

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, 2 MAY 2017**  
**at 7.00pm**

**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 Procedures

## 2 PRESENT

## 3 APOLOGIES

## 4 DISCLOSURE STATEMENTS

Elected Members are required to:

1. Consider Section 73 and 75 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 75A of the *Local Government Act 1999*.

## 5 CONFIRMATION OF MINUTES

### RECOMMENDATION

That the Minutes of the meeting of the Council held on 18 April 2017 be confirmed as a true and correct record.

## 6 MAYORS REPORT

**(Preliminary report for the agenda to be distributed Friday 28 April 2017)**

In the two weeks since the last Council Meeting of 18 April 2017, functions and meetings involving the Mayor have included:

### Thursday 20 April

- 9am-4pm Along with Deputy Mayor Mangos and Cr Garth Palmer, attended Day 1 of the Local Government Association Showcase at the Adelaide Convention Centre.
- 6pm At the invitation of Treasurer, The Hon Tom Koutsantonis, attended a Reception in honour of a visit to Adelaide by the Evzones, the Hellenic Presidential Guard at the Adelaide Town Hall.
- 7pm Attended the LGA Showcase Dinner at the Convention Centre.

### Friday 21 April

- 9am-2pm Attended Day 2 of the LGA Showcase and OGM at the Convention Centre along with Deputy Mayor Mangos.
- 6pm Hosted guests Jim Michalanney (Norwood full-forward for 4 premierships 1975 1978 1982 1984; State team) and Patrick Keam (Journalist, Messenger Newspapers; former SANFL Budget editor) at the pre-match dinner prior to the West Adelaide v Norwood SANFL match at City Mazda Stadium. Also hosted Paul Starick, Chief Reporter, Editorial at The Advertiser at the match.

**Saturday 22 April**

- 11am Participated in the dedication of a memorial for the National Malaya and Borneo Veteran's Association which has been placed in the Memorial Gardens.
- 12.30pm Attended the Adelaide Cobras Soccer Club "Family Fun day" at Weigall Oval.

**Sunday 23 April**

- 1.30pm Attended a performance of the Henley & Grange / West Torrens Concert Band at Adelaide West Uniting Church.

**Tuesday 25 April**

- 5.45am Participated in the Hilton RSL Sub-branch Anzac Day Memorial Service in the Memorial Gardens. Crs Nitschke, McKay, Woodward and Deputy Mayor Mangos also attended. A more detailed report has been circulated to EMs via email.

In addition, after the compilation of this report on Thursday evening as part of the distributed Agenda on Friday, I anticipate having attended or participated in the following:

**Thursday 27 April**

- 5pm Attending an Australia Day Council of SA AGM and Board Meeting.
- 5pm If time permits, attending a part of a Lord Mayoral Reception to mark the anniversary of William Light's Birthday.

**Friday 28 April**

- 11am Delivering flowers to 100 year old resident, Noeline Laing.
- 12noon Meeting with Peter Athans to hear his concerns about street trees.
- 7pm With Mrs Rosemary Trainer, attending the Channel 9 Young Achiever Awards Gala Presentation at the Hilton Adelaide where four young City of West Torrens residents have been nominated for awards.

**Saturday 29 April**

- 7pm Attending a Westonsians Greek night at the West Adelaide Football Club.

**Sunday 30 April**

- 2pm Attending the OEEGA WW1 Australian Army Nursing Service Memorial unveiling at the Pathway of Honour followed if time permits by a Reception at Government House.

**Monday 1 May**

- 1pm Attending a meeting regarding the Mile End Pedestrian Crossing organised by the ARTC.

**Tuesday 2 May**

- 5.00pm Council influenza injection session.
- 6.00pm Council pre-brief
- 7.00pm Council and Committee Meeting

**RECOMMENDATION**

That the Reports from Mayor Trainer be noted.

**7 ELECTED MEMBERS REPORTS**

## **8 PETITIONS**

### **8.1 Request for Approval to Remove Tree at 21 Bickford Street Richmond**

#### **Brief**

A petition has been received from Mr Chris Burckhardt, Head Petitioner, on behalf of 9 signatories requesting that Council grant permission for the removal of a significant tree at 21 Bickford Street Richmond.

#### **RECOMMENDATION(S)**

It is recommended to Council that:

1. The petition be received.
2. A report be presented to a future meeting of the Development Assessment Panel and the Head Petitioner be advised accordingly.

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#### **Introduction**

A petition has been received from Mr Chris Burckhardt, Head Petitioner, on behalf of 9 signatories requesting that Council approve permission to remove the significant tree at 21 Bickford Street Richmond in order to ensure that there is no chance of the tree injuring someone or causing unnecessary damage.

#### **Discussion**

The petition complies with the requirements of the *Local Government Act 1999* and the *Council's Code of Practice - Procedures at Meetings*.

The Head Petitioner has previously applied to the Development Assessment Panel (DAP) to have the tree removed as part of a new development proposed for the site at 21 Bickford Street Richmond.

The DAP refused this request on 10 January 2017 and subsequently Mr Burckhardt has appealed to the Environment, Resources and Development Court (ERD Court).

The appeal process is entrain and the ERD Court have requested that Mr Burckhardt obtain an independent arborist's report on the condition of the tree and present this report to a future meeting of the DAP for consideration.

It is recommended that the process requested by the ERD Court be followed and a report on the matter be presented to a future meeting of the DAP and that the Head Petitioner be advised accordingly.

#### **Conclusion**

A petition has been received from Mr Chris Burckhardt. As the petition complies with Council's requirements it is recommended that a report on the matter be presented to a future meeting of the Development Assessment Panel.

#### **Attachments**

1. **Petition 21 Bickford Street Richmond**

# PETITION

## To the Mayor and Councillors of the City of West Torrens

### Part 1.

Petition contact person: Chris Burckhardt

Telephone number: [REDACTED]

Address: 21 Bickford Street, RICHMOND SA 5033

### Part 2.

The petition of Residents of the City of West Torrens residing at and surrounding 21 Bickford Street, RICHMOND.

### Part 3.

Draws the attention of the Council to a significant tree situated at 21 Bickford Street RICHMOND as it has grown too large for the area and overhangs over the neighbouring properties. The tree has lost large branches and we believe causes an unsafe area and risk to owners, neighbours and their children, pets and properties. The last thing we want is for a branch to break and hurt someone around it at the time.

### Part 4.

The petitioners therefore request that the Council to approve permission to remove the significant tree so there is no chance of the tree injuring someone or causing unnecessary damage.

### Part 5.

Full Name	Full Address	Signature
Mich Politis	24 Lane Street	[Signature]
Sara Politis	24 Lane St, Richmond	[Signature]
Stef Itzings	22 Lane St Richmond	[Signature]
Katie Itzings	22 Lane St Richmond	[Signature]
A. Mouratidis	26 Lane St RICHMOND	[Signature]
K. MOURATIDIS	26 LANE ST RICHMOND	[Signature]
MILTON BYWATERS	20 LANE ST RICHMOND	[Signature]
Susan Bywaters	20 LANE ST RICHMOND	[Signature]
PATRICK SHEER	23 BICKFORD ST RICHMOND	[Signature]

**9 DEPUTATIONS****9.1 Queen Elizabeth Hospital**

Mr Warren Jones AO, wishes to address Council in relation to the effects of the Governments Transforming Health proposals on the services currently provided by the Queen Elizabeth Hospital to the western suburbs.

**10 ADJOURN TO STANDING COMMITTEES****RECOMMENDATION**

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

**11 ADOPTION OF STANDING COMMITTEE RECOMMENDATIONS****11.1 Urban Services Committee Meeting****RECOMMENDATION**

That the recommendations of the Urban Services Committee held on 2 May 2017 be adopted.

**11.2 Governance Committee Meeting****RECOMMENDATION**

That the recommendations of the Governance Committee held on 2 May 2017 be adopted.

**12 ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS**

Nil

**13 QUESTIONS WITH NOTICE**

Nil

**14 QUESTIONS WITHOUT NOTICE****15 MOTIONS WITH NOTICE**

Nil

**16 MOTIONS WITHOUT NOTICE**

## 17 REPORTS OF THE CHIEF EXECUTIVE OFFICER

### 17.1 Delegations Review 2017

#### Brief

This report presents the annual review of delegations in accordance with the *Local Government Act 1999* and seeks Council's endorsement of the proposed delegations contained in the 'Delegations Framework 2017'.

#### RECOMMENDATION(S)

It is recommended to Council that having conducted its annual review of the powers and functions previously delegated to the Chief Executive Officer and others in accordance with section 44(6) of the *Local Government Act 1999*, the Council:

#### 1. Revocations

Hereby revokes all previous delegations made to persons occupying the position of Chief Executive Officer and others under the following Acts, Regulations, By-laws, Policies and Notices:

- i. Notice from the Minister for Transport under the Road Traffic Act 1961 entitled "Instrument of General Approval and Delegation to Council" dated 22 August 2013
- ii. By-Law No 1 - Permits and Penalties
- iii. By-Law No 2 - Local Government Land
- iv. By-Law No 3 - Roads
- v. By-Law No 4 - Moveable Signs
- vi. By-Law No 5 - Dogs
- vii. Community Titles Act 1996
- viii. Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008
- ix. Dog and Cat Management Act 1995
- x. Environment Protection Act 1993 and the Environment Protection (Waste to Resources) Policy 2010
- xi. Expiation of Offences Act 1996
- xii. Fences Act 1975
- xiii. Fire and Emergency Services Act 2005 and the Fire and Emergency Services Regulations 2005
- xiv. Fire Prevention Officers under the Fire and Emergency Services Act 2005
- xv. Food Act 2001
- xvi. Freedom of Information Act 1991 and the Freedom of Information (Fees and Charges) Regulations 2003
- xvii. Heavy Vehicle National Law (South Australia) Act 2013
- xviii. Housing Improvement Act 1940
- xix. Land and Business (Sale and Conveyancing) Act 1994
- xx. Liquor Licensing Act 1997
- xxi. Local Government Act 1999
- xxii. Natural Resources Management Act 2004, the Natural Resources Management (General) Regulations 2005 and the Natural Resources Management (Transitional Provisions - Levies) Regulations 2005
- xxiii. Real Property Act 1886
- xxiv. Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 2014 and the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014
- xxv. Road Traffic Act 1961 - Made in Accordance with the Notice to Council from the Minister for Transport Dated 22 August 2013
- xxvi. Road (Opening and Closing) Act 1991

- xxvii. 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
- xxviii. Strata Titles Act 1988
- xxix. Summary Procedure Act 1921
- xxx. Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009
- xxxi. Unclaimed Goods Act 1987
- xxxii. Work Health and Safety Act 2012

## 2. Adoption of Delegations Framework 2017

**2a.** 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 numbered 1-35 (inclusive) but excluding the Instruments numbered 8, 16 and 33 and contained in the *Delegations Framework 2017* dated 18 April 2017 being Attachment 1 to this report, are hereby delegated this 21st day of March 2017 to the person(s) in the position(s) specified in the Instruments (under the 'delegate heading') and to anyone acting in the position(s), subject to the conditions and limitations specified in the Instruments contained in the *Delegations Framework 2017*.

- i. Notice from the Minister for Transport under the Road Traffic Act 1961 entitled "Instrument of General Approval and Delegation to Council" dated 22 August 2013
- ii. By-Law 1 - Permits and Penalties
- iii. By-Law 2 - Local Government Land
- iv. By-Law 3 - Roads
- v. By-Law 4 - Moveable Signs
- vi. By-Law 5 - Dogs
- vii. Community Titles Act 1996
- viii. Dog and Cat Management Act 1995
- ix. Electronic Conveyancing National Law (South Australia) Act 2013
- x. Resources) Policy 2010
- xi. Expiation of Offences Act 1996
- xii. Fences Act 1975
- xiii. Fire and Emergency Services Act 2005 and the Fire and Emergency Services Regulations 2005
- xiv. Fire Prevention Officers under the Fire and Emergency Services Act 2005
- xv. Freedom of Information Act 1991 and the Freedom of Information (Fees and Charges) Regulations 2003
- xvi. Heavy Vehicle National Law (South Australia) Act 2013
- xvii. Housing Improvement Act 1940
- xviii. Land and Business (Sale and Conveyancing) Act 1994
- xix. Liquor Licensing Act 1997
- xx. Local Government Act 1999
- xxi. Natural Resources Management Act 2004, the Natural Resources Management (General) Regulations 2005 and the Natural Resources Management (Transitional Provisions - Levies) Regulations 2005
- xxii. Real Property Act 1886
- xxiii. Recreation Grounds Regulations 2011
- xxiv. Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 2014 and the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014
- xxv. Road Traffic Act 1961 - Made in Accordance with the Notice to Council from the Minister for Transport Dated 22 August 2013
- xxvi. Road (Opening and Closing) Act 1991
- xxvii. 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



- xxviii. Strata Titles Act 1988
- xxix. Summary Procedure Act 1921
- xxx. Unclaimed Goods Act 1987
- xxxi. Work Health and Safety Act 2012

- 2b.** In the case of the powers and functions that are delegated to the person occupying the position of Chief Executive Officer, such powers and functions may be further delegated in accordance with section 44 and section 101 of the *Local Government Act 1999* as the person occupying the office of Chief Executive Officer sees fit, unless otherwise indicated herein or in the limitations or conditions specified in the Instruments contained in the *Delegations Framework 2017*.

**3. Delegations made under the *Development Act 1993***

- 3a.** In exercise of the power contained in section 20 and section 34(23) of the *Development Act 1993*, the powers and functions under the *Development Act 1993*, the *Development (Development Plans) Amendment Act 2006* and the *Development Regulations 2008* as specified in the proposed Instrument of Delegation number 8 and contained in the *Delegations Framework 2017* are hereby delegated this 18th day of April 2017 to the person occupying the office of Chief Executive Officer and, where indicated, to the Development Assessment Panel, subject to the conditions and limitations specified in the Instrument contained in the *Delegations Framework 2017*.

- 3b.** In the case of the powers and functions that are delegated to the person occupying the position of Chief Executive Officer, such powers and functions may be further delegated in accordance with section 20(3) of the *Development Act 1993* (and in accordance with the intent of sections 44 and 101 of the *Local Government Act 1999*) by the person occupying the position of Chief Executive Officer as the person occupying the office of Chief Executive Officer sees fit, unless otherwise indicated herein or in the limitations or conditions specified in the Instruments contained in the *Delegations Framework 2017*.

- 3c.** In the case of the powers and functions that are delegated to the City of West Torrens Development Assessment Panel (the Panel), those powers and functions cannot be further delegated by the Panel.

**4. Delegations made under the *Food Act 2001***

- 4a.** In exercise of the power contained in section 91 of the *Food Act 2001*, the powers and functions under the *Food Act 2001* contained in the proposed Instrument of Delegation number 16 in the *Delegations Framework 2017* are hereby delegated this 18th day of April 2017 to the person occupying the office of Chief Executive Officer ("the head of the enforcement agency") for the purposes of the *Food Act 2001*, subject to the conditions and limitations specified in the Instruments contained in the *Delegations Framework 2017*.

