section 75(3)(a)(v) to exempt council nominees or appointees to boards from having a *material* conflict of interest, as well as the exemption from having an actual conflict. Further, members of subsidiaries who are members or employees of councils, can have a material conflict of interest if they are making decisions about the subsidiary's founding councils. This potentially creates an unworkable situation for many subsidiaries formed under section 43 of the *Local Government Act*.

Council members are also concerned that there is no agreed legal position on whether membership of council committees which only make *recommendations* to council (as opposed to committees that make decisions and exercise delegations) may give rise to a material conflict of interest. Law firms engaged by the local government sector are providing conflicting advice on this issue and the LGA is seeking to receive a definitive written position on this matter from you, as the Minister responsible for the *Local Government Act*.

.../2



- 2 -

The drafting of the new provisions has also omitted a critical provision that existed in the former legislative provisions, which relates to councils providing benefits to members. Under the old law, decisions of this nature were exempt from the conflict of interest provisions entirely. Now, however, such decisions give rise to a material conflict of interest requiring council members to leave the chamber and refrain from voting. This has the potential to lead to the absurd situation in which the entire council is required to declare a conflict and vacate the chamber.

In addition, the concept of 'perceived conflict' is causing widespread confusion, particularly in relation to the exemptions from declaring a material conflict of interest and the regulations covering 'ordinary business matters of the council'. Council members are seeking clarity as to whether, even though they have an exemption from declaring a material conflict of interest, they nevertheless need to declare a 'perceived conflict' and take action accordingly.

The LGA has made every effort, at a considerable cost of time and resources, to assist councils and council members to adjust to the new provisions. However, conflicting legal views and poor drafting of the new laws have led to significant difficulties across the sector. The LGA is therefore seeking to have these matters rectified as a matter of urgency.

We believe that at least some of these problems could be dealt with by way of regulation and I therefore ask you to act immediately to have variations drafted to the relevant regulations to achieve that outcome. The LGA is also seeking your commitment to rectify the other matters, which require legislative amendment, at the earliest opportunity.

As our members are very concerned about falling foul of these provisions, I also ask that you seek assurances from the Ombudsman, that we can pass on to our members, that no action will be taken against any member who inadvertently breaches these provisions, until the laws have been rectified and clarified.

As always we appreciate your support for the sector and the LGA secretariat is available to answer any questions you may have and assist with improving these provisions.

Kind regards



Mayor Dave Burgess
President

Telephone: 8224 2022
Email: lgapresident@lga.sa.gov.au

ATTACHMENT 12



Government of South Australia
Department of Planning,
Transport and Infrastructure

In reply please quote #10459252
Enquiries to Anita Allen
Telephone (08) 7109 7099

Ref #: 3989637

26 MAY 2016

Scanned - Permanent

Mr Terry Buss
Chief Executive Officer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033



OFFICE OF THE CHIEF
EXECUTIVE

Roma Mitchell House
136 North Terrace
Adelaide SA 5000

GPO Box 1533
Adelaide SA 5001

Telephone: 08 8343 2222
Fax: 08 8204 8740
ABN 92 366 288 135

Dear Mr Buss

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

The Minister for Planning, the Hon John Rau, has recently written to your Mayor about the *Planning, Development and Infrastructure Act 2015* which was passed by Parliament on Tuesday 12 April 2016, and assented to by the Governor on 21 April 2016.

This letter, provides some additional detail around a number of key elements and includes as an attachment:

- Renewing Our Planning System
- A User's Guide with more detail
- A preliminary implementation program.

You may be aware that during the course of the debate, there were a number of amendments made to the original Bill. There is a track change version of the Bill on the DPTI Planning Reform web site dpti.sa.gov.au/planning/planning_reform, which identifies these amendments.

The focus of the Department is now shifting towards implementation. A five year implementation program is being developed to ensure appropriate time is set aside to introduce what is a significant change.

Implementation program

The first year will be focussed on setting up the governance structures and frameworks. We intend to work closely with Council's on the staged introduction of the legislation and the associated ePlanning solution.

The priorities for the first year are:

- **Legislation** – To bring the new legislation into operation, there is a need to pass through the Parliament a Transitional Bill. This Bill will set out how we transition from the existing Development Act to the new legislation and how this may be staged. New Regulations will also need to be drafted.
- **Project Governance** – Project Governance structures will be put in place to help guide the progress of the program. We will be working with the Local Government Association and individual Councils to ensure appropriate input as the program develops.
- **System Governance** – The first year will also be about setting up the new Planning Commission, the framework for Accredited Professionals, Assessment Managers and Assessment Panels. This will need to be established before the new assessment system can be phased in.
- **Community Engagement Charter** – The first responsibility of the Commission will be to prepare and consult on the community engagement charter. While the Commission is not yet established, we will be starting conversations around this as a priority.
- **Planning instruments frameworks** – This includes working out what the key planning instruments (such as the planning and design code) will look like and how they will link into the new ePlanning system.
- **Specifications for the ePlanning system** – Preparing the specifications for the ePlanning solution will take time and it is important that we get this right. While the planning portal may be available in the first year, the ePlanning system itself will not be delivered until the third year.

A high level overview of the reform program is attached. This is likely to change as we work with stakeholders on how best to introduce the reforms while minimising any disruption to the system. The Department will be working with your staff on this program.

A shift in focus while keeping the current system going

To achieve a reform program of this scale, Government and Council resources will need to be directed towards the delivery of a new planning system. However, there is still a need to keep the current system going.

It is for this reason that I would like to highlight some of the Government's priorities for the next 12 months:

- **The Planning Strategy** – *The 30-Year Plan for Greater Adelaide* (the Plan) is currently being updated to better reflect current conditions, such as population growth, land take up rates and densities. A key focus of the review is on how we make infill work.

- **A focus on good design** – The Department is preparing a set of medium density guidelines that will better encourage high quality design within our growth areas. Your staff have been invited to conversational forums to discuss how good medium density development can complement existing neighbourhoods.
- **Heritage reform** – Through the passage of the Planning, Development and Infrastructure Bill, the Minister committed to undertake a review of the frameworks around heritage. Conversations are likely to commence in the middle of this year around this topic.
- **Council-led rezonings** – The Department will continue to support Council policy amendments and rezonings that are directly linked to job creation or align with the intention of finding new innovative ways to reduce growth on the urban fringe. However, the Department asks that Councils carefully consider their priorities and where possible focus resources on working with my Department on the Planning and Design Code.

The Department will work with local councils to finalise Development Plan Amendments (DPA's) that are in the system and to identify priorities moving forward.

Currently there are 60 active Councils DPA's, which the Department will be seeking to be completed by the end of year one where possible. Support for any new Statement of Intent will be limited to those that facilitate strategic outcomes and job creation.

- **Strategic rezonings** – The Minister for Planning will continue to initiate strategic rezonings that create employment opportunities for South Australians. There are two strategic rezoning initiatives that are already currently being investigated as follows:
 - Inner and Middle Metropolitan Corridor Infill DPA – The Minister for Planning has decided to pause the DPA's public consultation release, and intends to continue to focus on the release of the draft update to the Plan. Following the release of the Plan the Minister will consider the most effective way of progressing the DPA.

Despite pausing the release of the DPA, the Department will continue to work with Councils on priorities for urban growth. Our strategies are clear and well detailed in the Plan and the Integrated Transport and Land Use Plan.
 - Activity Centres and Shopping Growth DPA - Following the approval of the Existing Activity Centres Policy Review DPA, the Government remains keen to unlock further economic opportunities for the retail and other business sectors. While the investigations for further changes have begun, more conversations with business are needed to set out the planning blueprint for the retail sector going forward. To this end, the Minister for Planning will soon be holding a round table with key players in the industry to help inform this next stage of work.

4

The significance of the legislative reform and the implementation of such reforms will be both exciting and challenging. The success of this lies in all of us working together to develop and implement our new planning system.

The Department is looking for new ways to work collaboratively with Councils, and would be pleased to consider any suggestions such as secondments, pilot projects or other initiatives that enhance implementation opportunities.

The Department looks forward to the opportunity to work with you to deliver a modern and competitive planning system for all South Australians.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Michael Deegan', with a stylized flourish at the end.

Michael Deegan
CHIEF EXECUTIVE

/ /2016

- Att:
1. Renewing Our Planning System
 2. User's Guide
 3. Preliminary implementation program

ATTACHMENT 13



Local Government Association
of South Australia

The Voice
of Local
Government

Our Reference: 638630 / SPS : AC

27 May 2016

Mr Terry Buss
Chief Executive Officer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033



Dear Terry

Development Assessment Commission

At its meeting on 19 May 2016 the LGA Board resolved to submit a panel of three nominees listed below (in alphabetical order) from which a Member is to be appointed to the Development Assessment Commission.

- Cr Linda Caruso, (City of Salisbury)
- Mayor David O'Loughlin (City of Prospect)
- Cr George Vlahos (City of West Torrens)

Thank you for your Council's nomination. Would you please formally notify Cr Vlahos and Cr Piggott of the outcome.

We will advise you of the final appointment once we have been notified by the Minister's office. In the meantime if you have any queries in relation to this matter please contact me on 8224 2055 or email stephen.smith@lga.sa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephen Smith', written over a printed name.

Stephen Smith
Director Policy

Telephone: 8224 2055
Email: stephen.smith@lga.sa.gov.au



ATTACHMENT 14

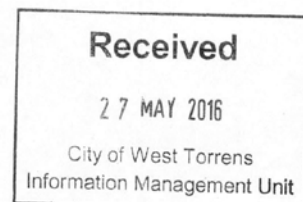


Government
of South Australia

eA177997

Hon John Trainer OAM
Mayor
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033

Dear Mayor Trainer *John*



I am writing to express my sincere appreciation for your participation in the recent trade mission to Shandong Province. As has been noted, it was the largest ever delegation to leave South Australia.

It was an ambitious program – five cities in four days. However, the State Government is of the firm belief that the work we have put into establishing and maintaining this relationship over the past thirty years is now bearing fruit. By visiting cities beyond the capital and the major port, we have demonstrated our willingness to engage with business across Shandong Province.

I was happy to see new and ongoing relationships develop further between South Australia and Shandong Province. Of particular note, the SASD Connect business website provides a tool for companies in our respective jurisdictions to share information, connect and build partnerships. This tool will greatly assist our businesses with their outward trade and investment objectives, and allow them to connect with a sense of trust and cooperation. I hope your Council uses and promotes this important tool into the future.

The value of the activities that we have undertaken together in Shandong and China reaches more broadly. I hope that you will be one of the many ambassadors for what we are trying to achieve – to grow trade opportunities for our businesses, seek new investment and, as a result, create new jobs in South Australia.

Yours sincerely

Hon Geoff Brock MP
Minister for Regional Development
Minister for Local Government

22 May 2016

cc Mr Terry Buss, Chief Executive Officer, City of West Torrens
cc Ms Adriana Christopoulos, Senior Governance and Risk Officer, City of West Torrens
Minister for Regional Development
Minister for Local Government

Level 17, 25 Grenfell Street Adelaide SA 5000 | GPO Box 2557 Adelaide SA 5001 DX 667
Tel 08 8226 1300 | Fax 08 8226 0316 | pisa.MinisterBrock@sa.gov.au



ATTACHMENT 15

THANK YOU

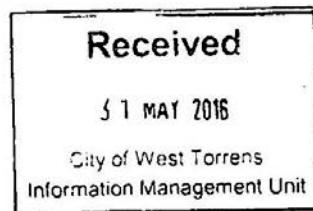
25th May 2016.

Dear Mr Trainor & Council Staff.
Just a small note of appreciation
written on behalf of my mother Mona.
Mother loved the beautiful floral
arrangement and John's welcomed
visit.

Your kindness was much appreciated
by all our family.

Kind regards Pamela Hall
(nee Hancock)

ATTACHMENT 16



Government of South Australia

Adelaide and Mount Lofty Ranges
Natural Resources Management Board

DEWNRD-00006640

Date: 26/5/16

Eastwood Office

205 Greenhill Road
Eastwood SA 5063

Tel 08 8273 9100

Fax 08 8271 9585

ABN 91 779 541 621

www.amlnrm.sa.gov.au

Mr Terry Buss
Chief Executive Officer
City of West Torrens
Civic Centre
165 Sir Donald Bradman Drive
HILTON SA 5033

Dear Mr Buss,

Thank you for your letter responding to the Minister for Sustainability, Environment and Conservation's consultation on the adoption of the 2016-17 Adelaide and Mount Lofty Ranges Business and Operational Plan, including the revised NRM Levy.

The Adelaide and Mount Lofty Ranges NRM Board, in framing its business plan for 2016-17 to 2018-19, had to consider ways to raise additional income to meet a range of increased costs. These included:

- using retained earnings in the 2015-16 and 2016-17 years (subject to treasury approval) to minimise financial impacts
- reprioritising NRM work programs, and
- introducing a modest increase in the regional NRM levy over the three year life of the plan.

The Board has also maintained its previous commitment to holding the region's NRM water levy at the same rate for three years, until 2018-19. The water levy applies to surface or ground water for commercial use, such as irrigation.

The Adelaide and Mount Lofty Ranges NRM Board understands councils' concerns and issues with their role in the collection of the NRM levy; however this is currently a requirement under the NRM Act, I refer you to Section 92 of the *Natural Resources Management Act (2004)* (the Act) that pertains to collection of Division 1 levies, and therefore not within the scope for the NRM Board to change. The Act also allows for councils' to recoup costs associated with levy collection in Section 4(c)(6) of the *Natural Resources Management (Financial Provisions) Regulations (2005)*.

The Regional Director, Brenton Gear, and members of the Management team are available to meet with representatives of the City of West Torrens to identify, discuss and develop further partnership opportunities. To make an appointment, please contact Brenton on 08 8273 9110.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Daniels', written in a cursive style.

Chris Daniels
PRESIDING MEMBER

22. CONFIDENTIAL

22.1 Divestment Proposal Update - Brickworks Riverfront Land

Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(3)(b)(i) and 90(3)(b)(ii) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is information, the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct business, or to prejudice the commercial position of the council and if the contents of this confidential report became publicly known at this point in time it may lead to council not being able to achieve the best possible price and/or development outcome for the Brickworks Riverfront land.

RECOMMENDATION

It is recommended to Council that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the public disclosure of Council's commercial position in relation to the Brickworks Riverfront land may severely prejudice Council's ability to achieve the best possible price and/or development outcome for the Brickworks Riverfront land and confer a commercial advantage on a person(s) with whom Council is considering conducting business. Consequently, Council considers the disclosure of this information would, on balance, be contrary to the public interest and therefore orders that the public, with the exception of the Chief Executive Officer, General Manager Corporate and Regulatory, General Manager Urban Services, General Manager Business and Community Services and Executive Assistants, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report (21.1 - Divestment Proposal Update - Brickworks Riverfront Land), attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Sections 90(3)(b)(i) and 90(3)(b)(ii) of the *Local Government Act 1999*.
2. At the completion of the confidential session the meeting be re-opened to the public.

23. MEETING CLOSE

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1. MEETING OPENED

2. PRESENT

3. APOLOGIES

Leave of Absence

Cr Mangos
Cr Palmer

4. DISCLOSURE STATEMENTS

Elected Members are required to:

1. Consider Section 73 of the *Local Government Act 1999* and determine whether they have a conflict of interest in any matter to be considered in this Agenda; and
2. Disclose these interests in accordance with the requirements of Sections 74 and 75 of the *Local Government Act 1999*.

5. CONFIRMATION OF PREVIOUS MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Urban Services Prescribed Standing Committee held on 3 May 2016 be confirmed as a true and correct record.

6. COMMUNICATIONS BY THE CHAIRPERSON

7. QUESTIONS WITH NOTICE

Nil

8. QUESTIONS WITHOUT NOTICE

9. MOTIONS WITH NOTICE

Nil

10. MOTIONS WITHOUT NOTICE

11. URBAN SERVICES DIVISION REPORTS

11.1 Road Closure - Main Street Lockleys

Brief

To authorise under the Common Seal of Council, the Road Process Order required to formally close a portion of Main Street Lockleys and to transfer ownership to Main Street Holdings Pty Ltd (the adjoining property owners at 59 Main Street, Lockleys).

RECOMMENDATION(S)

It is recommended to Council that:

1. Council, as the relevant authority, has had regard to Roads (Opening and Closing) Act 1991 Section 16 matters in considering whether to make a road closure order;
2. Pursuant to Section 12 (1) and (2) of the Act, has made an agreement to transfer land contained in the closed part of Main Street, Lockleys to Main Street Holdings Pty Ltd as the owner of adjoining land;
3. Pursuant to Section 15(1)(a) of the Act, makes the road process order to close part of Main Street, Lockleys as delineated as B on the Hennig & Co Preliminary Plan No 15/0023 dated 02/05/2016;
4. Pursuant to Section 17(a) as part of the road process order, the land subject to closure shall be transferred to Main Street Holdings Pty Ltd in accordance with the agreement for exchange dated 02/05/2016 and added to other land in accordance with the agreement covered in 2 above; and
5. The Mayor and Chief Executive Officer be authorised to sign and seal all documents associated with the road closure and transfer process under the Common Seal of Council.

Introduction

Council, at its meeting of 18 March 2014, considered a request for a possible realignment of Main Street, Lockleys, at the northern most end, to facilitate a future land development application that would enable a land division in the order of 40 allotments.

At that meeting Council resolved that '*Council has no objection to the proposed realignment of Main Street, Lockleys, at the northern end, subject to the relevant processes associated with the closure of the road being undertaken and the land division proposal being approved by the Development Assessment Commission*'.

In April 2014, Council received notification from the Department for Planning, Transport and Infrastructure Land Services Group that a part of Main Street Lockleys had not previously been declared as being public road.

Further investigation revealed that the whole of Main Street between Henley Beach Road and the River Torrens, together with the portion of Cross Street between Torrens Avenue and Lot 58 in Deposited Plan 1138 (approximately 143 meters east of Main Street), was still recorded as being in private ownership.

At the meeting of 9 December 2014, Council authorised the Administration to commence the process to declare the above roads to be public roads in accordance with the requirements of the *Local Government Act 1999* and resolved the following:

"that it commences the process and the required public notification under Section 210 of the Local Government Act 1999 to declare the whole of the road known as Main Street and the portion of the road known as Cross Street in the area of Lockleys, Hundred of Adelaide as shown in Deposited Plan 1138 to be public roads."

Accordingly, as required under Section 210 of the *Local Government Act 1999*, efforts to identify any owner/s or person/s with a legal interest in the land were undertaken. As no living descendants of the original owner were identified, notices were published in the Government Gazette and the Advertiser Newspaper on 18 December 2014 giving public notice of the proposed declaration.

The three (3) months' notice required under the Act passed and there were no submissions received by Council regarding the proposal. No owner of the land or a trustee, beneficiary or executor of the land is known. As a result, there were no hindrances or encumbrances to Council declaring the land as public road.

Council at its meeting held 7 April 2015 resolved '*that pursuant to section 210 of the Local Government Act 1999, Council declares the whole of the road known as Main Street and the portion of the road known as Cross Street in the area of Lockleys, Hundred of Adelaide as shown in Deposited Plan 1138, to be public roads*'.

Discussion

Subsequent to Development Approval being granted, and in accordance with Council's resolution of 18 March 2014, the Administration has:

- Arranged for the land to be surveyed and for a preliminary plan to be prepared and lodged with the Surveyor-General;
- Commenced the Road Closure Process required to dispose of a parcel of land comprising a portion of Main Street (marked "B" on Preliminary Plan 15/0023, **Attachment 1**) and transfer the land to the adjoining property owners in line with the approved land division, together with a second parcel of land immediately further to the north of the above land (marked "A" Preliminary Plan 15/0023, **Attachment 1**) within the Linear Park Reserve to be transferred to the Minister of Water Resources; and
- Obtained an Agreement for Transfer dated 2 May 2016.

Further, and as required under the relevant legislation, notification and public consultation have also been undertaken. Notice of the proposed road closure process was published in the Westside Messenger newspaper on Wednesday 9 September 2015 and the Government Gazette on 10 September 2015. The notification further advised that any applications seeking the grant of easement or any objections to the order should be made within 28 days of publication.

No objections to the proposed Road Closure were received during (or subsequent to) the relevant period nor were any applications made seeking the grant of easement over the land for services.

Given the above the Council is now in a position to proceed with the process to close the road.

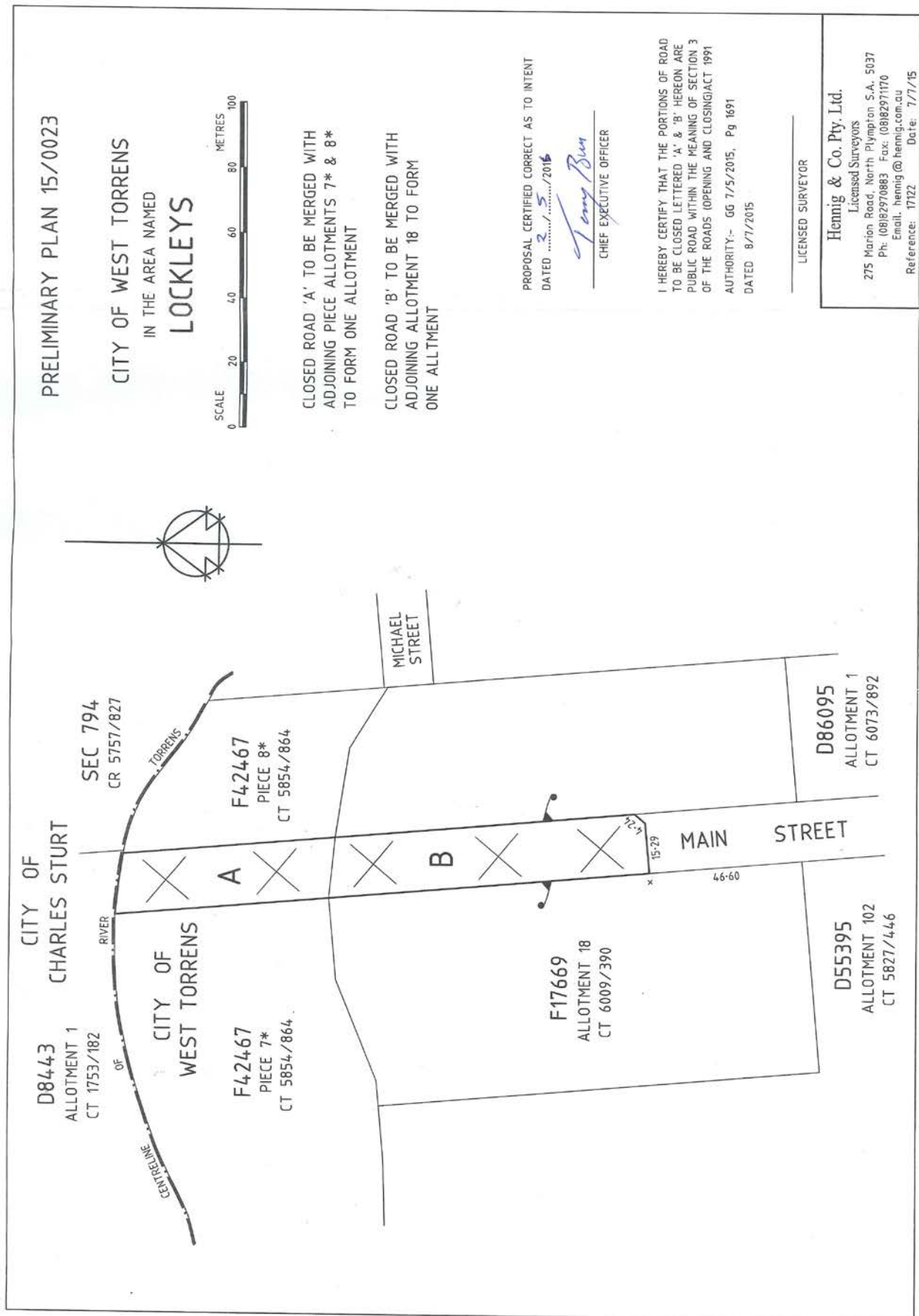
A copy of the Road Process Order and associated documentation including the plan is attached (**Attachments 2 & 3**).

Conclusion

The closure of the portion of road and transfer to the purchaser will facilitate the orderly development of the adjacent land.

Council is now in a position to execute a Road Process Order following the undertaking of necessary processes to facilitate the closure and subsequent transfer of portion of the road at the northern end of Main Street, Lockleys.

ATTACHMENT 1



ATTACHMENT 2

ROAD PROCESS ORDER

Deposited Plan

ORDER TO CLOSE ROAD UNDER THE ROADS (OPENING AND CLOSING) ACT, 1991 Main Street, Lockleys

ORDER MADE BY: City of West Torrens
COUNCIL AREA: Lockleys

1. ORDER TO CLOSE ROAD

The following roads, or part of a roads, are **CLOSED**:

Portion of public road being Main Street situate adjoining Allotment 18 in Filed Plan 17669, more particularly delineated and lettered 'B' in Preliminary Plan 15/0023.

2. ORDER FOR DISPOSAL OF CLOSED ROAD

The road closed by this order must be dealt with in accordance with the following order:

Transfer the whole of the land subject to closure to Main Street Holdings Pty Ltd in accordance with agreement for transfer dated entered into between the City of West Torrens and Main Street Holdings Pty Ltd.

Signed, sealed and dated this day of 20

Mayor

Chief Executive Office

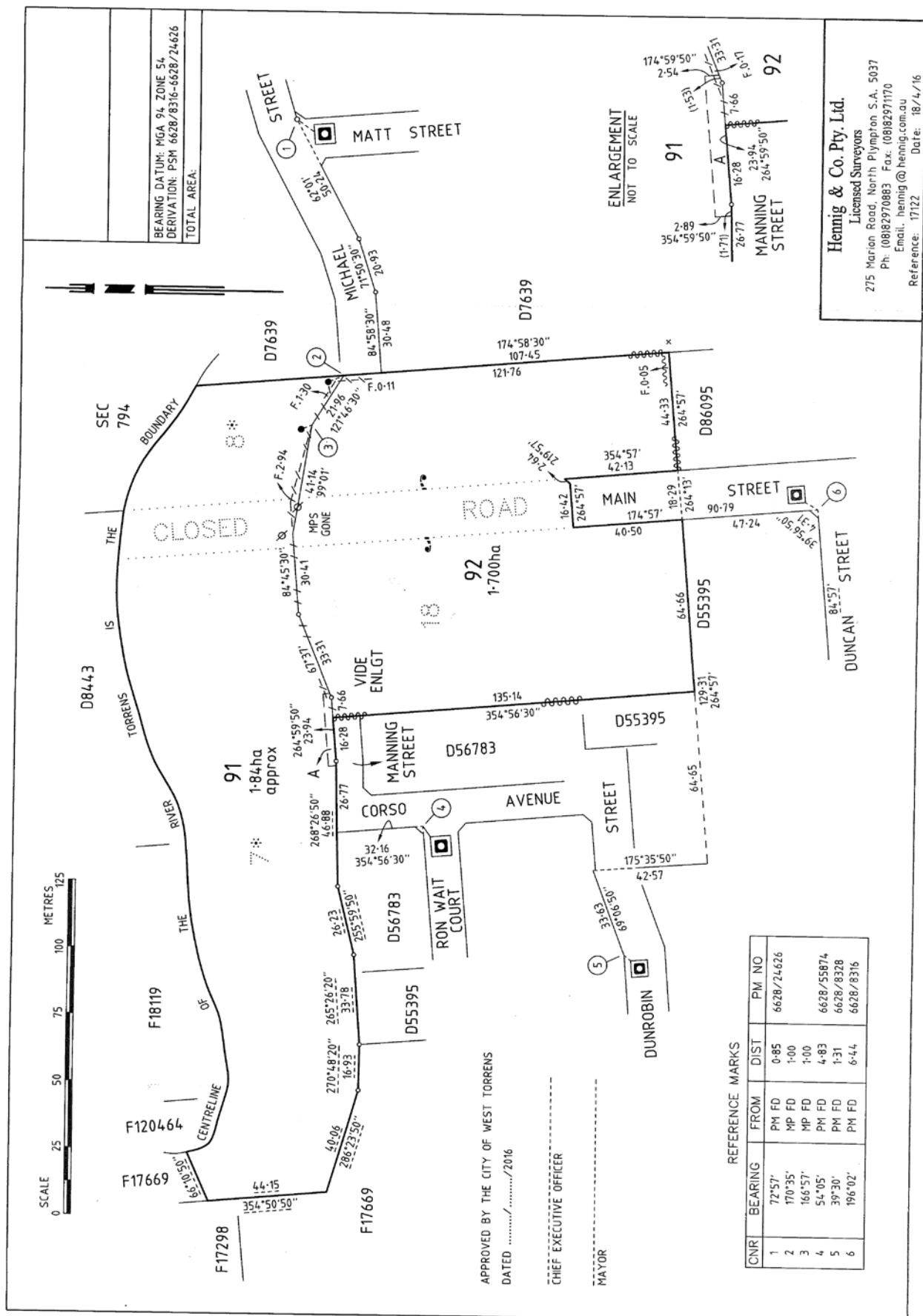
Certified Correct

Confirmed

SURVEYOR-GENERAL

MINISTER FOR TRANSPORT
AND INFRASTRUCTURE

ATTACHMENT 3



Hennig & Co. Pty. Ltd.
Licensed Surveyors
275 Marion Road, North Plympton S.A. 5037
Ph: (08)82970883 Fax: (08)82971170
Email: hennig@hennig.com.au
Reference: 17122 Date: 18/4/16

PURPOSE: ROADS (OPENING & CLOSING) ACT 1991		AREA NAME: LOCKEYS		APPROVED:		SHEET 1 OF 1			
MAP REF: 6628/41/G		COUNCIL: CITY OF WEST TORRENS		DEPOSITED/FILED:		52130_text_01_v01			
LAST PLAN:		DEVELOPMENT NO:							
AGENT DETAILS:		HENNIG & CO PTY LTD 275 MARION ROAD NORTH PLYMPTON SA 5037 PH: (08) 82970883 FAX: (08) 82971170 HENN REFERENCE: 17122							
SURVEYORS CERTIFICATION:									
SUBJECT TITLE DETAILS:									
PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
CT	5854	864		ALLOTMENT(S) COMPRISING PIECES	(7* 8')	F	42467	ADELAIDE	
CT	6009	390		ALLOTMENT(S)	18	F	17669	ADELAIDE	
OTHER TITLES AFFECTED:		RTD CLOSED ROAD BETWEEN PIECES 7* AND 8* IN F42467 AND CLOSED ROAD DIVIDING ALLOTMENT 18 IN F17669							
EASEMENT DETAILS:									
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF		CREATION	
EXISTING	91	LONG	EASEMENT(S)	A		DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000)		TG 9118471	
ANNOTATIONS: NO OCCUPATION ON SURVEYED BOUNDARIES OF SUBJECT LAND UNLESS SHOWN OTHERWISE CENTRELINE OF RIVER TORRENS PLOTTED FROM F42467									
APPROVED BY THE CITY OF WEST TORRENS DATED/...../ 2016 CHIEF EXECUTIVE OFFICER MAYOR									

11.2 Peake Gardens Riverside Tennis Club - Request to Undertake Building Works

Brief

This report advises Elected Members of improvements that the Peake Gardens Riverside Tennis Club wish to undertake to their leased clubroom building on Peake Gardens Reserve.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. It provide its consent, in its capacity as landlord, for the building works which the Peake Gardens Riverside Tennis Club wishes to undertake at Peake Gardens Reserve on the following conditions that:
 - a) The Lessee undertakes the works in accordance with the development approval;
 - b) The Lessee meets all costs associated with the building works;
 - c) The Lessee remains responsibility for rectifying any defects or issues that arise as a result of the building works;
 - d) At the reasonable request of Council, the Lessee is required to seek, obtain and supply engineering advice from a suitably qualified engineer indicating that the building works are structurally sound; and
 - e) The Lessee acknowledges that funding has been sought to undertake a Master Plan for the reserve which may impact the building(s) currently being used by it.
2. Council provide approval as part of its building maintenance budget/program to allow asbestos removal works to occur in the vicinity of the project area.

Introduction

Representatives from the Peake Gardens Riverside Tennis Club entered into discussions with the Administration in 2015 regarding the possibility of installing bi-fold doors at the southern (tennis court) end of the clubroom building.

The existing lease held by the Club requires that Council's permission, in its capacity as landlord, be sought and obtained prior to the works being undertaken. The club has written to Council seeking this consent and also seeking Council to undertake works to remove asbestos material (predominantly eaves) in and adjacent to the proposed location of the bi-fold doors (**Attachment 1**).

Discussion

Following a request from the Club, Council Administration indicated that it would lodge the necessary development application and seek development approval for the proposed works. Full development approval was subsequently granted on 15 March 2016.

A copy of the development approval and the engineering calculations has been provided to the Club for the use of their nominated and licensed builder. An extract from the development application (showing elevations and pre and post floor plans) is attached for the benefit of Members (**Attachment 2**).

As development approval for the works has been obtained, all that remains is for Council to consider the request in its capacity as landlord. Should Council provide its consent for the works to occur, it is suggested that it do so on the following basis:

- a) The Lessee undertakes the works in accordance with the development approval;
- b) The Lessee meets all costs associated with the building works;
- c) The Lessee remains responsible for rectifying any defects or issues that arise as a result of the building works; and

- d) At the reasonable request of Council, the Lessee is required to seek, obtain and supply engineering advice from a suitably qualified engineer indicating that the building works are structurally sound.

Of recent times it has also been noted that this building work will impact asbestos material (eaves) which is currently contained within the building fabric in the vicinity of the proposed bi-fold door works. Given this, the Club has requested Council's consideration to undertake removal of the asbestos prior to the project commencing to enable the building works to proceed in an asbestos free environment. Members may be aware that, as part of Council's building maintenance program, works are undertaken each year to remove asbestos from Council owned buildings. It is suggested that approval for the removal of asbestos from within this building be undertaken as part of those programmed works to address and satisfy the Club's request.

The eastern most building (former clubroom building of the Riverside Tennis Club) is in very poor condition and has a considerable amount of asbestos within it. Informal discussions that have occurred to date with Club representatives also confirm the Club's desire to remove the eastern building and consolidate its activities within a single building. An aerial plan indicating the location of both buildings is attached (**Attachment 3**).

The Club has been advised that the Administration has lodged a request seeking budget funding to allow the development of a Master Plan for the Reserve, and particularly to:

- (a) investigate the possibility of removing the eastern building on the reserve; and
- (b) accommodate necessary additional facilities within the existing western clubroom building;
or
- (c) investigate the benefits of demolishing both buildings and constructing a new clubroom facility.

Conclusion

The Peake Gardens Riverside Tennis Club has written to Council seeking its consent, in its capacity as landlord, to undertake building works to the western building on the Peake Gardens Reserve. The Club's request is supported on following that a number of conditions relating to the works are met by the Club. The Club has also been advised that approval has been sought for funding to enable a master plan to be developed for the Reserve.

ATTACHMENT 1



ABN 29 331 535 239

C/402 Goodwood Rd,

Cumberland Park SA 5041

9th of May 2016

City of West Torrens Council,

We the Peake Gardens Riverside Tennis Club Committee seek consent for proposed development number;-211/1496/2015.

This is to install new entrance or bi-fold doors to the front wall facing the deck of the main club house on the Peake Gardens Reserve.

Due to drawings of the proposed bi-fold doors across the front of the building and the proposed removal of this front wall to install a structural beam in the roof which cannot take place as the Asbestos register for this building(10751-1) which list asbestos sheeting which is lining under the eaves around the front wall of this building.

We are looking for council assistance in removal of this asbestos from this building to kick start a master-plan for the buildings on the Peake Garden Reserve in the next three years.

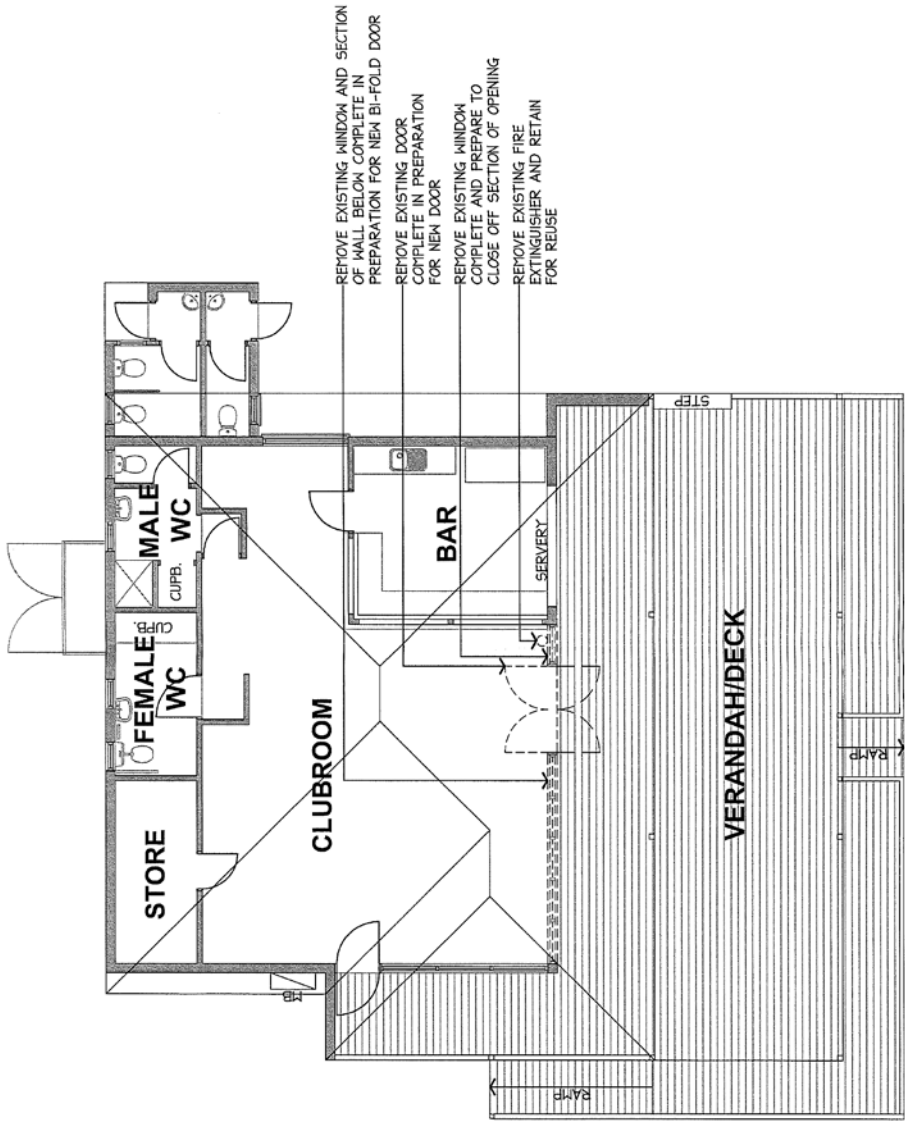
As our development approval is only valid until January 2017 we would require asbestos removal completed in the first half of the financial year, to give us time to complete our project.

Regards

PGRTC Committee.



ATTACHMENT 2



EXISTING / DEMOLITION PLAN
SCALE 1:100

LEGEND
--- ITEM TO BE DEMOLISHED

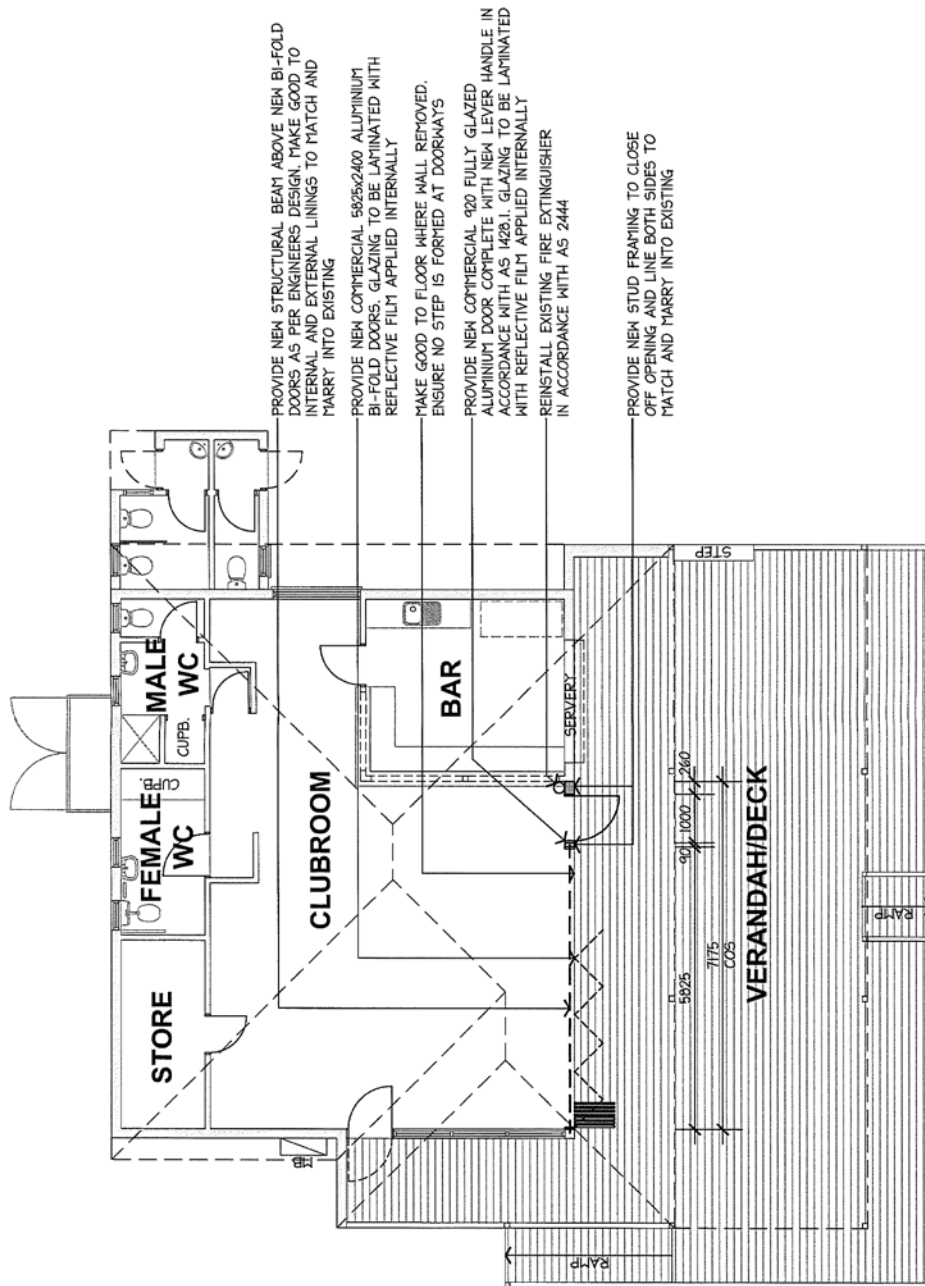
CITY OF WEST TORRENS
15 MAR 2016
DEVELOPMENT APPROVAL
Granted Subject to Conditions

G-FORCE
BUILDING & CONSULTING
a Unit 2/141 St David Road North, Hilton
p 08 8355 5555 f 08 8355 5555
e info@g-force.com.au w g-force.com.au

Alterations at Peake
Gardens Tennis Club
Bice St, Marleston
for
City of West Torrens

Existing / Demolition Plan
Scale 1:100@A3
Drawn RJG
Issue for Sketch
Job no. drawing no. revision
02

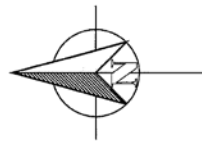
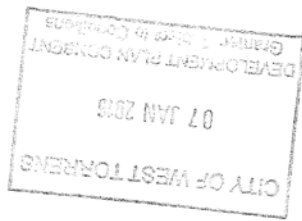
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CITY OF WEST TORRENES
15 MAR 2016
DEVELOPMENT APPROVAL
Granted Subject to Conditions

PROPOSED FLOOR PLAN

SCALE 1:100



G-FORCE

BUILDING & CONSULTING
Unit 2/141 St Donalds Road, Hillman
Hillman, SA 5090
P 08 8361 7225
F 08 8361 7225
W gforcebc.com.au

Alterations at Peake
Gardens Tennis Club
Bice St, Marleston
for
City of West Torrens

Proposed Floor Plan

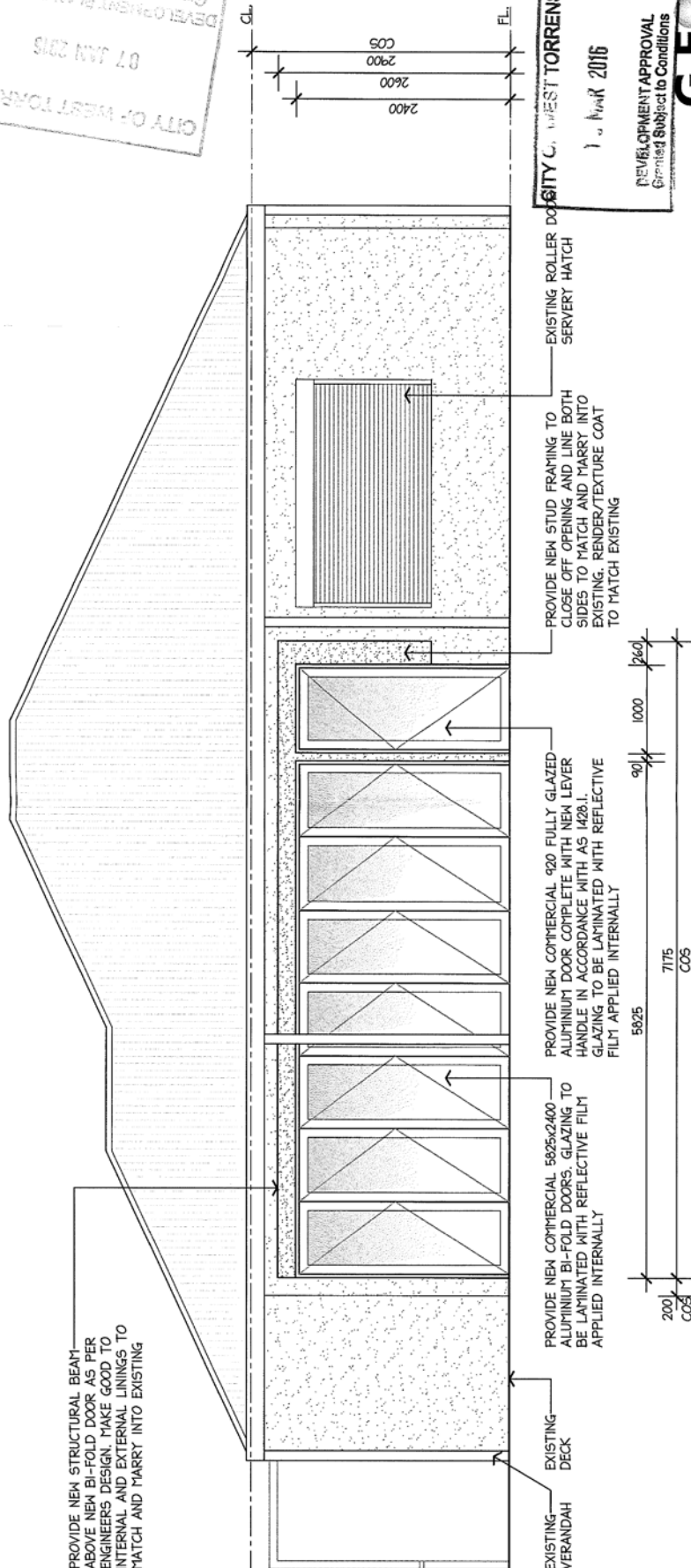
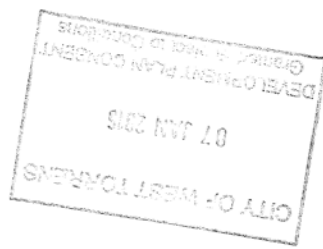
Scale 1:100@A3
Drawn RJC
Date 30/09/15

Issued for
Sketch

Job no.
Drawing no.
Revision

03

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Verify dimensions and levels on the before setting out
Do not fight, refer to figured dimensions



SOUTH ELEVATION
SCALE 1:50

CITY OF WEST TORRENS
15 MAR 2016
DEVELOPMENT APPROVAL
Granted Subject to Conditions

G-FORCE
BUILDING & CONSULTING
a Unit 2/141 St Donald Bradman Drive, Hilton
P (08) 7225 5775 F (08) 7225 5765
E info@gf-force.com.au W gf-force.com.au

Alterations at Peake
Gardens Tennis Club
Bice St, Marleston
for
City of West Torrens

South Elevation

SCALE 1:50@A3
DRAWN R.J.G.
DATE 30/09/15
ISSUED FOR
Sketch
JOB NO.
drawing no. revision
04

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Verify dimensions and levels on site before setting out
Do not scale, refer to figured dimensions

CITY OF WEST TORRENS
15 MAR 2016
DEVELOPMENT APPROVAL
Granted Subject to Conditions

ATTACHMENT 3



11.3 Alteration of parking controls in Talbot Street Hilton

Brief

To provide Council with a report on the outcome of the further resident parking survey conducted in Talbot Street, Hilton in response to the resolution of Council on 3 May 2016.

RECOMMENDATION(S)

The Committee recommends to the Council that:

1. The report be received.
2. The Administration proceed to install parking controls of 'resident parking permit only' on the eastern side of the street and three (3) hour parking Monday - Friday 9am - 5pm on the western side of the street in Talbot Street Hilton as requested by the residents of the street.

Introduction

In response to a letter received by Council on 22 November 2015 from residents of Talbot Street Hilton requesting changes to the existing parking controls in the residential section of the street, a survey of those residents was undertaken in March 2016.

Following that survey, a report was presented to Council on 3 May 2016. At that meeting it was resolved that:

1. *The report be received.*
2. *The residents of Talbot Street be consulted on the preferred options of:*
 - a) *retaining the current time limit (being one hour at all times) on the eastern side of the street and derestricting the time limited area on the western side of the street, or*
 - b) *resident parking permit only on the eastern side of the street and 3 hour parking Mon-Fri 9am-5pm on the western side of the street (free parking permit not available).*

Discussion

Time limit parking controls of one hour limit at all times were originally installed in Talbot Street in 1997 in response to resident complaints regarding regular excessive parking intrusion into the street, mainly by Star Theatre patrons and RSL Club attendees. High levels of parking within the street are a problem due to the restricted width of the street. With a 6.5 metre road width, the street is not wide enough for a high level of unrestricted parking on both sides of the street. If this occurs, the trafficable lane is reduced to a single vehicle width with few passing places and little room for driver error. Excess parking on both sides of the street also significantly restricts access to and egress from access points (driveways) along Talbot Street.

The relatively short one (1) hour time limit was intended to dissuade parking by patrons of the RSL and particularly, of the Star Theatre, and was imposed as it is less than the duration of most events held at the Theatre. Due to both regular and variable timing of events at the venues, the parking restrictions apply "at all times".

When the controls were originally installed, Council's Parking Permits policy of the time allowed residents to obtain a parking permit for a \$10 fee, transferable between vehicles and without an expiry date. Policing by Compliance staff was largely limited to times when parking in the street was likely to be at high levels, such as for school holiday events at the Star Theatre.

In March 2016, in response to the residents' request, all Talbot Street residents and property owners were surveyed on possible alternative parking controls for the street.

Residents and owners were asked to respond on whether they were in favour of changing the parking controls or not and offered a range of options from which to choose, with those options offered being provided in consideration of the restricted width of the street and the random times at which activity at the Star Theatre and RSL can occur.

A coordinated response was received which was signed by residents of 18 of the 19 properties within the street requesting alternative controls to the proposed options.

The unified resident response requested:

- a Permit Zone for resident permit holders installed on the eastern side of the street; and
- a three (3) hour time limit 9am-5pm Monday-Friday installed on the western side of the street; and
- each residence be issued with a free, on-going, transferable resident parking permit.

The installation of a permit parking zone along one side of the street for resident permit holders does not conform to Council's current Parking Permits and Exemptions Policy. Such zones had previously only been installed where an individual residence had no off-street parking available, there was no opportunity to create parking space within the residence and high levels of on-street parking regularly preventing parking within a reasonable proximity of the residence. The current Policy does not provide for such zones.

The request for free, open ended permits also does not conform to Council's current Parking Permits and Exemptions Policy. While there was a precedent for the issue of free permits with those issued to residents of Mallen Street and Burt Avenue due to parking by Hilton Hotel patrons, Council recently resolved that that arrangement will not be continued indefinitely and that access to permits for residents of those streets will be on the same terms as for all other residents from the end of 2017.

Due to the limited 6.5 metre road width of Talbot Street, removal of all parking restrictions from the street is not a safe, convenient or legal option given the likelihood of high levels of parking occurring at various times.

In response to the resolution of Council on 3 May 2016, a further survey of residents was undertaken on the two specific options (**Attachment 1**).

Replies were received from twelve (12) of the twenty-one (21) residents surveyed with three (3) residents favouring option 1 and nine (9) residents favouring option 2.

The residents' preferred alternative would provide some parking solely for residents at all times (permit zone one side), greater business hours access to parking and unrestricted after hours parking for visitors and local business customers and would allow additional access to street parking for RSL and Star Theatre patrons (business hours' time limits one side) but does not conform to the current policy.

Information provided with the survey advised residents that free parking permits would not be available.

Conclusion

Approval is sought for the Administration to proceed with the installation of parking controls in Talbot Street Hilton as requested by the residents of the street (**Attachment 2**). The residents' preferred alternative would provide some parking solely for residents at all times (permit zone one side), greater business hours access to parking and unrestricted after hours parking for visitors and local business customers and would allow additional access to street parking for RSL and Star Theatre patrons (business hours' time limits one side).

ATTACHMENT 1



5 May 2016

The Owner / Resident
Talbot Street
HILTON SA 5033

Dear Sir / Madam,

Re: Survey on the Current Parking Controls - Talbot Street Hilton.

Following the recent survey of residents on parking controls in Talbot Street, a report was considered by Council at the meeting held on 3rd May.

Council resolved that further consultation with residents be undertaken on two options for altered parking controls and that a review be undertaken on the timing of policing of parking controls within the street to ensure policing coincides with events held at Sir Donald Bradman Drive venues.

Council also decided that an exception will not be made to provide free parking permits to Talbot Street residents (*consistent with conditions for other residents*).

A range of permits for visitors, trades/services and community services are available to assist with non-resident parking in time limited zones.

Options

Option 1: retain the current time limit (one hour at all times) on the eastern side of the street and derestrict the time limited area on the western side of the street; or

Option 2: install 'resident permit parking only' on the eastern side of the street and 3 hour time limit parking Monday - Friday 9am - 5pm on the western side of the street.

Action

Your views on altering the existing parking controls are requested.

Mail - a survey form and reply paid envelope are enclosed for you to provide your reply to Council.

Email – send replies to csu@wtcc.sa.gov.au with "Parking survey reply" as the subject. Please include your name and property address and which option you prefer.

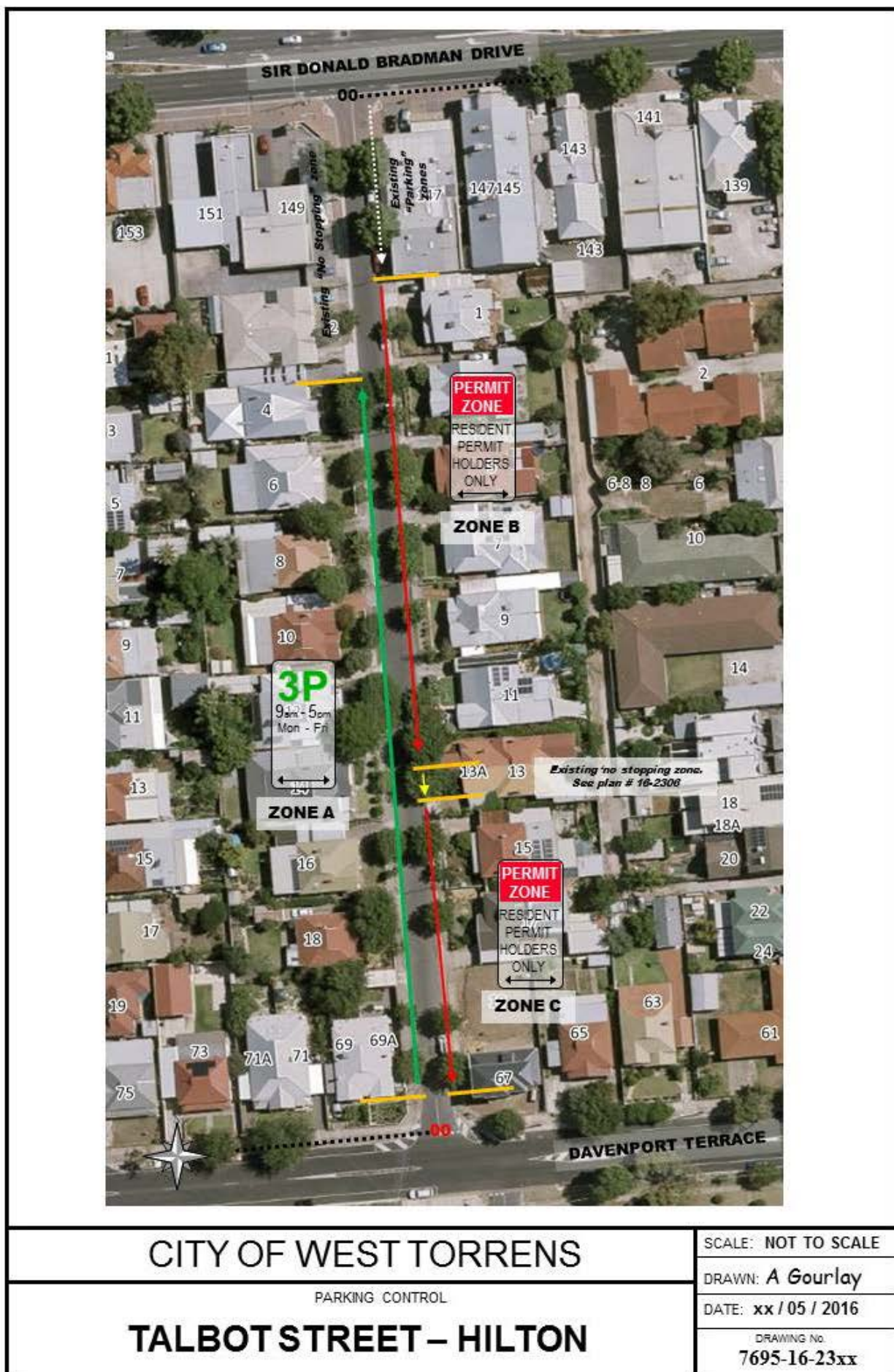
Deliver - correspondence can be delivered 'after hours' to the mail box by the Sir Donald Bradman Drive entrance to the Council offices.

Please reply to Council **by 5pm on Monday 16 May 2016.**

If you require further information about parking controls, please contact the City Assets section by telephone on 8416.6333 for assistance.

Andy Gourlay
Parking & Traffic Officer
City Assets

ATTACHMENT 2



11.4 Request to Install Picket Fencing at Richmond Oval by West Adelaide Football Club

Brief

This report advises Elected Members that the West Adelaide Football Club wishes to replace a portion of the existing oval boundary fencing at Richmond Oval with an alternate fence type.

RECOMMENDATION(S)

The Committee recommends to Council that the West Adelaide Football Club be advised that Council supports its request to replace portion of the oval boundary fencing at Richmond Oval with steel picket fencing in accordance with the information provided to the Council by the Club on condition that:

- a) The Lessee meets all costs associated with the fencing works;
- b) The Lessee remains responsibility for rectifying any defects or issues that arise as a result of the fencing works; and
- c) The Lessee remains the party responsible for the maintenance of the picket fencing and any associated plaques, and or fixings.

Introduction

The West Adelaide Football Club has written to Council seeking Council's consent to replace a portion of the existing steel post and cyclone wire oval boundary fencing with steel picket fencing (**Attachment 1**).

Whilst the attached letter indicates that Club intends to retain the existing fencing and fix the new pickets to it, the Club has subsequently advised that it desires to remove the existing fencing prior to the installation of the picket fencing.

Discussion

Under the terms of the lease agreement the Club is required to seek Council's consent for these works to occur.

The Club has provided an aerial plan indicating where it proposes to remove the existing fence and install the picket fencing (**Attachment 2**), a photo showing the appearance of the "finished" product (**Attachment 3**) and a brochure from the supplier (**Attachment 4**) have also been provided. The Club has also confirmed that the proposed extent of replacement of fencing is in accordance with the red line as shown in the attached aerial plan (**Attachment 2**) and that it will meet the costs of supply and installation. The Club should also be responsible for ongoing maintenance of the picket fencing and the commemorative plaques (or similar) which it intends to attach to the back of those pickets.

In addition to an upgrade of the fencing (which positively impacts Council's asset management plan and will provide a better aesthetic) the Club will also have the opportunity to financially benefit from the initiative by "selling" individual pickets to patrons/supporters (as depicted in **Attachment 3** - small plaques are affixed to the pickets). Projects similar to this have previously been undertaken at other football/cricket ovals (e.g. Unley Oval). Confirmation has also been sought and received from Unley Council that there have been no safety issues that have been identified, or have arisen, with the picket fencing at Unley Oval since its installation.

Conclusion

The West Adelaide Football Club has written to Council seeking consent to replace a portion of the steel post and cyclone wire boundary fencing with steel pickets. The Club's request has merit and is supported.

ATTACHMENT 1



13th May 2016

Steve Watson
Senior Property Assets Advisor
City of West Torrens
165 Sir Donald Bradman Dve.
Hilton SA 5033

Dear Steve

The West Adelaide Football Club requests permission to erect a white metal picket fence around the perimeter boundary of City Mazda Stadium (Richmond Oval).

The intention is that the existing chain wire fence remains and the pickets will be fixed to the existing structure facing the concourse area. We believe that this will beautify the existing fence visible from the perimeter and offer an opportunity for the Club to sell pickets to cover the cost of the supply and erection of the fence while also providing an opportunity for some additional sponsorship.

Please advise of the steps forward to attain this approval.

Regards

A handwritten signature in black ink, appearing to be 'John Kantilaftas'.

John Kantilaftas
Chief Executive Officer
West Adelaide Football Club Inc.

ATTACHMENT 2

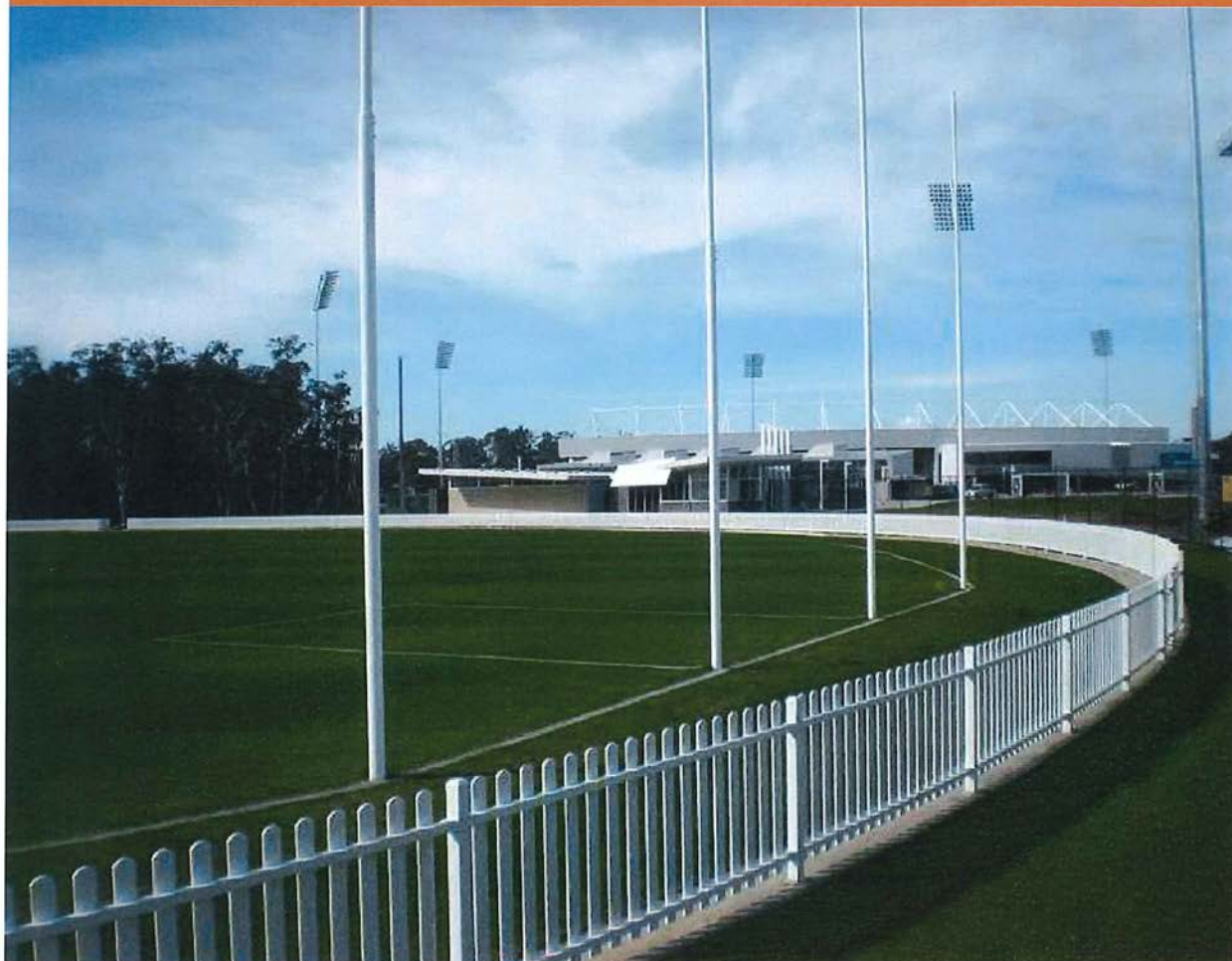


ATTACHMENT 3



ATTACHMENT 4

Headingly® Steel Picket Fence System



Fencing plays an important part in the amenity and aesthetic value of sports ovals, parks and open spaces. Choose our Headingly® steel picket fence system for a durable and elegant solution with a heritage feel.

- ✓ Control access and egress to sports fields
- ✓ Control sports balls leaving the oval
- ✓ Maintain the heritage appeal of timber
- ✓ Enhance the aesthetics of the open space
- ✓ Opt for a ready-to-ship, stock product package
- ✓ Save time with smart hardware
- ✓ Save money buying a longer lasting fence
- ✓ Get peace of mind buying Australian made

Headingly® Steel Picket Fence System

Headingly® is our proprietary fence system designed to enclose sporting ovals, assist and control the movement of pedestrians and vehicles, or to simply enhance the amenity and aesthetics of open space areas.

FEATURES



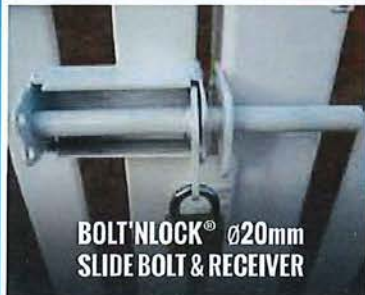
MOON PICKET STYLE



ATTACK RESISTANT FASTENERS



SMARTABRACKET® ATTACK RESISTANT PANEL BRACKETS



BOLT'NLOCK® Ø20mm SLIDE BOLT & RECEIVER

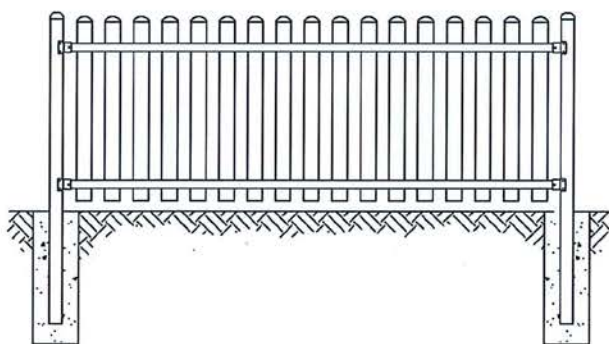


BOLT'NLOCK® Ø16mm DROP BOLTS & INGROUND KEEPER



CHANGE OF DIRECTION SMARTABRACKET®

PRODUCT DETAILS



900mm HIGH PANEL & POST ASSEMBLY*

*Available as a ready-to-ship, stock product package

PANEL HEIGHT:	900mm STANDARD*
PANEL LENGTH:	2435mm
TOP PROFILE:	MOON STYLE STANDARD
RAIL SIZE:	40 x 40 x 1.6mm
PICKET SIZE:	75 x 16 x 1.0mm
PICKET SPACING:	65mm GAP
POST SIZE:	65 x 65 x 1500mm LONG
POST SPACING:	2515mm GAP BETWEEN POSTS
MATERIAL:	PRE-GALVANISED STEEL AS1450
WELD TYPE:	SILICON BRONZE
PRE-TREATMENT:	7 STAGE IMMERSION BATH AS4506
FINISH:	POLYESTER POWDER COAT AS4506

MADE IN AUSTRALIA



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11.5 Mellor Park Tennis Club - Request to Erect/Retain "Wilson" Branded Shadecloth

Brief

A request has been received from the Mellor Park Tennis Club to erect/retain "Wilson" branded shade cloth on the tennis court fencing at Mellor Park Reserve.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. The Mellor Park Tennis Club be advised that Council does not provide its consent, in its capacity as landlord, to allow the club to reattach the "Wilson" branded shade cloth, which has been removed by Council, to the tennis court fencing at Mellor Park.
2. The Club be further advised that Council will provide its consent, in its capacity as landlord, for the club to attach non branded shade cloth to the tennis court fencing on the following conditions:
 - The club be required to seek and gain development approval;
 - As part of the development approval process, the club be required to provide independent engineering advice confirming that the fencing structure is adequate and/or sufficient to allow the attachment of the shade cloth and that this will not result in any structural deformity of the fencing;
 - The club be responsible to maintain the shade cloth and repair any defects that occur;
 - The club be responsible for, and to address and deal with, any and all defects, or any safety matters that arise, as a result of the attachment of the shade cloth to the fencing; and
 - The shade cloth not be erected/installed over the power box which is situated at the southern end of the courts.

Introduction

The Mellor Park Tennis Club erected "Wilson" branded shade cloth on portions of the perimeter fencing at Mellor Park Reserve without prior Council consent. Subsequent to an initial discussion with the Club, they retrospectively have written (**Attachment 1**) to Council seeking consent to retain the shade cloth.

Discussion

As a result of an enquiry received in regard to shade cloth which had been erected at Mellor Park featuring "Wilson" logos the Administration initially contacted the Mellor Park Tennis Club (and following investigation of other Council owned tennis facilities, those other clubs) advising that the use of branded shade cloth constituted advertising/signage, and under the terms of its (their respective) licence/lease agreement(s), required Council's prior consent.

At this time the Mellor Park Tennis Club (and the other tennis clubs) were provided with three options,being:

- (a) remove the shade cloth;
- (b) take action to "mask" the branding on the shade cloth; or
- (c) seek retrospective development approval for the shade cloth to be retained.

In response to this request the club submitted the attached letter (**Attachment 1**).

In circumstances where a party seeks retrospective development approval Council's normal procedure is to allow the unauthorised development to remain until the assessment has been undertaken. However, shortly after this initial notification the Administration became aware of damage that had occurred to tennis court perimeter fencing at one of Council's leased facilities which had been occasioned by the attachment of shade cloth to that fencing. The shade cloth attached to the fencing had acted in a similar fashion to a sail and increased the wind loading on the fencing to such an extent that it caused structural deformity to some of the fencing posts.

Given this, the Administration further clarified its position in an email to the clubs and indicated that any shade cloth attached to fencing needed to be removed as matter of priority, and if not done by the clubs, would be removed Council. Subsequent to this latter communication, and failing action by the Mellor Park Tennis Club, Council staff removed the shade cloth. (Two other tennis clubs removed the shade cloth of their own volition.)

As indicated above the Mellor Park Tennis Club has written to Council seeking Council's consent in its capacity as landlord and, should this be forthcoming, (retrospective) development approval to erect/attach Wilson branded shade cloth to portion of the perimeter and internal tennis court fencing at Mellor Park.

In its letter the club has indicated that the shade cloth provides a useful function in terms of:

- Acting as a windbreak to minimise the impact of any local wind conditions
- Reducing external noise; and
- Reducing glare between internal courts.

It is the Administration's understanding that the shade cloth is offered free of charge to clubs by the tennis company supplier/manufacturer (and/or its representative(s)) and that this supply is "offset" by the branding/advertising which appears on it. Whilst the club contends that the branding is not visible from the exterior of the premises the attached photographs indicate that this assertion does not appear to be accurate (**Attachment 2**).

Thus, Council is effectively presented with a two phased decision, being:

- Should it allow the club to erect shade cloth on the tennis court fencing?; and, if so
- Will it allow that shade cloth to feature branding/advertising?

In response to the first of these questions it is noted that many suburban tennis clubs/facilities utilise shade cloth (which is often branded) particularly at the "ends" of their courts. Rather than using solid fencing to reduce the impact of wind on tennis courts it has become relatively common practice to use shade cloth, both for financial reasons and also to negate the otherwise "closed" aesthetic that a solid structure would provide. It is also acknowledged that the use of shade cloth serves to minimise distraction to outside events, and whilst this may not be critical for lower level competition, is important for higher grade matches. Thus, on proviso that the fencing structure would not be adversely impacted by the attachment of shade cloth to it, this improvement is supported.

Turning to the question of whether the shade cloth should be allowed to feature branding, advertising or logos is perhaps somewhat more problematic. On the one hand it is acknowledged that the clubs would be required to fund the purchase of the shade cloth if it were not branded (and such funding would be required to be provided by/through its membership, or a successful grant application). Counter to this is that the logos/advertising featured on the shade cloth are often prominent or visually intrusive and in this regard do not present a welcoming or pleasing aesthetic.

On the balance of matters it is suggested that approval for the use of **branded** shade cloth not be provided.

If Council, in its capacity as landlord, chooses to provide its consent for unbranded shade cloth to now be re-erected/attached, it is suggested that it do so on the following basis:

- That the club be required to seek and gain development approval;
- That, as part of this approval process, the club be required to provide independent engineering advice confirming that the fencing structure is adequate and/or sufficient to allow the attachment of the shade cloth and that this will not result in any structural deformity of the fencing;
- That the club be responsible to maintain the shade cloth and repair any defects that occur in it;
- That the club be responsible for, and to address and deal with, any and all defects, or any safety matters that arise, as a result of the attachment of the shade cloth to the fencing; and
- That the shade cloth not be erected/installed over the power box which is situated at the southern end of the courts

Conclusion

Following a request from the Administration for the Mellor Park Tennis Club to remove, or mask the branding on, shade cloth at Mellor Reserve, the club wrote to Council seeking retrospective development approval for the shade cloth to be retained. It is suggested that the club be allowed to erect shade cloth once it has necessary development approval but that the use of shade cloth with prominent or visually intrusive branding/logos not be permitted on this (or any Council owned and leased/licensed) tennis facilities.

ATTACHMENT 1



Myzantha Street, Lockleys
PO Box 555, Henley Beach SA 5022
Tel: 8234 2450
Email: contact@mellorparktennisclub.com.au
www.mellorparktennisclub.com.au

To Whom It May Concern,

*Re: Email sent from Steve Watson 11/4/2016 - Senior Property Assets Advisor
City of West Torrens to Mellor Park Tennis Club (attached)*

The Mellor Park Tennis Club is formally writing to Council seeking retrospective:

- Consent from Council in its capacity as landlord; and,
- development approval

to retain the wind breaks on the perimeter tennis fences located at Mellor Park Tennis Club. The wind breaks are essential in reducing wind, reducing glare and reducing noise from passing traffic whilst playing competition tennis. The wind breaks when also mounted on intracourt fences reduce glare between courts and this provides a much better on court playing experience.

The wind breaks do feature a Wilson logo but this logo faces inwards towards the courts and is not legible from the external perimeters. We believe the wind breaks as well as being functional also provide a consistent aesthetic which complements our parkland setting.

Our apologies for not seeking council consent prior to erecting the new wind breaks but we were unaware of this requirement particularly as we previously had wind breaks erected in the past without any issues arising from the landlord.

Please don't hesitate in contacting me for any further clarification or correspondence.

Kind Regards,
Andrew Fullgrabe

Secretary – Mellor Park Tennis Club
contact@mellorparktennisclub.com.au
Mobile: 0434 847 635

ATTACHMENT 2



11.6 Renaming of Thebarton Neighbourhood House site

Brief

Thebarton Neighbourhood House at 10 Falcon Avenue, Mile End was demolished in 2015 to make way for a new park and playground for the community. As the park and playground nears completion, it has become apparent that "Thebarton Neighbourhood House" is no longer an appropriate name for the property. It is recommended that the site be renamed in recognition of the significance of the location with regard to early European settlement and historic cultural use of the area.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. Pursuant to s219 of the *Local Government Act 1999*, the name of 10 Falcon Avenue, Mile End be changed to "Falcon Reserve"; and
2. A commemorative plaque is installed explaining the significance of the name and its relevance to the location.

Introduction

"Thebarton Neighbourhood House" at 10 Falcon Avenue, Mile End was demolished in 2015 to make way for a new park and playground for the community. As the park and playground nears completion, it has become apparent that "Thebarton Neighbourhood House" is no longer an appropriate name for the property and a new more appropriate name is required.

Discussion

With reference to Council's Asset Naming Policy, attention is drawn to the following with special reference to those marked in bold:

- 5.2 In the naming and renaming of assets and public places the following principles will be observed.

Uniqueness

- 5.2.1 An asset or public place will have only one name.
5.2.2 Duplicate names and similar sounding names within a suburb or locality will be avoided where possible. (e.g. Paice, Payce or Pace Roads)

Name Sources

- 5.2.4 Sources for road or public place names may include:
- 5.2.4.1 Early explorers, pioneers, and settlers;
 - 5.2.4.2 Historic home and property names;
 - 5.2.4.3 Long-term and past landholders of the City;
 - 5.2.4.4 Names on old survey plans;
 - 5.2.4.5 Local history;**
 - 5.2.4.6 Eminent or notable persons with a connection to the area;
 - 5.2.4.7 Landscapes or physical forms;
 - 5.2.4.8 Persons who have served the community well;
 - 5.2.4.9 Achievements in arts, culture, education, law, medicine, research sciences and sports;**
 - 5.2.4.10 Thematic names such as flora, fauna, ships, etc;
 - 5.2.4.11 Commemorative names; and
 - 5.2.4.12 Aboriginal names taken from the local Aboriginal language; only after consultation with the Aboriginal community and obtaining the appropriate permissions.
- 5.2.5 Names will be selected that are appropriate to the physical, historical or cultural character of the area concerned.**

- 5.2.6 The origin and significance of each name should be clearly stated and subsequently recorded.
- 5.2.7 Preference will be given to names that refer to the history and development of the CWT; including pre-European settlement history.
- 5.2.8 However, Council will not assign the name of a serving member of the Elected Council, or of the Administration, to an asset owned and/or controlled by the City of West Torrens

In accordance with the Asset Naming Policy, the Administration has undertaken some research into the area surrounding 10 Falcon Ave, Mile End and has discovered the following:

From The Adelaide Chronicle August 1937
Earliest Racing At Thebarton
Hey-Day Of First Racecourse Duke's Visit Brought Bankruptcy
By LUCY MAYMON HINES

A few miles west of Adelaide, in what is now a thickly populated area is the site of Adelaide's first racecourse and the names of many streets commemorate famous horses of the early days. On January 1 and 2, 1838. races were held on a plain westward of Mr Fisher's residence which was on the parklands at the corner of West and North terrace,' and so the Thebarton racecourse came into existence. Mr James Hurtle Fisher and Colonel Light were stewards. The first Adelaide Cup was held on the Thebarton course in 1864. There were 8,000 present to see the great event. All the horses were kept stabled, except Falcon, until the race started at 2 p.m. Falcon was an immense horse with a great stride. Mr. J. Wilson's Musidcra was favourite. Others which were popular were Ebor, Banker, Roebuck, and Lantern. Mr. P. Dowling won with Falcon, his horse Roebuck was second, and Mr. E. M. Bagot's Little John third. Mr. Hurtle Fisher established training stables west of the racecourse on the Henley Beach road. The old Thebarton racecourse ran east and west, and overlapped the unmade road which is now. Henley Beach Road. During the annual races always held on New Year's Day and the day following, mounted police stopped any traffic during a race. The district is now thickly populated and the streets named after famous horses which ran on the course. The streets are Norma, Darebin, Falcon, Cowra, Tarragon, Roebuck, Lurline and Ebor.

Below is a map of the Thebarton Race Course overlaid onto our current streetscape:



Image source: South Australian Jockey Club

It is clear from the above that 10 Falcon Avenue, Mile End lies directly within the former Thebarton Race Course and was the first home of the Adelaide Cup. Given this it is recommended that Council change the name of the site to something more suitable and in keeping with the historic significance of the area such as:

- Falcon Reserve
- Falcon Park
- 1864 Cup Park
- Park 1864

This is a wonderful opportunity to illustrate a surprisingly little known but significant part of our local, state and Australian history. It represents the earliest time in our history that will remain significant for a long time in the future.

Discovering the existence of a painting by Frederick Woodhouse Snr of 'Falcon' was of particular interest. It would be a great opportunity, to have a plaque displaying an etched replica of the painting and some appropriate wording to accompany it.

Important Australian + International Fine Art
MELBOURNE 31 August 2011



110
FREDERICK WOODHOUSE SNR
(1820 - 1909)
FALCON: WINNER OF THE 1864
ADELAIDE CUP, 1865
oil on canvas on board
48.5 x 61.5 cm
signed and dated lower right: Fred
Woodhouse / 1865

ESTIMATE: \$8,000 - 12,000
Sold for \$7,200 (inc. BP) in Auction 21 - 31
August 2011, Melbourne

PROVENANCE
Private collection, Adelaide

CATALOGUE TEXT

The inaugural Adelaide Cup was held on Thursday April 1864 in front of the largest number of spectators to have ever gathered for a horse race in the colony. The governor with all of Adelaide society was in attendance and the grandstand became so full that a carpenter had to be employed at the last minute to prop it up with extra timbers unbeknownst to the spectators above.

The Cup was run over two miles and twelve horses contested the race with Falcon, 'an immense horse, with a tremendous stride',¹ running out the winner. Mr P. Dowling, from Melbourne, owned the horse and his success continued with the second placed horse also carrying his distinctive maroon coloured silks. The settling meeting was held at the Globe Inn on Rundle Street and Mr Dowling was awarded the considerable sum of £1,042.5 s for first place.

Falcon, sired by *Warhawk* and out of *May Queen* by *Forester*, led a very successful racing career. He won many major races in addition to the Adelaide Cup. These included the 1863 Ballarat Handicap and Great Centre Handicap, 1864 Melbourne Helter Skelter Stakes, Autumn Handicap and Derby Stakes, 1865 Grand Stand and Trial Stakes and the 1866 Free Handicap. He was placed widely, including 3rd in the 1866 Melbourne Cup.

Conclusion

Thebarton Neighbourhood House at 10 Falcon Avenue, Mile End was demolished in 2015 to make way for a new park and playground for the community. As the park and playground nears completion, it has become apparent that "Thebarton Neighbourhood House" is no longer an appropriate name for the property. It is recommended that the site be renamed "Falcon Reserve" in recognition of the significance of the location with regard to early European settlement and historic cultural use of the area, and that a commemorative plaque be installed explaining the significance of the name and its relevance to the location.

11.7 Bikeway Solar Lighting

Brief

To provide Council with information on the provision of monies for the 2016/17 financial year for Solar Lighting along the Airport Boundaries (Anna Meares, Captain McKenna & Recce Jennings Bikeways) as well as the Westside Bikeway.

RECOMMENDATION(S)

The Committee recommends to Council that the report be received.

Introduction

At the Council meeting of 17 November 2015, the following Motion Without Notice was raised:

MOVED Cr Mangos SECONDED Cr Haese that on the bikeway around the airport boundary, Plympton and Morphett wards monies be referred to the 2016-17 budget for solar lights to be placed along the bikeway with Airport approval and that Council consult with the relevant Government department to install Solar Lights on the Westside Bikeway and bring back a report as to how Bike SA, the State Government and Council can achieve this goal with the assistance of funding from State Government and/or any other funding body.

Discussion

Subsequent to resolution of this Motion, a report for the purpose of providing lighting along the Anna Meares bikeway was commissioned (**Attachment 1**). The report provides a comparison of a number of different delivery methods for lighting that are listed below in Table 1 along with installation costs.

TABLE 1

Option	Description	Sub Total (Ex. GST)
1	Standard pole with external solar panel fixed to the top of the pole, no grid connection	\$510,000
2a	Pole with integrated solar panel (built into the pole), no grid connection	\$770,000
2b	Pole with integrated solar panel (build into the pole), grid connected (for backup)	\$1,110,000
3	Standard pole with no integrated solar panels but with connection to an array of solar panels located elsewhere.	\$600,000
4	Combination of a standard pole with external solar panel (50%) and a standard non solar pole with grid connection (50%)	\$780,000
5	Standard non-solar pole with grid connection	\$520,000

Costs are for installation of the system and are not whole of life assessment costs.

For context, grid connected (non-solar) LED lighting is currently being installed along the River Torrens which is nearing completion.

It is key to note that in the instance of the Anna Meares Bikeway, the grid connected (non-solar) system has a potentially high cost for connecting to the mains network. This is due to the path being isolated from the main roadway that carries electrical supply.

As such, this option represents a 'worst case scenario' for the installation of grid connected (non-solar) lighting in comparison to other paths mentioned in the resolution and makes alternative options (such as solar) more viable.

With roughly equal cost between Options 1 & 5, given the intent of Council's Moved Motion, detailed design has been undertaken for the traditional stand-alone solar panel mounted light poles along the Anna Meares Bikeway.

The report includes quantitative and qualitative factors that would contribute to a whole of life assessment cost. These issues are summarised below:

- Payback period (electricity savings)
Solar lighting does not necessarily provide a payback through electricity savings over the life of the system.
- Security lighting/reliability
Solar lighting may fail due to lack of battery charge (cloudy day etc.) and not provide the expected level of service.
- 'Green Perception'
Solar lighting typically requires higher embodied energy to deliver the final output of light due to the additional and shorter life components required (battery, solar panel etc.).

The report does not explicitly include reference to or a cost for carbon dioxide equivalent gas (CO₂-e) negation achieved through generation of electricity through solar power. This is a priority for Council through the Climate Change Action Plan. However the report provides a scale of energy consumption required to power the LED lighting which is comparatively low in magnitude. In addition, the mains network is becoming more renewable over time and therefore the difference in 'cost' of CO₂-e negation will further reduce.

In consideration of these factors, it becomes apparent that Grid Connected pathway lighting (non-solar) is more likely to have a lower whole of life cost over any of the solar options that require higher levels of ongoing maintenance. In addition, there is less likelihood of a light failing to emit and as such a higher level of service can be expected.

Therefore, it is recommended that grid connected lighting (non-solar) lighting be typically pursued for future bikeway lighting projects over solar installations in consideration of whole of life costs.

With reference to seeking funding for the installation of lighting:

- Bike SA is not an infrastructure providing/funding organisation.
- The State provides funding specifically for cycling related infrastructure through the State BlackSpot and Bicycle fund. Typically this is for path creation and lighting projects are not a high priority.
- The State provides Open Space funding that is applied for when available. Funds from this program have previously been received for the installation of public lighting and applications will continue to be made for future funding for this program.

Conclusion

An analysis on providing different lighting systems along the Anna Meares Bikeway shows relatively similar construction costs for traditional solar and non-solar systems. However, looking at factors that may affect whole of life costs, non-solar systems look to be the more cost effective and lighting system to pursue.

In line with the original Motion, traditional stand-alone solar panel mounted light poles (Option 1) will be installed along the Anna Meares Bikeway section. However in consideration of whole of life costs grid connected lighting (non-solar) should be pursued for future bikeway lighting projects.

ATTACHMENT 1

**ANNA MEARES SHARED USE
PATH (LIGHTING DESIGN)**

Lighting options report

Prepared for:

CITY OF WEST TORRENS
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HILTON SA 5033

Prepared by:

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2 March 2016

AES521-001-TD-EL-REP-0001 Rev. A

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Acknowledgments

Limitations Statement

The sole purpose of this report and the associated services performed by Kellogg Brown & Root Pty Ltd (KBR) is to provide a lighting options report in accordance with the scope of services set out in the contract between KBR and the City of West Torrens ('the Client'). That scope of services was defined by the requests of the Client, by the time and budgetary constraints imposed by the Client, and by the availability of access to the site.



KBR derived the data in this report primarily from visual inspection, desk top study, examination of records in the public domain, interviews with individuals with product information and original equipment manufacturers (or their agents). The passage of time, manifestation of latent conditions or impacts of future events may require further exploration at the site and subsequent data analysis, and re-evaluation of the findings, observations and conclusions expressed in this report.

In preparing this report, KBR has relied upon and presumed accurate certain information (or absence thereof) relative to the site, provided by government officials and authorities, the Client and others identified herein. Except as otherwise stated in the report, KBR has not attempted to verify the accuracy or completeness of any such information.

No warranty or guarantee, whether express or implied, is made with respect to the data reported or to the findings, observations and conclusions expressed in this report. Further, such data, findings, observations and conclusions are based solely upon site conditions and Client supplied information in existence at the time of the investigation

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Revision History

Revision	Date	Comment	Signatures			
			Originated by	Checked by	Technical Approval	Project Approval
A	02/03/2016	Issued for review		DC	MS	 RW

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1 Introduction

1.1 GENERAL

KBR have been engaged by the City of West Torrens (CoWT) to undertake an assessment for new lighting options for the existing Anna Meares Shared Use Path in Brooklyn Park which runs approximately 1,500 m between Tapleys Hill Road and Frank Collopy Court.

CoWT have advised the following general requirements for the installation:

- Options for solar power lighting systems are to be considered.
- The *preference* is for a solar lighting system that can be identified (by the public) as a solar lighting system if a solar system is to be installed.
- Proven solar lighting systems are preferred to ensure longevity of the system.
- The lighting category is to be assumed to be similar to other CoWT installations designed by KBR; Category P3 to AS1158 - Lighting for roads and public spaces.

Based on the above requirements, the following presents the options available for new stand-alone solar and/or grid connected pathway lighting.

The 'stand-alone' solar lighting options in this report refer to light poles with a solar panel and battery system that will run the luminaire without any mains connection.

Conclusion and recommendations for proposed upgrades have been provided at the end of the report.

1.2 DESCRIPTION OF THE EXISTING PATHWAY LIGHTING

The existing pathway is approximately 1,500 m long and does not have any lighting installed. It is expected that there would be only minor spill lighting from the existing road lighting installed along the adjacent Sir Donald Bradman Drive and Sir Hubert Wilkins roads.

Australian/New Zealand Standard 1158—Lighting for roads and public spaces (series) describes the amount the lighting required for pathways and recommends for dedicated pathway lighting in this instance; as spill lighting is generally not a sufficient form of lighting due to the fact that it is heavily affected by any vegetation that surrounds the pathway, the distance between the pathway from any existing street lights and the natural curves and bends of the pathway relative to the road lighting.

1.3 SOLAR LIGHTING CONSIDERATIONS

There are a number of things to consider when choosing between a 'normal' lighting installation and any lighting installation that involves solar, some of these include:

Cost of establishing mains low voltage supply

If the reason for considering a solar lighting solution is purely economic, generally this is due to the lack of a mains supply nearby. The cost of establishing a mains supply can sometimes be prohibitive as a capital cost. This however, needs to be compared closely with the additional (and ongoing) cost of maintaining a solar system. In general, a traditional external lighting installation would have an expected lifespan of around 25-30 years, however significant components of a solar system (batteries in particular) are only expected to last around 10 years. Replacement of these components can be very costly relative to the maintenance of a standard lighting system.

Payback of a solar lighting solution

If the preferred solar lighting is more expensive than an equivalent standard lighting system, the 'payback' of the solar lighting system can be considered as the time it takes to offset the *difference* in cost between the solar lighting system and a similar standard (i.e. mains connected) lighting system. A complete whole of life (WoL) assessment is beyond the scope of this project; however an approximate payback period can be established by considering the energy required to run the installation, the cost of electricity and some general maintenance costs. In this instance, our preliminary designs have been based on approximately 55 x 48 W LED luminaires, therefore:

- 55 Luminaires x 48 W x 11 hours (average) running time per night x 365 days
= 10,600 kWhr/Year.
- 10,600 kWhr x \$0.30 kWhr (approx.) = \$3,180 per year.

The above means that if the solar system (in any form) is sized to offset the entire cost of the lighting or a stand-alone solar lighting system is installed, the installation will 'offset' approximately \$3,180 per year of electricity costs (excluding service charges and alike), whereas a 'standard' lighting system will cost a minimum of \$3,180 per year to run. If maintenance costs are assumed to be the same for both system types, the payback period is simply:

- Payback period = additional cost of solar/\$3,180.

On the basis that a solar lighting system will likely last 15 years (at most) before it requires significant maintenance (e.g. replacement of batteries), if the difference in cost is more than approximately $15 \times \$3,180 = \$47,700$, the system could be considered not economically viable.

The above is an oversimplification as maintenance of a solar lighting is likely to be minimal in the short term (0-7years) and then quite significant in the long term, whereas, a standard lighting system with a mains connection generally requires a small amount of routine maintenance each year throughout its life.

A more accurate analysis can be done by including known services charges, historical maintenance data, known electricity costs and the like.

Security lighting reliability

External lighting is generally required for two reasons: to provide for safe movement and/or to provide a level of security to the public against offenders taking advantage of darkness.

If any form of security lighting is required, then a solar system comes with the risk that it may fail due to lack of battery charge (i.e. due to extended cloudy days), complex component failure or aging of the batteries. If the solar lighting system is grid-connected (mains backup) this will generally improve its reliability, however this adds significantly to the cost and the system becomes even more complicated, increasing the risk of component failure in the long term.

It should be noted that the risk of component failure is low in the short term (0-7 years) and medium in the long term (7 years +). However, this will generally only result in single poles failing and will generally not jeopardise the entire lighting system unless there is a significant lack of maintenance over an extended period of time.

The 'green perception' of solar lighting

Often solar lighting (and solar systems) are considered as a means of demonstrating a commitment to the environment by lowering carbon emissions. Generally this goes without question by the public, however, whether or not the system is truly 'green' requires complicated embodied energy analysis, considering the following (but not limited to):

- Hours of operation and energy required to operate
- Embodied energy of all components
- How long components are expected to last and how much embodied energy is involved with replacement of failed components (especially if components are non-recyclable)

For example, installing a standard lighting system (non-solar) and a separate grid connect solar system to offset the lighting installation could be considered 'greener' as both systems are 'tried and tested' installations with low rates of failure. It could be expected that the standard lighting installation lasts 30 years and the standard solar system lasts 20 years with only general maintenance.

The batteries in the solar lighting poles are prone to failure and will generally last 10 years prior to requiring replacement. Additionally, the complex equipment in each pole has a relatively high embodied energy and would not be expected to last as long as a standard lighting installation.

Embodied energy assessment of the installation is beyond the scope of this project.

1.4 SUPPLY CONSIDERATIONS

Initial discussions with SA Power Networks has revealed that there is limited available options nearby for a Low Voltage supply point suitable for public lighting. Therefore there *could* be significant cost involved with establishing a permanent Low Voltage supply. If an agreement can be reached between Adelaide Airport Limited and CoWT,

a supply could be sourced from the airport, however this is not considered in this report as it has not been advised as an option as it requires negotiations between Adelaide Airport Limited and CoWT. Investigations with SA Power Networks are ongoing. It is expected a SA Power Networks cost will be available within 4–6 weeks.

The three types of lighting solution considered in the report fall into two supply categories:

- Grid connected systems; where mains power is either the primary supply for the luminaires or supplements a solar system (the solar system could either be within each pole or centralised). This option would involve a permanent Low Voltage supply as discussed above.
- 'Island' or 'Stand Alone' solar lighting system; where either each light has its own solar panel battery systems or an array of lights is connected to a centralised solar array with centralised inverter.

Combinations of the above are also considered.

2 Lighting systems options

2.1 LIGHTING SYSTEMS OPTIONS INVOLVING SOLAR POWER

Below we discuss 4 solar options that we consider as possible lighting solutions for the Anna Meares pathway that involve solar generation.

Option 1—Traditional stand-alone solar panel mounted light pole pathway lighting

Solar panel fixed to the pole at the optimal angle of 30 degrees facing north for each pathway luminaire. (Refer Figure 1 below).

Option 1 is based on a Pecan Lighting solar pole solution with an LED Roadway Lighting brand luminaire.

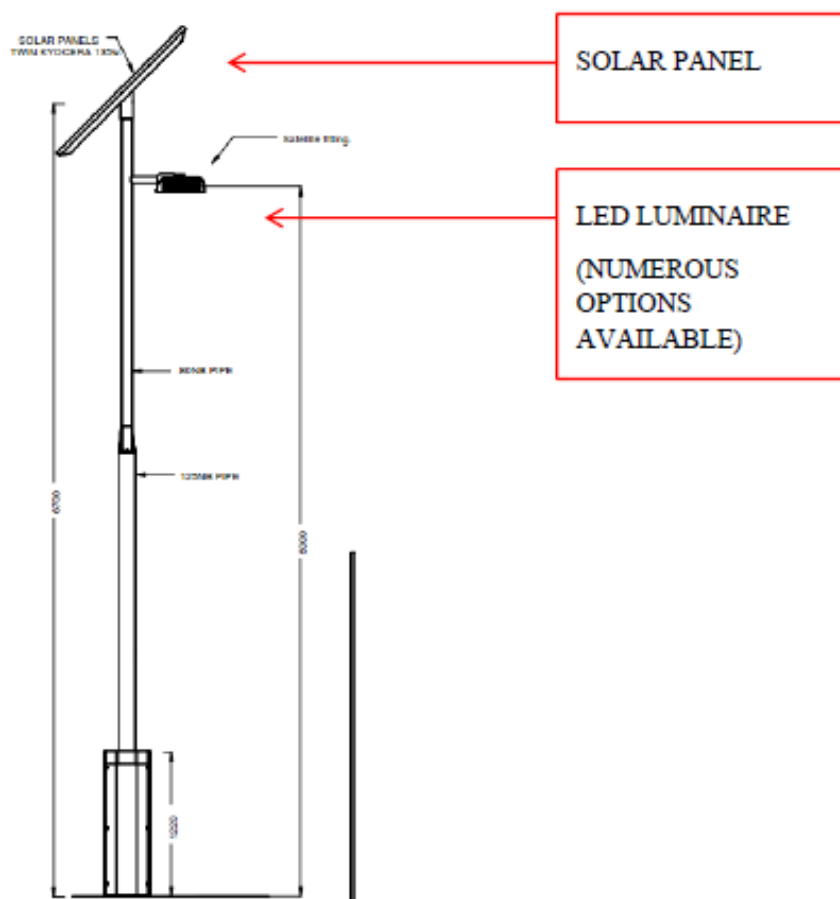


Figure 1
Solar street lighting Option 1

Pros of Option 1:

- No mains power required (and associated capital costs and electricity charges)
- No conduit, pits and cabling required between each light pole (lower installation cost)
- Public can visually see that solar power is in use (i.e. the installation will generally have a 'green perception')

Cons of Option 1

- Light poles require their own batteries and inverter (significantly higher cost per pole than standard light pole)
- Risk of light switching off prior to daylight hours due to lack of charge in batteries (this risk will increase with age)
- Higher risk of component failure due to complex electronics (than standard light pole)
- Risk of vandalism to solar panel which sticks out quite noticeably
- Battery systems are only likely to last 10 years before replacement required.

Option 2a—Vertical solar panel stand-alone light pole pathway lighting

Solar panel fixed directly to light pole with panel facing North for each pathway luminaire. (Refer Figure 2 below). Option 2a is based on a Vertaic 6.8m solar pole system with matching WE-EF luminaires.

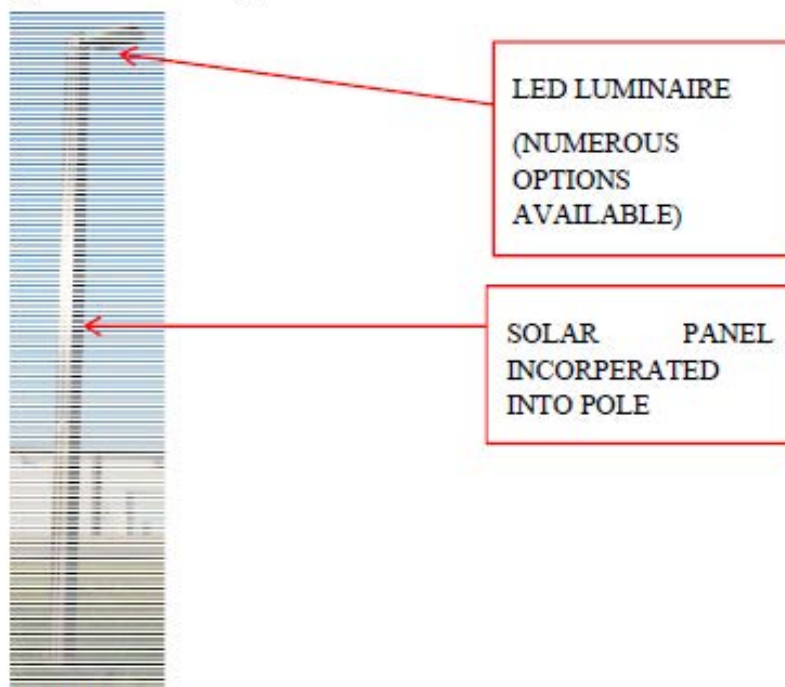


Figure 2
Solar street lighting Option 2

Pros of Option 2a:

- No mains low voltage power required (and associated capital costs and electricity charges).
- No conduit, pits and cabling required between each light pole (lower installation cost).
- Public can visually see (up close) that solar power is in use (i.e. the installation will generally have a 'green perception').
- Pole and light fitting generally has a higher vandal resistance than Option 1.
- Pole is visually more 'aesthetically pleasing'.

Cons of Option 2a:

- Light poles require their own batteries and inverter (significantly higher cost per pole than standard light pole).
- Risk of light switching off prior to daylight hours due to lack of charge in batteries (this risk will increase with age).
- Higher risk of component failure due to complex electronics (than standard light pole).
- Higher capital cost than traditional stand-alone solar lighting considered in Option 1.
- Battery systems are only likely to last 10 years before replacement required.

Option 2b—Vertical solar panel grid connected light pole pathway lighting

Solar panel fixed directly to light pole with panel facing North for each pathway luminaire. (Refer Figure 2 above).

Option 2a is also based on a Vertical grid connected 6.8 m solar pole system with matching WE-EF luminaires.

Pros of option 2a:

- Public can visually see (up close) that solar power is in use (i.e. the installation will generally have a 'green perception').
- Pole and light fitting generally has a higher vandal resistance than Option 1.
- Grid connected system gives a much higher reliability for security lighting as mains power 'takes over' once battery falls below a certain charge. This is particularly important as the system ages.
- Pole is visually more 'aesthetically pleasing'.

Cons of option 2b:

- Light poles require their own batteries and inverter (significantly higher cost per pole than standard light pole).

- Pits, conduits, cabling and switchboard also required as per a standard lighting installation.
- Higher risk of component failure due to complex electronics (than standard light pole).
- Higher capital cost than traditional stand-alone solar lighting considered in Option 1.
- Battery systems are only likely to last 10 years before replacement required.
- Higher capital cost than Option 1 and Option 2a.
- There will still be ongoing electricity cost (mostly service charges).

Option 3—Centrally located array of solar panels supplying pathway lighting

The third option consists of light poles which do not have any integral solar panels but are *associated with* an array of solar panels of approximately 6 kW to *offset the energy* required to run the lighting overnight. This array could be connected to the lighting system or located separately and signage be installed to say that the 'lights are offset by a solar array installed elsewhere'. This option generally requires a main switchboard connected to mains supply, with a DC/AC inverter and trenching, pits, conduits and cabling from the new electrical supply point to the main switchboard and then to each luminaire.

It should be noted that this array will not *offset the cost* of the electricity required to run the lighting installation, as electricity exported to the grid will be sold at (i.e. will 'earn' the owner) significantly less than the cost to buy the electricity from a retailer. In order to offset the cost a 20–30 kW array would be required, and we have considered this to be prohibitive from a capital cost perspective. A stand-alone centralised battery system and inverter has also not been considered due to the significant capital cost.

Pros of option 3:

- If the array is placed in a visible place, the public will be able to see that solar power is in use (i.e. the installation will generally have a 'green perception'). However, the array will not be easily visually associated with the lighting as the solar panels are not connected to the light poles.
- Standard light poles can be installed.
- If project budget could be used to purchase a solar array nearby or elsewhere, the energy consumed by the lighting installation could be offset in a relatively cost effective manner. This is not considered in the budget estimates.

Cons of option 3:

- Pits, conduits, cabling and switchboard also required as per a standard lighting installation.
- Cost of establishing a mains supply still required.
- Ongoing electricity cost will not be offset by the solar array.

- A compound is likely required to house the solar array and inverter.
- Increased risk of vandalism as solar equipment will be mounted at low level.

Option 4—Partial solar lighting and partial standard lighting installation

The fourth option consists of a combination of either Option 1 or 2 with a backup supply connection to the SA Power Networks grid. This option requires a SA Power Networks connection, a main switchboard with electrical dual directional metering and trenching, pits, conduits and cabling from the new electrical supply point to the main switchboard and then to each luminaire.

This option will likely only be viable if a relatively cheap mains supply can be established, either by SA Power Networks or from the Airport.

This option could involve any combination of standard light poles, with either grid connected or stand-alone light poles in-between. The number of solar light poles could be tailored to meet the budget and/or the reliability of the lighting installation required.

In this option the Vartaic Solar Pole and WE-EF luminaire are considered, as non-solar poles could easily be ordered to match this system. Options involving the Pecan lighting would be cheaper and could also be considered if required.

Pros of Option 4:

- The public will be able to see that solar power is in use (i.e. the installation will generally have a 'green perception').
- Having partial or total grid connected system will result in a much higher reliability for security lighting as mains power 'takes over' once battery falls below a certain charge. This is particularly important as the system ages.
- If a cheap LV supply can be established, the cost can be tailored to meet budget requirements and lighting requirements.

Cons of Option 4:

- Pits, conduits, cabling and switchboard also required as per a standard lighting installation.
- If system is grid connected, there is an additional cost of establishing a mains supply.
- Battery systems are only likely to last 10 years before replacement required.
- Depending on solar light option selected, vandalism risk may increase.

2.2 STANDARD GRID CONNECTED LIGHTING OPTION

As the pathway is located between the existing main road Sir Donald Bradman Drive, which has grid connected street lighting and the Adelaide Airport Burbridge Business Park which consists of commercial and industrial buildings, which are all connected to the SA Power Networks electrical grid, we can confidently advise that it is possible to connect new pathway lighting to the electrical grid. SA Power Networks has been

asked to prepare an 'indicate estimate' to establish a main supply for the lighting installation.

Option 5—Standard (non-solar) grid connected pathway

This solution requires a SA Power Networks connection, a main switchboard with standard electrical metering and trenching, pits, conduits and cabling from the new electrical supply point to the main switchboard and then to each luminaire.

Pros of Option 5:

- Wide range of pole and luminaire combinations available.
- Generally a higher vandal resistance of the installation can be achieved over any of the solar options.

Cons of Option 5:

- Cost of establishing a mains supply.
- Pits, conduits, cabling and switchboard also required as per a standard lighting installation.
- The public will not have a 'green perception' of the installation.

2.3 BASIS FOR BUDGETS

This report does not describe the detailed methodology required to determine the lighting category, type and number of luminaires required. The final arrangement will need to be evaluated and modelled utilising industry standard AGI 32 Lighting Modelling Software in accordance with Australian/New Zealand Standard (AS/NZS) 1158 Lighting for roads and public spaces, once a luminaire has been selected and further client direction is provided.

However, for the purposes of this report, we have based our budgets on the Pecan Lighting 41 w SAT-24S 2ES 4000 K LED and the We-ef RFL 48 W LED luminaires, both mounted at 6 m above ground level, AS/NZS 1158 Lighting sub-category P3 and have determined that approximately 55 luminaires are required. If a lower or higher category of lighting is required, this will impact the budgets.

Following on from this, we have also evaluated that Option 3 – Centrally located array of solar panels supplying pathway lighting, would require an area of approximately 50 m². This dimension is based on 24 x 250 watt photo-voltaic solar panels and would need to be reviewed based on the solar panels available in the market at the time of the project's construction and procurement.

In addition, the report excludes costs associated with modifications to existing vegetation, trees, arborist's costs and associated costs.

Although correspondence with SA Power Networks have commenced we have not been provided either an indicative or firm quotation for an electrical connection cost and as such have included an estimated connection cost of \$30,000 in the budgets for Options 2b, 3, 4 and 5. Once SA Power Networks have assessed the connection point

and any associated infrastructure works and provided quotations our budget can be updated to suit.

Note: CASA restrictions on mounting heights (if applicable) of luminaires along the pathway has not yet been taken into account. This could affect the overall number of luminaires or the category of lighting that can be achieved.

3 Cost estimates

3.1 COST ESTIMATE SUMMARY AND COST BASIS

+/-30 % cost estimation has been completed and is summarized below:

Option	Description	Sub Total (Ex. GST)
1	Traditional stand-alone solar panel mounted light pole pathway lighting	\$510,000
2a	Vertical stand-alone solar panel light pole pathway lighting	\$770,000
2b	Vertical grid-connected solar panel light pole pathway lighting	\$1,110,000
3	Centrally located array of solar panels supplying pathway lighting	\$600,000
4	Partial grid connect solution supplemented by solar poles. Approximately 50% solar, 50% stand-alone.	\$780,000
5	Grid Connected pathway lighting (non-solar)	\$520,000

Assumptions/clarifications:

- For all grid connected options, cost include \$30k for SA Power Networks and associated costs. This cost could vary significantly depending on outcomes of discussions with SA Power Networks regarding available supply points.
- For all options that involve cabling between light poles, costs include \$30k for crossing of Vimy Avenue and Sir Hubert Wilkins Roads (i.e. either grid connected options or central solar plant option 3).
- Cost for Option 3, 5 and the non-solar poles included in Option 4 are based on a light pole and luminaire combination costing approximately \$3,500 prior to installation (excluding footings and ancillaries).
- Costs are based on a preliminary desktop study of the area for installation and do not allow for specific site difficulties.
- Costs have been based on lighting designs that meet AS1158 - lighting for public roads and pathways; Category P3 Pathway lighting.
- Costs do not include for any CASA compliant design considerations.
- Rates are based on tender information from 2015/2016 and previous experience.
- Costs will vary depending on final luminaire and pole selection.
- Footing types T.B.C

4 Recommendations

4.1 GENERAL

The Anna Meares pathway lighting should be upgraded to:

- Increase the safety of pedestrian and bicycle pathway users.
- Reduce the risk of crime.
- Increase the need to enhance prestige.
- Increase the community's appreciation for the council's commitments to energy efficient initiatives.

The recommendations for upgrade take into consideration the following:

- The construction costs.
- The risk of crime and damage to the solar and lighting systems.
- The risk of ineffective public lighting due to lack of sun hours due to weather conditions, component failure, grid power failures or after vandalism.

4.2 BUDGET RECOMMENDATIONS

Based on the budget estimates alone, a Pecan Lighting or similar stand-alone solar lighting system (Option 1) and a standard grid-connected lighting system (Option 5) are recommended for further investigation.

If the reliability of the lighting system is a major concern from a security and ongoing maintenance perspective, Option 5 would be recommended on the basis that mains power failures are relatively uncommon and the life expectancy of the components in a standard lighting system is longer. There are also many lighting options available that could reduce the cost of this installation that could be investigated upon request.

If the SA Power Networks cost and cost to cross Vimy Avenue and Sir Hubert Wilkins Road is prohibitive, a stand-alone solar lighting solution would be the best option from a capital cost perspective. The cost of a stand-alone solar lighting system may be able to be reduced considering different solar systems or by custom making a solar lighting system. These options can be investigated further on request.

If a grid-connected lighting system is installed, the energy consumed by the lighting installation could be relatively cheaply offset by purchasing a 6 kW (approx.) solar array elsewhere.

11.8 Urban Services Activities Report

Brief

To provide Elected Members with information on activities within the Urban Services Division.

RECOMMENDATION

The Committee recommends to Council that the Activities Report be received.

This report details the key activities of the City Assets and City Works Departments.

Special Project Work	
New Drainage System - Lockleys Catchment Rutland Ave Stage 1	Practical Completion has been reached on this project with only a few outstanding minor defects works currently being undertaken.
New Drainage System - Lockleys Catchment Rutland Ave Stage 2	Design options for the improvement of localised stormwater management, including the incorporation into modified traffic control devices, is continuing.
New Drainage System - Lockleys Catchment May Terrace Stage 3	The Civil Contractor and major material supply contracts have been awarded for this project. It is currently envisioned that site works will commence in mid June 2016. Residents and businesses within the street will be notified of the timing and scope of works on finalisation of the commencement date.
Stormwater Management Plan	The consultant brief for these works is currently being finalised with the aim of tendering and awarding in late June 2016.
Rankine Road, Mile End - Stormwater Drainage	A date for the commencement of the last stage of works associated with this project is being finalised as confirmation from a service authority has been received in relation to alteration works which are required to be integrated in the drainage works.
Maria Street, Thebarton - Stormwater Drainage	To address concerns in this location, consideration is now being given to the upgrade of the system downstream of Maria Street in association with the George St upgrade (South Road to Dew Street) and the Dew Street/George Street roundabout upgrade. This should subsequently enable future upgrade of the drainage in Maria Street through a more conventional manner.
Recycled Water Pipeline Extension	The new pipeline from the Council connection meter located at Barwell Ave, Marleston will supply recycled water for irrigation to the Westside Bikeway (at the Dog Park) and Rex Jones Reserve. The project is underway on site with completion scheduled for mid to late June 2016.

River Torrens Linear Park, (Pedestrian Light Project)	<p>The River Torrens Linear Park Pedestrian Lighting Project for 2015/16 for the Stage 5 works from Frontage Rd to Henley Beach Rd has been completed. Additional pedestrian lighting works north of Henley Beach Rd (western river bank) to Riverway (Fulham Gardens) have currently commenced and are scheduled for completion in August 2016.</p> <p>Design works have also commenced on the next stage (6) of pedestrian lighting for the 2016/17 program of works.</p>
River Torrens Linear Park, (Henley Beach Rd, Fulham, Western Shared Pathway Underpass)	<p>The project to upgrade the western shared pathway and pedestrian lighting on the River Torrens Linear Park, under Henley Beach Rd, Fulham, is underway with an expected completion in mid June 2016.</p>
Westside Bikeway, Moss Ave - Pedestrian Lighting	<p>The Administration has finalised the design to install new pedestrian LED lighting to replace the existing lights along the Westside Bikeway, (Moss Ave). The procurement process will commence shortly.</p> <p>New lighting will also be installed within the Dog Park.</p>
Anna Meares Pedestrian Lighting (Stage 1 & 2)	<p>The Administration has finalised the design to install solar pedestrian lighting on the shared pathway along Sir Donald Bradman Drive, Adelaide Airport - for Stage 1 & 2 (2016/17)</p> <p>The procurement process is currently underway</p>
Falcon Ave Reserve - Development - Former Thebarton Neighbourhood House	<p>Construction works are underway on the development of the new reserve at 10 Falcon Ave, Mile End. The reserve upgrade includes new pathways, turf & irrigation, lighting, reserve furniture and a playground.</p> <p>Over the weekend of 21/22 May 2016, persons unknown broke through the worksite's temporary fencing and removed 25 advanced trees and shrubs, 10 landscaping plants and damaged (trying to remove) the roll-out grass turf. Estimated costs are approx. \$8,000 to \$10,000. This has caused some delays in the opening of the reserve however the project is expected to be completed by the end of June 2016.</p>

Capital Works	
Road Reconstruction Works	<p>The following is an update on roadworks occurring in our City:</p> <p>2014/15 Program</p> <ul style="list-style-type: none"> - Construction contract has been awarded for Holland Street (Winwood Street to Anderson Street). Works to commence in mid June. <p>2015/16 Program</p> <ul style="list-style-type: none"> - West Thebarton Road / Phillips Street - concept design is ongoing. - West Beach Road - detailed design is currently underway. - Norma Street, Mile End - Concrete works have been completed. Asphalt works have been delayed by shallow underground services and a leaking water main. Liaison with service authorities is ongoing. - Military Road, West Beach - Revised design to be considered to include bicycle lanes. - Tennyson Street, Kurralta Park - Detailed design is nearing completion, and will be released for tender in mid June.
West Thebarton Rd / Phillips St Thebarton	Civil works for undergrounding the power lines are continuing.
Kerb & Watertable and Road Reseal Program - 2015/16	<p>The following is a list of the streets allocated for Kerb & Watertable and Road Reseal works in 2015/16. The streets have been divided into six (6) stages of equal duration.</p> <p>Stage 1 - Completed:</p> <ul style="list-style-type: none"> - Electra St (Streeters to Convair) - Convair St (Harvey to Sabre) - Convair St (Sabre to Hughes) - Comet Ave (Electra to Streeters) - Hughes St (Shelly to Comet) - Cudmore Tce (Galway to Lucknow) - Warwick Ave (Mortimer to Daphne) - Gordon St (Selby to End) - Hare St (Beauchamp to South) - Barwell Ave (Bice to South) - Bice St (Stirling to Barwell) <p>Stage 2 - 95% of kerb and watertable works has been completed and 65% of reseal completed:</p> <ul style="list-style-type: none"> - Bransby Ave (Gardener to Mooringe) - Myer Ave (End to Penong) - Myer Ave (No 4 Myer to Whelan) - Birdwood Tce (Laverack to End) - Albion Ave (Burke to Barclay) - Albion Ave (Ruthven to Burke) - Henry St (Glenburnie to Anzac Hwy) - Brook Ave (Gray to James) - Raymond Ave (Padman to Spring)

<p>Kerb & Watertable and Road Reseal Program - 2015/16 (continued)</p>	<p>Stage 3 - 100% of the of kerb and watertable works has been completed, with reseal to be completed on the following streets:</p> <ul style="list-style-type: none"> - Penong Ave (Myer to Whelan) - Penong Ave (Whelan to Fitzroy) - Albert Ave (Clifton to Capper) - Curzon St (Albert to Victoria) - Carlton Rd (Morphett to No 20 Carlton) - Carlton Rd (No 20 Carlton to Curzon) - Cummins St (Willoughby to Pine) - Montana Dr (Sycamore to Pitcairn) - Oakmont Cres (St Andrews Crs to Jacklin) - McLachlan Ave (Shannon to Mattner) <p>Stage 4 - 100% of kerb and watertable has been completed, with approximately 80% of reseal completed:</p> <ul style="list-style-type: none"> - North Pde (Jervois to Clifford) - North Pde (No 54 North Pde to Jervois) - Chapel St (Dew to Albert) - Devon St (Dew to Parker) - Rawlings Ave (Henley Beach Rd to Elizabeth) - Wainhouse St (Carlton to Henley Beach Rd) - Huntriss St (Henley Beach Rd to Carlton) - Stephens Ave (Carlton to North Pde) - Junction St (Junction Ln to End) <p>Stage 5 - Completed:</p> <ul style="list-style-type: none"> - Myzantha St (Malurus to Lorraine) - Malurus Ave (Myzantha to Anthus) - Harold St (Rowells to Douglas) - Cross St (Main to Douglas) - Sherriff St (Wycombe to Chatswood) - Sherriff St (Ashley to No 39A) <p>Stage 6 - 100% of kerb and watertable has been completed, with approximately 90% of reseal completed:</p> <ul style="list-style-type: none"> - Newbury St (Henley Beach Rd to Ashburn) - Coral Sea Rd (Halsey to Tapleys Hill Rd) - Fawnbrake Cres (Burbridge to No 53A) - Fawnbrake Cres (Burbridge to No 15) - Burbridge Rd (Fawnbrake to Fawnbreak) - Cambridge Ave (Simcock to Poplar) - Broadmore Ave (No 11 to Crispian) - Broadmore Ave (Ayton to No 11) - Crispian St (East Parkway to No 9) - Crispian St (No 9 to Huntington) - Hughes Ave (East Parkway to Everest)
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Footpath Program 2015/16	<p>The 2015/16 footpath renewal program has been completed on the following streets:</p> <ul style="list-style-type: none"> - Surrey Rd, Keswick, (Property 419-433 to Richmond Rd) - King St, Mile End, (Anzac Hwy to Mortimer St) - Tapleys Hill Road, Fulham (over the River Torrens) - Sir Donald Bradman Drive, Lockleys (Tapleys Hill Road to Moresby Street) - Stonehouse Avenue, Plympton (Anzac Highway to Whelan Avenue) - Selby Street, Kurralta Park (Anzac Highway to Mortimer Street) - Richmond Road, Richmond (Marion Road to Sutton Terrace) - Kennedy Street, Brooklyn Park (Clifford Street to Airport Road) - Sanders Street, Richmond (Bignell Street to Lucas Street) - Indian Avenue, West Beach (Northern Avenue to Ingerson Street) - Windsor Terrace, West Beach (Mount Batten Grove to Charles Veal Drive) - Talbot Avenue, North Plympton (Park Terrace to Birdwood Terrace) - Eton Road, Keswick (Richmond Road to Hampton Road) - Chippendale Avenue, Fulham (Tapleys Hill Road to Kandy Street) - Frontage Road, Lockleys (Clyde Ave to Fulham Park Drive) - Frontage Road, Lockleys (Sandilands St to Clyde Ave) - Fulham Park Drive, Lockleys (Castlebar Rd to Frontage Rd) - Penong Avenue, Camden Park (Whelan Ave to Myer Ave) - George Street, Thebarton (Stage 1) - On hold pending decision on concept design <p>The following streets are included in the footpath construction program for 2015/16 which is scheduled to commence in the coming months:</p> <ul style="list-style-type: none"> - Tracey Crescent, Lockleys (White Avenue to Grant Avenue) - St Anton St (Aldridge Tce to Cudmore Tce) - Simcock St (Cambridge Ave to City boundary) - Formosa Avenue (Northern Ave to Baltic Ave) - Grant Ave, Lockleys (Pierson St to Tracey Cres)
Bicycle Management Schemes	<p>Frontage Road shared use path design has been finalised with construction scheduled to begin shortly.</p> <p>The tender for the Watson Avenue bridge and path extension has closed and a contract has been awarded as a design & construct project. Detailed design by the civil contractor is currently underway.</p>
Dew & George Street Proposed Roundabout	<p>Land acquisition is in the final stages with construction of the roundabout and drainage works to begin shortly.</p>

Playground Upgrade 2015/16	<p>The following is an update of the program of works :</p> <ul style="list-style-type: none"> - Halsey Road Reserve, Fulham - works completed. - Graham Cres Reserve, Novar Gardens - works completed. - St Andrews Cres Reserve, Novar Gardens - works completed. - Memorial Gardens, Hilton - concept plans are being developed as part of the Civic Development project as per the Council Report of 4 August 2015. - Kesmond Reserve, Surrey Rd, Keswick - playground project (equipment & footprint) on is currently being detailed designed with the former child health building (re: former Jaguar Club remaining on site). - Amy St Reserve, Novar Gardens, (<i>petition received to remove</i>). - Kevin Ave Reserve, West Beach - project awarded, works scheduled to commence in late June 2016. - Mountbatten Ave Reserve, West Beach - works underway, completion in late June 2016.
Reserve Irrigation Upgrades 2015/16	<p>The following is an update/status on the program of works:</p> <ul style="list-style-type: none"> - Cummins Reserve, Novar Gardens - completed. - Sir Donald Bradman Drive / Mulga St, Brooklyn Park - completed. - Myer Ave Reserve, Plympton - completed. - Neville Rd Reserve, Thebarton - completed. - Brecon Court Reserve, Lockleys - completed. - Kings Reserve, Torrensville, (staged project) - in progress. - Westside Bikeway, Marleston / Plympton, (staged project) - in progress. - River Torrens Linear Park, (Torrens Ave), Lockleys - in progress. - Hoylake Ave Reserve, Novar Gardens - in progress. - Carolyn Reserve, Fulham - in progress. - Camden Oval, Novar Gardens, (staged project).
Parking and Traffic Management	
Parking Penong Avenue Camden Park	<p>Stuart Grove Retirement Village resident request to extend no stopping area for improved corner and driveway egress visibility.</p> <p>Control (previous) - No Stopping (2 x 13m)</p> <p>Control (new) - No Stopping (48m)</p>
Parking Bagot Avenue Mile End	<p>Resident request to extend time limit parking area for additional resident and visitor access.</p> <p>Control (previous) - 2P 8am - 5pm Mon - Fri (23m)</p> <p>Control (new) - 2P 8am - 5pm Mon - Fri (29m)</p>
Parking Autumn Ave & Huelin St Lockleys	<p>Time limit parking controls are to be removed from the section of Autumn Avenue north of Garden Terrace and in Huelin St as the Pierson Street call centre staff parking is no longer an issue.</p>
Parking Tarragon Street Mile End	<p>Removal of a Works Zone installed for residential construction works.</p> <p>Control (previous) - Works Zone 7am - 5pm Mon - Fri (18m)</p> <p>Control (new) - unrestricted</p>

Parking Bagot Avenue Cowandilla	Peak period parking restrictions installed due to a change in traffic flow following DPTI resequencing of the traffic lights at the Sir Donald Bradman Drive intersection. Control (previous) - 1/4P at all times (17.5m) Control (new) No Stopping 7 - 9am & 4 - 6pm Mon - Fri and 1/2P 9am - 4pm Mon - Fri (17m)
Torrensvile/Thebarton LATM	Blackspot projects have been constructed at: <ul style="list-style-type: none"> • North Pde & West St - protuberances • Carlton Pde & Hayward Ave - roundabout • Sherriff St & Norman St - protuberance Results from the community information day and the consultation period on remaining projects have been compiled and presented to a meeting of the Working Party on 31 May 2016. All projects will proceed with only some minor changes.
Novar Gardens/Camden Park LATM	A community issues paper is being prepared to begin development of this area.
Richmond/Mile End LATM	Baseline traffic data is currently being collected.
Bus Stop DDA compliance program	Civil works on the 2015/16 Bus Stop DDA program have commenced.
Property and Facility Services	
South Australian Amateur Football League (SAAFL) - Thebarton Oval	The necessary dilapidation report of the oval playing surface has been arranged. The dilapidation report is a necessary precursor to execution of the lease agreement as it will form an attachment to it. It is anticipated that the lease will be ready for execution in mid-to late June and that the new arrangements (where the SAAFL will be responsible for maintenance of the playing surface) will formally commence as from 1 July 2016.
Thebarton Theatre Complex - Weslo Holdings	The Deeds of Variation (amending lease area to include portion of the eastern carpark) have been executed by both parties. Weslo's copies of the executed Deeds have been returned to them.
Thebarton Theatre Complex - Fire Safety	Building and fire compliance works for Stage 1 & 2 on the Thebarton Theatre have been completed on site. Commissioning of the fire system (Stage 1 & 2) is continuing with an expected completion in May 2016 due to changes to the operation of the events within the theatre. The procurement process is also currently underway for the Stage 3 component of the fire building and compliance works which include the installation of a sprinkler system.
West Adelaide Football Club	A grant application has been lodged with the office of Matt Williams MP seeking funding assistance to construct a shelter for persons with a disability at the southern end of the grandstand at Richmond Oval.
Lockleys Oval/Apex Park Masterplan & Multipurpose Community Facility	The successful tenderer (to undertake detailed design plans) has been engaged. A start up meeting has also occurred.
Lockleys Oval WA Satterley Hall	The project has been awarded with building works underway on site. The scope of works includes new Disability Discrimination Act compliant toilet facilities, upgrade to existing toilet facilities and fire compliance works. Works are expected to be completed in July 2016.

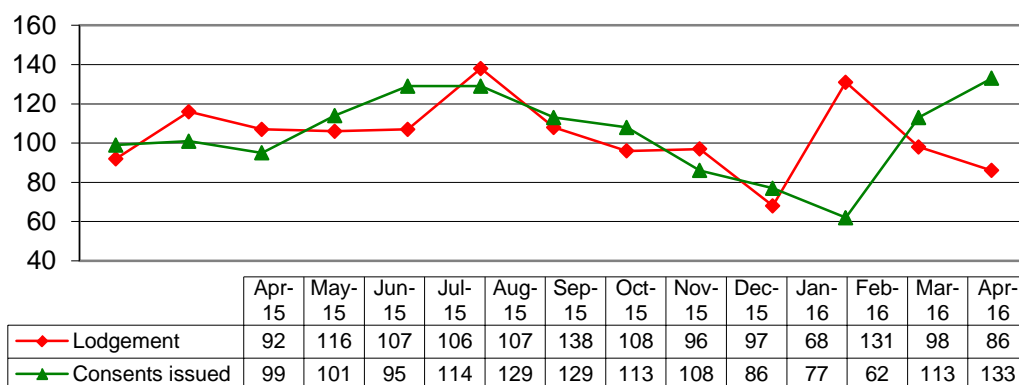
River Torrens Linear Park - Toilet Facilities, (Holbrooks Rd, Underdale)

The project has been awarded for the installation of a new toilet facility on the River Torrens Linear Park near Holbrooks Rd, Underdale. Works are underway on site with expected opening by the mid to late June. Additional landscaping works for the area will continue after completion of the facility.

Civil and General Maintenance			
Monthly Update	Concrete, Block Paver & Asphalt Footpath/Dr Crossover		501m ²
	Kerbing & water table / Invert		32m
	Road Repairs		905m ²
	Line marking		2,740m
	Graffiti Removal	Council property	19 locations (172m ²)
		Private property	80 locations (594m ²)
		Bus stops	4 locations (28m ²)
	Signage	Regulatory	117
		Street nameplates	10
Drainage and Cleansing Services			
Monthly Update	Pump Station inspections	Chippendale	Completed
		Shannon	Completed
		Riverway	Completed
		West Beach	Completed
		Duncan - Laneway (Lockleys)	Completed
	Illegal rubbish dumping		8.9
	Road Sweepers		123t
Horticulture Services			
Monthly Update	Trees Pruned		565
	Removals		51
	Weed Control (Reserves, Verges, Traffic Islands)		662 litres

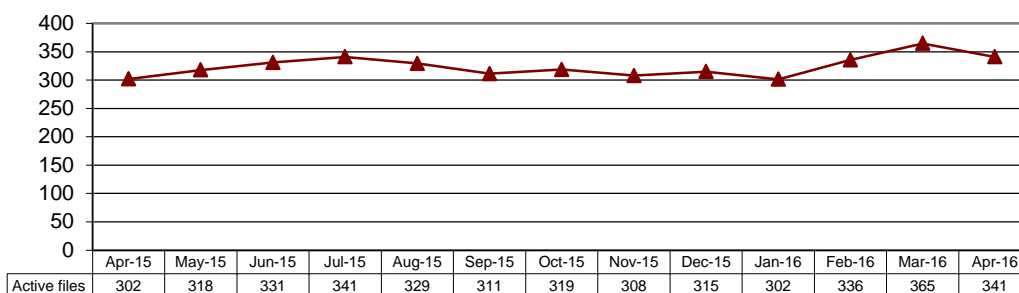
Development Assessment

Development Plan Consents



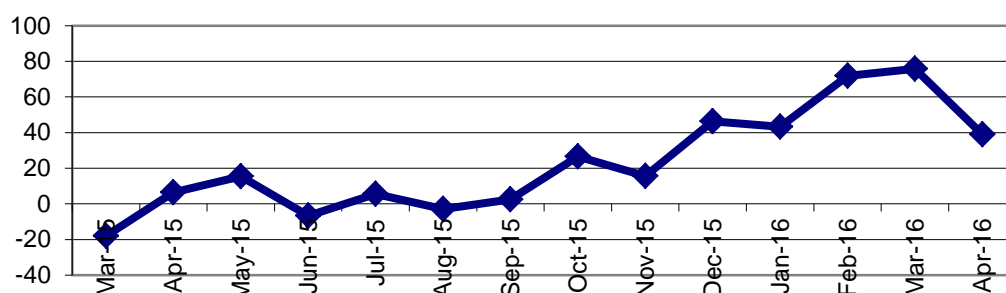
Development Plan Consent, is the process where applications are assessed against Council's Development Plan or the Development Act's residential code requirements, not all applications are assessed against the Development Plan (e.g. most demolitions, small verandahs, small sheds).

Active files - Development Approval

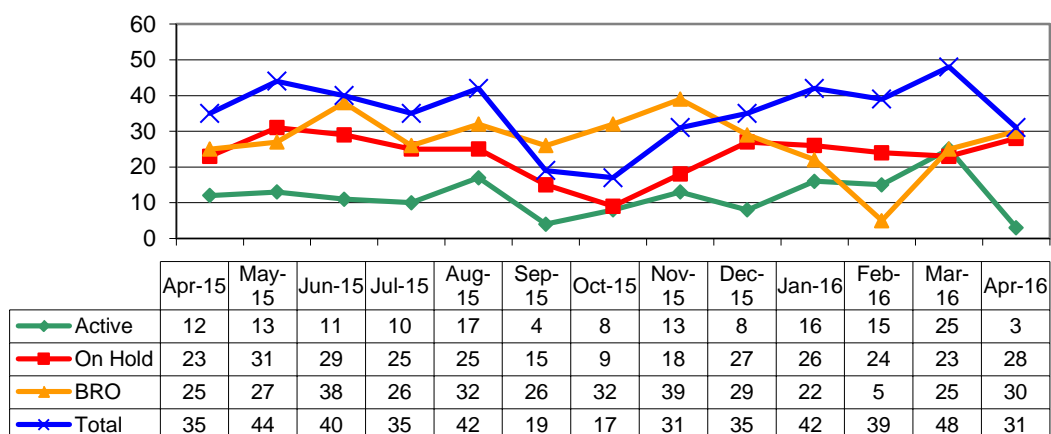


Active files shows all development applications that have been lodged with Council but are yet to receive a decision, it includes applications for Development Plan Consent, Building Rules Consent and Land Division Consent.

Difference in Active File Numbers Compared to 12 Months Earlier

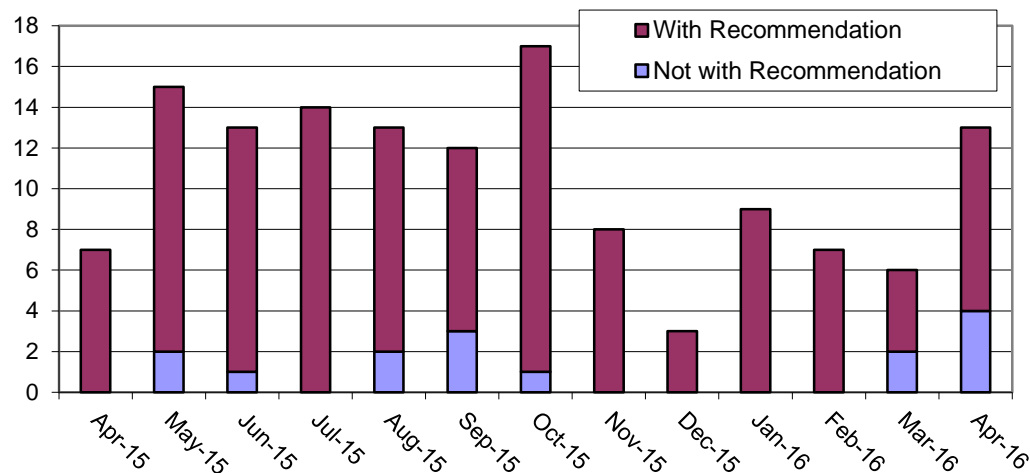


Active files -
Building Rules
Consent

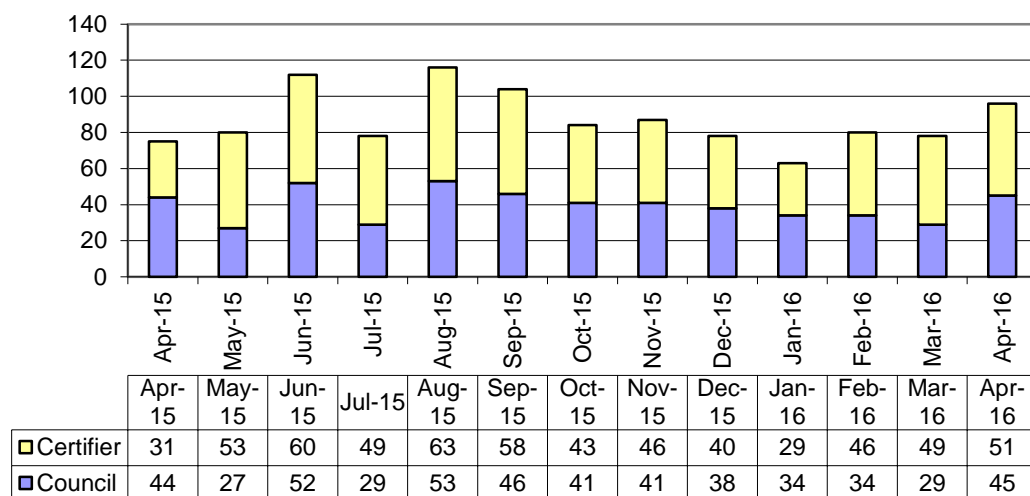


Building Rules Consent, is the process where applications are assessed against the Building Code of Australia (BCA), not all applications are assessed against the BCA (e.g. land divisions, tree removals) and some are only assessed against the BCA. The number of Building Rules Consent only application lodged for the month are shown on the BRO line.

Development
Assessment
Panel Decision

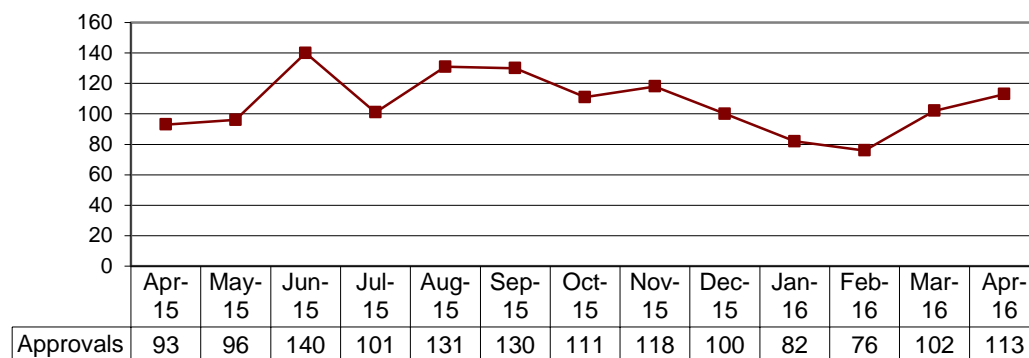


Building Rules
Consent issued



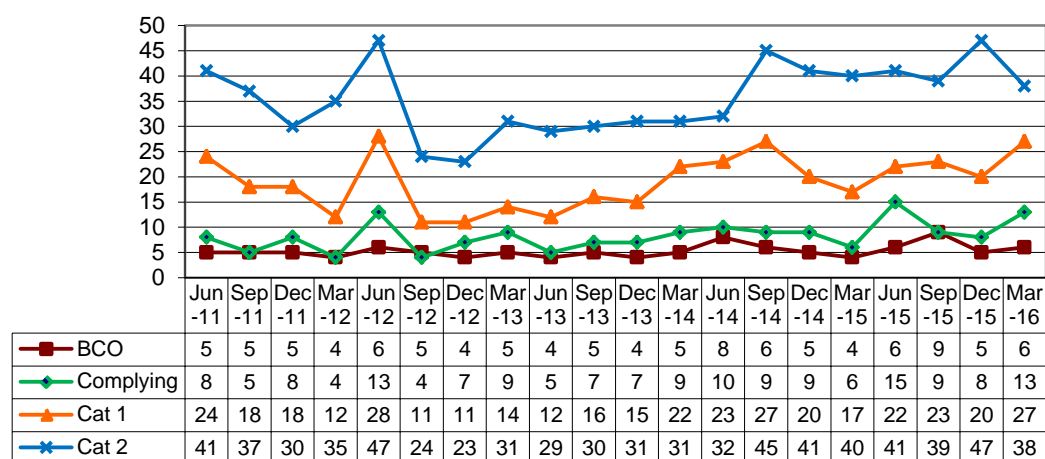
Not all Building Rules Consents are assessed by Council, about half are assessed by private assessors known as Private Certifiers, these privately certified assessments still need to be registered and recorded with Council.

Full Development
Approval issued



Development Approval means that all required assessments have been undertaken and all required consents granted, the approvals number most accurately shows the proposals that will actually be undertaken.

Median
Assessment
Timeframes



Maximum Statutory Timeframes are as follows:

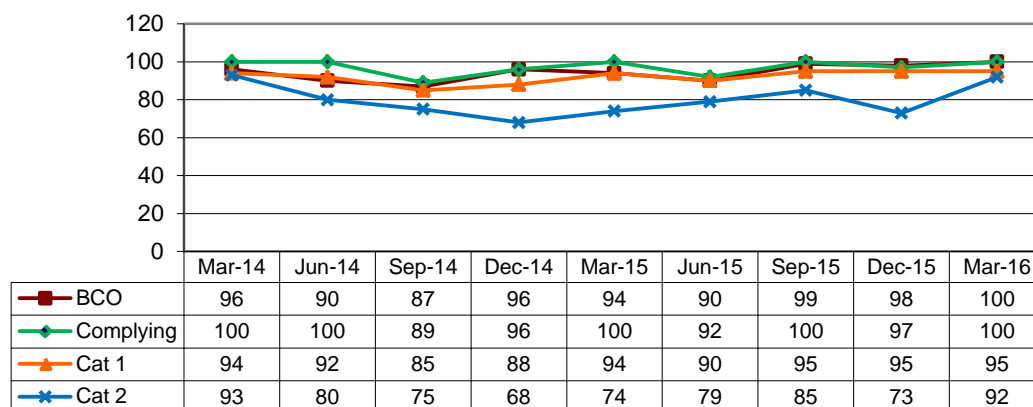
Building Code Only (BCO) - 20 days

Complying - 30 days

Category 1 - 60 days

Category 2 - 60 days

Percentage of
DAs that met
Statutory
Timeframes



Maximum Statutory Timeframes are as follows:

Building Code Only (BCO) - 20 days

Complying - 30 days

Category 1 - 60 days

Category 2 - 60 days

Compliance

Month/ Year	No of Actions Received	Actions Resolved within the month	Actions Resolved from previous months	Total Ongoing Actions	Section 84 Issued	Section 69 Issued	New Actions with ERD Court	Resolved Actions with ERD Court	Total ongoing Actions with ERD Court	Section 51 Clearances
Apr 15	14	10	0	129	1	-	1	1	2	9
May 15	18	6	0	117	2	-	-	-	2	3
Jun 15	17	5	11	118	1	-	-	-	2	8
Jul 15	23	12	12	117	2	1	-	1	1	9
Aug 15	18	11	7	117	1	-	-	1	-	13
Sep 15	9	1	12	113	1	-	-	-	-	9
Oct 15	20	7	9	117	3	1	-	-	-	15
Nov 15	15	8	5	119	4	-	-	-	-	8
Dec 15	12	7	7	117	1	-	-	-	-	7
Jan 16	17	6	-	128	1	-	-	-	-	2
Feb 16	16	9	21	104	4	1	1	-	1	18
Mar 16	15	7	17	95	-	-	1	-	2	14
Apr 16	20	9	21	85	5	-	-	-	2	8

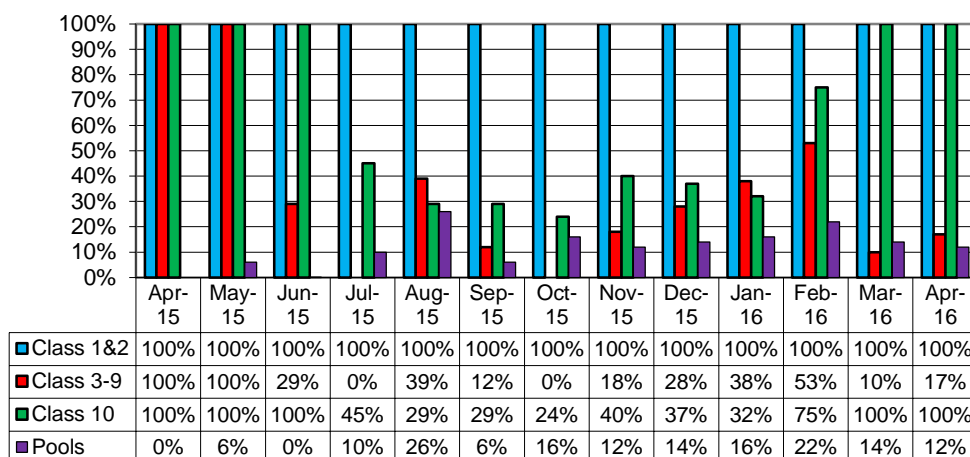
Compliance actions include investigating potential use of properties for activities that haven't been approved, buildings being constructed without the required approvals, checking of older buildings that may be becoming structurally unsound.

Sec 84 notices are the first stage of prosecution for unapproved development.

Sec 69 notices are the first stage of prosecution for unsafe buildings.

Sec 51 clearances, refers to the final check of properties with approval to subdivide, this is where we give the all clear for new Certificates of Title to be issued.

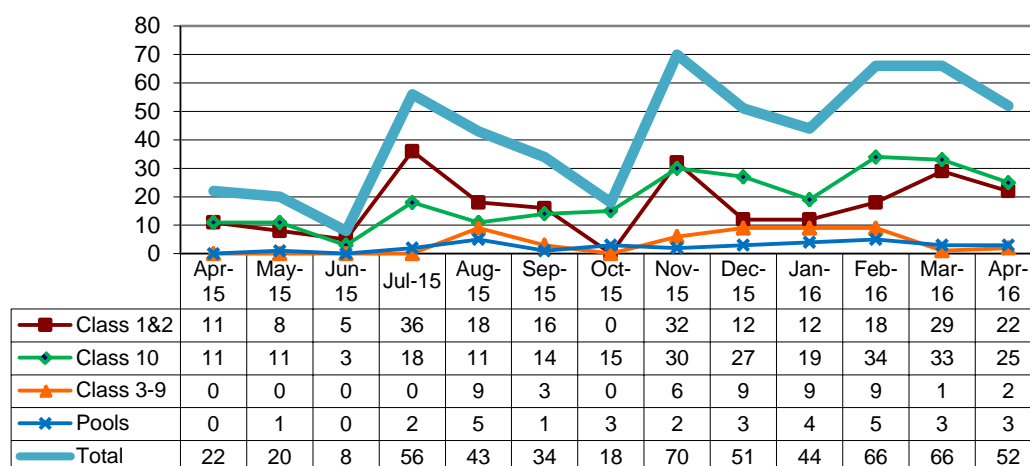
Building Inspections



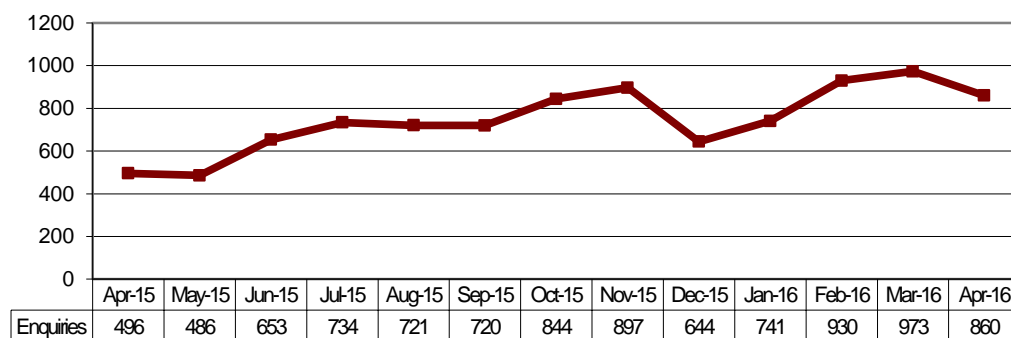
The Development Act and Council's Building Inspection Policy requires that a minimum number of approved buildings are inspected for compliance with their associated Development Approval documentation. In addition there is a requirement to undertake a pool safety inspection upon all swimming pools approved for construction. Class 1 & 2 refers to houses and units, Class 3-9 refers to commercial, industrial and community buildings, Class 10 refers to verandahs, sheds, fences etc. Where 100% of inspections have not been met in a month the requirement is rolled over to the next month until all required inspections have been undertaken.

NOTE: Only successful inspections are recorded, failed inspections are listed for re-inspection

Actual Satisfactory Building Inspections Undertaken



ePathway
Development
Application
Enquiries

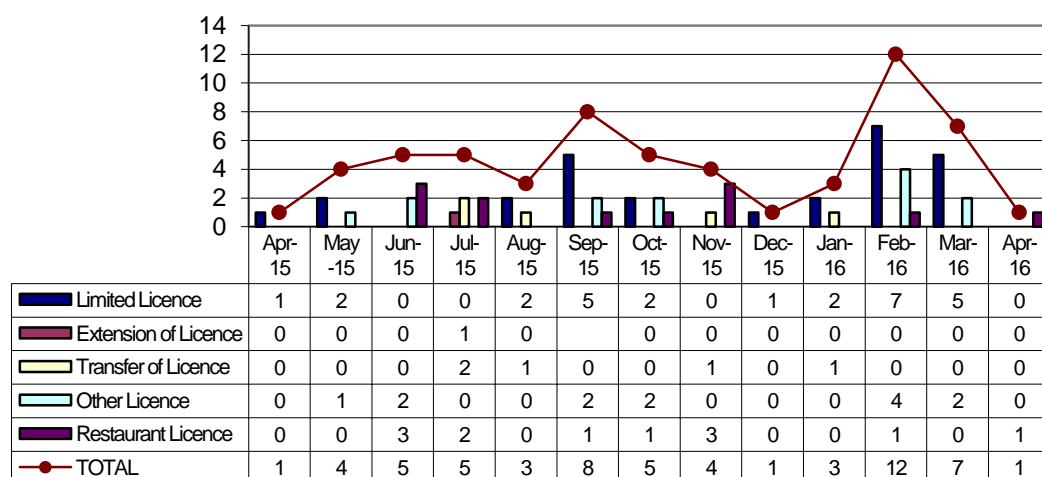


Since 2011, people have been able to check the progress of their own development applications or check the history of development applications on an allotment via the internet on Council's website.

Since 2013, the department has been adding historic applications to this system with the aim of creating a database where all of the area's application history can be accessed electronically; we expect this project to be completed by mid-2016.

Liquor Licence

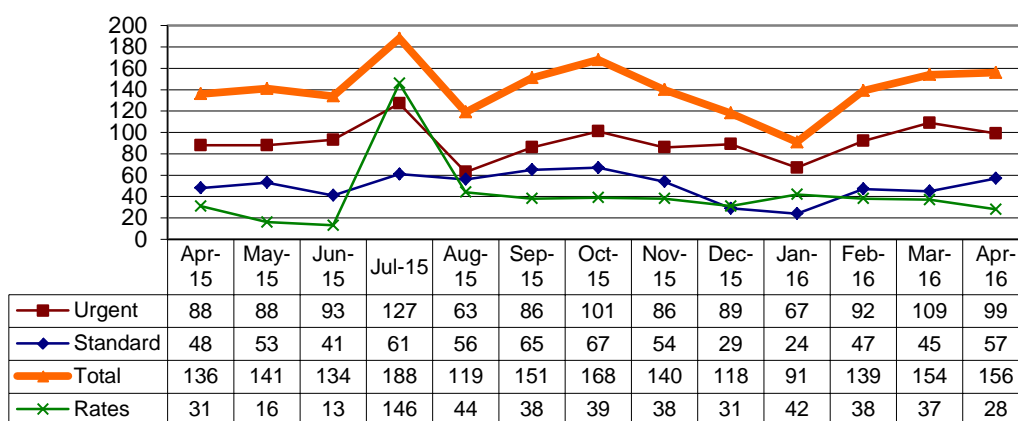
Licence
Applications



When an application is lodged with the State Government's Office of Liquor & Gambling (OLG), it is also required to be referred to Council for our comment. The proposals are handled in accordance with our Liquor Licensing Policy, and Limited Licence applications are referred to the relevant Ward Councillors for their comment prior to feedback being sent to the OLG.

Section 12 Searches

Section 12 Searches



When a property is purchased, the purchasers are provided with a Form 1 (commonly known as cooling off paperwork) Council contributes to this Form 1 with a Section 12 Certificate, the certificate provides the potential purchaser with all relevant known history for the property. Prior to settlement on the property the relevant Conveyancer will also request a Rates statement from Council to ensure the appropriate rates payments are made by the purchaser and the vendor (seller).

12. MEETING CLOSE

I N D E X

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1. MEETING OPENED

2. PRESENT

3. APOLOGIES

Leave of Absence

Cr Mangos

Cr Palmer

4. DISCLOSURE STATEMENTS

Elected Members are required to:

1. Consider Section 73 of the *Local Government Act 1999* and determine whether they have a conflict of interest in any matter to be considered in this Agenda; and
2. Disclose these interests in accordance with the requirements of Sections 74 and 75 of the *Local Government Act 1999*.

5. CONFIRMATION OF PREVIOUS MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Governance Prescribed Standing Committee held on 3 May 2016 be confirmed as a true and correct record.

6. COMMUNICATIONS BY THE CHAIRPERSON

7. QUESTIONS WITH NOTICE

Nil

8. QUESTIONS WITHOUT NOTICE

9. MOTIONS WITH NOTICE

Nil

10. MOTIONS WITHOUT NOTICE

11. GOVERNANCE REPORTS

11.1 Prescribed Officers 2016 - Register of Interest

Brief

The *Local Government Act 1999* requires Council to declare, on an annual basis, which positions are 'prescribed officer' positions for the purposes of completing a return to be included in the 'Officers' Register of Interests'.

RECOMMENDATION(S)

It is recommended to Council that:

1. On the basis that they have a level of financial sub-delegation, which may be in addition to other delegations or authorisations to make decisions on behalf of Council or the Chief Executive Officer, the following positions be declared as 'prescribed officer' positions in accordance with Section 111 of the *Local Government Act 1999*:
 - General Manager Corporate and Regulatory
 - General Manager Business and Community Services
 - General Manager Urban Services
 - Manager City Assets
 - Manager City Development
 - Manager City Strategy
 - Manager City Works
 - Manager Community Services
 - Manager Financial Services
 - Manager HR and Service Centre
 - Manager Information Services
 - Manager Regulatory Services
 - Manager Business Services
 - Team Leader Compliance
 - Team Leader Governance
 - Team Leader Library
 - Team Leader Community Development
 - Team Leader Media and Events
 - Coordinator Horticulture Services
 - Coordinator Property Services
 - Revenue Accountant
 - Coordinator City Development - Planning
 - Coordinator Engineering Services
 - Coordinator Fleet Cleansing and Support Services
 - Senior Executive Assistant Office Mayor & CEO
 - Senior Property Assets Advisor
 - Turf and Irrigation Municipal Worker
 - Workgroup Leader Landscape
 - Workgroup Leader Maintenance
 - Workgroup Leader Arboriculture
 - Stores
 - Senior Mechanic
 - Traffic Engineer
 - Community Centre Coordinator
 - Home Assist Service Worker
 - Mechanic (Trade)
 - Collections Coordinator

- Finance Coordinator
 - Executive Assistant Urban Services
2. On the basis that they have delegation, other than a financial delegation, or authorisation to make decisions on behalf of Council or the Chief Executive Officer the following positions be declared as 'prescribed officers' positions in accordance with Section 111 of the *Local Government Act 1999*:
- Coordinator City Development - Building
 - Team Leader Environmental Health
 - Team Leader Compliance and Monitoring
 - Senior Compliance Officer
 - Senior Development Officer - APPS
 - Senior Development Officer Planning
 - Senior Development Officer Planning
 - Environmental Health Officer
 - Environmental Health Officer
 - Environmental Health Officer
 - Development Officer - Planning
 - Development Officer - Planning
 - Development Officer - Planning
 - Development Officer - Building
 - Development Officer - Building
 - Parking and Traffic Officer
 - Development Assistant
 - Development Assistant
 - Development Technician
 - Development Technician
 - Development Technician
 - Cadet Development Officer
 - Rates Coordinator
 - Freedom of Information Officer
 - Freedom of Information Officer
 - Freedom of Information Officer
 - Freedom of Information Officer
 - Freedom of Information Officer
 - Freedom of Information Officer
 - Freedom of Information Officer
 - Freedom of Information Officer
3. Given the nature of their role and responsibilities the following position be declared as a 'prescribed officer' position in accordance with Section 111 of the *Local Government Act 1999*:
- Senior Network Administrator
 - Program Leader Audit and Risk

Introduction

Section 111 of the *Local Government Act 1999* (the Act) requires the Chief Executive Officer (CEO) and any officer holding a position declared by Council as a 'prescribed officer' position to complete a primary return at the commencement of their employment with the City of West Torrens and then an annual ordinary return which both form part of the 'Officers Register of Interest'.

Discussion

It has been common practice for Council to declare the following positions as 'prescribed officers' positions:

- All executive/management positions;
- Other positions that hold a financial delegation and/or delegation to make decisions on behalf of the Council or the CEO;
- Any other position that gives rise to declaration as prescribed officer position.

The Administration assesses the veracity of positions to be declared 'prescribed officer' positions on an annual basis and subsequently makes its recommendations to Council prior to the commencement of the subsequent financial year. It is preferable that declarations be to the position title, rather than the name of the holder of the position, on the basis that it is the position rather than the holder of the position that gives rise to the 'prescribed officer' status. This approach also ensures continuity of the declaration when another person replaces an officer holding a 'prescribed officer' position i.e. when they are on leave or leave the organisation etc.

The register complements but is independent of the statutory requirements for any officer, whether in a 'prescribed officer' position or not, to declare any conflict of interest which may arise in the course of their duties at all times.

In line with the 'Elected Members Register of Interests', officers holding a 'prescribed officer' position must submit a completed primary return within 30 days of appointment and an ordinary return within 60 days after 30 June each year.

The legislation provides that an Elected Member may, upon request to the CEO, inspect the 'Officers Register of Interests' but must not disclose that information except at a meeting of Council or a Council Committee and then only in confidence in accordance with Section 90 of the Act.

The 'Officers Register of Interests' is not available for public inspection.

Conclusion

The declaration of 'prescribed officers' is a statutory requirement but is also a risk management control which aims to minimise the implication or occurrence of a conflict of interest and promotes accountability and transparency.

11.2 Naming of a Private Road - BioSA Precinct Thebarton

Brief

A proposal has been received to name a private road in the BioSA precinct in Thebarton.

RECOMMENDATION(S)

It is recommended to Council that, pursuant to s219 of the *Local Government Act 1999*, the private road in the BioSA precinct be named Dennis Mutton Drive.

Introduction

There is a currently unnamed private road in the BioInnovation SA (BioSA) precinct located at 40-46 West Thebarton Road, Thebarton that will provide access to numerous buildings once developed (**Attachment 1**). Correspondence has been received from Ms Nikki Becker, the Chief Financial Officer of BioSA, requesting that the road be formally named to honour the retirement of BioSA's Chairperson (**Attachment 2**).

While there is a legal requirement for Council to name a public road there is no legal requirement for Council to name a private road although it can if it chooses to do so.

Discussion

Clause 5.2.4 of the *Council Policy: Asset Naming (Policy)* (**Attachment 3**) provides the types of naming sources to be considered when renaming any assets, including roads. One of these relates to notable persons with achievements in arts, culture, education, law, medicine, research, sciences and sports. Consequently, the proposal to name the road Dennis Mutton Drive in honour of Mr Mutton meets the criteria contained in the Policy.

Background

Mr Mutton is the current Chairperson of BioSA and will retire from his position on 30 June 2016. Mr Mutton has been instrumental in the expansion of BioSA and has served as a Board Member and/or Chairperson since late 2001. BioSA would, therefore, like to recognise both his support and leadership by naming the road after him.

As this is a private road located exclusively in the BioSA precinct, BioSA has obtained approval to name this private road from their Minister, the Minister for Science and Information Economy, Hon Kyam Maher MLC.

In line with Council's *Public Consultation Policy*, consultation on this proposal, including the proposed name of the road was undertaken, via a mail out which included an aerial map and the Policy. Consultation was undertaken with one (1) adjoining commercial premises as well as SA Police, SA Ambulance and the Metropolitan Fire Service. No responses were received.

Recognising that this is a limited response, it is proposed that the naming of the private road to Dennis Mutton Drive should proceed.

If Council approves this request, a new street name sign would need to be installed. As this is a private road, BioSA has the responsibility to arrange for that to occur. The Administration has provided an approximate cost to BioSA if they wish Council to undertake this work on their behalf and the contact details of a specialist street sign company have also been provided. Additional, but minor, costs associated with issuing a public notice in the Government Gazette, the Messenger as well as amending the GIS aerial maps and the property information in Pathway would be incurred. These costs will be managed within the current budget.

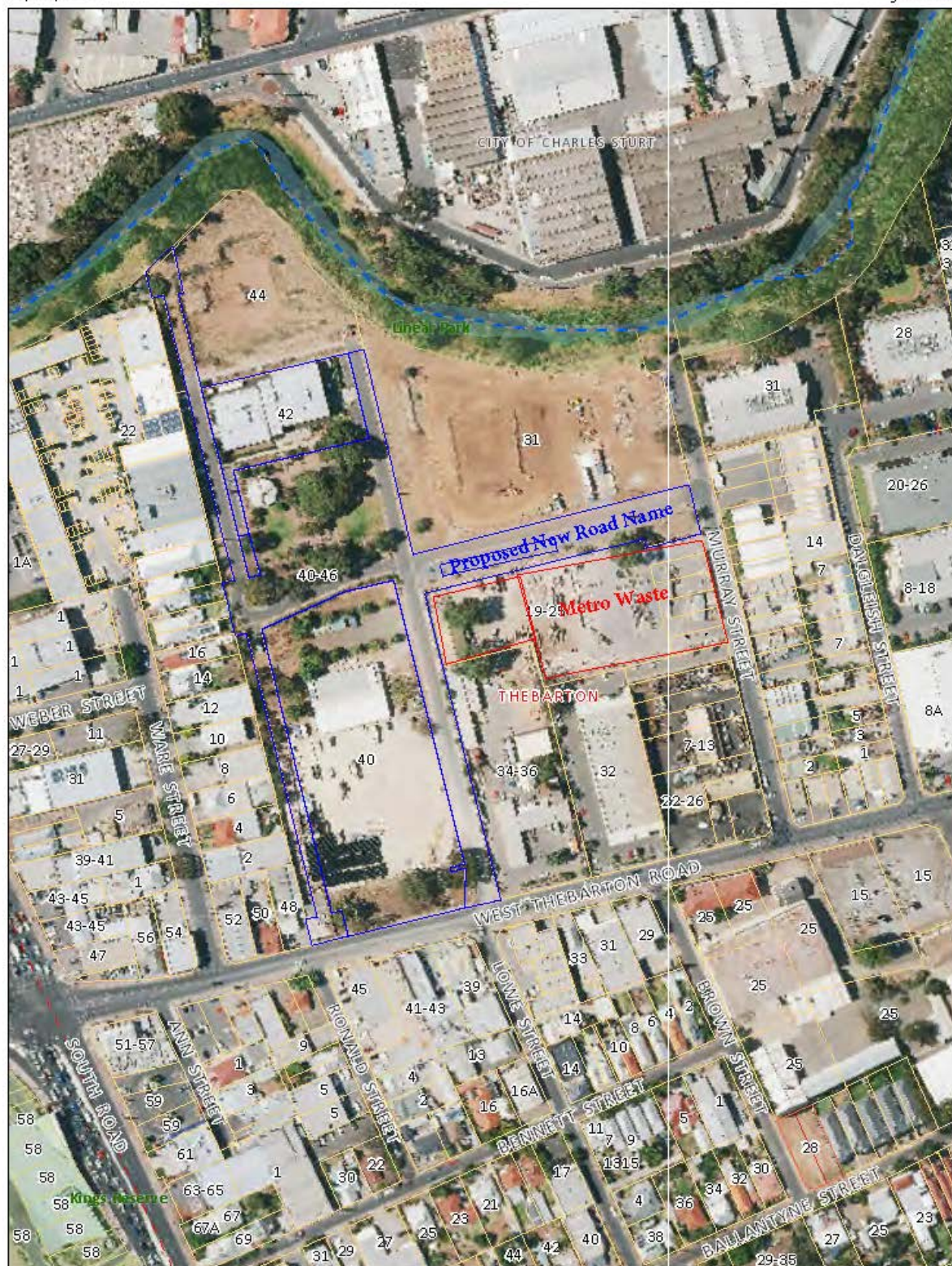
Conclusion

This request meets the requirements of Council's *Asset Naming Policy*. It is recommended to Council that pursuant to s219 of the *Local Government Act 1999*, the private road in the BioSA precinct be named Dennis Mutton Drive.

ATTACHMENT 1

09/05/2016

Ijohnson



Disclaimer
The City of West Torrens accepts no liability for any reliance placed on the validity and accuracy of data in this publication. While care and effort has been taken in the presentation of this data it is only to be used for demonstration purposes.



ATTACHMENT 2

From: Nikki Becker [Nikki.Becker@bioinnovationsa.com.au]
Sent: Thursday, 21 April 2016 10:22:45 AM
To: Liz Johnson
Subject: RE: Private Road Name

Hi Liz

BioSA is seeking to name a private road (also on private land – part of the Thebarton Technology Precinct), *Dennis Mutton Drive*.

Dennis Mutton is the current Chairperson of BioSA who will retire from his position on 30 June 2016. Dennis has been instrumental to the expansion of BioSA and has served as a Board Member and/or Chairperson since late 2001. BioSA would like to therefore recognise both his support and leadership by naming a road after him.

I have attached a map showing the location of the planned road which will join on to Ann Nelson Drive in our Precinct.

BioSA has obtained approval for this process to commence from our Minister, the Minister for Science and Information Economy, Kyam Maher MLC.

Please let me know if you require any further information.

Kind regards

Nikki Becker 齐白可 | Chief Financial Officer

BioSA | www.bioinnovationsa.com.au
T +61 8 8217 6455 | M +61 422 893 729 | [address](#)

From: Liz Johnson [mailto:ljohnson@wtcc.sa.gov.au]
Sent: Wednesday, 20 April 2016 1:45 PM
To: Nikki Becker
Subject: Private Road Name

Good Afternoon Nikki,

Thank you for sending your enquiry regarding naming a private road through to the City of West Torrens.

If you could just confirm a few details regarding this road name, I can get the process started. We just need to know what you intend the road to be called, perhaps a short description why you have selected that name and if you could provide me with a map of where the road is located, that would be fantastic. If you could also confirm whether the road is a private road on private land, that would certainly assist in the process.

I can then complete a report to Council which will hopefully go through early next month.

Please do not hesitate to contact me with any further questions or queries.

Thanks and Kind Regards,

Liz Johnson

Page 2 of 2

Manager Business Services (Acting)

City of West Torrens
165 Sir Donald Bradman Drive
Hilton SA 5033

Phone: 08 8416 6290

Email: ljohnson@wtcc.sa.gov.au

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CITY OF WEST TORRENS



**Council Policy:
Asset Naming**

Classification:	Council Policy		
First Issued:	June 2010		
Dates of Review:	20 February 2013, 2016		
Version Number:	3		
DW Doc set ID:	1423091		
Next Review Due:	5 March 2018		
Applicable Legislation:	<u>Local Government Act 1999 (SA)</u>		
Related Policies or Corporate Documents:			
Associated Forms:			
Note:	Amendments and/or adoption of this policy require public notification. Formally Road Naming Policy		
Responsible Manager:	General Manager Business and Community Services		
Confirmed by General Manager:	General Manager Business and Community Services	Date	26 April 2016
Approved by Executive		Date	26 April 2016
Endorsed by Council:		Date	17 May 2016

City of West Torrens Council Policy - Asset Naming

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City of West Torrens Council Policy - Asset Naming

Council Policy - Asset Naming

1. Introduction

1.1 A Council has the power under section 219 of the *Local Government Act 1999* (the Act) to assign a name to, or change the name of:

- a public road;
- a private road; and
- a public place.

1.2 Council *must* assign a name to each public road created by land division.

2. Purpose

2.1 The purpose of this Policy is to:

- Provide a framework for selecting new and replacement names for assets in the City of West Torrens (CWT).
- Provide staff, the local community and developers with clear information on Council's requirements for the naming of assets.
- Ensure asset names are appropriate, will stand the test of time and preferably are of local or historical significance.

3. Scope

This policy applies to:

- 3.1 All existing and proposed assets and public places in the CWT; including both public and private assets.
- 3.2 All sealed and all formed public roads within the CWT.
- 3.3 All formed private roads that are accessible to the public; including (but not limited to) roads within complexes such as hospitals and retirement villages.

4. Definitions

4.1 Asset

A fixed item or facility used to satisfy a service potential or enabling the CWT to meet its corporate or community objectives. There are three types of assets:

1. Infrastructure - includes roads, bridges, footbridges, footpaths, bike paths, car parks, drainage, stormwater and traffic infrastructure.
2. Community - includes parks, playgrounds, sporting fields, monuments, community buildings and hubs.
3. Corporate - includes the Civic Centre, depot and other administrative buildings.

4.2 Community

Community means the residents of the CWT.

City of West Torrens Council Policy - Asset Naming

4.3 Developer

Developer means a person, persons or company that has submitted a development application to Council.

4.4 Land Division

Land division is a reference to the division of an allotment under the *Development Act 1993* or to the dealing with land under the *Roads (Opening and Closing) Act 1991* so as to open a road.

4.5 Property Owner

Property Owner means the registered owner of the relevant parcel of land.

4.6 Road

Road means a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes –

- (a) a bridge, viaduct or subway; or
- (b) an alley, laneway or walkway.

4.7 Private Road

Private Road means a road that is on private property that is not under the control of Council.

5. **Policy Statement**

5.1 An asset or public place naming process may be initiated if:

- 5.1.1 A request is received by the Council from an affected land owner or their agent; or the community;
- 5.1.2 Council resolves that a name change be investigated;
- 5.1.3 Council staff determine it is in the public interest to investigate a change in name;
- 5.1.4 Council or DTEI opens or forms a road; or
- 5.1.5 Council receives an application for a land division. Council *must* assign a name to each public road created by land division.

5.2 In the naming and renaming of assets and public places the following principles will be observed.

Uniqueness

- 5.2.1 An asset or public place will have only one name.
- 5.2.2 Duplicate names and similar sounding names within a suburb or locality will be avoided where possible.
(e.g. Paice, Payce or Pace Roads)

City of West Torrens Council Policy - Asset Naming

- 5.2.3 Wherever practicable, road names will be continuous from the logical start of the road to the logical end of the road, irrespective of Council boundaries, landforms and intersecting roads.

Name Sources

- 5.2.4 Sources for road or public place names may include:

- 5.2.4.1 Early explorers, pioneers, and settlers;
- 5.2.4.2 Historic home and property names;
- 5.2.4.3 Long-term and past landholders of the City;
- 5.2.4.4 Names on old survey plans;
- 5.2.4.5 Local history;
- 5.2.4.6 Eminent or notable persons with a connection to the area;
- 5.2.4.7 Landscapes or physical forms;
- 5.2.4.8 Persons who have served the community well;
- 5.2.4.9 Achievements in arts, culture, education, law, medicine, research sciences and sports;
- 5.2.4.10 Thematic names such as flora, fauna, ships, etc;
- 5.2.4.11 Commemorative names; and
- 5.2.4.12 Aboriginal names taken from the local Aboriginal language; only after consultation with the Aboriginal community and obtaining the appropriate permissions.

- 5.2.5 Names will be selected that are appropriate to the physical, historical or cultural character of the area concerned.
- 5.2.6 The origin and significance of each name should be clearly stated and subsequently recorded.
- 5.2.7 Preference will be given to names that refer to the history and development of the CWT; including pre-European settlement history.
- 5.2.8 However, Council will not assign the name of a serving member of the Elected Council, or of the Administration, to an asset owned and/or controlled by the CWT.

Propriety

5.2.9 Names, which may be characterised as follows, will not be used:

- 5.2.9.1 Offensive or likely to give offence;
- 5.2.9.2 Incongruous - out of place;
- 5.2.9.3 Could be construed as advertising particular commercial or industrial enterprise; or
- 5.2.9.4 Names of living persons , except in exceptional circumstances.

Form

- 5.2.10 Names will be reasonably easy to read, spell and pronounce in order to assist service providers, emergency services and the travelling public.
- 5.2.11 Unduly long names and names composed of two or more words or unusual combinations of words will be avoided.
- 5.2.12 When using geographical place or feature names, the form adopted in the State Gazetteer will be used. The State Gazetteer may be accessed online at www.placenames.sa.gov.au or by contacting the Geographical Names Unit of the Land Services Group (DTEI).
- 5.2.13 Road or public place names will not contain abbreviated prefixes, with the exception of "St" in place of "Saint" and "Mt" in place of "Mount".
- 5.2.14 The possessive case will not be used e.g. "Smith's Road" would be "Smith Road".
- 5.2.15 The use of given names or both given names and surname or initials should generally be avoided.
- 5.2.16 The use of hyphens or other similar diacritical marks will be avoided. However, hyphens may be used when naming a road after a person with a hyphenated name.
- 5.2.17 Asset and public place names should be practical for maps and plans when possible. Long street names should not be allocated to short roads as the inclusion of such names on street directories and other maps can result in name crowding difficulties for the mapmakers and confusion or uncertainty for the people using the maps.
- 5.2.18 Asset or public place names will not contain a prefix or an additional suffix, eg. "north" or "extension".

City of West Torrens Council Policy - Asset Naming

Road Type

5.2.19 Road names will include an appropriate road type suffix (e.g. Smith Road) conforming with the following guidelines:

5.2.19.1 The appropriate suffix will be selected from those approved at Appendix 1.

5.2.19.2 The suffix chosen will be compatible with the class and type of road and any geometry of the road form where appropriate.
e.g. a crescent shaped road takes the suffix Crescent.

5.3 Naming of Private Roads

5.3.1 Private land owners are not obliged to seek Council approval for naming their roads. However, there is a public interest in encouraging private land owners and developers to select suitable names, preferably in accordance with this policy, and to obtain Council endorsement for the name.

5.3.2 When Council proposes to assign or change a private road name it will consult with the owner of the land over the proposed name and the signage requirements for the road.

5.4 Consultation with Affected Parties

5.4.1 If Council decides to change the name of a road or public place, it will:

- give at least 14 days notice of the proposed change to owners of adjoining properties;
- consider any representations made in response to the notice; and
- When the road or public place runs into the area of an adjoining council, the Council will give the adjoining council at least two months notice to allow for consultation with their residents.

5.4.2 Council will consult with the Department for Transport, Energy and Infrastructure (DTEI) when State roads under the Council's care and control are to be named.

5.5 Temporary Naming Agreements for Sponsorship Purposes

5.5.1 Lessees or licensees of Council owned property may seek to enter into naming rights agreements with other parties.

5.5.2 Lessees or licensees of Council property who wish to enter into commercial arrangements with third parties to temporarily rename a Council asset must, before entering into any agreement, seek and receive Council's consent for the proposed arrangement in writing. The request for consent should include the following information:

- the existing name (if any) of the Council asset;
- the proposed temporary name of the asset;
- the commercial benefit of temporarily renaming the asset; and
- the proposed duration of the naming agreement.

City of West Torrens Council Policy - Asset Naming

5.6 Council Decisions and Responsibility for Costs

- 5.6.1 A report will be put before Council for a decision detailing the selected name(s), outlining compliance with Clause 5.2 of this policy and providing any submissions made in the consultation phase of the naming process.
- 5.6.2 The cost of implementing any decision to assign or change a name, that being public notification and signage, will be borne by the Council unless otherwise specified.

5.7 Public Notice of Name Assignment or Name Change

- 5.7.1 Council will give public notice of the assigning or changing of a road or public place name. This will be by publication on the Council website, in the Government Gazette and by notice in a newspaper circulating generally throughout the Council area, as required under Section 219 of the *Local Government Act 1999*. The public notice will include the date that the name takes effect.
- 5.7.2 The date when an asset or public place name takes effect shall be the date of gazettal or the date specified in the resolution of Council.
- 5.7.3 When a developer proposes to change the approved layout of a development or the layout adjacent to a development that will require a change of an existing or approved road or public place name(s), all costs and any associated public consultation requirements will be borne by the developer.

5.8 Advise Relevant Parties of Name Assignment or Change

- 5.8.1 Council will provide written notice of Council's decision of a name assignment or change to the Registrar-General, Surveyor-General and Valuer-General in accordance with Section 219 of the *Local Government Act 1999*.
- 5.8.2 Council will update the Register of Public Roads as required by Section 231 of the *Local Government Act 1999*.

5.9 Signage

- 5.9.1 Council will ensure signage is in accordance with the relevant Australian Standard (AS 1742.5 – 1997) is erected.
- 5.9.2 Signage may be erected during construction of a sub-division.

City of West Torrens Council Policy - Asset Naming

Appendix 1. APPROVED ROAD SUFFIXES

Two lists are provided in this Appendix:

- Suffixes for Open Ended Roads.
- Suffixes for Cul-de-sacs.

Open Ended Roads		
Alley	Al	A usually narrow roadway for people or vehicles in cities and towns. A minor roadway through the centre of city blocks or squares.
Arcade	Ar	A passage having an arched roof, or any covered passageway, especially one with shops along the sides.
Avenue	Av	A broad roadway, usually planted on each side with trees.
Boulevard	Bvd	A wide roadway, well paved, usually ornamented with trees and grass plots.
Break	Bk	A vehicular access on a formed or unformed surface which was originally prepared as a firebreak.
Bypass	By	An alternative roadway constructed to enable through traffic to avoid congested areas or other obstructions to movement.
Circle	Ci	A roadway that forms a circle or part of a circle.
Circus	Cs	A circular open place where many roads come together.
Circuit	Cct	A roadway enclosing an area.
Crescent	Cr	A crescent or half-moon shaped roadway.
Drive	Dr	A wide thoroughfare allowing a steady flow of traffic without many cross streets.
Edge	Ed	A roadway constructed along the edge of a cliff or ridge.
Entrance	Ent	A roadway connecting other roads.
Esplanade	Esp	A level roadway, often along the seaside or a river.
Fairway	Fry	A short open roadway between other roadways.
Formation	Fmn	A formed surface, once a timber railway, which now provides vehicular access.
Freeway	Fwy	An express highway with limited or controlled access.
Highway	Hwy	A main road or thoroughfare. A main route.
Interchange	Int	A highway or freeway junction designed so that traffic streams do not intersect.
Lane	La	A narrow way between walls, building, etcetera. A narrow country or city roadway.
Loop	Lp	A roadway that diverges from and rejoins the main thoroughfare.
Mall	Ml	A sheltered walk, promenade or shopping precinct.
Meander	Mr	A sinuous winding roadway, wandering at random through an area or subdivision.
Parade	Pde	A public promenade or roadway which has good pedestrian facilities along the side.
Parkway	Pwy	A roadway through parklands or an open grassland area.
Pass	Ps	A roadway connecting major thoroughfares or passing through hills.
Path	Pt	A roadway usually used for pedestrian traffic.
Promenade	Prm	A roadway-like avenue with plenty of facilities for the public to take a leisurely walk. A public place for walking.
Quays	Qs	A roadway leading to a landing place alongside or projecting into water.
Ramble	Ra	A roadway that meanders from place to place.
Road	Rd	A place where one may ride. An open way or public passage for vehicles, persons and animals. A roadway forming a means of communication between one place and another.
Rotary	Rty	An intersection of two or more carriageways at a common level where all traffic travels around a central island.
Row	Rw	A roadway with a line of professional buildings on either side.
Spur	Sp	A minor roadway off at less than 45 degrees.

City of West Torrens Council Policy - Asset Naming

Street	St	A public roadway in a town, city or urban area, especially a paved thoroughfare with footpaths and buildings along one or both sides.
Terrace	Tce	A roadway usually with houses on either side raised above the road level.
Track	Tk	A roadway with a single carriageway.
Trail	Trl	A roadway through a natural bushland region.
Turn	Tn	A roadway containing a sharp bend or turn.
Vista	Vs	A road with a view or outlook.
Walk	Wk	A thoroughfare with restricted vehicle access used mainly by pedestrians.
Way	Way	An access way between two streets.
Closed Ended Roads		
Close	Cl	A short enclosed roadway.
Court	Ct	A short enclosed roadway.
Courtyard	Cy	An enclosed area.
Cove	Ce	A short enclosed roadway.
Cross	Cro	A roadway forming a "T" or cross.
Elbow	El	A roadway containing a sharp bend or turn.
Gardens	Gns	A roadway with special plantings of trees, flowers, etcetera, and often leading to a place for public enjoyment.
Green	Grn	A roadway often leading to a grassed public recreation area.
Grove	Gr	A roadway which often features a group of trees standing together.
Mews	Me	A roadway having houses grouped around the end.
Place	Pl	A short sometimes narrow enclosed roadway.
Plaza	Pa	A roadway enclosing the four sides of an area forming a market place or open space.
Retreat	Rt	A roadway forming a place of seclusion.
Square	Sq	A roadway bounding the four side of an area to be used as open space or a group of buildings.
View	Vw	A roadway commanding a wide panoramic view across the surrounding areas.

11.3 Legislative Progress Report - May 2016

Brief

This report provides an update on the status of proposed legislative changes affecting local government, dealt with in Parliament, by the Local Government Association or contained in the Government Gazette during the preceding month.

RECOMMENDATION

The Committee recommends to Council that the report be received.

Introduction

This report provides a monthly update on the progress of Bills through Parliament, using Parliament's defined stages, as well as items contained within the Government Gazette that relate to the City of West Torrens. It also contains information provided by the Local Government Association (LGA) relating to proposed amendments to legislation or other relevant matters.

Discussion

Summary of Proposed Amendments to Legislation

Local Nuisance and Litter Control Act 2016

The *Local Nuisance and Litter Control Act 2016* (Act) passed both Houses of Parliament on 18 May 2016.

Under this Act, councils will inherit an array of functions and responsibilities previously undertaken by the Environmental Protection Authority (EPA). These responsibilities will include having to investigate complaints about:

- Noise
- odours
- smoke, fumes or dust
- animals, whether dead or alive (currently part of the Local Government Act)
- insanitary conditions on premises
- unsightly conditions on premises, caused by human activity or lack of activity

Councils will have to determine whether there is evidence that these matters are adversely affecting the amenity or value of an area.

In addition to these 'nuisance' functions, councils will also become responsible for investigating 'littering'. Under the Act, litter is divided into categories – class A hazardous litter (limited to asbestos at present, but with provision to include more things by regulation); class B hazardous litter of 50 litres or more; class B hazardous litter of less than 50 litres; and general litter.

There are also new provisions that allow members of the public to report litter (a citizen's notification). The LGA and the EPA are in continuing discussions over how these complaints will be managed. The regulations under the Act have not yet been made and the LGA is working with the EPA on the content of proposed regulations.

The LGA has advised that it is expected to commence operation on 1 July 2017 so that councils will have time to budget for the substantial new responsibilities that will be imposed on councils by the Act.

Further information can be found via Local Government Circular 21.1 - 20 May 2016.

Tobacco Products (Smoking Bans in Public Areas - Longer Term) Variation Regulations 2015 [under the *Tobacco Products Regulation Act 1997*]

The *Tobacco Products (Smoking Bans in Public Areas - Longer Term) Variation Regulations 2015* (Regulations) will come into operation on 1 July 2016 to ban smoking in public outdoor dining in South Australia.

If a premises has an outdoor area at which food, other than snack food, is offered or provided for eating, that area will need to be smoke-free from the date the new laws come into effect. The area must have no-smoking signs and be separate from any other outdoor areas where smoking is permitted.

Under the Regulations, business owners must separate smoking areas from non-smoking areas where food is served. Businesses can achieve this separation in several ways, by:

- using completely separate outdoor areas for smoking and dining (depending upon premises layout e.g. front and rear outdoor areas; different street frontages);
- providing food at specific times only, during which time the area is smoke-free;
- physically separating one area into two through the erection of a solid two metre high barrier.

Guidelines and fact sheets were sent to all councils and food businesses in February 2016, describing the new laws and how to comply with them.

Further information can be found via Local Government Circular 20.2 - 16 May 2016.

Local Government (Disability Access Inspections) Amendment Bill 2016 [under the *Local Government Act 1999*]

The Hon. Kelly Vincent has released the *Local Government (Disability Access Inspections) Amendment Bill 2016* (Bill), which provides for councils to develop a policy and to carry out mandatory inspections of public buildings to ascertain whether the buildings are compliant with disability access requirements.

The LGA is seeking feedback from councils on the proposals contained in the Bill.

The Administration will not provide feedback on this Bill as disability access and inspection of building work to ensure compliance with the requirements is already undertaken as part of the development process for public and commercial properties.

Further information can be found via Local Government Circular 21.3 - 23 May 2016.

Government Gazette Notices

Local Government (Stormwater Management Agreement) Amendment Bill 2016 [under the *Local Government Act 1999*]

The *Local Government (Stormwater Management Agreement) Amendment Act 2016* (Act) has been proclaimed and came into operation on 19 May 2016.

The Stormwater Management Agreement between State and Local Governments was renewed in 2013. At that time, the State agreed to introduce legislation into Parliament to give effect to the terms of the updated agreement.

The Act replaces the current Schedule 1A in the *Local Government Act 1999* with the new Schedule 1A outlined in the Act, which reflects the terms of the 2013 agreement.

A report was previously provided to Council on 8 December 2015.

Further information can be found on the Parliament of South Australia website - <https://www.parliament.sa.gov.au> and via Government Gazette No 29. - 19 May 2016.

Bills previously reported on where status remains unchanged

- Independent Commissioner Against Corruption (Misconduct and Maladministration) Amendment Bill 2015 (adjourned in the House of Assembly at its 2nd reading on 19 November 2015).
- Dog and Cat Management (Miscellaneous) Amendment Bill 2015 (returned to the Legislative Council with amendments on 26 May 2016).
- Emergency Management (Miscellaneous) Amendment Bill 2016 (Awaiting Assent).
- Disability Services (Inclusion and Monitoring) Amendment Bill 2016 (adjourned in the House of Assembly at its 2nd reading on 10 March 2016 by the Dr McFetridge).
- Local Government (Rate Increases) Amendment Bill 2016 (adjourned in the House of Assembly at its second reading on the 24 March 2016 by Hon. T R Kenyon).

Acts Assented to but Not Yet Commenced

- *Planning, Development and Infrastructure Act 2016* - Received assent on 21 April 2016 - Expected commencement in 2017.

Conclusion

This report on legislative amendments is current at 30 May 2016.

12. MEETING CLOSE

CITY OF WEST TORRENS



Attachment Under Separate Cover

Council

7 June 2016

Item 18.1 - CEO Delegations Framework Review 2016



Proposed Delegations Framework 2016

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1. By-Law 1 - Permits and Penalties

By-Law 1 - Permits and Penalties				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
Clause 8.2	The power pursuant to Clause 8.2 of the by-law to attach such conditions to a grant of permission as thought fit, and to vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.	Duty - Not a delegation		New addition to Framework with suggested delegation.
Clause 8.4	The power pursuant to Clause 8.4 of the by-law to suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.	Duty - Not a delegation		New addition to Framework with suggested delegation.

2. By-Law 2 - Local Government Land

By-Law 2 - Local Government Land				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
Clause 7.1	The power pursuant to Clause 7.1 of the By-law to close, or regulate or restrict access to, any part of Local Government land to the public for specified times and days.	Chief Executive Officer		New addition to Framework with suggested delegation.
Clause 7.2	The power pursuant to Clause 7.2 of the By-law to fix charges or fees payable for entry onto any part of Local Government land.	Council Only		New addition to Framework with suggested delegation.
Clause 8	<p>The power pursuant to Clause 8 of the By-law to grant permission to a person to enter or remain on any Local Government land:</p> <p>8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with Clause 7.1 of the By-law;</p> <p>8.2 where entry fees or charges are payable, without paying those fees or charges; or</p> <p>8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked.</p>	Chief Executive Officer		New addition to Framework with suggested delegation.
Clause 9	<p>The power pursuant to Clause 9 of the By-law to grant permission for a person to do any of the following on Local Government land as specified within the By-law:</p> <p>9.1 Advertising</p> <p>9.2 Aircraft</p> <p>9.3 Alcohol (Council resolution required)</p> <p>9.4 Amplification</p> <p>9.5 Animals</p>	Chief Executive Officer		New addition to Framework with suggested delegation.

By-Law 2 - Local Government Land				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	9.6 Annoyance			
	9.7 Attachments			
	9.8 Bees			
	9.9 Boats			
	9.10 Buildings			
	9.11 Burials and Memorials			
	9.12 Camping and Tenets			
	9.13 Canvassing			
	9.14 Defacing Property			
	9.15 Distribution			
	9.16 Donations			
	9.17 Entertainment and Busking			
	9.18 Equipment			
	9.19 Fires			
	9.20 Fireworks			
	9.21 Flora and Fauna			
	9.22 Foreshore			
	9.23 Games			

By-Law 2 - Local Government Land				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	9.23.3 Golf on LG land (Council Resolution required)			
	9.24 Litter			
	9.25 Marine Life			
	9.26 Model Aircraft, Boats and Cars			
	9.27 Overhanding Articles or Displaying Personal Items			
	9.28 Playing Area			
	9.29 Pontoons			
	9.30 Posting of Bills			
	9.31 Preaching			
	9.32 Ropes			
	9.33 Swimming			
	9.34 Trading			
	9.35 Vehicles			
	9.36 Weddings, Functions and Special Event			

By-Law 2 - Local Government Land				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
Clause 11.1	<p>The power pursuant to Clause 11.1 of the By-law enables an authorised person to give reasonable direction to a person on Local Government land to comply with:</p> <p>11.1.1 the use of the land by that person;</p> <p>11.1.2 the conduct and behaviour on the land by that person;</p> <p>11.1.3 the safety on the land by that person; or</p> <p>11.1.4 the safety and enjoyment of other persons on the land.</p>	Duty - Not a Delegation		New addition to Framework with suggested delegation.
Clause 11.2	The power pursuant to Clause 11.2 of the By-law enables an authorised person to provide direction to a person who is likely to commit or has committed a breach of this By-law to immediately leave that part of Local Government land.	Duty - Not a Delegation		New addition to Framework with suggested delegation.
Clause 12	The power pursuant to Clause 12 of the By-law to grant permission to, if a person fails to comply with an order of an authorised person made pursuant to section 262 of the Local Government Act 1999 in respect of a breach of this By-Law, recover costs of any action taken under section 262(3) of the Local Government Act 1999 from a person to whom an order was directed.	Chief Executive Officer		New addition to Framework with suggested delegation.
Clause 13	The power pursuant to Clause 13 of the By-law enables an authorised person to remove an animal or object that is on Local Government land in breach of a By-law if no person is in charge of, or apparently in charge of, the animal or object.	Duty - Not a Delegation		New addition to Framework with suggested delegation.

3. By-Law 3 - Roads

By-Law 3 - Roads				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
Clause 7	<p>The power pursuant to Clause 7 of the By-law to grant permission for a person to do any of the following activities on a road as specified by the By-law:</p> <p>7.1 Amplification</p> <p>7.2 Animals</p> <p>7.3 Camping and Tents</p> <p>7.4 Donations</p> <p>7.5 Obstructions</p> <p>7.6 Posting of Bills</p> <p>7.7 Preaching</p> <p>7.8 Public Exhibitions and Displays</p> <p>7.9 Vehicles</p>	Chief Executive Officer		New addition to Framework with suggested delegation.
Clause 8	The power pursuant to Clause 8 of the By-law enables an authorised person to direct a person who is committing or has committed a breach of this By-law to immediately leave that part of the road.	Duty - Not a Delegation		New addition to Framework with suggested delegation.
Clause 9	The power pursuant to Clause 9 of the By-law to, if a person does not comply with an authorised person's order made pursuant to Section 262 of the Local Government Act 1999 in respect of a breach of this By-law, recover the costs of any action taken under section 262(3) of the Local Government Act 1999 from the person to who the order was directed.	Chief Executive Officer		New addition to Framework with suggested delegation.

By-Law 3 - Roads				
Clause 10	The power pursuant to Clause 10 of the By-law enables an authorised person to remove an animal, dog, cat or object that is on a road in breach of a By-law if no person is in charge, or apparently in charge, of the animal, dog, cat or object.	Duty - Not a Delegation		New addition to Framework with suggested delegation.

4. By-Law 4 - Moveable Signs

By-Law 4 - Moveable Signs				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
Clause 9	The power pursuant to Clause 9 of the By-law enables an authorised person to grant permission for a moveable sign to be placed on a footpath area of a road as per the appearance requirements of the By-law.	Duty - Not a Delegation		New addition to Framework with suggested delegation.
Clause 10	The power pursuant to Clause 10 of the By-law to grant permission to erect or display a banner on a building or structure on a road.	Chief Executive Officer		New addition to Framework with suggested delegation.
Clause 11.2	The power pursuant to Clause 11.2 of the By-law to grant permission to display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land (including roads) primarily for the purpose of advertising or offering for a sale a product (including the vehicle) or business to which the sign relates.	Chief Executive Officer		New addition to Framework with suggested delegation.
Clause 11.4	The power pursuant to Clause 11.4 of the By-law to, if in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.	Chief Executive Officer		New addition to Framework with suggested delegation.

5. By-Law 5 - Dogs

By-Law 5 - Dogs				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
Clause 7.1.1	The power pursuant to Clause 7.1.1 of the By-Law to grant permission to keep in a township, more than one dog in a small dwelling (subject to clauses 7.3 and 7.5).	Chief Executive Officer		New addition to Framework with suggested delegation.
Clause 7.1.2	The power pursuant to clause 7.1.2 of the By-law to grant permission to keep in a township, more than two dogs in premises other than a small dwelling (subject to clauses 7.3 and 7.5).	Chief Executive Officer		New addition to Framework with suggested delegation.
Clause 7.4	The power pursuant to clause 7.4 of the By-law enables an authorised person to inspect the premises which are the subject of an application for permission to keep additional dogs, for the purpose of assessing the suitability of the premises for housing dogs.	Duty - Not a Delegation		New addition to Framework with suggested delegation.
Clause 7.5	The power pursuant to Clause 7.5 of the By-law enables an authorised person to assess whether a dog is to be kept on a premise where there is no secure or appropriate area where a dog may be effectively confined.	Duty - Not a Delegation		New addition to Framework with suggested delegation.
Clause 9.1.1	<p>The power pursuant to clause 9.1.1 of the By-law to grant permission to allow a dog under a person's control, charge or authority (except an accredited guide dog, hearing dog or disability dog that is required to remain off-lead in order to fulfil its functions) to be or remain:</p> <p>9.1.1 on Local Government land or public place to which the Council has resolved that this subclause applies; and</p> <p>9.1.2 on any park or reserve during times when organised sport is being played</p> <p>unless the dog is secured by a strong leash not exceeding 2 metres in length which is either tethered securely to a fixed object capable of securing a dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.</p>	Chief Executive Officer		New addition to Framework with suggested delegation.

By-Law 5 - Dogs				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
Clause 12.1	The power pursuant to Clause 12.1 of the By-law enables an authorised person to, if a person engages in conduct that is in contravention of this By-law, order that person: 12.1.1 if the conduct is still continuing - to stop the conduct; and 12.1.2 whether or not the conduct is still continuing - to take specified action to remedy the contravention.	Duty - Not a Delegation		New addition to Framework with suggested delegation.
Clause 12.3	The power pursuant to Clause 12.3 of the By-law enables an authorised person to, if a person does not comply with an order, take action reasonably required to have an order carried out.	Duty - Not a Delegation		New addition to Framework with suggested delegation.
Clause 12.3	The powers pursuant to Clause 12.3 of the By-law to, if a person does not comply with an order, recover the costs of any action taken from the person to whom the order was directed.	Chief Executive Officer		New addition to Framework with suggested delegation.