- 4b.** Such powers and functions may be further delegated by the person occupying the position of Chief Executive Officer as the person occupying the office of Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the limitations or conditions specified in the Instruments contained in the *Delegations Framework 2017*.

## 5. Delegations made under the *Supported Residential Facilities Act 1992*

- 5a.** In exercise of the power contained in section 91 of the *Supported Residential Facilities Act 1992*, the powers and functions under the *Supported Residential Facilities Act 1992* and the *Supported Residential Facilities Regulations 2009* contained in the proposed Instrument of Delegation number 33 in the *Delegations Framework 2017* are hereby delegated this 18<sup>th</sup> day of April 2017 to the person occupying the office of Chief Executive Officer subject to the conditions and limitations specified in the Instruments contained in the *Delegations Framework 2017*.
- 5b.** Such powers and functions be further delegated by the person occupying the position of Chief Executive Officer as the person occupying the office of Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the limitations or conditions specified in the Instruments contained within the *Delegations Framework 2017*.
- 

### Introduction

Section 44(1) of the *Local Government Act 1999* (Act) enables Council to delegate powers or functions vested or conferred under this or any other Act. Council is required to keep a record of all delegations (Delegations Framework) and this is required to be reviewed at least once in every financial year. The last annual review was presented to Council on 7 June 2016.

Delegations are subject to conditions and limitations determined by Council or as specified in the Instrument of delegation. In line with general practice, all current delegations have been made to the person occupying the position of Chief Executive Officer (CEO), unless otherwise specified, to enable the Administration to undertake its functional and operational roles and responsibilities effectively and efficiently.

In the case of the powers delegated to the CEO, these may be further delegated by the CEO as the CEO sees fit pursuant to sections 44 and 101 of the Act.

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.

Not all powers may be delegated and these matters remain with Council for decision as indicated in the Delegations Framework.

The new delegations proposed for adoption by the Council are set out in the *Delegations Framework 2017* document, **Attachment 1**, which, due to its size is provided under separate cover.

### Discussion

#### Delegations review

The review process provides opportunity for Council to add or revoke limitations or conditions to Instruments of Delegation. The Administration has analysed the current Instruments of Delegation taking into account legislative requirements, appropriateness and effectiveness of the delegation and has collated them into the *Delegations Framework 2017* for Council's consideration.

Delegations deemed 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.

There have been a number of legislative changes since the June 2016 review which have resulted in changed or removed provisions from the existing Delegations Register including:

***Local Government Act 1934 - Repealed***

The *Local Government Act 1934* has been repealed and therefore all delegations under this legislation are no longer valid. New delegations under the *Local Government Act 1999* have been included in the *Delegations Framework 2017* to ensure that the powers and functions previously delegated are still in place.

***Local Government Act 1999 - New and Amended Provisions***

The *Local Government Act 1999* has undergone a number of amendments due to the introduction of the *Local Government (Accountability and Governance) Act 2016* and the introduction of Schedule 1A which addresses the implementation of Stormwater Management Agreement.

***Public and Environmental Health Act 1987 - Repealed***

The *Public and Environmental Health Act 1987* has been repealed and therefore all delegations under this legislation are no longer valid. New delegations under the *Local Government Act 1999* have been included in the *Delegations Framework 2017* to ensure that the powers and functions previously delegated are still in place.

***Local Nuisance and Litter Control Act 2016 - Staged Commencement***

The litter control provisions of the Act commenced on 1 February 2017 with the nuisance control provisions to commence on 1 July 2017. As such, it was necessary to present delegations associated with the litter control provisions under the Act to Council on 7 February 2017. These delegations have been included within the *Delegations Framework 2017*.

Other notable changes include:

- *Community Titles Act 1996*
  - One minor amendment in line with legislative amendments.
- *Development Act 1993*
  - Four minor amendments in line with legislative amendments and two new provisions regarding general provisions relating to offences in line with legislative amendments.
- *Dog and Cat Management Act 1995*
  - One new provision regarding prosecution proceedings in line with legislative amendments.
- *Electronic Conveyancing National Law (South Australia) Act 2013*
  - One new provision regarding Client Authorisation.
- *Expiation of Offences Act 1996*
  - One new provision regarding prosecutions in line with legislative amendments.

- *Fire and Emergency Services Act 2005*
  - One new provision regarding prosecution proceedings in line with legislative amendments.
- *Food Act 2001*
  - Two new provisions in line with legislative amendments, one regarding the nature of offences and one regarding prosecution proceedings.
- *Local Nuisance and Litter Control Act 2016*
  - One new provision regarding offences in line with legislative amendments.
- *Real Property Act 1886*
  - Fifteen minor amendments in line with legislative amendments.
  - Nine new provisions relating to priority of instruments, mortgage of land, encumbrance of land, extension of mortgage, priority notice, and reviews.
- *Recreation Grounds Regulations 2011*
  - One new provision regarding authorisations.
- *Road Traffic Act 1961*
  - One new provision regarding ticket for parking to be obtained without fee.
- *Strata Titles Act 1988*
  - One new provision regarding amalgamation of adjacent sites in line with legislative amendments.
- *Supported Residential Facilities Act 1992*
  - One new provision regarding prosecutions in line with legislative amendments.

It is worth noting that while certain provisions within the *Planning, Development and Infrastructure Act 2016* (PDI) have commenced, these relate to State Government only so no delegation by Council is yet required. However, further reports seeking relevant delegations under the PDI will be provided to Council on a progressive basis as the staged commencement of the PDI progresses.

### **Delegations Framework 2017**

The *Delegations Framework 2017* is a large and complex document so, to assist members understand the tables contained within that framework, the following information is provided:

- **Column 1 (Section Delegated)**  
The section number of the Act or Regulation to which the proposed Instrument of Delegation relates is displayed in the first column.
- **Columns 2 (Summary of Delegation)**  
The section title, instrument number (if appropriate) and description of the section of the Act or Regulation to which the proposed Instrument of 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, or other officer as required by the relevant Instrument is featured in the third column.
- **Column 4 (Conditions and Limitations)**  
The detail of whether there are any conditions or limitations related to the Instrument of Delegation is featured in the fourth column. This section is predominantly used in relation to sub-delegations.

- **New Additions and Amendments**

New legislative provisions that have been enacted since the last review by Council are highlighted in green. Minor amendments and other recommendations are highlighted in orange. Provisions that are either a duty or remains vested in Council are highlighted in grey. Instruments which are duties have been highlighted in blue as shown in the legend below:

	New Addition
	Amendment
	Council Only
	Duty / Delegation Not Required

**Conclusion**

This report presents the outcomes of the Administration's review of the delegations made by Council to the CEO, relevant officer or the Development Assessment Panel as otherwise specified and proposes that Council formally approves the recommendations arising from the 2017 Review of Delegations to provide appropriate decision making authority to the Administration.

The *Delegations Framework 2017* 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*.

**Attachments****1. Proposed Delegations Framework 2017 (under separate cover)**

## 17.2 Adoption of Council's By-Laws

### Brief

To endorse Council's new By-laws No. 1-5 for presentation to the Legislative Review Committee and to adopt the related Council Policies being *Advertising on Council Land and Infrastructure, Use of Public Footpaths and Roads for Business Purposes* and *Memorials*.

### RECOMMENDATION(S)

It is recommended to Council that:

1. In the exercise of the powers contained in section 246 of the Local Government Act 1999, having satisfied the consultation requirements of the Act and noting that no submissions were received from the public in relation to the proposed By-laws and, having had regard to the National Completion Policy Report, the Certificates of Validity provided by the Council's legal practitioner, the letter of approval from the Minister of Transport in respect of By-law Numbers 2 and 5, and the comments from the Dog and Cat Management Board in relation to By-Law Number 5, the majority of Council, in the presence of at least two thirds of its members, hereby makes and passes the following By-laws as attached and marked '**Attachment 1**':
  - *Permits and Penalties By-law No. 1 of 2017;*
  - *Local Government Land By-law No. 2 of 2017;*
  - *Roads By-law No. 3 of 2017;*
  - *Moveable Signs By-law No. 4 of 2017;*
  - *Dogs By-law No. 5 of 2017.*
2. That the Chief Executive officer be authorised to undertake all steps necessary to finalise the By-law review process and to give effect to the newly adopted By-laws.
3. That the Council adopt the following Council policies that are attached and marked '**Attachment 2**' and that the Chief Executive Officer be authorised to make amendments of a formatting and/or minor nature to these policies as may be necessary from time to time:
  - *Advertising on Council Land and Infrastructure,*
  - *Use of Public Footpaths and Roads for Business Purposes*
  - *Memorials.*

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### Introduction

Section 246 of the *Local Government Act 1999* (the Act), provides for Councils to make By-laws for the good rule and government of an area, and for the convenience, comfort and safety of its community.

The City of West Torrens has five (5) By-laws, these being:

By-law No.1 - Permits and Penalties  
By-law No.2 - Local Government Land  
By-law No.3 - Roads  
By-law No.4 - Moveable Signs  
By-law No.5 - Dogs.

The current By-laws came into operation on 1 January 2010 and will expire on 1 January 2018. In accordance with section 251 of the Act a By-law review process was initiated in February 2017 to ensure that new By-laws are in place prior to the expiry date.

As the Council Policies - *Advertising on Council Land and Infrastructure, Use of Public Footpaths and Roads for Business Purposes* and *Memorials*, are referenced in the proposed By-laws they were also required to be reviewed.

Council at its meeting of 21 February 2017 resolved that the five (5) proposed By-laws (**Attachment 1**) and three (3) related policies (**Attachment 2**) be endorsed for public consultation and referral to the relevant State Government bodies.

The City received advice on 7 March 2017 that the Hon Stephen Mullighan, Minister for Transport, approved the making of the proposed By-law No. 2 Local Government Land and the proposed By-law No. 5 Dogs (**Attachment 3**).

The City received advice on 16 March 2017 that the Dog and Cat Management Board approved the making of By-law No. 5 Dogs subject to a minor change to the definition of the word 'leash' to include 'chain, cord or leash'. This change was accommodated prior to the By-laws being released for public consultation (**Attachment 4**).

In accordance with section 249 of the Act and the *Council Policy - Public Consultation*, the five (5) proposed By-laws and three (3) related Council Policies were made available for public consultation from Friday 17 March 2017 to Wednesday 12 April 2017.

The public consultation phase consisted of a dedicated page on the Council's website which went live on Friday 17 March 2017, posts on the Council's social media pages and public notices placed in the Coast City Weekly and Westside Weekly Messenger Newspapers on 22 March 2017.

The public were advised that copies of the proposed By-laws and draft policies were available for examination on the Council's website and during business hours at the Civic Centre and Hamra Centre Library. Written submissions were invited up until 5pm on 12 April 2017. No submissions were received at the close of the public consultation period.

## Discussion

At the conclusion of the public submission period, Council's lawyers (Kelledy Jones) were tasked with completing the necessary legislative processes for each of the proposed By-laws which included:

- Preparing a Certificate of Validity
- Conducting a National Competition Policy check

These processes are described more fully below.

### *Certificates of Validity*

Certificates of Validity for each of the proposed By-laws are required under section 10A of the *Subordinate Legislation Act 1978* for submission to the Legislative Review Committee. These Certificates certify that Council has the power to make the By-laws and that they are not in conflict with the requirements of the Act.

The Certificates have been prepared and signed by the Council's solicitor. A copy of the certificate precedes each proposed By-law (**Attachment 1**).

### *National Competition Policy Check*

Section 247 of the Act prescribes principles which apply to the making of By-laws including the requirement at 247(c) that the new By-laws must avoid restricting competition to any significant degree unless the Council is satisfied that there is evidence that the benefits of the restriction to the community outweigh the costs of the restriction, and that the objectives of the By-law can only be achieved by the restriction.

Kelley Jones Lawyers have prepared reports for each of the five (5) proposed By-laws in relation to the potential for each of these By-laws to restrict competition, as required under the National Competition Policy and section 247(c) of the Act. The reports are included at **Attachment 5**.

It should be noted that *By-law No 2 Local Government Land*, *By-law no 3 Roads* and *By-law No 4 Moveable Signs* have been identified as having clauses which have the potential to restrict competition. However, as detailed in the attached reports, the benefits to the community of these By-laws clearly outweigh any potential restriction or cost and consequently it is recommended that each of these By-laws be adopted as drafted.

#### *Adoption of the Proposed By-laws*

As the necessary public consultation and preparation of statutory documentation has been completed Council is now at liberty to adopt the new By-laws.

The By-laws can only be made at a meeting of Council where at least two-thirds of the members of Council are present and then only by an absolute majority of the members of Council. This means that since Council comprises fifteen Elected Members, at least ten Members must be present and the resolution must be supported by at least 8 Members.

#### *Legislative Review Committee Reports*

It is a requirement of the *Subordinate Legislation Act 1978* that a report be prepared and presented to the Legislative Review Committee for each of the proposed By-laws outlining the following:

- the reasons for the By-law
- the object of the By-law
- the effect and cause of the By-law
- the administrative and policing strategies.

The Council's lawyers are currently drafting these reports.

After Council adoption the By-laws and the accompanying report will be referred to the Legislative Review Committee and presented to Parliament. At the conclusion of this process the new By-laws will be published in the Government Gazette and commence operation four months from the date they are gazetted.

#### **Conclusion**

Council's current suite of By-laws, numbered 1-5, are due to expire on 1 January 2018. To make new By-laws, a series of legislative processes need to be undertaken before new By-laws may be made. The statutory referral processes have been completed and the Council's lawyers have prepared the supporting documentation of each of the proposed By-laws. The By-laws may now be made and submitted to the Legislative Review Committee for consideration and presentation to Parliament.

#### **Attachments**

1. **Certified By-laws Nos 1-5 of 2017**
2. **Draft Council Policies for Adoption**
3. **Approval from the Minister of Transport for By- Law Nos. 2 and 5**
4. **Acceptance from the DCM Board of By-law No 5**
5. **National Competition Policy Report**



## SECTION 249 LOCAL GOVERNMENT ACT 1999

## CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

**City of West Torrens****By-law No 1 – Permits and Penalties By-Law 2017**

*A By-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws;*

and do certify that in my opinion:

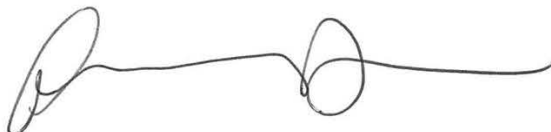
City of West Torrens

has the power to make the by-law by virtue of the following statutory provisions:

*Local Government Act 1999: sections 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(f) and 246(3)(g);*

and the by-law is not in conflict with the *Local Government Act 1999*.

**DATED** the 24<sup>th</sup> day of April 2017



.....  
Cimon Burke, Legal Practitioner



## PERMITS AND PENALTIES BY-LAW 2017

### By-law No. 1 of 2017

A By-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws.