6. Community Titles Act 1996

Community Titles Act 1996				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s3(11)	<p>1. Interpretation</p> <p>1.1 The duty pursuant to Section 3(11) of the Community Titles Act 1996 ("the Act") where the Act requires the scheme description lodged with the Registrar-General to be endorsed by the relevant development authority, and:</p> <p>1.1.1 all the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the plan of community division have been granted; or</p> <p>1.1.2 no consent or approval is required under that Act in relation to the division of the land (or a change in the use of the land), to, as the relevant development authority, endorse a scheme description to the effect of either subsection 3(11)(b)(i) or (ii) of the Act.</p>	Chief Executive Officer		
s14(1)	<p>2. Application</p> <p>2.1 The power pursuant to Section 14(1) of the Act, where the Council is the registered proprietor of an estate in fee simple in:</p> <p>2.1.1 land comprising an allotment or allotments;</p> <p>2.1.2 land comprising a primary lot or a secondary lot,</p>	Chief Executive Officer		
s15A(b)(i)	<p>3. Application May Deal With Statutory Encumbrances</p> <p>3.1 The power pursuant to Section 15A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.</p>	Chief Executive Officer		

Community Titles Act 1996				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s16(1)(a)	<p>4. Consents to Application</p> <p>4.1 The power pursuant to Section 16(1)(a) of the Act,</p> <p>4.1.1 where the Council is the holder of a registered encumbrance over the land to be divided; or</p> <p>4.1.2 where deposit of the plan in the Lands Titles Registration Office will affect the estate or interest of the Council in land outside the community parcel; or</p> <p>4.1.3 where deposit of the plan in the Lands Titles Registration Office will operate to vest an estate or interest in land (whether within or outside the community parcel) in the Council to consent to the application.</p>	Chief Executive Officer		
s21(4)(a)	<p>5. Application to Amend Schedule of Lot Entitlements</p> <p>5.1 The power pursuant to Section 21(4)(a) of the Act, where the Council is</p> <p>5.1.1 the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation authorising the proposed amendment because the Council was not a member of the corporation when the vote was taken; or</p> <p>5.1.2 a prospective owner at the relevant time of a community lot; or</p> <p>5.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot; or</p> <p>5.1.4 where the Council is a person referred to in Section 21(5) of the Act, to consent to the proposed amendment.</p>	Chief Executive Officer		
s21(5)	<p>5. Application to Amend Schedule of Lot Entitlements</p> <p>5.2 The power pursuant to Section 21(5) of the Act:</p> <p>5.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan, and where the Council is:</p> <p>5.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amendment because the Council was not a member of the secondary corporation when</p>	Chief Executive Officer		

Community Titles Act 1996				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>the vote was taken; or</p> <p>5.2.1.2 a prospective owner at the relevant time of a secondary lot; or</p> <p>5.2.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot; or</p> <p>5.2.2 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan, and where the Council is:</p> <p>5.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment because the Council was not a member of the tertiary corporation when the vote was taken; or</p> <p>5.2.2.2 a prospective owner at the relevant time of a tertiary lot; or</p> <p>5.2.2.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot, to grant consent.</p>			
s27(1)(b)(i)	<p>6. Encroachments</p> <p>6.1 The power pursuant to Section 27(1)(b)(i) of the Act to consent to the encroachment of a building over land not included in a community parcel where the encroachment is over land vested in, or under the control or management of the Council.</p>	Chief Executive Officer		
s30(4)	<p>7. Scheme Description</p> <p>7.1 The power pursuant to Section 30(4) of the Act as the relevant development authority to require modifications to a scheme description before endorsing the scheme description to:</p> <p>7.1.1 add any information that is necessary or desirable; or</p> <p>7.1.2 clarify any part of the description; or</p> <p>7.1.3 remove any unnecessary detail.</p>	Chief Executive Officer		

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Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s31(3)	<p>8. Scheme Description</p> <p>8.1 The power pursuant to Section 31(3) of the Act as the relevant development authority to endorse a certified copy of an amended scheme description.</p>	Chief Executive Officer		
s32(1)	<p>9. Persons Whose Consents are Required</p> <p>9.1 The power pursuant to Section 32(1) of the Act, where the Council is:</p> <p>9.1.1 a person who is the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation amending the scheme description because the Council was not then a member of the corporation; or</p> <p>9.1.2 the prospective owner at the relevant time of a community lot;</p> <p>9.1.3 the owner or prospective owner at the relevant time of a development lot;</p> <p>9.1.4 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a community lot or development lot; or</p> <p>9.1.5 the owner or prospective owner at the relevant time of a development lot in a secondary or tertiary scheme that comprises part of the community scheme to which the scheme description relates; or</p> <p>9.1.6 a person referred to Section 32(2) of the Act, to grant consent.</p>	Chief Executive Officer		
s32(2)	<p>9. Persons Whose Consents are Required</p> <p>9.2 The power pursuant to Section 32(2) of the Act:</p> <p>9.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and the Council is:</p> <p>9.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amendment to the scheme description because the Council was not then a member of the secondary corporation; or</p>	Chief Executive Officer		

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Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>9.2.1.2 the prospective owner at the relevant time of a secondary lot; or</p> <p>9.2.1.3 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a secondary lot or development lot; or</p> <p>9.2.2 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan and the Council is:</p> <p>9.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment to the scheme description because the Council was not then a member of the tertiary corporation; or</p> <p>9.2.2.2 the prospective owner at the relevant time of a tertiary lot; or</p> <p>9.2.2.3 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a tertiary lot or development lot, to grant consent.</p>			
s34(6)(e)	<p>9A. By-laws</p> <p>9A.1 The power pursuant to Section 34(6)(e) of the Act, to, within 60 days after service of the notice, apply to the Magistrates Court for revocation of the notice.</p>	Chief Executive Officer		
s34(6)(g)	<p>9A. By-laws</p> <p>9A.2 The power pursuant to Section 34(6)(g) of the Act to withdraw or otherwise discontinue the application for revocation.</p>	Chief Executive Officer		
s36(5)	<p>9B. By-law as to the Exclusive Use of Part of the Common Property</p> <p>9B.1 The power pursuant to Section 36(5) of the Act to provide written consent to the community corporation to make a by-law under Section 36 of the Act.</p>	Chief Executive Officer		
s49(1)	<p>9C. Enforcement of Development Contract</p> <p>9C.1 The power pursuant to Section 49(2) of the Act, where the Council is an owner or occupier of a lot, who is, by virtue of Section 49(1) of the Act, a party to a development contract, to take proceedings for its enforcement (including damages for breach of the contract) in the Magistrates Court</p>	Chief Executive Officer		

Community Titles Act 1996				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	against: 9C.1.1 the developer; and 9C.1.2 if the contract is for the development of a development lot or a community lot – the subsequent owner or owners (if any) of the lot, even though no obligations attach to the corporation, owner and occupier under the contract.			
s49(2a)	9C. Enforcement of Development Contract 9C.2 The power pursuant to Section 49(2a) of the Act to make application to the Magistrates Court to transfer the proceedings to the District Court.	Chief Executive Officer		
s49(2b)	9C. Enforcement of Development Contract 9C.3 The power pursuant to Section 49(2b) of the Act to make application to a court to: 9C.3.1 transfer an application under Section 49 of the Act to the Supreme Court on the ground that the application raises a matter of general importance; or 9C.3.2 state a question of law for the opinion of the Supreme Court.	Chief Executive Officer		
s52(1)(a)(ii)	10. Application for Amendment 10.1 The power pursuant to Section 52(1)(a)(ii) of the Act to make an application for the amendment of a deposited community plan, where the Council is the owner of a community lot that will be affected by the amendment.	Chief Executive Officer		
s52(2)(b)	10. Application for Amendment 10.2 The power pursuant to Section 52(2)(b) of the Act, if the boundaries of a community lot or a development lot are affected by the amendment or if a community lot or a development lot is extinguished by the amendment, and the Council is: 10.2.1 the owner of the lot (not being an applicant in accordance with Section 52(1)(a)(ii) of the Act; or 10.2.2 a person who holds a registered encumbrance over the lot, consent to the amendment.	Chief Executive Officer		
s52(2)(c)	10. Application for Amendment 10.3 The power pursuant to Section 52(2)(c) of the Act, where amendment of the plan will operate to vest an estate or interest in land in the Council, to consent to the application.	Chief Executive Officer		

Community Titles Act 1996				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s53(2)	11. Status of Application for Amendment of Plan 11.1 The power pursuant to Section 53(2) of the Act, where the Council has consented to an application, to consent to an application being withdrawn or amended.	Chief Executive Officer		
s53(3)	11. Status of Application for Amendment of Plan 11.2 The power pursuant to Section 53(3) of the Act to amend the application in order to comply with the Act or the Real Property Act 1886 or with a requirement of the Registrar-General under the Act or the Real Property Act 1886.	Chief Executive Officer		
s53A(b)(i)	12. Application May Deal With Statutory Encumbrances 12.1 The power pursuant to Section 53A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.	Chief Executive Officer		
s57(2)(b)	13. Alteration of Boundaries of Primary Community Parcel 13.1 The power pursuant to Section 57(2)(b) of the Act, if part of an allotment is to be included in the primary parcel and the Council is the registered proprietor of the allotment to be divided from outside the parcel, to make the application jointly with the community corporation.	Chief Executive Officer		
s58(1)	14. Amendment of Plan Pursuant to Development Contract 14.1 The power pursuant to Section 58(1) of the Act and in accordance with Sections 58(2), (3) and (4) of the Act, where the Council is the registered proprietor of an estate in fee simple in a development lot, to apply to the Registrar-General for the division of the development lot in pursuant of the development contract and for the consequential amendment of the community plan.	Chief Executive Officer		
s59(1), 59(2) and (3)	15. Amendment by Order of District Court 15.1 The power pursuant to Section 59(1) of the Act and in accordance with Sections 59(2) and (3) of the Act to apply to the ERD Court to amend a community plan.	Chief Executive Officer		
s59(3a)	15. Amendment by Order of ERD Court 15.2 The power pursuant to Section 59(3a) of the Act to make submissions to the court in relation to the matter.	Chief Executive Officer		

Community Titles Act 1996				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s61(1)	<p>16. Persons Whose Consents are Required</p> <p>16.1 The power pursuant to Section 61(1) of the Act, where the Council is:</p> <p>16.1.1 a person who is the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation authorising the proposed amalgamation because the Council was not then a member of the corporation; or</p> <p>16.1.2 the prospective owner at the relevant time of a community lot; or</p> <p>16.1.3 the owner or prospective owner at the relevant time of a development lot; or</p> <p>16.1.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or a development lot; or</p> <p>16.1.5 a person referred to in Section 61(2) of the Act, to consent to the amalgamation.</p>	Chief Executive Officer		
s61(2)	<p>16. Persons Whose Consents are Required</p> <p>16.2 The power pursuant to Section 61(2) of the Act,</p> <p>16.2.1 where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan where the Council is:</p> <p>16.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amalgamation because the Council was not then a member of the secondary corporation; or</p> <p>16.2.1.2 the prospective owner at the relevant time of a secondary lot; or</p> <p>16.2.1.3 the owner or prospective owner at the relevant time of a development lot in the secondary scheme; or</p> <p>16.2.1.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot or development lot; or</p>	Chief Executive Officer		

Community Titles Act 1996				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>16.2.2 where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the plans to be amalgamated are secondary plans a secondary lot is divided by a tertiary plan where the Council is:</p> <p>16.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amalgamation because the Council was not then a member of the tertiary corporation; or</p> <p>16.2.2.2 the prospective owner at the relevant time of a tertiary lot; or</p> <p>16.2.2.3 the owner or prospective owner at the relevant time of a development lot in the tertiary scheme; or</p> <p>16.2.2.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot or development lot, to consent.</p>			
s62(3)	<p>17. Deposit of Amalgamated Plan</p> <p>17.1 The power pursuant to Section 62(3) of the Act, where the Council is:</p> <p>17.1.1 the owner of the servient land; or</p> <p>17.1.2 a person who appears from the Register Book to hold a registered encumbrance over the servient land (other than an easement that will not be affected) to endorse an application for amalgamation with the Council's consent.</p>	Chief Executive Officer		
s66(1)	<p>18. Persons Whose Consent is Required</p> <p>18.1 The power pursuant to Section 66(1) of the Act, to, where the Council is:</p> <p>18.1.1 an owner at the relevant time of a community lot and a development lot (if any); or</p> <p>18.1.2 the prospective owner at the relevant time of a community lot or a development lot; or</p>	Chief Executive Officer		

Community Titles Act 1996				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	18.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or development lot, to give consent to the application.			
s67(1)	18A. Application to ERD Court 18A.1 The power pursuant to Section 67(1) of the Act, to make an application to the ERD Court for an order cancelling a community plan.	Chief Executive Officer		
s67(1a)	18A. Application to ERD Court 18A.2 The power pursuant to Section 67(1a) of the Act to make submissions to the Court in relation to the matter.	Chief Executive Officer		
s69(2)(e)	19. Cancellation 19.1 The power pursuant to Section 69(2)(e) of the Act to consent to the cancellation of a community plan where the Council is the owner of the servient land or holds a registered encumbrance over the servient land (other than an easement that will not be affected).	Chief Executive Officer		
s69(6)	19. Cancellation 19.2 The power pursuant to Section 69(6) of the Act to where the Council is the registered proprietor of the servient land or the dominant land (if any) request an easement be reinstated on cancellation of a plan.	Chief Executive Officer		
s70(2)	20. Division of Primary Parcel Under Part 19AB 20.1 The power pursuant to Section 70(2) of the Act, where the Council is: 20.1.1 an owner of a primary lot or an owner of a development lot (if any) comprising the primary parcel; 20.1.2 if a primary lot is divided by a secondary plan - an owner of the secondary lot and an owner of the development lot (if any) comprising the secondary parcel; or 20.1.3 if a secondary lot is divided by a tertiary plan - an owner of a tertiary lot and the owner of a development lot (if any) comprising the tertiary parcel, to endorse a plan of division lodged with the application with the Council's consent.	Chief Executive Officer		

Community Titles Act 1996				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s84(3), 84(5), (5a) and (6)	21. Voting at General Meetings 21.1 The power pursuant to Section 84(3) of the Act, subject to Section 84(8) of the Act and in accordance with Sections 84(5), (5a) and (6) of the Act, to nominate another person to attend and vote at meetings on the Council's behalf.	Chief Executive Officer		
s84(11)	21. Voting at General Meetings 21.2 The power pursuant to Section 84(11) of the Act, to exercise an absentee vote on a proposed resolution by giving the secretary written notice of the proposed vote at least six hours before the time of the meeting.	Chief Executive Officer		
s100(1)	22. Administrator of Community Corporation's Affairs 22.1 The power pursuant to Section 100(1) of the Act to make application to the District Court or the Magistrates Court to appoint an administrator of the community corporation, or remove or replace an administrator previously appointed.	Chief Executive Officer		
s101(1), 101(5), 101(6)	23. Power to Enforce Duties of Maintenance and Repair etc 23.1 The power pursuant to Section 101(6) of the Act, where: 23.1.1 - 23.1.1.1 the Council incurs costs in complying with a notice under Section 101(1) of the Act; or 23.1.1.2 the corporation recovers costs from the Council under Section 101(5) of the Act; and 23.1.2 the circumstances out of which the work was required are attributable to the act or default of another person, to recover those costs from that other person as a debt.	Chief Executive Officer		
s108(1)	24. Right to Inspect Policies of Insurance 24.1 The power pursuant to Section 108(1) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the community corporation.	Chief Executive Officer		
s108(2)	24. Right to Inspect Policies of Insurance 24.2 The power pursuant to Section 108(2) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the primary community corporation.	Chief Executive Officer		
s108(3)	24. Right to Inspect Policies of Insurance 24.3 The power pursuant to Section 108(3) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the primary or secondary corporation.	Chief Executive Officer		

Community Titles Act 1996				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s139(1)	<p>25. Information to be Provided by Corporation</p> <p>25.1 The power pursuant to Section 139(1) of the Act to, make application to a community corporation to:</p> <p>25.1.1 provide a statement setting out:</p> <p>25.1.1.1 particulars of any contribution payable in relation to the lot (including details of any arrears of contributions in relation to the lot); and</p> <p>25.1.1.2 particulars of the assets and liabilities of the corporation; and</p> <p>25.1.1.3 particulars of any expenditure that the corporation has incurred, or has resolved to incur, and to which the owner of the lot must contribute, or is likely to be required to contribute; and</p> <p>25.1.1.4 particulars in relation to any other matter prescribed by regulations; and</p> <p>25.1.2 provide copies of:</p> <p>25.1.2.1 the minutes of general meetings of the corporation and meetings of its management committee (if any) for such period, not exceeding two years, specified in the application; and</p> <p>25.1.2.2 the statement of accounts of the corporation last prepared by the corporation; and</p> <p>25.1.2.3 current policies of insurance taken out by the corporation; and</p> <p>25.1.3 make available for inspection such information as is required to establish the current financial position of the corporation including:</p> <p>25.1.3.1 a copy of the accounting records of the corporation; and</p> <p>25.1.3.2 the minute books of the corporation; and</p> <p>25.1.3.3 any other documentary material prescribed by regulation; and</p> <p>25.1.4 if the community corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract; and</p> <p>25.1.5 make available for inspection the register maintained under Section 135 of the Act.</p>	Chief Executive Officer		
s139(1a), 139(2) and (4)	<p>25. Information to be Provided by Corporation</p> <p>25.2 The power pursuant to Section 139(1a) of the Act to, subject to Sections 139(2) and (4) of the Act, make application to a community corporation to provide, on a quarterly basis, ADI statements for all accounts maintained by the corporation.</p>	Chief Executive Officer		
s140(1)	<p>26. Information as to Higher Tier of Community Scheme</p> <p>26.1 The power pursuant to Section 140(1) of the Act to apply to the primary corporation for information under Section 139 of the Act.</p>	Chief Executive Officer		

Community Titles Act 1996				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s140(2)	26. Information as to Higher Tier of Community Scheme 26.2 The power pursuant to Section 140(2) of the Act to apply to the primary or secondary corporation for information under Section 139 of the Act.	Chief Executive Officer		
s141(1)	27. Persons Who May Apply for Relief 27.1 The power pursuant to Section 141(1) of the Act to apply for relief under Part 14 of the Act.	Chief Executive Officer		
s142(2), 142(1)	28. Resolution of Disputes, etc 28.1 The power pursuant to Section 142(2) of the Act, subject to Section 142(1) of the Act, to make an application to the Magistrates Court.	Chief Executive Officer		
s142(3), 142	28. Resolution of Disputes, etc 28.2 The power pursuant to Section 142(3) of the Act to apply for the permission of the District Court, to bring an application under Section 142 of the Act in the District Court.	Chief Executive Officer		
s142(3), 142	28. Resolution of Disputes, etc 28.3 The power pursuant to Section 142(3) of the Act to, with the permission of the District Court, bring an application under Section 142 in the District Court.	Chief Executive Officer		
s142(4)	28. Resolution of Disputes, etc. 28.4 The power pursuant to Section 142(4) of the Act to make an application to the District Court that proceedings that have been commenced in the Magistrates Court be transferred to the District Court.	Chief Executive Officer		
s142(6), 142	28. Resolution of Disputes, etc. 28.5 The power pursuant to Section 142(6) of the Act to make an application to a court to: 28.5.1 transfer an application under Section 142 of the Act to the Supreme Court on the ground that the application raises a matter of general importance; or 28.5.2 state a question of law for the opinion of the Supreme Court.	Chief Executive Officer		
s142A(3), 142A(1)	29. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold 29.1 The power pursuant to Section 142A(3) of the Act, in the event of a contravention of Section 142A(1) of the Act, to, by notice in writing given at any time before the plan of community division is deposited in the Lands Titles Registration Office, avoid the contract of sale.	Chief Executive Officer		

Community Titles Act 1996				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s142A(4)(a)	29. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold 29.2.2 if the contract does not specify a period in accordance with Section 142A(4)(a) of the Act, within 6 months after the date of the contract, to, by notice in writing to the vendor, avoid the contract of sale at any time before the plan is deposited.	Chief Executive Officer		
s146(1), 146(2) - (9)	30. Entry onto Lot or Common Property 30.1 The power pursuant to Section 146(1) of the Act, subject to Sections 146(2) - (9) of the Act, where the Council needs to enter another lot or the common property, in order to exercise rights under an easement for the establishment, maintenance and repair of part of the service infrastructure, to: 30.1.1 give notice to the owner of the lot to be entered; or 30.1.2 where it is necessary to enter the common property, to give notice to the corporation.	Chief Executive Officer		
s146(4)	30. Entry onto Lot or Common Property 30.2 The power pursuant to Section 146(4) of the Act, if notice is not given (in an emergency) or the period of the notice has expired and it is not possible to gain entry without using force, to use such force as is reasonable in the circumstances.	Chief Executive Officer		
s146(6)	30. Entry onto Lot or Common Property 30.3 The power pursuant to Section 146(6) of the Act, in an emergency to enter another lot or the common property to assist a person on the lot or common property or to prevent or reduce damage to the lot or another lot or to the common property.	Chief Executive Officer		

7. Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008

Development Act 1993	
General Conditions - Development Assessment Panel	Proposed Amendments
<p>CHIEF EXECUTIVE OFFICER, GENERAL MANAGER URBAN SERVICES AND MANAGER CITY DEVELOPMENT shall -</p> <p>A) With regard to applications for non-complying forms of development, only exercise delegated powers to determine whether or not to proceed to assess such an application. All applications for non-complying forms of development shall be assessed and determined by the Development Assessment Panel.</p> <p>B) With regard to sites where the Development Assessment Panel has previously refused an application within the last five years, all similar applications on the site shall be assessed and determined by the Development Assessment Panel.</p> <p>C) With regard to residential development and land division applications, other than where a corresponding authorisation has been granted and remains operative, only exercise delegated powers to assess or determine applications where all proposed allotments and or sites meet or are within 5% of the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan.</p> <p>D) With regard to advertising displays, only exercise delegated powers to assess or determine applications that do not involve an advertising display adjacent and/or abutting an existing arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the West Torrens Council Development Plan) and within 100 metres of a signalised intersection or a pedestrian actuated crossing where the display—</p> <p>a) will be internally illuminated and incorporate red, yellow, green or blue lighting; or</p> <p>b) will incorporate a moving display or message; or</p> <p>c) will incorporate a flashing light.</p>	<p>Amendment to section. No change to delegation.</p>

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s6(3)	<p>1. Concept of Change in the Use of Land</p> <p>1.1 The power pursuant to Section 6(3) of the Development Act 1993 ('the Act') and in circumstances where a particular use of land has been discontinued for a period of six months or more:</p> <p>1.1.1 to form the opinion that the revival of that use would be inconsistent with the Development Plan and have an adverse effect on the locality in which the land is situated; and</p>	Chief Executive Officer		
s6(3)	<p>1. Concept of Change in the Use of Land</p> <p>1.1 The power pursuant to Section 6(3) of the Development Act 1993 ('the Act') and in circumstances where a particular use of land has been discontinued for a period of six months or more:</p> <p>1.1.2 to serve written notice on the owner and occupier of the land declaring that a revival of the use will be treated for the purposes of the Act as a change in the use of land.</p>	Chief Executive Officer		
s18(1)	<p>2. Appointment of Authorised Officers</p> <p>2.1 The power pursuant to Section 18(1) of the Act to appoint a person to be an authorised officer for the purposes of the Development Act 1993.</p>	Chief Executive Officer		
s18(2)	<p>2. Appointment of Authorised Officers</p> <p>2.2 The power pursuant to Section 18(2) of the Act to impose conditions on the appointment of an authorised officer.</p>	Chief Executive Officer		
s18(3)	<p>2. Appointment of Authorised Officers</p> <p>2.3 The duty, pursuant to Section 18(3) of the Act to issue an authorised officer with an identity card.</p>	Duty - Not a Delegation		
s18(5)	<p>2. Appointment of Authorised Officers</p> <p>2.4 The power pursuant to Section 18(5) of the Act to at any time, revoke an appointment which the Delegate or the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.</p>	Chief Executive Officer		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s20(8)	3. Delegations 3.1 The duty pursuant to Section 20(8) of the Act to ensure that notice of a delegation under Section 20 of the Act is, in prescribed circumstances, given in the Gazette.	Duty - Not a Delegation		
s24(1)(a)(i)	4. Council or Minister May Amend a Development Plan 4.1 Where an amendment relates to the area, or part of the area, of a council, the power pursuant to Section 24(1)(a)(i) of the Act to prepare an amendment to a Development Plan.	Council Only		
s24(1)(b)(i)	4. Council or Minister May Amend a Development Plan 4.2 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(i) to consult with the Minister.	Council Only		
s24(1)(b)(ii)	4. Council or Minister May Amend a Development Plan 4.3 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(ii) of the Act to prepare an amendment to a Development Plan at the request or with the approval of the Minister.	Council Only		
s24(1a)	4. Council or Minister May Amend a Development Plan 4.4 The power pursuant to Section 24(1a) of the Act and in accordance with subdivision 2 of Division 2 Part 3 of the Act to act jointly with one or more councils in preparing amendments to 1 or more Development Plans under sub Section (1)(a)(i) or (1)(b)(ii) of the Act.	Chief Executive Officer		
s24(1)(a)(iva)	4. Council or Minister May Amend a Development Plan 4.5 The power pursuant to section 24(1)(a)(iva) of the Act, where the Council or the Delegate has, after commencing the processes associated with making an amendment as set out in Section 25 of the Act, to subsequently decide not to proceed with the amendment after all.	Council Only		
s 24(1b)	4. Council or Minister May Amend a Development Plan 4.6 The power pursuant to Section 24(1b) of the Act to make submissions in relation to the matter within the period specified by the Minister.	Chief Executive Officer		
s24(2a)	4. Council or Minister May Amend a Development Plan 4.7 The power pursuant to Section 24(2a) of the Act to make submissions (within a period specified in the notice) in relation to a matter.	Chief Executive Officer		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s 25(1)	5. Amendments by a Council 5.1 The power pursuant to Section 25(1) of the Act to prepare a 'Statement of Intent' in accordance with the Regulations.	Council Only		
s25(1)	5. Amendments by a Council 5.2 The power pursuant to Section 25(1) of the Act to reach agreement with the Minister on a 'Statement of Intent' prepared by the Council.	Council Only		
s25(4) and 25(5)	<p>5. Amendments by a Council</p> <p>5.3 Subject to Sections 25(4) and 25(5) of the Act the power pursuant to Section 25(3) of the Act to prepare a proposal, to be called a 'Development Plan Amendment' (or DPA) that complies with the following requirements:</p> <p>5.3.1 the DPA must be based on the outcome of investigations initiated by the Council or the Delegate in accordance with the terms of the Statement of Intent and such other investigations (if any) as the Council or the Delegate thinks fit;</p> <p>5.3.2 the DPA must include an assessment of the extent to which the proposed amendment:</p> <p>5.3.2.1 accords with the Planning Strategy; and</p> <p>5.3.2.2 accords with the Statement of Intent; and</p> <p>5.3.2.3 accords with other parts of the Development Plan; and</p> <p>5.3.2.4 complements the policies in the Development Plans for adjoining areas; and</p> <p>5.3.2.5 satisfies the matters prescribed in the Regulations;</p> <p>5.3.3 the DPA must include:</p> <p>5.3.3.1 an explanation of the intent of the proposed amendments, the relationship between that intent and the policy of the Statement of Intent, and a summary of the major policy changes (if any) that are proposed; and</p>	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>5.3.3.2 a summary of the conclusions drawn from the investigations and assessments referred to above; and</p> <p>5.3.3.3 a draft of the amendment, or a draft of the relevant section of the Development Plan as amended (with the amendments shown in a distinctive manner);</p> <p>5.3.4 the DPA must include an assessment of the extent to which the proposed amendment accords with relevant infrastructure planning (with respect to both physical and social infrastructure) identified by the Council through strategic planning or other processes undertaken by the Council under the Act or the Local Government Act 1999 or identified by a Minister, or any other relevant government agency, in accordance with any scheme set out in the Regulations, in connection with the preparation of the DPA under the Act;</p>			
s25(3)(a)	<p>5. Amendments by a Council</p> <p>5.4 The power pursuant to Section 25(3)(a) of the Act to initiate investigations in accordance with the terms of the Statement of Intent and such other investigations as the Delegate thinks fit.</p>	Council Only		
s25(4)	<p>5. Amendments by a Council</p> <p>5.5 The duty, pursuant to Section 25(4) of the Act to prepare a DPA only after the Delegate has considered the advice of a person with prescribed qualifications.</p>	Duty - Not a Delegation		
s25(5)	<p>5. Amendments by a Council</p> <p>5.6 The power pursuant to Section 25(5) of the Act to not, except as authorised by the Minister, propose an amendment to a part of a Development Plan that has been declared by the Minister by notice in the Gazette as being part of a set of standard policy modules for the purposes of the Act.</p>	Council Only		
s25(6)	<p>5. Amendments by a Council</p> <p>5.7 The duty pursuant to Section 25(6) of the Act to deal with a DPA in accordance with process A, B or C as described by the Act, depending on an agreement reached between the Council or the Delegate and the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.</p>	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s25(6)	5. Amendments by a Council 5.8 The power pursuant to Section 25(6) of the Act to reach an agreement with the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.	Council Only		
s25(7)(a)	5. Amendments by a Council 5.9 Process A 5.9.1 The duty pursuant to Section 25(7)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent, for comment within the period prescribed by the Regulations.	Duty - Not a Delegation		
s25(7)(b)	5. Amendments by a Council 5.9 Process A 5.9.2 The power pursuant to Section 25(7)(b) of the Act, if a response is not received within the period that applies under Section 25(7)(a) of the Act, to assume that the particular Department, agency or other body does not desire to provide any comment.	Chief Executive Officer		
s 25(7)(c)	5. Amendments by a Council 5.9 Process A 5.9.3 The power pursuant to Section 25(7)(c) of the Act to consult with the Minister.	Council Only		
s25(7)(c)(i)	5. Amendments by a Council 5.9 Process A 5.9.4 The duty pursuant to Section 25(7)(c)(i) of the Act to comply with the requirement of the Minister to make an alteration to the DPA.	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s25(10), 25(11), 25(12) and 25(12a)	<p>5. Amendments by a Council</p> <p>5.9 Process A</p> <p>5.9.5 Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(7)(d) of the Act to release the DPA for public consultation in accordance with the Regulations), over a period of at least 8 weeks.</p>	Duty - Not a Delegation		
s25(8)(a)	<p>5. Amendments by a Council</p> <p>5.10 Process B</p> <p>5.10.1 The duty pursuant to Section 25(8)(a) of the Act, if required by the Minister, to first refer the DPA to the Minister for consideration.</p> <p>5.10.2 The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister.</p> <p>5.10.3 The duty pursuant to Section 25(8)(a)(i) of the Act to comply with a requirement of the Minister to make an alteration to the DPA.</p> <p>5.10.4 Subject to complying with Section 25(8)(a) of the Act, (if relevant) the duty and power pursuant to Section 25(8)(b)(i) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 8 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.</p> <p>5.10.5 Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act the duty pursuant to Section 25(8)(b)(ii) of the Act to release the DPA for public consultation in accordance with the Regulations over a period that is at least concurrent with the period that applies under Section 25(8)(b)(i) of the Act.</p>	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s25(9)(a)	<p>5. Amendments by a Council</p> <p>5.11 Process C</p> <p>5.11.1 The duty and power pursuant to Section 25(9)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 4 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.</p> <p>5.11.2 Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(9)(b) of the Act to release the DPA for public consultation in accordance with the Regulations, over a period that is at least concurrent with the period that applies under Section 25(9)(a) of the Act.</p> <p>5.11.3 The duty pursuant to Section 25(9)(c) of the Act, at the time that the DPA is released for public consultation, to give:</p> <p>5.11.3.1 an owner or occupier of any land that is directly subject to the operation of the proposed amendment; and</p> <p>5.11.3.2 an owner or occupier of each piece of adjacent land to land that is directly subject to the operation of the proposed amendment, a written notice in accordance with the Regulations.</p>	Duty - Not a Delegation		
s25(10)	<p>5. Amendments by a Council</p> <p>5.12 The duty pursuant to Section 25(10) of the Act to not release a DPA for public consultation unless or until the Chief Executive Officer of the Council has, on behalf of the Council, issued a certificate in the prescribed form relating to the extent to which the proposed amendment:</p> <p>5.12.1 accords with the Planning Strategy; and</p> <p>5.12.2 accords with the Statement of Intent; and</p> <p>5.12.3 accords with other parts of the Development Plan; and</p>	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>5.12.4 complements the policies in the Development Plans for adjoining areas; and</p> <p>5.12.5 satisfies the matters prescribed in the Regulations.</p>			
s25(11)	<p>5. Amendments by a Council</p> <p>5.13 In addition to any requirement prescribed by the Regulations, the duty pursuant to Section 25(11) of the Act for the purposes of undertaking the public consultation, to:</p> <p>5.13.1 allow interested persons to make representations in writing in relation to the matter over the period that applies for the purposes of the public consultation; and</p> <p>5.13.2 subject to Section 25(11)(b) of the Act and in accordance with the Regulations, hold within the area of the Council at least 1 meeting where members of the public may attend and make representations in relation to the matter,</p> <p>5.13.3 appoint a committee (which may, but need not, include members of the Council) to consider any representations made under Sections 25(11)(a) or 25(11)(b) of the Act and to provide advice in relation to those representations.</p>	Duty - Not a Delegation		
s25(12)	<p>5. Amendments by a Council</p> <p>5.14 If a proposed amendment designates a place as a place of local heritage value, the duty pursuant to Section 25(12) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land constituting a place proposed as a place of local heritage value a written notice:</p> <p>5.14.1 informing the owner of the proposed amendment, and</p> <p>5.14.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.</p>	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s25(12a)	<p>5. Amendments by a Council</p> <p>5.15 If a proposed amendment declares a tree to be a significant tree or a stand of trees to be significant trees, the duty pursuant to Section 25(12a) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land where the tree or trees are located a written notice:</p> <p>5.15.1 informing the owner of the proposed amendment; and</p> <p>5.15.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.</p>	Duty - Not a Delegation		
s25(13)(a)	<p>5. Amendments by a Council</p> <p>5.16 The duty pursuant to Section 25(13)(a) of the Act, after complying with the requirements of Sections 25(1)-(12a) of the Act, to, in accordance with the Regulations prepare a report on the matters raised during the consultation period, on the reasons for any failure to comply with any time set for any step under Sections 25(1)-(12a) of the Act, and on any recommended alterations to the proposed amendment.</p>	Duty - Not a Delegation		
s25(13)(b)	<p>5. Amendments by a Council</p> <p>5.17 The power pursuant to Section 25(13)(b) of the Act, if the Delegate thinks fit, by notice in writing to the Minister, to decline to proceed any further with an amendment.</p>	Council Only		
s25(13)(a);	<p>5. Amendments by a Council</p> <p>5.18 The duty to send to the Minister:</p> <p>5.18.1 a copy of a report under Section 25(13)(a); and</p> <p>5.18.2 a certificate from the Chief Executive Officer; pursuant to and in accordance with Section 25(14) of the Act and the Regulations.</p>	Duty - Not a Delegation		
s25(15)(d) and 25(15)(f)	<p>5. Amendments by a Council</p> <p>5.19 The power pursuant to Sections 25(15)(d) and 25(15)(f) of the Act to consult with the Minister.</p>	Council Only		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s25(21)	5. Amendments by a Council 5.20 The power pursuant to and in accordance with Section 25(21) of the Act to consult with, and make submissions to the Minister.	Council Only		
s25(23)	5. Amendments by a Council 5.21 The power pursuant to Section 25(23) of the Act to consult with the Minister.	Council Only		
s26(5)(d)(i)	6. Amendments by the Minister 6.1 The power pursuant to Section 26(5)(d)(i) of the Act, in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.	Council Only		
s26(5a)(a)	6. Amendments by the Minister 6.2 The power pursuant to Section 26(5a)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.	Council Only		
s26(5b)(a)	6. Amendments by the Minister 6.3 The power pursuant to Section 26(5b)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 4 weeks.	Council Only		
s26(12)	6. Amendments by the Minister 6.4 The power pursuant to Section 26(12) of the Act, to make comment to the Minister within a period determined by the Minister in relation to a proposal to act under Section 26(11) of the Act.	Council Only		
s26(12)	6. Amendments by the Minister 6.5 The power pursuant to, Section 26(12) of the Act to, by notice in writing, object to the Minister's proposed action.	Council Only		
s27(6)	7. Parliamentary Scrutiny 7.1 The power pursuant to Section 27(6) of the Act to consult with the Minister.	Council Only		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s30(1)	<p>8. Strategic Directions Reports</p> <p>8.1 The duty pursuant to Section 30(1) of the Act, to, from time to time, in accordance with the requirements of Section 30 of the Act, prepare a report under Section 30 of the Act (a Strategic Directions Report) that:</p> <p>8.1.1 addresses the strategic planning issues within the area of the Council, with particular reference to:</p> <p>8.1.1.1 the Planning Strategy; and</p> <p>8.1.1.2 any other policy or document prescribed by the regulations; and</p> <p>8.1.2 addresses appropriate amendments to any Development Plan that applies within the area of the Council; and</p> <p>8.1.3 sets out the Council's priorities for:</p> <p>8.1.3.1 achieving orderly and efficient development through the implementation of planning policies; and</p> <p>8.1.3.2 the integration of transport and land-use planning within its area; and</p> <p>8.1.3.3 implementing any relevant targets set out in the Planning Strategy; and</p> <p>8.1.3.4 implementing affordable housing policies set out in the Planning Strategy within its area; and</p> <p>8.1.3.5 infrastructure planning (with respect to both physical and social infrastructure), taking into account any advice provided by a Minister, or any other relevant government agency, in accordance with a scheme set out in the regulations, and any of the Council's proposals with respect to infrastructure; and</p>	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>8.1.3.6 other projects or initiatives considered to be relevant by the Council; and</p> <p>8.1.4 contains such other material as may be:</p> <p>8.1.4.1 prescribed by the regulations; or</p> <p>8.1.4.2 required by the Minister.</p>			
s30(2)	<p>8. Strategic Directions Reports</p> <p>8.2 The duty pursuant to Section 30(2) of the Act to prepare and complete a report under Section 30 of the Act:</p> <p>8.2.1 within 12 months after an alteration is made to the Planning Strategy, or within such longer period as the Minister may allow, if:</p> <p>8.2.1.1 the Minister declares, by notice in the Gazette, that the alteration is considered to be a significant alteration that should trigger a review of Development Plans, or specified Development Plans, under Section 30 of the Act in relation to issues specified by the Minister; and</p> <p>8.2.1.2 the Development Plan that applies in relation to the Council's area (or a part of its area) falls within the ambit of the declaration; and</p> <p>8.2.2 in any event, within 5 years after the completion of the last report under Section 30 of the Act.</p>	Duty - Not a Delegation		
s30(3)	<p>8. Strategic Directions Reports</p> <p>8.3 The duty, pursuant to Section 30(3) of the Act, in connection with the preparation of a report under Section 30 of the Act, to:</p> <p>8.3.1 by public advertisement, invite interested persons to make written submissions to the Council within 2 months of the date of the advertisement or such longer period as may be allowed by the advertisement; and</p> <p>8.3.2 consult with any prescribed authority or body in the manner specified by the regulations.</p>	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s30(4)	8. Strategic Directions Reports 8.4 The duty, pursuant to Section 30(4) of the Act, in connection with the operation of Section 30(3) of the Act, to prepare and make available the documentation prescribed by the regulations.	Duty - Not a Delegation		
s30(5)	8. Strategic Directions Reports 8.5 The duty pursuant to Section 30(5) of the Act to give a person who makes a written response to an invitation under Section 30(3)(a) of the Act an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions.	Duty - Not a Delegation		
s30(6)	8. Strategic Directions Reports 8.6 The duty pursuant to Section 30(6) of the Act, in preparing a report under Section 30 of the Act, to: 8.6.1 reach agreement with the Minister on a Statement of Intent with respect to any proposed amendments to a Development Plan that applies within the area of the Council; and 8.6.2 if relevant, prepare a DPA that is suitable for consideration under Section 25(3) of the Act.	Duty - Not a Delegation		
s30(7)	8. Strategic Directions Reports 8.7 The duty pursuant to Section 30(7) of the Act to furnish a report under Section 30 of the Act to the Minister.	Duty - Not a Delegation		
s30(8)	8. Strategic Directions Reports 8.8 The duty pursuant to Section 30(8) of the Act to, then, in accordance with any reasonable request of the Minister, enter into an agreement with the Minister on the steps that the Council will take as a result of the matters contained in the report (and the report will not be taken to have been completed unless or until such an agreement is reached with the Minister).	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s30(9)	<p>8. Strategic Directions Reports</p> <p>8.9 The power pursuant to Section 30(9) of the Act to request the Minister to exempt the Council:</p> <p>8.9.1 from a requirement to prepare a particular report under Section 30 of the Act; or</p> <p>8.9.2 from a particular requirement with respect to a report under Section 30 of the Act.</p>	Council Only		
s30(12)	<p>8. Strategic Directions Reports</p> <p>8.10 The duty pursuant to Section 30(12) of the Act to make copies of a report prepared under Section 30 of the Act available for inspection (without charge) by the public at the principal office of the Council.</p>	Duty - Not a Delegation		
s30(13)	<p>8. Strategic Directions Reports</p> <p>8.11 The duty pursuant to Section 30(13) of the Act, if a report proposes amendments to a Development Plan that applies within the area of the Council, to ensure that it releases a DPA for public consultation under Section 25 within the period prescribed by the regulations.</p>	Duty - Not a Delegation		
s30(14)	<p>8. Strategic Directions Reports</p> <p>8.12 The power pursuant to Section 30(14) of the Act, to request in accordance with the regulations a Minister identified by the regulations for the purposes of this provision to furnish to the Council within the prescribed period a statement of the nature and extent of any infrastructure that, according to the Minister's assessment, should be taken into account in connection with the preparation of a report under Section 30 of the Act.</p>	Council Only		
s30(15)	<p>8. Strategic Directions Reports</p> <p>8.13 The power pursuant to Section 30(15) of the Act to act jointly with two or more councils under Section 30 of the Act and to act on behalf of, and with the agreement of, the other council or councils in undertaking any process or procedure under Section 30 of the Act.</p>	Council Only		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s31(3)	9. Copies of Plans to be Made Available to the Public 9.1 The duty pursuant to Section 31(3) of the Act to make copies of a Development Plan published under Section 31(1) of the Act that applies in relation to the area of the Council available for inspection (without charge) and purchase by the public at an office of the Council.	Duty - Not a Delegation		
s33(1)(a)	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.1 the provisions of the appropriate Development Plan;	Chief Executive Officer		
s33(1)(b)	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.2 the provisions of the Building Rules;	Chief Executive Officer		
s33(1)(c)	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.3 in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;	Chief Executive Officer		
s33(1)(d)	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.4 in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;	Chief Executive Officer		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s33(1)(e)	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.5 the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner; and	Chief Executive Officer		
s33(1)(f)	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.6 such other matters as may be prescribed.	Chief Executive Officer		
s33(3)	10.Matters Against Which Development Must be Assessed 10.2 The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.	Chief Executive Officer		
s33(1)	10.Matters Against Which Development Must be Assessed 10.3 If: 10.3.1 a development only requires an assessment under paragraph (b) of Section 33(1) of the Act; and 10.3.2 the Council: 10.3.2.1 is the relevant authority; and 10.3.2.2 is to make the assessment under that paragraph; and 10.3.3 the Council determines to grant consent under that paragraph, the duty, pursuant to Section 33(4b) of the Act as the relevant authority, to issue the relevant development approval with the consent.	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s34(1)(b)(iii)	11. Determination of Relevant Authority 11.1 The power pursuant to Section 34(1)(b)(iii) of the Act to request the Minister to declare the Development Assessment Commission to be the relevant authority for a proposed development.	Chief Executive Officer		
s34(1a)	11. Determination of Relevant Authority 11.2 The power pursuant to Section 34(1a) of the Act, where the Minister has made a declaration under Section 34(1)(b)(vi) of the Act, to provide the Development Assessment Commission with a report, relating to the application for development authorisation, within the time prescribed by the Regulations.	Chief Executive Officer		
s34(8a)	11. Determination of Relevant Authority 11.3 The power pursuant to Section 34(8a) of the Act to, in conjunction with the Councils for the areas in relation to which a regional development assessment panel has been constituted, remove a member from the panel for a failure to comply with the requirements of Section 34(6a) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.	Council Only		
s34(21)	11. Determination of Relevant Authority 11.4 The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel.	Council Only		
34(27)(a) 34(23)	11. Determination of Relevant Authority 11.5 The duty pursuant to Section 34(27)(a) of the Act to establish a policy relating to the basis upon which the Council will make the various delegations required by Section 34(23) of the Act.	Council Only		
34(27)(b) 34(27)(a)	11. Determination of Relevant Authority 11.6 The duty pursuant to Section 34(27)(b) of the Act to ensure that a copy of the policy established by the Council under Section 34(27)(a) of the Act is available for inspection at the principal office of the council during ordinary office hours and for inspection on the internet.	Council Only		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s35(1)	12. Special Provisions Relating to Assessment Against Development Plans 12.1 The duty pursuant to Section 35(1) of the Act to grant a development plan consent if the Regulations or the relevant Development Plan describes any proposed development as a complying development (subject to such conditions or exceptions as may be prescribed by the Regulations or the relevant Development Plan and subject to any other provision made by the Act or applying under the Regulations).	Duty - Not a Delegation		
s35(1b)	12. Special Provisions Relating to Assessment Against Development Plans 12.2 The power pursuant to Section 35(1b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development.	Chief Executive Officer		
s35(1d)	12. Special Provisions Relating to Assessment Against Development Plans 12.3 Subject to Sections 35 (1d) and (1e) of the Act, if a proposed development meets all but 1 criteria necessary for the development to be complying development, the duty, pursuant to Section 35(1c) of the Act to regard the aspect or aspects of the development that are consistent with the development being complying development accordingly and to assess the balance of the development as merit development.	Duty - Not a Delegation		
s35(2)	12. Special Provisions Relating to Assessment Against Development Plans 12.4 The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan.	Chief Executive Officer		
s35(3)(a)	12. Special Provisions Relating to Assessment Against Development Plans 12.5 The power pursuant to Section 35(3)(a) of the Act in appropriate cases, to concur in the granting of consent to a development described as a non-complying development.	Chief Executive Officer		
35(6)	12. Special Provisions Relating to Assessment Against Development Plans 12.6 Subject to the Act, the power and duty pursuant to Section 35(6) of the Act, to accept that a proposed development complies with the provisions of the appropriate development plan to the extent that such compliance is certified by a private certifier.	Chief Executive Officer		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s36(1)	13. Special Provisions Relating to Assessment Against the Building Rules 13.1 The duty pursuant to Section 36(1) of the Act to grant a building rules consent if the Regulations provide that any proposed building work complies with the Building Rules.	Duty - Not a Delegation		
s36(2)	13. Special Provisions Relating to Assessment Against the Building Rules 13.2 The power pursuant to and in accordance with Section 36(2) of the Act: 13.2.1 to assess whether a development is at variance with the Building Rules; 13.2.2 to determine whether to grant building rules consent where the variance is with the performance requirements of the Building Code and the Building Rules Assessment Commission concurs in the granting of consent; 13.2.3 to determine whether to grant building rules consent where the variance is with a part of the Building Rules other than the Building Code and to determine that it is appropriate to grant the consent despite the variance on the basis that the Delegate is satisfied that: 13.2.3.1 the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building fails to conform with the Building Rules only in minor respects and the variance is justifiable having regard to the objects of the Development Plan or the performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than if the variance were not to be allowed; or 13.2.3.2 in circumstances where the development has already occurred the variance is justifiable in the circumstances of the particular case.	Chief Executive Officer		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s36(3)	13. Special Provisions Relating to Assessment Against the Building Rules 13.3 The duty pursuant to Section 36(3) of the Act to modify the application of the Building Rules to avoid an inconsistency between the Building Rules and the Development Plan in relation to a State heritage place or a local heritage place.	Duty - Not a Delegation		
s36(3a) 36(3)	13. Special Provisions Relating to Assessment Against the Building Rules 13.4 The duty pursuant to Section 36(3a) of the Act to seek and consider the advice of the Building Rules Assessment Commission before imposing or agreeing to a requirement under Section 36(3) of the Act that would be at variance with the performance requirements of the Building Code.	Duty - Not a Delegation		
s36(4)(a) 36(4)(b)	13. Special Provisions Relating to Assessment Against the Building Rules 13.5 The duty pursuant to Section 36(4)(a) and (b) of the Act to accept that proposed building work complies with the Building Rules to the extent that: 13.5.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the Regulations; or 13.5.2 such compliance is certified by a private certifier.	Duty - Not a Delegation		
s36(6)	13. Special Provisions Relating to Assessment Against the Building Rules 13.6 The power pursuant to Section 36(6) of the Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification.	Chief Executive Officer		
37(1)(a) 37(1)(b)	14. Consultation With Other Authorities or Agencies 14.1 Subject to Section 37AA of the Act, the duty pursuant to Section 37(1)(a) and (b) of the Act where an assessment is required of an application for the consent or approval of a proposed development of a prescribed class to: 14.1.1 refer the application, together with a copy of any relevant information provided by the applicant to a body prescribed by the Regulations and including the Development Assessment Commission, and	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	14.1.2 not make a decision until a response has been received from the prescribed body in relation to the matter or matters for which the referral was made or the presumption is made that the body does not desire to make a response or concur (as the case requires).			
s37(5)(a)	14. Consultation With Other Authorities or Agencies 14.2 The duty pursuant to Section 37(5)(a) of the Act where an application has been refused or conditions imposed in respect of a development authorisation by direction of a prescribed body, to notify the applicant that the application was refused, or the conditions imposed, by direction under Section 37 of the Act.	Duty - Not a Delegation		
s37(6)	14. Consultation With Other Authorities or Agencies 14.3 If a relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the Act, the power, pursuant to Section 37(6) of the Act to make application for the relevant authority to be joined as a party to the proceedings.	Chief Executive Officer		
37AA(2)(e) 37AA(2)(c)	15. Preliminary Advice and Agreement 15.1 The power pursuant to and in accordance with Section 37AA(2)(e) of the Act to be satisfied that an application accords with an agreement indicated by a prescribed body in accordance with Section 37AA(2)(c) of the Act.	Chief Executive Officer		
s37AA(4)	15. Preliminary Advice and Agreement 15.2 The power pursuant to and in accordance with Section 37AA(4) of the Act to determine that an agreement under Section 37AA of the Act is no longer appropriate due to the operation of Section 53 of the Act.	Chief Executive Officer		
s37A(1)	16. Proposed Development Involving Creation of Fortifications 16.1 The duty pursuant to Section 37A(1) of the Act where the Delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police ('the Commissioner').	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s37A(2)(b)	16. Proposed Development Involving Creation of Fortifications 16.2 The power pursuant to Section 37A(2)(b) of the Act to receive the Commissioner's written determination under Section 37A(2)(a) of the Act.	Chief Executive Officer		
s37A(5)	16. Proposed Development Involving Creation of Fortifications 16.3 The duty pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development involves the creation of fortifications to: 16.3.1 if the proposed development consists only of the creation of fortifications - refuse the application; or 16.3.2 in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications.	Duty - Not a Delegation		
s37A(6)	16. Proposed Development Involving Creation of Fortifications 16.4 The duty pursuant to Section 37A(6) of the Act, if the Delegate acting on the basis of a determination of the Commissioner under subsection 37A(2) refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 37A of the Act.	Duty - Not a Delegation		
s38(3)	17. Public Notice and Consultation 17.1 The duty, pursuant to Section 38(3) of the Act, where a person applies for a consent in respect of the Development Plan for a Category 1 development, to not on the Delegate's own initiative seek the views of the owners or occupiers of adjacent or other land in relation to the granting or refusal of development plan consent.	Duty - Not a Delegation		
s38(3a)(a)	17. Public Notice and Consultation 17.2 Where a person applies for a consent in respect of the Development Plan for a Category 2A development, - 17.2.1 the duty pursuant to Section 38(3a)(a) of the Act to:	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>17.2.1.1 subject to any exclusion or qualification prescribed by the Regulations - give an owner or occupier of each piece of adjoining land; and</p> <p>17.2.1.2 give any other person of a prescribed class, notice of the application; and</p> <p>17.2.2 the duty pursuant to Section 38(3a)(b) of the Act, to:</p> <p>17.2.2.1 give consideration to any representations in writing made in accordance with the Regulations by a person who is entitled to be given notice under paragraph (a) of Section 38(3a) of the Act; and</p> <p>17.2.2.2 forward to the applicant a copy of any representations that the relevant authority must consider under subparagraph (i) of Section 38(3a)(b) of the Act and allow the applicant an opportunity to respond in writing, to those representations within the period prescribed by the Regulations; and</p> <p>17.2.3 if a representation is received under paragraph (b) of Section 38(3a) of the Act within the prescribed number of days, the power pursuant to Section 38(3a)(c) of the Act to, in the Delegate's absolute discretion, allow the person who made the representation to appear personally or by representative before it to be heard in support of the representation.</p>			
s38(4)	<p>17. Public Notice and Consultation</p> <p>17.3 The duty pursuant to Section 38(4) of the Act to give notice of a proposal for a Category 2 development.</p>	Duty - Not a Delegation		
s38(5)	<p>17. Public Notice and Consultation</p> <p>17.4 The duty pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development.</p>	Duty - Not a Delegation		
s38(8)	<p>17. Public Notice and Consultation</p> <p>17.5 The duty pursuant to Section 38(8) of the Act to forward to an applicant a copy of any representation made regarding the proposed development, and to allow the applicant to respond in writing to those representations.</p>	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s38(10)(a)	17. Public Notice and Consultation 17.6 The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate.	Chief Executive Officer		
s38(10)(b)	17. Public Notice and Consultation 17.7 The duty pursuant to Section 38(10)(b) of the Act, in respect of a Category 3 development, to allow a person who made a representation and who as part of that representation indicated an interest in appearing before the Delegate, a reasonable opportunity to appear personally or by representative to be heard in support of the representation.	Duty - Not a Delegation		
s38(11)	17. Public Notice and Consultation 17.8 The duty pursuant to Section 38(11) of the Act to allow an applicant to appear personally or by representative before the Delegate or the Council in order to respond to any relevant matter.	Duty - Not a Delegation		
s38(12)	17. Public Notice and Consultation 17.9 The duty pursuant to Section 38(12) of the Act, where representations have been made under Section 38 of the Act, to give notice of the decision on the application to each person who made a representation and in respect of a Category 3 development of the person's appeal rights under the Act, and give notice to the Court.	Duty - Not a Delegation		
s38(17)	17. Public Notice and Consultation 17.10 The power, pursuant to subsection 38(17) of the Act, where a relevant authority is acting under Section 38 of the Act in relation to a Category 2A or Category 2 development, to not take into account under Section 38 of the Act a representation made by a person who is not entitled to be given notice of the relevant application under Section 38 of the Act.	Duty - Not a Delegation		
s38(18)	17. Public Notice and Consultation 17.11 The power, pursuant to subsection 38(18) of the Act, to not take into account under Section 38 of the Act, a representation that is not made in accordance with any requirement prescribed by the Regulations for the purposes of Section 38.	Chief Executive Officer <u>Duty - Not a Delegation</u>		Removal of delegation as instrument comprises of a duty, not a delegation.

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s39(2)	<p>18. Application and Provision of Information</p> <p>18.1 The power pursuant to Section 39(2) of the Act to request an applicant to:</p> <p>18.1.1 provide such additional documents or information to enable assessment of the application;</p> <p>18.1.2 remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;</p> <p>18.1.3 consult with an authority or body prescribed by the Regulations;</p> <p>18.1.4 (where required by the Regulations) prepare a statement of effect in relation to non-complying development; and</p> <p>18.1.5 comply with any other requirement prescribed by the Regulations.</p>	Chief Executive Officer		
s39(2a)	<p>18. Application and Provision of Information</p> <p>18.2 If:</p> <p>18.2.1 a development is of a kind that is complying development; and</p> <p>18.2.2 the development falls within a class of development prescribed by the Regulations for the purpose of Section 39(2a)(b) of the Act; and</p> <p>18.2.3 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d),</p> <p>the duty, pursuant to Section 39(2a) of the Act, to, in making an assessment as to development plan consent, assess the application without requesting the applicant to provide additional documents or information.</p>	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s39(2b)	<p>18. Application and Provision of Information</p> <p>18.3 If:</p> <p>18.3.1 a development falls within a class of development prescribed by the Regulations for the purposes of Section 39(2b)(b) of the Act; and</p> <p>18.3.2 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act, the power and duty pursuant to Section 39(2b)(c) of the Act, to;</p> <p>18.3.3 in making an assessment as to development plan consent, request the applicant to provide additional documents or information in relation to the application on 1 occasion only; and the duty pursuant to Section 39(2b)(d) of the Act, to;</p> <p>18.3.4 make that request within a period prescribed by the Regulations.</p>	Duty - Not a Delegation		
s39(3)	<p>18. Application and Provision of Information</p> <p>18.4 Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power pursuant to Section 39(3)(b) of the Act to:</p> <p>18.4.1 subject to Section 39(3)(b)(ii) of the Act, refuse the application; and</p> <p>18.4.2 refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).</p>	Chief Executive Officer		
39(3a)	<p>18. Application and Provision of Information</p> <p>18.5 The duty, pursuant to Section 39(3a) of the Act, in dealing with an application that relates to a regulated tree, to seek to make any assessment as to whether the tree is a significant tree without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.</p>	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s39(3b)	18. Application and Provision of Information 18.6 The duty, pursuant to Section 39(3b) of the Act, in dealing with an application that relates to a regulated tree that is not a significant tree, to seek to assess the application without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.	Duty - Not a Delegation		
s39(4)(a) s39(5)	18. Application and Provision of Information 18.7 The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application.	Chief Executive Officer		
s39(4)(b) s39(5)	18. Application and Provision of Information 18.8 The power pursuant to Section 39(4)(b) and Section 39(5) of the Act to permit an applicant to lodge an application without the provision of any information or document required by the Regulations.	Chief Executive Officer		
s39(4)(c) s39(5)	18. Application and Provision of Information 18.9 The power pursuant to Section 39(4)(c) and Section 39(5) of the Act to waive payment of whole or part of the application fee or refund an application fee (to the extent that such fees are payable to the Council).	Chief Executive Officer		
s39(4)(d)	18. Application and Provision of Information 18.10 The power pursuant to Section 39(4)(d) of the Act and Regulation 17(3)(a) of the regulations to refuse an application that relates to a development of the kind that is described as a non-complying development under the Development Plan without proceeding to make an assessment of the application.	Chief Executive Officer		
s39(4)(e)	18. Application and Provision of Information 18.11 The power pursuant to Section 39(4)(e) of the Act, if there is an inconsistency between any documents lodged with the Council for the purposes of Division 1 of Part 4 of the Act, or between any such document and a development authorisation that has already been given that is relevant in the circumstances, to return or forward any document to the applicant or to any other person and to determine not to finalise the matter until any specified matter is resolved, rectified or addressed.	Chief Executive Officer		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s38(7)	18. Application and Provision of Information 18.12 The power pursuant to Section 39(7) of the Act to approve an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative.	Chief Executive Officer		
s39(7)(c)	18. Application and Provision of Information 18.13 The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development.	Chief Executive Officer		
s39(7)(d)	18. Application and Provision of Information 18.14 The power, pursuant to section 39(7)(d) of the Act, to approve the seeking of a variation to extend the period for which the relevant authorisation remains operative.	Chief Executive Officer		
s39(7a)	18. Application and Provision of Information 18.15 Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7a), to make specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation.	Chief Executive Officer		
s39(8)	18. Application and Provision of Information 18.16 The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages.	Chief Executive Officer		
s39(9)	18. Application and Provision of Information 18.17 The power pursuant to Section 39(9) of the Act to determine that the applicant is entitled to a refund of the application fee in the event that an application is withdrawn.	Chief Executive Officer		
s40(1)	19. Determination of Application 19.1 The duty pursuant to Section 40(1) of the Act to give notice of a decision in accordance with the Regulations (and in the case of a refusal, the duty to include the reasons for the refusal and any appeal rights that exist under the Act).	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s40(3)	19. Determination of Application 19.2 The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative.	Chief Executive Officer		
s41(1)	20. Time Within Which Decision Must be Made 20.1 The duty, pursuant to Section 41(1) of the Act to deal with an application as expeditiously as possible and within the time prescribed by the Regulations.	Duty - Not a Delegation		
s41(1)	20. Time Within Which Decision Must be Made 20.2 If: 20.2.1 the relevant authority does not decide an application that relates to development that is a complying development within the time prescribed under Section 41(1) of the Act; and 20.2.2 the applicant gives the relevant authority a notice in accordance with the Regulations on the basis that the decision on the application has not been made, the duty pursuant to Section 41(5)(d) of the Act, subject to any exclusion or qualification prescribed by the Regulations, to refund the fee received by the relevant authority under Section 39(1)(d) in relation to the application.	Duty - Not a Delegation		
s42(1)	21. Conditions 21.1 The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.	Chief Executive Officer		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s42(4)	21. Conditions 21.2 The duty, pursuant to Section 42(4) of the Act, in accordance with Section 42(5) of the Act and subject to Sections 42(6) and (8) of the Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the Delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).	Duty - Not a Delegation		
s42(6) s42(4)	21. Conditions 21.3 The power, pursuant to Section 42(6) of the Act, on the application of the applicant, to determine that a payment of an amount calculated in accordance with the Regulations be made into the relevant fund in lieu of planting one or more replacement trees under Section 42(4) of the Act.	Chief Executive Officer		
s42(8)(b)	21. Conditions 21.4 The power, pursuant to Section 42(8)(b) of the Act, after taking into account any criteria prescribed by the Regulations and if the Minister concurs, to determine that it is appropriate to grant an exemption under Section 42 of the Act in a particular case.	Chief Executive Officer		
s43	22. Cancellation by a Relevant Authority 22.1 The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate.	Chief Executive Officer		
s45A(2)	23. Investigation of Development Assessment Performance 23.1 The power pursuant to Section 45A(2) of the Act to explain the Council's actions and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action) to the Minister within a period (being at least 28 days) specified by the Minister.	Chief Executive Officer		
s45A(14)	23. Investigation of Development Assessment Performance 23.2 The duty pursuant to Section 45A(14) of the Act to comply with a direction under Section 45A(11) or (13) of the Act.	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s45A(12) 45A(11)	23. Investigation of Development Assessment Performance 23.3 The power pursuant to Section 45A(12) of the Act to make submissions to the Minister on the report on which the action under Section 45A(11) of the Act is based within a period (being at least 28 days) specified by the Minister.	Chief Executive Officer		
s49(4a)	24. Crown Development and Public Infrastructure 24.1 The power pursuant to Section 49(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.	Chief Executive Officer, <u>Delegation Not Required.</u>		Removal of delegation as this provision does not require a delegation.
s49(5)	24. Crown Development and Public Infrastructure 24.2 The power pursuant to Section 49(5) of the Act to report to the Development Assessment Commission on any matters contained in a notice from the Development Assessment Commission under Section 49(4a) of the Act.	Chief Executive Officer		
s49(9)	24. Crown Development and Public Infrastructure 24.3 The power pursuant to Section 49(9) of the Act to withdraw opposition to a State agency proposed development.	Chief Executive Officer		
s49A(4a)	25. Electricity Infrastructure Development 25.1 The power pursuant to Section 49A(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.	Chief Executive Officer		
s49A(5)	25. Electricity Infrastructure Development 25.2 The power pursuant to Section 49A(5) of the Act, where notice of a proposal to undertake development for the purposes of the provision of electricity infrastructure has been given to the Council pursuant to Section 49A(4a) of the Act, to report to the Development Assessment Commission on any matters contained in the said notice.	Chief Executive Officer		.

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s49A(9)	25. Electricity Infrastructure Development 25.3 The power pursuant to Section 49A(9) of the Act, in circumstances where the Council's report to the Development Assessment Commission under Section 49A(5) of the Act expressed opposition to the proposed development, to withdraw that opposition.	Chief Executive Officer		
s50(1)	26. Open Space Contribution System 26.1 The power pursuant to Section 50(1) of the Act, with respect to an application for the division of land into more than 20 allotments where one or more allotments is less than one hectare in area, to require: 26.1.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or 26.1.2 that the applicant make the contribution prescribed by the regulations in accordance with the requirements of by Section 50 of the Act; or 26.1.3 that the land be vested in the Council and that the applicant make a contribution determined in accordance with Section 50(7) of the Act, according to the determination and specification of the Council or Delegate.	Chief Executive Officer		
s50(1)	26. Open Space Contribution System 26.2 The power pursuant to Section 50(1) of the Act, when proposing to take any action that is at variance with the Council's Development Plan to seek the concurrence of the Development Assessment Commission.	Chief Executive Officer		
s50(3)	26. Open Space Contribution System 26.3 The power pursuant to Section 50(3) and 50(2)(d) of the Act to enter into an agreement on behalf of the Council with the Development Assessment Commission and the applicant under which certain land described by the relevant plan of division will be vested in the Council.	Chief Executive Officer		
s50(3a)	26. Open Space Contribution System 26.4 The power pursuant to Section 50(3a) of the Act to concur on behalf of the Council to the vesting of land in the Council pursuant to a requirement of the Development Assessment Commission that an area of the site of the development be kept as open space or in some other form that allows for active or passive recreation under Section 50(3a)(a) of the Act.	Chief Executive Officer		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s50(10)	26. Open Space Contribution System 26.5 The power pursuant to Section 50(10) of the Act to receive payment of monies from an applicant under Section 50(1) of the Act and the duty to immediately pay that money into a special fund established for the purposes of Section 50 and to apply that money for the purpose of acquiring or developing land as open space.	Chief Executive Officer		
s50(11)	26. Open Space Contribution System 26.6 The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the extent that an earlier application in respect of the same development has addressed the requirements of Section 50 of the Act in respect of the area of land as a whole.	Chief Executive Officer		
s50A(1)	27. Carparking Fund 27.1 The power pursuant to Section 50A(1) of the Act to establish a car parking fund.	Council Only		
s50A(1)	27. Carparking Fund 27.2 The duty pursuant to Section 50A(1) of the Act to publish a notice in the Gazette in accordance with Section 50A(2) of the Act where the approval of the Minister has been obtained.	Duty - Not a Delegation		
s50A(5)(c)	27. Carparking Fund 27.3 The power pursuant to Section 50A(5)(c) of the Act to determine that a proposal does not provide for sufficient spaces for the parking of cars at the site of a development.	Chief Executive Officer		
s50A(5)(d)	27. Carparking Fund 27.4 The power pursuant to Section 50A(5)(d) of the Act to agree with an applicant that a contribution calculated in accordance with a determination of the Council or the Delegate can be made by the applicant to a car parking fund in lieu of providing a certain number of spaces for the parking of cars at the site of a development.	Chief Executive Officer		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s50A(5)	27. Carparking Fund 27.5 The power pursuant to Section 50A(5) of the Act to make a determination for the purpose of calculating amounts to be paid into a carparking fund.	Council Only		
s50A(6)	27. Carparking Fund 27.6 The duty pursuant to and in accordance with Section 50A(6) of the Act to publish a determination for the purpose of calculating amounts to be paid into a carparking fund and any variations from time to time in the Gazette.	Chief Executive Officer		
s50A(7)	27. Carparking Fund 27.7 The power pursuant to and in accordance with Section 50A(7) of the Act to invest any money in a carparking fund and to pay any resultant income into the fund.	Chief Executive Officer		
s50A(8)	27. Carparking Fund 27.8 The power pursuant to and in accordance with Section 50A(8) of the Act to apply money standing to the credit of the car parking fund.	Chief Executive Officer		
s50B(1)	28. Urban Trees Fund 28.1 The power, pursuant to Section 50B(1) of the Act, with the approval of the Minister, to establish an urban trees fund for an area designated by the Delegate (a designated area).	Council Only		
s50B(2)	28. Urban Trees Fund 28.2 The duty, pursuant to Section 50B(2) of the Act, to effect establishment of the fund by notice in the Gazette.	Duty - Not a Delegation		
s50B(3)	28. Urban Trees Fund 28.3 The duty, pursuant to Section 50B(3) of the Act, to define a designated area by reference to an area established by the relevant Development Plan.	Duty - Not a Delegation		
s50B(5)	28. Urban Trees Fund 28.4 The power, pursuant to Section 50B(5) of the Act, to invest any money in an urban trees fund that is not for the time being required for the purpose of the fund and the duty to pay any resultant income into the fund.	Chief Executive Officer		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s50B(6)	<p>28. Urban Trees Fund</p> <p>28.5 The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to:</p> <p>28.5.1 maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act; or</p>	Chief Executive Officer		
s50B(6)	<p>28. Urban Trees Fund</p> <p>28.5 The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to:</p> <p>28.5.2 purchase land within the designated area in order to maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act.</p>	Chief Executive Officer		
s50B(7)	<p>28. Urban Trees Fund</p> <p>28.6 The duty, pursuant to Section 50B(7) of the Act, if the Council subsequently sells land purchased under Section 50B(6)(b) of the Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 50B of the Act subject to the following qualifications as prescribed by Sections 50B(7)(a) and (b) of the Act:</p> <p>28.6.1 if an urban trees fund is no longer maintained by the Council, the proceeds must be applied for a purpose or purpose consistent with Section 50B(6)(a) or (b) of the Act;</p> <p>28.6.2 if money from an urban trees fund only constituted a proportion of the purchase price of the land (the designated proportion), the money that is subject to these requirements is the designated proportion of the proceeds of sale.</p>	Duty - Not a Delegation		
s51(2)	<p>29. Certificate in Respect of the Division of Land</p> <p>29.1 The duty pursuant to Section 51(2) of the Act to provide appropriate information to the Development Assessment Commission (upon request by the Development Assessment Commission) before it issues a certificate in respect of the division of land.</p>	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s52(4)	30. Saving Provisions 30.1 The power pursuant to Section 52(4) of the Act to extend the limitation period referred to in Section 52(2) of the Act in order to avoid or reduce hardship.	Chief Executive Officer		
s52A(2)(a)	31. Avoidance of Duplication of Procedures Etc 31.1 The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (and defined in Section 52A(9) of the Act, as a 'Commonwealth Act document') as an application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act.	Chief Executive Officer <u>Delegation Not Required</u>		Removal of delegation as this provision does not require a delegation.
s52A(2)(b)	31. Avoidance of Duplication of Procedures Etc 31.2 The power pursuant to Section 52A(2)(b) of the Act where a document has been accepted for the purposes of the Act, to direct that a procedure taken under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 in relation to the said document will be taken to have fulfilled the requirements for a procedure in relation to the relevant document under the Act, if the requirements of the Act in relation to the procedure have been complied with under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	Chief Executive Officer		
s52A(2)(c)	31. Avoidance of Duplication of Procedures Etc 31.3 The power pursuant to Section 52A(2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement, assessment or other document of the same kind or not) used or to be used for the purposes of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of the Act.	Chief Executive Officer <u>Delegation Not Required</u>		Removal of delegation as this provision does not require a delegation.
s52A(5)	31. Avoidance of Duplication of Procedures Etc 31.4 The power pursuant to Section 52A(5) of the Act where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity or includes an activity for which a development authorisation is required under the Act to, when considering an application for a development authorisation or for the	Chief Executive Officer <u>Delegation Not Required</u>		Removal of delegation as this provision does not require a delegation.

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	variation of a development authorisation, for the activity, use information and other material provided to the Commonwealth Minister under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.			
s52A(6)(a)	<p>31. Avoidance of Duplication of Procedures Etc</p> <p>31.5 Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act:</p> <p>31.5.1 in circumstances where:</p> <p>31.5.1.1 the Commonwealth Minister has given his or her approval to the controlled action; and</p> <p>31.5.1.2 the applicant for the development authorisation or the Commonwealth Minister has informed the relevant authority of that fact;</p> <p>the duty pursuant to Section 52A(6)(a) of the Act to consider whether the conditions (if any) to be attached to the development authorisation should be consistent with the conditions (if any) attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999; and</p>	Duty - Not a Delegation		
s52A(6)(b)	<p>31. Avoidance of Duplication of Procedures Etc</p> <p>31.5 Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act:</p>	Chief Executive Officer		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	31.5.2 the power pursuant to Section 52A(6)(b) of the Act to attach a condition to the development authorisation that requires compliance with all or some of the conditions attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.			
s53A(1)	32. Requirement to Upgrade Building in Certain Cases 32.1 Where an application is made for building rules consent for building work in the nature of an alteration to a building constructed before the prescribed date, the power pursuant to Section 53A(1) of the Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition and therefore require as a condition of consent that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.	Chief Executive Officer		
s53A(2)	32. Requirement to Upgrade Building in Certain Cases 32.2 Where an application is made for building rules consent for building work in the nature of an alteration of a kind prescribed by the Regulations to a building constructed before 1 January 1980 the power pursuant to Section 53A(2) to form the opinion that the facilities for access to or within the building for people with disabilities are inadequate and therefore require as a condition of consent that building work or other measures be carried out to the extent reasonably necessary to ensure that the facilities for such access will be adequate.	Chief Executive Officer		
54(2)(d)	33. Urgent Building Work 33.1 The power pursuant to Section 54(2)(d) of the Act to issue any directions and specify a period of time with respect to building work performed as a matter of urgency.	Chief Executive Officer		
s55(1)	34. Action if Development Not Substantially Completed 34.1 The power pursuant to Section 55(1) of the Act to apply to the Court for an order under Section 55(3) of the Act where the development to which an approval relates has been commenced but not substantially completed within the period prescribed by the Regulations for the lapse of the approval.	Chief Executive Officer		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s55(5)	34. Action if Development Not Substantially Completed 34.2 The power pursuant to Section 55(5) of the Act where the Court makes an order under Section 55(3)(a), (b) or (ca) of the Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out and to recover the cost of that work as a debt from the person.	Chief Executive Officer		
s55(6)	34. Action if Development Not Substantially Completed 34.3 The power pursuant to Section 55(6) of the Act where an amount is recoverable from a person under Section 55(5) of the Act, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice within which the amount must be paid.	Chief Executive Officer		
s56(1)	35. Completion of Work 35.1 The power pursuant to Section 56(1) of the Act to issue a notice in writing requiring an owner of land to complete a development on the land within a period specified in the notice.	Chief Executive Officer		
s56(2)	35. Completion of Work 35.2 The power pursuant to the Section 56(2) of the Act to cause the necessary work to be carried out where an owner has failed to carry out work as required by a notice under Section 56(1) of the Act.	Chief Executive Officer		
s56(3)	35. Completion of Work 35.3 The power pursuant to Section 56(3) of the Act to recover the reasonable costs and expenses incurred by the Council or any person acting on behalf of the Council under Section 56 of the Act as a debt due from the owner.	Chief Executive Officer		
s56(4)	35. Completion of Work 35.4 The power pursuant to Section 56(4) of the Act to, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice, within which the amount must be paid by the person where an amount is recoverable from the person under Section 56(3) of the Act.	Chief Executive Officer		
s56A(3)	36. Council to Establish Development Assessment Panels 36.1 The duty pursuant to Section 56A(3) of the Act to appoint a presiding member to the council development assessment panel in accordance with the requirements set out in Section 56A(3)(b) of the Act.	Council Only		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s56A(3)	36. Council to Establish Development Assessment Panels 36.2 The duty pursuant to Section 56A(3) of the Act to appoint the remaining members of the council development assessment panel in accordance with the requirements set out in Section 56A(3)(c) of the Act.	Council Only		
s56A(3)(d)	36. Council to Establish Development Assessment Panels 36.3 The duty pursuant to section 56A(3)(d) of the Act to ensure that, unless granted an exemption by the Minister, at least 1 member of the panel is a woman and at least 1 is a man and to ensure that insofar as is reasonably practicable, the panel consists of equal numbers of men and women.	Council Only		
s56A(3)(e)	36. Council to Establish Development Assessment Panels 36.4 The duty pursuant to Section 56A(3)(e) to determine the term of office for a member of the council development assessment panel, which period cannot exceed 2 years.	Council Only		
s56A(3)(f)	36. Council to Establish Development Assessment Panels 36.5 The duty pursuant to Section 56A(3)(f) of the Act to determine any other conditions of appointment of the members of the council development assessment panel.	Council Only		
s56A(3)(g)	36. Council to Establish Development Assessment Panels 36.6 The power pursuant to Section 56A(3)(g) of the Act to remove a member of the council development assessment panel from office for: 36.6.1 breach of, or failure to comply with, the conditions of appointment; or 36.6.2 misconduct; or 36.6.3 neglect of duty; or 36.6.4 incapacity to carry out satisfactorily the duty of his or her office; or 36.6.5 failure to carry out satisfactorily the duty of his or her office; or 36.6.6 failure to comply with a requirement under Section 34(6) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.	Council Only		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s56A(5)	36. Council to Establish Development Assessment Panels 36.7 The duty pursuant to and in accordance with Section 56A(5) of the Act to give notice of an appointment.	Council Only		
s56A(15)(b)	36. Council to Establish Development Assessment Panels 36.8 The duty pursuant to Section 56A(15)(b) of the Act and in accordance with Section 56A(17) of the Act to make minutes of meetings of a council development assessment available for reasonable access by members of the public.	Council Only		
s56A(20)	36. Council to Establish Development Assessment Panels 36.9 The duty pursuant to and in accordance with Section 56A(20) of the Act to provide information to the Minister where requested by the Minister.	Council Only		
s56A(22)	36. Council to Establish Development Assessment Panels 36.10 The duty pursuant to Section 56A(22) of the Act to appoint a public officer (who must not be a member of the council development assessment panel).	Council Only		
s56A(23)	36. Council to Establish Development Assessment Panels 36.11 The duty pursuant to Section 56A(23) of the Act to ensure that notice of the appointment of a public officer (including the public officer's name and contact details) is published in the Gazette.	Council Only		
s56A(27)	36. Council to Establish Development Assessment Panels 36.12 The power pursuant to Section 56A(27) of the Act to make an application to the Minister to exempt the Council from the requirement to establish a council development assessment panel under Section 56A of the Act.	Council Only		
s56A(28)	36. Council to Establish Development Assessment Panels 36.13 The power pursuant to Section 56A(28) of the Act to consult with the Minister in relation to revoking an exemption under Section 56A(27) of the Act.	Council Only		
s56B(2)	37. Building Rules Assessment Audits 37.1 The duty pursuant to Section 56B(2) to have its building assessment auditor audit the Council's activities in relation to the undertaking of assessments of proposed developments against the provisions of the Building Rules in accordance with the requirements of Section 56B.	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s56B(5)	37. Building Rules Assessment Audits 37.2 The duty pursuant to Section 56B(5) to ensure that after the expiration of the periods prescribed in Section 56B(4) an audit under Section 56B is completed at least once in every prescribed period.	Duty - Not a Delegation		
s56B(10)	37. Building Rules Assessment Audits 37.3 The power pursuant to Section 56B(10) to respond to a report prepared by a building assessment auditor prepared in relation to the Council under Section 56B.	Chief Executive Officer		
s56B(14)	37. Building Rules Assessment Audits 37.4 The power pursuant to Section 56B(14) to make submissions to the Minister in relation to a matter concerning the possible exercise of the Minister's powers under Section 56B(12).	Chief Executive Officer		
s56B(16)	37. Building Rules Assessment Audits 37.5 The duty pursuant to Section 56B(16) to comply with a direction given to the Council under Sections 56B(12) or 56B(15).	Duty - Not a Delegation		
s56C(2)	37A. Development Plan Assessment Audits 37A.1 The power and duty pursuant to Section 56C(2) of the Act to have the Council's activities in relation to Development Plan assessments audited by a development assessment auditor in accordance with the requirements of Section 56C of the Act.	Chief Executive Officer		
s56C(10)	37A. Development Plan Assessment Audits 37A.2 The power pursuant to Section 56C(10) of the Act to provide a response to an auditor with a view to correcting any error or fact.	Chief Executive Officer		
s56C(14)	37A. Development Plan Assessment Audits 37A.3 The power pursuant to Section 56C(14) of the Act to make submissions in relation to the matter to the Minister.	Chief Executive Officer		
s56C(15) 56C(12)(a)	37A. Development Plan Assessment Audits 37A.4 The power pursuant to Section 56C(15) of the Act to, if 37A.4.1 the Minister makes a recommendation to the Council under Section 56C(12)(a) of the Act; and	Chief Executive Officer		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s56C(15)	37A. Development Plan Assessment Audits 37A.4 The power pursuant to Section 56C(15) of the Act to, if 37A.4.2 the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, consult with the Minister.	Chief Executive Officer		
s57(2) and 57(2a)	38. Land Management Agreements 38.1 The power pursuant to Sections 57(2) and 57(2a) of the Act to enter into an agreement relating to the development, management, preservation or conservation of land within the area of the Council with the owner of the land.	Chief Executive Officer		
s57(2c)	38. Land Management Agreements 38.2 The duty pursuant to and in accordance with Section 57(2c) of the Act and Regulation 98A of the Regulations to establish and keep a register available for public inspection (without charge).	Duty - Not a Delegation		
s57(2e)	38. Land Management Agreements 38.3 The duty pursuant to Section 57(2e) of the Act, in relation to the granting of development plan consent with respect to a Category 2A, Category 2 or Category 3 development, to note the existence of the agreement (or the proposal to enter the agreement), and the availability of copies of the agreement for public inspection on the notice of the relevant authority's decision.	Duty - Not a Delegation		
s57(3)	38. Land Management Agreements 38.4 The power pursuant to Section 57(3) of the Act to carry out on private land any work for which provision is made by agreement under Section 57 of the Act.	Chief Executive Officer		
s57(5)	38. Land Management Agreements 38.5 The power pursuant to Section 57(5) of the Act, to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	Chief Executive Officer		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s57(8)	38. Land Management Agreements 38.6 The power pursuant to Section 57(8) of the Act to apply to the Registrar-General where an agreement in relation to which a note has been made under Section 57 of the Act has been rescinded or amended, to enter a note of the rescission or amendment made against the instrument of title or against the land.	Chief Executive Officer		
s57(11)	38. Land Management Agreements 38.7 The power pursuant to Section 57(11) of the Act to consent to the remission of rates payable to the Council provided for in an agreement entered into by the Minister.	Council Only		
s57A(1)	39. Land Management Agreements - Development Applications 39.1 The power pursuant to and subject to Section 57A(1) of the Act to enter into an agreement under Section 57A of the Act with a person who is applying for a development authorisation under the Act.	Chief Executive Officer		
s57A(3)	39. Land Management Agreements - Development Applications 39.2 The duty pursuant to Section 57A(3) of the Act to have regard to: 39.2.1 the provisions of the appropriate Development Plan. 39.2.2 the principle that the entering into of an agreement under Section 57A by the Council should not be used as a substitute to proceeding with an amendment to a Development Plan under the Act.	Duty - Not a Delegation		
s57A(5)	39. Land Management Agreements - Development Applications 39.3 The duty pursuant to Section 57A(5) of the Act to register agreements entered into under Section 57A in accordance with the Regulations.	Duty - Not a Delegation		
s57A(6)	39. Land Management Agreements - Development Applications 39.4 The duty pursuant to Section 57A(6) of the Act to keep a register available for public inspection (without charge) in accordance with the Regulations.	Duty - Not a Delegation		
s57A(7)	39. Land Management Agreements - Development Applications 39.5 The power pursuant to Section 57A(7) of the Act to provide a person, on payment of the prescribed fee, a copy of an agreement registered under Section 57A(5) of the Act.	Chief Executive Officer		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s57A(8)	39. Land Management Agreements - Development Applications 39.6 The duty, pursuant to Section 57A(8) of the Act, where an agreement is entered into under Section 57A of the Act, in connection with an application for a development authorisation with respect to a Category 2A, Category 2 or Category 3 development, to include a note of the existence of the agreement on the notice of the relevant authority's decision under the Act.	Duty - Not a Delegation		
s57A(14)	39. Land Management Agreements - Development Applications 39.7 The power pursuant to Section 57A(14) of the Act to apply to the Registrar-General to note the agreement against the relevant instrument of title, or in the case of land not under the provisions of the Real Property Act 1886, against the land.	Chief Executive Officer		
s57A(16)	39. Land Management Agreements - Development Applications 39.8 The power pursuant to Section 57A(16) of the Act to apply to the Registrar-General where an agreement under Section 57A has been rescinded or amended to enter a note of the rescission or amendment against the instrument of title, or against the land.	Chief Executive Officer		
s57A(18)	39. Land Management Agreements - Development Applications 39.9 The power pursuant to Section 57A (18) of the Act where an agreement under Section 57A does not have effect under Section 57A within the prescribed period, to, by notice given in accordance with the regulations, lapse the relevant development approval (and the agreement will then be rescinded by force of Section 57A(18) of the Act).	Chief Executive Officer		
s59(3)	40. Notification During Building 40.1 The power pursuant to Section 59(3) of the Act to direct that building work stop when a mandatory notification stage has been reached.	Chief Executive Officer		
s66(2)	41. Classification of Buildings 41.1 The power pursuant to Section 66(2) of the Act to assign to any building a classification that conforms with the Regulations and the duty pursuant to Section 66(4) of the Act to give notice in writing to the owner of the building to which the classification has been assigned.	Chief Executive Officer		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s67(2), (3), (4), (5) (6)	42. Certificates of Occupancy 42.1 The duty pursuant to and in accordance with the requirements of Sections 67(2), (3), (4), (5) and (6) of the Act to give a certificate of occupancy.	Duty - Not a Delegation		
s67(3)(a)	42. Certificates of Occupancy 42.2 The power pursuant to Section 67(3)(a) of the Act to require information from an applicant for a certificate of occupancy.	Chief Executive Officer		
s67(10)	42. Certificates of Occupancy 42.3 The duty pursuant to Section 67(10) of the Act to give written notice to an applicant of the refusal of the certificate of occupancy.	Duty - Not a Delegation		
s67(13)	42. Certificates of Occupancy 42.4 The power pursuant to Section 67(13) of the Act to revoke a certificate of occupancy in prescribed circumstances.	Chief Executive Officer		
s68(1),(2)	43. Temporary Occupation 43.1 The power pursuant to Sections 68(1) and (2) of the Act to approve the occupation of a building on a temporary basis without a certificate of occupancy and subject to such conditions as the Delegate thinks fit to impose.	Chief Executive Officer		
s68(3)	43. Temporary Occupation 43.2 The duty pursuant to and in accordance with Section 68(3) of the Act to give written notice to an applicant of the refusal of approval for temporary occupation of a building.	Duty - Not a Delegation		
s69(1)	44. Emergency Orders 44.1 Where an owner of land fails to comply with the requirements of an emergency order issued under Section 69(1) of the Act: 44.1.1 the power pursuant to Section 69(4) of the Act to cause the required work to be carried out; and 44.1.2 the power pursuant to and in accordance with Sections 69(5) and 69(6) of the Act to recover the reasonable costs and expense of that work from the owner as a debt.	Chief Executive Officer		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s71(18), (19)	44A Fire Safety 44A.1 The power pursuant to Sections 71(18) and (19) of the Act to establish and designate a body as an appropriate authority.	Council Only		
s71(19)(a)(i)	44A Fire Safety 44A.2 The power pursuant to Section 71(19)(a)(i) of the Act to appoint a person who holds prescribed qualifications in building surveying to the appropriate authority.	Council Only		
s71(19)(a)(ii)	44A Fire Safety 44A.3 The power pursuant to Section 71(19)(a)(ii) of the Act to determine if a person is to be nominated to the appropriate authority by the Chief Officer of the South Australian Metropolitan Fire Service or the Chief Officer of the South Australian Country Fire Service (after taking into account the nature of the Council or Council's area(s)).	Council Only		
s71(19)(a)(iii)	44A Fire Safety 44A.4 The power pursuant to Section 71(19)(a)(iii) of the Act to appoint a person with expertise in the area of fire safety to the appropriate authority.	Council Only		
s71(19)(a)(iv)	44A Fire Safety 44A.5 The power pursuant to Section 71(19)(a)(iv) of the Act to determine and select a person to be appointed to the appropriate authority.	Council Only		
s71(19)(b)	44A Fire Safety 44A.6 The power pursuant to Section 71(19)(b) of the Act to determine the term of the office not exceeding three years of a member of the appropriate authority.	Council Only		
s71(19)(d)	44A Fire Safety 44A.7 The power pursuant to Section 71(19)(d) of the Act to appoint deputy members to the appropriate authority.	Council Only		
s71(19)(e)	44A Fire Safety 44A.8 The power pursuant to Section 71(19)(e) of the Act to determine the procedures of an appropriate authority.	Council Only		
s71A	45. Building Inspection Policies 45.1 The duty pursuant to and in accordance with Section 71A of the Act to prepare and from time to time alter a building inspection policy.	Duty - Not a Delegation		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s74(1)	<p>46. Advertisements</p> <p>46.1 The power pursuant to and in accordance with Section 74(1) of the Act to:</p> <p>46.1.1 form the opinion that an advertisement or advertising hoarding disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality or is contrary to a character desired for a locality under the relevant Development Plan; and</p> <p>46.1.2 serve notice in writing requiring the removal or obliteration of the advertisement or the removal of the advertising hoarding (or both).</p>	Chief Executive Officer		
s74(3)	<p>46. Advertisements</p> <p>46.2 The power pursuant to Section 74(3) of the Act where a person has failed to comply with a notice under Section 74(1) of the Act, to enter on land, carry out the terms of the notice and recover the costs of doing so as a debt from the person on whom the notice was served.</p>	Chief Executive Officer		
s84(2)	<p>47. Enforcement Notices</p> <p>47.1 The power pursuant to and in accordance with Section 84(2) of the Act to issue an enforcement notice where the Delegate has reason to believe on reasonable grounds that a person has breached the Act or a repealed Act.</p>	Chief Executive Officer		
s84(3)	<p>47. Enforcement Notices</p> <p>47.2 The power pursuant to Section 84(3) of the Act to determine that a direction under Section 84(2) of the Act is urgently required and can be orally given by an authorised officer.</p>	Chief Executive Officer		
s84(2)(b)	<p>47. Enforcement Notices</p> <p>47.3 Where a person has failed to comply with a direction contained in a notice issued pursuant to Section 84(2)(b) of the Act:</p> <p>47.3.1 the power pursuant to Section 84(6) of the Act to cause the necessary action to be undertaken; and</p> <p>47.3.2 pursuant to and in accordance with Sections 84(7) and 84(8) of the Act to recover the costs of doing so as a debt from the person whose failure gave rise to the action.</p>	Chief Executive Officer		

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s85(1)	48. Applications to Court 48.1 The power pursuant to Section 85(1) of the Act to apply to the Court for an order to remedy or restrain a breach of the Act, or a repealed Act.	Chief Executive Officer		
s85(6)(d)	48. Applications to Court 48.2 Where the Court has made an order under Section 85(6)(d) of the Act and a person has failed to comply with the order, the power pursuant to and in accordance with Section 85(12) and Section 85(13) of the Act, to cause any work contemplated by the order to be carried out and to recover the costs of doing so as a debt from the person.	Chief Executive Officer		
s86(1)(e)	49. General Right to Apply to Court 49.1 Where the Council is a party to a dispute referred to in Section 86(1)(e) of the Act, the power pursuant to Section 86(1)(e) of the Act to apply to the Court for determination of the dispute.	Chief Executive Officer		
s93(1)(b)(iii)	50. Authority to be Advised of Certain Matters 50.1 The power pursuant to Section 93(1)(b)(iii) of the Act to require from a private certifier who is making a decision of a prescribed kind in relation to any aspect of building work such other information or documentation as the Delegate or the Council may require.	Chief Executive Officer		
s94	51. Referrals 51.1 The power pursuant to and in accordance with Section 94 of the Act to consent to the referral by a private certifier to the Council or Delegate of any function under the Act.	Chief Executive Officer		
s101(1)	52. Professional Advice to be Obtained in Relation to Certain Matters 52.1 The power pursuant to Section 101(1) of the Act, in the exercise of a prescribed function, to rely on a certificate of a person with prescribed qualifications.	Chief Executive Officer		
s101(2)	52. Professional Advice to be Obtained in Relation to Certain Matters 52.2 The duty pursuant to Section 101(2) of the Act to seek and consider the advice of a person with prescribed qualifications or person approved by the Minister in relation to a matter prescribed by the Regulations.	Duty - Not a Delegation		
Development (Development Plans) Amendment Act 2006				

Development (Development Plans) Amendment Act 2006				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
Schedule 1	53. Transitional Provisions 53.1 The power pursuant to and in accordance with Clause 5(1) of Schedule 1 to the Development (Development Plans) Amendment Act 2006 ('the DPA Act'), if the Council or the Delegate has, before the commencement of Clause 5 of Schedule 1 to the DPA Act reached an agreement with the Minister on a Statement of Intent with respect to an amendment to a Development Plan, or taken steps to prepare a Plan Amendment Report on the basis of such a Statement of Intent subject to Clause 5(2) of Schedule 1 to the DPA Act, to continue with the process as set out in Section 25 of the Act (as in force immediately before the commencement of Clause 5 of Schedule 1 to the DPA Act) as if the DPA Act had not been enacted until the relevant amendment is approved (with or without alteration) or otherwise dealt with by the Minister under Section 25(15) of the Act, subject to the qualification that the relevant Plan Amendment Report may be referred to as a Development Plan Amendment.	Chief Executive Officer		
Schedule 1	53. Transitional Provisions 53.2 The power pursuant to Clause 5(2) of Schedule 1 to the DPA Act to agree on a Statement of Intent that is to supersede a Statement of Intent agreed between the Council or the Delegate and the Minister before commencement of Clause 5 of Schedule 1 to the DPA Act.	Chief Executive Officer		
Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
r9A(1)	54. Infrastructure Planning 54.1 The power pursuant to Regulation 9A(1) of the Development Regulations 2008 ('the Regulations') to, in preparing the DPA, to the extent (if any) required by the Statement of Intent, seek, in accordance with Regulation 9A(2), the advice of a Minister and any other government agency, specified by the Minister as part of the agreement on the Statement of Intent.	Council Only		
r10A(1)	55. Consultation with Government Departments or Agencies 55.1 The duty pursuant to Regulation 10A(1) of the Regulations if the	Council Only		

Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	Council is subject to a requirement under Section 25(7)(a) of the Act to ensure that a copy of any written report received from a Department or agency is furnished to the Minister for the purposes of considering the matter under Section 25(7)(b) of the Act.			
s25,26	<p>56. Public Consultation - Section 25 & 26</p> <p>56.1 Subject to Regulations 11A(3) and 11A(6) of the Regulations, for the purposes of Sections 25 and 26 of the Act, the duty pursuant to Regulation 11A(1) of the Regulations to give public notice of a DPA by publication in the designated manner of a notice:</p> <p>56.1.1 advising the time and places at which the DPA is available for inspection (without charge) and purchase by the public; and</p> <p>56.1.2 inviting any interested person to make written submissions on the amendment to the council within the relevant period specified in the notice; and</p> <p>56.1.3 stating that the submissions will be available for inspection by any interested person at a place specified in the notice from the expiration of the period specified under Regulation 11A(1)(b) of the Regulations until the conclusion of any public meeting held for the purposes of Section 25(11)(b) or 26(5c)(b) of the Act (or, if no such meeting is to be held, until the decision is made not to hold the meeting); and</p> <p>56.1.4 providing information about when and where any public meeting is proposed to be held for the purposes of Sections 25(11)(b) or 26(5c)(b) of the Act (subject to a decision being made under the relevant section not to hold a meeting).</p>	Duty - Not a Delegation		
s25,26	<p>56. Public Consultation - Section 25 & 26</p> <p>56.2 If one or more written submissions are made in response to a notice published under Regulation 11A(1) of the Regulations, the duty pursuant to Regulation 11A(3) of the Regulations to make a copy of each submission available for inspection in accordance with the statement included under Regulation 11A(1)(c).</p>	Duty - Not a Delegation		

Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s25,26	56. Public Consultation - Section 25 & 26 56.3 For the purposes of Sections 25(9)(c) and 26(5b)(c) of the Act, the duty pursuant to Regulation 11A(4) of the Regulations to include in the written notice the same information as required for a notice under Regulation 11A(1) of the Regulations.	Duty - Not a Delegation		
s25,26	56. Public Consultation - Section 25 & 26 56.4 The duty pursuant to Regulation 11A(5) of the Regulations, to ensure that a copy of any DPA released for public consultation under Section 25 of the Act is provided to the Minister within 2 business days after that release.	Duty - Not a Delegation		
r12	57. Public Meeting 57.1 The duty pursuant to and in accordance with Regulation 12 of the Regulations to hold a public meeting if an amendment has been prepared by the Council or the Delegate.	Duty - Not a Delegation		
r12(4)	57. Public Meeting 57.2 The power pursuant to Regulation 12(4) of the Regulations to adjourn a public meeting from time to time, and place to place if necessary or appropriate.	Chief Executive Officer		
r15(1)(c)	58. Application to Relevant Authority 58.1 The power pursuant to Regulation 15(1)(c) of the Regulations to require an additional or lesser number of copies of plans, drawings, specifications and other documents and information relating to a proposed development than the number prescribed in Regulation 15(1)(c) of the Regulations.	Chief Executive Officer		
r15(4)	58. Application to Relevant Authority 58.2 The duty pursuant to and in accordance with Regulation 15(4) of the Regulations, if an application is lodged with the Council but a regional development assessment panel is the relevant authority, to retain a copy of the application and other accompanying information and to forward the application on to the appropriate person acting on behalf of the regional development assessment panel.	Duty - Not a Delegation		
r15(5)	58. Application to Relevant Authority 58.3 The duty pursuant to and in accordance with Regulation 15(5) of the Regulations, when an application is lodged with the Council but the	Duty - Not a Delegation		

Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	Development Assessment Commission is the relevant authority, to forward all but one copy of the application and the accompanying information, as well as a written acknowledgment that the appropriate fees have been paid, including details of each fee component paid, to the Development Assessment Commission.			
r15(7)(b)	58. Application to Relevant Authority 58.4 The power pursuant to Regulation 15(7)(b) of the Regulations to indicate, in such manner as may be determined by the Development Assessment Commission, that the Delegate wishes to receive written documentation instead of electronic access to the relevant documents and information via the Internet.	Chief Executive Officer Delegation Not Required		Removal of delegation as this provision does not require a delegation.
15(7b)	58.4A The power and duty pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application under Regulation 15(7a) of the Regulations, furnish to the private certifier: 58.4A.1 the Development Assessment number assigned to the development proposed under the application; and 58.4A.2 if the private certifier, at the time of forwarding a copy of an application under Regulation 15(7a) of the Regulations, requests advice on the matters set out in subparagraphs (i) and (ii), and if such advice is relevant: 58.4A.2.1 advice about any site contamination that is believed to exist at the site where the development would be undertaken; and 58.4A.2.2 advice about the likely need for approval to alter a public road under section 221 of the Local Government Act 1999 in order to establish a new access point.	Chief Executive Officer		New addition to Framework in line with LGA Delegations Framework with suggested delegation.
r15(8)	58. Application to Relevant Authority 58.5 The power pursuant to Regulation 15(8) of the Regulations to extend the period prescribed in Regulation 15(8) for the lodging of an application for the appropriate development authorisation as required by Section 54(2)(c).	Chief Executive Officer		
r15(10)(c)	58. Application to Relevant Authority [City of Tea Tree Gully only] 58.6 If an application relates to a proposed development that involves the division of land in the Golden Grove Development Area which is complying	Delegation Not Required		

Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	development in respect of the Development Plan, the duty pursuant to Regulation 15(10)(c) to forward to the Development Assessment Commission within 5 business days after receipt of the application: 58.6.1 a copy of the application; and 58.6.2 a copy of the plans, drawings, specification and other documents or information accompanying the application.			
r15(11), (12)	58. Application to Relevant Authority 58.7 The power pursuant to Regulation 15(11) and subject to Regulation 15(12) of the Regulations, to, in an appropriate case, dispense with or modify the requirements of Schedule 5 in relation to a particular application.	Chief Executive Officer		
r15(12)	58. Application to Relevant Authority 58.8 The duty pursuant to Regulation 15(12) of the Regulations to not modify the requirements of Schedule 5 in relation to an application if the application is in relation to residential code development.	Duty - Not a Delegation		
r16(1)	59. Nature of Development 59.1 The duty pursuant to Regulation 16(1) of the Regulations, where an application requires the assessment of a proposed development against the provisions of the Development Plan, to determine the nature of the development applied for.	Duty - Not a Delegation		
r16(2)	59. Nature of Development 59.2 The power pursuant to Regulation 16(2) of the Regulations to form the opinion that a development is non-complying, and the duty if the Delegate is of the opinion that an application relates to a kind of development that is non-complying and the applicant has not identified the development as such, by notice in writing to inform the applicant of that fact.	Duty - Not a Delegation		
r16(3)	59. Nature of Development 59.3 The power pursuant to Regulation 16(3) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development,	Chief Executive Officer		

Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	form the opinion that the development is residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact.			
r16(4)	59. Nature of Development 59.4 The power pursuant to Regulation 16(4) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development, form the opinion that the development is not residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact and the reasons for the Delegate's opinion.	Chief Executive Officer		
r17(3)	60. Non-Complying Development 60.1 The power pursuant to Regulation 17(3) of the Regulations, after receipt of an application which relates to a kind of development that is described as non-complying development to: 60.1.1 refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or 60.1.2 resolve to proceed with an assessment of the application.	Chief Executive Officer		
r17(4)	60. Non-Complying Development 60.2 The duty pursuant to Regulation 17(4) of the Regulations, in situations where the Delegate has resolved to proceed with the assessment of an application for non-complying development, to require the applicant to provide a statement of effect.	Duty - Not a Delegation		
r17	60. Non-Complying Development 60.3 The power pursuant to Regulation 17(6) of the Regulations to determine that a proposed development is of a minor nature for the purposes of exemption from the requirements to provide a statement of effect.	Chief Executive Officer		
r18	61. Notification of Application for Tree-Damaging Activity to Owner of Land 61.1 Where the owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, the duty pursuant to and in accordance with Regulation 18 of	Duty - Not a Delegation		

Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	the Regulations: 61.1.1 to give the owner of land notice of the application; and 61.1.2 to give due consideration, in the assessment of the application, to any submission made by the owner within a reasonable time after the giving of notice of the application.			
r20(4)	62. Amended Applications 62.1 The power pursuant to Regulation 20(4) of the Regulations to form the opinion that variations to an application are not substantial and that repeating of the referral process under Part 5 of the Regulations, or the giving of notice under Part 6 of the Regulations is not required.	Chief Executive Officer		
r20(5)	62. Amended Applications 62.2 The power pursuant to Regulation 20(5) of the Regulations, where a variation to an application changes the essential nature of a proposed development to (by agreement with the applicant) proceed with the variation on the basis that the application will be treated as a new application.	Chief Executive Officer		
r22(1)	63. Withdrawing/Lapsing Application 63.1 The duty pursuant to Regulation 22(1) of the Regulations, where an applicant withdraws an application, to notify any agency to which an application was referred under Part 5 of the Regulations and any person who made a representation in relation to the application under Part 6 of the Regulations of the withdrawal.	Duty - Not a Delegation		
r22(2)	63. Withdrawing/Lapsing Application 63.2 Where at least two years have passed since the date on which an application for development authorisation under Part 4 of the Act was lodged with the Council the power, pursuant to Regulation 22(2) of the Regulations to lapse the said application.	Chief Executive Officer		
r22(2)	63. Withdrawing/Lapsing Application 63.3 Before taking action to lapse a development application under Regulation 22(2) of the Regulations the duty, pursuant to and in accordance with Regulation 22(3) of the Regulations to:	Duty - Not a Delegation		

Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>63.3.1 take reasonable steps to notify the applicant of the action under consideration; and</p> <p>63.3.2 allow the applicant a reasonable opportunity to make submissions to the Council or the Delegate about the proposed course of action, and the power to determine the manner and form of those submissions.</p>			
r23(2)	<p>64. Contravening Development</p> <p>64.1 The power pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline to proceed with an application until proceedings under the Act have been concluded.</p>	Chief Executive Officer		
r24(1)	<p>65. Referrals</p> <p>65.1 The duty pursuant to Regulation 24(1) of the Regulations to refer an application of a prescribed kind together with a copy of any relevant information provided by the applicant to the relevant body prescribed by Schedule 8 of the Regulations and to not make a decision on the application until a response has been received from the referral body or the time period for receipt of a response has lapsed.</p>	Duty - Not a Delegation		
r25	<p>66. Procedure Where Concurrence Required</p> <p>66.1 The duty pursuant to Regulation 25 of the Regulations, if concurrence must be sought from another body prior to issuing a consent or approval to forward to the other body whose concurrence must be sought that information required by Regulation 25(b) of the Regulations.</p>	Duty - Not a Delegation		
r27(1)	<p>67. Additional Information or Amended Plans</p> <p>67.1 The duty pursuant to Regulation 27(1) of the Regulations, where an application has been referred to a prescribed body under Part 5 of the Regulations and additional information is received which is materially relevant to the referral, to repeat the referral process where the Delegate is of the opinion that the additional information or amendment is significant and the power to repeat the referral process in all other instances.</p>	Duty - Not a Delegation		
r28(3)	<p>68. Special Provisions - Referrals</p> <p>68.1 The duty pursuant to and in accordance with Regulation 28(3) of the</p>	Duty - Not a Delegation		

Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>Regulations to refer an application for building rules consent to the relevant fire authority for comment and report where the Delegate considers that:</p> <p>68.1.1 a proposed alternative solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or</p> <p>68.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or</p> <p>68.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,</p> <p>and the duty pursuant to Regulation 28(5) of the Regulations to have regard to any report received from the fire authority under Regulation 28.</p>			
r28(4)	<p>68. Special Provisions - Referrals</p> <p>68.2 The power pursuant to Regulation 28(4) of the Regulations, when a report from a fire authority pursuant to Regulation 28(3) is not received by the Council within 20 business days, to presume that the fire authority does not desire to make a report.</p>	Chief Executive Officer		
r28	<p>68. Special Provisions - Referrals</p> <p>68.3 If, in respect of an application referred to a fire authority under Regulation 28, the fire authority:</p> <p>68.3.1 recommends against the granting of building rules consent; or</p> <p>68.3.2 concurs in the granting of consent on conditions specified in its report, but the Delegate:</p> <p>68.3.3 proposes to grant building rules consent despite a recommendation referred to in Regulation 28(5a)(a) of the Regulations; or</p>	Duty - Not a Delegation		

Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>68.3.4 does not propose to impose the conditions referred to in Regulation 28(5a)(b) of the Regulations, or proposes to impose the conditions in varied form, on the grant of consent, the duty pursuant to Regulation 28(5a) of the Regulations to:</p> <p>68.3.5 refer the application to the Building Rules Assessment Commission; and</p> <p>68.3.6 not grant consent unless the Building Rules Assessment Commission concurs in the granting of consent.</p>			
r28(6)	<p>68. Special Provisions - Referrals</p> <p>68.4 The duty pursuant to Regulation 28(6) of the Regulations to provide to the Building Rules Assessment Commission a copy of any report received from a fire authority under Regulation 28(1) that relates to an application referred to the Building Rules Assessment Commission under the Act.</p>	Duty - Not a Delegation		
r28(7)	<p>68. Special Provisions - Referrals</p> <p>68.5 The duty pursuant to Regulation 28(7) of the Regulations, where building work comprises or includes the construction or installation of a private bushfire shelter, not to grant a building rules consent unless the Building Rules Assessment Commission concurs in the granting of the consent.</p>	Duty - Not a Delegation		
r29(1)	<p>69. Land Division Applications</p> <p>69.1 The duty pursuant to Regulation 29(1) of the Regulations, subject to the provisions in Regulation 29(2) of the Regulations, to withhold making a decision on an application which relates to a proposed development that involves the division of land until a report has been received from the Development Assessment Commission.</p>	Duty - Not a Delegation		
r29(1)	<p>69. Land Division Applications</p> <p>69.2 The power pursuant to Regulation 29(2) of the Regulations, when a report from the Development Assessment Commission pursuant to</p>	Chief Executive Officer		

Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	Regulation 29(1) of the Regulations is not received by the Council within eight weeks or within such longer period as the Development Assessment Commission may require by notice in writing to the Council, to presume that the Development Assessment Commission does not desire to make a report.			
r30(1)	70. Underground Mains Area 70.1 The power pursuant to Regulation 30(1) of the Regulations to seek a report from the relevant electricity authority where the Delegate considers that an area should be declared an underground mains area.	Chief Executive Officer		
r30(2)	70. Underground Mains Area 70.2 The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.	Chief Executive Officer		
r30(4)	70. Underground Mains Area 70.3 The power pursuant to Regulation 30(4) of the Regulations, where a development includes the division of land within or partly within an underground mains area, to require, as a condition of the decision, that any electricity mains be placed underground.	Chief Executive Officer		
s37AA	71. Preliminary Advice and Agreement - Section 37AA 71.1 The power pursuant to Regulation 31A(6)(b) of the Regulations to determine that an application no longer accords with an agreement indicated by the prescribed body.	Chief Executive Officer		
s37AA	71. Preliminary Advice and Agreement - Section 37AA 71.2 The power pursuant to Regulation 31A(6) of the Regulations if: 71.2.1 a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and 71.2.2 the relevant authority determines that the application no longer accords with the agreement indicated by the prescribed body, to refer the application (unless withdrawn) to the prescribed body:	Chief Executive Officer		

Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	71.2.3 to obtain a variation to the agreement under Section 37AA of the Act; or 71.2.4 to obtain a response from the prescribed body for the purposes of Section 37 of the Act.			
s37AA	71. Preliminary Advice and Agreement - Section 37AA 71.3 The power pursuant to Regulation 31A(7) of the Regulations if: 71.3.1 an application is withdrawn by the Applicant; and 71.3.2 the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application, to notify the relevant prescribed body of the withdrawal of an application.	Chief Executive Officer		
r31A(8)	71. Preliminary Advice and Agreement - Section 37AA 71.4 The power pursuant to Regulation 31A(8) of the Regulations if: 71.4.1 an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and 71.4.2 the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application, to notify the relevant prescribed body of the lapsing of an application.	Chief Executive Officer		
r31A(9)	71. Preliminary Advice and Agreement - Section 37AA 71.5 The power pursuant to Regulation 31A(9) of the Regulations if: 71.5.1 an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and 71.5.2 a notice of decision is issued by the relevant authority under Regulation 42 of the Regulations, to send a copy of the notice to the prescribed body within 5 business days	Chief Executive Officer		

Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	after the notice is given to the applicant under Regulation 42 of the Regulations.			
r34(1)	72. Public Inspection of Certain Applications 72.1 The duty pursuant to and in accordance with Regulation 34(1) of the Regulations, subject to Regulation 34(4) of the Regulations to ensure that copies of documents referred to in Regulation 34(1) concerning an application are reasonably available for inspection by the public (without charge).	Duty - Not a Delegation		
r34(2)	72. Public Inspection of Certain Applications 72.2 The duty pursuant to Regulation 34(2) of the Regulations, subject to Regulation 34(4) of the Regulations, where a request is made within the time period that applies under Regulation 34(1) of the Regulations and on payment of a fee fixed by Council to provide to a member of the public a copy of any document of information available for inspection under Regulation 34(1) of the Regulations.	Duty - Not a Delegation		
r34(3)	72. Public Inspection of Certain Applications 72.3 The power pursuant to Regulation 34(3) of the Regulations to require that a person who has made a request under Regulation 34(2) of the Regulations verify his or her name, address and contact details in such manner as the Delegate thinks fit.	Chief Executive Officer		
r34(4)	72. Public Inspection of Certain Applications 72.4 The power pursuant to Regulation 34(4) of the Regulations to form the opinion that the present or future security of a building would be jeopardised if plans, drawings, specifications or other documents or information relating to the assessment of a proposed development against the Building Rules were to be made available for inspection.	Chief Executive Officer		
r36	73. Response by Applicant 73.1 The power pursuant to Regulation 36 of the Regulations to extend the time within which an applicant may respond to any representation	Chief Executive Officer		
s34(1)(b)	74. Determination of Commission as Relevant Authority 74.1 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act: 74.1.1 in a case where the Minister has made a declaration under Section	Duty - Not a Delegation		

Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	34(1)(b)(iii) or 34(1)(b)(vi) of the Act, the duty pursuant to and in accordance with Regulation 38(2)(a)(i) of the Regulations to forward to the Development Assessment Commission any application received by the Council under the Act and the Regulations in relation to the matter together with accompanying documentation or information and, as appropriate, fees; and			
s34(1)(b)	<p>74. Determination of Commission as Relevant Authority</p> <p>74.1 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:</p> <p>74.1.2 in any case, the power pursuant to and in accordance with Regulation 38(2)(b) to provide a report on matters under Section 33(1) (as relevant).</p>	Chief Executive Officer		
s34(1)(b)(iv)	<p>74. Determination of Commission as Relevant Authority</p> <p>74.2 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b)(iv) of the Act and the proposed development is to be undertaken within one kilometre of a boundary with the Council, the power, pursuant to Regulation 38(4) of the Regulations, to provide the Development Assessment Commission with comments on the proposed development.</p>	Chief Executive Officer		
r39	<p>75. Assessment in Respect of Building Rules Referred to the Council</p> <p>75.1 The duty pursuant to and in accordance with Regulation 39 of the Regulations, where the Council is the relevant authority pursuant to Section 34(2) of the Act, not to give any decision in respect of the assessment against the Building Rules until the Development Assessment Commission or the regional development assessment panel (as the case may be) has made its decision.</p>	Duty - Not a Delegation		
r42	<p>76. Notification of Decision to Applicant (Including Conditions)</p> <p>76.1 The duty pursuant to and in accordance with Regulation 42 of the Regulations to give notice of a decision on an application under Division 1 of Part 4 of the Act including, but not limited to, the power to endorse approved plans and documentation under Regulation 42(4).</p>	Duty - Not a Delegation		
r43	<p>77. Notification of Decision to a Prescribed Body</p> <p>77.1 The duty pursuant to and in accordance with Regulation 43 of the</p>	Duty - Not a Delegation		

Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	Development Regulations, to send a copy of the notice of decision issued under Regulation 42 of the Regulations to any prescribed body to which the application had been referred.			
r43(3)	77. Notification of Decision to a Prescribed Body 77.2 The duty pursuant to and in accordance with Regulation 43(3) of the Regulations to send a copy of a notice of a decision on an application, if or when a development authorisation is issued in relation to a proposed division of land, to the Development Assessment Commission.	Duty - Not a Delegation		
r44	78. Notification of Decision to Owner of Land 78.1 The duty pursuant to and in accordance with Regulation 44 of the Regulations to send a copy of any notice issued under Regulation 42 of the Regulations to the owner of land to which a decision on the application relates where the owner is not a party to the application.	Duty - Not a Delegation		
r45(2)	79. Scheme Description - Community Titles 79.1 The duty pursuant to Regulation 45(2) of the Regulations to endorse a scheme description under Section 3 of the Community Titles Act 1996 in the following terms: 79.1.1 All the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the relevant plan of community division under the Community Titles Act 1996 have been granted. OR No consent or approval is required under the Development Act 1993 in relation to the division of land (or a change in the use of the land) in accordance with this scheme description. This endorsement does not limit a relevant authority's right to refuse, or to place conditions on, development authorisation under the Development Act 1993 in relation to any other development envisaged by this scheme description. Signed: Dated:	Duty - Not a Delegation		
r45(2)	79. Scheme Description - Community Titles	Council Only		

Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	79.2 The power pursuant to Regulation 45(2) of the Regulations to include in an endorsement of a scheme description under Section 3 of the Community Titles Act 1996, notes concerning conditions on any consent or approval, and notes concerning additional approvals that may be required in the future and to sign and date the endorsement.			
r46(1)	80. Special Provisions Relating to Staged Consents 80.1 The duty pursuant to and in accordance with Regulation 46(1) of the Regulations, and in a case where the development is within the ambit of Schedule 1A, subject to, in accordance with Regulations 46(4) and (5) of the Regulations, any step that the Delegate, as the relevant authority considers it needs to take under Section 42 of the Act, to issue a Notice of Approval in the circumstances prescribed by Regulation 46 of the Regulations.	Duty - Not a Delegation		
r47	81. Endorsed Plans 81.1 The duty pursuant to Regulation 47 of the Regulations to return to a successful applicant, a copy of the plans, drawings, specifications and other documents and information lodged by the applicant duly endorsed with the building rules consent.	Duty - Not a Delegation		
r47A	81A. Minor Variation of Development Authorisation 81A.1 The power pursuant to Regulation 47A of the Regulations, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion that the variation is minor in nature and, if the delegate is satisfied that the variation is minor in nature, to approve the variation.	Chief Executive Officer		
r48(2)	82. Lapse of Consent or Approval 82.1 The power pursuant to Regulation 48(2) of the Regulations to extend the time when any consent or approval under Part 4 of the Act will lapse.	Chief Executive Officer		
r51(4)	83. Width of Roads and Thoroughfares 83.1 The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulation 51(1) and (3) dealing with the width of any proposed road or thoroughfare where the Delegate is of the	Chief Executive Officer		

Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services.			
r51(6)	83. Width of Roads and Thoroughfares 83.2 The power pursuant to Regulation 51(6) of the Regulations to dispense with the requirements of Regulation 51(5) dealing with the width of a road at the head of every cul-de-sac where it appears that the cul-de-sac is likely to become a through road.	Chief Executive Officer		
r52(1)	84. Road Widening 84.1 The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road.	Chief Executive Officer		
r53(1), (2)	85. Requirement as to Forming of Roads 85.1 The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.	Chief Executive Officer		
r53(4)	85. Requirement as to Forming of Roads 85.2 The power pursuant to Regulation 53(4) of the Regulations to dispense with the requirements of Regulation 53(3) of the Regulations that adequate provision be made for the turning of vehicles at the head of a cul-de-sac where the Delegate is of the opinion that the cul-de-sac is likely to become a through road.	Chief Executive Officer		
r53(6)	85. Requirement as to Forming of Roads 85.3 The power pursuant to Regulation 53(6) of the Regulations to dispense with the requirements of Regulation 53(5) dealing with the forming of footpaths, water-tables, kerbing, culverts and drains on proposed roads.	Chief Executive Officer		
r54(1)	86. Construction of Roads, Bridges, Drains and Services 86.1 The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.	Chief Executive Officer		
r55(1)	87. Supplementary Provisions 87.1 The duty pursuant to Regulation 55(1) of the Regulations to consider and if appropriate approve a road location and grading plan for the forming of any proposed road, including every footpath, water-table, kerbing, culvert	Duty - Not a Delegation		

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	and drain.			
r55(2)	87. Supplementary Provisions 87.2 The duty pursuant to Regulation 55(2) of the Regulations to consider, and if appropriate approve, detailed construction plans and specifications signed by a professional engineer or licensed surveyor for all work referred to in Regulations 53 and 54 of the Regulations.	Duty - Not a Delegation		
r55(4)	87. Supplementary Provisions 87.3 The duty pursuant to Regulation 55(4) of the Regulations to consider, and if appropriate accept, that all connections for water supply and sewerage services to any allotment delineated on a plan of division have been laid under the surface of a proposed road before the roadway is sealed.	Duty - Not a Delegation		
r58(1)	88. General Land Division 88.1 The power pursuant to and in accordance with Regulation 58(1) of the Regulations to enter into a binding arrangement with an applicant for land division for the satisfaction of outstanding requirements.	Chief Executive Officer		
r58(2)	88. General Land Division 88.2 The power pursuant to and in accordance with Regulation 58(2) of the Regulations to advise the Development Assessment Commission that an applicant has entered into appropriate binding arrangements pursuant to Section 51(1) of the Act.	Chief Executive Officer		
r59(1)	89. Division of Land by Strata Title 89.1 The power pursuant to Regulation 59(1) of the Regulations to advise the Development Assessment Commission that an applicant has entered into a binding arrangement with the Council for the satisfaction of the requirements of Section 33(1)(d) of the Act and that the arrangement is supported by adequate security.	Chief Executive Officer		
r60(1)	90. General Provisions 90.1 The power pursuant to and in accordance with Regulation 60(1) of the Regulations to enter into a form of arrangement with an applicant to the satisfaction of the Development Assessment Commission for the purposes of Section 51(1) of the Act.	Chief Executive Officer		
r60(7)	90. General Provisions 90.2 The power pursuant to Regulation 60(7) of the Regulations, for the	Chief Executive Officer <u>Delegation Not Required</u>		Removal of delegation as this

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	purposes of Section 51(4) of the Act, to request (in such a manner as may be determined by the Development Assessment Commission) that a copy of a certificate or plan (or certificates and plans) referred to in Regulation 60(4) of the Regulations be furnished to the Council by sending a written copy to the Council.			provision does not require a delegation.
r60(9)	90. General Provisions 90.3 The power pursuant to Regulation 60(9) of the Regulations to consult with the Development Assessment Commission before it grants an extension of the period prescribed by Regulation 60(8) of the Regulations.	Chief Executive Officer <u>Delegation Not Required</u>		Removal of delegation as this provision does not require a delegation.
s46	91. Declaration by The Minister - Section 46 91.1 The duty pursuant to and in accordance with Regulation 61(2) of the Regulations, to transmit to the Minister any relevant documentation (including the application and any accompanying documentation or information lodged by the proponent with the Council under Division 1 of Part 4 of the Act) within 10 business days after the receipt of a copy of a notice required by Regulation 61(1) of the Regulations.	Duty - Not a Delegation		
s46	91. Declaration by The Minister - Section 46 91.2 At the same time that documents are transmitted to the Minister under Regulation 61(2) of the Regulations, the duty pursuant to Regulation 61(3) of the Regulations to also transmit to the Minister any fees that have been paid by the proponent under Schedule 6 (less any amount that the Minister determines should be retained by the Council).	Duty - Not a Delegation		
s46	91. Declaration by The Minister - Section 46 91.3 Where an application lodged with the Minister under Section 46 of the Act requires an assessment against the Building Rules and the assessment against the Building Rules is to be referred to the Council, the power pursuant to Regulation 61(5)(d) of the Regulations, to require from the applicant additional copies of the plans, drawings, specifications and other documents and information required by Regulation 61(4) of the Regulations.	Chief Executive Officer		

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s48	<p>92. Referral of Assessment of Building Work</p> <p>92.1 Where a development application which is subject to the operation of Section 48 of the Act is referred to the Council for assessment in respect of the Building Rules the duty pursuant to and in accordance with Regulation 64(2) of the Regulations, to ensure that the assessment is consistent with any development plan consent previously given under Section 48 of the Act.</p>	Chief Executive Officer		
r64(1)	<p>92. Referral of Assessment of Building Work</p> <p>92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:</p> <p>92.2.1 provide the certification in the form set out in Schedule 12A; and</p> <p>92.2.2 to the extent that may be relevant and appropriate:</p> <p>92.2.2.1 issue a schedule of essential safety provisions under Division 4 of Part 12 of the Act; and</p> <p>92.2.2.2 assign a classification to the building under the Regulations; and</p> <p>92.2.2.3 ensure that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993.</p>	Chief Executive Officer		
r64(3)(a)	<p>92. Referral of Assessment of Building Work</p> <p>92.3 Where the Council issues a certificate in the form set out in Schedule 12A of the Regulations as required by Regulation 64(3)(a) of the Regulations, the duty pursuant to Regulation 64(4) of the Regulations to furnish to the Minister a copy of the certificate together with a copy of any schedule of essential safety provisions.</p>	Chief Executive Officer		
r74(1)(b)	<p>93. Notifications During Building Work</p> <p>93.1 The power pursuant to Regulation 74(1)(b) to specify by notice in</p>	Chief Executive Officer		

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	writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.			
r74(1)(c)	93. Notifications During Building Work 93.2 The power pursuant to Regulation 74(1)(c) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.	Chief Executive Officer		
r74(4)	93. Notifications During Building Work 93.3 The duty pursuant to Regulation 74(4) of the Regulations to make a note on the relevant building file of any notice given in accordance with Regulation 74(3)(d) by a person by telephone.	Duty - Not a Delegation		
r76(4)	94. Essential Safety Provisions 94.1 The duty pursuant to Regulation 76(4) of the Regulations, on either the granting of a building rules consent or on application by the owner of a building, to issue a schedule in the form set out in Schedule 16 specifying the essential safety provisions for buildings and the standards and requirements for maintenance and testing in respect of those provisions.	Duty - Not a Delegation		
r76D(4a)	94A Swimming Pool Safety 94A.1 The power pursuant to Regulation 76D(4a) of the Regulations to, for the purposes of Section 71AA(7) of the Act, subject to Regulation 76(D)(4b) of the Regulations, establish a swimming pool inspection policy.	Chief Executive Officer		
r76(10)	94. Essential Safety Provisions 94.2 The power pursuant to Regulation 76(10) of the Regulations to require compliance with Regulation 76(7) despite Regulation 76(9) of the Regulations if the essential safety provisions were installed under a modification of the Building Rules under Section 36(2) of the Act or the building has been the subject of a notice under Section 71 of the Act.	Chief Executive Officer		
r78(1)	95. Building Rules: Bushfire Prone Areas 95.1 Where:	Chief Executive Officer		

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	<p>95.1.1 application is made for building rules consent for building work in the nature of an alteration to a class 1, 2 or 3 building under the Building Code; and</p> <p>95.1.2 the building is in a bushfire prone area under Regulation 78(1) of the Regulations; and</p> <p>95.1.3 the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction),</p> <p>the power, pursuant to Regulation 78(2) of the Regulations, to require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of the Building Rules for bushfire protection.</p>			
r79(2)	<p>96. Construction Industry Training Fund</p> <p>96.1 The duty pursuant to Regulation 79(2) of the Regulations to withhold issuing a building rules consent until satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or that no such levy is payable.</p>	Duty - Not a Delegation		
r79(4)	<p>96. Construction Industry Training Fund</p> <p>96.2 The power pursuant to Regulation 79(4) of the Regulations to form an opinion whether the appropriate levy under the Construction Industry Training Fund Act 1993 has or has not been paid, or is or is not payable, and notify the applicant that a building rules consent cannot be issued until the Delegate is satisfied that the levy has been paid or is not payable.</p>	Chief Executive Officer		
r79(5)(b)	<p>96. Construction Industry Training Fund</p> <p>96.3 The power pursuant to and in accordance with Regulation 79(5)(b) of</p>	Chief Executive Officer		

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	the Regulations to determine that the application has lapsed.			
r82(3)(b)(i)	97. Classification of Buildings 97.1 The power pursuant to Regulation 82(3)(b)(i) of the Regulations to require such details, particulars, plans, drawings, specifications, certificates and other documents as may reasonably be required to determine a building's classification upon application by an owner of a building under Regulation 82(1) or (2) of the Regulations.	Chief Executive Officer		
r82(4)	97. Classification of Buildings 97.2 The duty pursuant to Regulation 82(4) of the Regulations to assign the appropriate classification under the Building Code to a building upon being satisfied that the building possesses the attributes appropriate to its present or intended use.	Duty - Not a Delegation		
r82(5)	97. Classification of Buildings 97.3 The power pursuant to Regulation 82(5) of the Regulations, on assigning a classification to a building (or part of a building), to, if relevant, determine and specify in the notice to the owner under Section 66(4) of the Act – 97.3.1 the maximum number of persons who may occupy the building (or part of the building); and 97.3.2 If the building has more than one classification – the part or parts of the building to which each classification relates and the classification currently assigned to the other parts of the building.	Chief Executive Officer		New addition as per legislative amendment with suggested delegation.
r83(2)(c)	98. Certificates of Occupancy 98.1 The power pursuant to Regulation 83(2)(c) of the Regulations to require from an applicant for a certificate of occupancy reasonable evidence that conditions attached to a development approval have been satisfied.	Chief Executive Officer		
r83(2)(d)	98. Certificates of Occupancy 98.2 The power pursuant to Regulation 83(2)(d) of the Regulations where an application relates to the construction or alteration of part of a building	Chief Executive Officer		

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	and further building work is envisaged in respect of the remainder of the building, to require from an applicant for a certificate of occupancy reasonable evidence that in the case of a building of more than 1 storey, the requirements of Minister's Specification SA 83 have been complied with, or in any other case the building is suitable for occupation.			
r83(3)	98. Certificates of Occupancy 98.3 The power pursuant to Regulation 83(3) of the Regulations to dispense with the requirement to provide a Statement of Compliance under Regulation 83(2)(a) if the Delegate is satisfied that a person required to complete 1 or both parts of the Statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification(s) and it appears to the Delegate that the relevant building is suitable for occupation.	Chief Executive Officer		
r83(4)	98. Certificates of Occupancy 98.4 Where: 98.4.1 a building is required by the Building Rules: 98.4.1.1 to be equipped with a booster assembly for use by a fire authority; or 98.4.1.2 to have installed a fire alarm that transmits a signal to a fire station; and 98.4.2 facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act, the duty pursuant to Regulation 83(4) of the Regulations to not grant a certificate of occupancy unless or until a report has been sought from the fire authority as to whether those facilities have been installed and operate satisfactorily.	Duty - Not a Delegation		
r83(5)	98. Certificates of Occupancy 98.5 The power pursuant to Regulation 83(5) of the Regulations, when a	Chief Executive Officer		

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	report from the fire authority pursuant to Regulation 83(4) is not received within 15 business days, to presume that the fire authority does not desire to make a report.			
r83(6)	98. Certificates of Occupancy 98.6 The duty pursuant to Regulation 83(6) of the Regulations to have regard to any report received from a fire authority under Regulation 83(4) before issuing a certificate of occupancy.	Duty - Not a Delegation		
r83(9)	98. Certificates of Occupancy 98.7 The power pursuant to Regulation 83(9) of the Regulations to revoke a certificate of occupancy.	Chief Executive Officer		
r88(3)	99. Certificate of Independent Technical Expert in Certain Case 99.1 The power pursuant to Regulation 88(3) of the Regulations, in circumstances where Regulation 88 of the Regulations applies, to rely on the certificate of an independent technical expert.	Chief Executive Officer		
r95(2)	100. Fees 100.1 The power pursuant to Regulation 95(2) of the Regulations to require an applicant to provide such information as the Delegate may reasonably require to calculate any fee payable under Schedule 6 and the power to make any other determination for the purposes of Schedule 6.	Chief Executive Officer		
r95(3)	100. Fees 100.2 The power pursuant to the provisions of Regulation 95(3) of the Regulations to calculate any fee on the basis of estimates made by the Delegate where the Delegate believes that any information provided by an applicant is incomplete or inaccurate.	Chief Executive Officer		
r95(4)	100. Fees 100.3 The power pursuant to Regulation 95(4) of the Regulations to, at any time, and despite any earlier acceptance of an amount in respect of the fee, reassess a fee payable under the Regulations.	Chief Executive Officer		
r95(5)	100. Fees 100.4 The duty pursuant to Regulation 95(5) of the Regulations, on a reassessment under Regulation 95(4) of the Regulations:	Duty - Not a Delegation		

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	100.4.1 if it appears that an overpayment has occurred, to refund any amount due in accordance with the reassessment; and 100.4.2 if it appears that an underpayment has occurred, to charge any further amount payable in accordance with the reassessment.			
r98	101. Register Of Applications 101.1 The duty pursuant to Regulation 98 of the Regulations to keep available for public inspection a register of applications for consent, approval, or the assignment of building classifications under the Act.	Duty - Not a Delegation		
r98(3)	101. Register Of Applications 101.2 The power pursuant to Regulation 98(3) to fix a fee and upon payment of that fee, make available to a member of the public a copy of any part of a register or document kept for the purposes of Regulation 98(1).	Council Only		
r99(2)	102. Registration of Land Management Agreements 102.1 The duty pursuant to and in accordance with Regulation 99(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57(2) of the Act.	Duty - Not a Delegation		
r99(3)	102. Registration of Land Management Agreements 102.2 The power pursuant to Regulation 99(3) of the Regulations to determine what other information may be contained in the Register.	Chief Executive Officer		
r100(2)	103. Land Management Agreements - Development Applications 103.1 The duty pursuant to Regulation 100(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57A of the Act.	Duty - Not a Delegation		
r100(3)	103. Land Management Agreements - Development Applications 103.2 The duty pursuant to Regulation 100(3) of the Regulations to include in the register a copy of each agreement entered into by the Council under Section 57A of the Act and other information the Delegate considers appropriate.	Duty - Not a Delegation		
r100(5)	103. Land Management Agreements - Development Applications 103.3 The duty pursuant to Regulation 100(5) of the Regulations to keep the register at the principal office of the Council.	Duty - Not a Delegation		

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r100(6)	103. Land Management Agreements - Development Applications 103.4 The duty pursuant to Regulation 100(6) of the Regulations to keep the register available for public inspection during normal office hours for the office where the register is situated.	Duty - Not a Delegation		
r100(9)	103. Land Management Agreements - Development Applications 103.5 The duty pursuant to Regulation 100(9) to give a copy of a notice under Regulation 100(8) to any owner of the land who is not a party to the agreement.	Council Only		
r101(a1)	104. Documents to be Preserved by a Council 104.0 The power and duty pursuant to Regulation 101(a1) of the Regulations to retain a copy of each document provided to the Council by a private certifier in relation to any application for a development plan consent assessed by the private certifier.	Duty - Not a Delegation		
r101(1)	104. Documents to be Preserved by a Council 104.1 The duty pursuant to Regulation 101(1) of the Regulations to retain a copy of the documents listed in Regulation 101 of the Regulations in relation to any building work approved under the Act.	Duty - Not a Delegation		
r101(1a)	104. Documents to be Preserved by a Council 104.1A The power and duty pursuant to Regulation 101(1a) of the Regulations to preserve any document referred to in Regulation 101(a1) for a period of at least 10 years.	Duty - Not a Delegation		
r101(2)	104. Documents to be Preserved by a Council 104.2 The duty pursuant to Regulation 101(2) of the Regulations to preserve any document referred to in Regulation 101(1) of the Regulations until the building to which the document relates is demolished or removed.	Duty - Not a Delegation		
r101(3)	104. Documents to be Preserved by a Council 104.3 The power pursuant to and in accordance with Regulation 101(3) of the Regulations to offer to give plans and specifications in the Council's possession to a building owner and if the building owner declines the offer, the power to destroy the documents.	Chief Executive Officer		
r101(4)	104. Documents to be Preserved by a Council 104.4 The power pursuant to and in accordance with Regulation 101(4) of the Regulations to make available for inspection at the offices of the	Chief Executive Officer		

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	Council during normal office hours any document retained by the Council under Regulation 101(a1) or (1) of the Regulations (without charge) and to fix a reasonable fee for a copy of any document retained by the Council under Regulation 101(a1) or (1) of the Regulations.			
r101(5)	<p>104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:</p> <p>104.5.1 for inspection under Regulation 101(4)(a) if to do so would:</p> <p>104.5.1.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or</p> <p>104.5.1.2 constitute a breach of any other law; or</p> <p>104.5.2 for copying under Regulation 101(4)(b) if to do so would:</p> <p>104.5.2.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or</p> <p>104.5.2.2 involve an infringement of copyright in matter contained in a document; or</p> <p>104.5.2.3 constitute a breach of any other law.</p>	Chief Executive Officer		
r102(2)	<p>104A Documents to be Provided by Private Certifier</p> <p>104A.1 The power pursuant to Regulation 102(2) of the Regulations to request a private certifier to produce to the Council within a reasonable period, a copy of any document that has been submitted to the private certifier for the purposes of an application for development plan consent (and that it is not already held by the Council under the Regulations) so that the Council can respond to a request from a member of the public for access to such document.</p>	Chief Executive Officer		

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r104	105. Transfer of Development Potential 105.1 The duty pursuant to Regulation 104 of the Regulations, wherever the provisions of the Development Plan provide for the transfer of development potential, to maintain a register of development rights containing the information prescribed in Regulation 104(1) and to make the said register available for public inspection on payment of the appropriate fee.	Duty - Not a Delegation		
Section 115(1)(a)	106. System Indicators 106.1 The duty pursuant to Section 115(1)(a) of the Regulations to keep and collate the information specified in the system indicators document on a quarterly basis.	Duty - Not a Delegation		
115(1)(b)	106. System Indicators 106.2 The duty pursuant to Section 115(1)(b) of the Regulations to provide the information for each quarter to the Minister in a manner and form determined by the Minister, within 21 days after the end of the quarter.	Duty - Not a Delegation		
r115(2)	106. System Indicators 106.3 The power pursuant to Regulation 115(2) of the Regulations to apply to the Minister to exempt the Council from a requirement in the system indicators document.	Chief Executive Officer		
Schedule 1A	107. Schedule 1A - Demolition 107.1 The power, pursuant to Clause 12(3) of Schedule 1A of the Regulations, to make an application to the Minister for an area to be declared by the Minister to be a designated area.	Chief Executive Officer		
Schedule 1A	107. Schedule 1A - Demolition 107.2 The power pursuant to Clause 12(9) of Schedule 1A of the Regulations, before the Minister takes action to vary or revoke a declaration under Clause 12(3) of Schedule 1A of the Regulations or a condition under Clause 12(7) of Schedule 1A of the Regulations, to in response to a notice in writing from the Minister, show, within the specified time, why the proposed course of action should not be taken.	Chief Executive Officer		
cl	108. Schedule 4 - New Dwellings	Chief Executive Officer		

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2B(4)(b)Schedule 4	108.1 The power pursuant to Clause 2B(4)(b) of Schedule 4 of the Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land other than a previous use or activity for residential purposes.			
Schedule 6	109. Schedule 6 - Fees 109.1 The power pursuant to Clause 1(7) of Schedule 6 to the Regulations to determine the amount of the fee to be charged to an applicant to cover the Council's reasonable costs in giving public notice of the application under Section 38(5) of the Act.	Chief Executive Officer		
Schedule 8	110. Schedule 8 - Development Near The Coast 110.1 The power pursuant to Item 1(b) of Clause 2 of Schedule 8 of the Regulations, where development is on coastal land, to form the opinion that the development is of a minor nature only, and comprises the alteration of an existing building or the construction of a building to facilitate the use of an existing building.	Chief Executive Officer		
Schedule 8	111. Schedule 8 - Development Adjacent To Main Roads 111.1 The power pursuant to Item 3 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is likely to: 111.1.1 alter an existing access; or 111.1.2 change the nature of movement through an existing access; or 111.1.3 create a new access; or 111.1.4 encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972, in relation to an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, or within 25 metres of a junction with an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan).	Chief Executive Officer		

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Schedule 8	112. Schedule 8 - State Heritage Places 112.1 The power pursuant to Item 5(1) of Clause 2 of Schedule 8 of the Regulations to form the opinion that a development materially affects the context within which a State Heritage place is situated	Chief Executive Officer		
Schedule 8	113. Schedule 8 - Mining - General 113.1 The power pursuant to and in accordance with Item 7 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is of a minor nature only.	Council Only		
Schedule 8	114. Schedule 8 - Activity of Environmental Significance 114.1 The power pursuant to Item 10(b) of Clause 2 of Schedule 8 of the Regulations, where development involves, or is for the purposes of an activity specified in Schedule 21 of the Regulations (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level), other than development which comprises the alteration of, or addition to, an existing building, to form the opinion that the development does not change the use of the building, and is of a minor nature only, and does not have any adverse effect on the environment.	Chief Executive Officer		
Schedule 8	115. Schedule 8 - Aquaculture Development 115.1 The power pursuant to and in accordance with Item 15 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development involves a minor alteration to an existing or approved development.	Chief Executive Officer		
Schedule 8	116. Schedule 8 - Development Within the River Murray Floodplain Area 116.1 The power pursuant to and in accordance with Item 19(b) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.	Council Only		
Schedule 8	117. Schedule 8 - Development Within the River Murray Tributaries Area 117.1 The power pursuant to and in accordance with Item 20(a) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development	Council Only		

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	materially affects the context within which a State Heritage place is situated.			
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.1 The power pursuant to Clause 1 of Part 1 to Schedule 9 of the Regulations in circumstances where a development would be a complying development under the Regulations or the relevant Development Plan but for the fact that it fails to meet the conditions associated with the classification, to form the opinion that the failure to meet those conditions is of a minor nature only.	Chief Executive Officer		
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.2 The power pursuant to Clause 2(1)(g) of Part 1 to Schedule 9 of the Regulations to form the opinion that a development is of a kind which is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	Chief Executive Officer		
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.3 The power pursuant to the following designated sub-paragraphs of Clause 3 of Part 1 to Schedule 9 of the Regulations, where a development is classified as non complying under the relevant Development Plan, to form the opinion that: 118.3.1 the alteration of, or addition to, a building is of a minor nature only, pursuant to sub-paragraph (a); 118.3.2 the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used constitutes development of a minor nature only pursuant to sub-paragraph (b).	Chief Executive Officer		
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development	Chief Executive Officer		

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	<p>118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:</p> <p>118.4.1 that the division of land (including for the construction of a road or thoroughfare) is for a proposed use which is consistent with the objective of the zone or area under the Development Plan; and</p>			
Schedule 9	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</p> <p>118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:</p> <p>118.4.2 whether the division will change the nature or function of an existing road.</p>	Chief Executive Officer		
Schedule 9	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</p> <p>118.5 The power pursuant to Clause 11 of Part 1 to Schedule 9 of the Regulations, in circumstances where development comprises a special event and the special event will not be held over more than 3 consecutive days, to form the opinion that an event of a similar or greater size or of a similar or greater impact on surrounding areas, has not been held on the same site (or substantially the same site) within 6 months immediately preceding the day or days on which the special event is proposed to occur.</p>	Chief Executive Officer		
Schedule 9	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</p> <p>118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:</p> <p>118.6.1 the duty to not take into account what is included within Schedule 3 of the Regulations; and</p>	Duty - Not a Delegation		

Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
Schedule 9	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</p> <p>118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:</p> <p>118.6.2 the power to take into account the size of the site of the development, the location of the development within that site, and the manner in which the development relates to the locality of the site; and</p>	Chief Executive Officer		
Schedule 9	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</p> <p>118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:</p> <p>118.6.3 the power to conclude, if relevant, that the development is of a minor nature only despite the fact that it satisfies some, but not all, of the criteria set out in item 2(d) of Part 1 of Schedule 9 to the Regulations.</p>	Chief Executive Officer		
Schedule 9	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</p> <p>118.7 The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion:</p> <p>118.7.1 that in respect of a proposed division of land that the applicant's proposed use of the land, is for a purpose which is consistent with the zone or area under the Development Plan; and</p>	Chief Executive Officer		
Schedule 9	<p>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</p> <p>118.7 The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non complying</p>	Chief Executive Officer		

Development Regulations 2008				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	development under the relevant Development Plan, to form the opinion: 118.7.2 whether the proposed division will change the nature or function of an existing road.			

8. Dog and Cat Management Act 1995

Dog and Cat Management Act 1995				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s 26	<p>1. Council Responsibility for Management of Dogs</p> <p>1.1 The duty pursuant to Section 26 of the Dog and Cat Management Act 1995 ("the Act") to administer and enforce the provisions of the Act relating to dogs within the Council area and for that purpose to -</p> <p>1.1.1 maintain a register of dogs containing information required by the Dog and Cat Management Board;</p> <p>1.1.2 ensure that the register of dogs is readily available for public inspection;</p> <p>1.1.3 provide the Board with information contained in the register of dogs as required by the Board from time to time;</p> <p>1.1.4 appoint a suitable person to be Registrar;</p> <p>1.1.5 make satisfactory arrangements for issuing and replacing certificates of registration and registration disks;</p> <p>1.1.6 appoint at least one full time dog management officer or make other satisfactory arrangements for the exercise of the functions and powers of dog management officers;</p> <p>1.1.7 make satisfactory arrangements for the detention of dogs seized under the Act;</p> <p>1.1.8 make satisfactory arrangements for fulfilling other obligations under the Act;</p> <p>1.1.9 establish and maintain a separate account of money received under this Act and of money expended in the administration and enforcement of the provisions of the Act relating to dogs;</p>	Chief Executive Officer		

Dog and Cat Management Act 1995				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s 26	1. Council Responsibility for Management of Dogs 1.1.10 pay into the Dog and Cat Management Fund the percentage fixed by Regulation of the dog registration fees received by the Council;	Council Only		
s 26	1. Council Responsibility for Management of Dogs 1.1.11 charge a fee for the provision of an extract from a register under the Act;	Council Only		
s 26	1. Council Responsibility for Management of Dogs 1.1.12 charge a fee (which may be differential) with the approval of the Minister -	Council Only		
s 26	1. Council Responsibility for Management of Dogs 1.1.12.1 for the registration of dogs or businesses under Part 5 of the Act; and	Council Only		
s 26	1. Council Responsibility for Management of Dogs 1.1.12.2 for the late payment of registration fees; and	Council Only		
s 26	1. Council Responsibility for Management of Dogs 1.1.12.3 for meeting any other requirement imposed on the Council under this Act.	Council Only		
s 26	1. Council Responsibility for Management of Dogs 1.1.13 provide for a percentage rebate of the fee that would otherwise be charged for the registration of a dog -	Council Only		
s 26	1. Council Responsibility for Management of Dogs 1.1.13.1 if the dog is de-sexed;	Council Only		

Dog and Cat Management Act 1995				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s 26	1. Council Responsibility for Management of Dogs 1.1.13.2 if the dog has been implanted with a microchip for the purposes of identification so long as the information contained in the microchip is up to date;	Council Only		
s 26	1. Council Responsibility for Management of Dogs 1.1.13.3 if the dog has passed a specified training program accredited by the Board, and, if more than one rebate applies in respect of a particular dog, the rebates are to be aggregated and deducted from the registration fee that would otherwise be charged.	Council Only		
s26A	2. Plans of Management Relating to Dogs and Cats 2.1 The duty pursuant to Section 26A of the Act to - 2.1.1 prepare a 5 year plan relating to the management of dogs and cats within the Council area in accordance with the requirements of Section 26A of the Act; 2.1.2 ensure the plan of management includes provision for parks where dogs may be exercised off-leash and for parks where dogs must be under effective control by means of physical restraint and provisions for parks where dogs are prohibited; 2.1.3 present the plan of management to the Dog and Cat Management Board for its approval; 2.1.4 amend the plan of management at any time, with the Dog and Cat Management Board's approval.	Council Only		
s 27	3. Appointment of Dog Management Officers 3.1 The power pursuant to Section 27 of the Act to appoint suitable persons (other than members of Council) to be dog management officers subject to any condition that is specified in the instrument of appointment, and the power at any time to revoke the appointment or to vary or revoke a condition of the appointment or impose a further condition of appointment.	Chief Executive Officer		

Dog and Cat Management Act 1995				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s28	4. Identification of Dog Management Officers 4.1 The duty pursuant to Section 28 of the Act to issue each dog management officer with an identity card containing a statement of any conditions upon the powers of that officer.	Duty - Not a Delegation		
s39	5. Rectification of Register 5.1 The power pursuant to Section 39 of the Act upon application by any person aggrieved by an entry in the register, to rectify the register.	Chief Executive Officer		
s50 and 51	6. Destruction and Control Orders 6.1 The power pursuant to Sections 50 and 51 of the Act upon the Delegate's own initiative or on application, to - 6.1.1 make a Destruction Order where a dog is unduly dangerous and has attacked, harassed or chased a person or an animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against the Act; 6.1.2 make a Control (Dangerous Dog) Order, Control (Menacing Dog) Order or a Control (Nuisance Dog) Order if satisfied that a dog is dangerous, menacing or a nuisance and has attacked, harassed or chased a person or an animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against the Act; 6.1.3 make a Control (Barking Dog) Order in relation to a dog if satisfied that the dog is a nuisance and has created noise by barking or otherwise in circumstances that would constitute an offence against the Act.	Chief Executive Officer		
s52(1)	6. Destruction and Control Orders 6.2 The duty pursuant to Section 52(1) of the Act before making an order under Section 51 of the Act, to take all reasonable steps - 6.2.1 to ascertain all persons who own or are responsible for the control of the dog; and 6.2.2 to give each of the persons so ascertained at least seven days written notice -	Duty - Not a Delegation		

Dog and Cat Management Act 1995				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>6.2.2.1 identifying the dog in relation to which it is proposed to make the order;</p> <p>6.2.2.2 setting out the terms of the proposed order; and</p> <p>6.2.2.3 inviting the owner or other person to make submissions within 7 days (or longer) with respect to the matter.</p>			
s52(2)	<p>6. Destruction and Control Orders</p> <p>6.3 The duty pursuant to Section 52(2) of the Act to ensure the order is -</p> <p>6.3.1 made in the manner and form required by the Dog and Cat Management Board;</p> <p>6.3.2 recorded in the register kept by the Council; and</p> <p>6.3.3 served on the person(s) against whom it is made.</p>	Duty - Not a Delegation		
s52(4) and (5)	<p>6. Destruction and Control Orders</p> <p>6.4 The power pursuant to Section 52(4) and (5) of the Act to revoke an order by written notice to the person against whom the order was made and the duty to record the revocation in the register kept by the Council under the Act.</p>	Chief Executive Officer		
s53	<p>6. Destruction and Control Orders</p> <p>6.5 The power pursuant to Section 53 of the Act to issue, from time to time, written directions as to how an order under Division 3, Part 5 may be complied with by a person who owns or is responsible for the control of a dog subject to such an order.</p>	Chief Executive Officer		
s58	<p>6. Destruction and Control Orders</p> <p>6.6 The duty pursuant to Section 58 of the Act, upon request by the person who owns or is responsible for the control of a dog, to give reasons in writing within 14 days of the making of a decision to make an order under Division 3, Part 5 of the Act or to refuse to revoke an order.</p>	Duty - Not a Delegation		

Dog and Cat Management Act 1995				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s59A(3)	<p>7. Prohibition Orders</p> <p>7.1 The power pursuant to Section 59A(3) of the Act upon the Delegate's own initiative or on application, to make a Prohibition Order against a person if satisfied that subject to the exceptions contained at Section 59A(4) of the Act -</p> <p>7.1.1 while the person owned or was responsible for the control of a dog, the dog attacked, harassed or chased a person or animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against this Act; and</p> <p>7.1.2 -</p> <p>7.1.2.1 the dog was already subject to a Destruction Order or a Control (Dangerous Dog) Order; or</p> <p>7.1.2.2 during the five years preceding the event referred to in 7.1.1, a Destruction Order or a Control (Dangerous Dog) Order was made in relation to some other dog on grounds that arose while the person owned or was responsible for the control of that other dog.</p>	Chief Executive Officer		
s59A(5)	<p>7. Prohibition Orders</p> <p>7.2 They duty pursuant to Section 59A(5) of the Act to ensure the Prohibition Order is -</p> <p>7.2.1 made in the manner and form required by the Dog and Cat Management Board;</p> <p>7.2.2 recorded in a manner and form required by the Dog and Cat Management Board, and is publicly available; and</p> <p>7.2.3 served on the person(s) against whom it is made.</p>	Duty - Not a Delegation		

Dog and Cat Management Act 1995				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s59A(6) and (7)	7. Prohibition Orders 7.3 The power pursuant to Section 59A(6) and (7) of the Act to revoke a Prohibition Order by written notice to the person against whom the Prohibition Order was made, and the duty to record the revocation in the record kept by the Council under Section 56A of the Act.	Chief Executive Officer		
s59C(2)	7. Prohibition Orders 7.4 The power pursuant to Section 59C(2) of the Act upon request by the person affected by the decision to issue a Prohibition Order, to give reasons in writing within 14 days of the making of the decision.	Chief Executive Officer		
s61(4)(a)	8. Procedure following seizure of dog 8.1 The duty pursuant to Section 61(4)(a) of the Act, to as soon as practicable, proceed to consider making an order in relation to a dog that has been seized under this Division of the Act or applying to the Magistrates' Court for an order in relation to a dog seized under this Division of the Act.	Duty - Not a Delegation		
s68	9. Cat Management Officers 9.1 The power pursuant to Section 68 of the Act to appoint suitable persons to be cat management officers subject to any condition that is specified in the instrument of appointment and the power at any time to revoke the appointment or to vary or revoke a condition of the appointment or impose a further condition of appointment.	Chief Executive Officer		
s69	9. Cat Management Officers 9.2 The duty pursuant to Section 69 of the Act to issue each cat management officer with an identity card containing a statement of any conditions that limit the powers of that officer.	Duty - Not a Delegation		

9. Environment Protection Act 1993 and the Environment Protection (Waste to Resources) Policy 2010

Environment Protection Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s85(3)	1. The power pursuant to Section 85(3) of the Environment Protection Act 1993 ("the Act"), to appoint authorised officers for the purposes of the Act.	Chief Executive Officer		
s85(4)	2. The power pursuant to Section 85(4) of the Act to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment, and subject to conditions prescribed by regulation.	Chief Executive Officer		
s85(5)	3. The power pursuant to Section 85(5) of the Act to revoke an appointment or to vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition.	Chief Executive Officer		
s103H(4)	4. Site Contamination Assessment Orders 4.1 The power pursuant to Section 103H(4) of the Act, where a proposed site contamination assessment order or a proposed variation of such an order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural Resources Management Act 2004 to whom an application for a permit for the activity would otherwise have to be made, to make written submissions in relation to the proposal within a period specified in the notice from the Authority.	Chief Executive Officer		
s103J(4)	5. Site Remediation Orders 5.1 The power pursuant to Section 103J(4) of the Act, where a proposed site remediation order (except an emergency site remediation order) or a proposed variation of a site remediation order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural Resources Management Act 2004 to whom an application for a permit for the activity would otherwise have to be made, to make written submission in relation to the proposal within a period specified in the notice from the Authority.	Chief Executive Officer		
6	6. Deliberately left blank	Delegation Not Required		

Environment Protection (Waste to Resources) Policy 2010				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
Clause 10(2)	6A. [Metropolitan Councils only] The duty pursuant to Clause 10(2) of the Environment Protection (Waste to Resources) Policy 2010 ("the Policy"), in order to facilitate the proper management of waste to be collected under Clause 10(1)(b) of the Policy, to provide a weekly kerbside waste collection service (other than for recyclable waste or vegetative matter) in respect of residential premises within its area.	Duty - Not a Delegation		
Clause 17(2)	7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council: (a) if any other waste is mixed with medical waste, the other waste is to be dealt with under this clause in the same way as is required in relation to medical waste;	Duty - Not a Delegation		
Clause 17(2)	7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council: (b) all medical waste must be stored in containers that are weatherproof, shatterproof, insect and vermin proof, and leak proof or, in the case of containers storing only medical sharps or any other sharp articles, leak resistant;	Duty - Not a Delegation		
Clause 17(2)	7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council: (c) all containers for medical waste that are kept for further use must be thoroughly cleaned and disinfected as soon as reasonably practicable after emptying;	Duty - Not a Delegation		
Clause 17(2)	7. The duty pursuant to Clause 17(2) of the Policy to ensure that the	Duty - Not a Delegation		

Environment Protection (Waste to Resources) Policy 2010				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(d) all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;</p>			
Clause 17(2)	<p>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(e) all containers of medical waste must be stored in a secure location;</p>	Duty - Not a Delegation		
Clause 17(2)	<p>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(f) all necessary equipment required to clean and disinfect the area in case of accidental spillage of medical waste must be readily available and accessible;</p>	Duty - Not a Delegation		
Clause 17(2)	<p>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(g) discarded medical sharps or any other sharp articles must be contained for disposal in containers that comply with the requirements of the Standards, as amended from time to time, set out in Clause 17(2)(g)(i) of the Policy and the containers must not be subject to compaction by a compacting device nor placed for storage or transport in a portable or mobile compactor;</p>	Duty - Not a Delegation		
Clause 17(2)	<p>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(h) medical waste must be disposed of as soon as reasonably practicable;</p>	Duty - Not a Delegation		

Environment Protection (Waste to Resources) Policy 2010				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
Clause 17(2)	<p>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(i) all medical waste must be:</p> <p>(i) disposed of by incineration; or</p> <p>(ii) disposed of by such other method of treatment or disposal as is approved by the Authority and subject to such conditions as the Authority thinks fit;</p> <p>(iii) collected for disposal by -</p> <p>(A) a licensed waste transporter authorised to collect and transport medical waste; or</p> <p>(B) a council;</p>	Duty - Not a Delegation		
Clause 17(2)	<p>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(j) before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards associated with the waste and any precautions that need to be taken during the collection, transport or disposal of the medical waste;</p>	Duty - Not a Delegation		
Clause 17(2)	<p>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(k) the transporter must be given such assistance as is required to ensure that loading operations are carried out in such a way as to prevent spillage of any medical waste.</p>	Duty - Not a Delegation		

10. Expiation of Offences Act 1996

Expiation of Offences Act 1996				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s5(1)	1. Certain Offences may be Expiated 1.1 The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under an Act, regulation or by-law, and the alleged offence may accordingly be expiated in accordance with the Act.	Chief Executive Officer		
s6(3)(b)(ii)	2. Expiation Notices 2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence.	Chief Executive Officer		
s8A(2) and (3)	3. Review of Notices on Ground that Offence is Trifling 3.1 The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling: 3.1.1 to provide further information; and 3.1.2 to provide a statutory declaration verifying the information contained in, or supporting, an application for review.	Chief Executive Officer		
s8A(4)	3. Review of Notices on Ground that Offence is Trifling 3.2 The duty pursuant to Section 8A(4) of the Act to determine an application for review before issuing a certificate for an enforcement determination in respect of the offence to which the application relates.	Duty - Not a Delegation		
s8A(5) and (6)	3. Review of Notices on Ground that Offence is Trifling 3.3 The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.	Duty - Not a Delegation		

Expiation of Offences Act 1996				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s9(2)	3A. Arrangements as to Manner and Time of Payment 3A.1 The power pursuant to Section 9(2) of the Act to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement Recovery Officer must give the Council notice of any arrangement entered into under Section 9 of the Act.	Chief Executive Officer		
s9(12)	3A. Arrangements as to Manner and Time of Payment 3A.2 The power pursuant to Section 9(12) of the Act, if an arrangement terminates under Section (9), (10) or (11) of the Act, to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement and Recovery Officer must give the Council notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service so performed).	Chief Executive Officer		
s 11	4. Expiation Reminder Notices 4.1 The duty pursuant to Section 11 of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 9 of the Act and the Council has not received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act to enforce the expiation notice, to send an expiation reminder notice in the prescribed form to the alleged offender before any action is taken under the Act to enforce the expiation notice.	Duty - Not a Delegation		
11A	5. Expiation Enforcement Warning Notices 5.1 The duty pursuant to Section 11A of the Act where the Council has received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act to enforce the expiation notice, to send an expiation enforcement warning notice, in the prescribed form, to the alleged offender by post.	Duty - Not a Delegation		
s12	6. Late Payment 6.1 The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 13 of the Act.	Chief Executive Officer		

Expiation of Offences Act 1996				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s13(1)	<p>7. Enforcement Procedures</p> <p>7.1 The power pursuant to Section 13(1) of the Act to enforce an expiation notice against an alleged offender by sending to the Fines Enforcement and Recovery Officer:</p> <p>7.1.1 a certificate that contains the particulars determined by the Fines Enforcement and Recovery Officer relating to:</p> <p>7.1.1.1 the alleged offender; and</p> <p>7.1.1.2 the offence or offences that remain unexpiated; and</p> <p>7.1.1.3 the amount due under the notice; and</p> <p>7.1.1.4 compliance by the Council as the authority with the requirements of the Act and any other Act;</p> <p>7.1.2 the prescribed fee.</p>	Chief Executive Officer		
s13(4)	<p>7. Enforcement Determinations</p> <p>7.2 The power pursuant to Section 13(4) of the Act to apply to the Fines Enforcement and Recovery Officer under and in accordance with Section 13 of the Act within 30 days of notice of an enforcement determination being given, sent or published in accordance with Section 13 of the Act for the enforcement determination to be revoked.</p>	Duty - Not a Delegation		
s16(1)	<p>8. Withdrawal of Expiation Notices</p> <p>8.1 The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:</p> <p>8.1.1 in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;</p>	Chief Executive Officer		

Expiation of Offences Act 1996				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>8.1.2 the Council as issuing authority receives a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or</p> <p>8.1.3 the notice is defective; or</p> <p>8.1.4 the Delegate decides that the alleged offender should be prosecuted for the offence or offences.</p>			
s16(5)	<p>8. Withdrawal of Expiation Notices</p> <p>8.2 The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.</p>	Chief Executive Officer		
s 16(6)	<p>8. Withdrawal of Expiation Notices</p> <p>8.3 The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council as issuing authority or failure of the postal system.</p>	Chief Executive Officer		
s16(11)	<p>8. Withdrawal of Expiation Notices</p> <p>8.4 The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 13 of the Act, to inform the Fines and Enforcement Recovery Officer of the withdrawal of the notice.</p>	Chief Executive Officer		
s18	<p>9. Provision of Information</p> <p>9.1 The power pursuant to Section 18 of the Act to enter into an agreement with the Fines Enforcement and Recovery Officer in relation to:</p> <p>9.1.1 the manner in which the Fines Enforcement and Recovery Officer is to provide information to the Council in relation to action taken by the Fines Enforcement and Recovery Officer under the Act in respect of an expiation notice issued by the Council; and</p>	Chief Executive Officer		

Expiation of Offences Act 1996				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s18	<p>9. Provision of Information</p> <p>9.1 The power pursuant to Section 18 of the Act to enter into an agreement with the Fines Enforcement and Recovery Officer in relation to:</p> <p>9.1.2 the manner in which the Council is to provide information to the Fines Enforcement and Recovery Officer in relation to the issuing of an expiation notice by the Council or any other action taken by the Council in respect of an expiation notice so issued.</p>	Chief Executive Officer		

11. Fences Act 1975

Fences Act 1975				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s5(1)	1. Notice of Intention to Perform Fencing Work 1.1 The power pursuant to Section 5(1) of the Fences Act 1975 ("the Act") to serve notice, in accordance with Section 5(2) of the Act, on an adjoining land owner of a proposal to erect a fence to divide the Council's land (being land of less than one hectare) from the land of the adjoining land owner.	Chief Executive Officer		
s 5(3)	1. Notice of Intention to Perform Fencing Work 1.2 The power pursuant to Section 5(3) of the Act to serve notice in accordance with Section 5(4) of the Act on an adjoining land owner of a proposal to perform any replacement, repair or maintenance work in relation to a fence dividing the Council's land (being land of less than one hectare) and the adjoining owner's land.	Chief Executive Officer		
s6(1)	2. Cross-notice 2.1 The power pursuant to Section 6(1) of the Act to serve in the prescribed form and to determine the criteria under Section 6(2) of the Act, a cross-notice on an adjoining land owner, objecting to and/or putting forward counter-proposals in relation to fencing work to divide the Council's land (being land of less than one hectare) from the land of the adjoining land owner.	Chief Executive Officer		
s6(3)	2. Cross-notice 2.2 The power pursuant to Section 6(3) of the Act to object and serve notice on the adjoining owner to any counter-proposal contained in any cross-notice under Section 6(2) of the Act.	Chief Executive Officer		
s 7	3. Agreement upon Basis of Proposals and Counter proposals 3.1 The power pursuant to Section 7 of the Act to authorise payment of part or all of the cost of constructing or maintaining a fence adjacent to Council land, (being land which is less than one hectare in area).	Chief Executive Officer		
s8	4. Performance of Fencing Work 4.1 The power pursuant to Section 8 of the Act to authorise the commencement and completion of fencing work to divide the Council's land (being land of less than one hectare) from the land of the adjoining land-owner.	Chief Executive Officer		

12. Fire and Emergency Services Act 2005 and the Fire and Emergency Services Regulations 2005

Fire and Emergency Services Act 2005				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s4A(3)	1. Areas of Urban Bushfire Risk 1.1 The power pursuant to Section 4A(3) of the Fire and Emergency Services Act 2005 ('the Act'), to consult with and make submissions to the Commission before the Commission publishes a notice in the Gazette designating pursuant to Section 4A(1) of the Act an area within a fire district as an area of urban bushfire risk, varies an area designated under Section 4A(1) of the Act or revokes the designation of an area under Section 4A(1) of the Act. (Note: only applies to Councils with areas within a 'fire district')	Council Only		
s71C	2. Use of Facilities - State Bushfire Coordination Committee 2.1 The power pursuant to Section 71C of the Act to make arrangements with the State Bushfire Coordination Committee for the State Bushfire Coordination Committee to make use of the services of the staff, equipment or facilities of the Council.	Chief Executive Officer		
s72D	3. Use of Facilities - Bushfire Management Committees 3.1 The power pursuant to Section 72D of the Act to make arrangements with a Bushfire Management Committee for the Bushfire Management Committee to make use of the services of the staff, equipment or facilities of the Council.	Chief Executive Officer		
s73A(7)	4. Bushfire Management Area Plans 4.1 The power pursuant to Section 73A(7) of the Act, in relation to a proposal of a bushfire management committee to create or amend a Bushfire Management Area Plan for its area, to consult with and make submissions to the bushfire management committee where the Council's area is wholly or partly within the relevant bushfire management area. (Note: only relevant where Council's area is wholly or partly within a 'bushfire management area')	Council Only		
s103(1)	5. Fire Control Officers 5.1 The power pursuant to Section 103(1) of the Act to request that the Chief Officer of the SACFS appoint a person as fire control officer for a designated area of the State (whether inside or outside a council area).	Council Only		

Fire and Emergency Services Act 2005				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s103(2)	5. Fire Control Officers 5.2 The power pursuant to Section 103(2) of the Act to consult with and make submissions to the Chief Officer of the SACFS before the Chief Officer of the SACFS of his or her own initiative appoints a person as a fire control officer for a designated area of the State (whether inside or outside a council area) in relation to the proposed appointment.	Chief Executive Officer		
s104	6. Giving of Expiation Notices 6.1 The duty pursuant to Section 104 of the Act to not authorise a person (under Section 6(3)(b) of the Expiation of Offences Act 1996) to give expiation notices for alleged offences under Part 4 of the Act unless the person is a fire prevention officer.	Duty - Not a Delegation		
s105	7. Appropriation of Penalties 7.1 The duty pursuant to Section 105 of the Act if a summary offence against Part 4 of the Act is committed in the area of the Council and the complaint is laid by the Council (or an officer of the Council), to pay any fine recovered from the defendant into the general revenue of the Council (rather than into the Consolidated Account).	Duty - Not a Delegation		
s105A	8. Interpretation 8.1 The power pursuant to Section 105A of the Act to authorise for the purposes of Part 4A of the Act an authorised person appointed by the Council under the Local Government Act 1999.	Chief Executive Officer	See Local Government Act 1999	
s105B(1)	9. Fire Prevention Officers 9.1 The power and duty pursuant to Section 105B(1) of the Act and subject to Sections 105B(2) and 105B(3) of the Act, to appoint at least one person as a fire prevention officer for the Council's area.	Chief Executive Officer		
s105B(3)	9. Fire Prevention Officers 9.2 The duty pursuant to Section 105B(3) of the Act to - 9.2.1 in determining the number of fire prevention officers to appoint under Section 105B(1) of the Act; and take into account any policy developed by SACFS for the purposes of Section 105B of the Act.	Duty - Not a Delegation		

Fire and Emergency Services Act 2005				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s105B(3)	<p>9. Fire Prevention Officers</p> <p>9.2 The duty pursuant to Section 105B(3) of the Act to -</p> <p>9.2.2 in assessing the qualifications or experience of a person for the purposes of Section 105B(2) of the Act,</p> <p>take into account any policy developed by SACFS for the purposes of Section 105B of the Act.</p>	Chief Executive Officer		
s105B(3)	<p>9.3 The power pursuant to Section 105B(3) of the Act to apply to the Chief Officer of the SACFS for an exemption for the Council from the requirement to appoint a fire prevention officer under Section 105B of the Act.</p> <p>(Note: paragraphs 9.1 - 9.3 only relevant to 'rural councils' or councils that have a 'designated urban bushfire risk area' within their area)</p>	Chief Executive Officer		
s105E	<p>10. Reports</p> <p>10.1 The duty pursuant to Section 105E of the Act to, where required by written notice from the Commission, the State Bushfire Safety Coordination Committee or a bushfire management committee in whose bushfire management area the Council's area is wholly or partly located, provide to the Commission, the State Bushfire Coordination Committee or the bushfire management committee (within a period stated in the notice or at stated intervals) any report, or reports relating to the performance, exercise or discharge of the functions, powers or responsibilities of the fire prevention officer or officers (if any) for the Council's area, as the Commission, the State Bushfire Coordination Committee or the bushfire management committee (as the case may be) thinks fit.</p>	Council Only		
s105F(2)	<p>11. Private Land</p> <p>11.1 The duty pursuant to Section 105F(2) of the Act, in determining the standard required to comply with Section 105F(1) of the Act (but subject to Section 105F(4) of the Act), to take into account the following matters (insofar as may be relevant and without limiting any other relevant matter):</p> <p>11.1.1 the nature of the land;</p>	Duty - Not a Delegation		

Fire and Emergency Services Act 2005				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>11.1.2 whether the land is in a country, metropolitan, township or other setting;</p> <p>11.1.3 the activities carried out on the land (including whether flammable or combustible materials or substances are used or stored on the land);</p> <p>11.1.4 other statutory standards or requirements that apply to or in relation to the land.</p>			
s105F(5)	<p>11. Private Land</p> <p>11.2 The power pursuant to Section 105F(5) of the Act, if the Delegate believes on reasonable grounds -</p> <p>11.2.1 that an owner of private land has failed to comply with Section 105F(1) of the Act; or</p> <p>11.2.2 that measures should be taken in respect of particular private land for the purpose of -</p> <p>11.2.2.1 preventing or inhibiting the outbreak of fire on the land; or</p> <p>11.2.2.2 preventing or inhibiting the spread of fire through the land; or</p> <p>11.2.2.3 protecting property on the land from fire,</p> <p>to, by notice in writing that complies with any requirements set out in the regulations, require the owner of the private land to take specified action to remedy the default or to protect the land or property on the land, within such time as may be specified in the notice.</p>	Chief Executive Officer		
s105F(6)	<p>11. Private Land</p> <p>11.3 The power pursuant to Section 105F(6) of the Act and without limiting the operation of Section 105F(5) of the Act, to include in a notice under Section 105F(5) of the Act directions -</p> <p>11.3.1 to trim or remove vegetation on the land; or</p>	Chief Executive Officer		

Fire and Emergency Services Act 2005				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>11.3.2 to remove flammable or combustible materials or substances, or to store flammable or combustible materials or substances in a specified manner; or</p> <p>11.3.3 to eliminate a potential ignition source; or</p> <p>11.3.4 to create, establish or maintain fire breaks or fuel breaks.</p>			
s105F(7)	<p>11. Private Land</p> <p>11.4 The duty pursuant to Section 105F(7) of the Act, in acting under Section 105F(5) of the Act, to apply any guidelines prepared or adopted by the Minister for the purposes of Section 105F(5) of the Act and published by the Minister in the Gazette.</p>	Duty - Not a Delegation		
s105F(9)	<p>11. Private Land</p> <p>11.5 The power pursuant to Section 105F(9) of the Act to give a notice under Section 105(5) of the Act -</p> <p>11.5.1 personally; or</p> <p>11.5.2 by post; or</p> <p>11.5.3 if the delegate cannot, after making reasonable inquiries, ascertain the name and address of the person to whom the notice is to be given -</p> <p>11.5.3.1 by publishing the notice in a newspaper circulating in the locality of the land; and</p> <p>11.5.3.2 by leaving a copy of the notice in a conspicuous place on the land.</p>	Duty - Not a Delegation		
s105F(10)	<p>11. Private Land</p> <p>11.6 The power pursuant to Section 105F(10) of the Act to, by further notice in writing, vary or revoke a notice under Section 105(5) of the Act.</p>	Chief Executive Officer		

Fire and Emergency Services Act 2005				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s105F(11)	11. Private Land 11.7 The duty pursuant to Section 105F(11) of the Act, if a notice under Section 105F(5) of the Act is directed to an occupier of land, to take reasonable steps to serve (personally or by post) a copy of the notice on the owner.	Duty - Not a Delegation		
s105G(5)	12. Council Land 12.1 The power pursuant to Section 105G(5) of the Act to consult with and make submissions to the Minister on the referral of a matter under Section 105G(4) of the Act.	Chief Executive Officer		
s105G(7)	12. Council Land 12.2 The duty pursuant to Section 105G(7) of the Act, to comply with a notice under Section 105G(6) of the Act.	Duty - Not a Delegation		
s105J(1)	13. Additional Provision in Relation to Powers of Authorised Officers 13.1 The power pursuant to Section 105J(1) of the Act, for a purpose related to the administration, operation or enforcement of Part 4A of the Act, to - 13.1.1 at any reasonable time, after giving reasonable notice to the occupier of the land, enter the land; or 13.1.2 with the authority of a warrant issued by a magistrate, or in circumstances in which the delegate reasonably believes that immediate action is required, use reasonable force to break into or open any part of, or anything in or on, the land.	Chief Executive Officer		
s105J(3)	13. Additional Provision in Relation to Powers of Authorised Officers 13.2 The power and duty pursuant to Section 105J(3) of the Act to apply for a warrant - 13.2.1 either personally or by telephone; and 13.2.2 in accordance with any procedures prescribed by the regulations.	Chief Executive Officer		

Fire and Emergency Services Act 2005				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s105J(4)	<p>13. Additional Provision in Relation to Powers of Authorised Officers</p> <p>13.3 The power pursuant to Section 105J(4) of the Act, in exercising a power under Part 4A of the Act, to -</p> <p>13.3.1 give directions with respect to the stopping, securing or movement of a vehicle, plant, equipment or other thing;</p> <p>13.3.2 take photographs, films, audio, video or other recordings;</p> <p>13.3.3 give any other directions reasonably required in connection with the exercise of the power.</p>	Chief Executive Officer		
s105J(5)	<p>13. Additional Provision in Relation to Powers of Authorised Officers</p> <p>13.4 The power pursuant to Section 105J(5) of the Act, in exercising a power under Part 4A of the Act, to be accompanied by such assistants as may reasonably be required in the circumstances.</p>	Chief Executive Officer		
s105J(6)	<p>13. Additional Provision in Relation to Powers of Authorised Officers</p> <p>13.5 The power pursuant to Section 105J(6) of the Act, if an owner of land refuses or fails to comply with the requirements of a notice under Section 105F(5) of the Act, to proceed to carry out those requirements.</p>	Chief Executive Officer		
s105J(7)	<p>13. Additional Provision in Relation to Powers of Authorised Officers</p> <p>13.6 The power pursuant to Section 105J(7) of the Act to authorise a person for the purposes of Section 105J(6) of the Act, to take action under Section 105J(6) of the Act on the Council's behalf.</p>	Chief Executive Officer		
s105J(8)	<p>13. Additional Provision in Relation to Powers of Authorised Officers</p> <p>13.7 The power pursuant to Section 105J(8) of the Act, to recover the reasonable costs and expenses incurred by an authorised person in taking action under Section 105J(6) of the Act as a debt from the person who failed to comply with the requirements of the relevant notice, if the relevant notice was given by the Council or a fire prevention officer or an authorised person appointed by the Council and authorised for the purposes of Part 4A of the Act.</p>	Chief Executive Officer		

Fire and Emergency Services Act 2005				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s105J(9)	13. Additional Provision in Relation to Powers of Authorised Officers 13.8 The power pursuant to Section 105J(9) of the Act, if an amount is recoverable from a person by the Council under Section 105J(8) of the Act, to recover the amount as if it were rates in arrears.	Chief Executive Officer		
s129	14. Power to Provide Sirens The power pursuant to Section 129 of the Act to erect a siren in a suitable place for the purpose of giving warning of the outbreak or threat of a fire or the occurrence or threat of an emergency, and the power to test and use the siren.	Chief Executive Officer		
Fire and Emergency Services Regulations 2005				
Provision	Item Delegated	Delegate	Conditions and Limitations	
Reg19(2)(e)(i)	15 SACFS Group Committee 15.1 The power pursuant to Regulation 19(2)(e)(i) of the Fire and Emergency Services Regulations 2005 ('the Regulations') to nominate a representative from the Council to be a member of a SACFS group committee, where the Council's area lies wholly or partially within the area of the group.	Chief Executive Officer		
Reg 32A(4)	16. Fires Permitted under Section 79(2) of Act 16.1 The power pursuant to Regulation 32A(4) of the Regulations to consult with and make submissions to the Chief Officer before the Chief Officer makes a notice under Regulation 32A of the Regulations.	Chief Executive Officer		
Reg 34(3)	17. Special Provision relating to Gas and Electric Cooking Appliances 17.1 The power pursuant to Regulation 34(3) of the Regulations, in addition to Regulation 34(1) and Regulation 34(2) of the Regulations, by notice in the Gazette, to declare part of the Council area to be an area where a person may, in accordance with the terms of the notice, operate a gas fire or electric element for cooking purposes in the open air contrary to the terms of a total fire ban in accordance with Regulation 34(4) of the Regulations, and such notice: 17.1.1 shall be in the form set out in Schedule 11; and	Chief Executive Officer		

Fire and Emergency Services Regulations 2005				
Provision	Item Delegated	Delegate	Conditions and Limitations	
	<p>17.1.2 may be limited in its operation to particular times of the day, and to particular days of the year; and</p> <p>17.1.3 will operate subject to the following conditions:</p> <p>17.1.3.1 that the space immediately around and above the gas fire or electric element must be clear of all flammable material to a distance of at least 4 metres;</p> <p>17.1.3.2 that a person who is able to control the gas fire or electric element must be present at all times while it is lighted or charged; and</p> <p>17.1.3.3 that an appropriate agent adequate to extinguish a fire must be at hand;</p> <p>17.1.4 will operate subject to such other conditions (if any) as may be specified by the Council or the Chief Officer of the SACFS (as the case may be); and</p> <p>17.1.4 may be varied or revoked by further notice in the Gazette.</p>			
Reg 34(5)	<p>17. Special Provision relating to Gas and Electric Cooking Appliances</p> <p>17.2 The duty pursuant to Regulation 34(5) of the Regulations, if a notice is published in accordance with Regulation 34 of the Regulations, to immediately send a copy of the notice to the Chief Officer of the SACFS.</p>	Duty - Not a Delegation		
Reg 52(2)	<p>18. Identity cards</p> <p>18.1 The duty pursuant to Regulation 52(2) of the Regulations issue to each fire prevention officer or assistant fire prevention officer appointed by the Council a certificate of identity in a form approved by the Chief Officer of the SACFS.</p>	Duty - Not a Delegation		
Reg 54(2)	<p>19. Roadside Fire Protection</p> <p>19.1 The power pursuant to Regulation 54(2) of the Regulations, where the Council has the care, control and management of a road in</p>	Council Only		

Fire and Emergency Services Regulations 2005				
Provision	Item Delegated	Delegate	Conditions and Limitations	
	the country, or roadside vegetation in the country, for the purpose of providing fire protection on a road, or the verge of a road, to - 19.1.1 light a fire on the road, or on the verge of the road; and 19.1.2 while the fire is burning, prohibit, direct or regulate the movement of persons, vehicles or animals along the road; subject to Regulation 54(3) of the Regulations.			
Reg 54(3)	19. Roadside Fire Protection 19.2 The duty pursuant to Regulation 54(3) of the Regulations to obtain a permit to light and maintain a fire under Regulation 54 of the Regulations during the fire danger season. (Note: only relevant to Councils with roads in the 'country').	Council Only		
Reg 56(2)	20. Special Fire Areas 20.1 The duty pursuant to Regulation 56(2) of the Regulations to consult with and make submissions to the Chief Officer of the SACFS regarding the inclusion of the area or part of the area of the Council within a special fire area.	Duty - Not a Delegation		
Reg 56(4)(a)	20. Special Fire Areas 20.2 The power pursuant to Regulation 56(4)(a) of the Regulations to nominate one or more representatives of the Council to a committee of management established under Regulation 56(3) of the Regulations.	Chief Executive Officer		
Reg 65(b)	21. Coronial Inquests The power pursuant to Regulation 65(b) of the Regulations to make representations to the South Australian Fire and Emergency Services Commission or an emergency services organisation that a coronial inquest should be held in relation to a fire or other emergency.	Chief Executive Officer		

13. Fire Prevention Officers under the Fire and Emergency Services Act 2005

Fire and Emergency Services Act 2005				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s81(14)	1. Permit to Light and Maintain Fire The power pursuant to Section 81(14) of the Act, with the approval of the Chief Officer of the SACFS, to authorise a person to issue permits under Section 81 of the Act.	Chief Executive Officer		
s87(1)	2. Removal of Debris from Roads 2.1 The power pursuant to Section 87(1) of the Act, to require a person that has carried out work where flammable debris is left on or in vicinity of the road in the country, to remove the debris from the road.	Chief Executive Officer		
s87(2)	2. Removal of Debris from Roads 2.2 The power pursuant to Section 87(2) of the Act where a person has failed to comply with Section 87(1) of the Act to - 2.2.1 burn or remove the flammable debris; and 2.2.2 recover the cost of doing so as a debt due to the Council from the person in default. (Note: only applies in relation to a road in the 'country')	Chief Executive Officer		
s94(3)	3. Failure by a Council to Exercise Statutory Powers 3.1 The power pursuant to Section 94(3) of the Act to consult with and make submissions to the Chief Officer of the SACFS in relation to him or her making a recommendation to the Minister pursuant to Section 94(2) of the Act that the powers and functions of the Council under Part 4 of the Act be withdrawn.	Chief Executive Officer		

Fire and Emergency Services Act 2005				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s 94(4)	<p>3. Failure by a Council to Exercise Statutory Powers</p> <p>3.2 The power pursuant to Section 94(4) of the Act if the Chief Officer of the SACFS makes a recommendation to the Minister under Section 94(2) of the Act to:</p> <p>3.2.1 make written submissions to the Minister in relation to the matter; and</p> <p>3.2.2 request at the time that the Delegate makes such written submissions that the Minister discuss the matter with a delegation representing the Council.</p>	Chief Executive Officer		
s94(5)	<p>3. Failure by a Council to Exercise Statutory Powers</p> <p>3.3 The duty pursuant to Section 94(6) of the Act, if the Minister has published a notice under Section 94(5) of the Act, to receive written reasons from the Minister for his or her decision to withdraw Council's powers and functions under Part 4 of the Act within 14 days of the notice being published.</p>	Duty - Not a Delegation		

14. Food Act 2001

Food Act 2001				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s42(2)	<p>1. Seizure</p> <p>1.1 The power pursuant to Section 42(2) of the Food Act 2001 ("the Act") to approve the removal or interference with the thing to which a seizure order under Part 4 of the Act relates before an order is made under Section 42(3)(b) or the order is discharged under Section 42(3)(c) of the Act.</p>	Chief Executive Officer		
s42(3)(a)	<p>1. Seizure</p> <p>1.2 The power pursuant to Section 42(3)(a) of the Act to authorise -</p> <p>1.2.1 upon application, the release of anything seized under Part 4 of the Act to the person from whom it was seized or to any person who had a right to possession of it at the time of its seizure, subject to such conditions as the Delegate thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 42(3)(b)(i)(B) of the Act; or</p> <p>1.2.2 in the case of food or any other perishable thing, order that it be forfeited to the Council.</p>	Chief Executive Officer		
s42(3)(d)	<p>1. Seizure</p> <p>1.3 The duty pursuant to Section 42(3)(d) of the Act where any food or other perishable thing is seized under Part 4 of the Act in relation to an expiable offence and the offence is expiated -</p> <p>1.3.1 if the food or other perishable thing has not already been forfeited by order of the Delegate under Section 42(3)(a)(ii) of the Act, to deal with it in accordance with any determination of the Minister; and</p> <p>1.3.2 not make payment of any compensation in respect of the food or other perishable thing.</p>	Duty - Not a Delegation		

Food Act 2001				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s42(3)(e)	1. Seizure 1.4 The power pursuant to Section 42(3)(e) of the Act to dispose of anything seized under Part 4 of the Act and forfeited under Section 42 of the Act, by sale, destruction or otherwise as the Delegate directs.	Chief Executive Officer		
s51(1)	2. Review of Decision to Refuse Certificate of Clearance 2.1 The power pursuant to Section 51(1) of the Act where a person aggrieved by a decision to refuse to give a certificate of clearance under Part 5 of the Act makes application to the appropriate review body for a review of the decision, to respond to the review body on behalf of the Council.	Chief Executive Officer		
s52(2)	3. Review of Order 3.1 The duty pursuant to Section 52(2) of the Act where there were no grounds for the making of a prohibition order, to pay such compensation to the applicant for compensation as is just and reasonable.	Duty - Not a Delegation		
s52(3)	3. Review of Order 3.2 The duty pursuant to Section 52(3) of the Act to send written notification of the determination as to the payment of compensation under Section 52 of the Act, to each applicant for the payment of such compensation.	Duty - Not a Delegation		
s 52(4)	3. Review of Order 3.3 The power pursuant to Section 52(4) of the Act where an applicant for the payment of compensation under Section 52 of the Act is dissatisfied with a determination under Section 52(3) of the Act, as to the refusal to pay compensation or the amount of compensation and has applied to the appropriate review body for a review of the determination, to respond to that review body on behalf of the Council.	Chief Executive Officer		

Food Act 2001				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s 79(1)	<p>4. Auditing and Reporting</p> <p>4.1 The duty pursuant to Section 79(1) of the Act to determine:</p> <p>4.1.1 the priority classification of individual food businesses for the purposes of the application of any requirements of the Regulations relating to food safety programs; and</p> <p>4.1.2 the frequency of auditing of any food safety programs required to be prepared by the Regulations in relation to the food business In accordance with Section 79(2) of the Act.</p>	Duty - Not a Delegation		
s79(3)	<p>4. Auditing and Reporting</p> <p>4.2 The duty pursuant to Section 79(3) of the Act to provide written notification to the proprietor of a food business of -</p> <p>4.2.1 the priority classification it has determined for the food business; and</p> <p>4.2.2 the frequency of auditing of any food safety programs required to be prepared by the Regulations in relation to the food business; and</p> <p>4.2.3 the date by which the food business must have implemented any food safety program required to be prepared by the Regulations in relation to the food business.</p>	Duty - Not a Delegation		
s79(4)	<p>4. Auditing and Reporting</p> <p>4.3 The power pursuant to Section 79(4) of the Act to change the priority classification of an individual food business if the Delegate believes that the classification is inappropriate for any reason, including as a result of changes made to the conduct of a food business.</p>	Chief Executive Officer		

Food Act 2001				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s79(5)	4. Auditing and Reporting 4.4 The duty pursuant to Section 79(5) of the Act to provide written notification to the proprietor of food business of any change in priority classification of the food business under Section 79(4) of the Act.	Duty - Not a Delegation		
s81(1)	5. Reporting Requirements 5.1 The duty pursuant to Section 81(1) of the Act to receive a report from a food safety auditor in relation to an order or assessment carried out by the food safety auditor for the purposes of this Act.	Duty - Not a Delegation		
s81(7)	5. Reporting Requirements 5.2 The duty pursuant to Section 81(7) of the Act to provide a copy of a report in relation to an audit or assessment to the proprietor of the food business concerned.	Duty - Not a Delegation		
s86(1)	6. Notification of Food Businesses 6.1 The duty pursuant to Section 86(1) of the Act to receive written notice, in the approved form, from the proprietor of a food business of the information specified in the Food Safety Standards that the proprietor is required to notify to the Council before the business is conducted.	Duty - Not a Delegation		
s86(2)	6. Notification of Food Businesses 6.2 The duty pursuant to Section 86(2) of the Act to receive written notice, in the approved form, from the proprietor of a food business that is being conducted when the notification requirements of the Food Safety Standards commence, of the information specified in the Food Safety Standard that is to be notified to the Council.	Duty - Not a Delegation		
s86(3)	6. Notification of Food Businesses 6.3 The duty pursuant to Section 86(3) of the Act where a food business is transferred to another person or where there is a change in the name or address of a food business to receive written notice, in the approved form, from the proprietor of the food business (being, in the case where a food business is transferred to another person, the new proprietor) of the transfer or change (as the case may be) that would be required to be given to the Council if the notification were an initial notification under Section 86(1) or (2) of the Act.	Duty - Not a Delegation		

Food Act 2001				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s94(1)	7. Appointment of Authorised Officers 7.1 The power pursuant to Section 94(1) of the Act to appoint a person to be an authorised officer for the purposes of the Act, subject to the duty upon the Delegate to be satisfied that the person has appropriate qualifications or experience to exercise the functions of an authorised officer.	Chief Executive Officer		
s94(2)	7. Appointment of Authorised Officers 7.2 The duty pursuant to Section 94(2) of the Act to prepare and maintain a list of authorised officers appointed for the purposes of Section 94(1) of the Act.	Duty - Not a Delegation		
s95(1)	7. Appointment of Authorised Officers 7.3 The duty pursuant to Section 95(1) of the Act to provide each authorised officer with a certificate of authority as an authorised officer.	Duty - Not a Delegation		
s95(2)	7. Appointment of Authorised Officers 7.4 The power pursuant to Section 95(2) of the Act to limit the powers of an authorised officer through the certificate of authority which is provided pursuant to Section 95(1) of the Act.	Chief Executive Officer		
s29(2)	8. Offences 8.1 The power pursuant to Section 29(2) of the Act where the Delegate forms the opinion that an offence has been committed under the Act to take proceedings by way of prosecution (or, at the discretion of the Delegate, by the issuing of an expiation notice or notices where the offence is expiable) in respect of the following offences - Section Offence Section 13(1) Handling food intended for sale in a manner that the person knows will render, or is likely to render, the food unsafe. Section 13(2) Handling food intended for sale in a manner that the person ought reasonably to know is likely to render the food unsafe.	Chief Executive Officer		

Food Act 2001				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>Section 14(1) Selling food that the person knows is unsafe.</p> <p>Section 14(2) Selling food that the person ought reasonably to know is unsafe</p> <p>Section 16(1) Handling food intended for sale in a manner that will render, or is likely to render, the food unsafe.</p> <p>Section 16(2) Selling food that is unsafe.</p> <p>Section 17(1) Handling food intended for sale in a manner that will render or is likely to render the food unsuitable.</p> <p>Section 17(2) Selling food that is unsuitable.</p> <p>Section 21(1) Failing to comply with any requirement imposed by a provision of the Foods Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale.</p> <p>Section 21(2) Selling food that does not comply with any requirement of the Food Standards Code that relates to the food.</p> <p>Section 39 Failure, without reasonable excuse, to comply with a requirement of an authorised officer.</p> <p>Section 40 Providing information or producing any document that the person knows is false or misleading in a material particular.</p> <p>Section 41(1) Resisting, obstructing, or attempting to obstruct, without reasonable excuse, an authorised officer in the exercise of his/her functions under the Act.</p> <p>Section 41(2) Impersonating an authorised officer.</p> <p>Section 42(2) Removing or interfering with a thing seized under Part 4 of the Food Act 2001 without the approval of the Council.</p>			

Food Act 2001				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>Section 50 Contravening or failing, without reasonable excuse, to comply with an improvement notice or a prohibition order.</p> <p>Section 86(1) Failure to notify of a food business before the business is conducted.</p> <p>Section 86(2) Failure to notify of a food business that is being conducted.</p> <p>Section 86(3) Failure to notify of a food business that is transferred or which has changed its name or address.</p>			
Div 2, Part 2	<p>8. Offences</p> <p>8.2 The power to elect to charge a person who is alleged to have committed an offence against Division 2, Part 2 of the Act, with a summary offence.</p>	Chief Executive Officer		
29(4)	<p>8. Offences</p> <p>8.3 The duty pursuant to Section 29(4) of the Act where a person who is alleged to have committed an offence against Division 2, Part 2 of the Act has been given an expiation notice in respect of the offence and does not expiate the offence, to bring proceedings for prosecution of the offence as a summary offence.</p>	Duty - Not a Delegation		