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**PART 1 – PRELIMINARY****1. Title**

This By-law may be cited as the *Permits and Penalties By-law 2017* and is By-law No. 1 of the City of West Torrens.

**2. Authorising law**

This By-law is made under section 246 of the *Local Government Act 1999*.

**3. Purpose**

The objects of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:

- 3.1. creating a permit system for Council By-laws;
- 3.2. providing for the enforcement of breaches of Council By-laws and fixing penalties; and
- 3.3. clarifying the construction of Council By-laws.

**4. Commencement, revocation and expiry**

- 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:

4.1.1 *By-law No. 1 – Permits and Penalties 2010*.

- 4.2. This By-law will expire on 1 January 2025.<sup>2</sup>

**Note-**

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

**5. Application**

- 5.1. This By-law applies throughout the Council's area.

**6. Definitions**

In this By-law, unless the contrary intention appears:

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.1. **Authorised person** means a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.2. **Council** means the City of West Torrens;
- 6.3. **person** includes a natural person, a body corporate or an incorporated association.

**Note-**

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.

**7. Construction of By-laws generally**

- 7.1. Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
- 7.2. In any By-law of the Council, unless the contrary intention appears, **permission** means permission of the Council (or such other person as the Council may authorise), granted in writing prior to the act (including by way of the Council adopting a policy for this purpose), event or activity to which it relates.

**PART 2 – PERMITS AND PENALTIES****8. Permits**

- 8.1. Where a By-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
- 8.2. The Council (or such other person as the Council may authorise) may attach such conditions as it thinks fit to a grant of permission, and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
- 8.3. A person granted permission must comply with every such condition. Failure to do so is an offence (to the extent that it gives rise to a contravention of a By-law).
- 8.4. The Council (or such other person authorised by the Council) may suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.

**9. Offences and penalties**

- 9.1. A person who commits a breach of any By-law of the Council is guilty of an offence and may be liable to pay:
  - 9.1.1 the maximum penalty, being the maximum penalty referred to in the Act that may be fixed for any breach of a By-law; or
  - 9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 percent of the maximum penalty fixed for any breach of a By-law.
- 9.2. A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature.

**Note-**

The maximum penalty for a breach of a By-law is currently \$750.00, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50.00 – see section 246(3)(g) of the Act.

## City of West Torrens

## Permits and Penalties By-law 2017

Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against by-laws either by a by-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty prescribed by the Act for a breach of a By-law.

This By-law was duly made and passed at a meeting of the City of West Torrens held on the **[INSERT DATE]** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....  
Terry Buss  
Chief Executive Officer

## SECTION 249 LOCAL GOVERNMENT ACT 1999

## CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

**City of West Torrens****By-law No 2 – Local Government Land By-Law 2017**

*A By-law to manage and regulate the access to and use of Local Government land (other than roads), and certain public places;*

and do certify that in my opinion:

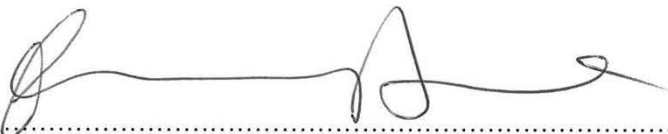
City of West Torrens

has the power to make the by-law by virtue of the following statutory provisions:

*Local Government Act 1999: sections 238, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(e), 246(3)(f) and 246(3)(h)(iii); and  
Harbors and Navigation Act 1993: section 18A.*

and the by-law is not in conflict with the *Local Government Act 1999*.

**DATED** the 24<sup>th</sup> day of April 2017

  
.....

Cimon Burke, Legal Practitioner

City of West Torrens

Local Government Land By-law 2017

**LOCAL GOVERNMENT LAND BY-LAW 2017****By-law No. 2 of 2017**

A By-law to manage and regulate the access to and use of Local Government land (other than roads), and certain public places.

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**PART 1 – PRELIMINARY****1. Title**

This By-law may be cited as the *Local Government Land By-law 2017* and is By-law No. 2 of the City of West Torrens.

**2. Authorising law**

This By-law is made under sections 238 and 246 of the *Local Government Act 1999* and section 18A of the *Harbours and Navigation Act 1993*.

**3. Purpose**

The objects of this By-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:

- 3.1. to prevent and mitigate nuisances;
- 3.2. to prevent damage to Local Government land;
- 3.3. to protect the convenience, comfort and safety of members of the public;
- 3.4. to enhance the amenity of the Council area; and
- 3.5. for the good rule and government of the area.

**4. Commencement, revocation and expiry**

- 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:

4.1.1 *Local Government Land By-law No. 2 of 2010*.<sup>2</sup>

- 4.2. This By-law will expire on 1 January 2025.<sup>3</sup>

**Note-**

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

**5. Application**

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2017*.
- 5.2. Subject to clauses 5.3 & 5.4, this By-law applies throughout the Council area.
- 5.3. Clauses 9.2, 9.8.1, 9.9.2, 9.23.1, 9.23.3-9.23.5, 9.26.2, 9.37, 10.4 and 10.9 of this By-law only apply in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.



- 5.4. Clauses 9.8.3, 9.12.2(b) and 9.33.1 of this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

## 6. Definitions

In this By-law, unless the contrary intention appears:

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **animal or animals** includes birds and insects but does not include a dog;
- 6.3. **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4. **boat** includes a raft, pontoon or personal watercraft or other similar device;
- 6.5. **camp** includes setting up a camp, or causing a tent, caravan or motor home to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 6.6. **Council** means the City of West Torrens;
- 6.7. **effective control** means a person exercising effective control of an animal either:
- 6.7.1 by means of a physical restraint; or
- 6.7.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.8. **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 6.9. **emergency vehicle** has the same meaning as in the Australian Road Rules and the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.10. **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.11. **foreshore** means land extending from the low water mark on the seashore in the Council's area to the nearest road or section boundary, or for a distance of 50 metres from the high water mark (whichever is the lesser);
- 6.12. **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.13. **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.14. **Local Government land** means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.15. **low water mark** means the lowest meteorological tide;
- 6.16. **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;

- 6.17. **open container** means a container which, after the contents of the container have been sealed at the time of manufacture:
- 6.17.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
  - 6.17.2 being a can, it has been opened or punctured;
  - 6.17.3 being a cask, it has had its tap placed in a position to allow it to be used;
  - 6.17.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
  - 6.17.5 is a flask, glass, mug or other container able to contain liquid.
- 6.18. **personal watercraft** means a device that –
- 6.18.1 is propelled by a motor; and
  - 6.18.2 has a fully enclosed hull; and
  - 6.18.3 is designed not to retain water if capsized; and
  - 6.18.4 is designed to be operated by a person who sits astride, stands, or kneels on the device;
- and includes the device commonly referred to as a jet ski;
- 6.19. **special event** means an organised gathering of at least 15 persons or more that is for sporting, educational, recreational, political, artistic, cultural, religious or social purposes.
- 6.20. **tobacco product** has the same meaning as in the *Tobacco Products Regulation Act 1997*;
- 6.21. **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.22. **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council but does not include ocean waters; and
- 6.23. **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

**Note-**

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

**PART 2 – ACCESS TO LOCAL GOVERNMENT LAND****7. Access****Note-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a

## City of West Torrens

## Local Government Land By-law 2017

particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

The Council may:

- 7.1. close or regulate or restrict access to any part of Local Government land to the public for specified times and days; and
- 7.2. fix charges or fees payable for entry onto any part of Local Government land.

**8. Closed lands**

A person must not without permission, enter or remain on any Local Government land:

- 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;
- 8.2. where entry fees or charges are payable, without paying those fees or charges; or
- 8.3. where the land has been enclosed by fences and/or walls and gates that have been closed and locked.

**PART 3 – USE OF LOCAL GOVERNMENT LAND**

**9. Activities requiring permission**

**Note-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

A person must not without the permission of the Council, do any of the following on Local Government land or, where indicated, the foreshore

**9.1. Advertising**

Subject to clause 14.2, display, paint or erect or cause to be displayed, painted or erected, on Local Government land or a structure, building or fixture on Local Government land any sign or hoarding for the purpose of commercial advertising or any other purpose unless:

- 9.1.1 the sign or hoarding is permitted to be displayed or erected in accordance with the Council Policy *Advertising on Council Land and Related Public Infrastructure* (as may be amended from time to time); or
- 9.1.2 the sign is a moveable sign that is displayed on a road in accordance with Council's *Moveable Signs By-Law 2017*.

**9.2. Alcohol**

Consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has determined this paragraph applies.

## City of West Torrens

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9.3. *Amplification*

Use an amplifier or other mechanical or electrical device for the purpose of amplifying or broadcasting sound, or magnifying sound.

9.4. *Animals*

## 9.4.1 On Local Government land other than the foreshore:

- (a) cause or allow an animal to stray onto, move over, graze or be left unattended; or
- (b) cause or allow an animal to enter, swim, bathe or remain in any waters located on Local Government land; or
- (c) lead, herd, drive or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided that the animal or animals are under effective control.

## 9.4.2 On Local Government land comprising the foreshore lead, herd or exercise a sheep, cow, goat or horse.

9.5. *Annoyance*

Do anything likely to offend or unreasonably interfere with any other person:

## 9.5.1 using that land; or

## 9.5.2 occupying nearby premises;

by making a noise or creating a disturbance.

9.6. *Attachments*

Subject to clause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.

9.7. *Bees*

Place a hive of bees on such land, or allow it to remain thereon.

9.8. *Boats*

Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:

## 9.8.1 launch or retrieve a boat from or to any Local Government land to which the Council has determined this subclause applies;

## 9.8.2 launch or retrieve a boat from or to any Local Government land other than from a boat ramp constructed for that purpose;

## 9.8.3 propel, float or otherwise use a boat on or in any waters except:

- (a) in an area to which the Council has resolved (if any); and

## City of West Torrens

## Local Government Land By-law 2017

- (b) in accordance with any conditions that the Council may have determined by resolution apply to that use;
- 9.8.4 hire out a boat or otherwise use a boat for commercial purposes;
- 9.8.5 moor a boat on any waters or to a pontoon attached to Local Government land.
- 9.9. *Boat Ramps*
  - 9.9.1 Allow any vehicle or boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat.
  - 9.9.2 Launch or retrieve a boat from or on to any boat ramp on Local Government land to which the Council has determined this sub clause applies other than in accordance with the conditions determined by the Council, including any condition specified on a sign displayed on or in the vicinity of the boat ramp.
- 9.10. *Buildings*

Use a building, or structure on Local Government land for a purpose other than its intended purpose.
- 9.11. *Burials and Memorials*
  - 9.11.1 Bury, inter or spread the ashes of any human or animal remains.
  - 9.11.2 Erect any memorial except for a temporary memorial erected in accordance with the Council Policy *Memorials* (as may be amended from time to time).
- 9.12. *Camping and Tents*
  - 9.12.1 Subject to this subclause 9.12, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.
  - 9.12.2 Camp or stay overnight except:
    - (a) where a person is in a caravan park on Local Government land, the proprietor of which has been given permission by Council to operate the caravan park on that land; or
    - (b) in an area to which the Council has resolved this subclause applies (if any) and in accordance with such time limits and other conditions determined by resolution of the Council (if any).
- 9.13. *Canvassing*

Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.
- 9.14. *Defacing Property*

Deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council.

9.15. *Distribution*

Subject to clause 14.2 and the *Local Nuisance and Litter Control Act 2016*, place on a vehicle (without the consent of the owner of the vehicle), or give out or distribute any book, leaflet, or other printed matter to any bystander, passer-by or other person.

9.16. *Donations*

Ask for or receive or indicate that he or she desires a donation of money or any other thing.

9.17. *Entertainment and Busking*

9.17.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.

9.17.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

9.18. *Equipment*

Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.

9.19. *Fires*

Subject to the *Fire and Emergency Services Act 2005*, light any fire except:

9.19.1 in a place provided by the Council for that purpose; or

9.19.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.

9.20. *Fireworks*

Ignite or discharge any fireworks.

9.21. *Flora and Fauna*

Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

9.21.1 damage, pick, disturb, interfere with or remove any plant or flower thereon;

9.21.2 cause or allow an animal to stand or walk on any flower bed or garden plot;

9.21.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;

9.21.4 take, interfere with, tease, harm or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;

## City of West Torrens

## Local Government Land By-law 2017

- 9.21.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.21.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.21.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature; or
- 9.21.8 burn any timber or dead wood.

9.22. *Foreshore*

On Local Government land comprising the foreshore:

- 9.22.1 drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or set aside by the Council for that purpose;
- 9.22.2 allow a vehicle to remain stationary on the foreshore;
- 9.22.3 drive or propel a vehicle on the foreshore except on an area that is constructed or set aside by the Council for that purpose;
- 9.22.4 launch or retrieve a boat from or to the foreshore without using a boat ramp or thoroughfare constructed or set aside by the Council for that purpose;
- 9.22.5 allow a vehicle to remain stationary on a boat ramp longer than is necessary to launch or retrieve a boat.

9.23. *Games & Sport*

- 9.23.1 Participate in, promote or organise any organised competition or sport as distinct from organised social play except on Local Government land to which the Council has resolved this subclause applies.
- 9.23.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object on Local Government land which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
- 9.23.3 Play or practise the game of golf on Local Government land to which the Council has resolved this subclause applies.
- 9.23.4 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.23.5 Play or practise any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council and indicated on any sign on or in the vicinity of the land.

9.24. *Interference with Local Government land*

Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:

- 9.24.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.24.2 erecting or installing a structure in, on, across, under or over the land;
- 9.24.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.24.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.24.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

9.25. *Marine Life*

Introduce any aquatic flora and fauna to any waters located on Local Government land.

9.26. *Model Aircraft, Boats and Cars*

Subject to the *Civil Aviation Safety Regulations 1998*:

- 9.26.1 fly or operate a model or drone aircraft, boat or model or remote control car in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land, or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
- 9.26.2 fly or operate a model or drone aircraft, boat or model or remote control car on any Local Government land to which the Council has resolved this subclause applies.

9.27. *Overhanging Articles or Displaying Personal Items*

Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature.

9.28. *Playing Area*

Use or occupy a playing area:

- 9.28.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 9.28.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.28.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.



## City of West Torrens

## Local Government Land By-law 2017

9.29. *Pontoons*

Install or maintain a pontoon or jetty in any waters.

9.30. *Preaching*

Preach, harangue or solicit for religious purposes.

9.31. *Ropes*

Place a buoy, cable, chain, hawser, rope or net in or across any waters.

9.32. *Rubbish and Rubbish Dumps*

9.32.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.

9.32.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on any Local Government land, or placed on Local Government land for collection by the Council (or its agent).

9.33. *Swimming*

Subject to the provisions of the *Harbours and Navigation Act 1993*, enter, swim in, bathe or engage in any aquatic activity in any waters except:

9.33.1 in an area which the Council has determined may be used for such purposes; and

9.33.2 in accordance with any conditions that the Council may have determined by resolution apply to such use.