15. Freedom of Information Act 1991 and the Freedom of Information (Fees and Charges) Regulations 2003

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s9(1a)	1. Publication of Information Concerning Councils 1.1 The duty pursuant to Section 9(1a) of the Freedom of Information Act 1991 ("the Act") and in accordance with Section 9(2), (3) and (4) to cause, at intervals of not more than 12 months, an up to date information statement to be published in the manner prescribed by regulation.	Duty - Not a Delegation		
s10(1)	2. Availability of Certain Documents 2.1 The duty pursuant to Section 10(1) of the Act to cause copies of the Council's most recent information statement and each of its policy documents to be made available for inspection and purchase by members of the public.	Duty - Not a Delegation		
s10(2)	2. Availability of Certain Documents 2.2 The power pursuant to Section 10(2) of the Act to delete information from the copies of a policy document if its inclusion would result in the document being an exempt document otherwise then by virtue of Clause 9 or 10 of Schedule 1 to the Act.	Council Only		
s10(3)	2. Availability of Certain Documents 2.3 The duty pursuant to Section 10(3) of the Act not to enforce a particular policy to the detriment of a person: 2.3.1 if the relevant policy document should have been, but was not, made available for inspection and purchase in accordance with Section 10 at the time the person became liable to the detriment; and 2.3.2 the person could, by knowledge of the policy, have avoided liability to the detriment.	Duty - Not a Delegation		
s14(1)	3. Persons by Whom Applications to be Dealt With and Time Within Which Applications Must be Dealt With 3.1 The duty, pursuant to Section 14(1) of the Act to ensure that an accredited FOI officer deals with an application for access to Council's documents.	Duty - Not a Delegation		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s14(2)	3. Persons by Whom Applications to be Dealt With and Time Within Which Applications Must be Dealt With 3.2 The duty pursuant to Section 14(2) of the Act to deal with an application for access to the Council's documents as soon as practicable (and, in any case, within 30 days) after it is received.	Duty - Not a Delegation		
s14(a)	(1) The principal officer of an agency that is dealing with an application may extend the period within which the application would otherwise have to be dealt with under section 14 if satisfied that— (a) the application is for access to a large number of documents or necessitates a search through a large quantity of information and dealing with the application within that period would unreasonably divert the agency's resources from their use by the agency in the exercise of its functions; or (b) the application is for access to a document in relation to which consultation is required under Division 2 and it will not be reasonably practicable to comply with Division 2 within that period.	Chief Executive Officer		New addition to Framework with suggested delegations.
s14(a)	(2) An extension under subsection (1) must be for a reasonable period of time having regard to the circumstances.	Chief Executive Officer		
s14(a)	(3) The extension must be effected by giving written notice of the extension to the applicant within 20 days after the application is received.	Chief Executive Officer		
s14(a)	(4) Such a notice must specify— (a) the period of the extension; and (b) the reasons for the extension; and (c) the rights of review and appeal conferred by this Act.	Chief Executive Officer		
s14(a)	(5) An extension under subsection (1) is a determination for the purposes of this Act.	Chief Executive Officer		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s15	<p>4. Incomplete and Wrongly Directed Applications</p> <p>4.1 The duty pursuant to Section 15 of the Act not to refuse to accept an application merely because it does not contain sufficient information to enable the document to which it relates to be identified without first taking such steps as are reasonably practicable to assist the applicant to provide such information.</p>	Duty - Not a Delegation		
s16(1)	<p>5. Transfer of Application</p> <p>5.1 The power pursuant to Section 16(1) of the Act to transfer an application for access to Council's documents to another agency if the document to which it relates:</p> <p>5.1.1 is not held by the Council but is, to the knowledge of the Council, held by the other agency; or</p> <p>5.1.2 is held by the Council but is more closely related to the functions of the other agency.</p>	Chief Executive Officer		
s16(2)	<p>5. Transfer of Application</p> <p>5.2 The duty pursuant to Section 16(2) of the Act, where an application is transferred to another agency and the Council holds a copy of the document to which the application relates, to forward a copy of the document to the other agency together with the application.</p>	Duty - Not a Delegation		
s16(3)	<p>5. Transfer of Application</p> <p>5.3 The duty pursuant to Section 16(3) of the Act to cause notice of the transfer to be given to the applicant where the application has been transferred to another agency.</p>	Duty - Not a Delegation		
s16(4)	<p>5. Transfer of Application</p> <p>5.4 The duty pursuant to Section 16(4) of the Act to specify in a notice under Section 16(3), the day on which, and the agency to which, the application was transferred.</p>	Duty - Not a Delegation		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s16(5)	5. Transfer of Application 5.5 The power pursuant to Section 16(5) of the Act not to include in a notice under Section 16(3) any matter which by its inclusion would result in the notice being an exempt document.	Chief Executive Officer		
s17(1)	6. Council May Require Advance Deposits 6.1 The power pursuant to Section 17(1) of the Act to form the opinion that the cost of dealing with an application is likely to exceed the application fee, and to request the applicant to pay such reasonable amount, by way of advance deposit, as the Delegate may determine.	Chief Executive Officer		
s17(2)	6. Council May Require Advance Deposits 6.2 The power pursuant to Section 17(2) of the Act to form the opinion that the cost of dealing with an application is likely to exceed the sum of the application fee and of any advance deposits paid in respect of the application and, to request the applicant to pay such reasonable amount, by way of further advance deposit as the Delegate may determine.	Chief Executive Officer		
17(3)	6. Council May Require Advance Deposits 6.3 The duty pursuant to Section 17(3) of the Act to ensure that the aggregate of the application fee and the advance deposit(s) do not exceed the Delegate's estimate of the cost of dealing with the application.	Duty - Not a Delegation		
s17(4)	6. Council May Require Advance Deposits 6.4 The duty pursuant to Section 17(4) of the Act, where a request for an advance deposit is made, to ensure that the request is accompanied by a notice that sets out the basis upon which the amount of the deposit has been calculated.	Duty - Not a Delegation		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s18(1)	<p>7. Council May Refuse to Deal with Certain Applications</p> <p>7.1 The power pursuant to Section 18(1) of the Act to refuse to deal with an application if it appears to the Delegate that the nature of the application is such that the work involved in dealing with it (within the period allowed under Section 14 of the Act or, within any reasonable extension of that period under Section 14A of the Act) would, if carried out, substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions.</p>	Chief Executive Officer		
s18(2)	<p>7. Council May Refuse to Deal with Certain Applications</p> <p>7.2 The duty pursuant to Section 18(2) of the Act not to refuse to deal with such an application without first endeavouring to assist the applicant to amend the application so that the work involved in dealing with it would, if carried out, no longer substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions.</p>	Duty - Not a Delegation		
s18(2a)	<p>7. Council May Refuse to Deal with Certain Applications</p> <p>7.3 The power pursuant to Section 18(2a) of the Act to refuse to deal with an application if, the Delegate forms the opinion, that the application is part of a pattern of conduct that amounts to an abuse of the right of access or is made for a purpose other than to obtain access to information.</p>	Chief Executive Officer		
s18(3)	<p>7. Council May Refuse to Deal with Certain Applications</p> <p>7.4 The power pursuant to Section 18(3) of the Act to refuse to continue dealing with an application if:</p> <p>7.4.1 the delegate has requested payment of an advance deposit in relation to the application; and</p> <p>7.4.2 payment of the deposit has not been made within the period specified in the request.</p>	Chief Executive Officer		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s18(4)	7. Council May Refuse to Deal with Certain Applications 7.5 The duty pursuant to Section 18(4) of the Act where the Delegate refuses in accordance with Section 18(3) of the Act to continue to deal with an application to refund to the applicant such part of the advance deposits paid in respect of the application as exceeds the costs incurred by the Council in dealing with the application and the power to retain the remainder of those deposits.	Duty - Not a Delegation		
s18(5)	7. Council May Refuse to Deal with Certain Applications 7.6 The duty pursuant to Section 18(5) of the Act to cause written notice of a refusal to deal with an application in accordance with Section 18(3) of the Act to be given to the applicant.	Duty - Not a Delegation		
s18(6)	7. Council May Refuse to Deal with Certain Applications 7.7 The duty pursuant to Section 18(6) of the Act to include in a notice under Section 18(5) of the Act the reasons for the refusal and the findings on any material questions of fact underlying those reasons, together with a reference to the sources of information on which those findings are based.	Duty - Not a Delegation		
s18(7)	7. Council May Refuse to Deal with Certain Applications 7.8 The power pursuant to Section 18(7) of the Act not to include in a notice under Section 18(5) of the Act any matter which by its inclusion would result in the notice being an exempt document.	Chief Executive Officer		
s19(1)	8. Determination of Applications 8.1 The duty pursuant to Section 19(1) of the Act, after considering an application for access to the Council's documents, to determine: 8.1.1 whether access to the document is to be given (either immediately or subject to deferral) or refused; and 8.1.2 if access to the document is to be given, any charge payable in respect of the giving of access; and 8.1.3 any charge payable for dealing with the application.	Duty - Not a Delegation		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
19(2a)	8. Determination of Applications 8.2 The power pursuant to Section 19(2a) of the Act to make a determination to give access to a document on an application after the period within which the Delegate was required to deal with the application.	Chief Executive Officer		
s20(1)	9. Refusal of Access 9.1 The power pursuant to Section 20(1) of the Act to refuse access to a document: 9.1.1 if it is an exempt document; 9.1.2 if it is a document that is available for inspection at the Council or some other agency (whether as a part of a public register or otherwise) in accordance with Part 2 of the Act, or in accordance with a legislative instrument other than the Act, whether or not inspection of the document is subject to a fee or charge; 9.1.3 if it is a document that is usually and currently available for purchase; 9.1.4 if it is a document that: 9.1.4.1 was not created or collated by the Council itself; and 9.1.4.2 genuinely forms part of library material held by the Council; or 9.1.5 subject to the exceptions listed at Section 20(2) of the Act if it is a document that came into existence before 1 January 1987.	Chief Executive Officer		
s20(4)	9. Refusal of Access 9.2 The duty pursuant to Section 20(4) not to refuse access to a document if: 9.2.1 it is practicable to give access to a copy of a document from which the exempt matter has been deleted; and	Duty - Not a Delegation		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	9.2.2 it appears to the Delegate (either from the terms of the application or after consultation with the applicant) that the applicant would wish to be given access to such a copy to that limited extent.			
s21(1)	<p>10. Deferral of Access</p> <p>10.1 The power pursuant to Section 21(1) of the Act to defer access to a document:</p> <p>10.1.1 if it is a document that is required by law to be published but is yet to be published;</p> <p>10.1.2 if it is a document that has been prepared for presentation to Parliament, but is yet to be presented; or</p> <p>10.1.3 if it is a document that has been prepared for submission to a particular person or body, but is yet to be submitted.</p>	Chief Executive Officer		
s21(2)	<p>10. Deferral of Access</p> <p>10.2 The duty pursuant to Section 21(2) of the Act not to defer access to a document to which Section 21(1)(a) of the Act applies beyond the time the document is required by law to be published.</p>	Duty - Not a Delegation		
s21(3)	<p>10. Deferral of Access</p> <p>10.3 The duty pursuant to Section 21(3) of the Act not to defer access to a document to which Section 21(1)(b) or (c) of the Act applies for more than a reasonable time after the date of its preparation.</p>	Duty - Not a Delegation		
s22(1)	<p>11. Forms of Access</p> <p>11.1 The power pursuant to Section 22(1) of the Act to give a person access to a document by -</p> <p>(a) giving the person a reasonable opportunity to inspect the document; or</p>	Chief Executive Officer		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>(b) giving the person a copy of the document; or</p> <p>(c) in the case of a document from which sounds or visual images are capable of being reproduced, whether or not with the aid of some other device by making arrangements for the person to hear or view those sounds or visual images; or</p> <p>(d) in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of sound by giving the person a written transcript of the words recorded in the document; or</p> <p>(e) in the case of a document in which words are contained in the form of shorthand writing or in encoded form-by giving the person a written transcript of the words contained in the document; or</p> <p>(f) in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of a written document-by giving the person a written document so reproduced.</p>			
s22(2)	<p>11. Forms of Access</p> <p>11.2 The duty pursuant to Section 22(2) of the Act to give an applicant access to a document in a particular way requested by the applicant unless giving access as requested:</p> <p>11.2.1 would unreasonably divert the resources of the Council (or, if the document is in the custody of State Records, the resources of State Records) from their use for other official purposes; or</p> <p>11.2.2 would be detrimental to the preservation of the document or (having regard to the physical nature of the document) would otherwise not be appropriate; or</p>	Duty - Not a Delegation		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	11.2.3 would involve an infringement of copyright in matter contained in a document, in which case access may be given in some other way.			
s22(2a)	11. Forms of Access 11.3 The duty pursuant to Section 22(2a) of the Act where a document is in the custody of State Records, to determine that the way in which access is given to the document will be made by or jointly with the Manager of State Records.	Duty - Not a Delegation		
s22(3)	11. Forms of Access 11.4 The duty pursuant to Section 22(3) of the Act where an applicant has requested that access to a document be given in a particular way and access is given in some other way, not to require the applicant to pay a charge in respect of the giving of access that is greater than the charge that the applicant would have been required to pay had access been given as requested.	Duty - Not a Delegation		
s22(4)	11. Forms of Access 11.5 The power pursuant to Section 22(4) of the Act but subject to Section 22(2a) of the Act to agree with the applicant the particular way access to a document is to be given.	Chief Executive Officer		
s22(5)	11. Forms of Access 11.6 The power pursuant to Section 22(5) of the Act to refuse to give access to a document if a charge payable in respect of the application, or giving access to the document, has not been paid.	Chief Executive Officer		
s23(1)	12. Notices of Determination 12.1 The duty pursuant to Section 23(1) of the Act to give written notice to an applicant of the determination of his/her application or, if the application relates to a document that is not held by the Council, of the fact that the Council does not hold such a document.	Duty - Not a Delegation		
s23(2)	12. Notices of Determination 12.2 The duty pursuant to Section 23(2) of the Act to specify in a notice given under Section 23(1) of the Act those matters set out at Section 23(2)(a) - (g) of the Act.	Duty - Not a Delegation		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s23(3)	12. Notices of Determination 12.3 The power pursuant to Section 23(3) of the Act where an applicant applies for access to a document that is an exempt document for reasons related to criminal investigation or law enforcement, to give notice to the applicant in the form that neither admits or denies the existence of the document and, if disclosure of the existence of the document could prejudice the safety of a person, the duty to ensure that notice is given in that form.	Chief Executive Officer		
s23(4)	12. Notices of Determination 12.4 The power pursuant to Section 23(4) of the Act not to include in a notice under this Section any matter which by its inclusion would result in the notice being an exempt document.	Chief Executive Officer		
s25(2)	13. Documents Affecting Inter-Governmental or Local Governmental Relations 13.1 The duty pursuant to Section 25(2) of the Act not to give access under the Act to a document which contains matter concerning the affairs of the Government of the Commonwealth or of another State or a council (including a council constituted under a law of another State) unless the Council has taken such steps as are reasonably practicable to obtain the views of the Government or council concerned as to whether or not the document is an exempt document by virtue of Clause 5 of Schedule 1 to the Act.	Duty - Not a Delegation		
s25(3)	13. Documents Affecting Inter-Governmental or Local Governmental Relations 13.2 The duty pursuant to Section 25(3) of the Act, if: 13.2.1 the Delegate determines, after having sought the views of the Government or council concerned, that access to a document to which Section 25(2) of the Act applies is to be given; and 13.2.2 the views of the Government or council concerned are that the document is an exempt document by virtue of Clause 5 of Schedule 1 to the Act,	Duty - Not a Delegation		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>to forthwith give written notice to the Government or council concerned:</p> <p>13.2.3 that the Council has determined that access to the document is to be given; and</p> <p>13.2.4 of the rights of review and appeal conferred by the Act in relation to the determination; and</p> <p>13.2.5 of the procedures to be followed for the purpose of exercising those rights; and</p> <p>defer giving access to the document until after the expiration of the period within which an application for a review or appeal under the Act may be made or, if such an application is made, until after the application has been finally disposed of.</p>			
s26(2)	<p>14. Documents Affecting Personal Affairs</p> <p>14.1 The duty pursuant to Section 26(2) of the Act not to give access under the Act to a document which contains information concerning the personal affairs of any person (whether living or dead) except to the person concerned, unless the Council has taken such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 6 of Schedule 1 to the Act.</p>	Duty - Not a Delegation		
s26(3)	<p>14. Documents Affecting Personal Affairs</p> <p>14.2 The duty pursuant to Section 26(3) of the Act, if:</p> <p>14.2.1 the Delegate determines, after having sought the views of the person concerned, that access to a document to which Section 26(2) of the Act applies is to be given; and</p> <p>14.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 6 of Schedule 1 to the Act; or</p> <p>14.2.3 after having taking reasonable steps to obtain the views of the person concerned, the Delegate is unable to obtain the views of the</p>	Duty - Not a Delegation		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>person and determines that access to the documents should be given, to forthwith give written notice to the person concerned:</p> <p>14.2.4 that the Delegate has determined that access to the document is to be given; and</p> <p>14.2.5 of the rights of review and appeal conferred by the Act in relation to the determination; and</p> <p>14.2.6 of the procedures to be followed for the purpose of exercising those rights; and defer giving access to the document until after the expiration of the period within which an application for review or appeal under the Act may be made or, if such an application is made, until after the application has been finally disposed of.</p>			
s26(4)	<p>14. Documents Affecting Personal Affairs</p> <p>14.3 The power pursuant to Section 26(4) of the Act where:-</p> <p>14.3.1 an application is made to the Council for access to a document to which Section 26 of the Act applies; and</p> <p>14.3.2 the document contains information of a medical or psychiatric nature concerning the applicant; and</p> <p>14.3.3 the Delegate is of the opinion that disclosure of the information to the applicant may have an adverse effect on the physical or mental health or emotional state, of the applicant; and</p> <p>14.3.4 the Delegate decides that access to the document is to be given, to give access to the document to a registered medical practitioner nominated by the applicant.</p>	Chief Executive Officer		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s27(2)	<p>15. Documents Affecting Business Affairs</p> <p>15.1 The duty pursuant to Section 27(2) of the Act not to give access under the Act to a document which contains:</p> <p>15.1.1 information concerning the trade secrets of any person; or</p> <p>15.1.2 information (other than trade secrets) that has a commercial value to any person; or</p> <p>15.1.3 any other information concerning the business, professional, commercial or financial affairs of any person; except to the person concerned, unless the Council has taken such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 7 of Schedule 1 to the Act.</p>	Duty - Not a Delegation		
s27(3)	<p>15. Documents Affecting Business Affairs</p> <p>15.2 The duty pursuant to Section 27(3) of the Act, if:</p> <p>15.2.1 the Delegate determines, after seeking the views of the person concerned, that access to a document to which Section 27(2) of the Act applies is to be given; and</p> <p>15.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 7 of Schedule 1 to the Act, to forthwith give written notice to the person concerned:</p> <p>15.2.3 that the Council has determined that access to the document is to be given; and</p> <p>15.2.4 of the rights of review and appeal conferred by the Act in relation to the determination; and</p> <p>15.2.5 of the procedures to be followed for the purpose of exercising those rights; and</p> <p>defer giving access to the document until after the expiration of the</p>	Duty - Not a Delegation		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	period within which an application for a review or appeal under the Act may be made or, if such an application is made, until after the application has been finally disposed of.			
s28(2)	<p>16. Documents Affecting the Conduct of Research</p> <p>16.1 The duty pursuant to Section 28(2) of the Act not to give access under the Act to a document which contains information concerning research that is being, or is intended to be, carried out by or on behalf of any person except to the person concerned, unless such steps have been taken as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 8 of Schedule 1 to the Act.</p>	Duty - Not a Delegation		
s28(3)	<p>16. Documents Affecting the Conduct of Research</p> <p>16.2 The duty pursuant to Section 28(3) of the Act, if:</p> <p>16.2.1 the Delegate determines, after seeking the views of the person concerned, that access to a document to which Section 28(2) of the Act applies is to be given; and</p> <p>16.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 8 of Schedule 1 to the Act, to forthwith give written notice to the person concerned:</p> <p>16.2.3 that the Council has determined that access to the document is to be given; and</p> <p>16.2.4 of the rights of review and appeal conferred by the Act in relation to the determination; and</p> <p>16.2.5 of the procedures to be followed for the purpose of exercising those rights; and</p> <p>defer giving access to the document until after the expiration of the period within which an application for a review or appeal under the Act may be made or, if such an application is made, until after the application has been finally disposed of.</p>	Duty - Not a Delegation		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s29(3)	17. Internal Review 17.1 The power pursuant to Section 29(3) of the Act, where an application for review of a determination is made under Part 3 of the Act and in accordance with Section 29(2) of the Act, to confirm, vary or reverse the determination under review.	Chief Executive Officer		
29(4)	17. Internal Review 17.2 The duty pursuant to Section 29(4) of the Act to refund any application fee paid in respect of the review where the delegate varies or reverses a determination so that access to a document is to be given either immediately or subject to deferral.	Duty - Not a Delegation		
s32(1)	18. Persons by Whom Applications for Amendment of Records May be Dealt With and Time Within Which Applications Must be Dealt With 18.1 The duty pursuant to Section 32(1) of the Act to ensure that an accredited FOI officer deals with an application for amendment of the Council's records.	Duty - Not a Delegation		
s32(2)	18. Persons by Whom Applications for Amendment of Records May be Dealt With and Time Within Which Applications Must be Dealt With 18.2 The duty pursuant to Section 32(2) of the Act to deal with an application for amendment of the Council's records as soon as practicable (and, in any case, within 30 days) after it is received.	Duty - Not a Delegation		
s33	19. Incomplete Applications for Amendment of Records 19.1 The duty pursuant to Section 33 of the Act not to refuse to accept an application merely because the application does not contain sufficient information to enable the Council's document to which the applicant has been given access to be identified without first taking such steps as are reasonably practicable to assist the applicant to provide such information.	Duty - Not a Delegation		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s34	20. Determination of Applications 20.1 The duty pursuant to Section 34 of the Act to determine within thirty (30) days of its receipt an application for amendment of the Council's records by amending the Council's records in accordance with the application or, by refusing to amend the Council's records.	Duty - Not a Delegation		
s35	21. Refusal to Amend Records 21.1 The power pursuant to Section 35 of the Act to refuse to amend the Council's records in accordance with an application: (a) if the Delegate is satisfied that the Council's records are not incomplete, incorrect, out of date or misleading in a material respect; or (b) if the Delegate is satisfied that the application contains a matter that is incorrect or misleading in a material respect; or (c) if the procedures for amending the Council's records are prescribed by or under the provisions of a legislative instrument other than the Act, whether or not amendment of those records is subject to a fee or charge.	Chief Executive Officer		
s36(1)	22. Notices of Determination 22.1 The duty pursuant to Section 36(1) of the Act to give written notice to an applicant of the Council's determination of his/her application or, if the application relates to records that are not held by the Council, of the fact that the Council does not hold such records.	Duty - Not a Delegation		
s36(2)	22. Notices of Determination 22.2 The duty pursuant to Section 36(2) of the Act when giving a written notice in accordance with Section 36(1) to specify - 22.2.1 the day on which the determination was made; and 22.2.2 if the determination is to the effect that amendment of the Council's records is refused -	Duty - Not a Delegation		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	(i) the name and designation of the officer by whom the determination was made; and (ii) the reasons for that refusal; and (iii) the findings on any material questions of fact underlying those reasons, together with a reference to the sources of information on which those findings are based; and (iv) the rights of review and appeal conferred by the Act in relation to the determination; and (v) the procedures to be followed for the purpose of exercising those rights.			
s36(3)	22. Notices of Determination 22.3 The power pursuant to Section 36(3) of the Act not to include in a notice given under Section 36(1) of the Act any matter which by its inclusion would result in the notice being an exempted document.	Chief Executive Officer		
s37(2)	23. Notations to be Added to Records 23.1 The duty pursuant to Section 37(2) of the Act where the Delegate has refused to amend the Council's records and the applicant has, by notice in writing lodged at the Council offices, requiring the Council to add to those records a notation - 23.1.1 specifying the respects in which the applicants claims the records to be incomplete, incorrect, out of date or misleading; and 23.1.2 if the applicant claims the records to be incomplete or out of date, setting out such information as the applicant claims is necessary to complete the records or to bring them up to date, to cause written notice of the nature of the notation to be given to the applicant.	Duty - Not a Delegation		
s37(3)	23. Notations to be Added to Records 23.2 The duty pursuant to Section 37(3) of the Act, if the Council discloses to any person (including any other agency) any information contained in the part of its records to which a notice under Section 37 relates, to:	Duty - Not a Delegation		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>23.2.1 ensure that, when the information is disclosed, a statement is given to that person:</p> <p>23.2.1.1 stating that the person to whom the information relates claims that the information is incomplete, incorrect, out of date or misleading; and</p> <p>23.2.1.2 setting out particulars of the notation added to its records under Section 37; and</p> <p>the power pursuant to Section 37(3)(b) of the Act to include in the statement the reason for the Council's refusal to amend its records in accordance with the notation.</p>			
s38(3)	<p>24. Internal Review</p> <p>24.1 The power pursuant to Section 38(3) of the Act, where an application for review of a determination is made under Part 4 of the Act and in accordance with Section 38(2) of the Act to, confirm, vary or reverse the determination under review.</p>	Chief Executive Officer		
s39(5)(b)(i)	<p>25. External Review</p> <p>25.1 The duty and power pursuant to Section 39(5)(b)(i) of the Act to sort or compile documents relevant to a review under Section 39 of the Act or to undertake consultation.</p>	Duty - Not a Delegation		
s39(5)(b)(ii)	<p>25. External Review</p> <p>25.2 The duty and power pursuant to Section 39(5)(b)(ii) of the Act to attend at a time and place specified by the relevant review authority (as defined by the Act) for the purposes of sorting or compiling documents relevant to a review under Section 39 of the Act or to undertake consultation.</p>	Duty - Not a Delegation		
s39(5)(c)(i)	<p>25. External Review</p> <p>25.3 The power:</p> <p>25.3.1 to participate in and effect a settlement conducted under Section 39(5)(c)(i) of the Act; and</p> <p>25.3.2 to request a suspension of proceedings under Section 39 at any time to allow an opportunity for a settlement to be negotiated.</p>	Chief Executive Officer		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s39(7)	25. External Review 25.4 The duty and power pursuant to Section 39(7) to cooperate in a process proposed by the relevant review authority (as defined by the Act) for the purposes of the conduct of a review under Section 39 of the Act (including any attempt of the relevant review authority to effect a settlement between the participants) and to do all such things as are reasonably required to expedite the process.	Duty - Not a Delegation		
s40(1)	26. Appeal to District Court 26.1 The power pursuant to Section 40(1) of the Act and with the permission of the District Court, to appeal against a determination made under Division 1 of Part 5 of the Act on a question of law.	Chief Executive Officer		
s41(1)	27. Consideration of Restricted Documents 27.1 The power pursuant to Section 41(1) of the Act to make application to the District Court to have the District Court receive evidence and hear argument in the absence of the public, the other party to the appeal and, the other party's representative.	Chief Executive Officer		
-	28. Deliberately left blank 28.1 Deliberately left blank	Delegation Not Required		
s53(2a)	29. Fees & Charges 29.1 The power pursuant to Section 53(2a) of the Act, as the Delegate thinks fit, to waive, reduce or remit a fee or charge in circumstances other than those in which such action is provided for under the regulations.	Chief Executive Officer		
s53(3)	29. Fees & Charges 29.2 The duty pursuant to Section 53(3) of the Act, where the Delegate determines a fee or charge, to review the fee or charge on request of the person required to pay the same, and if the Delegate thinks fit, reduce it.	Duty - Not a Delegation		
s53(5)	29. Fees & Charges 29.3 The power pursuant to Section 53(5) of the Act to recover a fee or charge as a debt due and owing to the Council.	Chief Executive Officer		
s54AA	30. Provision of Information to Minister 30.1 The duty pursuant to Section 54AA of the Act-	Duty - Not a Delegation		

Freedom of Information Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>30.1.1 to furnish to the Minister administering the Act, such information as the Minister requires by notice in the Gazette -</p> <p>30.1.1.1 for the purpose of monitoring compliance with the Act; and</p> <p>30.1.1.2 for the purpose of preparing a report under Section 54 of the Act; and</p> <p>30.1.2 to comply with any requirements notified by the Minister in the Gazette concerning the furnishing of that information and the keeping of records for the purposes of Section 54AA of the Act.</p>			
13(2)(b)(ii) of Schedule 1	<p>31. Documents Containing Confidential Material</p> <p>31.1 The power pursuant to clause 13(2)(b)(iii) of Schedule 1 of the Act to approve a term for inclusion in a contract that the disclosure of the matter in the contract would constitute a breach of the contract or found an action for breach of confidence.</p>	Chief Executive Officer		
clause 13(6) of Schedule 1	<p>31. Documents Containing Confidential Material</p> <p>31.2 The duty pursuant to clause 13(6) of Schedule 1 of the Act to notify the Minister administering the Act, in writing, and as soon as practicable, if the Delegate approves a term of a contract in accordance with clause 13(2)(b)(iii) of Schedule 1 of the Act.</p>	Duty - Not a Delegation		
Freedom of Information (Fees and Charges) Regulations 2003				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
r5	<p>32. Fees & Charges</p> <p>32.1 The duty pursuant to Regulation 5 of the Freedom of Information (Fees and Charges) Regulations 2003 to waive or remit the fee or charge where a person, liable to pay a fee or charge to the Council under the Act, satisfies the delegate that:</p> <p>(a) he or she is a concession cardholder; or</p>	Duty - Not a Delegation		

Freedom of Information (Fees and Charges) Regulations 2003				
	(b) payment of the fee would cause financial hardship to the person.			
r6	32. Fees & Charges 32.2 The duty pursuant to Regulation 6 of the Freedom of Information (Fees and Charges) Regulations 2003 to provide a Member of Parliament, who applies for access to Council documents under the Act, access to the documents without charge unless the work generated by the application involves fees and charges (calculated in accordance with Schedule 1 of the Act) totalling more than \$1,000.	Duty - Not a Delegation		

16. Heavy Vehicle National Law (South Australia) Act 2013

Heavy Vehicle National Law (South Australia) Act 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s156(2), (3) (4) and (6)	<p>1. Deciding Request for Consent Generally</p> <p>1.1 The power pursuant to Section 156(1) of the Heavy Vehicle National Law (South Australia) Act 2013 (the Act), to, subject to Sections 156(2), (3) (4) and (6) of the Act, if the Regulator asks for the Council's consent to the grant of a mass or dimension authority, decide to give or not to give the consent:</p> <p>1.1.1 within:</p> <p>1.1.1.1 28 days after the request is made, unless Section 156(1)(a)(ii) of the Act applies; or</p> <p>1.1.1.2 if Section 156 of the Act applies because the Council gave the Regulator a notice of objection to the grant under Section 167 of the Act - 14 days after giving the notice of objection; or</p> <p>1.1.2 within a longer period, of not more than 6 months after the request is made, agreed to by the Regulator.</p>	Chief Executive Officer		
S156(2)	<p>1. Deciding Request for Consent Generally</p> <p>1.2 The power pursuant to Section 156(2) of the Act, to ask for a longer period under Section 156(1)(b) of the Act only if:</p> <p>1.2.1 consultation is required under a law with another entity (including, for example, for the purpose of obtaining that entity's approval to give the consent); or</p> <p>1.2.2 the delegate considers a route assessment is necessary for deciding whether to give or not to give the consent; or</p> <p>1.2.3 the Council is the road authority for the participating jurisdiction and the delegate considers that a local government authority that is not required under a law to be consulted should nevertheless be consulted before deciding whether to give or not to give the consent.</p>	Chief Executive Officer		

Heavy Vehicle National Law (South Australia) Act 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
S156(2)(c)	1. Deciding Request for Consent Generally 1.3 The power pursuant to Section 156(2)(c) of the Act to, in relation to the Regulator obtaining the consent of the road manager for a road for the purpose of granting a mass or dimension authority make submissions where the road manager is the road authority for the participating jurisdiction and considers that the Council, whilst not required under a law to be consulted should nevertheless be consulted before the road manager decides whether to give or not to give consent.	Chief Executive Officer		
S153(3)	1. Deciding Request for Consent Generally 1.4 The power pursuant to Section 156(3) of the Act to decide not to give the consent only if the delegate is satisfied: 1.4.1 the mass or dimension authority will, or is likely to: 1.4.1.1 cause damage to road infrastructure; or 1.4.1.2 impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or 1.4.3 pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and 1.4.2 it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise: 1.4.2.1 the damage or likely damage; or 1.4.2.2 the adverse effects or likely adverse effects; or 1.4.2.3 the significant risks or likely significant risks.	Chief Executive Officer		
s156(4)	1. Deciding Request for Consent Generally 1.5 The power pursuant to Section 156(4) of the Act, in deciding whether or not to give the consent, to have regard to: 1.5.1 for a mass or dimension exemption - the approved guidelines for granting mass or dimension exemptions; or 1.5.2 for a class 2 heavy vehicle authorisation - the approved guidelines for granting class 2 heavy vehicle authorisations.	Chief Executive Officer		

Heavy Vehicle National Law (South Australia) Act 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s156(6)	1. Deciding Request for Consent Generally 1.6 The power pursuant to Section 156(6) of the Act, if the delegate decides not to give consent to the grant of the authority, to give the Regulator a written statement that explains the delegate's decision and complies with Section 172 of the Act.	Chief Executive Officer		
s158(2)	2. Action Pending Consultation with Third Party 2.1 The power pursuant to Section 158(2) of the Act, if the consultation with the other entity is not yet completed, to, as far as practicable, deal with the request for consent and decide to give or not to give the consent (even though the consultation with the other entity is not completed).	Chief Executive Officer		
s158(4)	2. Action Pending Consultation with Third Party 2.2 The power pursuant to Section 158(4) of the Act, if: 2.2.1 the consultation with the other entity is completed and the other entity's approval is required; and 2.2.2 the delegate has not yet decided to give or not to give the consent, To - 2.2.3 decide not to give the consent, on the ground that the consent would be inoperative; or 2.2.4 decide to give the consent.	Chief Executive Officer		
s159(1) and (2)	1. Deciding Request for Consent if Route Assessment Required 1.1 The power pursuant to Section 159(1) and (2) of the Act to, form the opinion a route assessment is necessary for deciding whether to give or not to give the consent and notify the Regulator of the following: 1.1.1 that a route assessment is required for deciding whether to give or not to give the consent; 1.1.2 the fee payable (if any) for the route assessment under a law of the jurisdiction in which the road is situated.	Chief Executive Officer		
s159(4)	3. Deciding Request for Consent if Route Assessment Required 3.2 The power pursuant to Section 159(4) of the Act, if a fee is payable for the route assessment under a law of the jurisdiction in which the road is situated to stop considering whether to give or not to give the consent until the fee is paid.	Chief Executive Officer		

Heavy Vehicle National Law (South Australia) Act 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s160(1)	4. Imposition of Road Conditions 4.1 The power pursuant to Section 160(1) of the Act and in accordance with Section 160(2) of the Act, to consent to the grant of the authority subject to: 4.1.1 except in the case of a class 2 heavy vehicle authorisation (notice) - the condition that a stated road condition is imposed on the authority; or 4.1.2 in the case of a class 2 heavy vehicle authorisation (notice) - the condition that a stated road condition of a type prescribed by the national regulations is imposed on the authority.	Chief Executive Officer		
S160(2)	4. Imposition of Road Conditions 4.2 The power pursuant to Section 160(2) of the Act to, if the delegate consents to the grant of the authority subject to a condition as mentioned in Section 160(1)(a) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.	Chief Executive Officer		
s161(1)	5. Imposition of Travel Conditions 5.1 The power pursuant to Section 161(1) of the Act, to, consent to the grant of the authority subject to the condition that a stated travel condition is imposed on the authority.	Chief Executive Officer		
s161(2)	5. Imposition of Travel Conditions 5.2 The power pursuant to Section 161(2) of the Act, if the delegate consents to the grant of the authority as mentioned in Section 161(1) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act	Chief Executive Officer		
s162(1)	6. Imposition of Vehicle Conditions 6.1 The power pursuant to Section 162(1) of the Act, where the delegate gives consent to the grant of the authority to ask the Regulator to impose a stated vehicle condition on the authority.	Chief Executive Officer		

Heavy Vehicle National Law (South Australia) Act 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s167(2)	7. Expedited Procedure for Road Manager's Consent for Renewal of Mass or Dimension Authority 7.1 The power pursuant to Section 167(2)(b) of the Act, to give the Regulator a notice of objection to the application of Section 167 of the Act to the proposed replacement authority within the period of: 7.1.1 14 days after the request for consent is made; or 7.1.2 28 days after the request for consent is made if the delegate seeks the extension of time within the initial 14 days.	Chief Executive Officer		
s169(1)	8. Granting Limited Consent for Trial Purposes 8.1 The power pursuant to Section 169(1) of the Act to give consent to the grant of a mass or dimension authority for a trial period of no more than 3 months specified by the delegate.	Chief Executive Officer		
s170(3)	9 Renewal of Limited Consent for Trial Purposes 9.1 The power pursuant to Section 170(3) of the Act to give the Regulator a written objection within the current trial period to the renewal of a mass or dimension authority for a further trial period of no more than 3 months.	Chief Executive Officer		
s173(3)(d)	10. Amendment or Cancellation on Regulator's Initiative 10.1 The power pursuant to Section 173(3)(d) of the Act to make written representations about why the proposed action should not be taken.	Chief Executive Officer		
s174(1)	11. Amendment or Cancellation on Request by Relevant Road Manager 11.1 The power pursuant to Section 174(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority: 11.1.1 has caused, or is likely to cause, damage to road infrastructure; or 11.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or 11.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.	Chief Executive Officer		

Heavy Vehicle National Law (South Australia) Act 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s174(2)	<p>11. Amendment or Cancellation on Request by Relevant Road Manager</p> <p>11.2 The power pursuant to Section 174(2) of the Act to ask the Regulator to:</p> <p>11.2.1 amend the mass or dimension authority by:</p> <p>11.2.1.1 amending the areas or routes to which the authority applies;</p> <p>or</p> <p>11.2.1.2 amending the days or hours to which the authority applies;</p> <p>or</p> <p>11.2.1.3 imposing or amending road conditions or travel conditions;</p> <p>or</p> <p>11.2.2 cancel the authority.</p>	Chief Executive Officer		
s176(4)(c)	<p>12. Amendment or Cancellation on Application by Permit Holder</p> <p>12.1 The power pursuant to Section 176(4)(c) of the Act to consent to the amendment of a mass or dimension authority.</p>	Chief Executive Officer		
S178(1)	<p>13. Amendment or Cancellation on Request by Relevant Road Manager</p> <p>13.1 The power pursuant to Section 178(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:</p> <p>13.1.1 has caused, or is likely to cause, damage to road infrastructure; or</p> <p>13.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or</p> <p>13.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.</p>	Chief Executive Officer		

Heavy Vehicle National Law (South Australia) Act 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s178(2)	13. Amendment or Cancellation on Request by Relevant Road Manager 13.2 The power pursuant to Section 178(2) of the Act to ask the Regulator to: 13.2.1 amend the mass or dimension authority, including, for example, by: 13.2.1.1 amending the areas or routes to which the authority applies; or 13.2.1.2 amending the days or hours to which the authority applies; or 13.2.1.3 imposing or amending road conditions or travel conditions on the authority; or 13.2.2 cancel the authority.	Chief Executive Officer		

17. Housing Improvement Act 1940

Housing Improvement Act 1940				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s23(1)	<p>1. Power to Declare Houses Unfit for Habitation</p> <p>1.1 The power pursuant to Section 23(1) of the Housing Improvement Act 1940 ("the Act"):</p> <p>1.1.1 to make due inquiries and obtain such reports as the Delegate deems necessary to be satisfied that any house is undesirable for human habitation or is unfit for human habitation;</p> <p>1.1.2 to declare that the house -</p> <p>1.1.2.1 is undesirable for human habitation; or</p> <p>1.1.2.2 is unfit for human habitation.</p>	Chief Executive Officer		
s23(2)	<p>1. Power to Declare Houses Unfit for Habitation</p> <p>1.2 The duty pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -</p> <p>1.2.1 to serve on the owner of the house a declaration together with a written statement setting out particulars of the deficiencies and directing the owner, within a specified time (being not less than one month after the service of the declaration) -</p> <p>1.2.1.1 to carry out such work in respect of the house (including, if so directed, partial demolition) as is directed in the notice; or</p> <p>1.2.1.2 if the Delegate is of the opinion that it is impracticable to make the house desirable or fit for human habitation, to demolish the house; and</p> <p>1.2.2 to serve a copy of the declaration, statement and direction on any occupier of the house and on every registered mortgagee of the land on which the house is situated; and</p>	Duty - Not a Delegation		

Housing Improvement Act 1940				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s23(2)	<p>1. Power to Declare Houses Unfit for Habitation</p> <p>1.3 The power pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -</p> <p>1.3.1 if the direction is to demolish, to serve on the occupier (if any) a written notice requiring the occupier to vacate the house within a specified period being not less than one month after service; and</p> <p>1.3.2 where the direction requires any work to be carried out in respect of the house, to serve on any occupier (if any) a written notice to vacate the house within a specified period being not less than one month after service, unless the house is, to the satisfaction of the Delegate, made to comply with the directions given by the Delegate before the expiration of the specified period.</p>	Chief Executive Officer		
s23(3)	<p>1. Power to Declare Houses Unfit for Habitation</p> <p>1.4 The power pursuant to Section 23(3) of the Act to certify in writing that the house that has been declared undesirable for human habitation or unfit for human habitation complies with the direction given by the Delegate and in the time specified in the direction under Section 23(2)(c) or (d).</p>	Chief Executive Officer		
s23(5)	<p>1. Power to Declare Houses Unfit for Habitation</p> <p>1.5 The power pursuant to Section 23(5) of the Act where an owner fails to comply with any direction under Section 23 within the time specified in the direction -</p> <p>1.5.1 to do anything that is necessary to make the house comply with the direction or demolish the house;</p> <p>1.5.2 to recover any expenses incurred from the owner of the house;</p> <p>1.5.3 to sell or dispose of any material taken from the house;</p>	Chief Executive Officer		

Housing Improvement Act 1940				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s23(5)(d)	1. Power to Declare Houses Unfit for Habitation 1.6 The duty pursuant to Section 23(5)(d) of the Act to apply the proceeds of any sale for or towards the expenses incurred by the Council and pay any surplus (if any) in discharge of the mortgage or encumbrance of any registered mortgagee of the land in accordance with their respective priorities and to pay any remaining balance to the owner.	Duty - Not a Delegation		
s25(1)	2. Power of Housing Authority 2.1 The power pursuant to Section 25(1) of the Act to consult with the Housing Authority and the duty pursuant to Section 25(1) of the Act, if required by the Housing Authority by notice in writing, within the time specified in the notice, to make a declaration pursuant to Section 23 of the Act with respect to the house in the form required by the Housing Authority and to give any direction or notice or otherwise exercise any power under Section 23 in the manner required by the Housing Authority.	Chief Executive Officer		
s33(3)(a)(i)	3. Power to Declare Clearance Area 3.1 The power pursuant to Section 33(3)(a)(i) of the Act to consult with the Housing Authority where the Housing Authority is intending to submit a recommendation to the Governor under Section 33 of the Act; and	Chief Executive Officer		
s33(b)	3. Power to Declare Clearance Area 3.2 The power pursuant to Section 33(b) to make any objections to the Housing Authority, in relation to such recommendation.	Chief Executive Officer		

Housing Improvement Act 1940				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s71	<p>4. Dispossession of occupiers failing to vacate premises when required to do so</p> <p>4.1 The power pursuant to Section 71 of the Act, where any person, after he has been required under the Act by the Council to vacate a house or building, and the person refuses or neglects to vacate the same, to apply and to authorise a person to apply upon a complaint to be laid by him, in the form set out in Schedule 1 to the Act or to the like effect, to any justice, for the justice to issue a summons in the form set out in Schedule 2 to the Act or to the like effect calling upon the occupier of such house or building to appear at a time and place to be therein specified before a court of Summary Jurisdiction consisting of a special magistrate, sitting without any other justice or justices, which court may hear and determine the matter of the complaint in a summary way in the absence of the occupier or otherwise.</p>	Chief Executive Officer		

18. Land and Business (Sale and Conveyancing) Act 1994

Land and Business (Sale and Conveyancing) Act 1994				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s12(1)	<p>1. The duty pursuant to Section 12(1) of the Land and Business (Sale and Conveyancing) Act 1994 ("the Act") within eight clear business days after receiving a request for information under this Section, to provide the applicant with information reasonably required as to -</p> <p>1.1 any charge or prescribed encumbrance over land within the Council's area of which the Council has the benefit; or</p> <p>1.2 insurance under Division 3 of Part 5 of the Building Work Contractors Act 1995, in relation to a building on land within the Council's area.</p>	Duty - Not a Delegation		

19. Liquor Licensing Act 1997

Liquor Licensing Act 1997				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s22(1), 22(2) and (3)	0. Application for Review of Commissioner's Decision The power pursuant to Section 22(1) and subject to Sections 22(2) and (3) of the Liquor Licensing Act 1997 (the Act), to apply to the Court for a review of the Commissioner's decision.	Chief Executive Officer		
s69(3)(e)	1. Extension of Trading Area 1.1 The power pursuant to Section 69(3)(e) of the Act, on application by a licensee who holds a licence authorising the sale of liquor for consumption on the licensed premises to the extent the authority conferred by the licence so that the licensee is authorised to sell liquor in a place adjacent to the licensed premises for consumption in that place, to approve or not approve the application for extension where the relevant place is under the control of the Council.	Chief Executive Officer		
s76(2)	2. Rights of Intervention 2.1 The power pursuant to Section 76(2) of the Act where licensed premises exist or premises propose to be licensed are situated in the Council area, to introduce evidence or make representations on any question before the licensing authority where proceedings are on foot or underway.	Chief Executive Officer		
s106(2)(b)	3. Noise 3.1 The power pursuant to Section 106(2)(b) of the Act to lodge a complaint about an activity on, or the noise emanating from licensed premises, or the behaviour of persons making their way to or from licensed premises in the Council area with the Commissioner under Section 106(1).	Chief Executive Officer		
s106(4)	3. Noise 3.2 The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner.	Chief Executive Officer		
s106(5)	3. Noise 3.3 The power pursuant to Section 106(5) of the Act to request the Commissioner to determine the matter where the complaint is not to be conciliated, or is not resolved by conciliation under Section 106(4).	Chief Executive Officer		

Liquor Licensing Act 1997				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s120(1) and (2)	4. Disciplinary Action Before the Court 4.1 The power pursuant to Section 120(1) and (2) of the Act to lodge a complaint, provided the subject matter of the complaint is relevant to the responsibilities of the Council and within whose area the licensed premises are situated, with the Court alleging that proper grounds for disciplinary action exists on those grounds stated in the complaint, against a specified person.	Chief Executive Officer		
s120A(3)	5. Commissioner's Power to Suspend or Impose Conditions Pending Disciplinary Action 5.1 The power pursuant to Section 120A(3) of the Act to apply to the Court for a review of the Commissioner's decision as if the Council were a party to proceedings before the Commissioner.	Chief Executive Officer		

20. Local Government Act 1999

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s12(1)	<p>1. Composition and Wards</p> <p>1.1 The power pursuant to Section 12(1) of the Local Government Act 1999 ('the Act') to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,</p> <p>1.1.1 alter the composition of the Council;</p> <p>1.1.2 divide, or redivide, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards.</p>	Council Only		
s12(2)	<p>1. Composition and Wards</p> <p>1.2 The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to</p> <p>1.2.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;</p> <p>1.2.2 alter the name of:</p> <p>1.2.2.1 the Council;</p> <p>1.2.2.2 the area of the Council;</p> <p>1.2.3 give a name to, or alter the name of, a ward, (without the need to comply with Section 13 of the Act).</p>	Council Only		
s12(3)	<p>1. Composition and Wards</p> <p>1.3 The duty pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act for the purpose of determining whether the Council's community would benefit from an alteration to the Council's composition or ward structure.</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s12(4)	1. Composition and Wards 1.4 The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the duty to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in each relevant period that is prescribed by the regulations.	Council Only		
-	1. Composition and Wards 1.5 Deliberately left blank.	Delegation Not Required		
-	1. Composition and Wards 1.6 Deliberately left blank.	Delegation Not Required		
s12(5)	1. Composition and Wards 1.7 The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person who, in the opinion of the Delegate, is qualified to address the representation and governance issues that may arise with respect to the matters under review.	Duty - Not a Delegation		
s12(7)	1. Composition and Wards 1.8 The duty pursuant to Section 12(7) of the Act to give public notice of the preparation of a representation options paper and notice in a newspaper circulating within the Council's area, and to ensure that the notice contains an invitation to interested persons to make written submissions to the Council or the Delegate on the subject of the review within a period specified by the Council or the Delegate, being a period of at least six weeks.	Duty - Not a Delegation		
s12(8)	1. Composition and Wards 1.9 The duty pursuant to Section 12(8) of the Act to make copies of the representation options paper available for public inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period that applies under Section 7(a)(ii).	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s12(7)(a)	<p>1. Composition and Wards</p> <p>1.10 At the conclusion of public consultation under Section 12(7)(a), the duty pursuant to Section 12(8a) of the Act to prepare a report that:</p> <p>1.10.1 provides information on the public consultation process undertaken by the Council and the Council's or the Delegate's response to the issues arising from the submissions made as part of that process; and</p> <p>1.10.2 sets out:</p> <p>1.10.2.1 any proposals that the Council or the Delegate considers should be carried into effect under Section 12 of the Act; and</p> <p>1.10.2.2 in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 26(1)(c) of the Act and the matters referred to in Section 33 of the Act (to the extent that may be relevant); and</p> <p>1.10.3 sets out the reasons for the Council's or the Delegate's decision insofar as a decision of the Council or the Delegate is not to adopt any change under consideration as part of the representation options paper or the public consultation process.</p>	Duty - Not a Delegation		
s12(9)	<p>1. Composition and Wards</p> <p>1.11 The duty pursuant to Section 12(9) of the Act to make copies of the report available for public inspection at the principal office of the Council and to give public notice, by way of a notice in a newspaper circulating in its area, informing the public of its preparation of the report and its availability and inviting interested persons to make written submissions on the report to the Council or the Delegate within a period specified by the Council or the Delegate, being not less than three weeks.</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s12(10)	1. Composition and Wards 1.12 The duty pursuant to Section 12(10) of the Act to give any person who makes written submissions in response to an invitation under Section 12(9), an opportunity to appear personally or by representative before the Council or a Council committee or the Delegate and to be heard on those submissions.	Duty - Not a Delegation		
s12(11)	1. Composition and Wards 1.13 The duty pursuant to Section 12(11) of the Act to finalise the report including recommendations with respect to such related or ancillary matters as it sees fit.	Duty - Not a Delegation		
s12(11a)	1. Composition and Wards 1.14 With respect to a proposal within the ambit of Section 12(11a), the power pursuant to Section 12(11b) of the Act: 1.14.1 insofar as may be relevant in the particular circumstances, to separate a proposal (and any related proposal), from any other proposal contained in the report; and 1.14.2 to determine to conduct the relevant poll in conjunction with the next general election for the Council or at some other time.	Duty - Not a Delegation		
s12(11a)	1. Composition and Wards 1.15 Where a poll is required under Section 12(11a) of the Act the duty pursuant to Section 12(11c)(b) of the Act to: 1.15.1 prepare a summary of issues surrounding the proposal to assist persons who may vote at the poll; and 1.15.2 obtain a certificate from the Electoral Commissioner that he or she is satisfied that the Council or the Delegate has taken reasonable steps to ensure the summary is a fair and comprehensive overview of the arguments for and against the proposal; and	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	1.15.3 after obtaining the certificate of the Electoral Commissioner, ensure that copies of the summary are made available for public inspection at the principle office of the Council, and on the internet and distributed in any other manner as may be directed by the Electoral Commissioner.			
s12(12)	1. Composition and Wards 1.16 The duty pursuant Section 12(12) of the Act having then taken into account the operation of Section 12(11d) of the Act to refer the report to the Electoral Commissioner.	Duty - Not a Delegation		
s12(12a)	1. Composition and Wards 1.17 The duty pursuant to Section 12(12a) of the Act to send with the report copies of any written submissions received by the Council or the Delegate under Section 12(9) of the Act that relate to the subject matter of the proposal.	Duty - Not a Delegation		
s12(15)(b)	1. Composition and Wards 1.18 The power pursuant to Section 12(15)(b) of the Act to provide by notice in the Gazette, for the operation of any proposal that is recommended in the report, where a certificate is given by the Electoral Commissioner.	Council Only		
s12(16)	1. Composition and Wards 1.19 The power and duty pursuant to Section 12(16) of the Act to take such action as is appropriate in circumstances (including the power, as the Delegate thinks fit, to alter the report) where the matter is referred back to the Council by the Electoral Commissioner and the power to then refer the report back to the Electoral Commissioner.	Council Only		
s12(16)(a)	1. Composition and Wards 1.20 Where the Council or the Delegate makes an alteration to the report under Section 12(16)(a) of the Act, the duty pursuant to Section 12(17) of the Act to comply with the requirements of Sections 12(9) and (10) of the Act as if the report, as altered, constituted a new report, unless the Council or the Delegate determines the alteration is of a minor nature only.	Council Only		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s12(24)	<p>1. Composition and Wards</p> <p>1.21 The duty pursuant to Section 12(24) of the Act to undertake a review of ward representation within a period specified by the Electoral Commissioner, where the Electoral Commissioner notifies the Council in writing that the number of electors represented by a councillor for a ward varies from the ward quota by more than 20%.</p>	Duty - Not a Delegation		
s13(1)	<p>2. Status of a Council or Change of Various Names</p> <p>2.1 The power pursuant to Section 13(1) of the Act, to, by notice in the Gazette, after complying with the requirements of Section 13 of the Act:</p> <p>2.1.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;</p> <p>2.1.2 alter the name of:</p> <p>2.1.2.1 the Council;</p> <p>2.1.2.2 the area of the Council;</p> <p>2.1.3 alter the name of a ward.</p>	Council Only		
s13(2)	<p>2. Status of a Council or Change of Various Names</p> <p>2.2 The duty, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements:</p> <p>2.2.1 to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks;</p> <p>2.2.2 publish the notice in a newspaper circulating within the area; and</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	2.2.3 give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council, Council committee or the Delegate and be heard on those submissions.			
	3. Deliberately left blank	Council Only		
	4. Deliberately left blank	Council Only		
	5. Council Initiated Proposal 5.1 Deliberately left blank	Council Only		
s27(2)	5. Council Initiated Proposal 5.2 Deliberately left blank 5.2.1 Deliberately left blank 5.2.2 Deliberately left blank 5.2.3 Deliberately left blank 5.2.4 Deliberately left blank	Duty - Not a Delegation		
s27(7)	5. Council Initiated Proposal 5.3 The power pursuant to section 27(7) of the Act, to, in relation to the proposal submitted by the Council, request or consent to the Minister: 5.3.1 amending the proposal; 5.3.1 substituting an alternative proposal.	Council Only		
s28(6)	6. Public Initiated Submissions 6.1 The power pursuant to Section 28(6) of the Act, on the receipt of a submission under Section 28(2) of the Act, to consider the issues determined by the Council or the Delegate to be relevant to the matter and to then decide whether or not it is willing to: 6.1.1 conduct a review in relation to the matter under Division 2 of Part 1 of the Act; or	Council Only		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	6.1.2 formulate (or participate in the formulation of) a proposal in relation to the matter under Division 4 of Part 2 of the Act.			
s28(23)(f) s28(23)(g)	6. Public Initiated Submissions 6.2 Where the Council is affected by a public initiated proposal under Chapter 3 of the Act, the duty to ensure that copies of the summary prepared by the Panel are made available for public inspection at the principal office of the Council and distributed to electors in accordance with the directions of the Panel, pursuant to Section 28(23)(f) and (g).	Council Only		
s36(1)(a)(i))	7. General Powers and Capacities 7.1 The power pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement where the common seal of the Council is not required.	Chief Executive Officer		
s36(1)	7. General Powers and Capacities 7.2 The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental but within any policy or budgetary constraints set by the Council to perform or discharge the Council's functions or duties or to achieve the Council's objectives.	Chief Executive Officer		
s36(2)	7. General Powers and Capacities 7.3 The power pursuant to Section 36(2) of the Act to act outside the Council's area: 7.3.1 to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions; or 7.3.2 in order to provide services to an unincorporated area of the State.	Chief Executive Officer		
s36(3)	7. General Powers and Capacities 7.4 The duty pursuant to Section 36(3) of the Act to take reasonable steps to separate the Council's regulatory activities from its other activities in the arrangement of its affairs.	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s37(b)	8. Provision Relating to Contract and Transactions 8.1 The power pursuant to Section 37(b) of the Act to authorise another officer, employee or agent of the Council to enter into a contract, on behalf of the Council, where the common seal of the Council is not required.	Chief Executive Officer		
s41(1) s41(2)	9. Committees 9.1 The power pursuant to Section 41(1) and (2) of the Act to establish committees.	Council Only		
s41(3)	9. Committees 9.2 The power pursuant to Section 41(3) of the Act to determine the membership of a committee.	Council Only		
s41(4)	9. Committees 9.3 The power pursuant to Section 41(4) of the Act to appoint a person as a presiding member of a committee, or to make provision for the appointment of a presiding member.	Council Only		
s41(6)	9. Committees 9.4 The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee.	Council Only		
s41(8)	9. Committees 9.5 The power and duty pursuant to Section 41(8) of the Act, to, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee.	Council Only		
s44(6)	10. Delegations 10.1 The duty pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act.	Duty - Not a Delegation		
s44(7)	10. Delegations 10.2 The duty pursuant to Section 44(7) of the Act to make available the record of delegations for inspection (without charge) by the public at the principal office of the Council during ordinary office hours.	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s45(1)	11. Principal Office 11.1 The duty pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act.	Duty - Not a Delegation		
s45(2)	11. Principal Office 11.2 The power and duty pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the duty to keep the principal office of Council open to the public for the transaction of business during hours determined by the Delegate or the Council.	Council Only		
s45(3)	11. Principal Office 11.3 The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with Council's public consultation policy about the manner, places and times at which the Council's offices will be open to the public for the transaction of business and about any significant changes to those arrangements.	Council Only		
s46(1)	12. Commercial Activities 12.1 Subject to the Act, the power pursuant to Section 46(1) of the Act to, in the performance of the Council's functions, engage in a commercial activity or enterprise ('a commercial project').	Council Only		
s46(2)	12. Commercial Activities 12.2 The power pursuant to Section 46 (2) of the Act, to, in connection with a commercial project: 12.2.1 establish a business; 12.2.2 participate in a joint venture, trust, partnership or other similar body.	Council Only		
s47(2)(b)	13. Interests in Companies 13.1 The power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s48(aa1)	<p>14. Prudential Requirements for Certain Activities</p> <p>14.00 The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -</p> <p>14.00.1 acts with due care, diligence and foresight; and</p> <p>14.00.2 identifies and manages risks associated with a project; and</p> <p>14.00.3 makes informed decisions; and</p> <p>14.00.4 is accountable for the use of Council and other public resources.</p>	Council Only		
s48(a1)	<p>14. Prudential Requirements for Certain Activities</p> <p>14.0 The duty pursuant to Section 48(a1) of the Act to ensure the prudential management policies, practices and procedures developed by the Council for the purposes of Section 48(aa1) of the Act, are consistent with any regulations made for the purposes of Section 48(a1) of the Act.</p>	Duty - Not a Delegation		
s48(aa1)	<p>14. Prudential Requirements for Certain Activities</p> <p>14.1 Without limiting Section 48(aa1) of the Act, the power and duty pursuant to Section 48(1) of the Act to obtain and consider a report, that addresses the prudential issues set out at Section 48(2) of the Act, before the Council:</p> <p>14.1.1 Deliberately left blank.</p> <p>14.1.2 engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) -</p> <p>14.1.2.1 where the expected operating expenses calculated on an accrual basis of the Council over the ensuring five years is likely to exceed 20 per cent of the Council's average annual operating</p>	Council Only		Amendment to instrument 14.1.2.1 as per legislative amendments. No change to delegation.

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>expenses over the previous five financial years (as shown in the Council's financial statements); or</p> <p>14.1.2.2 where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 (indexed); or</p> <p>14.1.2.3 where the Council or Delegate considers that it is necessary or appropriate.</p>			
-	<p>14. Prudential Requirements for Certain Activities</p> <p>14.2 Deliberately left blank.</p>	Delegation Not Required		
s48(5)	<p>14. Prudential Requirements for Certain Activities</p> <p>14.3 The power and duty pursuant to Section 48(5) of the Act to make a report under Section 48(1) of the Act available for public inspection at the principal office of the Council once the Council has made a decision on the relevant project (and the power to make the report available at an earlier time unless the Council orders that the report be kept confidential until that time).</p>	Chief Executive Officer		
s49(a1)	<p>15. Contracts and Tenders Policies</p> <p>15.0 The power and duty pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:</p> <p>15.0.1 obtaining value in the expenditure of public money; and</p> <p>15.0.2 providing for ethical and fair treatment of participants; and</p> <p>15.0.3 ensuring probity, accountability and transparency in procurement operations.</p>	Chief Executive Officer		
s49(a1)	<p>15. Contracts and Tenders Policies</p> <p>15.1 Without limiting Section 49(a1) of the Act, the power and duty pursuant to Section 49(1) of the Act to prepare and adopt policies on contracts and tenders including policies on the following:</p> <p>15.1.1 the contracting out of services; and</p>	Council Only		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>15.1.2 competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and</p> <p>15.1.3 the use of local goods and services; and</p> <p>15.1.4 the sale or disposal of land or other assets.</p>			
s49(2)	<p>15. Contracts and Tenders Policies</p> <p>15.2 The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:</p> <p>15.2.1 identify circumstances where the Council will call for tenders for the supply of goods, the provision of services or the carrying out of works, or the sale or disposal of land or other assets; and</p> <p>15.2.2 provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and</p> <p>15.2.3 provide for the recording of reasons for entering into contracts other than those resulting from the tender process; and</p> <p>15.2.4 are consistent with any requirement prescribed by the regulations.</p>	Council Only		
s49(3)	<p>15. Contracts and Tenders Policies</p> <p>15.3 The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced).</p>	Council Only		
s49(4)	<p>15. Contracts and Tenders Policies</p> <p>15.4 The duty pursuant to Section 49(4) of the Act to make available for inspection (without charge) a policy adopted under this Section at the principal office of Council during office hours.</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s50(1)	<p>16. Public Consultation Policies</p> <p>16.1 The power and duty pursuant to Section 50(1) and (2) of the Act to prepare and adopt a public consultation policy which sets out the steps the Council will follow:</p> <p>16.1.1 in cases where the Act requires the Council to follow its public consultation policy; and</p> <p>16.1.2 in other cases involving Council decision making, if relevant.</p>	Duty - Not a Delegation		
s50(3)	<p>16. Public Consultation Policies</p> <p>16.2 The duty pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Act requires the Council to follow its public consultation policy and to make other arrangements appropriate to other classes of decisions, within the scope of the policy.</p>	Duty - Not a Delegation		
s50(4)	<p>16. Public Consultation Policies</p> <p>16.3 The duty pursuant to Section 50(4) of the Act to ensure that the public consultation policy, in cases where the Act requires the policy to be followed, provides for:</p> <p>16.3.1 the publication of a notice:</p> <p>16.3.1.1 in a newspaper circulating within the area of the Council; and</p> <p>16.3.1.2 on a website determined by the Chief Executive Officer, describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and</p> <p>16.3.2 the consideration of any submissions made in response to that invitation.</p>	Duty - Not a Delegation		Amendment to instruments 16.3.1, 16.3.1.1 and 16.3.1.2 as per legislative amendments. No change to delegation.

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s50(5)	16. Public Consultation Policies 16.4 The power pursuant to Section 50(5) of the Act, to, from time to time, alter the Council's public consultation policy, or substitute a new policy.	Council Only		
s50(6)	16. Public Consultation Policies 16.5 Before the Council or the Delegate adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to: 16.5.1 prepare a document that sets out its proposal in relation to the matter; and 16.5.2 publish in a newspaper circulating within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the notice, which must be at least one month; 16.5.3 consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.	Duty - Not a Delegation		Amendment to instrument 16.5.2 as per legislative amendments. No change to delegation.
s50(7)	16. Public Consultation Policies 16.6 The power pursuant to Section 50(7) of the Act to determine if the alteration of a public consultation policy is of minor significance that would attract little or no community interest.	Duty - Not a Delegation		
s50(8)	16. Public Consultation Policies 16.7 The duty pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for inspection (without charge) at the principal office of Council during ordinary office hours.	Duty - Not a Delegation		
17.1	17. Deliberately left blank 17.1 Deliberately left blank	Delegation Not Required		
17.2	17. Deliberately left blank 17.2 Deliberately left blank	Delegation Not Required		
17.3	17. Deliberately left blank 17.3 Deliberately left blank	Delegation Not Required		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
17.4	17. Deliberately left blank 17.4 Deliberately left blank	Delegation Not Required		
17.5	17. Deliberately left blank 17.5 Deliberately left blank	Delegation Not Required		
s70(1)	18. Inspection of Register 18.1 The duty pursuant to Section 70(1) of the Act to make available for inspection (without charge) the Register of Interests at the principal office of the Council during ordinary office hours.	Duty - Not a Delegation		
s77(1)(b)	19. Reimbursement of Expenses 19.1 The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses of a kind prescribed for the purposes of Section 77(1)(b) of the Act and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties.	Chief Executive Officer		
s77(3)	19. Reimbursement of Expenses 19.2 The duty pursuant to Section 77(3) of the Act to make available for inspection (without charge) any policy of Council concerning these reimbursements at the principal office of the Council during ordinary office hours.	Duty - Not a Delegation		
s79(3)	20. Register of Allowances and Benefits 20.1 The duty pursuant to Section 79(3) of the Act to make available for inspection (without charge) the Register of Allowances and Benefits, at the principal office of the Council during ordinary office hours.	Duty - Not a Delegation		
s80	21. Insurance of members 21.1 The duty pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Council and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members.	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s80A(1)	22. Training and Development 22.1 The power and duty pursuant to Section 80A(1) of the Act to prepare and adopt a training and development policy in accordance with Section 80A(2) of the Act for the Council's members.	Council Only		
s80A(2)	22. Training and Development 22.2 The duty pursuant to Section 80A(2) of the Act to ensure that the Council's training and development policy is aimed at assisting the Council's members in the performance and discharge of their functions and duties.	Duty - Not a Delegation		
s80A(3)	22. Training and Development 22.3 The power pursuant to Section 80A(3) of the Act to, from time to time, alter the Council's training and development policy or substitute a new policy.	Council Only		
s80A(4)	22. Training and Development 22.4 The duty pursuant to Section 80A(4) and (5) of the Act to make available the training and development policy for inspection (without charge) at the principal office of the Council during ordinary office hours and for purchase (on payment of a fee fixed by the Council).	Duty - Not a Delegation		
s87(1)	23. Committee Meetings 23.1 The power pursuant to Section 87(1) of the Act and in accordance with Section 87(2) of the Act to determine the times and places of ordinary meetings of Council committees.	Council Only		
s87(2)	23. Committee Meetings 23.2 The duty pursuant to Section 87(2) of the Act in appointing a time for the holding of an ordinary meeting of a Council committee to take into account: 23.2.1 the availability and convenience of members of the committee; and 23.2.2 the nature and purpose of the committee.	Council Only		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s90(7)	24. Meetings To Be Held in Public Except in Special Circumstances 24.1 The duty pursuant to Section 90(7) of the Act to make a note in the minutes of the making of an order under Section 90(2) of the Act and the grounds on which it was made.	Duty - Not a Delegation		
s90(8a)(a)	24. Meetings To Be Held in Public Except in Special Circumstances 24.2 The power pursuant to Section 90(8a)(a) of the Act to adopt a policy on the holding of informal gatherings or discussions subject to Section 90(8b) of the Act.	Chief Executive Officer		New addition in line with legislative amendments with suggested delegation.
s90(8c)	24. Meetings To Be Held in Public Except in Special Circumstances 24.3 The power pursuant to Section 90(8c) of the Act, to, from time to time, alter the Council's policy or substitute a new policy.	Chief Executive Officer		New addition in line with legislative amendments with suggested delegation.
s91(3)	25. Minutes and Release of Documents 25.1 The duty pursuant to Section 91(3) to supply each member of the Council with a copy of all minutes of the proceedings of the Council or Council committee meeting, within 5 days after that meeting.	Duty - Not a Delegation		
s91(7)	25. Minutes and Release of Documents 25.2 Subject to Section 91(7), the duty pursuant to Section 91(4) of the Act to place a copy of the minutes of a meeting of the Council on public display in the principal office of the Council within 5 days after the meeting and to keep those minutes on display for a period of 1 month.	Duty - Not a Delegation		
s91(7)	25. Minutes and Release of Documents 25.3 Subject to Section 91(7) of the Act, the duty pursuant to Section 91(5) of the Act to make available for inspection, without payment of a fee, at the principal office of the Council: 25.3.1 minutes of the Council and Council committee meetings; and 25.3.2 reports to the Council or to a Council committee received at a meeting of the Council or Council committee; and	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	25.3.3 recommendations presented to the Council in writing and adopted by resolution of the Council; and 25.3.4 budgetary or other financial statements adopted by the Council.			
s92(1)	26. Access to Meetings and Documents - Code of Practice 26.1 The power and duty pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare and adopt a Code of Practice relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operation of Parts 3 and 4 of Chapter 6 of the Act.	Duty - Not a Delegation		
s92(2)	26. Access to Meetings and Documents - Code of Practice 26.2 The power and duty pursuant to Section 92(2) of the Act to review the operation of the Council's Code of Practice within 12 months after the conclusion of each periodic election.	Duty - Not a Delegation		
s92(2)	26. Access to Meetings and Documents - Code of Practice 26.3 The power pursuant to Section 92(3) of the Act, to, at any time, alter the Council's code of practice or substitute a new code of practice.	Duty - Not a Delegation		
s92(5)	26. Access to Meetings and Documents - Code of Practice 26.4 The duty pursuant to Section 92(5) of the Act to ensure that before the Council or the Delegate adopts, alters or substitutes a code of practice that: 26.4.1 copies of the proposed code, alterations or substitute code (as the case may be) are made available for inspection or purchase at the Council's principal office and available for inspection on a website determined by the Chief Executive Officer; and 26.4.2 the relevant steps set out in the Council's Public Consultation Policy are followed.	Duty - Not a Delegation		Amendment to instrument 26.4.1 as per legislative amendments. No change to delegation.

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s92(6)	26. Access to Meetings and Documents - Code of Practice 26.5 The duty pursuant to Section 92(6) and (7) of the Act to ensure that the Code of Practice is available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of Council during ordinary office hours.	Duty - Not a Delegation		
s93(1)	27. Meetings of Electors 27.1 The power pursuant to Section 93(1) of the Act to convene a meeting of electors of the area or part of the area of the Council.	Chief Executive Officer		
s93(11)	27. Meetings of Electors 27.2 The duty pursuant to Section 93(11) of the Act to provide each member of the Council with a copy of the minutes of any meeting of electors within 5 days of that meeting.	Duty - Not a Delegation		
s93(14)	27. Meetings of Electors 27.3 The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii).	Chief Executive Officer		
s95	28. Obstructing of Meetings 28.1 The power pursuant to Section 95 of the Act to take proceedings under the Act against a person who intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors.	Chief Executive Officer		
s105(3)	29. Register of Remuneration Salaries and Benefits 29.1 The duty pursuant to Section 105(3) of the Act to make available the Register of Salaries of employees of the Council for inspection by the public at the principal office of the Council during ordinary office hours.	Duty - Not a Delegation		
s106(2) s106(2a)	30. Certain Periods Of Service To Be Regarded As Continuous 30.1 The duty pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee's service benefits.	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s106(4)	30. Certain Periods Of Service To Be Regarded As Continuous 30.2 The duty pursuant to Section 106(4) of the Act to supply to any other council, at its request, details of the service of an employee or former employee of the Council.	Duty - Not a Delegation		
s106(5)	30. Certain Periods Of Service To Be Regarded As Continuous 30.3 The duty pursuant to Section 106(5) of the Act to hold and apply a payment or contribution received by the Council under Section 106 in accordance with the Regulations.	Duty - Not a Delegation		
31.1	31. Deliberately left blank 31.1 Deliberately left blank	Delegation Not Required		
31.2	31. Deliberately left blank 31.2 Deliberately left blank	Delegation Not Required		
31.3	31. Deliberately left blank 31.3 Deliberately left blank	Delegation Not Required		
31.4	31. Deliberately left blank 31.4 Deliberately left blank	Delegation Not Required		
31.5	31. Deliberately left blank 31.5 Deliberately left blank	Delegation Not Required		
31.6	31. Deliberately left blank 31.6 Deliberately left blank	Delegation Not Required		
s111(b)	32. Application of Division 32.1 The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of Chapter 7, Part 4, Division 1 of the Act.	Chief Executive Officer		
s122(6)	33. Certain Aspects of Strategic Management Plans 33.1 The duty pursuant to Section 122(6) of the Act to develop a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the Council's development and review of its strategic management plans.	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s122(7)	33. Certain Aspects of Strategic Management Plans 33.2 The duty pursuant to Section 122(7) of the Act to ensure that copies of the Council's strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	Duty - Not a Delegation		
s123(3)	34. Annual Business Plans and Budgets 34.1 Before the Council adopts an annual business plan, the duty pursuant to Section 123(3) of the Act to, - 34.1.1 prepare a draft annual business plan; and 34.1.2 follow the relevant steps set out in the Council's public consultation policy, taking into account and complying with the requirements of Section 123(4) of the Act.	Duty - Not a Delegation		
s123(5)	34. Annual Business Plans and Budgets 34.2 The duty pursuant to Section 123(5) of the Act to ensure that copies of the draft annual business plan are available at the meeting arranged pursuant to and in accordance with Section 123(4)(a)(i) and (4)(b) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council and on the website at least 21 days before the date of that meeting.	Duty - Not a Delegation		Amendment to instrument as per legislative amendments. No change to delegation.
s123(5a)	34. Annual Business Plans and Budgets 34.3 The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for: 34.3.1 a facility for asking and answering questions; and 34.3.2 the receipt of submissions, on the Council's website during the public consultation period.	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s123(9)	<p>34. Annual Business Plans and Budgets</p> <p>34.4 After the Council has adopted an annual business plan and a budget, the duty, pursuant to Section 123(9) of the Act, to:</p> <p>34.4.1 ensure:</p> <p>34.4.1.1 that a summary of the annual business plan is prepared in accordance with the requirements set out at Sections 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of the Council's services and the Council's rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and</p> <p>34.4.1.2 that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of the Council's rates for the financial year; and</p> <p>34.4.2 ensure:</p> <p>34.4.2.1 that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the Council); and</p> <p>34.4.2.2 that copies of the summary of the annual business plan are available for inspection and to take (without charge), at the principal office of the Council.</p>	Duty - Not a Delegation		New addition of instrument 34.4.3 as per legislative amendments with suggested delegation.
s123(9)	<p>34. Annual Business Plans and Budgets</p> <p>34.4.3 ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a website determined by the Chief Executive Officer.</p>	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s124(1)	<p>35. Accounting Records to be Kept</p> <p>35.1 The duty pursuant to Section 124(1) of the Act to:</p> <p>35.1.1 keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;</p> <p>35.1.2 keep the Councils accounting records in such manner as will enable:</p> <p>35.1.2.1 the preparation and provision of statements that fairly present financial and other information; and</p> <p>35.1.2.2 the financial statements of the Council to be conveniently and properly audited.</p>	Duty - Not a Delegation		
s124(2)	<p>35. Accounting Records to be Kept</p> <p>35.2 The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Council.</p>	Chief Executive Officer		
s125	<p>36. Internal Control Policies</p> <p>36.1 The duty pursuant to Section 125 of the Act to ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner, to achieve its objectives, to ensure adherence to management policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of the Council's records.</p>	Duty - Not a Delegation		
s126(1)	<p>37. Audit Committee</p> <p>37.1 The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.</p>	Council Only		
s126(2)	<p>37. Audit Committee</p> <p>37.2 If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act.</p>	Council Only		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s127(1)	<p>38. Financial Statements</p> <p>38.1 The duty pursuant to Section 127(1) of the Act to prepare for each financial year:</p> <p>38.1.1 financial statements and notes in accordance with standards prescribed by the regulations; and</p> <p>38.1.2 other statements and documentation referring to the financial affairs of the Council required by the Regulations.</p>	Duty - Not a Delegation		
s127(2)	<p>38. Financial Statements</p> <p>38.2 The duty pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Council pursuant to Section 127(1) of the Act:</p> <p>38.2.1 are prepared as soon as is reasonably practicable after the end of the relevant financial year and in any event before the day prescribed by the Regulations; and</p> <p>38.2.2 comply with standards and principles prescribed by the Regulations; and</p> <p>38.2.3 include the information required by the Regulations.</p>	Duty - Not a Delegation		
s127(3)	<p>38. Financial Statements</p> <p>38.3 The duty pursuant to Section 127(3) of the Act to submit for auditing by the Council's auditor the statements prepared for each financial year.</p>	Duty - Not a Delegation		
s127(4)	<p>38. Financial Statements</p> <p>38.4 The duty pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.</p>	Duty - Not a Delegation		
s127(5)	<p>38. Financial Statements</p> <p>38.5 The duty pursuant to Section 127(5) of the Act to ensure that copies of the Council's audited statements are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s128(2), (3), (4), (4a), (5), (6), (7), (8)	39. The Auditor 39.1 The power and duty pursuant to and in accordance with Section 128(2), (3), (4), (4a), (5), (6), (7) and (8) of the Act to appoint an auditor on the recommendation of the Council's audit committee.	Council Only		
s128(8)	39. The Auditor 39.2 The duty pursuant to Section 128(8) of the Act to comply with any requirements prescribed by the Regulations with respect to providing for the independence of the auditor.	Duty - Not a Delegation		
s128(9)	39. The Auditor 39.3 The duty pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report: 39.3.1 information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between: 39.3.1.1 remuneration payable for the annual audit of the Council's financial statements; and 39.3.1.2 other remuneration; 39.3.2 if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the Council's auditor came to an end.	Duty - Not a Delegation		
s129(9), s129(3)	40. Conduct of Audit 40.1 The duty pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act provided to Council under Section 129 of the Act accompany the financial statements of the Council.	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s130A(1), s130A(2)	<p>41. Other Investigations</p> <p>41.1 The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section.</p>	Chief Executive Officer		
s130A(7)	<p>41. Other Investigations</p> <p>41.2 Unless Section 130A(7) of the Act applies, the duty pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:</p> <p>41.2.1 unless Section 130A(6)(b) of the Act applies - at the next ordinary meeting of the Council in accordance with Section 130A(6)(a), of the Act;</p> <p>41.2.2 if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the Council - at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act.</p>	Duty - Not a Delegation		
s131(1)	<p>42. Annual Report to be Prepared and Adopted</p> <p>42.1 The duty pursuant to Section 131(1) of the Act and in accordance with Sections 131(2) and (3) of the Act, to prepare and adopt on or before 30 November each year, an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June.</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s131(2) s131(3)	42. Annual Report to be Prepared and Adopted 42.2 The duty pursuant to Section 131(2) and (3) of the Act to include in that report the material, and include specific reports on the matters, specified in Schedule 4 as amended from time to time by regulation.	Duty - Not a Delegation		
s131(4)	42. Annual Report to be Prepared and Adopted 42.3 The duty pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council.	Duty - Not a Delegation		
s131(5)	42. Annual Report to be Prepared and Adopted 42.4 The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to: 42.4.1 the Presiding Member of both Houses of Parliament; and 42.4.2 to the persons or body prescribed by the Regulations, on or before the date determined under the Regulations.	Duty - Not a Delegation		
s131(7)	42. Annual Report to be Prepared and Adopted 42.5 The power pursuant to Section 131(7) of the Act to provide to the electors for the area an abridged or summary version of the annual report.	Duty - Not a Delegation		
s131(8)	42. Annual Report to be Prepared and Adopted 42.6 The duty pursuant to Section 131(8) of the Act to ensure that copies of Council's annual report are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	Duty - Not a Delegation		
s132(1)	43. Access to Documents 43.1 The duty pursuant to Section 132(1) of the Act to ensure a member of the public is able: 43.1.1 to inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	43.1.2 to purchase a document referred to in Schedule 5 to the Act at the principal office of the Council during ordinary office hours for a fee fixed by the Council.			
s132(2)	43. Access to Documents 43.2 The power pursuant to Section 132(2) of the Act to make a document available in electronic form for the purposes of Section 132(1)(a).	Chief Executive Officer		
s132(3)	43. Access to Documents 43.3 The power and duty, pursuant to and in accordance with Section 132 (3) of the Act, to make the following documents available for inspection on a website determined by the Chief Executive Officer within a reasonable time after they are available at the principal office of the Council: 43.3.1 agendas for meetings of the Council or Council committees; 43.3.2 minutes of meetings of the Council or Council committees; 43.3.3 codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999; 43.3.4 the Council's contract and tenders policies, public consultation policy and order-making policies; 43.3.5 the Council's draft annual business plan, annual business plan (as adopted by the council) and the summary of the annual business plan required under Part 2 of this Chapter; 43.3.6 the Council's budget (as adopted by the Council for a particular year); 43.3.7 a list of fees and charges imposed by the Council under this Act;	Chief Executive Officer		Amendment to instrument as per legislative amendments. No change to delegation.

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>43.3.8 by-laws made by the Council and any determination in respect of a by-law made under Section 246(3)(e) of the Act;</p> <p>43.3.9 procedures for the review of decisions established by the Council under Part 2 of Chapter 13;</p> <p>43.3.10 the audited financial statements of the Council;</p> <p>43.3.11 the annual report of the Council;</p> <p>43.3.12 the Council's most recent information statement under the Freedom of Information Act 1991, unless the Council provides it as part of the annual report of the Council.</p>			
s132A	<p>44. Related Administrative Standards</p> <p>44.1 The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order:</p> <p>44.1.2 to ensure compliance with any statutory requirements; and</p> <p>44.1.2 to achieve and maintain standards of good public administration.</p>	Duty - Not a Delegation		
s133	<p>45. Sources of Funds</p> <p>45.1 Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be appropriate in order to carry out the Council's functions under the Act or another Act.</p>	Chief Executive Officer		
s135(1)	<p>46. Ability of a Council to Give Security</p> <p>46.1 The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including:</p> <p>46.1.1 guarantees (including guarantees relating to the liability of a subsidiary of the Council);</p>	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>46.1.2 debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act);</p> <p>46.1.3 bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act.</p>			
s135(2)	<p>46. Ability of a Council to Give Security</p> <p>46.2 The power and duty pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to:</p> <p>46.2.1 assign a distinguishing classification to the debentures to be included in the issue so as to distinguish them from those included or to be included in previous or subsequent issues; and</p> <p>46.2.2 if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.</p>	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s137	<p>47. Expenditure of Funds</p> <p>47.1 Subject to the Act or another Act, the power pursuant to Section 137 of the Act to expend the Council's approved budgeted funds in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts.</p>	Chief Executive Officer	<p>CEO: Can authorise petty cash. Can authorise purchase orders - NO LIMIT. Can use credit card with a transaction limit of \$10,000 and a monthly limit of \$10,000 subject to any limitations of the signed credit card agreement and conditions of policy.</p> <p>During a Caretaker period, can only expend up to 1% of the previous years rates revenue. Only if funds are available and approved in the Budget.</p>	
s139(1)	<p>48. Investment Powers</p> <p>48.1 The power pursuant to Section 139(1) of the Act to invest money under the Council's control.</p>	Chief Executive Officer	Subject to conditions of Policy and requirements of the Act	
s139(2)	<p>48. Investment Powers</p> <p>48.2 The duty pursuant to Section 139(2) of the Act in exercising the power of investment, to:</p> <p>48.2.1 exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and</p> <p>48.2.2 avoid investments that are speculative or hazardous in nature.</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s139(3)	<p>48. Investment Powers</p> <p>48.3 The duty pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters:</p> <p>48.3.1 the purposes of the investment;</p> <p>48.3.2 the desirability of diversifying Council investments;</p> <p>48.3.3 the nature of and risk associated with existing Council investments;</p> <p>48.3.4 the desirability of maintaining the real value of the capital and income of the investment;</p> <p>48.3.5 the risk of capital or income loss or depreciation;</p> <p>48.3.6 the potential for capital appreciation;</p> <p>48.3.7 the likely income return and the timing of income return;</p> <p>48.3.8 the length of the term of a proposed investment;</p> <p>48.3.9 the period for which the investment is likely to be required;</p> <p>48.3.10 the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment;</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	48.3.11 the aggregate value of the assets of the Council; 48.3.12 the likelihood of inflation affecting the value of a proposed investment; 48.3.13 the costs of making a proposed investment; 48.3.14 the results of any review of existing Council investments.			
s139(3)	48. Investment Powers 48.4 Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to: 48.4.1 the anticipated community benefit from an investment; and 48.4.2 the desirability of attracting additional resources into the local community.	Duty - Not a Delegation		
s139(5)	48. Investment Powers 48.5 The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Council's investments from the person whom the Delegate reasonably believes to be competent to give the advice.	Chief Executive Officer		
s140	49. Review of Investment 49.1 The duty pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year.	Duty - Not a Delegation		
s141	50. Gifts to a Council 50.1 Within the confines of Section 44(3) of the Act: 50.1.1 the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>50.1.2 the power pursuant to Section 141(2) of the Act to carry out the terms of any trust (if any) that affects a gift to Council;</p> <p>50.1.3 the power pursuant to Section 141(3) of the Act to apply to the Supreme Court for an order varying the terms of a trust for which the Council has been constituted a trustee;</p> <p>50.1.4 where a variation is sought in the terms of a trust, the duty pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other such manner as may be directed by the Supreme Court; and</p> <p>50.1.5 the duty pursuant to Section 141(6) of the Act to publish a copy of any order of the Supreme Court to vary the terms of the trust, in the Gazette, within 28 days after that order is made.</p>			
s142	<p>51. Duty to Insure Against Liability</p> <p>51.1 The duty pursuant to Section 142 of the Act to take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations.</p>	Duty - Not a Delegation		
s143(1)	<p>52. Writing off Bad Debts</p> <p>52.1 The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council:</p> <p>52.1.1 if the Council has no reasonable prospect of recovering the debts; or</p> <p>52.1.2 if the costs of recovery are likely to equal or exceed the amount to be recovered, up to and including an amount of \$5,000.00 in respect of any one debt.</p>	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s143(2)	<p>52. Writing off Bad Debts</p> <p>52.2 The duty pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified:</p> <p>52.2.1 reasonable attempts have been made to recover the debt; or</p> <p>52.2.2 the costs of recovery are likely to equal or exceed the amount to be recovered.</p>	Duty - Not a Delegation		
s144(1)	<p>53. Recovery of Amounts due to Council</p> <p>53.1 The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under this or another Act.</p>	Chief Executive Officer		
s144(2)	<p>53. Recovery of Amounts due to Council</p> <p>53.2 The power pursuant to Section 144(2), (3) and (4) of the Act to recover any fee, charge, expense or other amount as if it were a rate declared on the property, after giving at least 14 days notice requiring payment, where the fee, charge, expense or other amount payable to the Council relates to something done in respect of rateable or other property.</p>	Chief Executive Officer		
s148(2)	<p>54. Land Against Which Rates May be Assessed</p> <p>54.1 The power and duty pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the purposes of Section 148(1) of the Act fairly and in accordance with principles and practices that apply on a uniform basis across the area of the Council.</p>	Chief Executive Officer		
s151	<p>55. Basis of Rating</p> <p>55.1 Before the Council:</p> <p>55.1.1 changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or</p>	Council Only		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>55.1.2 changes the basis on which land is valued for the purposes of rating; or</p> <p>55.1.3 changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land;</p> <p>the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:</p> <p>55.1.4 prepare a report on the proposed change in accordance with Section 151(6) of the Act; and</p> <p>55.1.5 follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.</p>			
s151(8) s151(5)(d) s151(7)(a)(i)	<p>55. Basis of Rating</p> <p>55.2 The duty pursuant to Section 151(8) of the Act to ensure that copies of the report required under Section 151(5)(d) of the Act are available at the meeting held under Section 151(7)(a)(i) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.</p>	Duty - Not a Delegation		
s152(2)(d) s152(3)	<p>56. General Rates</p> <p>56.1 The power pursuant to Section 152(2)(d) and (3) of the Act to determine, on application, if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise.</p>	Council Only		
s155(6)	<p>57. Service Rates and Service Charges</p> <p>57.1 The duty pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with improving or replacing Council assets for the purposes of the relevant prescribed service.</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s155(7)	<p>57. Service Rates and Service Charges</p> <p>57.2 The power pursuant to Section 155(7) of the Act, if a prescribed service under Section 155(6) of the Act is, or is to be, discontinued, to apply any excess funds held by the Council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) for another purpose specifically identified in the Council's annual business plan as being the purpose for which the funds will now be applied.</p>	Council Only		
s156(3), s156(9), s156(10), s156(11)	<p>58. Basis of Differential Rates</p> <p>58.1 The power pursuant to Section 156(3), (9), (10), (11) of the Act to attribute the use of the land for any basis for a differential rate and to decide objections to any of those attributions.</p>	Chief Executive Officer		
s156(14a)	<p>58. Basis of Differential Rates</p> <p>58.2 The power and duty pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to -</p> <p>58.2.1 prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and</p> <p>58.2.2 follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.</p>	Chief Executive Officer		
s156(14e) , 156(14a)(a)	<p>58. Basis of Differential Rates</p> <p>58.3 The duty pursuant to Section 156(14e) of the Act to ensure that copies of the report required under Section 156(14a)(a) of the Act are available at the meeting held under Section 156(14d)(a)(i); and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s157	59. Notice of Differentiating Factors 59.1 If the Council declares differential rates, the duty pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or combination of factors that governs the calculation of rates on the land to which the account relates.	Duty - Not a Delegation		
s159(1)	60. Preliminary 60.1 The power pursuant to Section 159(1) of the Act to determine the manner and form and such information as the Delegate may reasonably require, for a person or body to apply to the Council to determine if grounds exist for the person or body to receive a rebate of rates.	Chief Executive Officer		
s159(3)	60. Preliminary 60.2 The power pursuant to Section 159(3) to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or on the Delegate's own initiative).	Chief Executive Officer		
s159(4)	60. Preliminary 60.3 The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100%.	Chief Executive Officer		
s159(10)	60. Preliminary 60.4 The power pursuant to Section 159(10) of the Act to determine, for proper cause, that an entitlement to a rebate of rates in pursuance of Division 5 no longer applies.	Chief Executive Officer		
s161(1) s161(3)	61. Rebate of Rates - Community Services 61.1 The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation: 61.1.1 is incorporated on a not-for-profit basis for the benefit of the public; and 61.1.2 provides community services without charge or for charge that is below the cost to the body of providing their services; and	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	61.1.3 does not restrict its services to persons who are members of the body.			
s165(1), s165(2)	<p>62. Rebate of Rates - Educational Purposes</p> <p>62.1 The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land:</p> <p>62.1.1 occupied by a Government school under a lease or license and being used for educational purposes; or</p> <p>62.1.2 occupied by non-Government school registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or</p> <p>62.1.3 land being used by University or University College to provide accommodation and other forms of support for students on a not-for-profit basis.</p>	Chief Executive Officer		
s166(1a)	<p>63. Discretionary Rebates of Rates</p> <p>63.1 The duty pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j):</p> <p>63.1.1 the nature and extent of the Council's services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and</p> <p>63.1.2 the community need that is being met by activities being carried out on the land for which the rebate is sought; and</p> <p>63.1.3 the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;</p> <p>63.1.4 any other matter considered relevant by the Council or the Delegate.</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s166(1), s166(2), s166(4)	<p>63. Discretionary Rebates of Rates</p> <p>63.2 The power pursuant to Section 166(1), (2) and (4) of the Act and taking into account Section 166(1a) of the Act and in accordance with Section 166(3b) of the Act to grant a rebate of rates or service charges on such conditions as the Delegate sees fit and such rebate may be up to and including 100% of the relevant rates or service charge, in the following cases:</p> <p>63.2.1 where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;</p> <p>63.2.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area;</p> <p>63.2.3 where the rebate will be conducive to the preservation of buildings or places of historic significance;</p> <p>63.2.4 where the land is being used for educational purposes;</p> <p>63.2.5 where the land is being used for agricultural, horticultural or floricultural exhibitions;</p> <p>63.2.6 where the land is being used for a hospital or health centre;</p> <p>63.2.7 where the land is being used to provide facilities or services for children or young persons;</p> <p>63.2.8 where the land is being used to provide accommodation for the aged or disabled;</p> <p>63.2.9 where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre;</p> <p>63.2.10 where the land is being used by an organisation which, in the opinion of the Delegate, provides a benefit or a service to the local</p>	Chief Executive Officer	<p>Conditions or Limitations Section 166(1a):</p> <p>In the exercise of the powers contained in Section 166(1a), where the Chief Executive Officer is of the opinion that it is desirable to do so for the purpose of securing proper development of the area, to grant a rebate of general rates for the financial year in respect of an assessment classed as vacant land in the Council's assessment book at the date Council declared its annual rates, where;</p> <p>(i) The land is in a residential zone; and</p> <p>(ii) The principal ratepayer of the assessment applies in writing to the Council for the rebate prior to the end of the financial year; and</p> <p>(iii) A dwelling has been substantially commenced on the property by 30 June; and</p>	

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>community;</p> <p>63.2.11 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;</p> <p>63.2.12 where the rebate is considered by the Delegate to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to:</p> <p>63.2.12.1 redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or</p> <p>63.2.12.2 change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.</p> <p>63.2.13 where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:</p> <p>63.2.13.1 liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Council in its annual business plan; or</p> <p>63.2.13.2 liability that is unfair or unreasonable;</p> <p>63.2.14 where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or</p> <p>63.2.15 where the rebate is contemplated under another provision of the Act.</p>		<p>(iv) The Chief Executive Officer is satisfied that the intention of the principal ratepayer is to reside in the dwelling upon completion. The amount of the rebate shall be the difference in monetary terms between the rates that would have been paid in respect of the assessment if it had been used at the date of declaration of the rates for residential purposes and the actual amount paid after deducting any other rebate granted within the rating period.</p>	

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s166(3)	<p>63. Discretionary Rebates of Rates</p> <p>63.3 The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not exceeding 10 years in the following cases:</p> <p>63.3.1 where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or</p> <p>63.3.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area; or</p> <p>63.3.3 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment.</p>	Chief Executive Officer		
s166(3a)	<p>63. Discretionary Rebates of Rates</p> <p>63.4 The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(l) of the Act for a period exceeding 1 year but not exceeding 3 years.</p>	Chief Executive Officer		
s167(1)	<p>64. Valuation of Land for the Purposes of Rating</p> <p>64.1 The power pursuant to Section 167(1) of the Act to adopt valuations that are to apply to land within the Council's area, for rating purposes for a particular financial year.</p>	Council Only		
s167(2)	<p>64. Valuation of Land for the Purposes of Rating</p> <p>64.2 For the purpose of adopting a valuation of land for rating, the duty pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt:</p> <p>64.2.1 valuations made, or caused to be made, by the Valuer-General; or</p> <p>64.2.2 valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council; or a combination of both.</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s167(6)	64. Valuation of Land for the Purposes of Rating 64.3 The duty pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the Gazette, within 21 days after the date of the adoption.	Duty - Not a Delegation		
s168(1)	65. Valuation of Land 65.1 The power pursuant to Section 168(1) of the Act to request the Valuer-General to value any land within the Council's area (being land that is capable of being separately rated).	Chief Executive Officer		
s168(2)	65. Valuation of Land 65.2 The duty pursuant to Section 168(2) of the Act to furnish to the Valuer-General any information requested by the Valuer General for the purposes of valuing land within the area of the Council.	Duty - Not a Delegation		
s168(3)(b)	65. Valuation of Land 65.3 The power and duty pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations.	Chief Executive Officer		
s169(1), s169(2), s169(3), s169(4), s169(5)	66. Objections to Valuations Made by Council 66.1 The duty pursuant to Section 169(1), (2), (3), (4) and (5) of the Act to refer an objection to a valuation of land to the valuer who made the valuation and to request the valuer to reconsider the valuation, where: 66.1.1 the objection does not involve a question of law; and 66.1.2 the objection is made in writing (setting out a full and detailed statement of the grounds on which the objection is based); and 66.1.3 is made within 60 days after the date of service of the notice of the valuation to which the objection relates (unless the Delegate, in his/her discretion, allows an extension of time for making the objection).	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s169(3)(b)	66. Objections to Valuations Made by Council 66.2 The power pursuant to Section 169(3)(b) of the Act to grant an extension of time for making an objection to a valuation of land.	Chief Executive Officer		
s169(7)	66. Objections to Valuations Made by Council 66.3 The duty pursuant to Section 169(7) of the Act to give the objector written notice of the outcome of the reconsideration of the objection.	Duty - Not a Delegation		
s169(8)	66. Objections to Valuations Made by Council 66.4 The duty pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is: 66.4.1 in the prescribed manner and form; 66.4.2 made within 21 days after the objector receives notice of the outcome of his or her initial objection; and 66.4.3 accompanied by the prescribed fee.	Duty - Not a Delegation		
s169(15)	66. Objections to Valuations Made by Council 66.5 The power pursuant to Section 169(15)(b) of the Act to apply to SACAT for a review of the decision of a valuer after a further review on a request under Section 169(8) of the Act, in accordance with Section 169(15a) of the Act.	Chief Executive Officer		Amendment to provision as per legislative amendments. No change to delegation.
s170	67. Notice of Declaration of Rates 67.1 The duty pursuant to Section 170 of the Act to ensure the notice of declaration of a rate or service charge is published in the Gazette and in a newspaper circulating in the area within 21 days after the date of the declaration.	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s172(4)	Despite subsection (1), if the chief executive officer is satisfied that the inclusion in the assessment record of the name or address of a person would place at risk the personal safety of that person, a member of that person's family or any other person, the chief executive officer may suppress the name or address from the assessment record.	Chief Executive Officer		
s173(3), s173(5)	68. Alterations to Assessment Record 68.1 The power pursuant to Section 173(3) and (5) of the Act to determine the procedure for a review of a decision by the Chief Executive Officer on an application for alteration of the assessment record.	Chief Executive Officer		
s173(6)	68. Alterations to Assessment Record 68.2 The duty pursuant to Section 173(6) of the Act to give a person written notice of Council's decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record.	Duty - Not a Delegation		
s174(1), s174(2)	69. Inspection of Assessment Record 69.1 The duty pursuant to Section 174(1) and (2) of the Act to ensure that the assessment record is available for inspection and purchase of an entry (on payment of a fee fixed by the Council), by the public at the principal office of the Council during ordinary office hours.	Duty - Not a Delegation		
s178(3), s178(9)	70. Liability for Rates 70.1 The power pursuant to Section 178(3) of the Act and subject to Section 178(9) of the Act to recover rates as a debt from: 70.1.1 the principal ratepayer; or 70.1.2 any other person (not being a principal ratepayer) who is an owner or occupier of the land; or 70.1.3 any other person who was at the time of the declaration of the rates an owner or occupier of the land.	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s178(4)	70. Liability for Rates 70.2 The power pursuant to Section 178(4) of the Act by written notice to a lessee or a licensee of land in respect of which rates have fallen due, to require him or her to pay to the Council rent or other consideration payable under the lease or a licence in satisfaction of any liability for rates.	Chief Executive Officer		
s178(4)	70. Liability for Rates 70.3 Where a notice under Section 178(4) of the Act is given to a lessee or a licensee of land, the power pursuant to Section 178(5) of the Act to make and give notice of an additional charge of 5% of the amount in arrears, as payable and recoverable as part of the debt for unpaid rates.	Chief Executive Officer		
s178(6)	70. Liability for Rates 70.4 The power pursuant to Section 178(6) of the Act to remit the charge of 5% of the amount in arrears payable under the Act in whole or in part.	Chief Executive Officer		
s179(2)	71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year 71.1 The power pursuant to Section 179(2) of the Act to adopt a valuation of land that has become rateable after the adoption of valuations by the Council for the relevant financial year.	Council Only		
s179(5)	71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year 71.2 The duty pursuant to Section 179(5) of the Act to refund to the principal ratepayer an amount proportionate to the remaining part of the financial year, if land ceases to be rateable during the course of a financial year and the rates have been paid.	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s180(1), s180(2)	<p>72. Service of Rate Notice</p> <p>72.1 The duty pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after:</p> <p>72.1.1 the declaration of a rate; or</p> <p>72.1.2 the imposition of a service charge; or</p> <p>72.1.3 a change in the rates liability of land.</p>	Duty - Not a Delegation		
s181(2)	<p>73. Payment of Rates - General Principles</p> <p>73.1 The power pursuant to Section 181(2) of the Act to determine the day on which each instalment of rates falls due in the months of September, December, March and June of the financial year for which the rates are declared.</p>	Chief Executive Officer		
s181(3)	<p>73. Payment of Rates - General Principles</p> <p>73.2 If the Council declares a general rate for a particular financial year after 31 August in that financial year, the power, pursuant to Section 181(3) of the Act, to adjust the months in which instalments would otherwise be payable under Section 181(1) (taking into account what is reasonable in the circumstances).</p>	Chief Executive Officer		
s181(4)(b)	<p>73. Payment of Rates - General Principles</p> <p>73.3 The power pursuant to Section 181(4)(b) of the Act to agree with the principal ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event, the ratepayer's rates will then be payable accordingly.</p>	Chief Executive Officer		
s181(5)	<p>73. Payment of Rates - General Principles</p> <p>73.4 The duty pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Sections 181(6) and (7) of the Act:</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	73.4.1 the amount of the instalment; and 73.4.2 the date on which the instalment falls due, or in the case where payment is to be postponed under another provision of the Act, the information prescribed by the Regulations.			
s181(7a)	73. Payment of Rates - General Principles 73.5 The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal rate payer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act.	Chief Executive Officer		
s181(9)	73. Payment of Rates - General Principles 73.6 The power pursuant to Section 181(9) of the Act to remit any amount payable under Section 181(8) of the Act in whole or in part.	Chief Executive Officer		
s181(11)	73. Payment of Rates - General Principles 73.7 The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage: 73.7.1 the payment of instalments of rates in advance; or 73.7.2 prompt payment of rates.	Chief Executive Officer		
s181(12)(b)	73. Payment of Rates - General Principles 73.8 The power pursuant to Section 181(12)(b) of the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act.	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s181(13)	<p>73. Payment of Rates - General Principles</p> <p>73.9 The power pursuant to Section 181(13) and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the address shown in the assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.</p>	Chief Executive Officer		
s181(15)	<p>73. Payment of Rates - General Principles</p> <p>73.10 The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case:</p> <p>73.10.1 the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and</p> <p>73.10.2 the Delegate must give at least 30 days notice before an instalment falls due.</p>	Chief Executive Officer		
s182(1)	<p>74. Remission and Postponement of Payment</p> <p>74.1 The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to:</p> <p>74.1.1 postpone payment in whole or in part for such period as the Delegate thinks fit; or</p> <p>74.1.2 remit the rates in whole or in part.</p>	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s182(2)	<p>74. Remission and Postponement of Payment</p> <p>74.2 The power pursuant to Section 182(2) of the Act on a postponement of rates:</p> <p>74.2.1 to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement at a rate fixed by the Delegate (but not exceeding the cash advance debenture rate);</p> <p>74.2.2 to grant the postponement on other conditions determined by the Delegate; and</p> <p>74.2.3 to revoke the postponement, at the Delegate's discretion (in which case the Delegate must give the ratepayer at least 30 days written notice of the revocation before taking action to recover rates affected by the postponement).</p>	Chief Executive Officer		
s182(3)	<p>74. Remission and Postponement of Payment</p> <p>74.3 The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates:</p> <p>74.3.1 to assist or support a business in the Council's area; or</p> <p>74.3.2 to alleviate the affects of anomalies that have occurred in valuations under the Act.</p>	Chief Executive Officer		
s182(4)	<p>74. Remission and Postponement of Payment</p> <p>74.4 The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission Act 1986, (such remissions will be in addition to the remissions that are available under that Act).</p>	Chief Executive Officer		
s182(5)	<p>74. Remission and Postponement of Payment</p> <p>74.5 The power pursuant to Section 182(5) of the Act to require a ratepayer who claims to be entitled to a remission of rates by virtue of a determination under Section 182(4) of the Act to provide evidence to the satisfaction of the Delegate verifying that entitlement.</p>	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s182(6)	74. Remission and Postponement of Payment 74.6 The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not affect an entitlement to remission in relation to rates declared before the revocation takes effect).	Chief Executive Officer		
s182A(2)	75. Postponement of Rates - Seniors 75.1 The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied by such information as the Delegate may reasonably require.	Chief Executive Officer		
s182A(3)	75. Postponement of Rates - Seniors 75.2 The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1) and (2) of the Act to: 75.2.1 reject an application for the postponement of rates; or 75.2.2 impose conditions on the postponement of rates but only in accordance with the Regulations.	Chief Executive Officer		
s183	76. Application of money in respect of rates 76.1 The power and the duty to apply monies received or recovered in respect of rates pursuant to and in accordance with Section 183 of the Act.	Duty - Not a Delegation		
s184(1)	77. Sale of Land for Non-Payment of Rates 77.1 The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more.	Council Only		
s184(2)	77. Sale of Land for Non-Payment of Rates 77.2 The duty pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record:	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>77.2.1 stating the period for which the rates have been in arrears; and</p> <p>77.2.2 stating the amount of the total liability for rates presently outstanding in relation to the land; and</p> <p>77.2.3 stating that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the Delegate may allow), the Council intends to sell the land for non-payment of rates.</p>			
s184(3)	<p>77. Sale of Land for Non-Payment of Rates</p> <p>77.3 The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act:</p> <p>77.3.1 to any owner of the land who is not the principal ratepayer; and</p> <p>77.3.2 to any registered mortgagee of the land; and</p> <p>77.3.3 if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929.</p>	Duty - Not a Delegation		
s184(2), s184(3)	<p>77. Sale of Land for Non-Payment of Rates</p> <p>77.4 If:</p> <p>77.4.1 the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or</p> <p>77.4.2 the Delegate considers that it is unlikely that a notice sent under Section 184(2) or (3) of the Act would come to the attention of the person to whom it is to be sent, the power pursuant to Section 184(4) of the Act to effect service of the notice by:</p>	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	77.4.3 placing a copy of the notice in a newspaper circulating throughout the State; and 77.4.4 leaving a copy of the notice in a conspicuous place on the land.			
s184(5)	77. Sale of Land for Non-Payment of Rates 77.5 The power pursuant to Section 184(5) of the Act to proceed to have the land sold, if the outstanding amount of rates is not paid in full within the time allowed in the notice given to the ratepayer under Section 184(2) of the Act.	Chief Executive Officer		
s184(6)	77. Sale of Land for Non-Payment of Rates 77.6 The duty pursuant to Section 184(6) and (7) of the Act to conduct the sale of land for non-payment of rates by public auction and the power to set the reserve price for the purposes of the auction, except in the case of land held from the Crown under a lease, licence or agreement to purchase, unless the Minister responsible for the administration of the Crown Lands Act 1929 grants consent to sale by public auction.	Duty - Not a Delegation		
s184(8)	77. Sale of Land for Non-Payment of Rates 77.7 The duty pursuant to Section 184(8) of the Act to advertise the auction of land under Section 184 of the Act on at least 2 separate occasions in a newspaper circulating throughout the State.	Duty - Not a Delegation		
s184(9)	77. Sale of Land for Non-Payment of Rates 77.8 The duty pursuant to Section 184(9) of the Act to call off the auction, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council.	Duty - Not a Delegation		
s184(10)	77. Sale of Land for Non-Payment of Rates 77.9 The power pursuant to Section 184(10) of the Act to sell the land by private contract for the best price that can be reasonably obtained, if an auction fails or an auction is not held because the land is held from the Crown under a lease, licence or agreement to purchase.	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s184(11)	77. Sale of Land for Non-Payment of Rates 77.10 The power and duty to apply monies received by the Council in respect of the sale of land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act.	Chief Executive Officer		
s184(12)	77. Sale of Land for Non-Payment of Rates 77.11 The duty pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of land to be sold for non-payment of rates and where the owner cannot be found, the power to deal with the amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1981.	Duty - Not a Delegation		
s186(3), s186(4), s186(5)	78. Objection, Review or Appeal 78.1 If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act: 78.1.1 to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or 78.1.2 to recover an additional amount payable on account of an alteration of the value as arrears after at least 30 days have expired from the date on which notification of the alteration is given to the person who initiated the objection, review or appeal.	Chief Executive Officer		
s187(1)	79. Certificate of Liabilities 79.1 The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that: 79.1.1 the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 of the Act (including rates and charges under this Part that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under this Part); and	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	79.1.2 any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.			
s187B(6)	<p>80. Investigation by Ombudsman</p> <p>80.1 The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to:</p> <p>80.1.1 the Ombudsman; and</p> <p>80.1.2 if relevant, the person who made the complaint.</p>	Duty - Not a Delegation		
s187B(7)	<p>80. Investigation by Ombudsman</p> <p>80.2 The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.</p>	Chief Executive Officer		
s188(1), s188(2)	<p>81. Fees and Charges</p> <p>81.1 The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges:</p> <p>81.1.1 for the use of any property or facility owned, controlled, managed or maintained by the Council;</p> <p>81.1.2 for services supplied to a person at his or her request;</p> <p>81.1.3 for carrying out work at a person's request;</p>	Council Only		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s188(3)	81. Fees and Charges 81.2 The power pursuant to Section 188(3) of the Act to provide for: 81.2.1 specific fees and charges; 81.2.2 maximum fees and charges and minimum fees and charges; 81.2.3 annual fees and charges; 81.2.4 the imposition of fees or charges according to specified factors;	Council Only		
s188(3)	81. Fees and Charges 81.2 The power pursuant to Section 188(3) of the Act to provide for: 81.2.5 the variation of fees or charges according to specified factors in respect of fees and charges set under Section 188(1)(a) - (c) of the Act inclusive; and	Chief Executive Officer		
s188(3)	81. Fees and Charges 81.2.6 the reduction, waiver or refund, in whole or in part, of any fees and charges.	Chief Executive Officer		
s188(5)	81. Fees and Charges 81.3 The power pursuant to Section 188(5) of the Act to fix, vary or revoke those fees and charges set under Section 188(1)(a), (b) and (c) of the Act.	Chief Executive Officer		
s188(6)	81. Fees and Charges 81.4 The duty pursuant to Section 188(6) of the Act to keep a list of fees and charges imposed under this Section on public display during ordinary office hours at the principal office of the Council.	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s188(7)	81. Fees and Charges 81.5 The duty pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, up-date the list referred to in Section 188(6) of the Act and take reasonable steps to bring the fee or charge, or variation of the fee or charge, to the notice of persons who may be affected.	Duty - Not a Delegation		
s190	82. Acquisition of Land by Agreement 82.1 The power pursuant to Section 190 of the Act to acquire land by agreement.	Council Only		
s191(1)	83. Compulsory Acquisition of Land 83.1 The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval.	Chief Executive Officer		
s191(2)	83. Compulsory Acquisition of Land 83.2 The power pursuant to Section 191(2) of the Act to acquire land compulsorily for a purpose classified by the Regulations as an approved purpose.	Council Only		
s192(1)	84. Assumption of Care, Control and Management of Land 84.1 The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in the Council area that has been set aside for the use or enjoyment of the public or a section of the public under the circumstances specified in Section 192(1)(a) and (b) of the Act.	Chief Executive Officer		
s192(4)	84. Assumption of Care, Control and Management of Land 84.2 The duty pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the Gazette.	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s193(6)	<p>85. Classification</p> <p>85.1 The duty pursuant to Section 193(6) of the Act to give notice in the Gazette of a resolution:</p> <p>85.1.1 to exclude land from classification as community land under Section 193(4) of the Act; or</p> <p>85.1.2 to classify as community land, land that had previously been excluded from classification as such under Section 193(5) of the Act.</p>	Duty - Not a Delegation		
s194(2)	<p>86. Revocation of Classification of Land as Community Land</p> <p>86.1 The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to:</p> <p>86.1.1 prepare and make publicly available a report on the proposal containing:</p> <p>86.1.1.1 a summary of reasons for the proposal; and</p> <p>86.1.1.2 a statement of any dedication, reservation or trust to which the land is subject; and</p> <p>86.1.1.3 a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and the statement of how the Council proposes to use the proceeds; and</p> <p>86.1.1.4 an assessment of how implementation of the proposal would affect the area and the local community; and</p> <p>86.1.1.5 if the Council is not the owner of the land, a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and</p> <p>86.1.2 follow the relevant steps set out in the Council's public consultation policy.</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s194(2)	86. Revocation of Classification of Land as Community Land 86.2 After complying with the requirements of Section 194(2) of the Act, the duty pursuant to Section 194(3) of the Act to prepare a report on all submissions made on it as part of the public consultation process.	Duty - Not a Delegation		
s194(4)	86. Revocation of Classification of Land as Community Land 86.3 The power pursuant to Section 194(4) of the Act to consult with the Minister in relation to a regulation made under Section 194(1) over a specific piece of land.	Chief Executive Officer		
s195(2)	87. Effect of Revocation of Classification 87.1 If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the duty pursuant to Section 195(2) of the Act immediately after the revocation of the classification of the land as community land, to give notice of the revocation to the Registrar-General in the manner and form approved by the Registrar General.	Duty - Not a Delegation		
s196(1), s196(2), s196(3), s196(7),	88. Management Plans 88.1 The power and duty pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare and adopt management plan or management plans for the Council's community land, for which a management plan must be prepared, that: 88.1.1 identifies the land to which it applies; and 88.1.2 states the purpose for which the land is held by the Council; and 88.1.3 states the Council's objectives, policies (if any) and proposals for the management of the land; and 88.1.4 states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s196(4)	<p>88. Management Plans</p> <p>88.2 If a management plan relates to land that is not in the Council's ownership, the power and duty pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must:</p> <p>88.2.1 identify the owner of the land; and</p> <p>88.2.2 state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and</p> <p>88.2.3 contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.</p>	Council Only		
s196(5)	<p>88. Management Plans</p> <p>88.3 The duty pursuant to Section 196(5) of the Act to ensure (as far as practicable) that the management plan is consistent with other relevant official plans and policies about conservation, development and use of the land and contains any special provisions required under the Regulations.</p>	Duty - Not a Delegation		
s197(1)	<p>89. Public Consultation on Proposed Management Plan</p> <p>89.1 Before the Council adopts a management plan for community land, the duty to pursuant to Section 197(1) of the Act and subject to Section 197(2) of the Act:</p> <p>89.1.1 make copies of the proposed plan available for inspection or purchase at the Council's principal office; and</p> <p>89.1.2 follow the relevant steps set out in Council's public consultation policy.</p>	Duty - Not a Delegation		
s197(3)	<p>89. Public Consultation on Proposed Management Plan</p> <p>89.2 The duty pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s198(1)	90. Amendment or Revocation of Management Plan 90.1 The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or revocation.	Council Only		
s198(2), s198(3)	90. Amendment or Revocation of Management Plan 90.2 The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council or the Delegate adopting a proposal for amendment to or revocation of a management plan, unless in the opinion of the Delegate the amendment has no impact or no significant impact on the interests of the community.	Council Only		
s198(4)	90. Amendment or Revocation of Management Plan 90.3 The duty pursuant to Section 198(4) of the Act to give public notice of Council's or the Delegate's adoption of a proposal for the amendment or revocation of a management plan.	Duty - Not a Delegation		
s199	91. Effect of Management Plan 91.1 The duty pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land.	Duty - Not a Delegation		
s200(1), s200(2), s200(3)	92. Use of Community Land for Business Purposes 92.1 The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person's use of community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate.	Chief Executive Officer		
s201(1)	93. Sale or Disposal of Local Government Land 93.1 The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land: 93.1.1 vested in the Council in fee simple; or 93.1.2 vested in the Council as lessee.	Council Only		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s201(2)	<p>93. Sale or Disposal of Local Government Land</p> <p>93.2 The power pursuant to Section 201(2) of the Act to:</p> <p>93.2.1 grant an easement (including a right of way) over community land; and</p> <p>93.2.2 grant an easement (excluding a right of way) over a road or part of a road.</p>	Council Only		
s202(1)	<p>94. Alienation of Community Land by Lease or Licence</p> <p>94.1 The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), for:</p> <p>94.1.1 the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;</p> <p>94.1.2 the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);</p> <p>94.1.3 any other matter relevant to the use or maintenance of the land.</p>	Council Only		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s202(2)	<p>94. Alienation of Community Land by Lease or Licence</p> <p>94.2 The duty pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council's public consultation policy, unless:</p> <p>94.2.1 the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the proposed lease or licence is 5 years or less; or</p> <p>94.2.2 the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.</p>	Duty - Not a Delegation		
s202(4)	<p>94. Alienation of Community Land by Lease or Licence</p> <p>94.3 The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 42 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 42 years.</p>	Council Only		Amendment to provision as per legislative amendments. No change to delegation.
s202(6)	<p>94. Alienation of Community Land by Lease or Licence</p> <p>94.4 The duty pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.</p>	Duty - Not a Delegation		
s207(1)	<p>95. Register</p> <p>95.1 The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area.</p>	Duty - Not a Delegation		
s207(2)(a), s207(2)(b)	<p>95. Register</p> <p>95.2 The duty pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register:</p> <p>95.2.1 contains the information required by the Regulations; and</p> <p>95.2.2 contains copies of current management plans.</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s207(2)(c)	95. Register 95.3 The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant information.	Duty - Not a Delegation		
s207(3), s207(4)	95. Register 95.4 The duty pursuant to Section 207(3) and (4) of the Act to make available the register of all community land in the Council's area for inspection (without charge) or purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.	Duty - Not a Delegation		
s208(4)	96. Ownership of Public Roads 96.1 The duty pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the Gazette.	Duty - Not a Delegation		
s209(3)	97. Ownership of Fixtures and Equipment Installed on Public Roads 97.1 The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of property in fixtures and equipment in the Council.	Chief Executive Officer		
s210(1)(b)	98. Conversion of Private Road to Public Road 98.1 The duty pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.	Duty - Not a Delegation		
s210(2)	98. Conversion of Private Road to Public Road 98.2 The duty pursuant to Section 210(2) of the Act at least 3 months before the Council makes a declaration under Section 210 of the Act to: 98.2.1 if the identity and whereabouts of the owner of the road are known to the Council, give written notice to the owner of land subject to the proposed declaration; and	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>98.2.2 if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council - give written notice to the person of the proposed declaration; and</p> <p>98.2.3 give public notice of the proposed declaration.</p>			
s210(5)	<p>98. Conversion of Private Road to Public Road</p> <p>98.3 The duty pursuant to Section 210(5) to publish in the Gazette a declaration of the Council made in accordance with Section 210(1) of the Act.</p>	Duty - Not a Delegation		
s210(7)	<p>98. Conversion of Private Road to Public Road</p> <p>98.4 The duty pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made.</p>	Duty - Not a Delegation		
s211(1)(a)	<p>99. Highways</p> <p>99.1 The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.</p>	Chief Executive Officer		
s212(1)	<p>100. Power to Carry Out Roadwork</p> <p>100.1 The power pursuant to Section 212(1) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.</p>	Chief Executive Officer		
s212(3)	<p>100. Power to Carry Out Roadwork</p> <p>100.2 The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that:</p> <p>100.2.1 the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and</p>	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>100.2.2 before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and</p> <p>100.2.3 the roadwork in relation to a private road is only carried out if:</p> <p>100.2.3.1 the owner agrees; or</p> <p>100.2.3.2 the Council has given the owner reasonable notice of the proposed roadwork and a reasonable opportunity to make representations and has considered any representations made in response to the notice; or</p> <p>100.2.3.3 the identity or whereabouts of the owner is unknown; and</p> <p>100.2.4 the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).</p>			
s213(1)	<p>101. Recovery of Cost of Roadwork</p> <p>101.1 Where roadwork has been carried by agreement, the power pursuant to Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of the agreement.</p> <p>101.2 Where roadwork has been carried out to repair damage to a road, the power pursuant to Section 213(2) of the Act to recover the cost of carrying out the work, as a debt, from:</p> <p>101.2.1 the person who caused the damage; or</p> <p>101.2.2 in the case of damage caused by the bursting, explosion or fusion of any pipe, wire, cable, fitting or other object - the person who is the owner, or who has control of that infrastructure.</p>	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	101.3 If the Council carries out roadwork on a private road, the power pursuant to Section 213(3) of the Act to recover the cost of the work or a contribution towards the cost of the work determined by the Delegate as a debt from the owner of the private road.			
s214	102. Contribution Between Councils where Road is on Boundary Between Council Areas 102.1 Where roadwork is carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is brought.	Chief Executive Officer		
s215(1)	103. Special Provisions for Certain Kinds of Roadwork 103.1 If the Council changes the level of a road, the duty pursuant to Section 215(1) of the Act to: 103.1.1 ensure that adjoining properties have adequate access to the road; and 103.1.2 construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.	Duty - Not a Delegation		
s215(2)	103. Special Provisions for Certain Kinds of Roadwork 103.2 The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion: 103.2.1 there is no significant risk of damage to the adjoining property; or 103.2.2 the road work does not significantly increase the risk of damage to adjoining property.	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s215(4)	103. Special Provisions for Certain Kinds of Roadwork 103.3 The duty pursuant to Section 215(4) of the Act to give reasonable notice of proposed action to drain water into land under Section 215(2) of the Act to the owner of the land, except in a case of urgency.	Duty - Not a Delegation		
s216(1)	104. Power to Order Owner of Private Road to Carry out Specific Roadwork 104.1 The power pursuant to Section 216(1) of the Act to, by order in writing in accordance with Section 216(2) of the Act to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.	Chief Executive Officer		
s216(2)	104. Power to Order Owner of Private Road to Carry out Specific Roadwork 104.2 The duty pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to: 104.2.1 any proposal to make an order; and 104.2.2 if an order is made, any order, under Section 216(1) of the Act.	Duty - Not a Delegation		
s217(1)	105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work. 105.1 The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner: 105.1.1 to carry out specified work by way of maintenance or repair; or 105.1.2 to move the structure or equipment in order to allow the Council to carry out roadwork.	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s217(1)	105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work. 105.2 Where the order made pursuant to Section 217(1) of the Act is not complied with within a reasonable time fixed in the order, the power pursuant to Section 217(2)(a) of the Act to take action required by the order and to recover the cost of doing so as a debt from the owner.	Chief Executive Officer		
s218(1)	106. Power to Require Owner of Adjoining Land to Carry Out Specific Work 106.1 The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.	Chief Executive Officer		
s218(2)	106. Power to Require Owner of Adjoining Land to Carry Out Specific Work 106.2 The duty pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to: 106.2.1 any proposal to make an order; and 106.2.2 if an order is made, any order under Section 218(1) of the Act.	Duty - Not a Delegation		
s219(1)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.1 The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or private road, or of a public place.	Council Only		
s219(1a)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.2 The duty pursuant to Section 219(1a) of the Act to assign a name to a public road created after the commencement of Section 219(1a) of the Act by land division.	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s219(2)	<p>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</p> <p>107.3 Where it is proposed to change the name of a public road that runs into the area of an adjoining council, the duty pursuant to Section 219(2) of the Act to:</p> <p>107.3.1 give the adjoining council at least 2 months notice of the proposed change; and</p> <p>107.3.2 consider any representations made by the adjoining council in response to that notice.</p>	Duty - Not a Delegation		
s219(3)	<p>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</p> <p>107.4 The duty pursuant to Section 219(3) of the Act to:</p> <p>107.4.1 immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and</p> <p>107.4.2 on request by the Registrar-General, the Surveyor-General or the Valuer-General, provide information about the names of roads or public places in the Council's area.</p>	Duty - Not a Delegation		
s219(4)	<p>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</p> <p>107.5 The duty pursuant to Section 219(4) of the Act to give public notice of the assigning or changing of a name under Section 219(1) of the Act.</p>	Duty - Not a Delegation		
s219(5)	<p>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</p> <p>107.6 The power pursuant to Section 219(5) of the Act to prepare and adopt a policy relating to the assigning of names under Section 219 of the Act.</p>	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s219(6)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.7 The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.	Council Only		
s219(7)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.8 The duty pursuant to Section 219(7) of the Act to publish notice of the adopting or altering of a policy under Section 219 of the Act: 107.8.1 in the Gazette; and 107.8.2 in a newspaper circulating in the area of the council; and 107.8.3 on a website determined by the Chief Executive Officer.	Duty - Not a Delegation		Amendment to provision as per legislative amendments. No change to delegation.
s220(1)	108. Numbering of Premises and Allotments 108.1 The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.	Chief Executive Officer		
s220(1a)	108. Numbering of Premises and Allotments 108.2 The duty pursuant to Section 220(1a) of the Act to assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of Section 220(1a) of the Act by land division.	Duty - Not a Delegation		
s220(1b)	108. Numbering of Premises and Allotments 108.3 The duty pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act.	Duty - Not a Delegation		
s220(2)	108. Numbering of Premises and Allotments 108.4 The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act.	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s220(3)	108. Numbering of Premises and Allotments 108.5 The duty pursuant to Section 220(3) of the Act to give public notice of the adopting, altering or substituting of a numbering system for a particular road.	Duty - Not a Delegation		
s220(4)	108. Numbering of Premises and Allotments 108.6 The duty pursuant to Section 220(4) of the Act to notify the Valuer-General of the decision to adopt, alter or substitute a numbering system.	Chief Executive Officer		
s220(6)	108. Numbering of Premises and Allotments 108.7 The power pursuant to Section 220(6) of the Act to request an owner of land to ensure that the appropriate number for the owner's building or allotment is displayed in a form directed or approved by the Delegate.	Chief Executive Officer		
s221(1)	109. Alteration of Road 109.1 The power pursuant to Section to 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as: 109.1.1 altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or 109.1.2 erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or 109.1.3 changing or interfering with the construction, arrangement or materials of the road; or 109.1.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	109.1.5 planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.			
s221(2)(b)	<p>109. Alteration of Road</p> <p>109.2 Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will:</p> <p>109.2.1 unduly obstruct the use of the road; or</p> <p>109.2.2 unduly interfere with the construction of the road; or</p> <p>109.2.3 have an adverse effect on road safety.</p>	Duty - Not a Delegation		
s221(6)	<p>109. Alteration of Road</p> <p>109.3 The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act:</p> <p>109.3.1 for a particular act or occasion; or</p> <p>109.3.2 for a term which is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal.</p>	Chief Executive Officer		
s222(1)	<p>110. Permits for Business Purposes</p> <p>110.1 The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for business purposes and to give a permit to do so.</p>	Chief Executive Officer		
s222(2)	<p>110. Permits for Business Purposes</p> <p>110.2 Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road.</p>	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s222(3)	110. Permits for Business Purposes 110.3 The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for a particular occasion or for a term stated in the permit.	Chief Executive Officer		
s223(1)	111. Public Consultation 111.1 The duty pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to follow the relevant steps set out in Council's public consultation policy, if the Delegate proposes to grant an authorisation or permit: 111.1.1 that confers a right of exclusive occupation; or 111.1.2 that would have the effect of restricting access to a road; or 111.1.3 in relation to a use or activity for which public consultation is required under the Regulations.	Duty - Not a Delegation		
s223(2)	111. Public Consultation 111.2 The duty pursuant to Section 223(2) of the Act to give written notice of the proposal to agencies that are, under the Regulations, to be notified of the proposal to grant an authorisation to alter a public road or to permit the use of a public road for business purposes.	Duty - Not a Delegation		
s224	112. Conditions of Authorisation or Permit 112.1 The power pursuant to Section 224 of the Act to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate.	Chief Executive Officer		
s225(1)	113. Cancellation of Authorisation or Permit 113.1 The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit, to cancel the authorisation or permit for breach of a condition.	Chief Executive Officer		
s225(2)	113. Cancellation of Authorisation or Permit 113.2 The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to:	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>113.2.1 give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and</p> <p>113.2.2 consider any representations made in response to the notice.</p>			
s225(3)	<p>113. Cancellation of Authorisation or Permit</p> <p>113.3 The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.</p>	Chief Executive Officer		
s231(1)	<p>114. Register</p> <p>114.1 The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which:</p> <p>114.1.1 includes the information required by regulation; and</p> <p>114.1.2 may consist (if the Delegate so decides) of a computer record of the relevant information.</p>	Duty - Not a Delegation		
s231(3)	<p>114. Register</p> <p>114.2 The duty pursuant to Section 231(3) and (4) of the Act to make the register available for public inspection (without charge) and purchase of extracts (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.</p>	Duty - Not a Delegation		
s232	<p>115. Trees</p> <p>The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement):</p>	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>115.1 giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account -</p> <p>115.1.1 environmental and aesthetic issues; and</p> <p>115.1.2 the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road); and</p> <p>115.1.3 road safety matters; and</p> <p>115.1.4 other matters (if any) considered relevant by the Delegate; and</p> <p>115.2 where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy.</p>			
s233(1), s233(2)	<p>116. Damage</p> <p>116.1 The power pursuant to Section 233(1) and (2) of the Act to recover damages, in the same way as damages for a tort, where a person, without the Council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road.</p>	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s234(1)	<p>117. Council's Power to Remove Objects etc from Roads</p> <p>117.1 The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if:</p> <p>117.1.1 it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter 11 of the Act; or</p> <p>117.1.2 an authorisation or permit has been granted but has later expired or been cancelled.</p>	Chief Executive Officer		
s234(2)	<p>117. Council's Power to Remove Objects etc from Roads</p> <p>117.2 The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.</p>	Chief Executive Officer		
s234(3)	<p>117. Council's Power to Remove Objects etc from Roads</p> <p>117.3 Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles.</p>	Chief Executive Officer		
s235(1)	<p>118. Deposit of Rubbish etc</p> <p>118.1 The power pursuant to Section 235(1) of the Act to authorise or permit the following:</p> <p>118.1.1 the deposit of rubbish on a public road or public place; or</p> <p>118.1.2 the deposit of goods, materials, earth, stone, gravel, or any other substance on a public road or public place.</p>	Chief Executive Officer		
s236(2)	<p>119. Abandonment of Vehicles and Farm Implements</p> <p>119.1 The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle or farm implement abandoned on a public road or public place.</p>	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s237(4)	<p>120. Removal of Vehicles</p> <p>120.1 The duty pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle:</p> <p>120.1.1 by written notice in the prescribed form:</p> <p>120.1.1.1 served on the owner personally; or</p> <p>120.1.1.2 served on the owner by the use of person-to-person registered post, as soon as practicable after the removal of the vehicle; or</p> <p>120.1.2 if the owner is unknown or cannot be found - by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.</p>	Duty - Not a Delegation		Amendment to instrument 120.1 as per legislative amendments. No change to delegation.
s237(5)	<p>120. Removal of Vehicles</p> <p>120.2 If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.</p>	Chief Executive Officer		
s237(6)	<p>120. Removal of Vehicles</p> <p>120.3 The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:</p> <p>120.3.1 the vehicle is offered for sale but not sold; or</p> <p>120.3.2 the Delegate reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle or the costs incidental to removing or holding the vehicle, or those costs combined.</p>	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s237(7)	<p>120. Removal of Vehicles</p> <p>120.4 The duty pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale as follows:</p> <p>120.4.1 firstly, in payment of the costs of and incidental to the sale;</p> <p>120.4.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under Section 237 of the Act;</p> <p>120.4.3 thirdly, in payment of the balance to the owner of the vehicle.</p>	Duty - Not a Delegation		
s237(8)	<p>120. Removal of Vehicles</p> <p>120.5 The duty pursuant to Section 237(8) of the Act to make reasonable inquiry to find the owner of the vehicle following sale and, if after that reasonable inquiry, the owner cannot be found, the duty to pay the balance of the proceeds of sale to the Council.</p>	Duty - Not a Delegation		
s237(9)	<p>120. Removal of Vehicles</p> <p>120.6 The duty pursuant to Section 237(9) of the Act to take reasonable steps to return property found in the vehicle, and where the property cannot be returned, the duty to deal with the property as unclaimed goods under the Unclaimed Goods Act 1987 as if the Council were the bailee of those goods.</p>	Duty - Not a Delegation		
s242(1), s242(2)	<p>121. Time Limits for Dealing with Certain Applications</p> <p>121.1 Where the power to decide upon certain applications to which the Section applies has been delegated, the duty pursuant to Section 242(1) and (2) of the Act within two months after the relevant date, to make a decision in respect of the application and, if not so decided, it is taken to have been refused.</p>	Duty - Not a Delegation		
s242(3)	<p>121. Time Limits for Dealing with Certain Applications</p> <p>121.2 The duty pursuant to Section 242(3) of the Act to notify the applicant in writing as soon as practicable of a decision or presumptive decision on an application to which Section 242 of the Act applies.</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s243(1)	122. Registrar-General to Issue Certificate of Title 122.1 The duty pursuant to Section 243(1) of the Act to apply to the Registrar-General for the issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act.	Duty - Not a Delegation		
s243(2)	122. Registrar-General to Issue Certificate of Title 122.2 The duty pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows: 122.2.1 in a manner and form approved by the Registrar-General; and 122.2.2 accompanied by: 122.2.2.1 unless otherwise required by the Registrar-General - the duplicate Certificate of Title for the land; and 122.2.2.2 any surveys of the land and other materials that the Registrar-General may reasonably require; and 122.2.2.3 a fee fixed by the Registrar-General.	Duty - Not a Delegation		
s245	123. Liability for Injury, Damage or Loss Caused by Certain Trees 123.1 The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).	Chief Executive Officer		
s245A	124. Council May Require Bond or Other Security in Certain Circumstances 124.1 Subject to Section 245A of the Act, if, 124.1.1 a person has approval to carry out development under the Development Act 1993; and	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	124.1.2 the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development, the power, pursuant to Section 245A of the Act, to, by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.			
s37(b)	124. Council May Require Bond or Other Security in Certain Circumstances 124.2 The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the Development Act 1993 and a notice in writing has been served pursuant to Section 245A of the Act on the person who has the benefit of the approval, to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.	Chief Executive Officer		
s246(4a)	125. Power to Make By-Laws 125.1 The duty pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section 246(3)(e) of the Act, to ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the Council.	Duty - Not a Delegation		
s249(1)	126. Passing By-Laws 126.1 If it is proposed that the Council make a by-law, then at least 21 days before the Council resolves to make the by-law, the duty pursuant to Section 249(1) of the Act to: 126.1.1 make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the Council, and so far	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>as is reasonable practicable on the Internet; and</p> <p>126.1.2 by notice in a newspaper circulating in the area of the Council:</p> <p>126.1.2.1 inform the public of the availability of the proposed by law; and</p> <p>126.1.2.2 set out the terms of the by-law, or describe in general terms the by-law's nature and effect.</p>			
s249(4)	<p>126. Passing By-Laws</p> <p>126.2 Before the Council makes a by-law, the duty pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner:</p> <p>126.2.1 the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and</p> <p>126.2.2 the by-law is not in conflict with the Act.</p>	Duty - Not a Delegation		
s249(5)	<p>126. Passing By-Laws</p> <p>126.3 The duty pursuant to Section 249(5) of the Act to publish a by-law in the Gazette.</p>	Duty - Not a Delegation		
s249(7)	<p>126. Passing By-Laws</p> <p>126.4 The duty pursuant to Section 249(7) of the Act to publish a notice of the making of a by-law under Section 249 of the Act in a newspaper circulating in the area of the Council.</p>	Duty - Not a Delegation		
s250(5)	<p>127. Model By-Laws</p> <p>127.1 The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the Gazette.</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s250(7)	127. Model By-Laws 127.2 The duty pursuant to Section 250(7) of the Act to publish a notice of the adoption of a model by-law or alteration made under Section 250 of the Act in a newspaper circulating in the area of the Council.	Duty - Not a Delegation		
s252(1)	128. Register of By-Laws and Certified Copies 128.1 The duty pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council; such register to include a copy of any code, standard or other document referred to or incorporated in a by-law.	Duty - Not a Delegation		
s252(3)	128. Register of By-Laws and Certified Copies 128.2 The duty pursuant to Section 252(3) and (4) of the Act to make available the register of by-laws for inspection or purchase an extract from the register (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.	Duty - Not a Delegation		
s252(5)	128. Register of By-Laws and Certified Copies 128.3 The duty pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time.	Duty - Not a Delegation		
s254	129. Power to Make Orders 129.1 The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table in Part 2 of Chapter 12, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.	Chief Executive Officer		
s255(1)	130. Procedures to be Followed 130.1 The duty pursuant to Section 255(1) of the Act before taking action to make an order under Part 2 of Chapter 12 (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing:	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>130.1.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and</p> <p>130.1.2 stating the reasons for the proposed action; and</p> <p>130.1.3 inviting the person to show, within a specified time (being a reasonable period), why the proposed action should not be taken (by making representations to the Delegate).</p>			
s255(2)	<p>130. Procedures to be Followed</p> <p>130.2 If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.</p>	Duty - Not a Delegation		
s255(3)	<p>130. Procedures to be Followed</p> <p>130.3 The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act:</p> <p>130.3.1 to make an order in accordance with the terms of the original proposal; or</p> <p>130.3.2 to make an order with modifications from the terms of the original proposal; or</p> <p>130.3.3 to determine not to proceed with an order.</p>	Chief Executive Officer		
s255(5)	<p>130. Procedures to be Followed</p> <p>130.4 The power pursuant to Section 255(5) of the Act to:</p> <p>130.4.1 include two or more orders in the same instrument;</p> <p>130.4.2 direct two or more persons to do something specified in the order jointly.</p>	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s255(6)	<p>130. Procedures to be Followed</p> <p>130.5 The duty pursuant to Section 255(6) of the Act to ensure that the order:</p> <p>130.5.1 subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and</p> <p>130.5.2 states the reasons for the order.</p>	Duty - Not a Delegation		
s255(7)	<p>130. Procedures to be Followed</p> <p>130.6 The duty pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed.</p>	Duty - Not a Delegation		
s255(8)	<p>130. Procedures to be Followed</p> <p>130.7 If an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner.</p>	Duty - Not a Delegation		
s255(11)	<p>130. Procedures to be Followed</p> <p>130.8 The power pursuant to Section 255(11) of the Act at the request or with the agreement of the person to whom an order is directed, to vary the order on the Delegate's own initiative, or to revoke an order if satisfied that it is appropriate to do so.</p>	Chief Executive Officer		
s255(12)	<p>130. Procedures to be Followed</p> <p>130.9 If the Delegate, in the circumstances of a particular case, considers:</p> <p>130.9.1 that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or</p> <p>130.9.2 that an emergency situation otherwise exists, the Delegate has the power pursuant to Section 255(12) of the Act to:</p> <p>130.9.3 Proceed immediately to make an order under this Section without giving notice under Section 255(1); and</p>	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	130.9.4 require immediate compliance with an order despite Section 255(6)(a).			
s256(1), s256(2)	131. Rights of Review 131.1 The duty pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to appeal against the order under the Act, and to include the information specified by the Regulations to the Act.	Duty - Not a Delegation		
s257(1)	132. Action on Non-Compliance 132.1 The power pursuant to Section 257(1) of the Act, where the requirements of an order are not complied with within the time fixed for compliance, or if there is an application for review, within 14 days after the determination of the review, to (subject to the outcome of any review) take the action required by the order.	Chief Executive Officer		
s257(2)	132. Action on Non-Compliance 132.2 The power pursuant to Section 257(2) of the Act to authorise an employee or another person to take action under Section 257(1) of the Act.	Chief Executive Officer		
s257(3)	132. Action on Non-Compliance 132.3 The power pursuant to Section 257(3) of the Act to take action to recover the reasonable costs and expenses incurred by the Council in taking action for the non-compliance with an order, as a debt from the person who failed to comply with the requirements of the order.	Chief Executive Officer		
s257(5)	132. Action on Non-Compliance 132.4 The power pursuant to Section 257(5) of the Act where an amount is recoverable from a person by the Council for action of non-compliance with an order, by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period: 132.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	132.4.2 if the person is the owner of the land to which the order relates - the power, in accordance with Schedule 6, to impose a charge over the land for the unpaid amount, together with interest.			
s259(1)	133. Councils to Develop Policies 133.1 The power and duty pursuant to Section 259(1) of the Act to take reasonable steps to prepare and adopt policies concerning the operation of Part 2 of Chapter 12 of the Act.	Council Only		
s259(2)	133. Councils to Develop Policies 133.2 The power and duty pursuant to Section 259(2) of the Act to: 132.2.1 prepare a draft of a Policy; and 133.2.2 by notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council or the Delegate (being at least four weeks).	Council Only		
s259(3)	133. Councils to Develop Policies 133.3 The duty pursuant to Section 259(3) of the Act to consider any submission made on a proposed policy in response to an invitation under Section 259(2) of the Act.	Duty - Not a Delegation		
s259(4)	133. Councils to Develop Policies 133.4 The power pursuant to Section 259(4) of the Act to amend a policy at any time.	Council Only		
s259(5)	133. Councils to Develop Policies 133.5 The duty pursuant to Section 259(5) of the Act before adopting an amendment to a policy, to take the steps specified in Section 259(2) and (3) (as if the amendment were a new policy), unless the Council or the Delegate determines the amendment is only of minor significance.	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s259(6), s259(7)	133. Councils to Develop Policies 133.6 The duty pursuant to Sections 259(6) and (7) of the Act to make a policy available for inspection (without charge) and purchase (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.	Duty - Not a Delegation		
s259(8)	133. Councils to Develop Policies 133.7 The duty pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2 of Chapter 12 of the Act, to deal with the particular case on its merits and the duty to take into account any relevant policy under Division 3 of Part 2, Chapter 12 of the Act.	Duty - Not a Delegation		
s260(1)	134. Appointment of Authorised Persons 134.1 The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person.	Chief Executive Officer		
s260(2)	134. Appointment of Authorised Persons 134.2 The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and specified in the instrument of appointment.	Chief Executive Officer		
s260(3)	134. Appointment of Authorised Persons 134.3 The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card: 134.3.1 containing a photograph of the authorised person; and 134.3.2 identifying any conditions or limitations imposed under Section 260(2) of the Act.	Chief Executive Officer		
s260(5)	134. Appointment of Authorised Persons 134.4 The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment.	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s270(a1)	<p>135. Procedures for Review of Decisions and Requests for Services</p> <p>135.00 The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with:</p> <p>135.00.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and</p> <p>135.00.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.</p>	Chief Executive Officer		Amendment to provision as per legislative amendments. No change to delegation.
s270(a2)	<p>135. Procedures for Review of Decisions and Requests for Services</p> <p>135.0 The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:</p> <p>135.0.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and</p> <p>135.0.2 using information gained from the Council's community to improve its services and operations.</p>	Chief Executive Officer		
s270(a1) s270(a2)	<p>135. Procedures for Review of Decisions and Requests for Services</p> <p>135.1 Without limiting Sections 270(a1) and (a2) of the Act, the power and duty pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions of:</p> <p>135.1.1 the Council;</p> <p>135.1.2 employees of the Council;</p> <p>135.1.3 other persons acting on behalf of the Council,</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s270(2)	<p>135. Procedures for Review of Decisions and Requests for Services</p> <p>135.2 The duty pursuant to Section 270(2) of the Act to ensure that the procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate or the Council determines to be relevant):</p> <p>135.2.1 the manner in which an application for review may be made;</p> <p>135.2.2 the assignment of a suitable person to reconsider a decision under review;</p> <p>135.2.3 the matters that must be referred to the Council itself for consideration or further consideration;</p> <p>135.2.3A in the case of applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers - the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the Act;</p> <p>135.2.4 the notification of the progress and outcome of an application for review;</p> <p>135.2.5 the timeframes within which notifications will be made and procedures on a review will be completed.</p>	Duty - Not a Delegation		
s270(4)	<p>135. Procedures for Review of Decisions and Requests for Services</p> <p>135.3 The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if:</p> <p>135.3.1 the application was made by an employee of the Council and relates to an issue concerning his or her employment; or</p> <p>135.3.2 it appears that the application is frivolous or vexatious; or</p> <p>135.3.3 the applicant does not have a sufficient interest in the matter.</p>	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s270(5)	135. Procedures for Review of Decisions and Requests for Services 135.4 The power and duty pursuant to Section 270(5) of the Act to ensure that copies of a document concerning the policies, practices and procedures that apply under Section 270 of the Act are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	Duty - Not a Delegation		
s270(6)	135. Procedures for Review of Decisions and Requests for Services 135.5 The power pursuant to Section 270(6) of the Act to, from time to time, amend the policies, practices and procedures established under Section 270 of the Act.	Chief Executive Officer		
s270(8)	135. Procedures for Review of Decisions and Requests for Services 135.6 The power and duty pursuant to Section 270(8) of the Act to, on an annual basis, initiate and consider a report that relates to: 135.6.1 the number of applications for review made under Section 270; and 135.6.2 the kinds of matters to which the applications relate; and 135.6.3 the outcome of applications under this Section; and 135.6.4 such other matters as may be prescribed by the Regulations.	Chief Executive Officer		
s270(9)	135. Procedures for Review of Decisions and Requests for Services 135.7 The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid.	Chief Executive Officer		
s271(1)	136. Mediation, Conciliation and Neutral Evaluation 136.1 The power pursuant to Section 271(1) of the Act as part of, or in addition to, the procedures established under Section 270 of the Act, to make provision for disputes between a person and the Council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation.	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s271(2)	136. Mediation, Conciliation and Neutral Evaluation 136.2 The duty pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator, if a dispute is to be dealt with under a Scheme established under Section 271(1) of the Act.	Duty - Not a Delegation		
s271A	136A. Provision of Information to Minister 136A.1 The power and duty, pursuant to Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council.	Chief Executive Officer		
s271A(3)	136A. Provision of Information to Minister 136A.2 The power pursuant to Section 271A(3) of the Act to, provide information in accordance with a request under Section 271A(1) of the Act, even if: 136AA.2.1 the information was given to the Council in confidence; or 136AA.2.2 is held on a confidential basis under Chapter 6 Part 4.	Chief Executive Officer		
s272(3)	136B. Minister May Refer Investigation of Council to Ombudsman 136B.1 The power pursuant to Section 272(3) of the Act, to, before the Minister refers a matter, explain the Council's actions and make submissions to the Minister.	Chief Executive Officer		
s272(5)	136B. Minister May Refer Investigation of Council to Ombudsman 136B.2 The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.	Chief Executive Officer		
s273(3)	136C. Action on a Report 136C.1 The power pursuant to Section 273(3) of the Act to make submissions to the Minister on the report on which the action is based.	Chief Executive Officer		
136D.1	136D. Deliberately left blank 136D.1 Deliberately left blank	Delegation Not Required		
136D.2	136D. Deliberately left blank 136D.2 Deliberately left blank	Delegation Not Required		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s275(2)	136E. Action on a Report 136E.1 The power pursuant to Section 275(2) of the Act to make submissions to the Minister.	Chief Executive Officer		
s276(1), s276(2)	137. Special Jurisdiction 137.1 The power pursuant to Section 276(1) and (2) of the Act to commence, defend or participate in the following proceedings before the District Court, on behalf of the Council: 137.1.1 proceedings to try the title of a member to an office; 137.1.2 proceedings to try the right of a person to be admitted or restored to an office; 137.1.3 proceedings to compel restoration or admission; 137.1.4 proceedings to compel the Council to proceed to an election, poll or appointment; 137.1.5 proceedings to try the validity of a rate or service charge; 137.1.6 proceedings to try the validity of a by-law; 137.1.7 proceedings to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession of which the Council or person is entitled under this Act.	Chief Executive Officer		
s279	138. Service of Documents by Councils etc 138.1 Where a document is required or authorised to be served on or given to a person by the Council, the power and duty to effect service in accordance with and pursuant to Section 279 of the Act.	Chief Executive Officer		
s280(1)	139. Service of Documents on Councils 139.1 The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for service of documents on the Council and the power to accept or authorise a person to accept documents on Council's behalf.	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s281(1)	140. Recovery of Amounts from Lessees or Licensees 140.1 Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.	Chief Executive Officer		
s282(1)	141. Ability of Occupiers to Carry out Works 141.1 Where an owner of land fails to carry out work that the Council has required the owner to carry out under an Act, the power pursuant to Section 282(1) of the Act to give approval to the occupier of the land to cause the work to be carried out.	Chief Executive Officer		
s294(1a)	142. Power to Enter and Occupy Land in Connection with an Activity 142.1 The duty pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.	Duty - Not a Delegation		
s294(3)	142. Power to Enter and Occupy Land in Connection with an Activity 142.2 The duty pursuant to Section 294(3) of the Act: 142.2.1 to pay to the owner or occupier of the land rent on a quarterly or half-yearly basis, at a rate to be determined by agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and 142.2.2 to pay to the owner or occupier of the land within 1 month after occupying the land - reasonable compensation for damage caused to any crops on the land; and 142.2.3 within 6 months of ceasing to occupy the land: 142.2.3.1 remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	142.2.3.2 to pay to the owner or occupier of the land reasonable compensation for any other loss or damage caused by the Council, including the full value of any earth, minerals or resources taken from the land;			
s294(5)	142. Power to Enter and Occupy Land in Connection with an Activity 142.3 The duty pursuant to Section 294(5) of the Act, at the request of an owner or occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining land.	Duty - Not a Delegation		
s296(1)	143. Reclamation of Land 143.1 Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work has added to the land.	Chief Executive Officer		
s296(2)	143. Reclamation of Land 143.2 The power pursuant to Section 296 (2) of the Act to appoint a valuer to determine the additional value added to the land by Council's activities, under Section 296(1) of the Act.	Chief Executive Officer		
s296(3)	143. Reclamation of Land 143.3 The duty pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act.	Duty - Not a Delegation		
s296(5)	143. Reclamation of Land 143.4 The duty pursuant to Section 296(5) of the Act to conduct an objection or review in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act.	Duty - Not a Delegation		
s297	144. Property in Rubbish 144.1 The power pursuant to Section 297 of the Act to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate.	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s298(1)	145. Power of Council to Act in Emergency 145.1 Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger.	Chief Executive Officer		
s299(1)	146. Vegetation Clearance 146.1 Deliberately left blank.	Chief Executive Officer Delegation Not Required		Removal of provision and delegation due to the repeal of the <i>Local Government Act 1934</i> .
s299(2)	146. Vegetation Clearance 146.2 Deliberately left blank.	Chief Executive Officer Delegation Not Required		Removal of provision and delegation due to the repeal of the <i>Local Government Act 1934</i> .
s300(1)	147. Costs of Advertisements 147.1 The duty pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that immediately necessitates the advertisement.	Duty - Not a Delegation		
s302B	148. Whistleblowing 148.1 The duty pursuant to Section 302B of the Act to ensure that a member of staff of the Council who has the qualifications prescribed by the Local Government (General) Regulations 2013 is designated as the responsible officer for the Council for the purposes of the Whistleblowers Protection Act 1993.	Duty - Not a Delegation		
c13(4) Schedule 1A	149. Preparation of Stormwater Management Plans by Councils 149.1 The duty pursuant to Clause 13(4) of Schedule 1A of the Act to ensure that a stormwater management plan prepared by the Council or group of councils:	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	149.1.1 complies with the guidelines issued by the Authority; and 149.1.2 is prepared in consultation with the relevant regional NRM board or boards; and 149.1.3 is prepared in accordance with any other procedures or requirements prescribed by the regulations.			
c14 Schedule 1A	150. Authority May Require Preparation of Stormwater Management Plan 150.1 The duty pursuant to Clause 14 of Schedule 1A of the Act if the Authority, of its own motion or at the request of a regional NRM board, so requires by notice in the Gazette, to prepare a stormwater management plan.	Duty - Not a Delegation		
c16(4) Schedule 1A	151. Authority May Issue Order 151.1 The duty pursuant to Clause 16(4) of Schedule 1A of the Act to comply with an order served by the Authority on the Council under Clause 16(1) of Schedule 1A of the Act.	Duty - Not a Delegation		
c16(5) Schedule 14	151. Authority May Issue Order 151.2 The power pursuant to Clause 16(5) of Schedule 1A of the Act to make submissions to the Authority in relation to the matter.	Chief Executive Officer		
c16(6) Schedule 1A	151. Authority May Issue Order 151.3 The power pursuant to Clause 16(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (at a rate agreed by the Authority and the Delegate).	Chief Executive Officer		
c21(1) Schedule 1A	152. Special Powers in Relation to Land 152.1 The power, pursuant to Clause 21(1) of Schedule 1A of the Act and in accordance with Clause 21(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or required by an order	Chief Executive Officer		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>under Clause 16 of Schedule 1A of the Act, to:</p> <p>152.1.1 enter and occupy any land; and</p> <p>152.1.2 construct, maintain or remove any infrastructure; and</p> <p>152.1.3 excavate any land; and</p> <p>152.1.4 inspect, examine or survey any land and for that purpose:</p> <p>(a) fix posts, stakes or other markers on the land; and</p> <p>(b) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and</p> <p>(c) remove samples for analysis; and</p> <p>152.1.5 alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and</p> <p>152.1.6 hold water in a watercourse or lake or by any other means; and</p> <p>152.1.7 divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and</p> <p>152.1.8 deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and</p> <p>152.1.9 undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and</p> <p>152.1.10 undertake any testing, monitoring or evaluation; and</p> <p>152.1.11 undertake any other activity of a prescribed kind.</p>			

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
c21(2) Schedule 1A	<p>152. Special Powers in Relation to Land</p> <p>152.2 The duty pursuant to clause 21(2) of Schedule 1A of the Act not to exercise a power under sub-clause 21(1)(b), (c), (h) or (i) of Schedule 1A of the Act to private land with the intention that any infrastructure will be permanent unless:</p> <p>152.2.1 it is intended that the owner of the private land will undertake the care, control or management of any relevant infrastructure and the Delegate or the Authority (as the case may be) is acting with the agreement of the owner; and</p> <p>152.2.2 the Council or the Authority (as the case may be) has first acquired an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.</p>	Duty - Not a Delegation		
c22(2) Schedule 1A	<p>153. Entry and Occupation of Land Other Than Council Land</p> <p>153.1 The duty pursuant to Clause 22(2) of Schedule 1A of the Act and in accordance with Clauses 22(1) and 22(3) of Schedule 1A of the Act to give reasonable notice of an intention to enter, or to enter and occupy land in accordance with Clause 21 to the occupier of the land.</p>	Duty - Not a Delegation		
c22(3) Schedule 1A	<p>153. Entry and Occupation of Land Other Than Council Land</p> <p>153.2 The duty pursuant to clause 22(3) of Schedule 1A of the Act to ensure that the period of the notice required by Clause 22(1) of Schedule 1A of the Act is at least 2 business days except:</p> <p>153.2.1 where the occupier has given his or her consent; or</p> <p>153.2.2 in an emergency in which case the Delegate must give such notice (if any) as the Delegate considers is reasonable in the circumstances.</p>	Duty - Not a Delegation		

Local Government Act 1999				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
c22(4) Schedule 1A	<p>153. Entry and Occupation of Land Other Than Council Land</p> <p>153.3 The duty pursuant to Clause 22(4) of Schedule 1A of the Act, if the Delegate enters or occupies land to which Clause 22 applies, to:</p> <p>153.3.1 cause as little harm and inconvenience as practicable; and</p> <p>153.3.2 not occupy the land for any longer than is reasonably necessary; and</p> <p>153.3.3 leave the land as nearly as possible in the condition in which the Delegate found the land; and</p> <p>153.3.4 cooperate as far as practicable with any owner or occupier of the land.</p>	Duty - Not a Delegation		

21. Natural Resources Management Act 2004, the Natural Resources Management (General) Regulations 2005 and the Natural Resources Management (Transitional Provisions - Levies) Regulations 2005

Natural Resources Management Act 2004				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s29(4)(d)	1. Collaboration with NRM board 1.1 The power pursuant to Section 29(4)(d) of the Natural Resources Management Act 2004 ("the Act") to work collaboratively with a regional NRM board in the performance of its functions.	Chief Executive Officer		
s30	2. The power pursuant to Section 30 of the Act to act in conjunction with a regional NRM board in relation to the NRM board doing anything necessary, expedient or incidental to - a) performing the functions of the NRM group under the Act or any other Act; or b) assisting in the administration of the Act; or c) furthering the objects of the Act	Chief Executive Officer		
s33(7)	3. Special Vesting of Infrastructure 3.1 The power pursuant to Section 33(7) of the Act to give consent on behalf of the Council in respect of making, varying or revoking a proclamation under Section 33(1), 33(2) or 33(6) of the Act.	Chief Executive Officer		
s36(1)(c)	4. Approval of Delegation by NRM board to Council Officers 4.1 The power pursuant to Section 36(1)(c) of the Act to give approval to a regional NRM board to delegate a function or a power of the board under the Act or any other Act to the Council or a Council officer.	Chief Executive Officer		
s41	5. Use of Facilities 5.1 The power pursuant to Section 41 of the Act to enter into arrangements with a regional NRM board for the board to make use of the services of the staff, equipment or facilities of the Council.	Chief Executive Officer		
s42(2), s42(1)	6. Boards Power to Provide Financial Assistance etc 6.1 The power pursuant to Section 42(2) of the Act where a Council wishes to obtain financial or any other form of assistance from a regional NRM board under Section 42(1) of the Act, to make a written submission to the board setting out -	Chief Executive Officer		

Natural Resources Management Act 2004				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>6.1.1 the nature of the assistance requested (and, in the case of financial assistance, the amount requested); and</p> <p>6.1.2 the purpose or purposes for which and the manner in which the assistance will be used; and</p> <p>6.1.3 the reasons why, in the Delegate's opinion, the granting of the assistance by the regional NRM board is justified.</p>			
s43(2)	<p>7. Assignment of Responsibility for Infrastructure</p> <p>7.1 The power pursuant to Section 43(2) of the Act to make a submission to a regional NRM board in response to notice given by the board under Section 43(2) of the Act of the proposed assignment of the responsibility for the care, control or management of infrastructure to the Council as a third party pursuant to Section 43(1) of the Act.</p>	Chief Executive Officer		
s43(3)	<p>7. Assignment of Responsibility for Infrastructure</p> <p>7.2 The power pursuant to Section 43(3) of the Act to enter into an agreement in accordance with the Regulations with a regional NRM board as contemplated in Section 43(1) for the assignment of the responsibility for the care, control or management of infrastructure to the Council as a third party pursuant to Section 43(1) of the Act.</p>	Chief Executive Officer		
s44(4)(c)	<p>8. Appointment of Body to act as a Board</p> <p>8.1 The power pursuant to Section 44(4)(c) of the Act to agree that by way of a regulation revoking a regulation made under Section 44(1) of the Act, the assets, rights and liabilities of a body appointed by such regulation to be a regional NRM board under the Act, will vest in or attach to the Council.</p>	Chief Executive Officer		
s45(5)	<p>9. Establishment of Areas</p> <p>9.1 The power pursuant to Section 45(5) of the Act to receive notice as a constituent council from a regional NRM board and to make a submission to the regional NRM board within a period (being at least 21 days) specified in the notice.</p>	Chief Executive Officer		

Natural Resources Management Act 2004				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s46(5)	9. Establishment of Areas 9.2 The power pursuant to Section 46(5) of the Act to enter into an agreement pursuant to which the property, assets, rights or liabilities of the local NRM group will vest in the Council pursuant to a notice under Section 46(4) of the Act.	Chief Executive Officer		
s48(2)(b)(i)	10. Composition of NRM groups 10.1 The power pursuant to Section 48(2)(b)(i) of the Act to consult with the relevant regional NRM board or boards, if the Council is also a constituent council for the area of the NRM group to which that board belongs, before an appointment is made by the board under Section 48(1) of the Act.	Chief Executive Officer		
s52(2)(c)	11. Functions of Groups 11.1 The power pursuant to Section 52(2)(c) of the Act, to work collaboratively with an NRM group in the performance of its functions under Section 52(1) of the Act.	Chief Executive Officer		
s53(2)(g)	12. Acting in Conjunction with NRM Group 12.1 The power pursuant to Section 53(2)(g) of the Act to act in conjunction with an NRM group in relation to the NRM group doing anything necessary expedient or incidental to: a) performing its functions under the Act or any other Act b) assisting in the administration of the Act or c) furthering the objects of the Act pursuant to Section 53(1) of the Act.	Chief Executive Officer		
s55(2)	13. Power of Delegation 13.1 The power pursuant to Section 55(2) of the Act, to approve a delegation made by an NRM group in accordance with Section 55(1) of the Act to the Council or a Council subsidiary, or to an officer of the Council or a Council subsidiary (as the case requires), of a function or power of the NRM group under the Act or any other Act.	Chief Executive Officer		

Natural Resources Management Act 2004				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s60	14. Use of Facilities 14.1 The power pursuant to Section 60 of the Act to enter into an arrangement with an NRM group for the NRM group to use the services of the staff, equipment or facilities of the Council.	Chief Executive Officer		
s61(4)(c)	15. Appointment of Body to Act as Group 15.1 The power pursuant to Section 61(4)(c) of the Act to agree that by way of a regulation revoking a regulation made under Section 61 of the Act, the assets, rights and liabilities of a body appointed by such regulation, to be a regional NRM group under the Act, will vest in or attach to the Council.	Chief Executive Officer		
s67(10)	16. Regional Authorised Officers 16.1 The power pursuant to Section 67(10) of the Act to agree to the appointment of an officer of the Council as an authorised officer by a regional NRM board	Chief Executive Officer		
s74(8)	17. State NRM Plan 17.1 The power pursuant to Section 74(8) of the Act to consult with the NRM Council in relation to any proposal to create or amend the State NRM Plan as defined in Section 74 of the Act, where the Local Government Association has nominated the Council pursuant to Section 74(14)(b) of the Act.	Chief Executive Officer		
s75(9)	18. Regional NRM Plans 18.1 The duty pursuant to Section 75(9) of the Act, when performing functions or exercising powers under the Local Government Act 1999 or any other Act, to have regard to any regional NRM plan that applies within the relevant area and in particular to give consideration to the question of whether changes should be implemented to the manner in which, or the means by which, the Council performs a function or exercises a power or undertakes any other activity that has been identified in the regional NRM plan as requiring change.	Duty - Not a Delegation		
19.1	19. Deliberately left blank 19.1 Deliberately left blank	Delegation Not Required		

Natural Resources Management Act 2004				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s79(6)(a)(vii)	20. Preparation of Plans and Consultation 20.1 The power pursuant to Section 79(6)(a)(vii) of the Act where a draft plan has been prepared by a regional NRM board, to receive a copy of the draft plan.	Chief Executive Officer		
s79(8)	20. Preparation of Plans and Consultation 20.2 The power pursuant to Section 79(8) of the Act to prepare and furnish a response to the regional NRM board within the period prescribed by the Regulations to a draft plan provided to the Council as a constituent council in accordance with Section 79(6)(a)(vii) of the Act.	Chief Executive Officer		
s80(5)	21. Submission of Plan to Minister 21.1 The power pursuant to Section 80(5) of the Act to receive a copy of a draft plan as amended by the Minister, or if it appears to the Minister that the part or parts of the plan that have been amended can conveniently be substituted in the draft plan - a copy of that part or those parts as amended.	Chief Executive Officer		
s81(7)(a)(ii)	22. Review and Amendment of Plans 22.1 The power pursuant to Section 81(7)(a)(ii) of the Act, to consult with a regional NRM board within the prescribed period (being a period of at least 21 days), in respect of amendments to a regional NRM plan which are within the ambit of Section 81(8) of the Act.	Chief Executive Officer		
s82(2)	23. Time for Implementation of Plans 23.1 The power pursuant to Section 82(2) of the Act to give consent to the implementation by a regional NRM board of a draft plan or amendments to a plan that have not been adopted by the Minister.	Chief Executive Officer		
s92(1)	24. Contributions by Constituent Councils 24.1 The duty pursuant to Section 92(1) of the Act if a regional NRM plan for a regional NRM board specifies an amount (the base contribution amount) to be contributed by the constituent councils for the region towards the costs of the board performing its functions under the Act in a particular financial year, to make a contribution based on that amount in accordance with the requirements of Part 1 of Chapter 5 of the Act in respect of that financial year.	Duty - Not a Delegation		

Natural Resources Management Act 2004				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s92(7)	24. Contributions by Constituent Councils 24.2 The power pursuant to Section 92(7) of the Act to receive notice from the Minister of the Minister's determination.	Chief Executive Officer		
s93(1)	25. Payment of Contributions by Councils 25.1 The duty pursuant to Section 93(1) of the Act, subject to Section 93(2) of the Act, to pay the Council's share of the amount to be contributed by the constituent councils in approximately equal instalments on 30 September, 31 December, 31 March and 30 June in the year to which the contribution relates, including any interest which accrues on any amount unpaid at the rate and in the manner prescribed by regulation.	Duty - Not a Delegation		
s93(2)	25. Payment of Contributions by Councils 25.2 The duty pursuant to Section 93(2) of the Act, if notice of a regional NRM levy imposed by a Council in respect of a financial year could not be included in the notice of general rates for that year because the share to be contributed was not approved by the Governor on or before 1 June preceding that year, to pay the Council's share of the amount to be contributed by constituent councils in approximately equal instalments on 31 December, 31 March and 30 June in that year.	Duty - Not a Delegation		
-	26. Deliberately left blank 26.1 Deliberately left blank 26.2 Deliberately left blank 26.3 Deliberately left blank 26.4 Deliberately left blank	Delegation Not Required		
s96(1)	27. Cost of Councils 27.1 The power pursuant to Section 96(1) of the Act, subject to Section 96(2) and 96(3) of the Act, to receive an amount from a regional NRM board determined in accordance with the regulations on account of the costs of the Council as a constituent council in complying with the requirements of Part 1 of Chapter 5 of the Act.	Duty - Not a Delegation		

Natural Resources Management Act 2004				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s125(5)(b)	28. Declaration of Prescribed Water Resources 28.1 The duty pursuant to Section 125(5)(b) of the Act, to receive a copy of a notice from the Minister outlining a proposed recommendation to the Governor declaring that part of the State is a surface water prescribed area.	Duty - Not a Delegation		
s136(3)	29. Requirement for notice of certain applications 29.1 The power pursuant to Section 136(3) of the Act, where the Council is a person specified in the plan to whom notice of an application must be given pursuant to Section 136(2) of the Act to make representations in writing to the relevant authority in relation to the granting or refusal of a permit.	Chief Executive Officer		
s136(6)	29. Requirement for notice of certain applications 29.2 The duty pursuant to Section 136(6) of the Act, if the Council has made a representation under Section 136(3) of the Act, as part of that representation indicated an interest in appearing before the authority, to appear personally or by representative before the authority to be heard in support of the representation.	Duty - Not a Delegation		
s136(11)	29. Requirement for notice of certain applications 29.3 The power pursuant to Section 136(11) of the Act to lodge an appeal with the ERD Court.	Chief Executive Officer		
s171(7)(a)	30. By-Laws 30.1 The power pursuant to Section 171(7)(a) of the Act to consult with a regional NRM board before a by-law is made by the NRM board under Section 171 of the Act that directly affects the area of the Council.	Chief Executive Officer		
s171(7)(c)	30. By-Laws 30.2 The power pursuant to Section 171(7)(c) of the Act to submit to the regional NRM board the Council's views on a by-law proposed to be made under Section 171 of the Act.	Chief Executive Officer		

Natural Resources Management Act 2004				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s201(5)	31. Orders made by ERD Court 31.1 The power pursuant to Section 201(5) of the Act, where the Council's interests are affected by the subject matter of the application to make an application to the ERD Court for Orders under Section 201 of the Act.	Chief Executive Officer		
s201(7)	31. Orders made by ERD Court 31.2 The duty pursuant to Section 201(7) of the Act where an application is made to the ERD Court to serve a copy of the application on the Minister within 3 days after filing the application with the ERD Court.	Duty - Not a Delegation		
s205(3)	32. Management Agreements 32.1 The power pursuant to Section 205(3) of the Act to receive notice from the Minister of a proposal to provide for the remission of any Council rate under Section 205(2)(j) of the Act by way of a management agreement.	Chief Executive Officer		
s208(1), s208(2)	33. Service of notices or other documents 33.1 The duty pursuant to Section 208(1) of the Act, subject to Section 208(2) of the Act, where required or authorised by the Act to serve a notice or other document on a person, to effect service of the notice or other document by - 33.1.1 giving the notice or document to the person or an agent of the person; or 33.1.2 leaving the notice or other document for the person at his or her place of residence or business with someone apparently over the age of 16 years; or 33.1.3 if the notice or document is to be served on the owner of the land and the land is unoccupied, and the Delegate has taken reasonable steps to effect service under the other paragraphs of Section 208(1) of the Act, to serve the notice or document by fixing it to some conspicuous part of the land; or	Duty - Not a Delegation		

Natural Resources Management Act 2004				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>33.1.4 if the notice or document is to be served on the occupier of the land, be sent by post to the occupier of the land; or</p> <p>33.1.5 be served on the person by fixing it to, or leaving it on, a vessel or craft that the person is apparently in charge of, or expected to board at some stage, if the Delegate has reasonable grounds to believe that service in this manner will bring the notice or document to the attention of the person to be served; or</p> <p>33.1.6 send the notice or document to the person by facsimile transmission; or</p> <p>33.1.7 serve or give the notice or document to a person in a manner prescribed by the Regulations.</p>			
s208(3)	<p>33. Service of notices or other documents</p> <p>33.2 The power pursuant to Section 208(3) of the Act, subject to the Regulations, if a notice or document is required or authorised to be given to an owner of land, if it is to be served personally, to serve the notice on the owner, one of any joint owners, or the agent of the owner.</p>	Chief Executive Officer		
Clause 46(1)(d) of Schedule 4	<p>34. Vesting of Property</p> <p>34.1 The power pursuant to Clause 46(1)(d) of Schedule 4 of the Act to consent to the vesting in the Council by proclamation of the Governor any asset, right or liability of a statutory body or of a related body nominated by the proclamation.</p>	Council Only		
Clause 54(17) of Schedule 4	<p>35. Special Provisions relating to the repeal of the Water Resources Act 1997</p> <p>35.1 The duty pursuant to Clause 54(17) of Schedule 4 of the Act, subject to Clause 55 of the Act, to pay any amount payable by the Council under Part 8, Division 2 of the Water Resources Act 1997 under a scheme established by the Minister for the purposes of Clause 54 of Schedule 4 of the Act (and such a scheme may provide than an amount be paid to a regional NRM board rather than a catchment water management board).</p>	Duty - Not a Delegation		

Natural Resources Management Act 2004				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
-	35. Special Provisions relating to the repeal of the Water Resources Act 1997 35.2 Deliberately left blank	Delegation Not Required		
-	36. Special Provisions related to levies 36.1 Deliberately left blank 36.2 Deliberately left blank 36.3 Deliberately left blank	Delegation Not Required		
Natural Resources Management (General) Regulations 2005				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
r35(2)	37. The power pursuant to Regulation 35(2) of the Natural Resources Management (General) Regulations ("the Regulations"), when making an agreement under Section 43 of the Act, to include provisions terms or conditions other than those identified in Regulation 35(1) of the Regulations.	Chief Executive Officer		
Natural Resources Management (Transitional Provisions - Levies) Regulations 2004				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
-	38. Contributions by Councils 38.1 Deliberately left blank	Delegation Not Required		

22. Real Property Act 1886

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s27	<p>1. Lands granted prior to the day on which this Act comes into operation may be brought into operation under this Act</p> <p>1.1 The power pursuant to Section 27 of the Real Property Act 1886 (the Act) and in accordance with Sections 27, 28 and 29 of the Act to, as to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts (whether such land shall constitute the entire or only part of the land included in any land grant), to apply to the Registrar-General in the form of Schedule 2 to the Act, or in a form to the like effect, to bring the said land under the provisions of the Act where:</p> <p>1.1.1 the Council claims to be the person in whom the fee simple is vested either at law or in equity;</p> <p>1.1.2 the Council has power to appoint or dispose of the fee simple, at law or in equity and the application is made for the purpose of carrying such power into effect.</p>	Chief Executive Officer		
s27(a)	<p>1. Lands granted prior to the day on which this Act comes into operation may be brought into operation under this Act</p> <p>1.2 The power pursuant to Section 27(a) of the Act, where the Council claims or appears to be beneficially entitled to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land included in any land grant, to consent to an application to bring the said land under the provisions of the Act.</p>	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s27(c)	<p>1. Lands granted prior to the day on which this Act comes into operation may be brought into operation under this Act</p> <p>1.3 The power pursuant to Section 27(c) of the Act, where the Council claims or appears to be beneficially entitled in reversion or remainder to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land included in any land grant, to consent to an application to bring the said land under the provisions of the Act.</p>	Chief Executive Officer		
s28	<p>2. Undivided shares and mortgaged land may not be brought under Act except upon conditions</p> <p>2.1 The power pursuant to Section 28 of the Act to join in the application with a view to bringing the entirety under the provisions of the Act, where,</p> <p>2.1.1 the Council appears to be entitled to an undivided share of the land; or</p> <p>2.1.2 the Council is the mortgagee of the land.</p>	Chief Executive Officer		
s39	<p>3. Caveat against bringing land under Act</p> <p>The power pursuant to and in accordance with Section 39 of the Act, where the Council has or claims an estate or interest in any land sought to be brought under the provisions of the Act, to, within the time by the Registrar-General or under any order of the Court for that purpose limited, lodge a caveat with the Registrar-General, in the form of Schedule 3 to the Act, forbidding the bringing of such land under the provisions of the Act.</p>	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s41	<p>4. Applicant may withdraw his application</p> <p>4.1 The power pursuant to Section 41 of the Act, to:</p> <p>4.1.1 withdraw the Council's application at any time prior to the issuing of the certificate;</p> <p>4.1.2 request in writing signed by the Delegate the return to the Council or the person notified in the application as having a lien thereon of all documents of title deposited in support of the application.</p>	Chief Executive Officer		
s44	<p>5. Proceedings under Caveat</p> <p>The power pursuant to Section 44 of the Act, whenever a caveat shall have been lodged with the Registrar-General forbidding land to be brought under the provisions of the Act, to bring like proceedings as provided for in the Act for the removal of caveats, in the case of land already under the provisions of the Act, for removal of the caveat, and for the recovery of costs and damages from the caveator, in case the caveat shall have been lodged by the caveator wrongfully and without reasonable cause.</p>	Chief Executive Officer		
s56(2)	<p>6. Priority of instruments</p> <p>6.1 The power pursuant to Section 56(2) of the Act and in accordance with Section 56(3) of the Act to apply to the Registrar-General, in the appropriate form, to vary the order of priority between two or more registered mortgages or encumbrances.</p>	Chief Executive Officer		
s56(3)(b)	<p>6. Priority of instruments</p> <p>6.2 The power pursuant to Section 56(3)(b) of the Act to consent to an application for the variation of an order of priority in accordance with Section 56(2) of the Act where the Council is the holder of a registered mortgage or encumbrance which is, by virtue of the proposed variation of order of priority, to be postponed to a mortgage or encumbrance over which it has had priority.</p>	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s78	7. Certificates in lieu of surrendered certificates The power pursuant to Section 78 of the Act where the Council is a registered proprietor holding land under one or more certificates, to, by the delivering up of such instruments of title, apply to the Registrar-General for the issue of one certificate for the whole of such land, or several certificates each comprising portion of such land.	Chief Executive Officer		
s79(1)	8. Substituted Certificate etc The power pursuant to Section 79(1) of the Act where any duplicate certificate or any tenant's copy of a Crown lease has been lost, mislaid or destroyed, to apply to the Registrar-General for a substituted certificate or tenant's copy of Crown lease (as the case may be).	Chief Executive Officer		
s80A	9. Application for Certificate based on possession The power pursuant to Section 80A of the Act and in accordance with Section 80B of the Act, where the Council would have obtained a title by possession to any land which is subject to the Act if that land had not been subject to the Act, to apply to the Registrar-General for the issue to the Council of a certificate of title to that land.	Chief Executive Officer		
s80F	10. Caveats The power pursuant to and in accordance with Section 80F of the Act, where the Council claims an estate or interest in land to which an application under Part 7A relates, to lodge a caveat with the Registrar-General forbidding the granting of the application.	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s90B(1)	<p>11. Variation and Extinguishment of Easements</p> <p>11.1 The power pursuant to Section 90B(1) of the Act, and subject to Section 90B of the Act, where the Council is the proprietor of the dominant or servient land, to make application (in a form approved by the Registrar-General) to:</p> <p>11.1.1 vary the position of, or extend or reduce the extent of, an easement over servient land; or</p> <p>11.1.2 vary an easement by extending the appurtenance of the easement to other land owned by the proprietor of the dominant land; or</p> <p>11.1.3 extinguish an easement.</p>	Chief Executive Officer		
s90B(2)	<p>11. Variation and Extinguishment of Easements</p> <p>11.2 The power pursuant to Section 90B(2) of the Act, where the Council is the proprietor of the dominant land or servient land, or has, or claims to have, an estate or interest in the dominant or servient land, to give written consent to the Registrar-General acting under Section 90B(1) of the Act.</p>	Chief Executive Officer		
s90F	<p>12. Easement subject to existing mortgage etc</p> <p>The power pursuant to Section 90F of the Act, where an easement is created over servient land and the dominant land or any part of it is subject to a mortgage or encumbrance held by the Council, to consent to the easement also being subject to the mortgage or encumbrance and endorse the Council's consent on the instrument granting the easement.</p>	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s92	13. Person now holding under lease or agreement may surrender 13.1 The power pursuant to Section 92 of the Act, where the Council holds Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown, to, subject to the approval of the Minister of Lands, surrender the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement, upon all the same terms as shall have been applicable to such land prior to the surrender but so that every person having any estate or interest in the surrendered land shall concur in the surrender.	Chief Executive Officer		
s92	13. Person now holding under lease or agreement may surrender 13.2 The power pursuant to Section 92 of the Act where a person holding any Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown and the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement is to be surrendered, to as a person having an estate or interest in the surrendered land, concur in the surrender.	Chief Executive Officer		
s93(1)	14. Execution and registration of Crown Lease 14.1 The power pursuant to Section 93(1) of the Act, where the Council is party to a Crown lease, to execute two copies of the lease, one of which must be lodged in the Lands Titles Registration Office for inclusion or recording in the Register of Crown Leases and the other of which must be delivered to the lessee.	Chief Executive Officer		Minor legislative amendment - . Replaced Registrar-General with Land Title Registration Office.
93(3a)	14. Execution and registration of Crown Lease 14.2 The power pursuant to Section 93(3a) of the Act to transfer, mortgage and deal with a Crown lease registered under Section 93(3) of the Act as if it were a lease registered in the Register Book (provided that an entry in respect of a lease that would ordinarily be made in the Register Book must instead be made in the Register of Crown Leases).	Chief Executive Officer		New addition to legislation with suggested delegation.

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s96	15. Transfers 15.1 The power pursuant to and in accordance with Section 96 of the Act, where the Council is the registered proprietor of any land intended to be transferred to execute a transfer in the appropriate form, which transfer shall, for the description of the land intended to be dealt with, refer to the certificate of such land, or shall give such description as may be sufficient to identify the same, and shall contain or have endorsed thereon a memorandum of all leases, mortgages, and encumbrances to which the land shall be subject, and an accurate statement of the estate or interest intended to be transferred or created.	Chief Executive Officer		
s96	15. Transfers 15.2 The power pursuant to and in accordance with Section 96 of the Act, where the Council is the registered proprietor of any right-of-way or other easement intended to be created or transferred, to execute a transfer in the appropriate form, which transfer shall, for the description of the land intended to be dealt with, refer to the certificate of such land, or shall give such description as may be sufficient to identify the same, and shall contain or have endorsed thereon a memorandum of all leases, mortgages, and encumbrances to which the land shall be subject, and an accurate statement of the estate or interest intended to be transferred or created.	Chief Executive Officer		
s96AA	16. Creation of easements by reservation The power pursuant to Section 96AA of the Act, to create an easement on the transfer under the Act of an estate of freehold or the granting of an estate of leasehold under the Act by reservation of the easement to the transferor or lessor in the instrument of transfer or the lease.	Chief Executive Officer		
s96A	17. Acceptance of transfer The power pursuant to Section 96A of the Act, where the Council is the transferee, to sign a statement indicating that the Council accepts the transfer or grant of the land, right of way or easement.	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s100	18. New certificate to purchaser and balance certificate to registered proprietor The power pursuant to Section 100 of the Act, where the Council is the proprietor of any portion or balance of land included in a partially cancelled certificate, to require the Registrar-General to issue to the Council a certificate for the portion or balance of which the Council is the proprietor.	Chief Executive Officer		
s105	19. Sale under Writ of fieri facias or Decree, Warrant or Order of Court The power pursuant to Section 105 of the Act in relation to a writ or warrant of execution against land, or of a decree or order (other than an order for sale for non-payment of rates) affecting land issued out of or made by the Court, or any Court of insolvency or other Court of competent jurisdiction, to sign a statement to accompany such a writ, warrant, decree or order where the Council is a party interested, specifying the land sought to be affected.	Chief Executive Officer		
s115A	20. Issue of certificate where land is vested by operation of law 20.1 The power pursuant to Section 115A of the Act, in relation to an estate or interest in land that has become vested in the Council, to make an application to the Registrar-General, to: 20.1.1 in the case of land under the provisions of the Act - register the Council as the proprietor of that estate or interest in the land; or 20.1.2 in the case of land not under the provisions of the Act - bring the land under the provisions of the Act and register the Council as the proprietor of that estate or interest in the land.	Chief Executive Officer		
s116	21. Lands, now leased The power pursuant to Section 116 of the Act, when any land is intended to be leased for a life or lives, or for any term of years exceeding one year, to execute a lease in the appropriate form, in accordance with Section 117 of the Act.	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s118	22. Leases not to bind non-consenting mortgagees or encumbrancees The power pursuant to Section 118 of the Act, to consent in writing to a lease of mortgaged or encumbered land prior to the lease being registered where the Council is the mortgagee or encumbrancee of the land.	Chief Executive Officer		
s119A(1)	23. Standard terms and conditions of lease The power pursuant to Section 119A(1) of the Act to deposit with the Registrar-General for filing in the Lands Titles Registration Office a document containing terms and conditions for incorporation as standard terms and conditions in leases under Section 119A of the Act.	Chief Executive Officer		
s120	24. Lease may be surrendered by separate instrument The power pursuant to Section 120 of the Act to surrender a registered lease by instrument in the appropriate form, signed by the lessee and lessor.	Chief Executive Officer		
s121	25. Registrar-General may enter surrender The power pursuant to Section 121 of the Act, where the lessee has delivered to the Council as lessor or the Council's agent, the duplicate of the lease accompanied by some writing signed by the lessee evidencing his intention to give up possession of the land comprised in such lease, to make application to the Registrar-General to make an entry in the Register Book of the surrender of the lease.	Chief Executive Officer		
s123	26. Surrender where lease subject to mortgage or under lease The power pursuant to Section 123 of the Act, where the Council holds a mortgage or encumbrance over a lease or over land, to provide written consent to the surrender of the lease.	Chief Executive Officer		
s126	27. Registrar-General to note particulars of re-entry in Register Book The power pursuant to Section 126 of the Act, where the Council is the lessor of land, to provide proof to the Registrar-General of the Council's re-entry of the land.	Chief Executive Officer		
s128	28. Lands, now mortgaged or encumbered 28.1 The power pursuant to Section 128 of the Act and in accordance with the requirements of Section 129 of the Act:	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>28.1.1 whenever the Council is the registered proprietor of land intended to be charged or made security in favour of any person - to execute a mortgage in the appropriate form; and</p> <p>28.1.2 whenever the Council is the registered proprietor of land intended to be charged with, or made security for, the payment of an annuity, rent charge or sum of money, in favour of any person - to execute an encumbrance in the appropriate form.</p>			
s129A(1)	<p>29. Standard terms and conditions of Mortgage or Encumbrance</p> <p>The power pursuant to Section 129A(1) of the Act to deposit with the Registrar-General for filing in his office a document containing terms and conditions for incorporation as standard terms and conditions in mortgages or encumbrances under Section 129A of the Act.</p>	Chief Executive Officer		
s132	<p>30. Nature of Mortgage and Encumbrance and procedure in case of default</p> <p>The power pursuant to Section 132 of the Act, where the Council holds a mortgage or encumbrance and default is made in the payment of the principal sum, interest, annuity, or rent charge, or any part thereof thereby secured, or in the observance of any covenant therein expressed or implied and such default be continued for the space of one month, or for such other period of time as may therein for that purpose be expressly limited, to give to the mortgagor or encumbrancer notice in writing to pay the money then due or owing on such mortgage or encumbrance, or to observe the covenants therein expressed or implied, as the case may be and that sale will be effected if such default be continued, and to leave such notice on the mortgaged or encumbered land, or at the usual or last known place of abode in South Australia of the mortgagor or encumbrancer.</p>	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s133	<p>31. Power of sale</p> <p>The power pursuant to and in accordance with Section 133 of the Act, if such default continues for the further space of one month from the date of such notice or for such period as may in such instrument be for that purpose limited, to sell the land so mortgaged or encumbered, or any part thereof and all the estate and interest therein of the mortgagor or encumbrancer and either altogether or in lots, by public auction or by private contract or by both such modes of sale, and subject to such conditions as the Delegate may think fit, and to buy in and resell the same and to make and execute all such instruments as shall be necessary for carrying the sale thereof into effect.</p>	Chief Executive Officer		
s137	<p>32. Power of Mortgagee to enter, take possession, distrain, let or bring action for recovery of land</p> <p>32.1 The power pursuant to Section 137 of the Act, where the Council is a mortgagee or encumbrancee and there is a default in payment of the principal sum, interest, annuity, or rent charge secured by that mortgage or encumbrance, to:</p> <p>32.1.1 enter into possession of the mortgaged or encumbered land and receive the rents and profits thereof; or</p> <p>32.1.2 distrain upon the occupier or tenant of the land; or</p> <p>32.1.3 from time to time let the said land for any term not exceeding one year; or</p> <p>32.1.4 bring an action for recovery of the land either before or after entering into the receipt of the rent and profits or making any distress.</p>	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s138	<p>33. Power of Mortgagee to distrain on tenant or occupier for arrears not exceeding the amount of rent due</p> <p>The power pursuant to and in accordance with Section 138 of the Act, where the Council is a mortgagee or encumbrancee and the principal sum, interest, annuity, or rent charge has been in arrears for 21 days and a further 7 days have elapsed from the date of application for the payment thereof to the occupier or tenant, to enter upon the mortgaged or encumbered land and distrain upon the goods and chattels of the occupier or tenant for such arrears to an amount not exceeding the rent then due from such occupier or tenant to the Council, and to dispose of the goods and chattels so distrained upon in like manner as landlords may do in ordinary distresses for rent, and out of the proceeds to retain the moneys distrained for, and all costs and expenses occasioned by such distress and sale.</p>	Chief Executive Officer		
s140(1)	<p>34. Application to Mortgagee to Registrar-General for foreclosure</p> <p>The power pursuant to Section 140(1) of the Act, and in accordance with Section 140(2) of the Act, when default has been made for six months in the payment of the principal or interest secured by any mortgage held by the Council, to make application, in writing, to the Registrar-General for an order for foreclosure.</p>	Chief Executive Officer		
s142A(1)	<p>35. Provision for case where Mortgagee or Encumbrancee refuses to join in proceedings on default</p> <p>35.1 The power pursuant to Section 142A(1) of the Act, where the Council and one or more other persons are registered as mortgagees or encumbrances under the same mortgage or encumbrance, and default has been made in payment of any money due under the mortgage or encumbrance or in the performance of any covenant in the said mortgage or encumbrance expressed or implied as entitles the mortgagees or encumbrances to exercise any of their rights or remedies under the Act or under the mortgage or encumbrance, and any such mortgagee or encumbrance fails or refuses to join in giving any notice, making any application or doing any other act or thing for the purpose of enforcing any of the said rights or remedies, to apply to the Court by originating summons to:</p>	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>35.1.1 appoint the Council or any other person to exercise on behalf of the mortgagees or encumbrances such of the said rights or remedies as the Court thinks proper;</p> <p>35.1.2 give any directions as to the mode of exercising the said rights or remedies and as to any other matters incidental thereto.</p>			
s143(1)	<p>36. Discharge of Mortgages and Encumbrances</p> <p>The power pursuant to and in accordance with Section 143(1) of the Act to wholly or partially discharge, by instrument in a form approved by the Registrar General and signed by the Delegate, a mortgage or encumbrance held by the Council.</p>	Chief Executive Officer		
s144	<p>37. Partial discharge of Mortgage or Encumbrance on Grant of Easement</p> <p>The power pursuant to Section 144 of the Act, where an easement is granted over land that is subject to a mortgage or an encumbrance and the Council is the mortgagee or encumbrancee, to endorse the Council's consent to the easement on the instrument granting the easement.</p>	Chief Executive Officer		
s149	<p>38. Equitable Mortgage may be created</p> <p>The power pursuant to Section 149 of the Act to create an equitable mortgage of land by deposit of the certificate or other instrument of title.</p>	Chief Executive Officer		
s150	<p>39. Transfer of Mortgage Lease and Encumbrance</p> <p>The power pursuant to Section 150 of the Act to transfer a registered mortgage, lease or encumbrance by execution of a transfer in the appropriate form.</p>	Chief Executive Officer		
s153(1)	<p>40. Renewal or extension of Mortgage etc</p> <p>The power pursuant to Section 153(1) of the Act and in accordance with Sections 153(1) and (2) of the Act to renew or extend a mortgage, encumbrance or lease by registration of an instrument in the appropriate form.</p>	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s154A(1)	40A Person who intends to lodge instrument may lodge priority notice 40A.1 The power pursuant to Section 154A(1) of the Act to, where the Council intends to lodge an instrument, on payment of the prescribed fee, lodge in the Lands Titles Registration Office a notice (a priority notice), in accordance with Sections 154A(2), (3), (4) and (9) of the Act, for the purpose of giving priority to 1 or more instruments relevant to the same conveyancing transaction.	Chief Executive Officer		New addition to legislation with suggested delegation.
s154A(6)	40A Person who intends to lodge instrument may lodge priority notice 40A.2 The power pursuant to Section 154A(6) of the Act to, if a priority notice is lodged in the Lands Titles Registration Office in relation to land, lodge a further priority notice in relation to the same land.	Chief Executive Officer		New addition to legislation with suggested delegation.
s154B(2)(b)	40B Effect of priority notice 40B.1 The power pursuant to Section 154B(2)(b) of the Act to, where a priority notice lodged by the Council is in force in relation to land, provide written consent to the Registrar-General to register, record or give effect to an instrument in relation to the land.	Chief Executive Officer		New addition to legislation with suggested delegation.
s154B(2)(v)	40B Effect of priority notice 40B.2 The power pursuant to Section 154B(2)(v) of the Act, where a priority notice is in force in relation to land, to make an application under the Act where the Council is a person to whom land has been transmitted for registration as proprietor of the land.	Chief Executive Officer		New addition to legislation with suggested delegation.
s154E	40C Withdrawal of priority notice 40C.1 The power pursuant to Section 154E of the Act to withdraw a priority notice lodged by the Council by lodging in the Lands Titles Registration Office a notice of withdrawal in the appropriate form.	Chief Executive Officer		New addition to legislation with suggested delegation.
s154F(1)	40D Cancellation of priority notice by Registrar-General 40D.1 The power pursuant to Section 154F(1) of the Act where the Council is a person with an interest in land to which a priority notice is in force, to make application to the Registrar-General to cancel the notice on the basis that the priority notice purports to protect the priority of an instrument that is unlikely to be registered or recorded within 90 days of the day on which the notice was lodged.	Chief Executive Officer		New addition to legislation with suggested delegation.

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s154F(2)	40D Cancellation of priority notice by Registrar-General 40D.2 The power pursuant to Section 154F(2) of the Act, where the Registrar General gives written notice to the Council as the person who lodged a priority notice, of an application under Section 154F(1) to cancel the priority notice, to provide written submissions in response to the application within a specified period.	Chief Executive Officer		New addition to legislation with suggested delegation.
s154G(6)	40E Cessation of priority notice 40E.1 The power pursuant to Section 154G(6) of the Act, where the Council has lodged a priority notice, to make application to the Registrar General to extend the duration of the notice for 30 days.	Chief Executive Officer		New addition to legislation with suggested delegation.
s169(1)	41. Disclaimers 41.1 The power pursuant to Section 169(1) of the Act, where the Council claims that it has been registered, without its consent, as proprietor of any estate or interest in land, to execute and lodge with the Registrar General an instrument of disclaimer of that estate or interest.	Chief Executive Officer		
s169(2a)	41. Disclaimers 41.2 The power pursuant to Section 169(2a) of the Act to lodge with the Registrar-General a notice of objection to the registration of the instrument of disclaimer.	Chief Executive Officer		
s169(6)	41. Disclaimers 41.3 The power pursuant to Section 169(6) of the Act, where the Council is a disclaimant who has received a notice under paragraph (b) of Section 169(4) of the Act, or a notice of objection under Section 109(5) of the Act, to, apply to the Supreme Court by originating summons for an order that the Registrar-General take such action as is necessary to give effect to the instrument of disclaimer.	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s173(a)	<p>42. Bankruptcy or assignment of lessee</p> <p>42.1 The power pursuant to Section 173(a) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make, a statutory assignment and if such lease be not mortgaged or encumbered under the provisions of the Act, to apply to the Registrar General in writing accompanied by a statement in writing, signed by the Official Receiver or the trustee under such bankruptcy or assignment, certifying his refusal to accept such lease, to enter in the Register Book a note of such refusal;</p>	Chief Executive Officer		
s173(b)	<p>42. Bankruptcy or assignment of lessee</p> <p>42.2 The power pursuant to Section 173(b) of the Act and in accordance with Section 173(c) of the Act, where the Council is the mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make, a statutory assignment to:</p> <p>42.2.1 apply to the Registrar General in writing, accompanied by a statement in writing, signed by the Official Receiver or the trustee under such bankruptcy or assignment certifying his refusal to accept such lease to enter in the Register Book a note of such refusal.</p> <p>42.2.2 apply to the Registrar-General with proof that the Official Receiver has neglected or refused to certify such refusal or to become registered as proprietor of such lease within one month after being thereunto required by notice in writing given to him by the Council to enter in the Register Book a note of such refusal or neglect.</p>	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s173(c)	42. Bankruptcy or assignment of lessee 42.3 The power pursuant to Section 173(c) of the Act, where the Council is the mortgagee or encumbrance of a lease and the registered proprietor of the lease has heretofore made or shall hereafter make, a statutory assignment to give fourteen days' notice in writing of the Council's intended application to every subsequent mortgagee or encumbrancee of the lease, or obtain their written consent.	Chief Executive Officer		
s173(c)	42. Bankruptcy or assignment of lessee 42.4 The power pursuant to Section 173(c) of the Act where the Council is a subsequent mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make a statutory assignment, to consent in writing to an application to the Registrar-General by a mortgagee or encumbrance to enter in the Register Book a note of the refusal or neglect of the Official Receiver or trustee under bankruptcy or assignment to accept such lease.	Chief Executive Officer		
s173(d)	42. Bankruptcy or assignment of lessee 42.5 The power pursuant to Section 173(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make, a statutory assignment to: 42.5.1 require the Official Receiver or the trustee under the bankruptcy or assignment by notice in writing to become registered as the proprietor of the lease; 42.5.2 require the mortgagees or encumbrancees (if any) of the lease by notice in writing to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained.	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s173(d)	42. Bankruptcy or assignment of lessee 42.6 The power pursuant to Section 173(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make a statutory assignment, and the Official Receiver or the trustee under the bankruptcy or assignment certifies his refusal to accept the lease, or shall neglect or refuse to become registered as proprietor of the lease, within, one month after having been thereunto required by notice in writing given to him by the Council, and the mortgagees or encumbrancees (if any) of the lease shall neglect or refuse to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained within the period of two months after having been thereunto required by notice in writing given to them by the Council, to apply to the Registrar-General in writing to enter in the Register Book a note of such neglect or refusal.	Chief Executive Officer		
s176	43. Application to be made in such case The power pursuant to Section 176 of the Act where the Council is an executor before dealing with such estate or interest, make application in writing to the Registrar-General to be registered as the proprietor.	Chief Executive Officer		
s181	44. Proceedings when executor etc refuse to transfer The power pursuant to Section 181 of the Act, whenever an executor, or administrator, or the Public Trustee, is registered as proprietor of any land, and refuses, or, after tender of a transfer, unnecessarily delays to transfer such land to the Council where the Council claims to be entitled to the land, to, apply to the Court for an order that the executor, administrator, or Public Trustee shall transfer the said land to the Council.	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s188	45. Registration of survivor of joint proprietors, and of remainder-man entitled to estate in possession The power pursuant to Section 188 of the Act, upon the death of any person registered together with any other person as joint proprietor of any estate or interest in land, or when the life estate in respect of which any certificate has been issued has determined, and the Council has become vested in possession, or the Council has become entitled to the land for an estate in fee-simple in possession, to apply to the Registrar-General to make an entry thereof in the Register Book, that the Council is the registered proprietor of the estate or interest to which the Council is entitled.	Chief Executive Officer		
s191	46. Caveats 46.1 The power pursuant to and in accordance with Section 191 of the Act, where the Council is the settlor of land, beneficiary claiming under a will or settlement, or claiming to be interested at law or in equity whether under an agreement, or under an unregistered instrument or otherwise howsoever in any land to, lodge a caveat in the Lands Titles Registration Office forbidding the registration of any dealing with such land, either absolutely or unless such dealing shall be expressed to be subject to the claim of the Council, or to any conditions conformable to law expressed therein.	Chief Executive Officer		Minor legislative amendment - . Replaced Registrar-General with Land Title Registration Office.
s191(d)	46. Caveats 46.2 The power pursuant to Section 191(d) of the Act, where the Council is the registered proprietor or other person claiming estate or interest in the land, to, by summons, call on any caveator, including the Registrar-General, to attend before the Court to show cause why the caveat should not be removed.	Chief Executive Officer		
s191(e)	46. Caveats 46.3 The power pursuant to and in accordance with Section 191(e) of the Act except when the caveat is lodged by a settlor, or by a beneficiary under a will or settlement, to make application in writing to the Registrar-General to remove the caveat.	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s191(fa)	46. Caveats 46.4 The power pursuant to Section 191(fa) of the Act, where the Council is a caveator, to bring an action in the Court to establish the validity of the claim on which the caveat is based.	Chief Executive Officer		
s191(g)	46. Caveats 46.5 The power pursuant to Section 191(g) of the Act to apply to the court to extend the period of 21 days until an action under Section 191(fa) is determined or for any other period.	Chief Executive Officer		
s191(h)	46. Caveats 46.6 The power pursuant to Section 191(h) of the Act, to, by notice in writing to the Registrar-General, withdraw the Council's caveat at any time.	Chief Executive Officer		
s191(k)	46. Caveats 46.7 The power pursuant to Section 191(k) of the Act to seek the permission of the Court to lodge a further caveat relating to the same matter.	Chief Executive Officer		
s192	47. Ejectment 47.1 The power pursuant to Section 192 of the Act, and in accordance with Section 193 of the Act, where the Council is: 47.1.1 the registered proprietor of a freehold estate in possession; 47.1.2 the registered mortgagee or encumbrancee where the person in possession of land is a mortgagor or encumbrancer in default or a person claiming under such mortgagor or encumbrancer; 47.1.3 the lessor with power to re-enter where rent is in arrears for three months; or 47.1.4 the lessor where a legal notice to quit has been given or the lease has become forfeited or the term of the lease has expired, to cause any person in possession of that land to be summoned to appear before the Court to show cause why the person summoned should not give up possession to the Council.	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s210	48. Persons claiming may, before taking proceedings, apply to the Registrar General for compensation The power pursuant to and in accordance with Section 210 of the Act, where the Council is sustaining loss or damage in any case in which the Council shall be entitled to institute proceedings to recover compensation against the Registrar-General as nominal defendant, to, before commencing such proceedings, make application in writing to the Registrar-General, for compensation, supported by affidavit or declaration.	Chief Executive Officer		
s221(1)	48A Reviews 48A.1 The power pursuant to Section 221(1) of the Act, if the Delegate, is dissatisfied with a decision of the Registrar-General in relation to an application by the Council: 48A.1.1 to have an instrument registered or recorded; or 48A.1.2 to have a foreclosure order issued; or 48A.1.3 to have the Registrar-General do or perform an act or duty under the Act, to seek a review of the decision by the Tribunal.	Chief Executive Officer		New addition to Framework with suggested delegation.
s221(2)	48A Reviews 48A.2 The power pursuant to Section 221(2) of the Act, if the Registrar General decides under Section 154A(12) of the Act that the Council is a vexatious lodger of priority notices, to seek a review of the decision by the Tribunal.	Chief Executive Officer		New addition to Framework with suggested delegation.
s221(3)	48A Reviews 48A.3 The power pursuant to Section 221(3) of the Act, if the Registrar General rejects a priority notice lodged by the Council where the Council is a person in relation to whom a determination has been made under Section 154A(12) of the Act, to seek a review by the Tribunal of the decision to reject the notice.	Chief Executive Officer		New addition to Framework with suggested delegation.