9.34. *Trading*

9.34.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.

9.34.2 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.

9.35. *Vehicles*

9.35.1 Drive or propel a vehicle except on any Local Government land constructed and set aside by the Council for that purpose.

9.35.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.

9.35.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.

9.36. *Weddings, Functions and Special events*

## City of West Torrens

## Local Government Land By-law 2017

- 9.36.1 Hold, conduct or participate in a marriage ceremony, funeral or special event.
- 9.36.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event.
- 9.36.3 Hold or conduct any filming where the filming is for a commercial purpose.

**9.37. *Wheeled Recreational Devices***

Subject to the *Road Traffic Act 1961*, ride a wheeled recreational device on Local Government land to which the Council has determined this subclause applies.

**10. Prohibited activities**

A person must not do any of the following on Local Government land.

**10.1. *Animals***

- 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
- 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
- 10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.

**10.2. *Climbing***

Climb on or over any fixture, fitting, plant, object or building other than a playground or similar area that the Council has set aside for the purpose.

**10.3. *Equipment***

Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.

**10.4. *Fishing***

Fish in any waters to which the Council has determined this subclause applies.

**10.5. *Glass***

Willfully break any glass, china or other brittle material.

**10.6. Interference with Permitted Use**

Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.

10.7. *Nuisance*

Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person.

10.8. *Playing games*

Play or practise a game:

10.8.1 which is likely to cause damage to the land or anything on it; or

10.8.2 in any area where a sign indicates that the game is prohibited.

10.9. *Smoking*

Subject to the *Tobacco Products Regulation Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has determined this subclause applies.

10.10. *Solicitation*

Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

10.11. *Throwing objects*

Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.

10.12. *Toilets*

In any public convenience on Local Government land:

10.12.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;

10.12.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;

10.12.3 use it for a purpose for which it was not designed or constructed;

10.12.4 enter a toilet that is set aside for use of the opposite gender except:

- (a) where a parent or adult guardian accompanies a child under the age of ten years; or
- (b) to provide assistance to a person with a disability; or
- (c) in the case of a genuine emergency.

10.13. *Waste*

10.13.1 Deposit or leave thereon:

- (a) anything obnoxious or offensive;

10.13.2 Deposit in a receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

**PART 4 – ENFORCEMENT****11. Directions**

11.1. A person on Local Government land must comply with a reasonable direction from an authorised person relating to:

- 11.1.1 that person's use of the land;
- 11.1.2 that person's conduct and behaviour on the land;
- 11.1.3 that person's safety on the land; or
- 11.1.4 the safety and enjoyment of other persons on the land.

11.2. A person who, in the opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with a direction of an authorised person to leave that part of Local Government land.

**12. Orders**

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

**Note-**

Section 262(1) of the Act states:

- 1) If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-
  - a) if the conduct is still continuing – to stop the conduct; and
  - b) whether or not the conduct is still continuing – to take specified action to remedy the contravention.

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

**13. Removal of animals and objects**

An authorised person may remove an animal or object that is on Local Government and in breach of a By-law if no person is in charge of, or apparently in charge of, the animal or object.

**PART 5 – MISCELLANEOUS****14. Exemptions**

14.1. The restrictions in this By-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.

14.2. The restrictions in clauses 9.1, 9.13 and 9.15 of this By-law do not apply to electoral matter authorised by a candidate and which is:

## City of West Torrens

## Local Government Land By-law 2017

- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.

**15. Liability of vehicle owners**

- 15.1. For the purposes of this clause 15, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 15.2. The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the City of West Torrens held on the **[INSERT DATE]** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....  
Terry Buss  
Chief Executive Officer

## SECTION 249 LOCAL GOVERNMENT ACT 1999

## CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

**City of West Torrens****By-law No 3 – Roads By-Law 2017**

*A By-law to manage, control and regulate certain activities on roads in the Council area;*

and do certify that in my opinion:

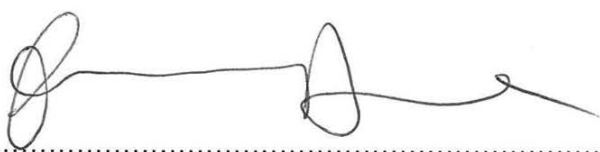
City of West Torrens

has the power to make the by-law by virtue of the following statutory provisions:

*Local Government Act 1999: sections 239, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(e), 246(3)(f) and 246(3)(h)(iii); and  
Local Government (General) Regulations 2015: regulation 28.*

and the by-law is not in conflict with the *Local Government Act 1999*.

**DATED** the 29<sup>th</sup> day of April 2017

  
.....

Cimon Burke, Legal Practitioner

City of West Torrens

Roads By-law 2017

City of **West Torrens**

Between the City and the Sea

**ROADS BY-LAW 2017****By-law No. 3 of 2017**

A By-law to manage, control and regulate certain activities on roads in the Council's area.

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**PART 1 – PRELIMINARY****1. Title**

This By-law may be cited as the *Roads By-law 2017* and is By-law No. 3 of the City of West Torrens.

**2. Authorising law**

This By-law is made under sections 239 and 246 of the *Local Government Act 1999* and regulation 28 of the *Local Government (General) Regulations 2013*.

**3. Purpose**

The objects of this By-law are to manage, control and regulate the prescribed uses of roads in the Council's area:

- 3.1. to protect the convenience, comfort and safety of road users and members of the public;
- 3.2. to prevent damage to buildings and structures on roads;
- 3.3. to prevent certain nuisances occurring on roads; and
- 3.4. for the good rule and government of the Council area.

**4. Commencement, revocation and expiry**

- 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:

4.1.1 *Roads By-law No. 3 2010*.<sup>2</sup>

- 4.2. This By-law will expire on 1 January 2025.<sup>3</sup>

**Note-**

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

**5. Application**

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2017*.
- 5.2. Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3. Subclause 7.4.2 of this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

**6. Definitions**

In this By-law, unless the contrary intention appears:

1.

2



- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **animal** includes birds, insects and poultry but does not include a dog;
- 6.3. **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4. **camp** includes setting up a camp, or causing:
  - 6.4.1 a tent or other structure of calico, canvas, plastic or other similar material; or
  - 6.4.2 subject to the *Road Traffic Act 1961*, a caravan or motor home;
 

to remain on a road for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the road;
- 6.5. **Council** means the City of West Torrens;
- 6.6. **display** means to put something in a prominent place in order that it may be readily seen;
- 6.7. **effective control** means a person exercising effective control of an animal either:
  - 6.7.1 by means of a physical restraint; or
  - 6.7.2 by command, the animal being in close proximity to the person, and the person being able to see the animal at all times;
- 6.8. **electoral matter** has the same meaning as in the *Electoral Act 1995* provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;
- 6.9. **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.10. **moveable sign** has the same meaning as in the Act;
- 6.11. **public exhibition** means a display of works of art, or items of interest, including a demonstration of a skill held in area which is open to the public;
- 6.12. **road** has the same meaning as in the Act; and
- 6.13. **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

**Note-**

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

**PART 2 – USE OF ROADS****7. Activities requiring permission**

A person must not do any of the following activities on a road without the permission of the Council.

## City of West Torrens

## Roads By-law 2017

**7.1. Advertising**

Display or cause to be displayed on a road or on a structure on a road, any poster or sign for the purpose of advertising goods or services except for:

- 7.1.1 a sign or poster that is permitted to be displayed or erected in accordance with the Council's *Advertising on Council Land and Related Public Infrastructure Policy* (as may be amended from time to time); or
- 7.1.2 a moveable sign that is displayed on a road in accordance with the City of West Torrens By-law No. 4 *Moveable Signs By-law 2017*

**7.2. Amplification**

Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or magnifying sound including for the broadcasting of announcements or advertisements.

**7.3. Animals**

- 7.3.1 Cause or allow an animal to stray onto, move over, or graze on a road, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal or animals are under effective control.
- 7.3.2 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

**7.4. Camping and Tents**

- 7.4.1 Subject to this subclause 7.4, erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.
- 7.4.2 Camp or remain overnight except for:
  - 7.4.2.1 on a road to which the Council has resolved this subclause applies (if any); and
  - 7.4.2.2 in accordance with any conditions determined by the Council and displayed on any signage on or near that road.

**7.5. Obstructions**

Subject to subclause 11.2, erect, install or place or cause to be erected, installed or placed, any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.

**7.6. Preaching**

Preach, harangue, solicit or canvass for religious or charitable purposes.

**7.7. Public Exhibitions and Displays**

- 7.7.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.

## City of West Torrens

## Roads By-law 2017

7.7.2 Conduct or hold a concert, festival, show, circus, performance or a similar activity.

7.7.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.

7.7.4 Cause any public exhibitions or displays.

7.8. *Soliciting*

7.8.1 Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.

7.9. *Vehicles*

Repair, wash, paint, panel beat or perform other work of a similar nature to a vehicle, except for running repairs in the case of a vehicle breakdown.

**Note-**

Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's Moveable Signs By-law.

## PART 3 – ENFORCEMENT

### 8. **Directions**

A person who, in the opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with a direction of an authorised person to leave that part of the road.

### 9. **Orders**

If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

**Note-**

Section 262(1) of the Act states:

- (1) If a person (**the offender**) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-
  - (a) if the conduct is still continuing – to stop the conduct; and
  - (b) whether or not the conduct is still continuing – to take specified action to remedy the contravention.

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath;
- dismantle and remove a tent from a road.

### 10. **Removal of animals and objects**

10.1. The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal 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 or object.

City of West Torrens

Roads By-law 2017

- 10.2. The Council may recover from the owner or apparent owner of an object removed under subclause 10.1, the costs it incurs in removing that object.

#### **PART 4 – MISCELLANEOUS**

##### **11. Exemptions**

- 11.1. The restrictions in this By-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.
- 11.2. Subclause 7.5 does not apply to any object or structure erected, installed or placed on a road in accordance with the Council's *Use of Public Footpaths and Roads for Business Purposes Policy* (as may be amended from time to time).

##### **12. Liability of vehicle owners**

- 12.1. For the purposes of this clause 12, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 12.2. The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the City of West Torrens held on the **[INSERT DATE]** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....  
Terry Buss  
Chief Executive Officer

## SECTION 249 LOCAL GOVERNMENT ACT 1999

## CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

**City of West Torrens****By-law No 4 – Moveable Signs By-Law 2017**

*A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety;*

and do certify that in my opinion:

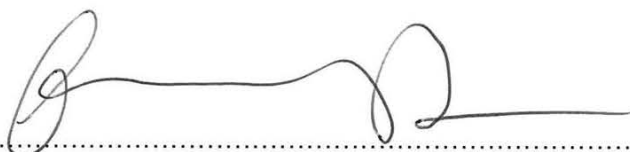
City of West Torrens

has the power to make the by-law by virtue of the following statutory provisions:

*Local Government Act 1999: sections 226, 238, 239(1)(a), 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(f) and 246(3)(h)(iii);*

and the by-law is not in conflict with the *Local Government Act 1999*.

**DATED** the 24<sup>th</sup> day of April 2017

A handwritten signature in dark ink, consisting of a large, stylized 'C' followed by a horizontal line and a loop at the end.

Cimon Burke, Legal Practitioner



## MOVEABLE SIGNS BY-LAW 2017

### By-law No. 4 of 2017

A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety.

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**PART 1 – PRELIMINARY****1. Title**

This By-law may be cited as the *Moveable Signs By-law 2017* and is By-law No. 4 of the City of West Torrens.

**2. Authorising law**

This By-law is made under sections 226, 238, 239 and 246 of the *Local Government Act 1999*.

**3. Purpose**

The object of this By-law is to set standards for moveable signs on roads:

- 3.1. to protect the comfort and safety of road users and members of the public;
- 3.2. to enhance the amenity of roads and surrounding parts of the Council area;
- 3.3. to prevent nuisances occurring on roads;
- 3.4. to prevent unreasonable interference with the use of a road; and
- 3.5. for the good rule and government of the Council area.

**4. Commencement, revocation and expiry**

- 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:

4.1.1 *Moveable Signs By-law No.4 of 2010*.<sup>2</sup>

- 4.2. This By-law will expire on 1 January 2025.<sup>3</sup>

**Note-**

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

**5. Application**

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2017*.
- 5.2. This By-law applies throughout the Council area.

**6. Definitions**

In this By-law, unless the contrary intention appears:

- 6.1. **Act** means the *Local Government Act 1999*;

- 6.2. **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.3. **banner** means a strip of cloth, plastic or other material that is designed to be slung between two brackets, tied up at either end or hung from a pole, fence or other structure;
- 6.4. **business premises** means premises from which a business is being conducted;
- 6.5. **Council** means the City of West Torrens;
- 6.6. **footpath area** means:
  - 6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
  - 6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.7. **Local Government land** has the same meaning as in the Act;
- 6.8. **moveable sign** has the same meaning as in the Act;
- 6.9. **road** has the same meaning as in the Act; and
- 6.10. **vehicle** has the same meaning as in the *Road Traffic Act 1961*.
- 6.11. for the purposes of this By-law, a reference to '**sealed part of a footpath**' means that part of the footpath that is bituminized, paved or otherwise sealed by cement and/or pavers.

**Note-**

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

**PART 2 – MOVEABLE SIGNS****7. Construction and design**

A moveable sign must:

- 7.1. be of kind known as an 'A' frame or sandwich board sign, an 'inverted 'T' sign, or a flat sign or, with the permission of the Council (including under a policy adopted by the Council), a sign of some other kind;
- 7.2. be designed, constructed and maintained in good quality and condition so as not to, in the opinion of an authorised person, present a hazard to any member of the public;
- 7.3. be of strong construction and sufficiently stable or securely fixed so as to keep its position in any weather conditions;
- 7.4. have no sharp or jagged edges or corners;
- 7.5. not have balloons, flags, streamers or other things attached to it;



- 7.6. not rotate or contain flashing parts;
- 7.7. not be unsightly or offensive in appearance or content;
- 7.8. be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.9. not exceed 1 metre in height, 600mm in width and 600mm in depth;
- 7.10. in the case of an 'A' frame or sandwich board sign:
  - 7.10.1 be hinged or joined at the top;
  - 7.10.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.11. not have a base area in excess of 0.6 square metres in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign.

8. **Placement**

A moveable sign must not be:

- 8.1. placed on any part of a road other than the footpath area;
- 8.2. placed on a footpath that is less than 2.5 metres wide;
- 8.3. tied, fixed or attached to or placed closer than 2 metres from another structure, fixed object, tree, bush or plant (including another moveable sign);
- 8.4. placed within 1 metre of an entrance to any business premises;
- 8.5. placed on the sealed part of a footpath if there is an unsealed part on which the sign can be placed in accordance with this By-law;
- 8.6. placed so as to interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed;
- 8.7. placed closer than 0.5 metres to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, which ever is the greater);
- 8.8. placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.9. placed within 10 metres of an intersection;
- 8.10. placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;
- 8.11. placed on a designated parking area, a median strip, traffic island, roundabout or, within 1 metre of an entrance to premises;
- 8.12. displayed during the hours of darkness unless it is clearly lit; or

- 8.13. be placed in such a position or in such circumstances so that, in the opinion of an authorised person, the safety of a user of the footpath area or road is at risk.

9. **Appearance**

A moveable sign placed on the footpath area must, in the opinion of an authorised person:

- 9.1. be painted or otherwise detailed at a competent and professional manner;
- 9.2. be attractive, legible and simply worded to convey a precise message;
- 9.3. be of such design and contain such colours which are compatible with the architectural design of the premises adjacent to the sign, and which relate well to the town scope and overall amenity of the locality in which it is situated; and
- 9.4. contain combinations of colour and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated.

10. **Banners**

A person must not erect or display a banner on a building or structure on a road without the Council's permission.

**Note-**

A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the *Local Government Act 1999*.

11. **Restrictions**

- 11.1. The owner or operator of a business must not cause or allow more than one moveable sign for each business premises to be displayed on the footpath area at any time.
- 11.2. A person must not, without the Council's permission, display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 11.3. A person must not cause or allow a moveable sign to be placed on a footpath area unless:
- 11.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
- 11.3.2 the business premises to which it relates is open to the public;
- 11.4. If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council (or its delegate) may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.

## 12. Exemptions

- 12.1. Subclauses 11.1 and 11.3 of this By-law do not apply to a moveable sign which:
- 12.1.1 advertises a garage sale taking place from residential premises;
  - 12.1.2 is a directional sign to an event run by a community organisation or charitable body;
- 12.2. Subclauses 11.1 and 11.3 of this By-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 12.3. A requirement of this By-law will not apply where the Council has granted permission for the moveable sign to be displayed contrary to that requirement.

### Note-

This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
- related to an election held under this Act or the *Local Government (Elections) Act 1999* and is displayed during the period commencing four (4) weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- the sign is of a prescribed class.

## PART 3 – ENFORCEMENT

### 13. Removal of moveable signs

- 13.1. A person must immediately comply with the order of an authorised person to remove a moveable sign made pursuant to section 227(1) of the Act.

### Note-

pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:

- the design, construction or positioning of a Moveable Sign does not comply with a requirement of this By-law; or
- any other requirement of this By-law is not complied with; or
- the Moveable Sign unreasonably restricts the use of the Road, or endangers the safety of other persons.

- 13.2. The owner of, or other person entitled to recover, a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 13.3. The owner of, or other person responsible for, a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 13.3.1 if, in the opinion of an authorised person, and not withstanding compliance with this By-law, there is any hazard or obstruction or

City of West Torrens

Moveable Signs By-law 2017

there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or

- 13.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

**14. Liability of vehicle owners**

- 14.1. For the purposes of this clause 14, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 14.2. The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the City of West Torrens held on the **[INSERT DATE]** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....  
Terry Buss  
Chief Executive Officer

## SECTION 249 LOCAL GOVERNMENT ACT 1999

## CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

**City of West Torrens****By-law No 5 – Dogs By-Law 2017**

*A By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area;*

and do certify that in my opinion:

City of West Torrens

has the power to make the by-law by virtue of the following statutory provisions:

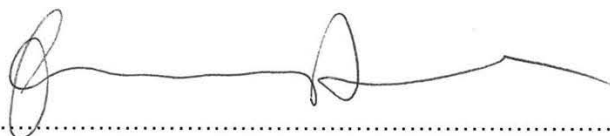
*Local Government Act 1999: sections 238, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(e) and 246(3)(f);*

*Dog and Cat Management Act 1995: section 90; and*

*Harbors and Navigation Act 1993: section 18A.*

and the by-law is not in conflict with the *Local Government Act 1999*.

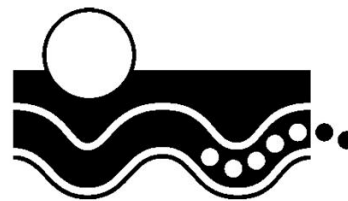
**DATED** the 29<sup>th</sup> day of April 2017



Cimon Burke, Legal Practitioner

City of West Torrens

Dogs By-law 2017

City of **West Torrens**

Between the City and the Sea

**DOGS BY-LAW 2017****By-law No. 5 OF 2017**

A By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.

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City of West Torrens

Dogs By-law 2017

**PART 1 – PRELIMINARY****1. Title**

This By-law may be cited as the *Dogs By-law 2017* and is By-law No. 5 of the City of West Torrens.

**2. Authorising law**

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act and section 18A of the *Harbors and Navigation Act 1993*.

**3. Purpose**

The objects of this By-law are to control and manage dogs in the Council area:

- 3.1. to reduce the incidence of environmental nuisance caused by dogs; and
- 3.2. to promote responsible dog ownership; and
- 3.3. to protect the convenience, comfort and safety of members of the public; and
- 3.4. for the good rule and government of the Council area.

**4. Commencement, revocation and expiry**

- 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:

4.1.1 *Dogs By-law No. 5 2010*.<sup>2</sup>

- 4.2. This By-law will expire on 1 January 2025.<sup>3</sup>

**Note-**

- 1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
- 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
- 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

**5. Application**

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2017*.
- 5.2. Subject to subclause 5.3, this By-law applies throughout the Council area.
- 5.3. Subclauses 9.1 and 10, of this By-law only apply in such part or parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

## 6. Definitions

In this By-law, unless the contrary intention appears:

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **approved kennel establishment** means a building, structure or area approved by a relevant authority, pursuant to the *Development Act 1993* for the keeping of dogs on a temporary or permanent basis;
- 6.3. **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
- 6.4. **children's playground** means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);
- 6.5. **Council** means the City of West Torrens;
- 6.6. **dog** (except for in subclause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.7. **effective control** means a person exercising effective control of a dog either:
  - 6.7.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
  - 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.8. **keep** includes the provision of food or shelter;
- 6.9. **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.10. **premises** includes land, whether used or occupied for domestic or non-domestic purposes;
- 6.11. **small dwelling** means a self-contained dwelling that is:
  - 6.11.1 a residential flat building; or
  - 6.11.2 contained in a separate strata unit or community title; or
  - 6.11.3 on an allotment less than 400 square metres in area; or
  - 6.11.4 without a secure yard of at least 100 square metres in area;
- 6.12. for the purposes of clauses 9 and 10 of the By-law, a dog is under **effective control by means of a leash** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:
  - 6.12.1 the leash, chain or cord is either tethered securely to a fixed object; or
  - 6.12.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.



**Note-**

Section 14 of the Acts Interpretation Act 1915 provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

**PART 2 – LIMITS ON DOG NUMBERS****7. Limits on dog numbers in private premises**

- 7.1. Subject to subclauses 7.3 and 7.5, a person must not, without the Council's permission, keep, or cause, suffer or permit to be kept:
- 7.1.1 more than one dog in a small dwelling; or
  - 7.1.2 more than two dogs in premises other than a small dwelling; or
- 7.2. For the purposes of subclause 7.1, 'dog' means a dog that is three (3) months of age or older, or a dog that has lost its juvenile teeth.
- 7.3. Subclause 7.1 does not apply to:
- 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
  - 7.3.2 any business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.
- 7.4. The Council may require that premises which are the subject of an application for permission to keep additional dogs must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5. No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

**PART 3 – DOG CONTROLS****8. Dog exercise areas**

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.

**Note –**

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control as that term is defined in the *Dog and Cat Management Act 1995*, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner of or person responsible for the dog may be liable.

**9. Dog on leash areas**

A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain:

- 9.1. on any Local Government land or public place to which the Council has resolved that this subclause applies; and
- 9.2 on any park or reserve during times when organised sport is being played- unless the dog is under effective control by means of a leash.

#### 10. **Dog prohibited areas**

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain on any Local Government land or public place to which the Council has determined that this subclause applies.

#### 11. **Dog faeces**

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

### **PART 4 – ENFORCEMENT**

#### 12. **Orders**

- 12.1. If a person engages in conduct that is in contravention of this By-law, an authorised person may 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.
- 12.2. A person must comply with an order under this clause.
- 12.3. If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 12.4. However, an authorised person may not use force against a person under this section.

**Note-**

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the City of West Torrens held on the **[INSERT DATE]** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....  
Terry Buss  
Chief Executive Officer

City of West Torrens Council Policy – Advertising on Council Land and Related Public Infrastructure

## CITY OF WEST TORRENS



## Council Policy: Advertising on Council Land and Related Public Infrastructure

<b>Classification:</b>	Council Policy
<b>First Issued:</b>	6 November 2012
<b>Dates of Review:</b>	February 2017
<b>Version Number:</b>	2
<b>DW Doc set ID:</b>	1860641
<b>Applicable Legislation:</b>	<i>Local Government Act 1999 (SA)</i>
<b>Related Policies or Corporate Documents:</b>	Council Policy - <a href="#">Use of Public Footpaths and Roads for a Business Purpose</a> Council Policy - <a href="#">Graffiti Management Policy</a> West Torrens Council <a href="#">Development Plan</a> <a href="#">By-law 1 : Permits and Penalties</a> <a href="#">By-law 2 : Local Government Land</a> <a href="#">By-law 3 : Roads</a> <a href="#">By-law 4 : Moveable Signs</a>
<b>Associated Forms:</b>	<a href="#">Application for a Real Estate Sign</a>
<b>Note:</b>	
<b>Responsible Manager:</b>	Manager Regulatory Services
<b>Approval by Executive:</b>	Date
<b>Adoption by Council:</b>	Date

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City of West Torrens Policy – Advertising on Council Land and Related Public Infrastructure

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City of West Torrens Policy – Advertising on Council Land and Related Public Infrastructure

## **COUNCIL POLICY – Advertising on Council Land and Related Public Infrastructure**

### **1. Preamble**

- 1.1 Council manages public land, roads and footpaths in the City of West Torrens (CWT) to facilitate the free flow of traffic and the circulation of people, and for community leisure and recreational activities.
- 1.2 Increasingly, these assets are being recognised for their opportunities to generate other community benefits including opportunities to:
  - Promote community activities, events and other entertainment;
  - Display community artwork and school projects;
  - Place commercial advertisements to attract passing trade; and
  - Place directional signs to guide traffic to community and commercial facilities.

### **2. Purpose**

This policy aims to:

- 2.1 Maximise the benefits and return to the community from the use of Council land and public infrastructure for advertising, including opportunities to enhance the vibrancy and 'community feel' of public areas and to promote local economic viability; and
- 2.2 Specify the conditions under which Council land and public infrastructure may be used for commercial and community advertising, so that space is shared equitably and public safety and amenity is not compromised.

### **3. Scope**

- 3.1 This policy deals with the commercial and community use of roads, footpaths, public land and associated infrastructure for advertising and promotional purposes. It does not cover the placement of under-awning or above-awning business signs or advertising on private property and buildings. These are dealt with under the West Torrens Council Development Plan.
- 3.2 This policy does not apply to electoral advertising referred to in clause 14.2 of Council By-law No. 2 *Local Government Land*.
- 3.3 The management of graffiti and unauthorised posters are dealt with under the *Council Policy - Graffiti Management*.
- 3.4 Commercial and community use of Council land and public infrastructure for street trading, including the display of goods, is dealt with under *Council Policy - Use of Public Footpaths and Roads for Business Purposes*.
- 3.5 This policy should be read in conjunction with Council By-laws and provisions of the *Local Government Act 1999* (SA) (the Act).

### **4. Definitions**

- 4.1 **Advertising** means a display for the purposes of promoting a business, event or activity and includes:
  - Banners;
  - Decorations such as flags, bunting and streamers;

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## City of West Torrens Policy – Advertising on Council Land and Related Public Infrastructure

- Posters;
  - Moveable signage (A frames, T frames and flat signs);
  - Directional signage;
  - Real estate advertising boards.
- 4.2 **Artwork** refers to posters, sculptures, murals, paintings, craft work or other art forms to be displayed in a public space.
- 4.3 **Banner** means a large notice made from cloth, vinyl, corflute or other material bearing information about an event or activity and which is designed to be slung between two brackets or tied or hung from a fence or other structure.
- 4.4 **Community organisation** means registered public charities, schools, not-for-profit sporting clubs, youth and seniors groups, service organisations and special interest recreational or leisure groups.
- 4.5 **Commercial advertising** means advertising for the purposes of promoting a profit generating business (not a community or charitable business).
- 4.6 **Community advertising** means advertising for the purposes of generating broad community benefits (public good) and includes advertising of events to raise money for registered public charities, local schools, local churches and local community groups.
- 4.7 **Community land** has the same meaning as in the Act and excludes roads.
- 4.8 **Council oval** excludes Richmond Oval but includes:
- Camden Oval;
  - Lockleys Oval;
  - Thebarton Oval; and
  - Weigall Oval.
- 4.9 **Directional signage** refers to street signs that indicate the direction and distance to a service, facility or business.
- 4.10 **Footpath** means:
- That part of the road not used as carriageway; or
  - A footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles.
- 4.11 **Council land and public infrastructure** means footpaths, roads, Council buildings, community land and associated Council infrastructure, and public services infrastructure such as post and telephone boxes.
- 4.12 **Real estate advertising board** means a notice board offering a property for sale or lease.
- 4.13 **Road** has the same meaning as in the Act but excludes any roads in private ownership.
- 4.14 **Temporary event** means an event that is not annual and not a regular weekly, fortnightly or monthly activity

## 5. Policy Statement

### 5.1 General

- 5.1.1 Council recognises that the major part of footpaths, roads and community land must be preserved for public use rather than for commercial or community advertising. However, some advertising on Council land and public infrastructure will be allowed, subject to ensuring that it:
- Is in accordance with any management plans for community land;
  - Is sympathetic with the character and amenity of the locality;
  - Avoids unnecessary clutter and visual pollution;
  - Protects public safety and enables the free flow of people and traffic;
  - Provides uncluttered pedestrian access for those with impaired vision or mobility;
  - Prevents proliferation so as not to obscure Council and traffic signage.
  - Approved by relevant infrastructure service providers permissions before seeking Council approval.
- 5.1.2 Council's approach is to:
- Specify the types of commercial advertising that is allowed on Council land and public infrastructure (moveable signs, real estate advertising boards and local sports sponsorship), and the conditions / approvals to be obtained; and
  - Facilitate advertising of community events, activities and projects, provided it is temporary advertising and in the interests of the community.
- 5.1.3 Council will not allow:
- Signs to be attached or fixed to street trees, street signs, Council poles, street furniture, fixtures such as benches and litter bins and public services infrastructure such as post and telephone boxes;
  - The use of community land for a business purpose if it is contrary to the provisions of a management plan (section 200 of the Act);
  - Advertising to be erected, displayed or painted on Council buildings or in Council parks without permission;
  - Advertising to be affixed to bus shelters (unless authorised advertising for that shelter);
  - Advertising to be placed on roundabouts, traffic islands, or median strips or fixed on buildings or structures on a road;
  - Advertising or advertising hoardings to be displayed along arterial roads that have a speed limit of 80 km/h or more;
  - Advertising or advertising hoardings to be placed within 10 metres of an intersection;
  - Banners, decorations or suspended objects to be displayed in residential areas;
  - Flashing, illuminated, animated or moving advertising signs on footpaths;
  - Balloons, blimps and other floating or inflatable advertising devices.
- 5.1.4 Placement of all advertising will be in accordance with Council By-laws to protect public safety and amenity and will not impede access to street furniture or to public services.
- 5.1.5 Council will require individuals or organisations responsible for affixing advertising in unauthorised locations or contrary to Council By-laws or the



West Torrens Council Development Plan to remove the advertising material immediately.