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s221(4)	48A Reviews 48A.4 The power pursuant to Section 221(4) of the Act, if the Registrar General refuses an application by the Council under Section 154F of the Act for the cancellation of a priority notice, to seek a review by the Tribunal of the decision to refuse to cancel the notice.	Chief Executive Officer		New addition to Framework with suggested delegation.
s221(5)	48A Reviews 48A.5 The power pursuant to Section 221(5) of the Act, if the Registrar General cancels a priority notice under Section 154F of the Act and the Council is affected by the cancellation to seek a review by the Tribunal of the decision to cancel the notice.	Chief Executive Officer		New addition to Framework with suggested delegation.
s221(9)	48A Reviews 48A.6 The power pursuant to Section 221(9) of the Act, if the reasons of the Registrar-General are not given in writing at the time the Council receives notice of the decision, to within 21 days of receiving notice of the decision, require the Registrar-General to state the reasons in writing.	Chief Executive Officer		New addition to Framework with suggested delegation.
s221(10)	48A Reviews 48A.7 The power pursuant to Section 221(10) of the Act, to make an application to the Tribunal for any 1 or more of the following orders: 48A.7.1 an order prohibiting a person from lodging a priority notice in the Lands Titles Registration Office; 48A.7.2 an interim order extending the duration of a priority notice until the determination of the application or until a date specified by the Tribunal or until further order; 48A.7.3 an interim order preventing the Registrar-General from registering or recording a specified instrument until the determination of the application.	Chief Executive Officer		New addition to Framework with suggested delegation.

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s223A(1)	<p>49. Applications for amendment</p> <p>49.1 The power pursuant to and in accordance with Section 223A(1) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate amended if:</p> <p>49.1.1 the boundaries, area, or position of the land described in the certificate differ from the boundaries, area or position of the land actually and bona fide occupied by it as being the land included in the certificate; or</p> <p>49.1.2 the description of the land in the certificate is erroneous or imperfect on the face of it.</p>	Chief Executive Officer		
s223A(2)	<p>49. Applications for amendment</p> <p>49.2 The power pursuant to Section 223A(2) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate of any other registered proprietor amended if any of the land described in the Council's certificate, and actually and bona fide occupied by the Council as being the land included in the certificate, is, by reason of any error in survey or in any misdescription, included in the certificate of the other registered proprietor.</p>	Chief Executive Officer		
s223D(1)	<p>50. Caveats</p> <p>The power pursuant to Section 223D(1) of the Act and in accordance with Section 223D(2) of the Act, where the Council claims any estate or interest in any land in respect of which an application under Part 19A of the Act is made, to at any time before the application is granted lodge a caveat with the Registrar-General forbidding the granting of the application.</p>	Chief Executive Officer		
s223J	<p>51. Rectification by consent</p> <p>The power pursuant to Section 223J of the Act to consent to the Registrar General making any correction or amendment to any certificate of title for the purpose of reconciling the boundaries shown in the certificate with the boundaries of the land occupied.</p>	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s223LD	<p>52. Application for Division of Land</p> <p>52.1 The power pursuant to Section 223LD of the Act and in accordance with Section 223LD(2), (3) and (11) of the Act, where the Council is the registered proprietor of land, to make application for the division of land to the Registrar General.</p> <p>52.2 The power pursuant to Section 223LD(8) of the Act and subject to Section 223LD(9) of the Act to consent to the withdrawal or amendment of a plan of division or the application to which it relates.</p> <p>52.3 The power pursuant to and subject to Section 223LD(9) of the Act to amend the application or the plan to which it relates in order to comply with the Act or with a requirement of the Registrar-General under the Act.</p>	Chief Executive Officer		
s223LDA	<p>53. Application may deal with statutory encumbrances</p> <p>53.1 The power pursuant to Section 223LDA of the Act to:</p> <p>53.1.1 specify in an application under Part 19AB of the Act or the plan of division that variation or termination of a statutory encumbrance is to be registered or noted; and</p> <p>53.1.2 sign a certificate on behalf of the Council as the holder of the statutory encumbrance certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.</p>	Chief Executive Officer		
s223LH(1))	<p>54. Consent to plans of division</p> <p>54.1 The power pursuant to Section 223LH(1) of the Act:</p> <p>54.1.1 where the deposit of a plan of division in the Lands Titles Registration Office will affect the estate or interest of the Council, in the land - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;</p>	Chief Executive Officer		

Real Property Act 1886				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>54.1.2 where the Council has or claims an estate or interest in the land to be divided - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;</p> <p>54.1.3 where the land to be divided is subject to a statutory encumbrance held by the Council - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.</p>			
s223LH(2)	<p>54. Consent to plans of division</p> <p>54.2 The power pursuant to Section 223LH(2) of the Act, where the deposit of a plan of division will operate to vest an estate or interest in land in the Council, to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.</p>	Chief Executive Officer		
s223LJ(1)	<p>55. Amalgamation</p> <p>55.1 The power pursuant to Section 223LJ(1) of the Act and in accordance with Section 223LJ(2) and (3) of the Act, where the Council is the registered proprietor of two or more contiguous allotments, to apply to the Registrar-General for amalgamation of those allotments into a single allotment.</p>	Chief Executive Officer		
s223LJ(3)	<p>55. Amalgamation</p> <p>55.2 The power pursuant to Section 223LJ(3) of the Act to consent to an amalgamation of allotments under Division 2 Part 19AB of the Act, where it appears from the Register Book that the Council has an interest as mortgagee or encumbrance of the land or any part of the land to be amalgamated or where such consent is required either in the opinion of the Registrar-General or by regulation.</p>	Chief Executive Officer		

23. Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 2014 and the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014

Road Traffic Act 1961				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s18(5)	1. Direction as to installation etc of traffic control devices 1.1 The duty pursuant to Section 18(5) of the Road Traffic Act 1961 ("the Act") to carry out a direction which the Minister directs the Council (as a road authority) to carry out pursuant to Section 18(6) of the Act in circumstances where another road authority has failed to comply with the direction.	Duty - Not a Delegation		
s18(7)	1. Direction as to installation etc of traffic control devices 1.2 The power pursuant to Section 18(7) of the Act where the Minister has directed the Council to carry out a direction pursuant to Section 18(6) of the Act, to recover as a debt due from the defaulting road authority any expenses incurred in carrying out the direction under Section 18(6) of the Act, subject to Section 18(8) of the Act.	Chief Executive Officer		
s31(2)	2. Action to deal with false devices or hazards to traffic 2.1 The power pursuant to Section 31(2) of the Act to remove from any road the care, control or management of which is vested in the Council and dispose of any false traffic control device or any device, structure or thing that the Delegate is satisfied might constitute a hazard to traffic.	Chief Executive Officer		
s40P(3)	3. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed 3.1 The duty pursuant to Section 40P(3) of the Act and subject to Section 40P(4) to offer a vehicle, which was removed by an officer of the Council under Section 40N of the Act and for which there had been notice given according to Section 40P(2) of the Act and the owner of the vehicle failed to take possession of the vehicle and pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice, within one month after service or publication of the notice in accordance with Section 40P(2) of the Act, for sale by public auction.	Duty - Not a Delegation		

Road Traffic Act 1961				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s40P(4)	3. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed 3.2 The power pursuant to Section 40P(4) of the Act, where a vehicle is offered for sale by public auction but is not sold at the auction or the relevant authority reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle, to dispose of the vehicle in such manner as the Delegate thinks fit.	Chief Executive Officer		
S40P(5)	3. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed 3.3 The duty pursuant to Section 40P(5) of the Act to apply the proceeds of the sale of a vehicle as follows: 3.3.1 firstly, in payment of the costs of and incidental to the sale; 3.3.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under this section; and 3.3.3 thirdly, in payment of the balance to the owner of the vehicle.	Duty - Not a Delegation		
s40P(6)	3. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed 3.4 The power pursuant to Section 40P(6) of the Act, if after reasonable inquiry following sale of the vehicle the owner of the vehicle cannot be found, to pay the balance of the proceeds of the sale to the Council.	Chief Executive Officer		
s163ZC(2)	4. Compensation Orders for Damage to Road Infrastructure The power, pursuant to Section 163ZC(2) of the Act and in accordance with Section 163ZC(5) of the Act to make an application for a compensation order.	Chief Executive Officer		
s163ZD(2)	4A. Assessment of Compensation 4A.1 The power pursuant to Section 163ZD(2) of the Act and in accordance with Section 163ZE of the Act to use in proceedings for the court to take into account in assessing the amount of any compensation:	Chief Executive Officer		

Road Traffic Act 1961				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>4A.1.1 any evidence not adduced in connection with the prosecution of the offence but adduced in connection with the making of the proposed order; and</p> <p>4A.1.2 any certificate of the Council, as the road authority stating that the Council maintains the road concerned; and</p> <p>4A.1.3 any other certificate of the Council as the road authority, such as a certificate:</p> <p>4A.1.3.1 estimating the monetary value of all or any part of the road infrastructure or of the damage to it; or</p> <p>4A.1.3.2 estimating the cost of remedying the damage; or</p> <p>4A.1.3.3 estimating the extent of the offender's contribution to the damage.</p>			
s163ZE(1)	<p>4B. Service of Certificates</p> <p>4B.1 The duty, pursuant to Section 163ZE(1) of the Act, if the Council, as the road authority, proposes to use a certificate referred to in Section 163ZD in proceedings, to serve a copy of the certificate on the defendant at least 28 working days before the day on which the matter is set down for hearing.</p>	Duty - Not a Delegation		
s174C(1)	<p>5. Exemptions</p> <p>5.1 The power pursuant to Section 174C(1) of the Act to exempt any person, or any persons of specified class, or any specified vehicle, or any vehicles of a specified class, from compliance with a prescribed provision of the Act, subject to the payment of such fee and to such other conditions (if any) as the Delegate thinks fit and specifies in the exemption.</p>	Chief Executive Officer		
Road Traffic (Miscellaneous) Regulations 2014				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments

Road Traffic (Miscellaneous) Regulations 2014				
r6(2)	6. Event Management Plan 6.1 The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with an applicant in the preparation of an event management plan for the purpose of Section 33(1) of the Act.	Chief Executive Officer		
r6(2)	6. Event Management Plan 6.2 The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with the Commissioner of Police or the Commissioner of Highways in the preparation of an event management plan for the purpose of Section 33(1) of the Act.	Chief Executive Officer		
Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
r17(2)	7. Permit Zones 7.1 The power pursuant to Regulation 17(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to determine – 7.1.1 the class of permits required for vehicles to stop in a permit zone established by the Council; 7.1.2 the persons entitled to such permits; 7.1.3 any fees to be paid for such permits; 7.1.4 the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles). and to vary any such determination.	Chief Executive Officer		
r17(3)	7. Permit Zones 7.2 The power pursuant to Regulation 17(3) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to issue permits in respect of permit zones to persons entitled to them, on payment of a fee (if any) and subject to the conditions,	Chief Executive Officer		

Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	determined by the Delegate.			
r22(2)	8. Parking and Parking Ticket-Vending Machines or Parking Meters 8.1 The power pursuant to Regulation 22(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 if the Council has installed or determined that it will install permissive parking signs to apply to a length of road or an area, to determine fees that will be payable for parking in the length of road or the area by the operation of parking ticket-vending machines or parking meters, installed or to be installed in or near the length of road or area, and the power to vary such fees.	Council Only		

24. Road Traffic Act 1961 - Made in Accordance with the Notice to Council from the Minister for Transport Dated 22 August 2013

Road Traffic Act 1961 - Notice to Council from the Minister for Transport - 22 August 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
33(1)	<p>Power to Close Roads and Grant Exemption for Events</p> <p>2. The power pursuant to Section 33(1) of the Act to declare an event to be an event to which Section 33 of the Act applies and to make orders directing:</p> <p>2.1 that specified roads (being roads on which the event is to be held or roads that, in the opinion of the Delegate, should be closed for the purposes of the event) be closed to traffic for a specified period; and</p> <p>2.2 that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the Australian Road Rules specified in Clause G.4 of the Instrument, subject to the conditions in Clause G.5 of the Instrument.</p>	Chief Executive Officer	See Ministers notice	

25. Roads (Opening and Closing) Act 1991

Roads (Opening and Closing) Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s5	1. Commencement Of Road Process 1.1 The power pursuant to Section 5 of the Roads (Opening and Closing) Act 1991 ("the Act") to commence a road process in relation to a road or proposed road within the area of the Council.	Council Only		
s9(1)	2. Deposit of Preliminary Plan and Statement of Persons Affected 2.1 The duty pursuant to Section 9(1) of the Act where the Council proposes to commence a road process, to cause to be prepared: 2.1.1 a preliminary plan of the land subject to the proposed road process in a form approved by the Surveyor-General; and 2.1.2 a statement in a form approved by the Surveyor-General containing - 2.1.2.1 the names and addresses of those persons affected who can be identified by reasonable enquiry; and 2.1.2.2 such information in relation to the land subject to the proposed road process as is required by the Surveyor-General.	Duty - Not a Delegation		
s9(2)	2. Deposit of Preliminary Plan and Statement of Persons Affected 2.2 The duty pursuant to Section 9(2) of the Act where the Council has proposed a road process and a preliminary plan and statement has been prepared pursuant to the requirements of Section 9(1) of the Act, to deposit a copy of the said preliminary plan and statement at the Adelaide office of the Surveyor-General together with the prescribed fee.	Duty - Not a Delegation		

Roads (Opening and Closing) Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s10(1)	<p>3. Notification of Proposed Road Process</p> <p>3.1 The duty pursuant to Section 10(1) of the Act where the Council commences a road process (where the Council is the relevant authority in relation to the road process) to -</p> <p>3.1.1 after compliance with the requirements of Section 9 of the Act, give public notice, in accordance with the Regulations, of the proposal; and</p> <p>3.1.2 at the same time to give notice in writing of the proposal on each person affected who can be identified by reasonable enquiry.</p>	Duty - Not a Delegation		
s10(2)	<p>3. Notification of Proposed Road Process</p> <p>3.2 The duty pursuant to Section 10(2) of the Act to (where the Council is a relevant authority in relation to a proposed road process) as soon as practicable after giving public notice under Section 10(1) of the Act in relation to the process, deposit a copy of the notice at the Adelaide office of the Surveyor-General.</p>	Duty - Not a Delegation		
s11(a)(ii)	<p>4. Dealings in Land after Commencement of Road Process</p> <p>4.1 The power pursuant to Section 11(a)(ii) of the Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is land which has been brought under the Real Property Act 1886), to lodge a caveat with the Registrar-General forbidding any dealing with the land without the consent of the Council.</p>	Chief Executive Officer		
s11(b)(iii)	<p>4. Dealings in Land after Commencement of Road Process</p> <p>4.2 The power pursuant to Section 11(b)(iii) of Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is not land that has been brought under the Real Property Act 1886), to lodge a copy of the notice of the proposed road opening at the General Registry office, and by notice in writing served on any person, require the person to deliver up to the Registrar-General any instrument evidencing the person's interest in the land.</p>	Chief Executive Officer		

Roads (Opening and Closing) Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s12(1)	5. Power to make Preliminary Agreements 5.1 The power pursuant to Section 12(1) of the Act and in accordance with the provisions of Section 12 to make agreements for exchange or transfer in relation to land subject to a proposed road closure with the owner of land adjoining that land.	Council Only		
s12(3)	5. Power to make Preliminary Agreements 5.2 The duty pursuant to Section 12(3) of the Act where the Delegate seeks to make an agreement for transfer in relation to land subject to a proposed road closure pursuant to Section 12 of the Act - 5.2.1 where adjoining land is owned by a person who owns land subject to a proposed road opening, to first endeavour to secure an agreement for exchange with that person; 5.2.2 in any case, to first invite offers from the owners of land adjoining the land subject to the proposed road closure.	Duty - Not a Delegation		
s14(1)	6. Meeting to Consider Objection or Application 6.1 The duty pursuant to Section 14(1) of the Act in circumstances where the Council is the relevant authority and where the Council has commenced a road process and a person has made an objection or application in relation to the proposed road process, to notify that person in writing of a time and place at which the Council will meet as the relevant authority to consider all such objections and applications.	Duty - Not a Delegation		
s15(1)	7. Making of Road Process Order 7.1 The duty pursuant to Section 15(1) of the Act to (as the relevant authority) as soon as practicable after the expiration of the time allowed for the making of objections and applications and after considering all objections and applications (if any) made in relation to a proposed road process - 7.1.1 make a road process order in relation to all or part of the land to which the proposed road process relates; or	Duty - Not a Delegation		

Roads (Opening and Closing) Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	7.1.2 determine that no road process order is to be made.			
s15(3)	<p>7. Making of Road Process Order</p> <p>7.2 The duty pursuant to Section 15(3) of the Act where the Delegate (as the relevant authority) determines that no road process order is to be made, to as soon as practicable give notice in writing of that decision;</p> <p>7.2.1 to the Surveyor General; and</p> <p>7.2.2 to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and</p> <p>7.2.3 in addition, in the case of a proposed road opening, to any person who has an interest in land over which the road was proposed to be opened.</p>	Duty - Not a Delegation		
s16	<p>7. Making of Road Process Order</p> <p>7.3 The duty pursuant to Section 16 of the Act when acting as the relevant authority, in determining whether to make a road process order and what order should be made, to have regard to -</p> <p>7.3.1 any objections made by any person pursuant to the Act; and</p> <p>7.3.2 the plans, principles, regulations and other matters to which regard must be had by assessment authorities for determining applications for development authorisation under the Development Act 1993 in relation to developments in the area to which the proposed road process order relates; and</p> <p>7.3.3 whether the land subject to the road process is reasonably required as a road for public use in view of present and likely future needs in the area; and</p>	Duty - Not a Delegation		

Roads (Opening and Closing) Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>7.3.4 alternative uses of the land subject to the road process that would benefit the public or a section of the public; and</p> <p>7.3.5 any other matter that the Delegate considers relevant.</p>			
s17	<p>7. Making of Road Process Order</p> <p>7.4 The duty pursuant to Section 17 of the Act where, when acting as the relevant authority, a road process order or a road closure has been made, to as part of that order make one or more of the following orders dealing, or together dealing, with all of the land subject to the road closure:</p> <p>7.4.1 if an agreement for exchange or transfer has been made in respect of land subject to the road closure, an order that the land be transferred or added to other land in accordance with the agreement;</p> <p>7.4.2 an order that the land be sold by public auction or tender, if the Delegate considers that land subject to the road closure can conveniently be used separately from other land and the power to so form that opinion;</p> <p>7.4.3 an order that land subject to the road closure be sold, or transferred, for use for some public, charitable or beneficial community purpose;</p> <p>7.4.4 if land subject to the road closure is required by the Council for some purpose - in order that the land be retained by the Council and the Certificate of Title be issued to the Council;</p> <p>7.4.5 an order that land subject to the road closure -</p> <p>7.4.5.1 be added to adjoining land that is dedicated under the Crown Lands Act 1929; or</p> <p>7.4.5.2 be transferred to the proprietor of adjoining land that is</p>	Duty - Not a Delegation		

Roads (Opening and Closing) Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	alienated in fee simple in trust under the Crown Lands Act 1929; or 7.4.5.3 be vested in the Crown.			
s18(1)	7. Making of Road Process Order 7.5 The power to pursuant to Section 18(1) of the Act and in accordance with the provisions in Section 18(2) of the Act, when acting as the relevant authority where a road process order for a road closure has been made, to make an order as part of that order for the granting of an easement over land subject to the road closure.	Chief Executive Officer		
s18(2)(d)	7. Making of Road Process Order 7.6 The power pursuant to Section 18(2)(d) of the Act, where an application for an easement has been made pursuant to Division 1 of Part 3 of the Act by a person as the owner of adjoining or nearby land, to form the opinion that the persons use or enjoyment of that adjoining or nearby land would be substantially altered if the easement were not granted and therefore make an order for the granting of the easement in favour of that person.	Chief Executive Officer		
s19	7. Making of Road Process Order 7.7 The duty pursuant to Section 19 of the Act when acting as the relevant authority to as soon as is practicable after a road process order is made; 7.7.1 give notice in writing of the order to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and 7.7.2 In addition, in the case of an order for a road opening - 7.7.2.1 give notice in writing of the order to any person who has an interest in land over which a road is proposed by the order to be opened; and	Duty - Not a Delegation		

Roads (Opening and Closing) Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>7.7.2.2 if the order does not deal with part of the land specified in the public notice of the proposed road opening given pursuant to Division 1 - give notice in writing of the discontinuance of the road process in respect of that land to any person who has an interest in that land; and</p> <p>7.7.2.3 deliver to the Adelaide office of the Surveyor-General a copy of the minutes of all meetings held by it in relation to the proposed road process certified by the Chief Executive Officer of the Council.</p>			
s20	<p>7. Making of Road Process Order</p> <p>7.8 The duty pursuant to Section 20 of the Act, within 3 months after a road process order is made to deposit at the Adelaide office of the Surveyor-General -</p> <p>7.8.1 2 copies of the order; and</p> <p>7.8.2 survey plans as required by the Registrar-General for the purposes of this Section; and</p> <p>7.8.3 in the case of an order for a road closure that includes an order that land be transferred or added to other land in accordance with an agreement for exchange or transfer - a copy of the agreement for exchange or transfer on which is denoted all stamp duty payable in respect of the agreement; and</p> <p>7.8.4 in the case of an order for a road opening or the narrowing of a road - a statement that the order complies with the requirements of Part 8 of the Act as to the minimum width of roads; and</p> <p>7.8.5 any other document required by the Surveyor-General; and</p> <p>7.8.6 any fee prescribed by regulation including any fee required to be paid by a person in whom land or an interest in land would be vested on publication in the Gazette of notice of the order and its confirmation by the Minister.</p>	Duty - Not a Delegation		

Roads (Opening and Closing) Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s20(3)	<p>7. Making of Road Process Order</p> <p>7.9 The duty pursuant to Section 20(3) of the Act in circumstances where a road process lapses by virtue of the provisions of Section 20(2) of the Act to, as soon as practicable, give notice in writing of that fact -</p> <p>7.9.1 to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and</p> <p>7.9.2 in addition, in the case of a proposed road opening - to any person who has an interest in land over which a road is proposed to be opened.</p>	Duty - Not a Delegation		
s22(2)(i)	<p>8. Review and Confirmation of Road Process Order</p> <p>8.1 The duty pursuant to Section 22(2)(i) of the Act as the relevant authority in circumstances where the Surveyor-General has amended a road process order under Section 22(1) of the Act and then provided a written notice of that amendment to the Council, to as soon as practicable give notice in writing of that amendment to any person who was required to be given notice in writing of the road process order under Section 19(a) or (b) of the Act.</p>	Duty - Not a Delegation		
s24(2)(b)	<p>8. Review and Confirmation of Road Process Order</p> <p>8.2 The duty pursuant to Section 24(2)(b) of the Act in circumstances where the Minister declines to confirm a road process order under Section 24(1) of the Act and has then provided written notice of that decision to the Council, to as soon as practicable give notice in writing of that decision -</p> <p>8.2.1 to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and</p>	Duty - Not a Delegation		

Roads (Opening and Closing) Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	8.2.2 in addition, in the case of a proposed road opening - to any person who has an interest in land over which a road was proposed to be opened.			
s31(1)(a)	<p>9. Compensation</p> <p>9.1 The duty pursuant to Section 31(1)(a) of the Act where a road is opened pursuant to the Act over land not owned by the Council to -</p> <p>9.1.1 serve notice in writing of the road process order on each person who had an interest in the land immediately before it vested in the Council by virtue of the road opening; and</p> <p>9.1.2 append to the notice an offer in writing stating the total amount of compensation that the Council proposes to pay to the person and dividing that amount, so far as is practicable, into its separable components.</p>	Duty - Not a Delegation		
s33(1)	<p>10. Acquisition of Additional Land under Land Acquisition Act</p> <p>10.1 The power pursuant to Section 33(1) of the Act in circumstances where a Council proposes to open a road over any land pursuant to the Act, to -</p> <p>10.1.1 consider that the acquisition of additional land adjoining or near to the land to which the road opening relates is appropriate; and</p> <p>10.1.2 proceed to acquire the land, whether or not the land is required in connection with the proposed road.</p>	Council Only		
s33(4)	<p>10. Acquisition of Additional Land under Land Acquisition Act</p> <p>10.2 The power pursuant to Section 33(4) of the Act, where additional land is acquired by the Council pursuant to Section 33 of the Act, to sell or otherwise deal with that land in such manner as the Delegate considers appropriate, and to use the proceeds from the sale of any such land toward defraying expenses incurred by the Council in connection with the road opening.</p>	Council Only		

Roads (Opening and Closing) Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s34G(1)	10A. Roads Associated with Adelaide Park Lands 10A.1 The power pursuant to Section 34G(1) of the Act to prepare an application to be made by the Council to the Minister to make a road wider, narrower, longer or shorter pursuant to Section 6B of the Act.	Chief Executive Officer		
s34G(2)	10A. Roads Associated with Adelaide Park Lands 10A.2 The duty pursuant to Section 34G(2) of the Act to ensure that an application pursuant to Section 34G of the Act is accompanied by - 10A.2.1 a preliminary plan of the land subject to the proposed road process, in a form determined or approved by the Surveyor General; and 10A.2.2 such other information as may be required by the Regulations.	Duty - Not a Delegation		
s34G(4)	10A. Roads Associated with Adelaide Park Lands 10A.3 The duty pursuant to Section 34G(4) of the Act, if the Minister, after consultation under Section 34G(3) of the Act, determines that the application should be considered to, in accordance with Section 34G(5) of the Act, - 10A.3.1 give public notice, in accordance with the Regulations, of the proposal; and 10A.3.2 give notice of the proposal to any State authority or council specified by the Minister; and 10A.3.3 give notice of the proposal to the Adelaide Park Lands Authority (unless the Authority has already been consulted under Section 34G(3) of the Act and indicated that it has no further comment to make in relation to the matter).	Duty - Not a Delegation		

Roads (Opening and Closing) Act 1991				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s34G(6)	<p>10A. Roads Associated with Adelaide Park Lands</p> <p>10A.4 The duty pursuant to Section 34G(6) of the Act to forward to the Surveyor-General, after the expiration of the period that applies under Section 34G(5) of the Act -</p> <p>10A.4.1 any representation in relation to the proposal made to the Council within the relevant period; and</p> <p>10A.4.2 any response that the Council wishes to make in relation to those representations.</p>	Duty - Not a Delegation		
s34G(9)	<p>10A. Roads Associated with Adelaide Park Lands</p> <p>10A.5 The power pursuant to Section 34G(9) of the Act, if the Minister is willing to approve the application, to, after consultation with the Surveyor-General, cause survey plans and other documents to be prepared as required by the Registrar-General and submit them to the Minister.</p>	Chief Executive Officer		
s34G(14)	<p>10A. Roads Associated with Adelaide Park Lands</p> <p>10A.6 The power and duty pursuant to Section 34G(14) of the Act, after publication of the order, to provide any documentation required by the Registrar-General to the Registrar-General.</p>	Chief Executive Officer		
s39	<p>11. Duty to Fence</p> <p>11.1 The duty pursuant to Section 39 of the Act in any case in which a road is fenced along one or both of its boundaries and the road is altered or diverted, to ensure that the road as altered or diverted is fenced along its boundaries with a substantial fence of the same nature as the fence previously on the boundary of the road and the abutting land.</p>	Duty - Not a Delegation		

26. South Australian Public Health Act 2011, the South Australian Public Health (Legionella) Regulations 2013, the South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (General) Regulations 2013

South Australian Public Health Act 2011				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s18(2)	1. Power to Require Reports 1.1 The power pursuant to Section 18(2) of the South Australian Public Health Act 2011 (the Act) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.	Chief Executive Officer		
s18(3)	1. Power to Require Reports 1.2 The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council provide a combined report with 1 or more other councils.	Chief Executive Officer		
s18(5)	1. Power to Require Reports 1.3 The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.	Chief Executive Officer		
s22(2)	2. Risk of Avoidable Mortality or Morbidity 2.1 The power pursuant to Section 22(2) of the Act, if the Council receives a request under Section 22(1) of the Act, to consider the request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time.	Chief Executive Officer		
s22(3)	2. Risk of Avoidable Mortality or Morbidity 2.2 The power pursuant to Section 22(3) of the Act to include in a response under Section 22(2) of the Act details about: 2.2.1 any steps already being taken by the Council that may be relevant in the circumstances; and 2.2.2 any plans that the Council may have that may be relevant in the circumstances; and 2.3 any steps that the Council is willing to take in the circumstances; and	Chief Executive Officer		

South Australian Public Health Act 2011				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	2.4 any other matter relating to the Council that appears to be relevant.			
s39(1)	3. Cooperation Between Councils 3.1 The power pursuant to Section 39(1) of the Act to, in performing the Council's functions or exercising the Council's powers under the Act, act in conjunction or partnership with, or cooperate or coordinate the Council's activities with, 1 or more other councils	Chief Executive Officer		
s39(2)	3. Cooperation Between Councils 3.2 The power pursuant to Section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other councils.	Chief Executive Officer		
s39(3)	3. Cooperation Between Councils 3.3 The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request.	Chief Executive Officer		
s40(2)	4. Power of Chief Public Health Officer to Act 4.1 The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer.	Chief Executive Officer		
s41(1)	5. Council Failing to Perform a Function Under Act 5.1 The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister's opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act.	Chief Executive Officer		
s41(6)	5. Council Failing to Perform a Function Under Act 5.2 The power pursuant to Section 41(6) of the Act to: 5.2.1 make written submissions to the Minister in relation to the matter within a period specified by the Minister; and	Chief Executive Officer		

South Australian Public Health Act 2011				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	5.2.2 request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and 5.2.3 appoint a delegation representing the Council to discuss the matter with the Minister.			
s42(1)	6. Transfer of Function of Council at Request of Council 6.1 The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer.	Chief Executive Officer		
s42(10)	6. Transfer of Function of Council at Request of Council 6.2 The power pursuant to Section 42(10) of the Act to enter into an agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act.	Chief Executive Officer		New addition to Framework with suggested delegation.
s42(11)	6. Transfer of Function of Council at Request of Council 6.3 The power pursuant to Section 42(11) of the Act to request that the Minister vary or revoke a notice under Section 42 of the Act.	Chief Executive Officer		
s42(11)	6. Transfer of Function of Council at Request of Council 6.4 The power pursuant to Section 42(11) of the Act to consult with the Minister in relation to the Minister varying or revoking a notice under Section 42 of the Act.	Chief Executive Officer		
s44(1) s45	7. Local Authorised Officers 7.1 The power pursuant to Section 44(1) of the Act, subject to Section 45 of the Act, to, by instrument in writing, appoint a suitably qualified person to be a local authorised officer.	Chief Executive Officer		
s44(2)	7. Local Authorised Officers 7.2 The power pursuant to Section 44(2) of the Act to make an appointment under Section 44 subject to such conditions or limitations as the Delegate thinks fit.	Chief Executive Officer		

South Australian Public Health Act 2011				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s44(4)	7. Local Authorised Officers 7.3 The power pursuant to Section 44(4) of the Act to direct a local authorised officer.	Chief Executive Officer		
s44(6)	7. Local Authorised Officers 7.4 The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.	Chief Executive Officer		
s44(7)	7. Local Authorised Officers 7.5 The power pursuant to Section 44(7) of the Act to notify the Chief Public Health Officer in accordance with Section 44(8) of the Act, if the Council or the Delegate: 7.5.1 makes an appointment under Section 44 of the Act; or 7.5.2 revokes an appointment under Section 44 of the Act.	Chief Executive Officer		
s44(9)	7. Local Authorised Officers 7.6 The power pursuant to Section 44(9) of the Act to determine the number of local authorised officers who should be appointed for the Council's area and in determining the number of local authorised officers who should be appointed for the Council's area, take into account any policy developed by the Chief Public Health Officer for the purposes of Section 44 of the Act.	Chief Executive Officer		
s46(1) s46(2)	8. Identity Cards 8.1 The power pursuant to Section 46(1) of the Act to issue in accordance with Section 46(2) of the Act to an authorised officer appointed under the Act an identity card in a form approved by the Chief Public Health Officer: 8.1.1 containing the person's name and a photograph of the person; and 8.1.2 stating that the person is an authorised officer for the purposes of the Act; and 8.1.3 setting out the name or office of the issuing authority.	Chief Executive Officer		

South Australian Public Health Act 2011				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s49(1)	9. Specific Power to Require Information 9.1 The power pursuant to Section 49(1) of the Act to require a person to furnish such information relating to public health as may be reasonably required for the purposes of the Act.	Chief Executive Officer		
s51(1), (2), (5), (6), (8), (9), (11), (12), (13), (15)	10. Regional Public Health Plans 10.1 The power pursuant to Section 51(1) of the Act to in accordance with Sections 51(2), (5), (6), (8), (9), (11), (12), (13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan).	Chief Executive Officer		
s51(10), (11)	10. Regional Public Health Plans 10.2 The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time.	Chief Executive Officer		New addition to Framework with suggested delegation.
s51(11) s51(12)	10. Regional Public Health Plans 10.3 The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan: 10.3.1 prepare a draft of the proposal; and 10.3.2 when the draft plan is completed, subject to Section 51(12) of the Act: 10.3.2.1 give a copy of it to: (a) the Minister; and (b) any incorporated hospital established under the Health Care Act 2008 that operates a facility within the region; and (c) any relevant public health partner authority under Section 51(23); and	Chief Executive Officer		

South Australian Public Health Act 2011				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	(d) any other body or group prescribed by the regulations; and 10.3.2.2 take steps to consult with the public.			
s51(12) s51(11)	10. Regional Public Health Plans 10.4 The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or the Delegate releases a draft plan under Section 51(11).	Chief Executive Officer		
s51(13)	10. Regional Public Health Plans 10.5 The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation.	Chief Executive Officer		
s51(15)	10. Regional Public Health Plans 10.6 The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief Public Health Officer, SAPHC, and any other body within the ambit of a determination under Section 51(14) of the Act, at the conclusion of the consultation processes envisaged by Sections 51(13) and (14).	Chief Executive Officer		
s51(16)	10. Regional Public Health Plans 10.7 The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration.	Chief Executive Officer		New addition to Framework with suggested delegation.
s51(17)	10. Regional Public Health Plans 10.8 The power pursuant to Section 51(17) of the Act to undertake the processes set out in Section 51 of the Act in conjunction with the preparation and adoption of its strategic management plans under Section 122 of the Local Government Act 1999 (and the power if the delegate thinks fit, incorporate a regional public health plan into the Council's strategic management plans under that Act).	Chief Executive Officer		New addition to Framework with suggested delegation.

South Australian Public Health Act 2011				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s51(18)	10. Regional Public Health Plans 10.9 The power pursuant to Section 51(18) of the Act to provide in a regional public health plan, by agreement with the public health partner authority, for a public health partner authority to take responsibility for undertaking any strategy, or for attaining any priority or goal, under the plan.	Chief Executive Officer		New addition to Framework with suggested delegation.
s51(19)	10. Regional Public Health Plans 10.10 The power pursuant to Section 51(19) of the Act to review a regional public health plan at least once in every 5 years.	Chief Executive Officer		New addition to Framework with suggested delegation.
s51(20)	10. Regional Public Health Plans 10.11 The power pursuant to Section 51(20) of the Act to, in preparing and reviewing the Council's regional public health plan insofar as is reasonably practicable, give due consideration to the plans of other councils insofar as this may be relevant to issues or activities under the Council's plan.	Chief Executive Officer		New addition to Framework with suggested delegation.
s51(21)	10. Regional Public Health Plans 10.12 The power pursuant to Section 51(21) of the Act to, when performing functions or exercising powers under the Act or any other Act, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or the Delegate should implement changes to the manner in which, or the means by which, the Council or the Delegate performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change.	Chief Executive Officer		

South Australian Public Health Act 2011				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s52(1)	11. Reporting on Regional Public Health Plans 11.1 The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act.	Chief Executive Officer		
s66(6)	12. Action to Prevent Spread of Infection 12.1 The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section 66(5) of the Act from the person who failed to take the required action.	Chief Executive Officer		
s66(5)	12. Action to Prevent Spread of Infection 12.2 The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease constituting a notifiable condition, take such action as is reasonably open to the Delegate to assist in preventing the spread of the disease.	Chief Executive Officer		
s92(1)	13. Notices 13.1 The power pursuant to Section 92(1) of the Act and subject to Sections 92(2), (3), (4), (5) and (12) of the Act to issue a notice for the purpose of: 13.1.1 securing compliance with a requirement imposed by or under the Act (including the duty under Part 6 or a requirement imposed under a regulation or a code of practice under the Act); or 13.1.2 averting, eliminating or minimising a risk, or a perceived risk, to public health.	Chief Executive Officer		
13. Notices	13. Notices 13.2 The power pursuant to Section 92(2) of the Act and subject to Section 92(12) of the Act, to, before issuing a notice to secure compliance with the general duty under Part 6 of the Act:	Chief Executive Officer		

South Australian Public Health Act 2011				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>13.2.1 have regard to:</p> <p>13.2.1.1 the number of people affected, or potentially affected, by the breach of the duty;</p> <p>13.2.1.2 the degree of harm, or potential degree of harm, to public health on account of the breach of the duty;</p> <p>13.2.1.3 any steps that a person in breach of the duty has taken, or proposed to take, to avoid or address the impact of the breach of the duty,</p> <p>and such other matters as the Delegate thinks fit; and</p> <p>13.2.2 subject to Section 92 of the Act, give the person to whom it is proposed that the notice be given a preliminary notice in writing:</p> <p>13.2.2.1 stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and</p> <p>13.2.2.2 stating the reasons for the proposed action; and</p> <p>13.2.2.3 inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to the Delegate or a person nominated to act on behalf of the Council).</p>			
s92(2)(b)(ii) i)	<p>13. Notices</p> <p>13.3 The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.</p>	Chief Executive Officer		
s92(3)	<p>13. Notices</p> <p>13.4 The power pursuant to Section 92(3) of the Act to, in a case where Section 92(2)(b) of the Act applies, after considering representations made within the time specified under Section</p>	Chief Executive Officer		

South Australian Public Health Act 2011				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	92(2)(b) of the Act: 13.4.1 issue a notice in accordance with the terms of the original proposal; or 13.4.2 issue a notice with modifications from the terms of the original proposal; or 13.4.3 determine not to proceed further under Section 92.			
s92(4)	13. Notices 13.5 The power pursuant to Section 92(4) of the Act to: 13.5.1 not give notice under Section 92(2)(b) of the Act if the Delegate considers that urgent or immediate action is required in the circumstances of the particular case; and 13.5.2 not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.	Chief Executive Officer		
s92(5)	13. Notices 13.6 The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act: 13.6.1 in the form of a written notice served on the person to whom it is issued; and 13.6.2 specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and 13.6.3 directing 2 or more persons to do something specified in the notice jointly; and 13.6.4 without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who: 13.6.4.1 is the owner or occupier of the premises; or	Chief Executive Officer		

South Australian Public Health Act 2011				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>13.6.4.2 has the management or control of the premises; or</p> <p>13.6.4.3 is the trustee of a person referred to in Section 92(5)(i) or (ii) of the Act or is managing the affairs of such a person on some other basis; and</p> <p>13.6.5 stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and</p> <p>13.6.6 imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following:</p> <p>13.6.6.1 a requirement that the person discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from a relevant authority;</p> <p>13.6.6.2 a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;</p> <p>13.6.6.3 a requirement that the person take specified action in a specified way, and within a specified period or at specified times or in specified circumstances;</p> <p>13.6.6.4 a requirement that the person take action to prevent, eliminate, minimise or control any specified risk to public health, or to control any specified activity;</p> <p>13.6.6.5 a requirement that the person comply with any specified code or standard prepared or published by a body or authority referred to in the notice;</p> <p>13.6.6.6 a requirement that the person undertake specified tests or monitoring;</p>			

South Australian Public Health Act 2011				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>13.6.6.7 a requirement that the person furnish to a relevant authority specified results or reports;</p> <p>13.6.6.8 a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the relevant authority, a plan of action to secure compliance with a relevant requirement or to prevent, eliminate, minimise or control any specified risk to public health;</p> <p>13.6.6.9 a requirement prescribed under or for the purposes of the regulations; and</p> <p>13.6.7 stating that the person may, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.</p>			
s92(9)	<p>13. Notices</p> <p>13.7 The power pursuant to Section 92(9) of the Act by written notice served on a person to whom a notice under Section 92 of the Act has been issued by the Delegate or the Council, vary or revoke the notice.</p>	Chief Executive Officer		
s95(15)	<p>13. Notices</p> <p>13.8 The power pursuant to Section 92(15) of the Act to, not comply with any other procedure, or hear from any other person, except as provided by Section 92 of the Act before the Delegate issues a notice under Section 92 of the Act.</p>	Chief Executive Officer		
s93(1)	<p>14. Action on Non-compliance with Notice</p> <p>14.1 The power pursuant to Section 93(1) of the Act if the requirements of a notice under Part 12 of the Act are not complied with, to take any action required by the notice.</p>	Chief Executive Officer		
s93(2)	<p>14. Action on Non-compliance with Notice</p> <p>14.2 The power pursuant to Section 93(2) of the Act to authorise a person for the purpose of taking action on the Council's behalf under Section 93(1) of the Act.</p>	Chief Executive Officer		

South Australian Public Health Act 2011				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s93(4)	14. Action on Non-compliance with Notice 14.3 The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 93 of the Act as a debt from the person who failed to comply with the requirements of the notice.	Chief Executive Officer		
s93(5)	14. Action on Non-compliance with Notice 14.4 The power pursuant to Section 93(5) of the Act, if an amount is recoverable from a person by the Council under Section 93, to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	Chief Executive Officer		
s94(5)	15. Action in Emergency Situations 15.1 The power pursuant to Section 94(5) of the Act to recover the reasonable costs and expenses incurred by a local authorised officer in taking action under Section 94 from any person who caused the risk to which the action relates, as a debt.	Chief Executive Officer		
s95(13)	16. Reviews - Notices Relating to General Duty 16.1 The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council.	Chief Executive Officer		
s95(15)	16. Reviews - Notices Relating to General Duty 16.2 The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to: 16.2.1 dismiss or determine any proceedings that appear: 16.2.1.1 to be frivolous or vexatious; or 16.2.1.2 to have been instituted for the purpose of delay or obstruction, or for some other improper purpose; 16.2.2 bring any proceedings to an end that appear: 16.2.2.1 to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or	Chief Executive Officer		

South Australian Public Health Act 2011				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	16.2.2.2 to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or 16.2.3 bring any proceedings to an end for any other reasonable cause.			
s96(3)	17. Appeals 17.1 The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, appeal to the District Court against the outcome of review proceedings under Division 3, Part 12 of the Act.	Chief Executive Officer		
South Australian Public Health (Legionella) Regulations 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
r5(3)	18. Duty to Register High Risk Manufactured Water System 18.1 The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (the Legionella Regulations) to, on application made in a manner and form approved by the Council or Delegate and payment of the registration fee specified in Schedule 1 to the Council, register the high risk manufactured water system to which the application relates.	Duty - Not a Delegation		
r5(6)	18. Duty to Register High Risk Manufactured Water System 18.2 The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or Delegate and payment of the renewal fee specified in Schedule 1 to the Council, renew the registration of the high risk manufactured water system to which the application relates.	Duty - Not a Delegation		
r6(2)	19. Register of High Risk Manufactured Water Systems 19.1 The power pursuant to Regulation 6(2) of the Legionella Regulations and subject to Regulation 6(3) of the Legionella Regulations to determine the manner and form of a register of high risk manufactured water systems registered by the Council.	Chief Executive Officer		

South Australian Public Health (Legionella) Regulations 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
r6(3)	<p>19. Register of High Risk Manufactured Water Systems 19.2 The power pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register:</p> <p>19.2.1 the type of water system; and</p> <p>19.2.2 the address of the premises on which the water system is installed; and</p> <p>19.2.3 the location of the water system on the premises; and</p> <p>19.2.4 the full name and residential and business addresses of the owner of the premises; and</p> <p>19.2.5 the full name, residential and business addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system,</p> <p>and such other information as the Delegate thinks fit.</p>	Duty - Not a Delegation		
r15(2)	<p>19. Register of High Risk Manufactured Water Systems 19.3 The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with the Council is installed, written notice:</p> <p>19.3.1 requiring the owner, within the period specified in the notice:</p> <p>19.3.1.1 to cause an inspection of the water system to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance of the system); and</p> <p>19.3.1.2 to arrange for a NATA accredited laboratory to conduct</p>	Chief Executive Officer		

South Australian Public Health (Legionella) Regulations 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	microbiological testing, in accordance with AS/NZS 3896: (a) of at least 1 sample of water taken from a cooling water system; and (b) of at least 2 samples of water taken from a warm water system, to determine the presence and number of colony forming units of Legionella in the water; and			
r15(2)	19. Register of High Risk Manufactured Water Systems 19.4 requiring the owner to submit to the Council written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.	Chief Executive Officer		
r16(1)	20. Power of Council to Require Microbiological Testing in Other Circumstances 20.1 The power pursuant to Regulation 16(1) of the Legionella Regulations, if: 20.1.1 the Council is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk manufactured water system is installed; or 20.1.2 the Council or Delegate has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations, to give the owner of the premises written notice: 20.1.3 requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and 20.1.4 requiring the owner to submit to the Council a written report setting out the results of the microbiological testing within 24 hours of receiving the report.	Chief Executive Officer		
r21(3)	21. Fees	Chief Executive Officer		

South Australian Public Health (Legionella) Regulations 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	21.1 The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to the Council, to give the person written notice requiring the person to pay the fee within the period specified in the notice.			
r21(4)	21. Fees 21.2 The power pursuant to Regulation 21(4) of the Legionella Regulations, to reduce or remit a fee payable to the Council under the Legionella Regulations if satisfied that it is appropriate to do so in a particular case.	Chief Executive Officer		
r21(5)	21. Fees 21.3 The power pursuant to Regulation 21(5) of the Legionella Regulations, to recover a fee payable to the Council under the Legionella Regulations by action in a court of competent jurisdiction as a debt due to the Council.	Chief Executive Officer		
South Australian Public Health (Wastewater) Regulations 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
r6(1)	22. Relevant Authority 22.1 The power pursuant to Regulation 6(1)(b) of the South Australian Public Health (Wastewater) Regulations 2013 (the Wastewater Regulations) to, agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area if the system is to be operated by another council or wastewater works related to the system are to be undertaken by another council, or by a person acting in partnership, or in conjunction with that other council.	Chief Executive Officer		
r8(1)	23. Public Notification of Proposed Community Wastewater Management System 23.1 The power pursuant to Regulation 8(1) of the Wastewater Regulations to, if the Council proposes to establish a community wastewater management system for the whole or part of its area in	Chief Executive Officer		

South Australian Public Health (Wastewater) Regulations 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	the interests of public and environmental health, to give notice to the owners of land in the area affected by the proposal containing the prescribed details relating to the proposal and inviting submissions in relation to the proposal within a period (which must be at least 21 days) specified in the notice.			
r9(1)	<p>24. Connection to Community Wastewater Management System</p> <p>24.1 The power pursuant to Regulation 9(1) of the Wastewater Regulations and subject to Regulation 9(2) of the Wastewater Regulations on obtaining a wastewater works approval for a community wastewater management system, to, by written notice, require the operator of an on-site wastewater system:</p> <p>24.1.1 to connect the system to the community wastewater management system; and</p> <p>24.1.2 for that purpose, to complete and submit an application to the Council, within the period specified in the notice, for a wastewater works approval for:</p> <p>24.1.2.1 the connection; and</p> <p>24.1.2.2 if necessary, consequential alterations to the on-site wastewater system.</p>	Chief Executive Officer		
r9(4)	<p>24. Connection to Community Wastewater Management System</p> <p>24.2 The power pursuant to Regulation 9(4) of the Wastewater Regulations, if the operator of an on-site wastewater system does not submit an application within the period specified in a notice under Regulation 9(1) of the Wastewater Regulations, to grant a wastewater works approval for the required wastewater works as if the application had been made.</p>	Chief Executive Officer		
r9(6)	<p>24. Connection to Community Wastewater Management System</p> <p>24.3 The power pursuant to Regulation 9(6) of the Wastewater Regulations, if wastewater works are not carried out in accordance with a wastewater works approval for the connection of an on-site wastewater system to a community wastewater management</p>	Chief Executive Officer		

South Australian Public Health (Wastewater) Regulations 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	system required under Regulation 9 of the Wastewater Regulations, to cause the requirements to be carried out (and a person authorised to do so by the Council may enter land at any reasonable time for the purposes of carrying out the relevant work).			
r9(6)	24. Connection to Community Wastewater Management System 24.4 The power pursuant to Regulation 9(6) of the Wastewater Regulations to if wastewater works are not carried out in accordance with a wastewater approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9 of the Wastewater Regulations, authorise a person to enter land at any reasonable time for the purpose of carrying out the relevant work.	Chief Executive Officer		
r9(7)	24. Connection to Community Wastewater Management System 24.5 The power pursuant to Regulation 9(7) of the Wastewater Regulations to recover as a debt the costs and expenses reasonably incurred in exercising a power under Regulation 9(6) of the Wastewater Regulations and the fee that would have been payable had the application been made as required under Regulation 9(1) of the Wastewater Regulations from the person who failed to comply with the notice.	Chief Executive Officer		
r10(3)	25. Exemptions 25.1 The power pursuant to Regulation 10(3) of the Wastewater Regulations to give an exemption by written notice and subject to conditions determined by the Delegate and stated in the notice.	Chief Executive Officer		
r10(4)	25. Exemptions 25.2 The power pursuant to Regulation 10(4) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.	Chief Executive Officer		

South Australian Public Health (Wastewater) Regulations 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
r15(3)	26. Exemptions From Prescribed Codes 26.1 The power pursuant to Regulation 15(3) of the Wastewater Regulations to give an exemption by written notice and is subject to conditions determined by the Delegate and stated in the notice.	Chief Executive Officer		
r15(5)	26. Exemptions From Prescribed Codes 26.2 The power pursuant to Regulation 15(5) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.	Chief Executive Officer		
r23(2)	27. Application 27.1 The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide the Council with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.	Chief Executive Officer		
r24(1)	28. Determination of Application 28.1 The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval: 28.1.1 if the applicant fails to satisfy the Delegate of either or both of the following: 28.1.1.1 that the technical specifications for the wastewater works comply with the prescribed codes; 28.1.1.2 that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or 28.1.2 for any other sufficient reason.	Chief Executive Officer		
r24(2)	28. Determination of Application 28.2 The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a	Chief Executive Officer		

South Australian Public Health (Wastewater) Regulations 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made.			
r25(2)	<p>29. Conditions of Approval</p> <p>29.1 The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:</p> <p>29.1.1 any 1 or more of the following prescribed expiable conditions:</p> <p>29.1.1.1 a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify the Council in a specified manner and stop the work pending an inspection carried out at the person's expense;</p> <p>29.1.1.2 a condition that requires the display of specified notices on the premises on which the wastewater system is located;</p> <p>29.1.1.3 a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person's expense) and to provide the Council with specified information in a specified manner and at specified times;</p> <p>29.1.1.4 a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;</p> <p>29.1.1.5 a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;</p> <p>29.1.1.6 a condition that requires records of a specified kind to be created, maintained, and provided to the Council; or</p> <p>29.1.2 any other conditions including any 1 or more of the following:</p>	Chief Executive Officer		

South Australian Public Health (Wastewater) Regulations 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>29.1.2.1 a condition that requires decommissioning of the wastewater system:</p> <p>(a) after a specified trial period; or</p> <p>(b) in specified circumstances; or</p> <p>(c) on written notice to the operator of the system;</p> <p>29.1.2.2 a condition that requires a wastewater system to be connected to a community wastewater management system;</p> <p>29.1.2.3 a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;</p> <p>29.1.2.4 a condition that requires a wastewater system to have various access points for maintenance or inspection (raised to or terminating at surface level, or as required by the Council);</p> <p>29.1.2.5 a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the Council supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;</p> <p>29.1.2.6 a condition that otherwise specifies requirements relating to:</p> <p>(a) the installation of the waste watersystem; or</p> <p>(b) the decommissioning of the wastewater system; or</p> <p>(c) the connection of the wastewater system to a community wastewater management system or SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system or from SA Water sewerage infrastructure; or</p> <p>(d) the operation, servicing and maintenance of the wastewater</p>			

South Australian Public Health (Wastewater) Regulations 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	system; or (e) the reuse or disposal of wastewater from the wastewater system.			
r25(3)	<p>29. Conditions of Approval</p> <p>29.2 The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that:</p> <p>29.2.1 provides that a matter or thing is to be determined according to the discretion of the Council or some other specified person or body; and</p> <p>29.2.2 operates by reference to the manuals referred to in a product approval for the wastewater system; and</p> <p>29.2.3 operates by reference to a specified code as in force at a specified time or as in force from time to time.</p>	Chief Executive Officer		
r25(6)	<p>29. Conditions of Approval</p> <p>29.3 The power pursuant to Regulation 25(6) of the Wastewater Regulations to, on application and payment of the fee fixed by Schedule 1, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.</p>	Chief Executive Officer		
r25(7)	<p>29. Conditions of Approval</p> <p>29.4 The power pursuant to Regulation 25(7) of the Wastewater Regulations to, on the Delegate's own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, provided that the variation, revocation or imposition does not take effect until at least 6 months after the giving of the notice unless:</p> <p>29.4.1 the operator consents; or</p> <p>29.4.2 the Delegate states in the notice that, in his/her opinion, the</p>	Chief Executive Officer		

South Australian Public Health (Wastewater) Regulations 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	variation, revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm.			
r26(2)	30. Expiry of Approval 30.1 The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the fee fixed by Schedule 1, postpone the expiry of a wastewater works approval for a specified period.	Chief Executive Officer		
r27(3)	31. Registers of Wastewater Works Approvals 31.1 The power pursuant to Regulation 27(3) of the Wastewater Regulations, to extend the registers to include wastewater works approvals granted under the revoked regulations.	Chief Executive Officer		
r27(6)	31. Registers of Wastewater Works Approvals 31.2 The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered appropriate by the Delegate.	Chief Executive Officer		
r29(1)	32. Requirement to Obtain Expert Report 32.1 The power pursuant to Regulation 29(1) of the Wastewater Regulations, if the Delegate suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator of the system a written notice requiring the operator to obtain and provide to the Council a written report from an independent wastewater engineer within a specified period addressing specified matters.	Chief Executive Officer		
r29(3)	32. Requirement to Obtain Expert Report 32.2 The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of a notice under Regulation 29 of the Wastewater Regulations are not complied with to obtain the required report and recover the costs and expenses reasonable incurred in doing so from the person who failed to comply with the notice, as a debt.	Chief Executive Officer		
r29(3)	32. Requirement to Obtain Expert Report	Chief Executive Officer		

South Australian Public Health (Wastewater) Regulations 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	32.3 The power pursuant to Regulation 29(3) of the Wastewater Regulations, to authorise a person to enter land at any reasonable time for the purposes of the report.			
r33(1)	33. Fees 33.1 The power pursuant to Regulation 33(1) of the Wastewater Regulations, to refund, reduce or remit payment of a fee payable under the Wastewater Regulations if the Delegate considers that appropriate in the circumstances.	Chief Executive Officer		
r33(2)	33. Fees 33.2 The power pursuant to Regulation 33(2) of the Wastewater Regulations, to recover a fee payable to the Council by action in a court of competent jurisdiction as a debt due to the Council.	Chief Executive Officer		
South Australian Public Health (General) Regulations 2013				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
r5B(2)	34. Non-compliance with Notices (Section 93(6) of Act) 34.1 The power pursuant to Regulation 5B(2) of the South Australian Public Health (General) Regulations 2013 (the General Regulations), for the purposes of the creation of a charge on land under Section 93 of the Act, to deliver to the Registrar-General a notice, in a form determined by the Minister on the recommendation or with the approval of the Registrar General: 34.1.1 setting out the amount recoverable under Section 93 of the Act; and 34.1.2 setting out the land in relation to which the relevant action was taken; and 34.1.3 requesting the Registrar-General to make a notation under Regulation 5B of the General Regulations in relation to the relevant land.	Chief Executive Officer		New addition as per legislative amendments with suggested delegation.
r5B(8)	34. Non-compliance with Notices (Section 93(6) of Act)	Chief Executive Officer		New addition as per

South Australian Public Health (General) Regulations 2013				
	34.2 The power pursuant to Regulation 5B(8) of the General Regulations, if or when the amount to which the charge relates is paid, to by further notice in writing to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar General) cancel the charge.			legislative amendments with suggested delegation.

27. Strata Titles Act 1988

Strata Titles Act 1988				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s12(2)(b)	1. Application for Amendment 1.1 The power pursuant to Section 12(2)(b) of the Strata Titles Act 1988 (the Act), where the Council has an encumbrance registered in relation to units or common property affected by a proposed amendment, to consent to the amendment.	Chief Executive Officer		
s12(2)(c)	1. Application for Amendment 1.2 The power pursuant to Section 12(2)(c) of the Act, where units or common property affected by the proposed amendment are subject to a statutory encumbrance held by the Council, to consent to the amendment.	Chief Executive Officer		
s12(3a)	1. Application for Amendment 1.3 The power pursuant to Section 12(3a) of the Act, where: 1.3.1 the erection or alteration of a building on the site causes an encroachment over public land in the area of the Council not included in the site; and 1.3.2 the application for amendment relates (wholly or in part) to the erection or alteration of that building, to consent to the encroachment.	Chief Executive Officer		
s12(8)	1. Application for Amendment 1.4 The power pursuant to Section 12(8) of the Act, where on amendment of a deposited strata plan, part, but not the whole, of an allotment within the meaning of Part 194AB of the Real Property Act 1886 is to be included in the site from outside the site, and the Council is the registered proprietor of the allotment to be divided, to make the application jointly with the strata corporation.	Chief Executive Officer		

Strata Titles Act 1988				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s12A	2. Application May Deal with Statutory Encumbrances 2.1 The power pursuant to Section 12A of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.	Chief Executive Officer		
s13(3a)	2A. Amendment by Order of ERD Court 2A.2 The power pursuant to Section 13(3a) of the Act to make submissions to the Court in relation to the matter.	Chief Executive Officer		
s13(1) and (2), 13(3)	2A. Amendment by Order of ERD Court 2A.1 The power pursuant to Sections 13(1) and (2) of the Act and subject to Section 13(3) of the Act to make an application to the ERD Court.	Chief Executive Officer		
s16(2)(c)	3. Amalgamation of Adjacent Sites 3.1 The power pursuant to Section 16(2)(c) of the Act, where the Council has a registered interest in the units, to consent to an application for amalgamation.	Chief Executive Officer		
s17(2)(b)	4. Cancellation 4.1 The power pursuant to Section 17(2)(b) of the Act, where the Council has a registered interest in the unit or the common property to approve an instrument of cancellation.	Chief Executive Officer		
s17(2)(b)	4. Cancellation 4.2 The power pursuant to Section 17(2)(b) of the Act to, endorse an instrument of cancellation with the approval of the Council where the Council has a registered interest in a unit or the common property.	Chief Executive Officer		
s17(4)	4. Cancellation 4.3 The power pursuant to Section 17(4) of the Act to make an application for an order of the ERD Court cancelling a strata plan.	Chief Executive Officer		
s17(4a)	4. Cancellation 4.4 The power pursuant to Section 17(4a) of the Act to make submissions to the Court in relation to the matter.	Chief Executive Officer		

Strata Titles Act 1988				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s17AAA(2)	5. Application for Division 5.1 The power pursuant to Section 17AAA(2) of the Act where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886 to consent to a plan of division lodged with the application.	Chief Executive Officer		
s17AAA(2)	5. Application for Division 5.2 The power pursuant to Section 17AAA(2) of the Act to endorse the plan of division lodged with the application with the consent of the Council where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886.	Chief Executive Officer		
s19(3b)(e)	6. Articles of Strata Corporation 6.1 The power pursuant to Section 19(3b)(e) of the Act, to, within 60 days after service of the notice, apply to the Magistrates Court for revocation of the notice.	Chief Executive Officer		
s19A(1) and (2)	7. Certain Articles May be Struck Out by Court 7.1 The power pursuant to Sections 19A(1) and (2) of the Act to make an application to the Magistrates Court or the District Court under Part 3A of the Act.	Chief Executive Officer		
s27D(5)	8. Offences 8.1 The power pursuant to Section 27D(5) of the Act to make an application to the delegate of a strata corporation to be provided with, on a quarterly basis, a statement setting out details of dealings by the delegate with the corporation's money.	Chief Executive Officer		
s27D(7)	8. Offences 8.2 The power pursuant to Section 27D(7) of the Act to request a delegate of a strata corporation who holds records of the corporation to: 8.2.1 make those records available for the Council or the Council's delegate to inspect within 10 business days of the request; and 8.2.2 provide the Council or the Council's delegate with a copy of any of the records on payment of a fee.	Chief Executive Officer		

Strata Titles Act 1988				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s28(5), 28(4)	9. Power to Enforce Duties of Maintenance and Repair 9.1 The power pursuant to Section 28(5) of the Act, where: 9.1.1 the strata corporation recovers costs from the Council under Section 28(4) of the Act; and 9.1.2 the circumstances out of which the work was required are attributable to the act or default of another person, to recover those costs from that other person as a debt.	Chief Executive Officer		
s32(1)	10. Right of Unit Holders etc to Satisfy Themselves as to Insurance 10.1 The power pursuant to Section 32(1) of the Act, to request a strata corporation to produce for inspection all current policies of insurance taken out by the corporation.	Chief Executive Officer		
s33(2), 33(3), (3a), (4a) and (4b)	11. Holding of General Meetings 11.1 The power pursuant to and in accordance with Section 33(2) of the Act, subject to Sections 33(3), (3a), (4a) and (4b) of the Act, to convene a meeting.	Chief Executive Officer		
s33(2)(e)	11. Holding of General Meetings. 11.2 The power pursuant to Section 33(2)(e) of the Act to apply to the Magistrates Court for a meeting to be convened.	Chief Executive Officer		
s34(2a), 34(3a), (3b) and (3c)	12. Voting at General Meetings 12.1 The power pursuant to Section 34(2a) of the Act, subject to Sections 34(3a), (3b) and (3c) of the Act, to nominate another person to attend and vote at meetings on the Council's behalf.	Chief Executive Officer		
s34(4)	12. Voting at General Meetings. 12.2 The power pursuant to Section 34(4) of the Act to exercise an absentee vote on a proposed resolution by giving the secretary written notice of the proposed vote at least six hours before the time of the meeting.	Chief Executive Officer		
s37(1)	13. Administrator of Strata Corporation's Affairs 13.1 The power pursuant to Section 37(1) of the Act to make application to a relevant court to appoint an administrator of the strata corporation, or remove or replace an administrator previously appointed.	Chief Executive Officer		

Strata Titles Act 1988				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s41(1), 39A	<p>14. Information to be Furnished</p> <p>14.1 The power pursuant to Section 41(1) of the Act to make application to a strata corporation to:</p> <p>14.1.1 furnish:</p> <p>14.1.1.1 particulars of any contribution payable in relation to the unit (including details of any arrears of contribution related to the unit);</p> <p>14.1.1.2 particulars of the assets and liabilities of the corporation;</p> <p>14.1.1.3 particulars of any expenditure that the corporation has incurred, or has resolved to incur, and to which the unit holder of the unit must contribute, or is likely to be required to contribute;</p> <p>14.1.1.4 particulars in relation to any prescribed matter;</p> <p>14.1.2 provide copies of:</p> <p>14.1.2.1 the minutes of general meetings of the corporation and meetings of its management committee for such period, not exceeding two years, specified in the application;</p> <p>14.1.2.2 the statement of accounts of the corporation last prepared by the corporation;</p> <p>14.1.2.3 the articles for the time being in force;</p> <p>14.1.2.4 current policies of insurance taken out by the corporation;</p> <p>14.1.3 make available for inspection:</p> <p>14.1.3.1 a copy of the accounting records of the corporation;</p> <p>14.1.3.2 the minute books of the corporation;</p> <p>14.1.3.3 any other prescribed documentary material;</p> <p>14.1.4 if the strata corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract;</p> <p>14.1.5 make available for inspection the register maintained under Section 39A of the Act.</p>	Chief Executive Officer		
s41(1a), 41(2) and (3)	<p>14. Information to be Furnished</p> <p>14.2 The power pursuant to Section 41(1a) of the Act, subject to Sections 41(2) and (3) of the Act, to make application to a strata corporation to provide, on a quarterly basis, ADI statements for all accounts maintained by the corporation.</p>	Chief Executive Officer		

Strata Titles Act 1988				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s41AA and 41A, 41A(2)	15. Persons Who May Apply for Relief 15.1 The power pursuant to Sections 41AA and 41A of the Act to, subject to Section 41A(2) of the Act, apply for relief under Part 3 of the Act.	Chief Executive Officer		
s41A(3), 41A	16. Resolution of Disputes, etc 16.1 The power pursuant to Section 41A(3) of the Act to seek the permission of the District Court, to bring an application under Section 41A of the Act in the District Court.	Chief Executive Officer		
s41A(3), 41A	16. Resolution of Disputes, etc 16.2 The power pursuant to Section 41A(3) of the Act bring an application under Section 41A of the Act in the District Court.	Chief Executive Officer		
s 41A(4) , 41A	16. Resolution of Disputes, etc 16.3 The power pursuant to Section 41A(4) of the Act to apply to the District Court for proceedings under Section 41A of the Act that have been commenced in the Magistrates Court, to be transferred to the District Court.	Chief Executive Officer		
s41A(6), 41A	16. Resolution of Disputes, etc 16.4 The power pursuant to Section 41A(6) of the Act to make an application to a court to: 16.4.1 transfer an application under Section 41A to the Supreme Court on the ground that the application raises a matter of general importance; or 16.4.2 state a question of law for the opinion of the Supreme Court.	Chief Executive Officer		
s41A(10)(b)	16. Resolution of Disputes, etc 16.5 The power pursuant to Section 41A(10)(b) of the Act to make submissions to the court in relation to the matter.	Chief Executive Officer		
s42(1) and (2)	17. Unit Holder's Power of Entry 17.1 Where the Council is the unit holder of a unit (Unit A) and: 17.1.1 - 17.1.1.1 the proper supply of hot or cold water, gas, electricity, heating oil or air-conditioned air to Unit A fails; or 17.1.1.2 the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and	Chief Executive Officer		

Strata Titles Act 1988				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	17.1.2 some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs, the power pursuant to Section 42(1) and (2) of the Act to, after giving such notice to the unit holder of Unit B as may be practicable in the circumstances, enter Unit B for that purpose.			
s42(1)	17. Unit Holder's Power of Entry 17.2 Where the Council is the unit holder of a unit (Unit A) and 17.2.1 - 17.2.1.1 the proper supply of hot or cold water, gas, electricity, heating oil or air-conditioned air to Unit A fails; or 17.2.1.2 the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and 17.2.2 some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs, the power pursuant to Sections 42(1) of the Act to authorise a person to, after giving such notice to the unit holder of Unit B as may be practicable in the circumstances, enter Unit B for that purpose.	Chief Executive Officer		New addition to Framework with suggested delegation.
s44(2)	18. Dealing with Part of Unit 18.1 The power pursuant to Section 44(2) of the Act, subject to any other law, to grant a lease or licence over a part of a unit: 18.1.1 if all of the units comprised in the strata scheme consist of non residential premises; or 18.1.2 where Section 44(2)(a) does not apply: 18.1.2.1 if the lease or licence is granted to another unit holder; or 18.1.2.2 if the lease or licence is authorised by unanimous resolution of the strata corporation.	Chief Executive Officer		

Strata Titles Act 1988				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
S44A(2), 44A(2a), (2b) and (4)	19. Body Corporate May Act as Officer, etc 19.1 The power pursuant to Section 44A(2) of the Act, and subject to Sections 44A(2a), (2b) and (4) of the Act if the Council is appointed as the presiding officer, secretary or treasurer of a strata corporation, or as a member of a management committee, to, by instrument in writing, appoint a person to perform on its behalf any function that is conferred on the Council by virtue of the appointment.	Chief Executive Officer		
s46(1), 46(2)	20. Relief Where Unanimous Resolution Required 20.1 The power pursuant to Section 46(1) of the Act, and in accordance with Section 46(2) of the Act, where a unanimous resolution is necessary under the Act before an act may be done and that resolution is not obtained but the resolution is supported to the extent necessary for a special resolution, and the Council is included in the majority in favour of the resolution to apply to a relevant court to have the resolution declared sufficient to authorise the particular act proposed.	Chief Executive Officer		

28. Summary Procedure Act 1921

Summary Procedure Act 1921				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
1	1.1 The power pursuant to section 49(2) to make a complaint on the Council's behalf to Court.	Chief Executive Officer		

29. Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009

Supported Residential Facilities Act 1992				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s21(1)	1. Appointment of Authorised Officers 1.1 The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 ("the Act") to appoint a person to be an authorised officer under the Act;	Chief Executive Officer		
s21(2)	1. Appointment of Authorised Officers 1.2 The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and	Duty - Not a Delegation		
s21(4)	1. Appointment of Authorised Officers 1.3 The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer.	Chief Executive Officer		
s24(3)	2. Application for a Licence 2.1 The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information;	Chief Executive Officer		
s24(5)	2. Application for a Licence 2.2 The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration;	Chief Executive Officer		
s24(9)	2. Application for a Licence 2.3 The power pursuant to Section 24(9) of the Act subject to such conditions as the Delegate thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if any as the Delegate may have determined), to grant a licence; and	Chief Executive Officer		

Supported Residential Facilities Act 1992				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s24(10)	2. Application for a Licence 2.4 Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any appeal rights that the applicant has under the Act.	Duty - Not a Delegation		
s25(1)	2. Application for a Licence 2.5 The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as the Delegate thinks fit;	Duty - Not a Delegation		
s25(2)	2. Application for a Licence 2.6 The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as the Delegate thinks fit;	Duty - Not a Delegation		
s25(3)	2. Application for a Licence 2.7 The duty pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as the Delegate thinks fit;	Duty - Not a Delegation		
s25(4)	2. Application for a Licence 2.8 The duty pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be administered in accordance with the principles prescribed in Part 2 of the Act.	Duty - Not a Delegation		
s27(3)	3. Renewal of Licence 3.1 The power pursuant to Section 27(3) of the Act at the Delegate's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee;	Chief Executive Officer		

Supported Residential Facilities Act 1992				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s27(4)	3. Renewal of Licence 3.2 The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where the Delegate decides to refuse an application for renewal of a licence, the duty to state in the notice of refusal the reasons for the refusal and the appeal rights that the applicant may have under the Act.	Duty - Not a Delegation		
s28	3. Renewal of Licence 3.3 The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled.	Chief Executive Officer		
s29(2)	4. Licence Conditions 4.1 The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as the Delegate considers necessary or expedient for the purposes of the Act;	Chief Executive Officer		
s29(3)	4. Licence Conditions 4.2 Pursuant to Section 29(3) of the Act where conditions are imposed by the Delegate: 4.2.1 if imposed at the time of grant or renewal of the licence - the duty to include them in the licence itself; 4.2.2 if imposed during the currency of the licence - the duty to impose them by notice in writing served on the holder of the licence; 4.2.3 the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;	Chief Executive Officer		
	4. Licence Conditions 4.3 Deliberately left blank	Duty - Not a Delegation		

Supported Residential Facilities Act 1992				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s30(4)	5. Transfer of Licence 5.1 The duty pursuant to Section 30(4) of the Act, upon due application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied that the proposed transferee would be a suitable person to be granted a licence under the Act.	Duty - Not a Delegation		
s31(1)	6. Cancellation of Licence 6.1 The power pursuant to Section 31(1) of the Act, to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in this Section are applicable;	Chief Executive Officer		
s31(2)	6. Cancellation of Licence 6.2 The duty pursuant to Section 31(2) of the Act before acting under this Section, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow the holder of the licence at least 28 days within which to make submissions in relation to the proposed action;	Duty - Not a Delegation		
s31(3)	6. Cancellation of Licence 6.3 The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence under this Section, to impose conditions to protect the interests of the residents of the facility; and	Chief Executive Officer		
s31(4)	6. Cancellation of Licence 6.4 The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.	Chief Executive Officer		
s32(5)	7. Appeals 7.1 The power pursuant to Section 32(5) of the Act where the Delegate is satisfied that an applicant for renewal of a licence has instituted or intends to institute an appeal, to order that the licence remain in force until the determination of the appeal; and to impose such conditions as the Delegate thinks fit.	Chief Executive Officer		

Supported Residential Facilities Act 1992				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s32(7)	7. Appeals 7.2 The power pursuant to Section 32(7) of the Act if a person contravenes, or fails to comply with, a condition imposed under Section 32(5) of the Act to revoke any order to which the condition relates.	Chief Executive Officer		
s33(1)	7. Appeals 7.3 The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.	Duty - Not a Delegation		
s34(1)	8. Appointment of Manager 8.1 The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of managing the facility under that person's personal supervision.	Chief Executive Officer		
s34(2)	8. Appointment of Manager 8.2 The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.	Chief Executive Officer		
s35	9. Death of Licensee 9.1 The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by the Delegate.	Chief Executive Officer		
s39(2)(b)	10. Recision of Resident Contract by Proprietor 10.1 The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.	Chief Executive Officer		

Supported Residential Facilities Act 1992				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s43(2)	11. Disputes 11.1 The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, the Delegate, may as he/she thinks fit, take any action in accordance with Section 43(3) of the Act;	Chief Executive Officer		
s43(6)	11. Disputes 11.2 The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as the Delegate thinks necessary, and to verify any information by statutory declaration;	Chief Executive Officer		
s43(7)	11. Disputes 11.3 The duty pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application;	Duty - Not a Delegation		
s43(9)	11. Disputes 11.4 The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter.	Chief Executive Officer		
s43(11)	11. Disputes 11.5 The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act;	Chief Executive Officer		
s43(12)	11. Disputes 11.6 The power, pursuant to Section 43(12) of the Act - 11.6.1 to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by the Delegate; 11.6.2 to decline to proceed with an application under this Section if the Delegate considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or	Chief Executive Officer		

Supported Residential Facilities Act 1992				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	11.6.3 to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and			
s43(13)	11. Disputes 11.7 The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances.	Duty - Not a Delegation		
s47(1)	12. Attendance by Health Service Providers etc. 12.1 The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47.	Chief Executive Officer		
s49(1)	13. Complaints 13.1 The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises.	Chief Executive Officer		
s49(2)	13. Complaints 13.2 The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.	Chief Executive Officer		
s49(3)	13. Complaints 13.3 The power pursuant to Section 49(3) of the Act to take such action as the Delegate thinks fit in view of the complaint.	Chief Executive Officer		
s49(4)	13. Complaints 13.4 The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible.	Chief Executive Officer		

Supported Residential Facilities Act 1992				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s57(5), (6)	<p>14. Regulations</p> <p>14.1 Pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to the Council for an exemption from a regulation that applies to the facility and the Delegate is satisfied -</p> <p>14.1.1 that the Delegate can grant the exemption without seriously affecting the interests of a resident of the facility; and</p> <p>14.1.2 that it is appropriate for the Delegate to grant the exemption in the circumstances of the particular case, the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as the Delegate thinks fit.</p>	Chief Executive Officer		Minor amendment to paragraph number. No change to delegation.
s57(7)	<p>14. Regulations</p> <p>14.2 The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor:</p> <p>14.2.1 revoke an exemption under Section 57(5);</p> <p>14.2.2 vary or revoke a condition under Section 57(6).</p>	Chief Executive Officer		New addition as per legislative amendments with suggested delegation.
Supported Residential Facilities Regulations 2009				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
r4(1)	15. The duty pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 ("the Regulations") to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made.	Duty - Not a Delegation		
r4(2)	16. The duty pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility,	Chief Executive Officer		

Supported Residential Facilities Regulations 2009				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	to take into account the extent to which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.			
r5(2)	17. The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus pursuant to Regulation 5(2)(b) of the Regulations.	Chief Executive Officer		
r14(1)(b)	18. The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility.	Chief Executive Officer		
r17(2)	19. The power pursuant to Regulation 17(2) of the Regulations to approve an acting manager for the purpose of appointment to or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a manager is absent from the duties of office, or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services.	Chief Executive Officer		
r18(1)	20. The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility.	Chief Executive Officer		
r18(2)	21. The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.	Chief Executive Officer		
r21(1)(b)	22. The power pursuant to Regulation 21(1)(b) of the Regulations	Chief Executive Officer		

Supported Residential Facilities Regulations 2009				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.			
r21(3)(e)	23. The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.	Chief Executive Officer		
r24(1)	24. The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.	Chief Executive Officer		
r26(2)	25. The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by the Council.	Chief Executive Officer		

30. Unclaimed Goods Act 1987

Unclaimed Goods Act 1987				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s 5(1)(b)	1. Unclaimed Goods 1.1 The power pursuant to Section 5(1)(b) of the Unclaimed Goods Act 1987 (the Act) where the Council is in possession of goods belonging to another (the bailor) in pursuance of an agreement or understanding under which the Council was to deliver the goods to the bailor, to make reasonable attempts to deliver the goods in accordance with the agreement or understanding.	Chief Executive Officer		
s5(1)(c)	1. Unclaimed Goods 1.2 The power pursuant to Section 5(1)(c) of the Act where the Council is in possession of goods belonging to the bailor and there is no agreement or understanding governing the collection or delivery of the goods, to request the bailor in accordance with Section 5(2) of the Act, to collect the goods.	Chief Executive Officer		
s5(2)	1. Unclaimed Goods 1.3 The duty pursuant to Section 5(2) of the Act in making a request for the purposes of Section 5(1)(c) of the Act, to ensure the request - 1.3.1 states the address at which the goods are available for collection; and 1.3.2 contains a brief description of the goods; and 1.3.3 states the times at which, or the hours between which, the goods will be available for collection at that address; and 1.3.4 is made -	Duty - Not a Delegation		

Unclaimed Goods Act 1987				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	1.3.4.1 by post addressed to the last known address of the bailor; or 1.3.4.2 if the identity or whereabouts of the bailor is unknown - by notice in the prescribed form published in a newspaper circulating generally throughout the State.			
s5(3)	1. Unclaimed Goods 1.4 The duty pursuant to Section 5(3) of the Act to ensure a request made for the purposes of Section 5(1)(c) of the Act allows the bailor a reasonable opportunity to collect the goods to which it relates.	Duty - Not a Delegation		
s6(1)	2. Sale or Disposal of Unclaimed Goods 2.1 The power pursuant to Section 6(1) of the Act and the power subject to Section 6 of the Act, where the Council is a bailee of unclaimed goods, to, after the expiration of three months from the relevant date - 2.1.1 sell the goods; or 2.1.2 if the value of the goods would be insufficient to defray the costs of sale - otherwise dispose of the goods.	Chief Executive Officer		
s6(2)	2. Sale or Disposal of Unclaimed Goods 2.2 The power pursuant to Section 6(2) of the Act to apply to the Court for an authorisation to sell or dispose of goods under Section 6(1) of the Act and the duty pursuant to Section 6(2) of the Act, if the value of the goods lies within scale 3, to not sell or dispose of the goods without such an authorisation.	Chief Executive Officer		
s6(3)	2. Sale or Disposal of Unclaimed Goods 2.3 The duty pursuant to Section 6(3) of the Act where an application for an authorisation under Section 6(2) of the Act is made, to - 2.3.1 give notice of the application to the Commissioner of Police; and	Duty - Not a Delegation		

Unclaimed Goods Act 1987				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	2.3.2 give such notice (if any) as the Court thinks appropriate to the bailor and any other person who, in the opinion of the Court, may have an interest in the goods.			
s 6(5)	<p>2. Sale or Disposal of Unclaimed Goods</p> <p>2.4 The power pursuant to Section 6(5) of the Act, if the value of unclaimed goods lies within scale 1 or 2, to sell or dispose of the goods under Section 6(1) of the Act without any authorisation by the Court and the duty pursuant to Section 6(5)(b) of the Act, if goods whose value lies within scale 2 are to be sold without such an authorisation, to</p> <p>2.4.1 sell the goods by public auction; and</p> <p>2.4.2 give notice in the prescribed form of the time and place of the proposed sale at least one month before the date of the proposed sale -</p> <p>2.4.2.1 to the Commissioner of Police; and</p> <p>2.4.2.2 to the bailor.</p>	Chief Executive Officer		
s6(6)	<p>2. Sale or Disposal of Unclaimed Goods</p> <p>2.5 The power pursuant to Section 6(6) of the Act to give a notice under Section 6(5)(b) of the Act by post and, if the identity or whereabouts of the bailor is unknown, to give the notice to the bailor by advertisement in a newspaper circulating generally throughout the State.</p>	Chief Executive Officer		
s7(1)	<p>3. Claim Made by Bailor After Commencement of Proceedings Under this Act</p> <p>3.1 The duty pursuant to Section 7(1) of the Act and subject to Section 7(2) of the Act, where the Council has commenced proceedings for the sale or disposal of goods under the Act but before the goods are sold or disposed of the bailor claims the goods, to not proceed with the sale or disposal of the goods, and to hand them over to the bailor.</p>	Duty - Not a Delegation		

Unclaimed Goods Act 1987				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s7(2)	<p>3. Claim Made by Bailor After Commencement of Proceedings Under this Act</p> <p>3.2 The power pursuant to Section 7(2) of the Act to, before handing over goods under Section 7(1) of the Act, require the bailor to pay -</p> <p>3.2.1 the reasonable costs incurred by the Council in proceeding under the Act;</p> <p>3.2.2 the reasonable costs incurred by the Council in storing and maintaining the goods after the date on which the bailor should have collected or taken delivery of them;</p> <p>3.2.3 the amount of any lien that the Council has over the goods.</p>	Chief Executive Officer		
s7(3)	<p>3. Claim Made by Bailor After Commencement of Proceedings Under this Act</p> <p>3.3 The power pursuant to Section 7(3) of the Act, if at the expiration of 42 days after the Council has rendered a written account of the amounts claimed under Section 7(2) of the Act the bailor has not paid those amounts, to, subject to Section 7(4) of the Act, proceed to sell or dispose of the goods.</p>	Chief Executive Officer		
s 8(1)	<p>4. Proceeds of Sale</p> <p>4.1 The power pursuant to Section 8(1) of the Act in relation to the proceeds of the sale of goods under the Act to -</p> <p>4.1.1 retain from those proceeds -</p> <p>4.1.1.1 the reasonable costs of the sale and of proceeding under the Act;</p> <p>4.1.1.2 the reasonable costs of storing and maintaining the goods prior to sale;</p> <p>4.1.1.3 the amount of any lien that the Council had over the goods; and</p> <p>4.1.2 pay the balance to the Treasurer.</p>	Chief Executive Officer		

31. Work Health and Safety Act 2012

Work Health and Safety Act 2012				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s51(1)	51. Determination of work groups (1) The power pursuant to Section 51(1) of the Work Health and Safety Act 2012 (the Act), to, if a request is made under Section 50 of the Act, facilitate the determination of one or more work groups of workers.	Chief Executive Officer		
s52(1)	52. Negotiations for agreement for work group (1) The power pursuant to Section 52(1) of the Act, and in accordance with Sections 52(2), (3) and (6) of the Act, to determine a work group by negotiation and agreement with the workers who will form the work group or their representatives.	Chief Executive Officer		
s52(4)	52. Negotiations for agreement for work group (4) The power pursuant to Section 52(4) of the Act to, in relation to an agreement concerning the determination of a work group or groups, at any time, negotiate a variation of the agreement in accordance with Section 52(6) of the Act.	Chief Executive Officer		
s54(1)	54. Failure of negotiations (1) The power pursuant to Section 54(1) of the Act to, if there is a failure of negotiations (including negotiations concerning the variation of an agreement), ask the regulator to appoint an inspector for the purposes of Section 54 of the Act.	Chief Executive Officer		
s55(2)	55. Determination of work groups of multiple businesses (2) The power pursuant to Section 55(2) of the Act to determine the particulars of the work groups by negotiation and agreement, in accordance with Section 56 of the Act, between each of the persons conducting the businesses or undertakings and the workers.	Chief Executive Officer		
s55(3)	55. Determination of work groups of multiple businesses (3) The power pursuant to Section 55(3) of the Act to, in relation to an agreement concerning the determination of a work group or groups, at any time, negotiate a variation of the agreement.	Chief Executive Officer		

Work Health and Safety Act 2012				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s56(3)	56. Negotiation of agreement for work groups of multiple businesses (3) The power pursuant to Section 56(3) of the Act to, if agreement cannot be reached on a matter relating to the determination of a work group (or a variation of an agreement) within a reasonable time after negotiations commence under Subdivision 3 of Division 3, Part 5 of the Act, ask the regulator to appoint an inspector to assist the negotiations in relation to that matter.	Chief Executive Officer		
s58(1)	58. Withdrawal from negotiations or agreement involving multiple businesses (1) The power pursuant to Section 58(1) of the Act to, in relation to a negotiation for an agreement, or an agreement, concerning a work group under Subdivision 3 of Division 3, Part 5 of the Act, withdraw from the negotiation or agreement at any time by giving reasonable notice (in writing) to the other parties.	Chief Executive Officer		
s58(2)	58. Withdrawal from negotiations or agreement involving multiple businesses (2) The power pursuant to Section 58(2) of the Act to, if a party withdraws from an agreement concerning a work group under Subdivision 3 of Division 3, Part 5 of the Act, negotiate a variation to the agreement in accordance with Section 56 of the Act.	Chief Executive Officer		
s65(1)	65. Disqualification of health and safety representatives (1) The power pursuant to Section 65(1) of the Act, to make an application to the Senior Judge of the IRC for a review committee to disqualify a health and safety representative on the ground that the representative has: (a) exercised a power or performed a function as a health and safety representative for an improper purpose; or (b) used or disclosed any information he or she acquired as a health and safety representative for a purpose other than in connection with the role of health and safety representative, where the Council is adversely affected by the exercise of a power	Chief Executive Officer		

Work Health and Safety Act 2012				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	or the performance of a function referred to in Section 65(1)(a) of the Act or the use or disclosure of information referred to in Section 65(1)(b) of the Act.			
s70(1)	<p>70. General obligations of person conducting business or undertaking</p> <p>(1) The power pursuant to Section 70(1) of the Act, to</p> <p>(a) consult, so far as is reasonably practicable, on work health and safety matters with any health and safety representative for a work group of workers carrying out work for the Council; and</p> <p>(b) confer with a health and safety representative for a work group, whenever reasonably requested by the representative, for the purpose of ensuring the health and safety of the workers in the work group; and</p> <p>(c) allow any health and safety representative for the work group to have access to information that the Council has relating to:</p> <p>(i) hazards (including associated risks) at the workplace affecting workers in the work group; and</p> <p>(ii) the health and safety of the workers in the work group; and</p> <p>(d) with the consent of a worker that the health and safety representative represents, allow the health and safety representative to be present at an interview concerning work health and safety between the worker and:</p> <p>(i) an inspector; or</p> <p>(ii) the Council or the Council's representative; and</p> <p>(e) with the consent of one or more workers that the health and safety representative represents, allow the health and safety</p>	Chief Executive Officer		

Work Health and Safety Act 2012				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>representative to be present at an interview concerning work health and safety between a group of workers, which includes the workers who gave the consent, and:</p> <p>(i) an inspector; or</p> <p>(ii) the Council or the Council's representative; and</p> <p>(f) provide any resources, facilities and assistance to a health and safety representative for the work group that are reasonably necessary or prescribed by the regulations to enable the representative to exercise his or her powers or perform his or her functions under the Act.</p> <p>(g) allow a person assisting a health and safety representative for the work group to have access to the workplace if that is necessary to enable the assistance to be provided; and</p> <p>(h) permit a health and safety representative for the work group to accompany an inspector during an inspection of any part of the workplace where a worker in the work group works; and</p> <p>(i) provide any other assistance to the health and safety representative for the work group that may be required by the regulations.</p>			
s71(5)	<p>71. Exceptions for obligations under Section 70(1)</p> <p>(5) The power pursuant to Section 71(5) of the Act to refuse on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.</p>	Chief Executive Officer		

Work Health and Safety Act 2012				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s72(1)	72. Obligation to train health and safety representatives (1) The power pursuant to Section 72(1) of the Act to, consult with a health and safety representative in relation to the health and safety representative attending a course of training in work health and safety that is subject to Section 72(6), chosen by the health and safety representative.	Chief Executive Officer		
s72(3)	72. Obligation to train health and safety representatives (3) The power pursuant to Section 72(3) of the Act to: (a) as soon as practicable within the period of 3 months after the request is made, allow the health and safety representative time off work to attend the course of training; and	Chief Executive Officer		
s72(3)(b)	72. Obligation to train health and safety representatives (3) The power pursuant to Section 72(3) of the Act to: (b) pay the course fees and any other reasonable costs associated with the health and safety representative's attendance at the course of training.	Chief Executive Officer		
s72(6)	72. Obligation to train health and safety representatives (6) The power pursuant to Section 72(6) of the Act to, if agreement cannot be reached between the Council or Council's delegate and the health and safety representative within the time required by Section 72(3) of the Act as to the matters set out in Sections 72(1)(c) and (3) of the Act, ask the regulator to appoint an inspector to decide the matter.	Chief Executive Officer		
s73(1)	73. Obligation to share costs if multiple businesses or undertakings (1) The power pursuant to Section 73(1) of the Act to, if a health and safety representative, or deputy health and safety representative (if any), represents a work group of workers carrying out work for the Council and one or more other person conducting businesses or undertakings, agree that: (a) the costs of the representative exercising powers and performing functions under the Act; and	Chief Executive Officer		

Work Health and Safety Act 2012				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
	<p>(b) the costs referred to in Section 72(3)(b) of the Act, for which the Council or any of the other persons conducting those businesses or undertakings are liable, are to be apportioned between each of those persons otherwise than equally.</p> <p>(2) The power pursuant to Section 73(2) of the Act, to vary an agreement to apportion the costs in another way, at any time by negotiation and agreement between each of the persons conducting the businesses or undertakings.</p>			
s75(2)	<p>75. Health and safety committees</p> <p>(2) The power pursuant to Section 75(2) of the Act to, establish a health and safety committee for the workplace or part of the workplace.</p>	Chief Executive Officer		
s76(1)	<p>76. Constitution of committee</p> <p>(1) The power pursuant to Section 76(1) of the Act and subject to Sections 76(2) to (4) of the Act, to agree the constitution of a health and safety committee with the workers at the workplace.</p> <p>(5) The power pursuant to Section 76(5) of the Act to, if agreement is not reached under Section 76 within a reasonable time, ask the regulator to appoint an inspector to decide the matter.</p>	Chief Executive Officer		
s82(2)	<p>82. Referral of issue to regulator for resolution by inspector</p> <p>(2) The power pursuant to Section 82(2) of the Act to, ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.</p>	Chief Executive Officer		
s87	<p>87. Alternative work</p> <p>The power pursuant to Section 87 of the Act to, if a worker ceases work under Division 6, Part 5 of the Act, direct the worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties.</p>	Chief Executive Officer		

Work Health and Safety Act 2012				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s89	89. Request to regulator to appoint inspector to assist The power pursuant to Section 89 of the Act to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue arising in relation to the cessation of work.	Chief Executive Officer		
s100(1)	100. Request for review of provisional improvement notice (1) The power pursuant to Section 100(1) of the Act, to, within 7 days after a provisional improvement notice is issued to the Council or a worker who carries out work at the Council, ask the regulator to appoint an inspector to review the notice.	Chief Executive Officer		
s141	141. Application for assistance of inspector to resolve dispute The power, pursuant to Section 141 of the Act, to, if a dispute arises about the exercise or purported exercise by a WHS entry permit holder of a right of entry under the Act, ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.	Chief Executive Officer		
s142(4)	142. Authorising authority may deal with a dispute about a right of entry under this Act (4) The power pursuant to Section 142(4) of the Act to apply to the authorising authority to deal with a dispute where the dispute relates to the Council.	Chief Executive Officer		
s180(1)	180. Return of seized things (1) The power pursuant to Section 180(1) of the Act to, if a seized thing has not been forfeited, and the Council is the person entitled to the thing, apply to the regulator for the return of the thing after the end of 6 months after it was seized.	Chief Executive Officer		
s181(1)	181. Access to seized things (1) The power pursuant to Section 181(1) of the Act to, until a seized thing is forfeited or returned, inspect it and, if it is a document, to make copies of it at all reasonable times.	Chief Executive Officer		

Work Health and Safety Act 2012				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s224(1)	<p>224. Application for internal review</p> <p>(1) The power pursuant to Section 224(1) of the Act, to, where the Council is an eligible person in relation to a reviewable decision, other than a decision made by the regulator or a delegate of the regulator, apply to the regulator for review (an internal review) in accordance with Section 224(2) of the Act, of the decision within:</p> <p>(a) the prescribed time after the day on which the decision first came to the Council's notice; or</p> <p>(b) such longer period as the regulator allows.</p>	Chief Executive Officer		
s229(1)	<p>229. Application for external review</p> <p>(1) The power pursuant to Section 229(1) of the Act, to, where the Council is an eligible person, apply to the Senior Judge of the IRC for review (an external review), in accordance with Section 229(2) of the Act, of:</p> <p>(a) a reviewable decision made by the regulator; or</p> <p>(b) a decision made, or taken to have been made, on an internal review.</p>	Chief Executive Officer		

CITY OF WEST TORRENS



Attachment Under Separate Cover

Council

7 June 2016

Item 18.5 - Underdale and Torrensville Industrial Zone Statement
of Intent Update and Revised Approach

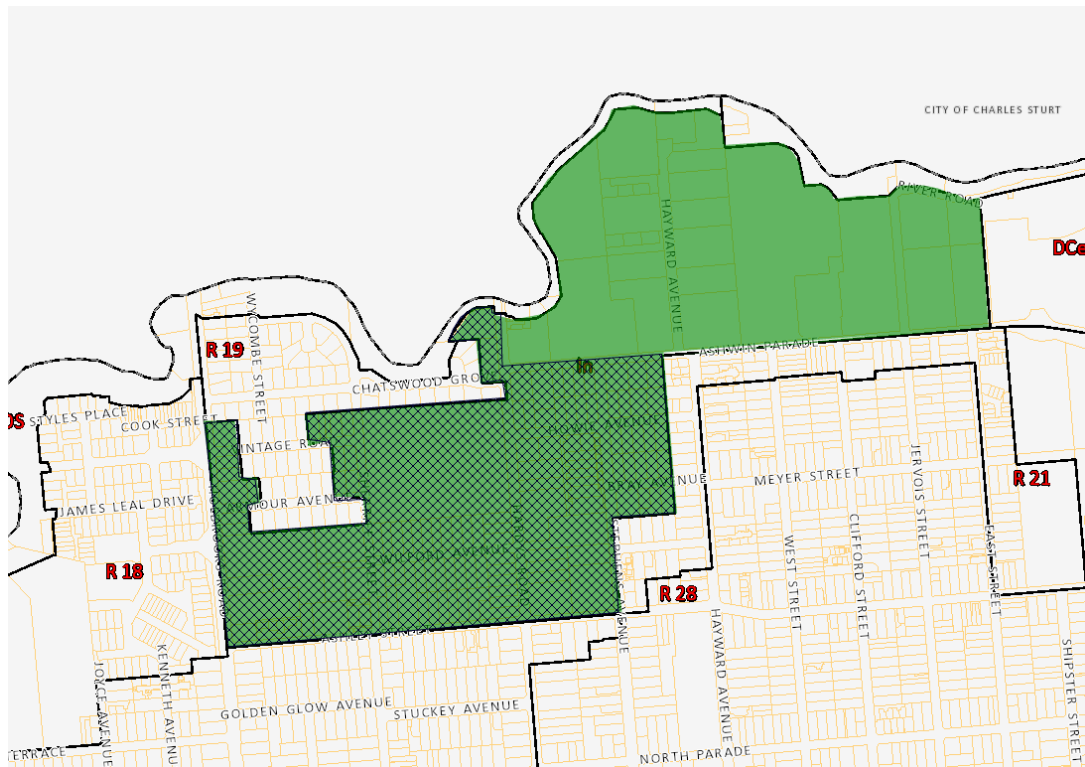
Underdale & Torrensville Industry Zone



Economic and Land Use Analysis

Prepared for City of West Torrens

May 2016



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Executive Summary

Introduction

Jones Lang LaSalle (JLL) has been engaged by the City of West Torrens to prepare an economic report on the South West Precinct of the Underdale and Torrensville Industry Zone. The analysis in this report together with the land use survey results informs the progression the Underdale and Torrensville Residential/ Industrial Interface Development Plan Amendment (DPA).

Land Use and Employment Survey Findings

The South West Precinct in the Underdale and Torrensville Industry Zone provides around 1,500 jobs across 86 employing establishments. Most establishments are well-established, having been operating in the local area for a long time.