- 5.1.6 Failure to do so will result in the organisation or individual being charged for the cost of Council removing the material and also being penalised as applicable under any relevant By-law or provision of the Act.
- 5.1.7 The responsible person accepts total responsibility to make good any damage that occurs to CWT roads or to public infrastructure as a result of the erection or installation of signage.

## **5.2 Moveable signs on footpaths**

- 5.2.1 Council By-Law No 4 requires all moveable advertising signs to meet certain standards in terms of:
- Construction and design;
  - Placement;
  - Appearance;
  - Restrictions;
  - Exemptions.
- 5.2.2 The CWT will take action to have a moveable sign removed or relocated when:
- There is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of a moveable sign;
  - There is a need to relocate or remove a moveable sign to protect public safety or enhance the amenity of a particular location for the purposes of any event, parade, roadwork or other circumstance;
  - The sign is not placed adjacent to the property to which the sign relates; or
  - The sign does not comply with the provisions of Council By-laws.

## **5.3 Real Estate Advertising Boards on Footpaths**

- 5.3.1 Council acknowledges that real estate agents sometimes wish to place advertising boards on public footpaths when it is impractical to locate them on the property to which they relate.
- 5.3.2 Permit applications must be submitted using the approved CWT application form. Applications will be considered on their merits and be assessed against the requirements of this policy.
- 5.3.3 All real estate advertising boards must meet certain standards to be erected on public footpaths, including construction and placement standards, and these are listed in Attachment 1.
- 5.3.4 Before a permit may be issued proof of insurance indemnifying the Council, its employees, servants and agents from and against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against them arising out of or in relation to the issuing and granting of the permit is required
- 5.3.5 A current public risk insurance policy in the name of the permit holder insuring the permit holder for the minimum sum of twenty million dollars (\$20,000,000) must be maintained at all times.



## 5.4 Permit Conditions

- 5.4.1 Permits may not be assigned or otherwise transferred without first obtaining the consent of the CWT in writing;
- 5.4.2 The permit holder must:
- notify the CWT and obtain prior approval for any changes to the approved activity contained in the permit (changes to the activity may cause conditions to the permit to be altered, in which case a new permit will be issued);
  - notify the CWT within 14 days of any changes to circumstances that would affect the validity of the permit (e.g. change of ownership of a company).
  - make the permit available for inspection upon request by an authorised officer or police officer.
- 5.4.3 Authorised officers will monitor the placement of advertising boards and will take action against breaches of permit requirements. Repeated breaches will result in the cancellation of a permit without refund.
- 5.4.4 Those responsible for the placement of advertising boards will be held accountable for any infrastructure damage that occurs and the cost of reinstatement.
- 5.4.5 At the expiration or earlier termination of a permit removing, if so directed by the CWT, any structure or object erected or installed on the road and reinstating the condition of the road to the satisfaction of the CWT.

## 5.5 Use of Council Banner Sites

- 5.5.1 Council will maintain purpose built structures around the city for the purpose of safely displaying promotional banners.
- 5.5.2 Council will make these sites available for temporary use by community organisations such as public charities, schools and not-for-profit sporting clubs to advertise community events and activities. Preference is given to organisations and events that are located within the West Torrens area.
- 5.5.3 Community organisations must apply to the CWT for use of the sites. Council promotions will take precedence over community promotions.
- 5.5.4 Community banners may only be installed for a maximum period of four weeks before the start of an event.

## 5.6 Temporary Advertising by Community Organisations

- 5.6.1 Council will allow temporary advertising on Council land by local community organisations for events and activities that are designed to support a charitable cause, enhance community welfare or promote community pride.
- 5.6.2 Council encourages organisations to develop advertising that is:
- Of a size that doesn't dominate surrounding buildings and does not unreasonably obstruct views;
  - Of a colour, material and design that harmonises with the surrounding environment including built and natural features;
  - Uncluttered and inoffensive in terms of content and message.

5.6.3 The organisation must obtain prior approval from the CTW for the erection of temporary banners or decorations on Council land. Organisations must provide details of dimensions, content, and design and the location(s) in which it is to be exhibited.

5.6.4 The advertising must meet the following conditions:

- Be structurally sound;
- Be self supporting or be securely fixed at all times;
- Not interfere with vehicle or pedestrian safety;
- Be displayed for a maximum period up to four weeks prior to an event;
- Be removed within two to three days following an event;
- Not be displayed in a location specified at 5.1.3;
- Only contain information about the event or activity (no third party advertising);
- Not exceed six signs/banners per event (at different locations including the event venue).

5.6.5 An event may be advertised only once per calendar year and the organisation must obtain approval each year the event is to be advertised.

5.6.6 Authorised officers will remove advertising that is unauthorised or fails to meet the conditions of approval.

## **5.7 Temporary Posters or Artwork of Schools and Community Organisations**

5.7.1 The CWT will allow the temporary display of community artwork on Council land by local schools and community organisations if the artwork is designed to promote community spirit, well-being or sustainability.

5.7.2 The school or organisation must apply in writing for the erection or display of artwork on Council land. Organisations must provide details of the artwork and the location(s) in which it is to be exhibited.

5.7.3 The artwork must meet the following conditions:

- Be structurally sound;
- Be self supporting or be securely fixed at all times;
- Not interfere with vehicle or pedestrian safety;
- Be displayed for a maximum period of three months;
- Be displayed only once in a calendar year.

5.7.4 When relevant, applicants will obtain prior permission from infrastructure service providers (e.g. for display of posters on this infrastructure) before seeking Council approval. Items overhanging a footpath must be at least 2.1 metres above ground in order not to impact pedestrian traffic.

5.7.5 Installation, maintenance, and removal of the items at the expiration of the display period will be the responsibility of the applicant.

5.7.6 The school or organisation will apply in writing to the CWT for approval and the CWT will reserve the right to refuse any application.

5.7.7 Any liability for loss or damage caused by the items will be the responsibility of the applicant.

## 5.8 Directional Signs on Public Roads

- 5.8.1 The CWT permits directional signs that assist the community in finding commercial and community facilities that are located away from main roads or centres.
- 5.8.2 Organisations seeking to have directional signs must apply in writing and meet the following conditions:

### For signs related to community facilities:

- The CWT will purchase the appropriate directional sign(s) and then erect the sign(s) in the agreed location(s);
- The sign will be a “finger” sign with white lettering on a green reflective background (or lettering on a brown background for heritage or historic sites) in accordance with Australian Standards;
- A maximum number of three signs will be allowed, at locations approved by the CWT;
- The signs will be erected at no cost to the applicant.

### For signs related to commercial facilities:

- The use of directional signs will be restricted to identifying commercial, shopping, business or industry areas that do not have a main road exposure;
- The CWT will purchase the appropriate directional sign(s) and then erect the sign(s) in the agreed location(s);
- The applicant will be charged a set fee for the purchase and erection of each sign as stated in the Council's Annual Fees and Charges. The directional sign will refer to a shopping centre, commercial area, business centre, industrial park etc. and will not depict a business name
- A maximum number of three signs will be allowed per facility, at locations approved by Council;
- Any damage done to a sign by virtue of a traffic accident or act of vandalism will be rectified at the applicant's cost.
- Any deterioration of a sign due to natural or other causes will be rectified by Council at Council's cost.

## 5.9 Club and Sponsorship Advertising on Ovals

- 5.9.1 Council permits the erection of signs displaying the name of sporting clubs using the facilities of a Council oval, at the entrance to that oval, provided the sign does not exceed two square metres.
- 5.9.2 Council permits the display of advertisements by commercial sponsors on the perimeter fence of a Council oval provided that all signs are:
- Professionally sign written, non-illuminated, non-flashing and non-animated;
  - Fixed to the inside perimeter fence of the oval, facing inwards and not to project above fence level;
  - Maintained in good order and condition at all times to the satisfaction of the CWT.

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5.9.3 Council will not allow sponsorship signs to be erected:

- On ovals other than on the inner perimeter fence; or
- At other recreation or sporting grounds.

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**ATTACHMENT 1****STANDARDS FOR REAL ESTATE ADVERTISING BOARDS**

Council will require all real estate advertising boards to comply with a number of standard conditions, including the following:

- All applicable industry standards, health or safety standards, current standards of Standards Australia or any applicable Codes of Practice;
- Relevant Council By-laws, policy and permit requirements;
- State and federal legislation, with the issue of a permit not absolving the permit holder or their agents from any overriding legislation;
- Maintaining in good condition, and to recognised standards, all structures erected or installed on or over the land;

**Construction**

All real estate advertising boards must be:

- no larger than 1050mm and 2300mm in height or width
- made of solid construction from either metal, wood or plastic
- constructed in such a manner that there are no sharp edges, protuberances or other design feature that would endanger public safety
- designed to be securely attached to the property wall and into the ground at four separate points
- designed so as to be stable during adverse weather conditions
- not designed to rotate, have flashing lights or be illuminated either internally or externally by any means
- not erected with balloons, flags (except for open inspections), streamers or other like items attached.

**Location and Erection of Boards**

All advertising boards must be:

- securely fixed into the ground at two points so as to prevent the signs from moving
- securely attached to the property fence or wall at two points so as to prevent the sign from moving
- placed flat against the property fence or wall with the advertising area facing outwards
- placed within 500mm of the property boundaries
- not placed within 10 metres of an intersection or in any other manner so as to restrict the vision of motorists
- placed in such a manner so they do not damage, destroy or interfere with any infrastructure including pipes, wires, cables, fixtures, fittings, posts and other objects which are the property of the SA Power Networks, Telstra, SA Water, United Water, Boral Ltd or other federal, state, or local government department or authority or other infrastructure owner. (It is the responsibility of a permit holder to check for the location of underground infrastructure with relevant public utilities before erecting an advertising board.)
- placed in a manner that does not restrict pedestrian access in any way and that maintains a minimum 1.8 metre wide, straight, continuous path of travel for pedestrians.

**Other**

All advertising boards must otherwise meet the following requirements:

- be placed in the approved manner
- only one board is to be used for advertising a property
- only be placed on footpaths when there is no option to place them on the property itself and must be placed immediately in front of the property being advertised
- the content of the advertising is restricted to information about the sale / lease of the property and no other advertising messages is to be placed on the board
- be kept in good condition and repair
- display the owners details including their contact address and telephone number,
- must have the approval of property owners for placement and be removed immediately if this approval is withdrawn
- be removed within fourteen days of the sale completion (or finalisation of the lease) or immediately on expiration of the permit
- be removed from the footpath when the permit expires or 14 days after a sale or the signing of a lease.

The costs of any reinstatement work (as a result of the removal of the boards and other accessories) will be met by the applicant.

## CITY OF WEST TORRENS



## Council Policy: Use of Public Footpaths and Roads for Business Purposes

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<b>Related Policies or Corporate Documents:</b>	<a href="#">Advertising on Council Land and Public Infrastructure Policy</a> <a href="#">Public Consultation Policy</a> <a href="#">By-law 3 : Roads</a> <a href="#">By-law 4 : Moveable Signs</a>
<b>Associated Forms:</b>	<a href="#">Business Use of Roads and Footpaths Application Form</a>
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<b>Adopted by Council</b>	

City of West Torrens Policy – Use of Public Footpaths and Roads for Business Purposes

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## **COUNCIL POLICY - Use of Public Footpaths and Roads for Business Purposes**

### **1. Preamble**

1.1 Council manages the use of public footpaths and roads for a mix of purposes:

- Functional - to facilitate the movement of people and traffic around the city;
- Aesthetic - to enhance the 'look' of the city and its precincts; and
- Social - to encourage a community 'feel' and vibrant street life.

1.2 Council believes that businesses play a strong role in each of these areas and that business use of public footpaths and roads could contribute positively and substantially to the look and feel of the city. Rising community expectations for outdoor dining experiences are one example of how street trading might enhance the social and cultural life of the city.

1.3 Street trading could also contribute to social capital by attracting community members to mix in a safe and vibrant setting and increase local economic development by revitalising strip shopping centres, encouraging a diversity of businesses to locate within the City of West Torrens (CWT) and attracting a wide variety of shoppers and visitors to the area.

### **2. Purpose**

This policy aims to:

- Maximise the benefits and return to the community from appropriate and approved business use of public footpaths and roads; and
- Specify the conditions under which public footpaths and roads could be used for commercial trading, so that space is shared equitably, the enjoyment of the community is enhanced, economic benefits are generated and public safety, convenience and amenity is not compromised.

### **3. Scope**

3.1 This policy deals with the business use of footpaths and roads for selling or offering products or services for commercial gain. Such business use requires Council approval under section 222 of the *Local Government Act 1999* (the Act).

3.2 It also deals with the placement of waste storage containers or the erection of hoarding, fencing or scaffolding on public footpaths and roads, which also require Council approval under section 221 of the Act.

3.3 This policy does not deal with advertising on Council land and public infrastructure which is dealt with in the *Council Policy - Advertising on Council Land and Public Infrastructure*.

### **4. Definitions**

4.1 **Business purpose** means the conduct of trading for commercial gain. This can include trading by not-for-profit education, welfare, cultural and other community organisations.

4.2 **Commercial vending** means the placement of goods for sale or display over or on the footpath.

- 4.3 **Community organisation** means registered public charities and local educational, sporting, cultural, welfare, special interest recreational and leisure organisations.
- 4.4 **Container** refers to a mini skip, shipping container or other similar device used for rubbish disposal or the transport of goods, furniture and equipment.
- 4.5 **Footpath** means:
- That part of the road not used as carriageway; or
  - A footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles.
- 4.6 **Hoarding, scaffolding or fencing** refers to structures used to screen off a building or other site that may pose a safety risk to the public. It may include:
- A fence used to separate the public from a construction site, evacuation, or vacant land to prevent unauthorised entry;
  - Overhead protection for the public adjacent to a demolition or construction site (with or without sheds on top);
  - Two metre high open wire or mesh fixed to metal rails and posts;
  - One metre high plastic barrier mesh fixed to star droppers or similar;
  - Concrete barriers generally known as “new jersey kerbing”;
  - Modular plastic barriers that provide a flexible interlocking system which, when filled with sand or water, offer a level of impact resistance;
  - Bunting / flags supported on star droppers or similar, or mobile barriers;
  - Plastic cones.
- 4.7 **Mobile vending** means the sale of goods from a vehicle.
- 4.8 **Outdoor dining** means the use of public footpaths by food and drink businesses (such as cafes and restaurants) to extend their services outdoors;
- 4.9 **Council land and public infrastructure** means footpaths, roads, Council buildings, community land and associated Council infrastructure.
- 4.10 **Public road** has the same meaning as in the Act.
- 4.11 **Road** has the same meaning as in the Act but excludes any roads in private ownership
- 4.12 **Street furniture** means chairs, tables, litter bins, water fountains, telephone boxes, street trees, planter boxes, bus shelters, street signs and other structures placed on a public road by Council or any other authority.
- 4.13 **Street stall** means any market stall, stand, table, trestle, BBQ or other structure used in temporary vending.
- 4.14 **Street trading** means use of footpaths and roads for outdoor dining, commercial vending mobile vending and temporary vending from street stalls.
- 4.15 **Temporary vending from street stalls** means business use of footpaths, such as use by local community organisations for fund raising and membership drives.