Key findings from the Land Use Survey of the South West Precinct conducted in February 2016 were:

- 1,515 employees in 86 establishments, comprising
 - 704 full-time and 366 part-time on-site employees;
 - 437 off-site employees.
- Main industrial classifications (based on the ANZSIC divisions¹ were:
 - *Manufacturing* (26.7% of employment);
 - *Public Administration and Safety* (17.0%);
 - *Construction* (13.3%); and
 - *Administrative and Support Services* (12.7%).
- Vacant building footprints of over 16,500sqm across 18 establishments, reflecting a 15.3% vacancy rate;
- The South West Precinct is also home to 21 residences, primarily along Wilford Avenue, which functions as a residential street within an Industry Zone;
- Main space uses identified included offices, storage, workshops and manufacturing.
- “Typical” Industry Zone establishments accounted for 50 of the 86 employing establishments; i.e. Mining, Manufacturing, Electricity, Gas, Water and Waste Services, Construction, Wholesale Trade, and Transport, Postal and Warehousing
- These establishments accounted for 62,943sqm of total building footprint, or 68.6% of total area;
- There are some relatively large premises of greater than 1,500sqm of floor space currently available for lease, which is larger than most tenants require;
- The survey identified 1,084 on-site parking spaces, which is similar in number to the total on-site employment within the South West Precinct (1,070 on-site employees);
 - Respondents that identified an issue with lack of parking typically had significantly less spaces than employees.
- Most establishments are long-term occupiers of the South West Precinct, with nearly 70% indicating they have been in there at least 10 years.
- Nearly 90% of respondents anticipate remaining in the South West Precinct at least for the next five years. This suggests the South West Precinct should be relatively stable over the next five years;
- The main characteristics that respondents considered positive to conducting their business are proximity to the CBD, markets, customers, main roads and Adelaide Airport.
- The main negative issues were:
 - Car parking concerns
 - Traffic management issues (although this was highlighted more by residents);
- Residents have separately raised conflicts between residential living and proximity of industrial businesses;

¹ ANZSIC is the Australian and New Zealand Standard Industrial classification

Market Trends and Observations

- The South West Precinct provides a convenient, centrally located employment area from which to conduct business. It is in close proximity to the CBD, Main South Road, and Adelaide Airport.
- While the area currently has a high level of vacancy, this is partly due to the current state of the Adelaide industrial market.
- Some of the vacant premises do not appear to suit the main areas of tenant enquiry, being for small to medium sized businesses requiring between 250sqm and 1,000sqm of floor space.
- West Torrens LGA provides 1.5 local employment opportunities for every employed resident. Furthermore between 2001 and 2011, employment in West Torrens LGA grew at a substantially faster pace than residential growth. Compared to outer suburban LGAs, West Torrens provides a very good mix of employment opportunities for its residents.
- The Department of Employment projections for the “Adelaide West” region (which includes the West Torrens LGA) suggests a loss of manufacturing employment in the five years to November 2019. Manufacturing is the South West Precinct’s major employer.
- Major employment growth areas are expected to include health, education, retail and office based employment, which are typically accommodated outside of Industry Zones.
- In terms of the economic considerations of the future of the South West Precinct, there may be potential for considering a broader range of land uses in the South West Precinct, more aligned to expected areas of future employment growth.
- A trigger for potential land use change may be when existing uses that currently occupy large sites reconsider their future accommodation needs. Large sites offer greater opportunity than small sites to change the nature of existing industrial areas towards land uses, or a mix of uses that meet wider Council objectives.

Is the South West Precinct a Prime Industrial Area?

The South West Precinct has been assessed against criteria outlined in the Metropolitan Adelaide Industrial Land Strategy 2007 (MAILS).

JLL is of the view that the South West Precinct is not a Prime Industrial Area, but remains an important employment area. Most of the existing businesses appear viable and are satisfied with their current location. However, some of these same businesses may consider relocating at an appropriate time in the future, when decisions need to be made with regard to re-investment in their premises.

The case against re-zoning:

- The South West Industrial Area comprises 86 active businesses with over 1,500 employees
- It is centrally located and easily accessible to supply chains / service providers.
- The land is well located in relation to appropriately skilled labour pools
- The land is well located to take advantage of existing or proposed infrastructure such as the Main South Road upgrade. The Airport is also relatively close, as is the CBD.
- The land is well located in relation to freight connections including Main South Road
- Rezoning of existing business uses may place restriction on operation, which may impact on viability, particularly for businesses with expansion plans in the future.
- Former industrial activity may restrict future use of land for residential uses, or other sensitive land use or impact on viability of development due to costly site remediation.
- Rezoning part of Thebarton to Urban Corridor Zone may displace some businesses from Thebarton, with Underdale and Torrensville seen as a suitable nearby alternative for displaced tenants.

The case for re-zoning

- Ongoing issues could be overcome with rezoning, e.g.:
 - Parking and traffic management issues with most of the area not conducive to large semi-trailers or high levels of freight movements
 - Land use conflicts with residential land uses are not readily overcome, particularly for residents within the Industry Zone (primarily Wilford Avenue) and on the southern side of Ashley Street.
 - These land-use conflicts mean 24-hour operations, noise pollution, and odours associated with some businesses are not conducive to residential living.
- Longer term trends suggest future scope for land use change:
 - The South West Precinct provides limited opportunities for expansion, which may lead to existing businesses that occupy large areas relocating.
 - Large sites provide opportunities for catalyst development, and could provide an opportunity to re-consider the long-term future use of part of the area.
 - Service industry uses (small businesses) rather than large manufacturing and warehousing uses are more likely to provide high concentrations of employment that provide important local services to the local area.
 - Alternatively residential uses may be suitable, where adjoining existing residential uses, close proximity to Torrens Linear Park.
- West Torrens LGA has achieved strong employment growth but relatively subdued residential growth. There are 1.5 jobs per employed resident. Opportunities to address this imbalance by encouraging more residential growth opportunities in an inner suburban area should be further explored.

Introduction

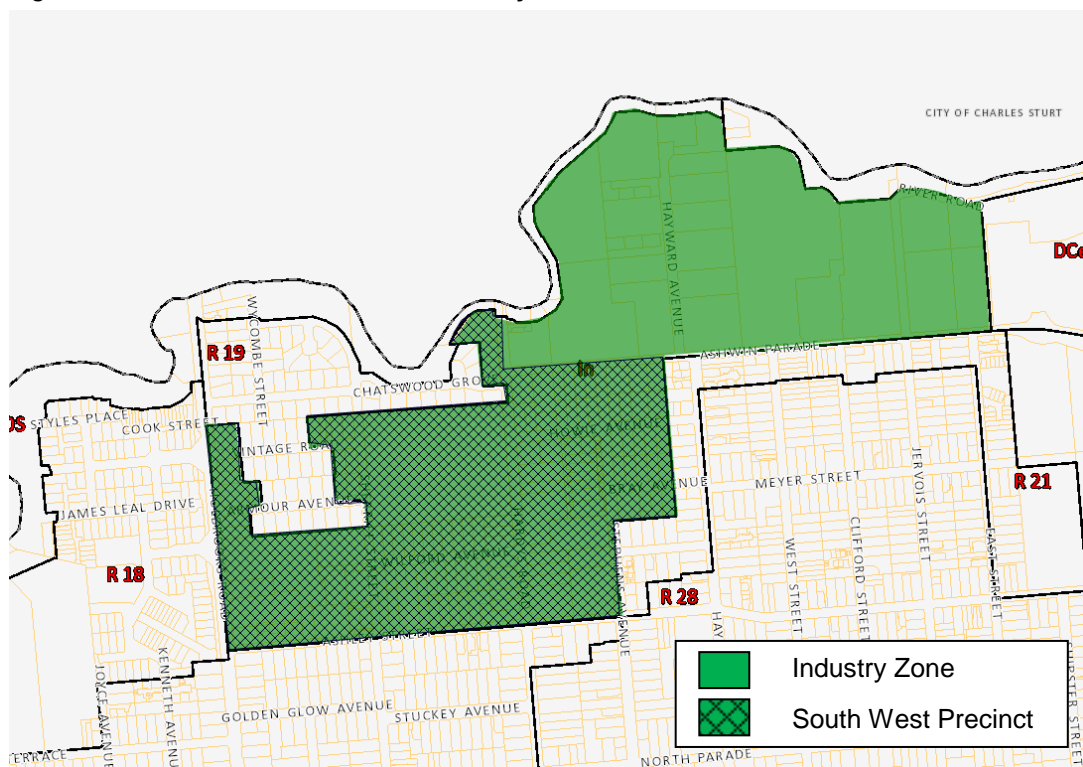
Jones Lang LaSalle has been engaged by the City of West Torrens to prepare an economic report on part of the Industry Zone in Underdale and Torrensville, referred to in this report as the South West Precinct and identified in Figure 1.

The City of West Torrens undertook a land use survey of the South West Precinct in February 2016, which provided much of the quantitative data that has been relied upon in undertaking this report.

The analysis in this report together with the land use survey results and previous findings will be used to assist Council to make a determination as to how to progress the Underdale and Torrensville Residential/ Industrial Interface Development Plan Amendment (DPA).

The report also considers the role of the Underdale and Torrensville Industry Zone in the context of employment generating land across the West Torrens LGA.

Figure 1: Underdale and Torrensville Industry Zone South West Precinct



Source: City of West Torrens

To provide context to the findings of the Land Use Survey, we have analysed trends in the industrial market across metropolitan Adelaide and the West Torrens LGA, as well as undertaken comparative analysis with other industrial precincts in Adelaide. Expected employment trends at a regional level are also analysed to gauge what sectors of the economy are expected to experience employment growth in the years ahead, and what this means for West Torrens LGAs' Industry Zones as well as other employment zones in the local government area.

Finally, we consider the suitability of rezoning part or all of the South West Precinct identified above based on the assessment framework within the Metropolitan Adelaide Industrial Land Strategy (MAILS; 2007).

Underdale and Torrensville Residential / Industrial Interface DPA Investigations (URPS/SGS – November 2015)

In November 2015, URPS in association with SGS Economic and Planning undertook a study of the Underdale and Torrensville Industry Zone (Underdale and Torrensville Residential / Industrial Interface DPA Investigations). This study provided analysis of the South West Precinct together with the rest of the Industry Zone, utilising data from the 2006 and 2011 “Place of Work” profiles from the Australian Bureau of Statistics’ Census, and an Industry zone-wide survey of a number of businesses. Findings generally related to the whole of the Industry zone rather than the South West Precinct, which is the focus of this analysis

Key findings from the SGS / URPS analysis were:

- The major employers in the Underdale and Torrensville Industry Zone were identified as *Manufacturing* and *Wholesaling* industries;
- Overall, employment levels in the Underdale and Torrensville Industry Zone have not shifted dramatically in recent times;
- Economic activity in the precinct was diverse, and the total number of jobs was relatively high for a relatively small precinct;
- The precinct was estimated to contain approximately 2,180 jobs at the 2011 Census compared to 2,280 jobs at the 2006 Census;
- Across the West Torrens LGA, there was a general decline in *manufacturing* employment between 2006 and 2011, but increases in *Transport, Postal and Warehousing* as well as most service based employment sectors (e.g. *Public Administration, Education, Health*);
- A low vacancy rate of 0.4% was identified in the precinct, although this related to vacant land rather than vacant premises;
- Overall, the West Torrens LGA has a high ratio of employment to population;
- The precinct is considered to play a greater economic role than its physical size would suggest and the jobs in the precinct are worth protecting.

Australian and New Zealand Standard Industrial Classification (ANZSIC)

This report uses the Australian and New Zealand Standard Industrial Classification (ANZSIC) to analyse employment data. ANZSIC is a standard system developed by the Australian Bureau of Statistics and the New Zealand Department of Statistics for use in the collection, publication and analysis of industry statistics. ANZSIC groups business units carrying out similar productive activities together. It is a hierarchical classification system with four levels; divisions, subdivisions, groups and classes.

This report focuses on the broadest level of the hierarchy, divisions. There are 19 divisions in ANZSIC. These are identified in Appendix 1.

Employment by ANZSIC division

This report provides analysis of employment by ANZSIC division and highlights those divisions that are most highly concentrated in Industry Zones. The concentration is largely a factor of the planning rules that determine the types of businesses that are encouraged in Industry Zones.

Sectors typically associated with Industry Zones are the following:

- Mining
- Manufacturing
- Electricity, Gas, Water and Waste Services
- Construction
- Wholesale Trade
- Transport, Postal and Warehousing

Industry Zones with a high proportion of total employment in these ANZSIC divisions tend to be more traditional Industry Zones.

1 Background Context

This section provides background context to trends and employment in industrial markets in metropolitan Adelaide and the West Torrens LGA with a focus on what drives demand, including the factors that impact on where industrial land uses locate; the trends in employment by industry of classification and how this is expected to change over the short-to-medium term.

1.1 Regional Employment Forecasts

The Department of Employment undertakes five year projections of employment both at a national and regional level. The most recent five year regional projections are for November 2014 to November 2019.² Table 1 provides the projections for the Adelaide West Region, which comprises the whole of West Torrens and Charles Sturt LGAs and the western half of Port Adelaide Enfield LGA.

The projections highlight that employment growth is expected to be concentrated in industries not generally associated with industrial zoned land. Of the four main industry sectors expected to contribute to growth in the Adelaide West Region, only the construction industry has strong prominence in Industry Zones, although a large portion of this sector are tradespeople that have no fixed address of employment.

The sectors that are expected to lose employment between 2014 and 2019 include *Manufacturing*, *Mining*, and *Wholesale Trade*. These sectors are typically associated with Industry Zones and are expected to lose employment over the next five years.

While there is reasonably strong growth expected in the *Transport, Postal and Warehousing* sector, our view is that this is most likely to be located in larger distribution warehouses nearer the port facilities at Outer Harbour, or associated with employment growth at Adelaide Airport.

Relatively strong employment growth in the Adelaide West Region is expected to come from typical office based employment (*Professional, Scientific and Technical Services*), *Education and Training*, *Health Care and Social Assistance* (consulting rooms, clinics, hospitals etc.), and *Construction* (tradespeople, businesses associated with the building industry). Other areas of growth are expected to be *Retail Trade*, with the development of Brickworks Marketplace being a good example of retail growth that has occurred in West Torrens LGA since the last Census.

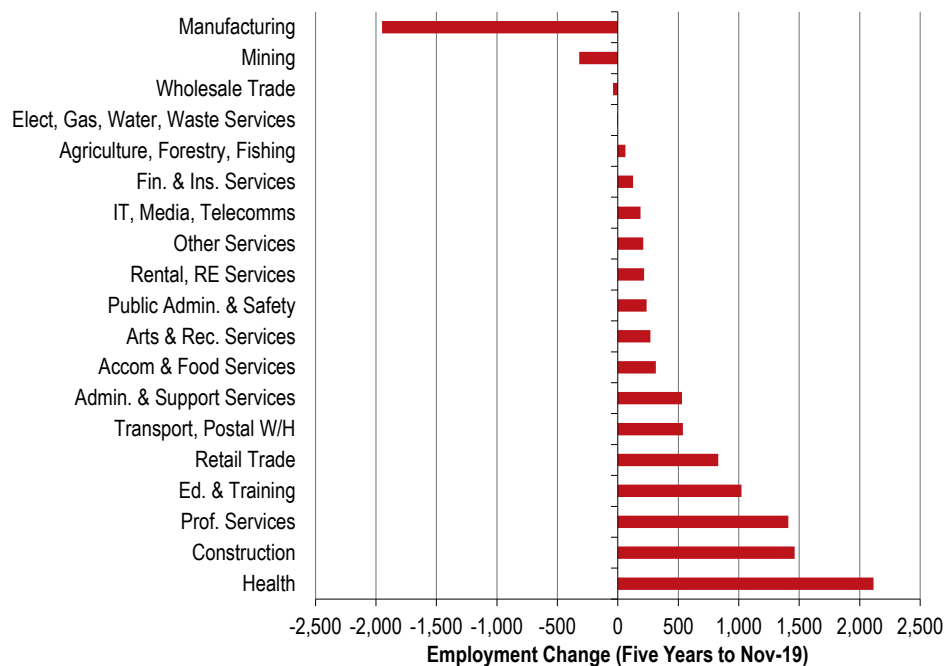
² Department of Employment, *Industry Employment Projections: 2016 Report*, March 2016

**Table 1: Employment Change Projections by Industry Sector of Employment, Adelaide West
November 2014 - November 2019**

Industry of Employment	Adelaide West	% of Total Growth
Agriculture, Forestry and Fishing	62	0.9%
Mining	-320	-4.4%
Manufacturing	-1,949	-27.0%
Electricity, Gas, Water and Waste Services	-6	-0.1%
Construction	1,462	20.3%
Wholesale Trade	-40	-0.5%
Retail Trade	831	11.5%
Accommodation and Food Services	314	4.3%
Transport, Postal and Warehousing	538	7.4%
Information Media and Telecommunications	188	2.6%
Financial and Insurance Services	127	1.8%
Rental, Hiring and Real Estate Services	217	3.0%
Professional, Scientific and Technical Services	1,411	19.5%
Administrative and Support Services	531	7.4%
Public Administration and Safety	238	3.3%
Education and Training	1,023	14.2%
Health Care and Social Assistance	2,113	29.3%
Arts and Recreation Services	270	3.7%
Other Services	210	2.9%
<u>All Industries</u>	<u>7,219</u>	<u>100.0%</u>
Typical Industry Zone businesses (in bold)	-315	-4.4%

Source: Department of Employment, Projected regional employment growth by Industry - five years to Nov-19 JLL

Figure 2: Projected employment change by Industry in “Adelaide West”, Five years to Nov-19



Source: Department of Employment, Projected regional employment growth by Industry - five years to Nov-19 JLL

1.2 Implications for West Torrens LGA

Future employment growth dominated by services

Based on the trends expected across the Adelaide West region over time, the West Torrens LGA can expect a gradual decline in employment in many of the key employment categories that typically locate in Industry Zones. Not only is *Manufacturing* expected to experience significant decline, *Wholesale Trade* is expected to have no employment growth. Furthermore the pull factors of outer suburban areas as well as growth at Adelaide Airport are expected to see growth in *Transport, Postal and Warehousing* away from inner suburban locations.

Should existing manufacturing businesses experience strong growth or have major expansion plans, alternative locations in outer suburbs may be favoured. This is likely to be due to a variety of pull factors discussed earlier.

Industry Zones such as the South West Precinct may attract some of the employment growth expected in the service sectors throughout the West Torrens LGA. However, other non-residential zones are likely to accommodate the majority of this growth, including areas recently rezoned Urban Corridor Zone, and the existing District Centre, Neighbourhood Centre and Commercial Zones where policy has recently been relaxed to encourage a greater mix of development. This would include building on the existing commercial office clusters around Richmond Road and Anzac Highway, health services near Ashford Private Hospital, and development re-uses of the northern portion of the former Brickworks Market site.

Should there be a decline in the manufacturing sector that releases land for alternative uses, competition from other locations in West Torrens LGA may limit the take-up of land and/or floor space in South West Precinct.

The future potential decline of manufacturing, availability of mixed use zones and availability of well-located and competitively priced industrial lands in outer suburbs are three key factors that should be kept in mind when considering the future policy directions for the Industry Zone in Underdale and Torrensville.

2 West Torrens LGA Employment Profile

This section provides an overview of the West Torrens LGA employment profile, as at the 2011 Census of Population and Housing. Trends in employment by industry classification are highlighted over the 10 year period from 2001 to 2011, while the employment profile is compared against other inner suburban Council areas within the Greater Adelaide metropolitan area.

2.1 Employment by Industry and Gender

Table 2 shows the employment by industry and gender for the West Torrens LGA as at the 2011 Census. As at August 2011, the West Torrens LGA had an employment base of 41,235 employees. Overall, 59.4% of the employees in West Torrens LGA were male and 40.6% were female.

The gender split of the employment differs significantly based on the industry of employment. Male dominated industry categories included many of the typical categories found in Industry Zones. Table 2, below, highlights these categories in bold. Overall, 75.5% of employees in the categories typically found in the Industry Zone were male.

Table 2: Employment by Industry of Employment and Gender, West Torrens LGA 2011

Industry of Employment	Male	Female	Total	% Total	% Male	% Female
Agriculture, Forestry and Fishing	57	53	110	0.3%	51.8%	48.2%
Mining	110	24	134	0.3%	82.1%	17.9%
Manufacturing	4,494	1,530	6,024	14.6%	74.6%	25.4%
Electricity, Gas, Water and Waste Services	1,219	300	1,519	3.7%	80.3%	19.7%
Construction	1,919	450	2,369	5.7%	81.0%	19.0%
Wholesale Trade	1,689	759	2,448	5.9%	69.0%	31.0%
Retail Trade	2,199	2,118	4,317	10.5%	50.9%	49.1%
Accommodation and Food Services	731	792	1,523	3.7%	48.0%	52.0%
Transport, Postal and Warehousing	3,353	1,075	4,428	10.7%	75.7%	24.3%
Information Media and Telecommunications	654	170	824	2.0%	79.4%	20.6%
Financial and Insurance Services	980	925	1,905	4.6%	51.4%	48.6%
Rental, Hiring and Real Estate Services	369	298	667	1.6%	55.3%	44.7%
Professional, Scientific and Technical Services	984	653	1,637	4.0%	60.1%	39.9%
Administrative and Support Services	755	974	1,729	4.2%	43.7%	56.3%
Public Administration and Safety	1,668	939	2,607	6.3%	64.0%	36.0%
Education and Training	604	1,316	1,920	4.7%	31.5%	68.5%
Health Care and Social Assistance	1,040	3,116	4,156	10.1%	25.0%	75.0%
Arts and Recreation Services	234	215	449	1.1%	52.1%	47.9%
Other Services	1,173	875	2,048	5.0%	57.3%	42.7%
Other (incl not stated, inadequately described)	268	153	421	1.0%	63.7%	36.3%
Total	24,500	16,735	41,235	100.0%	59.4%	40.6%
Typical Industry Zone businesses (in bold)	12,784	4,138	16,922	41.0%	75.5%	24.5%
All other businesses	11,716	12,597	24,313	59.0%	48.2%	51.8%

Source: 2011 Census of Population and Housing, Australian Bureau of Statistics, JLL

Industry Zones with a relatively narrow mix of business types may well have very limited employment opportunities for women. While there appears to be a broad range of employment across the West Torrens LGA, a flexible approach to the mix of employment generating land uses in such zones may be one way of promoting a more equitable balance of employment opportunities by gender.

Other employment categories, such as *Health Care and Social Assistance*, are equally biased towards female employment and this is also a fast growing employment sector nationally.

2.2 Employment Trends in West Torrens LGA, 2001 to 2011

Table 3 compares the composition of employment in West Torrens LGA between 2001 and 2011. Total employment has increased by 17.8% between 2001 and 2011 from 35,003 to 41,235 employees. Over the same period, the estimated resident population in West Torrens LGA increased by 9.6% from 54,771 residents to 60,015 residents. Employment growth has therefore outpaced population growth significantly.

The residential population in the West Torrens LGA has continued to grow at a low to moderate pace since 2011. As at June 30 2015, the population had reached 62,092 residents, growing at an average of 0.9% per annum.

Table 3: Number of Employees in Industry of Employment, West Torrens LGA 2011

Industry of Employment	2001	2006	2011	Change 2001-11	% Change 2001-11
Agriculture, Forestry and Fishing	100	78	110	10	10.0%
Mining	99	106	134	35	35.4%
Manufacturing	7,405	6,367	6,024	(1,381)	-18.6%
Electricity, Gas, Water and Waste Services	1,070	1,290	1,519	449	42.0%
Construction	1,693	1,837	2,369	676	39.9%
Wholesale Trade	3,213	2,687	2,448	(765)	-23.8%
Retail Trade	3,809	4,347	4,317	508	13.3%
Accommodation and Food Services	809	1,263	1,523	714	88.3%
Transport, Postal and Warehousing	3,284	4,091	4,428	1,144	34.8%
Information Media and Telecommunications	1,084	960	824	(260)	-24.0%
Financial and Insurance Services	1,967	1,894	1,905	(62)	-3.2%
Property, Professional, Public Admin, Safety*	4,040	5,813	6,640	2,600	64.4%
Education and Training	1,753	1,727	1,920	167	9.5%
Health Care and Social Assistance	2,612	3,257	4,156	1,544	59.1%
Arts and Recreation Services	466	419	449	(17)	-3.6%
Other Services	1,334	1,776	2,048	714	53.5%
Other (incl. not stated, inadequately described)	265	342	421	156	58.9%
Total	35,003	38,254	41,235	6,232	17.8%
Typical Industry Zone businesses (in bold)	16,764	16,378	16,922	158	0.9%
All other businesses	18,239	21,876	24,313	6,074	33.3%

Notes: Changes to ANZSIC coding occurred between 2001 and 2006. This alters the way businesses are coded. Care should therefore be taken in comparing 2001 data to both 2006 and 2011 data.

* Due to these definitional changes, Divisions L, M, N and O have been amalgamated

Source: 2011 Census of Population and Housing, Australian Bureau of Statistics, JLL

While direct comparison between 2001 and 2006 data is difficult due to changes in the Australian and New Zealand Standard Industrial Classification (ANZSIC), broad trends are apparent. Furthermore, the trends between 2001 and 2006 appear to have continued over the period 2006 to 2011. Some of these changes may be broader regional / national trends while other changes may primarily be due to the growth or decline of a single significant employer.

At the West Torrens LGA level, the following broad trends are noticeable between 2001-2011 across key categories that are prominent in Industry Zones:

- *Manufacturing* remains a very important part of West Torrens' LGA employment base but has diminished over the 10 year period, with employment in this category dropping nearly 1,400 employees or 18.6%. However, *Manufacturing* still accounts for 14.6% of total employment, the highest of any category.
- Similarly *Wholesale Trade* has declined in importance with the loss of 765 employees representing a 23.8% decline over 10 years. As at 2011, it accounts for 5.9% of the total employment base.
- Total employment in typical "industry zone" businesses have been reasonably stable overall, with the losses in *Manufacturing* and *Wholesale Trade* being offset by gains in *Electricity, Gas, Water and Waste Services*, *Construction* and *Transport, Postal and Warehousing*;
- The *Transport, Postal and Warehousing* growth is expected to be primarily due to strong growth in employment associated with Adelaide Airport. Over the period 2000-01 to 2010-11, total passenger movements at Adelaide Airport increased from 4.443 million to 7.279 million, an increase in passenger numbers of 64%.³ Such a strong increase in traffic volume has very likely resulted in increased employment in the transport sector.

At the West Torrens LGA level, very strong growth has occurred in the following services sectors during 2001-2011:

- *Accommodation and Food Services*, which covers short-stay accommodation as well as catering services such as hotels, cafes restaurants – up 714 employees (88.3%);
- The broad range of property, business and public administration services, which has increased by 2,600 employees (64.4%);
- *Health Care and Social Assistance* – up by 1,544 employees (59.1%); and
- *Other Services* – up by 714 employees (53.5%).⁴ This is expected to be partly due to a significant increase in a range of personal services such as hairdressing and beauty (e.g. nail salons etc.)

At the West Torrens LGA level, growth in service based employment categories between 2001 and 2011 is attributed to a range of factors, including:

- Population growth driving demand for additional services;
- West Torrens LGA's central location; and
- An aging population driving demand for additional services, particularly in health care and public administration.

³ Bureau of Infrastructure, Transport and Regional Economics, Air Traffic Data

⁴ The definition of the industry division *Other Services* changed considerably between 2001 and 2006, however we note the growth in this sector also occurred between 2006 and 2011.

2.3 Local jobs versus local residents with jobs

In this section, the ratio between local jobs to local workers in West Torrens LGA is discussed. A high level of jobs to residents with jobs is typically desired. This does not necessarily mean that residents will be employed locally, but the likelihood of finding local employment is much higher if there is both a large number of jobs in the local region and jobs that suit the skill set of residents.

West Torrens LGA provides significantly more jobs than workers. As at the 2011 Census, West Torrens LGA had 41,235 jobs and 26,618 employed residents; or 1.5 jobs for each employed resident.

Outside the City of Adelaide LGA, West Torrens LGA has the highest ratio of jobs to employed residents in Greater Adelaide and is one of only three suburban Councils with more local jobs than local employed residents (See Table 4 below).

The diversity of the West Torrens LGA employment base is also quite strong. This provides greater choice for residents and should also mean the employment base is less susceptible to volatility due to structural changes impacting on specific industry sectors. No industry sector accounts for more than 15% of the West Torrens LGA's workforce (*Manufacturing* being the highest at 14.6%) and eight industry sectors have at least 5% of the total employment base.

By comparison, the City of Adelaide LGA, for example, has very high concentrations of *Public Administration and Safety* (18.0%) and *Health Care and Social Assistance* (15.5%), with seven sectors having at least 5% of the total employment base.

Port Adelaide Enfield LGA has a very high concentration of its employment in *Manufacturing* (25.7%), the sector which is most at risk of declining in importance over the next few years.

Table 4: Employees and Employed Residents, LGAs in Greater Adelaide 2011

Local Government Area	Jobs in LGA	Employed residents in LGA	Ratio: Jobs to employed residents
Adelaide (C)	109,399	9,091	12.0
West Torrens (C)	41,235	26,617	1.5
Norwood Payneham St Peters (C)	22,415	17,258	1.3
Port Adelaide Enfield (C)	55,932	49,212	1.1
Unley (C)	18,137	18,902	1.0
Mitcham (C)	25,607	31,218	0.8
Charles Sturt (C)	37,142	48,458	0.8
Burnside (C)	14,625	20,297	0.7
Salisbury (C)	40,394	56,949	0.7
Playford (C)	21,649	30,593	0.7
Holdfast Bay (C)	11,194	17,148	0.7
Gawler (T)	5,695	9,286	0.6
Mount Barker (DC)	9,166	15,141	0.6
Walkerville (M)	1,878	3,248	0.6
Marion (C)	21,645	40,273	0.5
Prospect (C)	5,198	10,545	0.5
Onkaparinga (C)	35,884	75,907	0.5
Adelaide Hills (DC)	8,960	20,288	0.4
Campbelltown (C)	8,887	22,222	0.4
Tea Tree Gully (C)	18,386	48,546	0.4

Source: 2011 Census of Population and Housing, Australian Bureau of Statistics, JLL

2.4 The right jobs for local residents

Ideally, the range of employment opportunities in a region will match the employment preferences of residents. This increases the potential for residents to access jobs close to home. Table 5 compares the jobs within West Torrens LGA with the jobs of residents in West Torrens LGA. Most broad industry categories have more jobs in West Torrens LGA than employed residents working within these industry categories. There is somewhat of a shortfall between *Accommodation and Food Services* jobs in West Torrens LGA and residents who work in this industry.

Not only does the West Torrens LGA have a very high ratio of jobs to employed residents, it appears to provide a good mix of jobs for its residents. This does not directly correlate with the number of residents that work locally, but it means the opportunity of finding local work is higher than most other local government areas in metropolitan Adelaide.

Table 5: Jobs versus Employed Residents by Industry of Employment, West Torrens LGA 2011

Industry of Employment	Jobs within West Torrens(C)	Jobs of Residents in West Torrens(C)	Ratio Jobs to Workers
Agriculture forestry and fishing	110	107	102.8%
Mining	136	219	62.1%
Manufacturing	6,023	2,207	272.9%
Electricity gas water and waste services	1,517	395	384.1%
Construction	2,367	1,754	134.9%
Wholesale trade	2,447	1,010	242.3%
Retail trade	4,318	2,930	147.4%
Accommodation and food services	1,522	2,075	73.3%
Transport postal and warehousing	4,430	1,285	344.7%
Information media and telecommunications	824	519	158.8%
Financial and insurance services	1,909	1,087	175.6%
Rental hiring and real estate services	665	387	171.8%
Professional scientific and technical services	1,635	1,873	87.3%
Administrative and support services	1,729	958	180.5%
Public administration and safety	2,608	2,089	124.8%
Education and training	1,922	2,069	92.9%
Health care and social assistance	4,156	3,612	115.1%
Arts and recreation services	447	482	92.7%
Other services	2,048	1,089	188.1%
Inadequately described / Not stated	422	470	89.8%
Total	41,235	26,617	154.9%

Source: 2011 Census of Population and Housing, Australian Bureau of Statistics, JLL

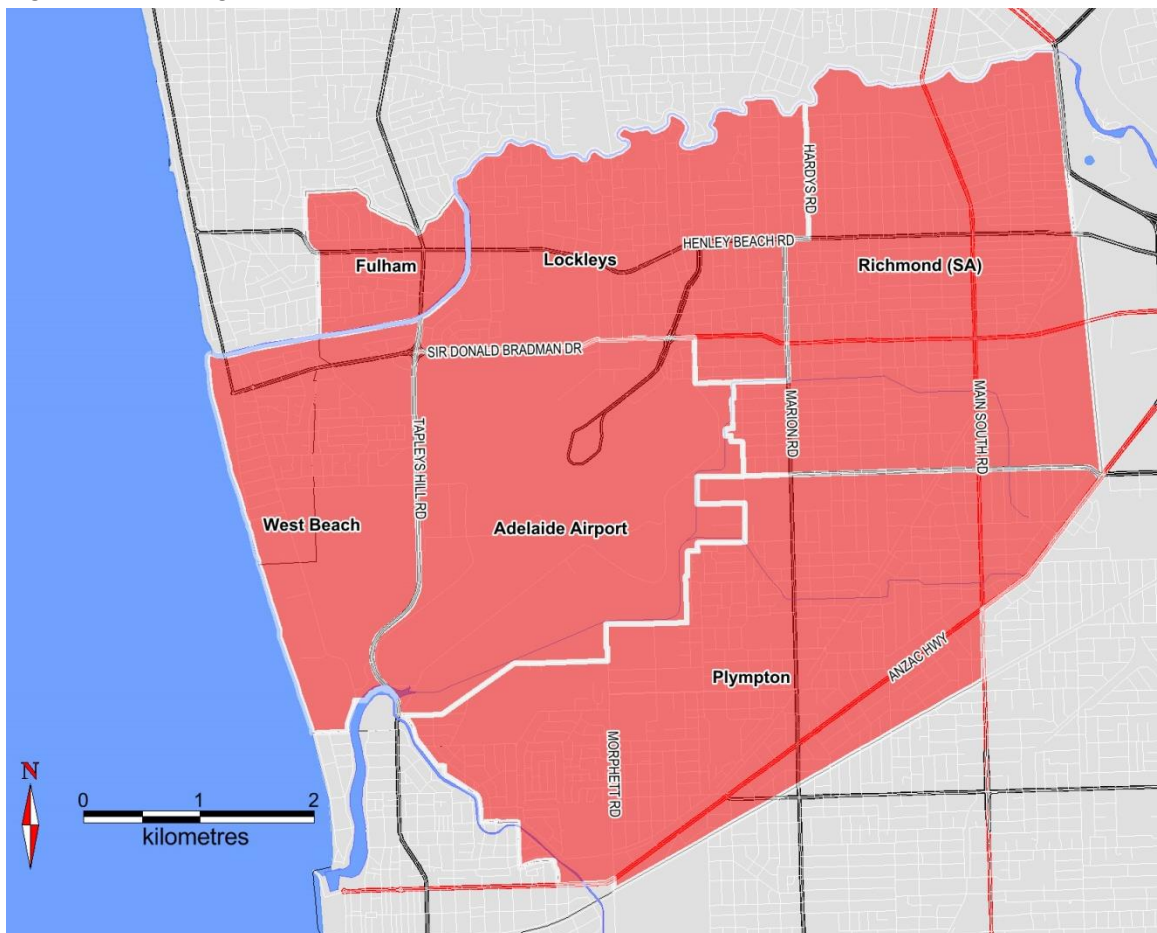
3 Regional Variations across West Torrens LGA

This section considers the employment profiles at a smaller area level across West Torrens LGA.

This analysis focuses on the six geographic areas that the ABS splits West Torrens LGA into for finer grain sub-LGA analysis. These areas are known as Statistical Area Level 2 (SA2) and six regions are described below and depicted in Figure 3:

- Adelaide Airport
- Fulham (suburb)
- Lockleys: The suburbs of Brooklyn Park, Lockleys and Underdale
- Richmond: The suburbs of Cowandilla, Hilton, Mile End, Mile End South, Richmond, Thebarton, Torrensville and West Richmond
- Plympton: The suburbs of Ashford, Camden Park, Glandore, Keswick, Kurralta Park, Marleston, Netley, North Plympton, Novar Gardens, Plympton
- West Beach (suburb)

Figure 3: SA2 Geographic Areas in West Torrens LGA



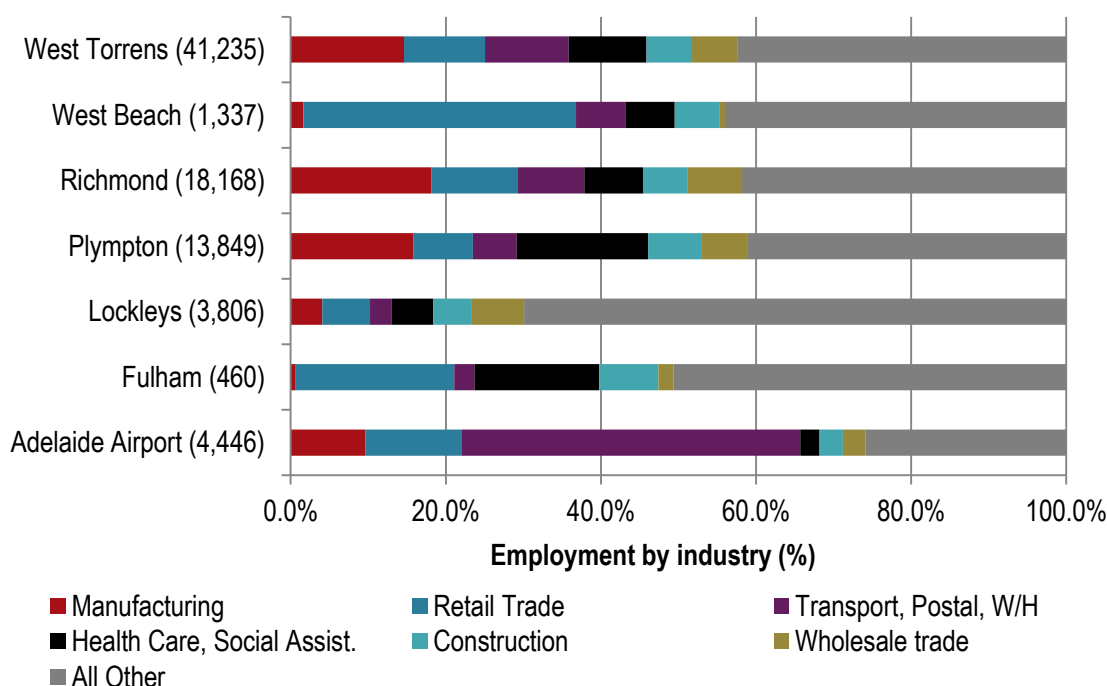
Source: 2011 Census of Population and Housing, Australian Bureau of Statistics, PBBI MapInfo, JLL

Figure 4 shows the employment by industry across the six sub-regions in West Torrens LGA while Table 6 identifies total employment. It is noted that both the Fulham SA2 (460 employees) and West Beach SA2 (1,337 employees) have low levels of employment compared with the other four areas within West Torrens LGA. Care should therefore be taken in analysing the smaller employment areas, which may be dominated by one business.

Most SA2s have one or two dominant sectors:

- Employment in West Beach is predominantly *Retail Trade*, although this SA2 area has a relatively small employment base. Most retail businesses are located along Burbridge Road (Burbridge Centre);
- Fulham is dominated by *Retail Trade* and *Health Care and Social Assistance*. It has a very small employment base centred along Henley Beach Road and is a relatively small area compared to the other sub-regions;
- Adelaide Airport has a high concentration of businesses in the *Transport, Postal and Warehousing* sector (the Airport and ancillary operations), *Retail Trade* (Ikea; Harbourtown; Airport retail) and *Manufacturing*;
- Lockleys is dominated by the *Finance and Insurance* sector, which is predominantly the Westpac Mortgage Centre at Pierson Street. This large area includes the western portion of the South West Precinct located west of Hardys Road, which is likely to account for a large portion of the more traditional industrial uses (*Manufacturing*; *Wholesaling* etc.)
- Richmond has a large proportion of *Manufacturing* businesses, including businesses in the industrial areas of Thebarton, Torrensville and Mile End and Mile End South. Retail Trade is also strongly represented, and since 2011 has grown considerably due to the opening of Brickworks Marketplace;
- Plympton has a higher proportion of businesses in *Manufacturing* and *Health Care and Social Assistance* (Ashford Private Hospital). It is the largest SA2 area by size and includes industrial areas such as Netley and North Plympton.

Figure 4: Employment by Main Industry Categories by SA2 Geographic Region, 2011



Note: Figures in brackets adjacent to labels represent

Source: 2011 Census of Population and Housing, Australian Bureau of Statistics, JLL

Table 6: Employment in SA2 in West Torrens LGA, 2011

SA2 Name	Employment	% of West Torrens LGA
Adelaide Airport	4,446	10.8%
Fulham	460	1.1%
Lockleys	3,806	9.2%
Plympton	13,849	33.6%
Richmond	18,168	44.1%
West Beach	1,337	3.2%
West Torrens LGA	41,235	100.0%

Note: SA2 boundaries do not align exactly with LGA boundaries. Totals of the six SA2s is different to total for LGA
Source: 2011 Census of Population and Housing, Australian Bureau of Statistics, JLL

Figure 5 identifies the total employment by “Destination Zone” across the West Torrens LGA.⁵ The South West Precinct straddles two destination zones either side of Hardys Road and north of Henley Beach Road. Given no one destination zone matches the South West Precinct’s boundary, it is not possible to comment on employment change between 2011 and 2016 for the South West Precinct.

Employment is spread across the West Torrens LGA with the following concentrations:

- The eastern portion of the LGA in close proximity to the Adelaide CBD, which includes a mix of office accommodation, major industrial uses and bulky goods retailing;
- The northern sector of LGA close to the River Torrens between Tapleys Hill Road and Port Road (including older industrial areas that are close to the River Torrens); and
- Adelaide Airport.

There are also concentrations of employment along the main arterial roads, including:

- Henley Beach Road;
- Sir Donald Bradman Drive;
- Marion Road; and
- South Road.

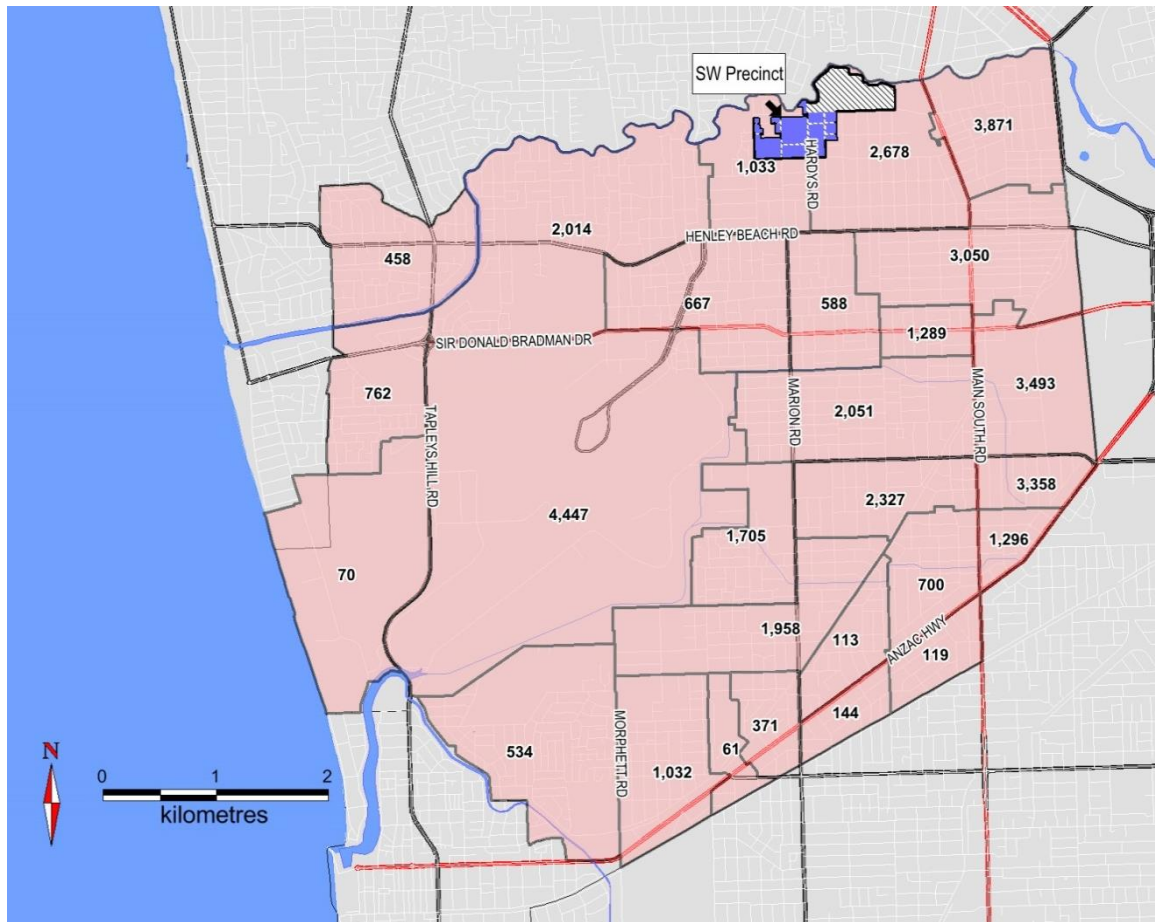
Major employers within West Torrens LGA include Adelaide Airport, Westpac Mortgage Centre, West End Brewery, News Limited, Coca Cola Amatil, Ashford Private Hospital, and the City of West Torrens.

There are some major office based employers such as SA Power Networks, Coffey, the Royal District Nursing Service and state government agencies, which form part of the Adelaide Fringe office market.

Retail centres such as Mile End Homemaker Centre, Kurralta Plaza, Hilton Shopping Centre, Harbourside, Torrensville Plaza and the recently completed Brickworks Marketplace are the main contributors to retail employment in the Council area.

⁵ Not all employment is allocated to a destination zone, due primarily to inadequate information provided by Census respondents to determine place of employment. JLL estimated that the “under-enumeration” of employment is approximately 12%.

Figure 5: Total Employment by “Destination Zone” West Torrens LGA, 2011



Source: 2011 Census of Population and Housing, Australian Bureau of Statistics, PBBI MapInfo, JLL

4 Land Use Survey in Underdale & Torrensville Industry Zone South West Precinct

4.1 Overview and Methodology

The Torrensville and Underdale Industry Zone Land Use and Employment Survey was undertaken over a two week period in February 2016. The survey involved data collection staff visiting every property in the Torrensville and Underdale Industry Zone and completing a two part survey:

- A series of observational questions completed by the surveyor regarding the property location, address and activities on site; and
- A series of questions answered by a representative of the business or organisation on site regarding the type of buildings, number of employees, length of time on site, reasons for business location, and an option to join a City of West Torrens economic development mailing list.

The second part of the survey was not completed for vacant and residential use properties. Surveys were completed face-to-face with interviewees with follow up visits or phone calls to collect additional data. There are 138 property parcels in the South West Precinct and all properties were surveyed.

Of the 86 businesses and organisations identified in the South West Precinct, information about each business and organisation was collected. There were four businesses with only partial information collected due to being unable to make contact with the business.

This latest survey represents a Census of all businesses, whereas the previous business survey undertaken as part of the URPS/SGS research in late 2015 was a sample of all businesses.

4.2 Employment in SW Precinct

Total employment counted in the South West Precinct was 1,515. This comprised the following:

- 1,070 on-site employees comprising:
 - 704 full-time employees; and
 - 366 part-time employees;
- 437 off-site employees.

Table 7 shows the main industries of employment are:

- Manufacturing (26.7%);
- Public Administration / Safety (17.0%);
- Construction (13.3%); and
- Administrative and Support Services (12.7%).

These four industries account for nearly 70% of total employment in the South West Precinct.

Of the four sectors highlighted above, it is unusual to see such a high proportion of total employment from the *Public Administration and Safety* and *Administrative and Support Services* sectors. However, this employment is concentrated in relatively few businesses with a large proportion of part-time and off-site employment.

Off-site employment refers to employees that are not generally based on-site but may visit the site on a regular basis or at least from time-to-time. Off-site employees make a significant contribution to the total employment generated by the establishments, accounting for 29% of total employment in the South West Precinct. Furthermore, depending on the frequency of visits to the physical site, off-site employees can contribute to overall parking demand, traffic generation, and demand for ancillary services.

The ANZSIC Divisions that dominate off-site employment are *Construction* and *Administrative and Support Services*.

Table 7: Employment by Industry, Underdale-Torrensville Industry Zone (South West Precinct), 2016

Division Name	On-site F/T Emp	On-site P/T Emp	Total On-site Emp	Off-site Emp	Total Emp	% Total
Manufacturing	290	62	352	52	404	26.7%
Electricity, Gas, Water and Waste Services	22	40	62	8	70	4.6%
Construction	79	10	89	113	202	13.3%
Wholesale Trade	54	30	84	17	101	6.7%
Retail Trade	4	-	4	1	5	0.3%
Transport, Postal and Warehousing	14	-	14	1	15	1.0%
Information Media and Telecommunications	26	36	62		62	4.1%
Financial and Insurance Services	2		2		2	0.1%
Rental, Hiring and Real Estate Services	31	2	33	10	43	2.8%
Professional, Scientific and Technical Services	48	1	49	12	61	4.0%
Administrative and Support Services	34	8	42	151	193	12.7%
Public Administration and Safety	59	155	214	44	258	17.0%
Health Care and Social Assistance	6	2	8	3	11	0.7%
Arts and Recreation Services	1	2	3		3	0.2%
Other Services	40	18	58	27	85	5.6%
Typical Industry Zone businesses (in bold)	459	142	601	191	792	52.3%
Total – South West Precinct	710	366	1,076	439	1,515	

Source: 2011 Census of Population and Housing, Australian Bureau of Statistics, JLL

Total Employment, Underdale-Torrensville Industry Zone

The survey collected employment data from all properties within the Industry Zone in Underdale and Torrensville, including sites located on the northern side of Ashwin Parade and east of Hardys Road in Torrensville which are outside the scope of this report. . This portion of the Industry Zone includes some major employers and land users (Bedford, Normet, Cochrane's Transport, Salmat) and comprised an additional 1,209 employees (696 full-time on-site; 263 part-time on-site; 250 off-site).

Table 8 summarises total employment across the entire Underdale and Torrensville Industry Zone. A total of 2,727 employees were counted. The typical Industry Zone businesses identified in Table 8 in bold accounted for 62.7% of employment.

Table 8: Total Employment by Industry, Underdale-Torrensville Industry Zone

Division Name	Total Employment	% Total
Manufacturing	715	26.2%
Electricity, Gas, Water and Waste Services	171	6.3%
Construction	277	10.2%
Wholesale Trade	420	15.4%
Retail Trade	9	0.3%
Transport, Postal and Warehousing	125	4.6%
Information Media and Telecommunications	62	2.3%
Financial and Insurance Services	2	0.1%
Rental, Hiring and Real Estate Services	43	1.6%
Professional, Scientific and Technical Services	82	3.0%
Administrative and Support Services	391	14.4%
Public Administration and Safety	258	9.5%
Health Care and Social Assistance	11	0.4%
Arts and Recreation Services	3	0.1%
Other Services	155	5.7%
Typical Industry Zone businesses (in bold)	1,708	62.7%
Total – Underdale-Torrensville Industry Zone	2,724	

Source: 2016 Underdale and Torrensville Land Use and Employment Census, City of West Torrens, JLL

4.3 Establishments and Land Uses

In terms of the number of establishments, there were 128 separate establishments identified in the survey, including:

- 86 business establishments
- 21 vacancies (18 vacant premises and three vacant land sites); and
- 21 residences, primarily in Wilford Avenue and Ashley Street.

Employing units/establishments accounted for 67.2% of all establishments identified, with the remaining being equally split between vacant premises/land and residences (Table 9). Typical Industry Zone establishments numbered 50, or 58.1% of employing establishments.

Manufacturing establishments were most prolific amongst employing establishments, with 20 of the 86 employing establishments in this division. Three other divisions had at least 10 establishments; *Construction* (10); *Wholesale Trade* (13) and *Other Services* (11).

Residential dwellings within the South West Precinct are a legacy of the concurrent development of Torrensville and Underdale for both residential and industrial purposes. Residential dwellings in older Industry Zones in Adelaide is not uncommon. It is noted that the Industrial Land Database in 2008 identified 217 residences in Industry Zones within West Torrens LGA. The main suburbs with residences in Industry Zones included Thebarton (85) followed by Torrensville (32), Keswick (26), Marleston (24) and Underdale (22).⁶

⁶ DPTI, *Industrial Land Database*, 2008

Table 9: Number of Establishments by Industry

Division Name	No. of Establishments	% of Establishments
Manufacturing	20	15.6%
Electricity, Gas, Water and Waste Services	3	2.3%
Construction	10	7.8%
Wholesale Trade	13	10.2%
Retail Trade	1	0.8%
Transport, Postal and Warehousing	4	3.1%
Information Media and Telecommunications	1	0.8%
Financial and Insurance Services	1	0.8%
Rental, Hiring and Real Estate Services	2	1.6%
Professional, Scientific and Technical Services	4	3.1%
Administrative and Support Services	6	4.7%
Public Administration and Safety	6	4.7%
Health Care and Social Assistance	2	1.6%
Arts and Recreation Services	2	1.6%
Other Services	11	8.6%
<u>Employing Establishments</u>	<u>86</u>	<u>67.2%</u>
Residential	21	16.4%
Vacant Premises	18	14.1%
Vacant Land	3	2.3%
Typical Industry Zone businesses (in bold)	50	
Total	128	100.0%

Source: 2016 Underdale and Torrensville Land Use and Employment Census, City of West Torrens, JLL

4.4 Space Use

Table 10 provides a breakdown of the occupied space uses identified in the South West Precinct. Offices were the most common use identified, although in many cases the office component comprises a small portion of total floor area in industrial buildings (small office administration area with a larger warehouse, workshop or manufacturing space being a common layout for buildings).

Many establishments had multiple space uses. Floor areas in each building were not split between primary space uses.

Other major space uses were storage, workshops and manufacturing. Wholesale was also identified as a primary space use.

Table 10: Number of Establishments by Industry

Space Use	Total	% of occupied space uses
Office	72	42.9%
Storage	42	25.0%
Workshop/Studio	23	13.7%
Manufacturing	14	8.3%
Wholesale	11	6.5%
Retail	3	1.8%
Entertainment/Recreation	2	1.2%
Store	1	0.6%
Total	168	

Source: 2016 Underdale and Torrensville Land Use and Employment Census, City of West Torrens, JLL

4.5 Floor and site areas

The South West Precinct comprises total area of all sites of 203,600sqm and a total building footprint area of 108,200sqm. This suggests a building footprint to site area ratio of approximately 53% across the South West Precinct.

Most premises are single storey, although some larger establishments such as Symbion include two storey administration buildings. Overall, the building footprint area is a proxy for total floor space in the South West Precinct, with the majority of premises being single storey or having relatively minor upper floor areas.

Table 11 provides a summary of the building footprint areas by ANZSIC division, number of establishments and size of average establishment. Both *Manufacturing* and *Construction* establishments tend to be larger than the average establishment. This means that the total building footprint area used by typical Industry Zone businesses is quite high at 62943sqm, or 68.6% of total area.

Table 11: Number of Establishments by Industry

Division Name	Total Building Footprint	No. of Establishments	Footprint per Establishment
Manufacturing	32,825	20	1,641
Electricity, Gas, Water and Waste Services	3,344	3	1,115
Construction	13,542	10	1,354
Wholesale Trade	11,034	13	849
Retail Trade	1,531	1	1,531
Transport, Postal and Warehousing	2,197	4	549
Information Media and Telecommunications	1,456	1	1,456
Financial and Insurance Services	330	1	330
Rental, Hiring and Real Estate Services	1,422	2	711
Professional, Scientific and Technical Services	2,750	4	688
Administrative and Support Services	3,299	6	550
Public Administration and Safety	5,149	6	858
Health Care and Social Assistance	1,775	2	887
Arts and Recreation Services	483	2	241
Other Services	5,775	11	525
Residential	4,893	21	233
Vacant	16,521	18	918
Vacant Land	-	3	-
Typical Industry Zone businesses (in bold)	62,943	50	1,259
Grand Total	108,324	128	866.59

Source: 2016 Underdale and Torrensville Land Use and Employment Census, City of West Torrens, JLL

* Average building footprint area per establishment excludes vacant land

4.6 Residential premises

There were 21 residential premises identified in the South West Precinct comprising the following:

- 16 in Wilford Avenue;
- Four in Ashley Street;
- One in Vintage Road.

Wilford Avenue functions as a residential street in an Industry Zone, while the southern side of Ashley Street is located in a Residential Zone. It is understood that residential land uses in Wilford Avenue developed at the same time as surrounding industrial uses.

Residential use are not normally found in Industry Zones, although we note that older Industry Zones in Adelaide are more likely to have such a mix of land uses

4.7 Vacant premises

The survey identified 19 vacant premises and 3 vacant sites. The 19 vacant premises comprises 16,521sqm of floor area. Areas for vacant premises were cross-checked with “For Lease” signboards, on-line databases such as www.realcommercial.com.au in order to determine an overall vacancy rate in the South West Precinct. The vacancy rate was 15.3% at the time of the Survey.

While JLL Research does not monitor vacancy rates across Adelaide’s Industrial market, discussions with real estate agents suggest that a rate of 15.3% vacancy for an inner suburban industrial precinct is relatively high compared to historical levels. Industrial markets together with retail and office markets in Adelaide have been characterised by subdued enquiry levels and business closures / consolidation, which has seen vacancy rates at elevated levels over the past 2-3 years. For example, the Adelaide CBD office vacancy rate as at March 2016 was 16.7%, the highest year-end level since 1999 and well above the long-term average of 11.3%.⁷

There are some relatively large premises of greater than 1,500sqm of floor space currently available for lease. Discussions with real estate agents reveal that most of the enquiry for space in Underdale and Torrensville is for areas of under 1,000 square metres. This suggests that some of the existing vacant space may not meet the requirements of prospective tenants showing interest in the South West Precinct.

An audit based on 'For Lease' signs and advertised vacancies indicates that some vacant premises identified in the survey are not being actively advertised while other premises that are listed on the Real Commercial website as available for lease, were not identified as vacant in the survey. The type of space available for lease ranges from modern office/warehouse space to space, which may prove difficult to lease due to its current poor state.

4.8 Car parking

The survey identified 1,084 on-site parking spaces, which is similar in number to the total on-site employment within the South West Precinct.

The survey did not identify parking spaces for vacant premises and residential premises.

The survey asked businesses whether the on-site parking was sufficient for their business. Of the 73 respondents, 51 indicated it was sufficient, and 22 indicated that parking was not sufficient. Further analysis of those responses that indicated parking was insufficient indicates these businesses typically had low parking allocation in relation to the number of on-site employees.

The 22 businesses that indicated there was insufficient parking employed a total of 416 employees (including 190 full-time) but had only 169 car parks between them (1 space per 2.5 employees). This highlights a significant shortfall in parking for employees (assuming most travel to work by private transport), and this is further exacerbated for businesses that attract significant customer traffic.

4.9 Tenure

The majority of establishments have been in the South West Precinct for a long period of time. Nearly 70% of the establishments indicated they have been in the South West Precinct for at least 10 years (see Table 12).

There are relatively few new establishments in the South West Precinct. Only one establishment indicated they had been in the area for less than 12 months. There were 11 establishments that have been in the area for less than five years. This represents 13% of the total employing establishments in the South West Precinct.

Given the level of vacancy currently in the South West Precinct (16,521 square metres; 18 premises), there is scope in the short-term for new premises to locate to the area.

⁷ JLL Research, Real Estate Intelligence Service, March 2016

Table 12: Length of Tenure

Length of Tenure	Responses	% of Total
Less than 12 months	1	1.3%
1-4 years	10	13.2%
5-9 years	12	15.8%
10-14 years	11	14.5%
15+ years	41	53.9%
Total Responses	76	

Source: 2016 Underdale and Torrensville Land Use and Employment Census, City of West Torrens, JLL

4.10 Owned and Tenanted Premises

Of the 86 establishments surveyed, 25 establishments indicated their premises were owned, while 50 respondents indicated their premises were leased (remaining responses being a mix of no responses and “don’t know”). Inner suburban industry zones are sought after by small businesses for owner-occupation, and this is typically a large part of the market when premises are placed on the market for sale with vacant possession.

Of the establishments that own their premises, 20 out of 25 (80%) have owned their premises for at least 15 years. This indicates a high proportion of owner-occupier businesses with a long-term association with the Underdale-Torrensville Industry Zone.

4.11 Future Intentions

The vast majority of establishments indicated they plan to continue operating at the same premises over the next five years (51 of 75 responses). A further 14 respondents (18.7%) expected to expand their operations, with most expecting to be able to do so within their current premises (Table 13). This suggests a modest level of expansion or additional potential on the existing site for expansion.

With nearly 90% of establishments anticipating remaining at their existing site (either no change of expansion at current location), there is expected to be a reasonable level of stability amongst existing businesses over the next five years.

Table 13: Five year Intentions

Five Year Intentions	No. of Responses	% of Responses
No change	51	68.0%
Expand operations at current location	14	18.7%
Don't know	4	5.3%
Other	6	8.0%
- Close down		
- Contract		
- Possible retirement		
- Relocate within / outside West Torrens		
Total responses	75	

Source: 2016 Underdale and Torrensville Land Use and Employment Census, City of West Torrens, JLL

In terms of reasons to move, the high proportion of respondents with no intention to relocate restricted the number of responses. Only two respondents specifically indicated an intention to relocate while other respondents with expansion plans or less committed in terms of future intentions provide some insight into potential reasons for moving.

The main response given for relocating was the limited opportunity to expand at the current location, rather than a dislike for the current location (Table 14).

Table 14: Reasons to Move

Reasons to move	No. of Responses
Limited opportunity to expand business at current location	8
Moving to a lower cost location	3
Lack of car parking for staff and clients	2
Preference for location well away from residential activities	1

Source: 2016 Underdale and Torrensville Land Use and Employment Census, City of West Torrens, JLL

When respondents were asked what locations they would consider as relocation options, the majority expressed a preference to remain in either the Underdale-Torrensville Industry Zone or within West Torrens LGA. Again, this suggests a relatively high level of satisfaction with the South West Precinct (Table 15).

Table 15: Relocation Options

Relocation options	No. of Responses
Within existing Industry Zone in Underdale and Torrensville	18
Within West Torrens LGA	6
Northern Metropolitan Area	1
Southern Metropolitan Area	1

Source: 2016 Underdale and Torrensville Land Use and Employment Census, City of West Torrens, JLL

4.12 Positive Characteristics / Issues

Positive characteristics identified by respondents are detailed in Table 16. The main characteristics that respondents considered positive to conducting their business all centres on proximity. The top four answers were:

- Central location close to the CBD (55.6% of respondents);
- Central location to markets and customers (52.4%);
- Proximity to main roads (19%); and
- Proximity to Adelaide Airport (17.5%).

These characteristics are not unique to the South West Precinct and other locations within West Torrens LGA may provide similar benefits, including Netley and Mile End. However, these characteristics differ to outer suburban industry areas that do not have the same level of central connectivity.

Nine respondents identified their existing facilities and investment as a key positive characteristic of their current location.

Proximity for staff was not listed highly by respondents surveyed, with only five of 63 respondents specifically mentioning this as one of the main positive characteristics. The

response to this question may have been different if employees were answering rather than a representative of the business (most often being a manager).

Other positive characteristics identified by at least one respondent of the location included its proximity to home (effectively the same as proximity for staff), proximity to other business activity in the precinct and proximity to service providers associated with the business.

Table 16: Positive Characteristics

Current location – Positive Characteristics	No. of Responses	% of Responses
Proximity to the CBD	35	55.6%
Proximity to markets and customers	33	52.4%
Proximity to main roads	12	19.0%
Near airport	11	17.5%
Existing facilities/investment	9	14.3%
Always been here	6	9.5%
Proximity to staff	5	7.9%
Other (various responses)	13	n.a.
Total Respondents (multiple answers)	63	

Source: 2016 Underdale and Torrensville Land Use and Employment Census, City of West Torrens, JLL

There were relatively few negative issues identified by businesses with the South West Precinct location although we note separate questions relating to car parking had already highlighted parking as being an issue for a relatively high proportion of businesses.

Parking and traffic management issues were raised by multiple businesses, as were high rents and proximity to residents, which as a sensitive land use, residential activities may be a source of land use conflict particularly about environmental nuisances (Table 17).

Table 17: Main Issues

Issues	No. of Responses
Lack of parking for staff and customers	7
Expensive rent	6
Poor vehicle access and traffic management	5
Proximity to residents	5

Source: 2016 Underdale and Torrensville Land Use and Employment Census, City of West Torrens, JLL

4.13 Summary and Conclusions

The South West Precinct has a healthy level of employment for its size with 1,515 employees in 86 establishments. A further 18 establishments were identified as vacant, three sites were identified as vacant land and there were 21 dwellings.

A further 1,209 employees were counted in the north east portion on the Underdale and Torrensville Industry Zone, bringing total employment in the entire Underdale and Torrensville Industry Zone to 2,727 employees.

Manufacturing establishments were most prolific amongst employing establishments, with 20 of the 86 employing establishments in this division. Three other divisions had at least 10 establishments *Wholesale Trade* (13), *Other Services* (11), and *Construction* (10).

Residential dwellings within the South West Precinct numbered 21, a relatively high number although other Industry Zones in the West Torrens LGA also have dwellings, particularly Thebarton, Keswick and Marleston. Residential dwellings were primarily in a cluster along Wilford Avenue, which functions as a residential street in an Industry Zone.

Offices were the most common space use identified, although the office component is likely to account for a small portion of total floor area in many establishments. Other major space uses were storage, workshops and manufacturing.

The South West Precinct comprises total area of all sites of 203,600sqm and a total building footprint area of 108,200sqm. This suggests a building footprint to site area ratio of approximately 53%.

Typical Industry Zone establishments were identified as those that fall within the following ANZSIC divisions:

- Mining
- Manufacturing
- Electricity, Gas, Water and Waste Services
- Construction
- Wholesale Trade
- Transport, Postal and Warehousing

These establishments accounted for:

- 50 of 86 employing establishments and 50 of the total 128 establishments (including vacant and residential establishments);
- 62,943sqm of total building footprint, or 68.6% of total area

The 19 vacant premises comprise 16,521sqm of floor area. The vacancy rate was estimated at 15.3%, a relatively high percentage but considered to be due to current property market conditions affecting all property markets across Adelaide.

There are some relatively large premises of greater than 1,500sqm of floor space currently available for lease, which is larger than most tenant requirements.

The survey identified 1,084 on-site parking spaces, which is similar in number to the total on-site employment within the South West Precinct. Those respondents that identified an issue with lack of parking typically had significantly less spaces than employees.

Most establishments are long-term occupiers of the South West Precinct, with nearly 70% indicating they have been in there at least 10 years.

Nearly 90% of respondents anticipate remaining in the South West Precinct at least for the next five years. Furthermore, should establishments consider moving, most would consider a location within West Torrens LGA.

The main characteristics that respondents considered positive to conducting their business all centres on proximity; proximity to the CBD, markets, customers, main roads and Adelaide Airport.

Few negative issues were identified by respondents. Concerns were raised regarding car parking and traffic management issues, as were high rents and proximity to residents.

Overall, the South West Precinct has significant employment base and is home to over 80 businesses, with the potential to growing to around 100 businesses subject to the successful leasing up of vacant space. Conflicts with residential uses were not highlighted by many businesses in the Land Use Survey, although residents have separately identified conflicts between industrial uses and residences as an issue for them.

The following sections put the results of this survey in context by looking at trends over time across West Torrens LGA and comparing the survey results with other suburban Industry Zones.

5 Inner West Adelaide Region Industrial Market Trends

This section provides an overview of the industrial market in metropolitan Adelaide with a focus on the Inner West Adelaide region, of which the South West Precinct of Underdale and Torrensville Industry Zone is a part of. It provides an overview of drivers of industrial demand and current market conditions to provide some context to the findings of the Land Use Survey. It also draws on JLL Research's monitoring of the metropolitan Adelaide industrial market and trends identified by real estate agents working in the market.

5.1 Drivers of Industrial Demand

While economic growth is a natural driver of demand for industrial space, there are forces at play that favour some locations over others and structural changes that have impacted on demand for industrial space. These changes have seen the majority of new industrial development occur in outer suburban areas of major metropolitan areas and pressures from alternative land uses in inner suburban industrial areas. Key drivers are summarised below:

Structural change and the rise of the logistics sector – This has in part been sparked by changes in technology. Mobile communications as well as improved data and inventory management have led to changes in business processes, including outsourcing to specialist logistics companies, consolidation of warehousing as well as the adoption of “just-in-time” inventory management. This process has led to the development of very large, efficient distribution centres, generally in new industrial estates in outer suburbs, where large allotments of serviced cheap land are readily available.

South West Precinct comment: Large distribution centres are not a major part of the make-up of the South West Precinct's industrial base. This trend is unlikely to impact significantly on demand in the precinct.

From manufacturing to warehousing – There has been a noticeable decline in manufacturing across Australia. Manufacturers have had to cope with increased competition from Asia and a stronger Australian dollar, with companies pushing production offshore. This has resulted in a shift in some manufacturers' property requirements from factory to warehouse space. Employment in the manufacturing sector is forecast to continue declining over the next five years, according to the Australian Government's Department of Employment projections.⁸

South West Precinct comment: Manufacturing remains the main industry represented in the South West Precinct. This trend could, over time, see a loss of manufacturing uses in the South West precinct, either through closure of businesses or movement to outer suburban locations.

Infrastructure provision – Infrastructure improvements are one “pull factor” that can increase the appeal of a particular region. Good quality infrastructure can entice companies to move to outer suburban areas or even regional locations that might have been previously overlooked in favour of a more central location. For example, recent and proposed improvements to the Port River Expressway, Northern Expressway and proposed Northern Connector will improve access to the emerging industrial areas in Greater Edinburgh Parks and Gillman.

South West Precinct comment: The Torrens Road to Torrens River Project (T2T) will benefit the South West Precinct, with access from Ashwin Parade. However, the overall delivery of the North South Corridor, which includes the Darlington Upgrade Project and Northern Connector Project, will also benefit many other industrial precincts located in close proximity to Main South Road.

Clustering – Clustering of like-minded businesses facilitates the creation of business networks and has the potential to generate new market opportunities through collaboration. Tonsley is an

⁸ Department of Employment, Industry Employment Projections: 2016 Report, March 2016

example of an emerging business park aiming to cluster like-minded businesses together. Other examples in Adelaide have included the biotechnology sector at Thebarton and the waste resource recovery sector at Gillman.

South West Precinct comment: There is no single cluster of like-minded businesses within the South West Precinct.

Availability of serviced, affordable land – A supply of affordable, well located land provides the impetus for companies to consider moving premises, particularly those companies with poorly located properties, facilities that are out-dated, or expansion / contraction plans.

South West Precinct comment: The Precinct has virtually no vacant land available for development. While it is possible for large under-utilised sites to be redeveloped to provide smaller allotments, there has not been any evidence of this occurring to date. In terms of “affordable” land, Industry Zones further from the CBD have been considerably cheaper in terms of land values.

Competing uses in inner / middle suburban areas – This includes competition from higher order commercial and residential uses and demand from owner-occupiers for well-located sites for commercial / industrial businesses. There has also been a trend towards subdivision to smaller lots as larger parcels become available, either through business restructures or relocates to outer suburban areas that provide for expansion opportunities on more affordable serviced land.

South West Precinct comment: This trend may impact the South West Precinct. Other inner suburban sites have been rezoned to accommodate alternative uses, including Urban Corridor Zones in Thebarton and Bowden Urban Village (former Clipsal site).

On-line retailing – The growth of this sector has seen increased demand for well-located warehouses, from both the online retailers and third party logistics providers who deliver their goods to customers. Locations central to the metropolitan area, the ability to operate 24-7, good accessibility for delivery vans and potential to expand are characteristics required by these distribution businesses.

South West Precinct comment: The Precinct’s central location may suit such demand. However, the potential conflicts from 24-7 operation near residential together with traffic management issues suggests other locations are better suited.

Discussion

The above trends driving industrial property supply and demand have seen quite dramatic changes in the industrial sector in recent years, including:

- A continued shift to outer metropolitan areas, where large, low cost industrial land is available;
- The reduction of industry zoned land in the inner suburban markets; and
- A greater emphasis on efficiency in moving freight, with accessibility to quality infrastructure (road, rail, sea, air).

On balance, the South West Precinct is expected to be attractive primarily for small businesses with space requirements of less than 1,000sqm. Larger premises may consider relocation to more affordable locations while the number of manufacturing businesses may diminish over time in line with national trends.

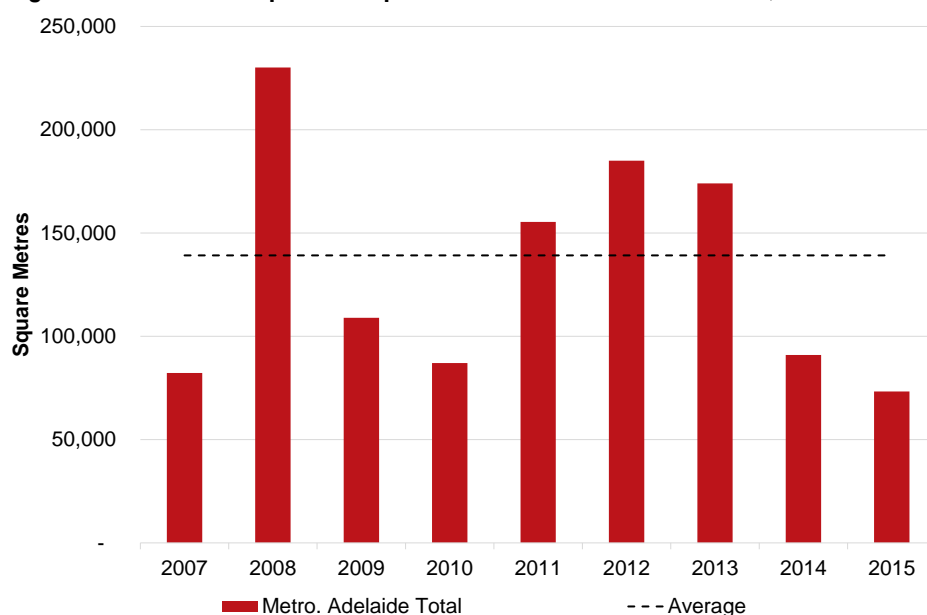
The reduction of industry zoned land in the inner suburban markets need to be considered in context to the broad drivers of industrial demand. In many cases, we are seeing a re-distribution of industry zoned land to areas that often have a serious imbalance between residents and jobs. West Torrens LGA is fortunate that it provides 1.5 jobs per employed resident. From a metropolitan wide planning policy perspective, this raises the question; would a redistribution of

some jobs from inner metropolitan areas to outer metropolitan suburbs improve metropolitan wide access to employment and meet strategic metropolitan objectives?

5.2 Metropolitan Overview

Metropolitan Adelaide's industrial market is currently characterised by subdued tenant demand for both new pre-lease tenancies and existing space. This has seen the level of leasing activity well below historic averages over the last two years (Figure 6). Pre-lease activity, or commitments by tenants to brand new industrial premises, has been particularly weak with only such major commitment recorded in 2015 across all of metropolitan Adelaide. The downturn in pre-lease activity has been partially replaced by an increase in owner-occupiers building new premises.

Figure 6: Gross Take-up in Metropolitan Adelaide Industrial Market, 2007 to 2015



Note: Gross take-up includes lease deals and owner-occupier take-up of 3,000sqm and over. It is a measure of demand for industrial premises
Source: JLL Research

Geographically, Adelaide's North West industrial area is the preferred location for industrial tenants that need large warehouses or manufacturing premises, accounting for around 45% of gross take-up over the last five years. Adelaide's Inner West and East industrial suburbs accounted for 13% of major industrial demand (premises of 3,000sqm or more).

Activity within the sub-3,000sqm size cohort is by far the most active sector of the industrial property market but this activity has also been subdued over the last two years, with the market conditions seen as a general reflection of weakness in the South Australian economy.

5.3 The Inner West industrial area

The Inner West industrial area of Adelaide, including Underdale and Torrensville, is one of Adelaide's popular business and industrial locations for smaller sized businesses. Its popularity is due to its central location within the Adelaide metropolitan area, its proximity to the CBD and Adelaide Airport and access to major transport routes, including Main South Road.

The discussion below focusses on the Inner West industrial area and in particular, the South West Precinct, which is part of Adelaide's Inner West industrial area. The Inner West also includes suburbs such as Mile End, Thebarton, Adelaide Airport, Beverley and North Plympton.

Enquiry trends

While the current level of vacancies in South West Precinct is considered to be relatively high at 15.3%, this is more a product of the current industrial market conditions than a long-term structural problem associated with the location.

However, some of the current vacancies do not meet the needs of tenants, due in part to the large tenancy size and the low quality of some of the available tenancies. Discussions with real estate agents indicate that most enquiry and recent lease deals have been for tenancies of between 300sqm and 500sqm, whereas some of the available vacancies are in excess of 1,500sq.

We note that alterations and additions to 106 Ashley Street that are currently underway are dividing a large tenancy into two smaller tenancies, both with administrative offices. This is geared towards meeting the current needs of prospective tenants.

Commercial real estate agents indicate that there is a broad range of businesses seeking a central location such as the South West Precinct and this is reflected in the current mix of businesses in the area (small scale manufacturers, wholesale businesses, professional services companies, and building companies / associated businesses). Many businesses require a high proportion of office accommodation (25%-50% of total floor area). This is higher than is typically found in the outer northern industrial precincts but is more the norm in the South West Precinct.

Businesses currently in the South West Precinct or looking for opportunities to locate in the South West Precinct show a preference for the general locality over alternative locations. The main alternatives that tenants enquiring will consider are other locations within West Torrens LGA such as Adelaide Airport and Thebarton. Outside of West Torrens LGA, businesses may consider Beverley or Edwardstown. This suggests that a reduction of opportunities in one of West Torrens' employment area may well lead to increased interest in other locations in West Torrens.

Rents achieved

In terms of rents achieved for industrial premises in the South West Precinct, real estate agents indicated strong prices in the order of \$120-\$160 net per square metre per annum (plus GST) for quality modern premises, with the higher range rents being achieved for premises with a high office content (50% or more). This compares to average rents for good quality industrial space in the North-western suburbs (e.g. Wingfield, Regency Park, Gillman) of \$86 net per square metre per annum (plus GST). There is a clear price advantage as tenants move further north. While the rental differential of a central location over a location further from the CBD for small tenancies may not be such an issue, the additional costs are much greater for businesses requiring large tenancies.

Sales

Real estate agents noted that the current sales market is stronger than the leasing market due to interest from prospective owner-occupiers. However, few premises are currently on the market and available for sale with vacant possession. Owner-occupiers have historically been a large component of the industrial sales market (as opposed to investors) but the current

opportunities to secure premises in the South West Precinct is dominated by leasing opportunities. Real estate agents noted that there may be more interest if the premises that are 100% vacant be placed on the market for sale.

5.4 Comparative Analysis

In this section we have compared the employment by Industry Division in the South West Precinct to two other industry zones. For this analysis one inner suburban zone (Thebarton) and one of Adelaide's well established industrial suburbs (Regency Park) were chosen. Thebarton was chosen as it is located near Underdale and Torrensville and therefore has many of the same location advantages of Underdale and Torrensville. Regency Park is a fully developed industrial suburb that has long been considered one of Adelaide's prime industrial areas. Table 18 compares these three areas.

The broad trends in employment are as follows:

- Typical "Industry Zone" businesses account for a high 69% of Regency Park's employment base. Both Thebarton and the South West Precinct are just over 50%. This is not surprising and reflects both demand for a broader range of uses in inner suburban locations as well as smaller premises available in inner suburban locations;
- *Manufacturing* is the main employer in each of the three areas analysed;
- *Transport, Postal and Warehousing* is a very minor employer in the South West Precinct and Thebarton while it is one of the major employers in Regency Park (16.2%). Given the typically low employment generation for such uses (large warehouses employ relatively few people), a much larger proportion of Regency Park's land is likely to be used for this purpose;
- *Wholesale trade* is also a much more significant employer in Regency Park. Regency Park is well suited to large scale wholesalers – it is still relatively central, has good access to major freight routes and well suited to large space users;
- Typical business categories that are primarily office based, or at least have a high proportion of offices, have greater representation in the South West Precinct. This includes *Public Administration and Safety* and *Administrative and Support Services*;
- *Professional, Scientific and Technical Services* is quite highly represented in Thebarton, as is *Education and Training*. This is due to the University of Adelaide's Research Park at Thebarton, which comprises a mix of education uses and incubator facilities for a range of businesses involved in biosciences, engineering, and 'high tech' fields to name a few;
- The high level of employment in *Education and Training* is an anomaly in Regency Park, and like Thebarton is more than likely to be due to a single large business that is located in the Precinct;
- *Construction* is a strong business category in the South West Precinct. These businesses are serving both the domestic and commercial building industries, are in a reasonably central location to metropolitan Adelaide and access to the CBD is important.
- *Administrative and Support Services* and *Public Administration and Safety* are highly represented in the South West Precinct compared with both Regency Park and Thebarton. Businesses in these categories are not typically found in high numbers in Industry Zones in Adelaide's northern suburbs.

The South West Precinct and Thebarton both have a more mixed employment base, with less of the total employment being from typical "Industry Zone" categories. This is highlighted in Table 18, which shows 52.0% and 52.6% of employment in these "Industry Zone" categories respectively. South West Precinct provides a wide mix of business uses, despite still being classified as an Industry Zone.

Table 18: Employment by Industry Sector, Comparative Analysis

Industry of Employment	South West Precinct	% Total	Thebarton	% Total	Regency Park	% Total
Agriculture, Forestry and Fishing			11	0.3%	29	0.5%
Mining			13	0.3%	18	0.3%
Manufacturing	398	26.4%	1,347	31.1%	1,959	31.7%
Electricity, Gas, Water and Waste Services	70	4.6%	78	1.8%	68	1.1%
Construction	202	13.4%	305	7.0%	338	5.5%
Wholesale Trade	101	6.7%	379	8.8%	893	14.5%
Retail Trade	5	0.3%	306	7.1%	163	2.6%
Accommodation and Food Services			94	2.2%	68	1.1%
Transport, Postal and Warehousing	13	0.9%	155	3.6%	999	16.2%
Information Media and Telecommunications	62	4.1%	87	2.0%	13	0.2%
Financial and Insurance Services	2	0.1%	8	0.2%	3	0.1%
Rental, Hiring and Real Estate Services	43	2.9%	24	0.6%	67	1.1%
Professional, Scientific and Technical Services	61	4.0%	400	9.2%	62	1.0%
Administrative and Support Services	193	12.8%	236	5.5%	264	4.3%
Public Administration and Safety	258	17.1%	92	2.1%	233	3.8%
Education and Training			335	7.7%	481	7.8%
Health Care and Social Assistance	11	0.7%	134	3.1%	250	4.0%
Arts and Recreation Services	3	0.2%	36	0.8%	7	0.1%
Other Services	85	5.6%	191	4.4%	198	3.2%
Other (incl not stated, inadequately described)			100	2.3%	87	1.4%
Typical Industry Zone businesses (in bold)	784	52.0%	2,276	52.6%	4,275	69.3%
Total	1,507		4,324	100.0%	6,172	100.0%

Notes: Thebarton and Regency Park based on data from 2011 Census; South West Precinct based on 2016 Land Use Census

Source: City of West Torrens, ABS, JLL

5.5 Discussion and Conclusions

The key attraction to the Underdale and Torrensville Industry Zone and the South West Precinct is its central location. This was identified in the Land Use Survey and confirmed by real estate agents. However, this is balanced by the higher associated costs of renting and purchasing property in the area compared with other industrial locations further from the CBD.

Agents have indicated that the Brickworks Marketplace has provided a positive addition to the local business community and is attracting employees at lunch time. Access to services such as a quality retail centre is often missing with industrial precincts.

Tenant demand across all of Adelaide's industrial areas is expected to remain subdued for the next 12-18 months. Current macroeconomic conditions in South Australia have placed significant limitations on growth prospects. The blue-collar job losses as a result of the weakening resource sector and the impending closure of the GM Holden plant and affiliated manufacturers have impacted broader business confidence.

JLL is of the view that the current level of vacant premises within the South West Precinct is reflective of the current poor economic conditions. Economic conditions in South Australia are forecast to improve from 2017-18 onwards, which should see increased enquiry levels across inner west industrial suburbs and improve market conditions.⁹

In terms of medium to long-term future use, there are a range of factors that suggest the South West Precinct is still a viable industrial precinct, most notably:

- The survey of businesses highlights the relatively high level of satisfaction with the current location, characterised by many long-standing businesses with no intentions of moving; and
- The South West Precinct has a substantial employment base, in the order of 1,500 on and off-site employees. The entire Underdale and Torrensville Industry Zone has approximately 2,700 employees.

One of the major issues identified with the South West Precinct is the level of traffic, and particularly the conflict between heavy vehicular traffic and residential traffic. However, it provides businesses with good, direct access to Main South Road and the current upgrades to this arterial road will be a positive for local companies.

Most large industrial premises have gravitated to industrial areas in Adelaide's Northern Suburbs, including Regency Park, Wingfield, Cavan, and further north to new areas such as Direk. These locations tend to be lower cost, have room to expand and have benefited from new infrastructure such as the Port River Expressway and Northern Expressway. Over time, some of the existing large premises in the South West Precinct may consider alternative locations.

The larger sites within the South West Precinct, should they become available, may provide a transformational redevelopment opportunity. A catalyst for redevelopment may be the sale of a site that is no longer required by its current owner. As noted earlier, real estate agents have indicated that current demand for space in the South West Precinct is for relatively small premises. Large vacant premises in their current form may therefore prove difficult to lease, with redevelopment for a more intensive use coming under consideration.

⁹ Deloitte Access Economics Business Outlook March 2016, Economic growth is expected to average over 2% per annum over the five years from 2017-18 to 2021-22. This is stronger than any of the financial years since 2011-12.

6 SWOT Analysis

The SWOT analysis below in Table 19 summarises the issues highlighted through analysing the findings of the Land Use Survey, reviewing background work, and discussion with real estate agents operating in the South West Precinct. The basis of this SWOT Analysis is its existing zoning as an Industry Zone.

Table 19: SWOT Analysis, Underdale-Torrensville Industry Zone South West Precinct

Strengths	Opportunities
Central location serving metropolitan area	Presence of some large sites in the precinct. Redevelopment of large sites, should they be vacated, provides a key opportunity for new investment.
Proximity to CBD, Airport, staff and customers	Interface with River Torrens Linear Park – view overlooking park; recreational opportunities
Easy access to Main South Road	Potential to leverage off the upgrade to Main South Road
Proximity to Brickworks Marketplace, Linear Park (services, amenity, recreation for employees)	While the expected decline in the importance of manufacturing as a major employer is also highlighted as a threat, it is an opportunity in the longer term if vacated premises lead to redevelopment.
Relatively high level of existing employment	
Diversity of employment base – While manufacturing is the most dominant use, there is a broad range of employment generating uses that have chosen to locate in the South West Precinct.	
Weaknesses	Threats
Traffic management issues – mix of industrial, residential, commuter traffic, parking	Viability / suitability of older industrial stock for future use.
Interface with residential uses along Ashley Street, Ashwin Parade, Wilford Avenue, Vintage Road, Armour Avenue etc.	Increased traffic over time – a potential threat to the operation of businesses.
Access / movement around precinct constrained by traffic restrictions	Potential contamination due to historic uses limiting future development of land.
Quality of older premises is poor.	Land use conflicts and uncertainty potentially holding back investment in both Industry Zone and surrounding residential areas.
	Expected decline in the importance of manufacturing as a major employer could lead to a loss of employment / economic output in the South West Precinct.

Source: JLL

Overall, the real opportunities lie in potential future redevelopment of large sites, should they become available through relocation, consolidation or closure of major businesses.

While businesses appear to be operating successfully despite issues that can be problematic, such as traffic management, parking, land use conflicts, the desire for a central business location appears to outweigh these issues.

7 Metropolitan Adelaide Industrial Land Strategy Assessment Framework

The Metropolitan Adelaide Industrial Land Strategy (MAILS) was released by the state government in April 2007. It included criteria on which to determine whether industrial areas were Prime Industrial Areas that should be retained and whether or not industrial areas might be suitable for rezoning to other uses. The criteria are not weighted.

The following section assessed the South West Precinct against the MAILS criteria.

The MAILS identifies Lefevre Peninsula/Gillman, Lonsdale and Edinburgh Parks/DSTO as *Strategic Industrial Areas*. The South West Precinct is not part of a Strategic Industrial Area.

Table 20 provides an assessment of whether the South West Precinct is considered a *Prime Industrial Area*. In this report the following scoring system is used to assess whether an area is a *Prime Industrial Area*. This is based on a score relating to the level of agreement with each of the 12 statements:

Low level of agreement:	Score 0
Medium level of agreement:	Score 1
High level of agreement:	Score 2

On this basis, a maximum score is 24, which would clearly be a Prime Industrial Area. A score above 12 is 50% of the maximum score and satisfies half of the MAILS criteria to be retained as industrial land. There is a reasonable level of subjectivity in each statement and comments are provided to explain the reason for each score.

JLL has scored the South West Precinct 11 out of 24, or just below the 50% mark of 12. It suggests the area has some positive aspects that are required for a *Prime Industrial Area* but fall short in many areas. However, on its own, a borderline score such as this is not sufficient to be used as definitive evidence for rezoning. Other factors such as strength of West Torrens LGA's employment base overall and alternative locations for employment generating uses should be taken into account before progressing with rezoning.

Table 20: Prime Industrial Area Assessment, South West Precinct in Underdale & Torrensville Industry Zone

Is the land a Prime Industrial Area?	Score	Comments
(a) the land is contiguous to other industrial activities	1	The South West Industrial Area comprised 86 active businesses. Some portions of the industrial land have non-industrial activities surrounding them, but overall it is a reasonably contiguous (albeit unusually shaped) industrial area.
(b) the land is well located in relation to supply chains and service providers	2	It is centrally located and easily accessible to supply chains / service providers
(c) the land offers potential for on-site expansion of existing industrial businesses	0	Most sites are 100% developed and have limited opportunities for expansion
(d) the land is well located in relation to skilled labour pools	2	Agree
(e) the land is well located to take advantage of existing or proposed infrastructure or other economic development	2	Main South Road is very close and accessible. Adelaide Airport is reasonably close, although other industrial areas are closer to Airport.
(f) the land is well located in relation to freight connections and other important road and/or rail networks	2	Main South Road.
(g) the land provides, or offers potential for the provision of, small industrial businesses serving the local area	1	Partly agree, but potential may not be realised due to existing improvements, which favour larger tenancies.
(h) the land provides sufficient space for adequate parking and turning space for industrial vehicles	0	Not conducive to large freight movements and on street and off street parking identified as a major issue
(i) the land offers potential for 24-hour operations	0	While some businesses operate 24 hours a day, proximity of residential land use means it is not ideal.
(j) the land has minimal or no adjoining use constraints	0	Disagree - the precinct is surrounded by residential activities
(k) the land provides unconstrained vehicle access and exit	0	Mix of uses, traffic management, road widths (relatively narrow roads for industrial purposes) are some of the constraints.
(l) the land can be commercially developed with infrastructure and site preparation for future industrial activities.	1	Existing developed area - some sites may offer redevelopment potential but others will be constrained by redevelopment for industrial purposes due to small size, access etc.
Total Score (out of maximum of 24)	11 / 24	
Summary		A score of under 12 is less than 50% and suggests the area is borderline in terms of a Prime Industrial Area. There are constraints to business operations but it still functions as a viable industrial area.

Source: JLL, Metropolitan Adelaide Industrial Land Strategy (MAILS) 2007

7.1 Suitability for Rezoning

Although the South West Precinct is not a Prime Industrial Area, it does meet some of the assessment criteria such as:

- The land is well located in relation to supply chains and service providers ;
- The land is well located in relation to skilled labour pools;
- The land is well located to take advantage of existing or proposed infrastructure or other economic development;
- The land is well located in relation to freight connections and other important road and/or rail networks;

These high scoring criteria are due to the South West Precinct's central location and access to Main South Road.

The remaining MAILES criteria on suitability for rezoning are considered below in Table 21.

Table 21: Rezoning Assessment, South West Precinct of Underdale & Torrensville Industry Zone

Rezoning Assessment	Score	Comments
(a) the land does not form part of a Strategic Industrial Area or a Prime Industrial Area	2	Agree that this is not a Prime Industrial Area or a Strategic Industrial Area
(b) the site is no longer conducive to continued industrial activities and there will be compelling community or economic benefits through alternative uses	0	There are 1,515 employees in 86 businesses in the South West Precinct, which is located within the Underdale and Torrensville Industry Zone which has a total of 2700 employees within the employment hub. This is not an insignificant number of employees / businesses and the survey indicated that most businesses were not intending to move.
(c) the rezoning will not affect (individually or cumulatively) nearby industries by, for example restricting operating hours, delivery times, or the capacity of the local transport network.	0	If considering the whole of the South West Precinct for rezoning, it will affect nearby industries due to the number of viable businesses operating. However there may be the potential for some rezoning where existing uses are heavily under-utilised and they border primarily residential land uses.

Source: JLL, Metropolitan Adelaide Industrial Land Strategy (MAILES) 2007

With significant existing employment and 86 businesses operating in the South West Precinct, it still appears to be functioning as a viable industrial area. There may be good reasons to consider a portion of the South West Precinct for rezoning, and the time to consider this may be when a large parcel becomes vacant or largely vacant, and existing improvements are of limited value.

8 Conclusions

The South West Precinct in the Underdale and Torrensville Industry Zone appears to be functioning reasonably well as a viable employment area providing around 1,500 jobs across 86 establishments. With over 41,000 employees working in West Torrens LGA, this accounts for less than 4% of the total employment base. Most establishments have been operating in the local area for a long time.

The South West Precinct is also home to 21 residences, and while residential dwellings in long established Industry Zones is not unusual, the presence of a relatively intact group of dwellings in Wilford Avenue creates potential land use conflicts between business uses and residential uses.

Discussions with real estate agents and feedback from businesses suggest that the South West Precinct within Underdale-Torrensville Industry Zone provides a convenient, centrally located employment area from which to conduct business. It is in close proximity to the CBD, Main South Road, and Adelaide Airport.

While the area currently has a high level of vacancy, this is partly due to the current state of the Adelaide industrial market. However, that some of the vacant premises do not appear to suit the main areas of tenant enquiry, being for small to medium sized businesses requiring between 250sqm and 1,000sqm of floor space with on-site parking.

From a metropolitan wide perspective, employment opportunities are concentrated in the inner city and selected inner suburban LGAs, with West Torrens LGA providing a surplus of local jobs relative to its residential labour force. Furthermore between 2001 and 2011, employment in West Torrens LGA grew at a substantially faster pace than residential growth.

The recent rezoning of land to Urban Corridor Zone within the West Torrens LGA provides added encouragement for residential development, which has the potential to see residential growth pick up in the Council area, to at least match a similar rate to employment growth.

The expected loss of manufacturing employment both regionally and across metropolitan Adelaide suggests there may be less demand for Industry Zoned land in the inner suburbs in the years ahead, with employment potentially diverted to the new Urban Corridor Zones and existing health, education, retail and commercial employment clusters. In the West Torrens LGA, these locations include Anzac Highway, Richmond Road, Henley Beach Road, James Congdon Drive and Port Road.

JLL is of the view that despite not fitting the designation as a Prime Industrial Area, the South West Precinct remains an important employment area. Most of the existing businesses appear viable and are satisfied with their current location. However, some of these same businesses may consider relocating at an appropriate time in the future, when decisions need to be made with regard to re-investment in their premises. The South West Precinct is a relatively expensive location compared with Industry Zoned land located further from the CBD, and there may be constraints on expansion for many businesses (identified as a potential reason for moving).

In terms of the economic considerations of the future of the South West Precinct, there may be potential for considering a broader range of land uses in the South West Precinct. A trigger for potential land use change may be when existing uses that currently occupy large sites reconsider their future accommodation needs. Large sites offer greater opportunity than small sites to change the nature of existing industrial areas towards land uses, or a mix of uses that meet wider Council objectives.

We have identified below a case for and against re-zoning. This highlights that the South West Precinct is currently an economically viable industrial area but is not without issues, including land use conflicts and traffic issues. Furthermore, there are a number of longer-term trends impacting inner suburban industrial areas that may provide opportunities for land use change in the future.

The case against re-zoning:

- The South West Industrial Area comprises 86 active businesses with over 1,500 employees
- It is centrally located and easily accessible to supply chains / service providers.
- The land is well located in relation to appropriately skilled labour pools
- The land is well located to take advantage of existing or proposed infrastructure such as the Main South Road upgrade. The Airport is also relatively close, as is the CBD.
- The land is well located in relation to freight connections including Main South Road
- Rezoning of existing business uses may place restriction on operation, which may impact on viability, particularly for businesses with expansion plans in the future.
- Former industrial activity may restrict future use of land for residential uses, or other sensitive land use or impact on viability of development due to costly site remediation.
- Rezoning part of Thebarton to Urban Corridor Zone may displace some businesses from Thebarton, with Underdale and Torrensville seen as a suitable nearby alternative for displaced tenants.

The case for re-zoning

- Ongoing issues could be overcome with rezoning, e.g.:
 - Parking and traffic management issues with most of the area not conducive to large semi-trailers or high levels of freight movements
 - Land use conflicts with residential land uses are not readily overcome, particularly for residents within the Industry Zone (primarily Wilford Avenue) and on the southern side of Ashley Street.
 - These land-use conflicts mean 24-hour operations, noise pollution, and odours associated with some businesses are not conducive to residential living.
- Longer term trends suggest future scope for land use change:
 - The South West Precinct provides limited opportunities for expansion, which may lead to existing businesses that occupy large areas relocating.
 - Large sites provide opportunities for catalyst development, and could provide an opportunity to re-consider the long-term future use of part of the area.
 - Service industry uses (small businesses) rather than large manufacturing and warehousing uses are more likely to provide high concentrations of employment that provide important local services to the local area.
 - Alternatively residential uses may be suitable, where adjoining existing residential uses, close proximity to Torrens Linear Park.
- West Torrens LGA has achieved strong employment growth but relatively subdued residential growth. There are 1.5 jobs per employed resident. Opportunities to address this imbalance by encouraging more residential growth opportunities in an inner suburban area should be further explored.

Annexure 1:ANZSIC Divisions

Division	Division Name
A	Agriculture, Forestry and Fishing
B	Mining
C	Manufacturing
D	Electricity, Gas, Water and Waste Services
E	Construction
F	Wholesale Trade
G	Retail Trade
H	Accommodation and Food Services
I	Transport, Postal and Warehousing
J	Information Media and Telecommunications
K	Financial and Insurance Services
L	Rental, Hiring and Real Estate Services
M	Professional, Scientific and Technical Services
N	Administrative and Support Services
O	Public Administration and Safety
P	Education and Training
Q	Health Care and Social Assistance
R	Arts and Recreation Services
S	Other Services

Source: Australian Bureau of Statistics



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