## 5. Policy Statement

### 5.1 General

- 5.1.1 While Council supports the conduct of footpath activity by established businesses, it recognises that controls are necessary, irrespective of the activity conducted on them, to ensure:
- Equity in the treatment of business proprietors;
  - Public safety and disability access;
  - Free passage of pedestrians;
  - Clear sight lines for road users;
  - Maintenance of streetscapes and their unique characters.
- 5.1.2 Council's approach is to facilitate:
- Outdoor dining and commercial trading in strip (main road) shopping centres, particularly when it will enhance the cosmopolitan nature of a precinct;
  - Outdoor dining and commercial trading in residential streets when it extends services to residents without impacting on nearby properties or the character of the neighbourhood;
  - Vending from mobile vehicles when they extend services beyond established shops and shopping areas and add to overall community enjoyment;
  - Temporary vending from stalls on footpaths, particularly vending by community organisations to support charitable causes which enhance community welfare or well-being, promote community pride or encourage a sense of belonging.
- 5.1.3 Council's approach is to facilitate these activities while ensuring that they do not detract from the overall streetscape and image of the area by:
- Avoiding excessive advertising, unnecessary clutter, oversized or bulky items;
  - Setting broad urban design standards;
  - Ensuring cleanliness and community amenity is maintained;
  - Requiring all structures and equipment to be in good working order;
  - Requiring environmental, safety and noise standards to be met.
- 5.1.4 Development approval under the *Development Act 1993* will be necessary in certain cases involving the use of public roads for a business purpose, depending on the nature and / or size of an intended development and the extent to which a "change of use" is proposed. Staff responsible for the administration of this policy will confer with planning staff whenever the possibility arises of development approval being necessary.

## 5.2 Permit System

- 5.2.1 The CWT manages business use of public roads through a system of permits issued under section 222 of the Act.
- 5.2.2 Permit applications must be submitted using the approved CWT application form. Applications will be considered on their merits and be assessed against the requirements of this policy, including local conditions that may pose a safety or physical constraint, such as:
- width of footpath
  - speed of vehicular traffic adjacent to the area

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- proximity to traffic
- proximity to intersections
- proximity to various types of parking
- proximity to bus zones, taxi ranks, loading zones, traffic lights
- proximity to pedestrian crossings and pram crossings
- positioning of bicycle paths
- accident history of an area
- presence of street furniture, safety barriers or bollards
- clearance requirements
- access requirements of pedestrians
- volume of pedestrians using footpaths within particular times.

- 5.2.3 Permits will grant limited rights to trade on roads and footpaths. In some locations the width of the footpath and the right for the public to access public use facilities including public seats, pedestrian footpath access points, bus zones, loading zones, disabled parking and passenger loading/unloading zones and the like, may restrict the area that is available. This can mean that sometimes none of the footpath is available for the placement of goods.

Similarly, locations that have been associated with 'loss of control' vehicle crashes are unsuitable for the display of goods and the CWT will not issue permits in these circumstances.

- 5.2.4 A permit is not, however, a tenancy arrangement and the permit may specify conditions such as hours of use, areas of operation, duration of permit and types of items permitted.
- 5.2.5 The CWT will require any person or organisation wishing to use a public road for a business purpose to obtain a permit from Council which will not be issued before:
- A certificate of currency showing the required level of public liability insurance is provided to the CWT with the insurer's endorsement;
  - Public consultation has occurred when required under section 223 of the Act and the *Council Policy - Public Consultation*;
  - Development approval is issued, when required; and
  - Required permit fees are paid.
- 5.2.6 The CWT will not grant a permit for an activity that would compromise pedestrian, diner, patron or traffic safety or inhibit access to parking, other businesses, street furniture or to public services. In some circumstances, such as narrow footpaths or busy roads, the CWT may not issue a permit.
- 5.2.7 The CWT is under no obligation to remove any Council owned property (eg litter bins, public seating) to allow commercial use of a footpath. If the CWT agrees to relocate or remove Council property, the business that makes the request will cover all costs.
- 5.2.8 The CWT may decide to grant or refuse a permit, or grant a permit on condition that specified safety measures are installed.
- 5.2.9 The CWT reserves the right to revoke a permit should public space be required for another purpose or if the conditions of use of the permit are not complied with.

- 5.2.10 Authorised officers will monitor the permitted use of public roads for business purposes and take action against breaches of permit requirements. Repeated breaches will result in the cancellation of a permit without refund.
- 5.2.11 Those responsible for the business use of public roads will be held accountable for any infrastructure damage that occurs and the cost of reinstatement.
- 5.2.12 Except for temporary trading, a permit will normally be valid for twelve months. The prior issue of a permit will not guarantee renewal on expiry.
- 5.2.13 Permit conditions may be amended at any time by the CWT. Permit holders will be notified in writing of the changes.
- 5.2.14 The CWT may add or remove directions in addition to conditions at any time. Failure to comply with directions will be taken as failing to comply with a condition of the permit.

### 5.3 General Conditions of Permits

- 5.3.1 All structures or items to be erected or installed on a public road must meet certain standards, including construction and placement standards, and these are described in the policy.
- 5.3.2 The CWT will also require all businesses making use of public roads to comply with a range of general conditions, including the following to:
- Comply with all applicable industry standards, health or safety standards, current Australian standard or any applicable Codes of Practice;
  - Comply with relevant Council By-laws, policy and permit requirements;
  - Comply with state and federal legislation, with the issue of a permit not absolving the permit holder or their agents from any overriding legislation;
  - Maintain in good condition and to recognised standards all structures and object, erected, installed or placed on or over the land;
  - Indemnify and to keep indemnified the Council, its employees, servants and agents from and against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against them arising out of or in relation to the issuing and granting of the permit;
  - Maintain a current public risk insurance policy in the name of the permit holder insuring the permit holder for the minimum sum of twenty million dollars (\$20,000,000);
  - Provide proof, upon the request of CWT, of current public liability insurance at any time
  - Accept total responsibility to make good any damage that occurs to the CWT roads or to public infrastructure as a result of the erection or installation of structures by the permit holder;
  - Not assign or otherwise transfer a permit without first obtaining the consent of the CWT in writing;
  - Notify the CWT and obtain prior approval for any changes to the approved activity contained in the permit (changes to the activity may cause conditions to the permit to be altered, in which case a new permit will be issued);

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- Notify the CWT within 14 days of any changes to circumstances that would affect the validity of the permit (eg change of ownership of a company);
- Make the permit available for inspection upon request by an authorised officer or police officer;
- Minimise any disturbances or nuisances to road users and owners of land adjacent to the road being used;
- Remove, if so directed by the CWT, any structure or object erected or installed on the road and to reinstate the condition of the road to the satisfaction of the CWT, at the expiration or earlier termination of a permit.

5.3.3 Goods on or above the footpath must not pose a hazard or obstruction to users of the footpath. Goods that will generally not be permitted on the footpath include:

- Sharp / protruding items;
- Items with oscillating and moving parts. Items that have illuminated or flashing lights;
- Reflective items that pose a risk to vehicular traffic;
- Any other items that CWT may declare inappropriate.

5.3.4 Umbrellas are permitted provided that they:

- Have a clearance of a minimum of 2.1 metres above the footpath level;
- Are secured against the effects of adverse weather, and are closed or removed during extremely windy conditions;
- Are maintained in good condition at all times;
- Are removed from the footpath area when not in use; and
- Do not include side curtains.

Advertising on umbrellas is to be a minor element and restricted to one company, product or dining name.

5.3.5 The permit holder must:

- Ensure that all goods are securely contained and do not spill, stain or litter the footpath.
- Maintain the cleanliness of the footpath area during business hours and clean the area at the close of business each day.
- Ensure that all goods and associated structures are removed from the footpath at the end of the business day.

## 5.4 Enforcement

5.4.1 Authorised officers will monitor compliance with permit conditions and take action against breaches of authorisation. Repeated breaches will result in cancellation of permits without refund.

5.4.2 Authorised officers will require any proprietors operating business activities on public roads without a permit to remove any structures and to cease business activities in the public space immediately. Failure to do so will result in a fine and costs will be recovered for the removal of any goods or structures.

- 5.4.3 On termination or expiration of a permit, the former permit holder must remove all structures and objects from the footpath within fourteen days. If all structures and objects are not removed within the specified time frame, the Council will remove the items and recover removal costs from the former permit holder.

## 5.5 Outdoor Dining on Footpaths

### 5.5.1 Legal Framework

- *Local Government Act 1999*

Under section 222 of the Act, any person wanting to place tables and chairs or any other furniture on the footpath area of any road, street or public place under the care and control of Council, for the purpose of providing to the public food or drink for consumption, is required to obtain a permit from Council.

Under section 224 of the Act, Council may attach conditions to the granting of such a permit and under section 225 Council may, by notice in writing, cancel a permit for breach of a condition.

Under section 242, an application for the Council's authorisation to use a road for a business purpose must be decided within two months of the relevant date and, if not decided in this time, will be taken to have been refused. The relevant date is the date of the application or, in the case of an application on which the CWT proposes to conduct public consultation, a later date the CWT fixes in a written notice as the date on which it expects to complete the process of public consultation.

- *Development Act 1993*

In some instances outdoor dining may represent 'development' under the Development Act 1993 and require development approval. Items that require development approval are those defined as 'building work' in the Development Act 1993, including:

- Fixed screens;
- Full height enclosures (e.g. plastic screens);
- Permanent structures (e.g. shade structures); and
- Signage.

Outdoor dining areas of a significantly large (not typical) scale may be considered 'change of use' of the footpath and under such circumstances are also subject to development approval.

- *Liquor Licensing Act 1997*

When a licensee wants to serve alcoholic beverages in an outdoor dining area, a separate application must be made to the Licensing Court for a licence.

- *Disability Discrimination Act 1992*

The Disability Discrimination Act 1992 (DDA) makes it an offence for providers of goods, services and facilities to discriminate against persons

because of their disability. The Act also makes it an offence for public places to be inaccessible to people with a disability.

- *Environment Protection Act 1993*

Section 25 of the Environment Protection Act 1993 imposes the general environmental duty on all persons undertaking an activity that might cause pollution, to take all reasonable and practical measures to prevent or minimise the resultant environmental harm.

#### 5.5.2 Entitlement

A permit for outdoor dining entitles the permit holder to place approved furniture and accessories on the footpath in front of their food premises, but the permit does not grant exclusive rights over the relevant public space. Permit holders cannot exclude the general public from using tables and chairs if they opt not to avail themselves of outdoor dining services being provided.

#### 5.5.3 Location

In determining whether a location is appropriate for outdoor dining, access to the area for pedestrians and vehicles, safety and the relationship between the associated food preparation and outdoor dining area will be considered. A decision on the appropriateness of a location will be at the total discretion of the CWT.

Generally, outdoor dining areas can only be established outside the premises to which they relate (i.e. not encroach across neighbouring property lines) and on footpaths with a width of at least 3.4 metres.

To maintain public access and circulation, a defined outdoor dining area must:

- Be located within the public road area that is aligned with the primary food business;
- Be at least one metre wide;
- Allow a minimum of 1.8 metres of footpath to be kept clear for pedestrians; and
- Allow a minimum space of 60 cm between the defined area and the kerb face.

Proposed layouts must be submitted to the CWT for approval and:

- Meet DDA requirements and relevant Australian safety standards;
- Incorporate appropriately positioned planter boxes if applicable;
- Provide diner safety features, including safety barriers and bollards when necessary;
- Provide traffic safety features as necessary; and
- Ensure that public access and egress is not obstructed.

Applicants must provide the CWT with an independent risk assessment of the proposed outdoor dining area undertaken by an accredited Road Safety Auditor. The requirement for independent assessment applies to new applications for outdoor dining areas and to the first renewal of an existing outdoor dining permit following the commencement date of this policy.



#### 5.5.4 Design

The CWT will approve furniture style and materials. Street furniture should be selected for its durability and style to ensure that it complements the streetscape area and can be easily maintained in good condition.

Planter box designs are to be approved by the CWT. They must be constructed of durable materials and their physical appearance, including colours, must complement the local streetscape character.

Discharge from the planter boxes must not enter the stormwater system, and water and discharge is not to stain the pavement area or create a hazard for pedestrians.

Heating and cooling units may be installed with the permission of the CWT, but should be specifically designed for outdoor operation and be equipped with emergency shut off valves.

If gas heaters are used, permit holders must comply with safety requirements recommended by the South Australian Metropolitan Fire Service for gas bottles, gas lines and fire fighting equipment.

Signage to advertise the business (business name or logo) or goods sold on the premises is only permitted on umbrellas and glass or canvas screens. No third party advertising is allowed on any outdoor dining item.

Details of any proposed signage on furniture must be submitted with applications for permits.

Only one moveable sign may be used in conjunction with an outdoor dining area and must be placed within the defined area. The *Council Policy - Advertising of Council Land and Public Infrastructure* applies in this regard.

When outdoor dining has been approved outside of daylight hours, adequate lighting must be provided by the permit holder to ensure safety of pedestrians and maintain the amenity of the area. Lighting should not create unreasonable spill into neighbouring properties or the roadway.

When an applicant needs to provide safety barriers (energy absorbing bollards) to protect patrons from the risk of impacting vehicles, the applicant must organise and bear all costs associated with the purchase and installation of the barriers.

Bollard casing designs and colours must complement the streetscape, with painting to be in a contrasting colour to buildings and the footpath to maximise visibility for sight-impaired persons.

Blinds must be:

- Constructed of a transparent and durable material;
- Affixed to the underside of the canopy;
- Rolled up when not in use;
- Installed only in conjunction with canopies or verandahs that are less than four metres in height.

Screens must:

- Be maximum of 1.5 metres in height;
- Not fully enclose the vertical space between the footpath and a building canopy;
- Not obscure visibility.

Screens greater than 90 cm in height should be made of safety glass or some similar durable and transparent material.

Portable screens must be appropriately secured at all times to maintain safety in adverse weather conditions.

Litter containers must be installed and be of a design and number approved by the CWT.

#### 5.5.5 Area Management

The permit holder must ensure that all furniture, fixtures and other accessories are retained at all times in the area approved by the CWT as the defined area for outdoor dining and that they do not encroach onto other areas of the footpath.

The permit holder must ensure that any other objects associated with the outdoor dining area do not encroach beyond the defined area so that a footpath width of not less than 1.8 metres is maintained at all times for direct and free travel without obstruction.

The hours of operation of the outdoor dining area must be limited to the hours of operation of the adjacent business and when licensed to serve alcoholic beverages, limited to the hours during which the licensed premises are permitted.

The permit holder must ensure furniture and fixtures are maintained in a good state of repair at all times, that any heaters and cooling units are serviced and maintained regularly and that any lighting is maintained in good working order.

The permit holder must maintain the outdoor dining area, including the footpath, in a clean, hygienic and tidy state at all times. If the CWT has to undertake cleaning and/or tidying of the area, the permit holder will be liable to reimburse the CWT for all costs incurred by the CWT in relation to the cleaning and/or tidying of the area.

The permit holder must maintain appropriate food safety standards.

Permit holders considering a 'dog friendly' outdoor dining area must:

- Refer to clause 24(1)(a) of the Food Safety Standard 3.2.2 (which prohibits live animals in areas in which food is handled) and to the exemption granted under the Food Regulations 2002 (which permits the presence of dogs in an outdoor dining area that is not enclosed);
- Be aware that dogs will need to be kept under effective control by means of a physical restraint by the owner or person responsible for the animal;
- Ensure that patrons understand that dogs are not allowed to be a nuisance or be fed within the outdoor dining area.

A copy of any liquor licence granted by the Licensing Court for an outdoor dining area will be supplied to the CWT upon request.

All outdoor dining furniture must be removed from the footpath at the close of business each day unless specific approval to fix the furniture to the footpath has been given in writing by the CWT. If the furniture forming part of the outdoor dining area is intended to remain on the footpath during hours of darkness, illumination of the obstructions must be provided by the permit holder and approved by the CWT.

The permit holder must ensure the orderly conduct of members of the public within the area and must not cause or permit any disturbance or nuisance to users of land adjacent to the area or to vehicles or pedestrians travelling along the area.

Amplification and/or live entertainment is not permitted in outdoor dining areas without prior approval.

## **5.6 Commercial Vending of Goods Placed on Footpaths**

### **5.6.1 Entitlement**

A permit for commercial vending on footpaths entitles the permit holder to place goods that they want to display, offer or expose for sale, on or over the footpath area outside their business premises. The permit does not, however, grant exclusive rights over the relevant public space. The ability to trade on the footpath is a concession granted to traders when the CWT is satisfied that there is no danger to community safety or adverse effect on the street amenity.

### **5.6.2 Location**

To maintain public access and circulation, goods must:

- Be located entirely within the public road area that is aligned with the permit holder's premises and not encroach across the frontage of adjacent properties;
- Not exceed a width of 80cm;
- Allow a minimum of at least 1.8 metres of footpath to be kept clear for pedestrians at all times; and
- Allow a minimum space of at least 60 cm from the kerb face to be kept clear of goods at all times.

In some locations the width of the footpath and the right for the public to access public use facilities including litter bins, public seats, pedestrian footpath access points, bus zones, loading zones, disabled parking and passenger loading/unloading zones and the like, may restrict the area that is available. This can mean that sometimes none of the footpath is available for the display of goods.

Similarly, locations that have been associated with 'loss of control' vehicle crashes are unsuitable for the display of goods and the CWT will not issue permits in these circumstances.

The CWT is under no obligation to remove any street furniture (e.g. litter bin) to allow business use of the footpath. However, this may occur on occasions and in such circumstances will be at the expense of the business that makes the request.

#### 5.6.3 Layout and Setback

The following minimum layout and setbacks must be satisfied prior to a permit being issued:

- Goods on display must not exceed a height of 1.2 metres with a minimum height of 600 mm measured from the footpath;
- Overhanging objects must have a minimum clearance of 2.1 metres measured from the footpath;
- Goods are prohibited within:
  - Two metres of an intersection;
  - 1.2 metres of a pedestrian ramp;
  - 1.2 metres of a rubbish bin or street furniture;
  - A bus zone or bus stop;
- Goods must be placed at least two metres from a crossover or property entrance;
- If a loading zone, disabled parking zone or a passenger loading zone is in front a premises, a minimum space of 1.2 metres must be provided for footpath access at all times;
- An unbroken continuous display of goods cannot exceed 1.5 metres in a direction parallel to the footpath (e.g. trestle, display table).

At any time during the permit period, the CWT may assess the pedestrian density in the vicinity of the display of goods. If in the opinion of the CWT the pedestrian density is such that the free flow of pedestrians would be restricted or obstructed by the display of goods, the CWT reserves the right to refuse an application, cancel any current permit or amend permit conditions.

#### 5.6.4 Design and Construction

The permit holder must not permit any third party advertising on or about the displayed goods, other than price tags and small labels associated with the displayed goods.

Permit holders may display a mobile advertising sign directly adjacent to the area that goods are for sale, provided that the sign complies with all provisions of Council By-Law 4 Moveable Signs and *Council Policy- Advertising on Council Land and Public Infrastructure*.

### 5.7 Placement of Mother's Day Flowers

#### 5.7.1 Entitlement

A permit for the sale of Mother's Day flowers entitles the permit holder to display and sell flowers on the public road areas outside of their residences. The permit does not however, grant exclusive rights over the relevant public space. The ability to trade on the footpath is a concession granted when the CWT is satisfied that there is no danger to community safety or adverse effect on the street amenity.

### 5.7.2 Location

To maintain public access and circulation, goods must:

- Be located entirely within the public road area that is aligned with the permit holder's residence and not encroach across the frontage of adjacent properties;
- Allow a minimum of at least 1.8 metres of footpath to be kept clear for pedestrians at all times; and
- Allow a minimum space of at least 60 cm from the kerb face to be kept clear of goods at all times.

The sale of flowers is prohibited in public parks, parklands and adjacent car parking areas.

### 5.7.3 Layout and Setback

The following minimum layout and setbacks that must be satisfied prior to a permit being issued:

- Goods are not within:
  - Two metres of an intersection;
  - 1.2 metres of a pedestrian ramp;
  - 1.2 metres of a rubbish bin or street furniture;
  - A bus zone or bus stop;
- Goods must be placed at least two metres from a cross over or property entrance;
- If a loading zone, disabled parking zone or a passenger loading zone is in front a premises, a minimum space of 1.2 metres must be provided for footpath access at all times;
- An unbroken continuous display of goods cannot exceed 1.5 metres in a direction parallel to the footpath.

### 5.7.4 Structures Associated with the Display of Flowers

Any structures associated with the display of flowers on the footpath must not pose a hazard or obstruction to users of the footpath.

## 5.8 Mobile Vending on Public Roads

### 5.8.1 Entitlement

A permit for mobile vending entitles the permit holder to trade on council roads from a mobile vending vehicle. No person is allowed to trade from a mobile vending vehicle without such a permit.

### 5.8.2 Policy Requirements

The permit holder must only trade in those goods indicated on the permit.

The name and address of the permit holder must be displayed on the vehicle and be clearly visible to onlookers. A copy of the permit must be displayed in the vehicle.

The issue of a permit does not exempt the mobile vendor/driver from any provisions of the *Road Traffic Act 1961* or Australian Road Rules regarding the stopping or parking of the vehicle.

Mobile vending vehicle must not be parked in such a way, or the business of street trading conducted in such a way, that the free flow of traffic is hindered or that a dangerous or hazardous situation is created. Operators must apply due diligence towards the safety of approaching patrons, and must give special consideration to assessing safe stopping locations.

Operators of mobile food vending vehicles must observe the following restrictions:

- Not use any bell, music or sound device while the vehicle is stationary;
- Not sell ice cream, coffee or other food within 200 metres of any retail shop, canteen or other facility that sells similar food products;
- Not restrict pedestrian access or obstruct vision to other vehicular traffic;
- Not operate on any main roads when the speed limit is 80 km/h or more;
- Not operate on a reserve, parkland or adjacent car park or land;
- Not stop to trade within 10 metres of an intersection or on a crest or bend of a road;
- Not conduct sales or enquiries from the driver's side of the vehicle.

When ice cream and confection vans (and other vans that sell products likely to attract children onto the road) stop to sell a product, the driver should use the vehicle hazard lights to warn approaching drivers of their presence.

The permit holder must ensure the orderly conduct of patrons purchasing goods from the mobile vending vehicle and that no nuisance is caused at the site to pedestrians or residents where the vehicle is temporarily parked.

The permit holder must provide a receptacle for ensuring that food or other packaging can be disposed of responsibly and does not litter the streets. The permit holder must also ensure that stopping areas are left clean and tidy before the vehicle moves on.

Music or other audible device or decorations such as banners or flags will only be permitted if approved as a condition of the permit.

## **5.9 Temporary Vending from Street Stalls**

### **5.9.1 Entitlement**

A permit for temporary vending entitles the permit holder to place approved street stalls and carry out business activities on the footpath in front of their premises or, with approval, in front of Council facilities.

### **5.9.2 Policy Requirements**

Council restricts the use of temporary street stalls to locally based, not-for-profit community organisations operating adjacent to local community facilities, Council facilities or the premises of charitable organisations.

The conditions for placement of street stalls on footpaths are:

- The width of the footpath is at least than 3.4 metres;
- A width of at least 1.8 metres is kept clear for pedestrians;
- A minimum of 60 cm is kept clear between the stall and the kerb;
- The speed limit of the road is 60 km/h or lower;
- The stalls are not placed within 10 metres of intersecting roads; and
- The site has not been associated with 'loss of control' vehicle crashes.

The sale of goods from the street stall must not, in the opinion of the CWT, have a detrimental effect on nearby commercial premises by presenting unreasonable competition to their trading.

The erection of street stalls will be limited to two occasions per year for charitable organisations and once per year for other community organisations.

### 5.9.3 Policy Conditions

Policy conditions for temporary vending from street stalls are as follows:

- The organisation must ensure that litter or waste is prevented from falling, spilling or blowing onto the footpaths or gutters;
- Within two hours of the close of the stall, the organisation will ensure the area is cleared of all rubbish and left in a neat and tidy condition;
- The street stall must remain in its designated location and no movement of the street stall to any other location will be permitted without separate approval;
- Street stall operators must comply with the CWT's health and hygiene requirements;
- Vehicles associated with the approval must not park on footpaths or plaza areas;
- Street stall operators must not play amplified music or other amplified content without prior written permission.

## 5.10 Temporary Hoarding, Scaffolding or Fencing on Footpaths

### 5.10.1 Entitlement

This permit entitles the authorisation holder to erect hoarding, scaffolding or fencing over the footpath area outside their premises for a limited period of time while work is being undertaken.

### 5.10.2 Location

To maintain public access and circulation, structures must be:

- Located entirely within the alignments of the authorisation holder's premises and not encroach across the frontage of adjacent properties; and
- Allow a minimum of at least 1.8 metres of footpath to be kept clear for pedestrians at all times.

The holder of a permit must:

- Comply with all relevant requirements of government departments and statutory authorities;
- Comply with any direction of the CWT to remove, raise, lower or otherwise alter the position of a hoarding, scaffolding or fencing;
- Prior to the installation of any structure on a public footpath or road, check the location of underground cables, wires, pipes and other infrastructure;
- Ensure that hoardings do not interfere with or cause damage to or affect in any way any wire, post, cable, pipe or other item which is the property of a public infrastructure organisation; and
- Accept total responsibility to make good any damage that occurs to public infrastructure.

#### 5.10.3 Design and Construction

Structures on the footpath must not pose a hazard or obstruction to users of the footpath. On all sides exposed to the public, hoardings must be free of projections of any kind including shakes and slivers of timber, nails, sharp edges and corners of metal sheets.

Lights must be fixed at each corner of the hoarding and on any hoarding at intervals not exceeding six metres at a height of 1.5 metres above ground level. Lights must be kept clean and illuminated from sunset to sunrise during the whole of the period for which the footpath is occupied

No placards, signs or advertisements of any description may be posted on or attached to any hoardings, scaffolding or fencing or exhibited within such space without approval.

The road or footpath adjacent to the hoarded area must be kept clear of plant, equipment, materials, debris and rubbish at all times.

Hoardings must meet the relevant Australian standard.

#### 5.10.4 Maintenance and repair

The holder of a permit must, during the period of the authorisation, maintain the structures erected over the footpath and keep them in good safe and proper repair and condition.

The holder of a permit must erect warning signs and install appropriate warning devices as warranted by the structures.

The CWT may at any time inspect the structures and the holder of the permit must comply with all reasonable requirements of the CWT in relation to maintenance and repair.

If the holder of a permit does not adequately repair and maintain the structures, the CWT may carry out any such repair and maintenance and recover its costs from the permit holder for doing so.

#### 5.10.5 Damage to the Footpath

The holder of a permit must take all reasonable precautions to avoid damage to the road or to any Council owned property located within or adjacent to the road.



The permit holder must immediately notify the Council of damage that occurs to the road or any Council owned property located within or adjacent to the road and will be held accountable for the cost of reinstatement;

When damage is caused to the footpath and reinstatement work is necessary, Council will carry out the reinstatement work at the permit holder's expense.

## **5.11 Temporary Placement of a Container on a Public Road**

### **5.11.1 Entitlement**

This permit entitles the permit holder to temporarily place a container on a public road or footpath.

### **5.11.2 Container Location**

The holder of a permit must ensure that the container is placed:

- As close as practicable and parallel to the kerb;
- At least ten metres from any road intersection or junction;
- At least two metres from a crossover or property entrance;
- So that the footpath is not obstructed and a minimum of at least 1.8 metres of footpath is kept clear for pedestrians at all times;
- Outside of any prohibited or restricted parking zones or area;
- Only on a road where the speed limit is less than 80 km/hr;
- In a position so as not to block access to utility service manholes or devices that require servicing such as traffic signal boxes, telephone boxes, post boxes, fire hydrants and plugs.

Approval for the temporary placement of containers will not be granted on a street if there is less than three metres clearance between the object and the centre line of the road or to the opposite kerb line of the road.

Additional conditions, specific to the placement site, may also be imposed for safety or access requirements.

### **5.11.3 Visibility of container**

A flashing light must be placed each end of the container on the road side and be operated between sunset and sunrise, or yellow retro-reflective tape must be placed on the corners of containers as a safety measure for motorists, pedestrians and cyclists. Damaged tape must be replaced to ensure that adequate visibility is maintained.

Orange flag bunting, plastic traffic safety cones or barrier mesh must be placed around containers during daylight hours.

### **5.11.4 Cleanliness and Maintenance**

The holder of a permit must ensure the road is left in a clean and tidy condition at the end of each day and at the end of the period of the authorisation.

When the CWT has to undertake cleaning or tidying of the road, the authorisation holder will be liable to reimburse the CWT for all costs incurred by the CWT in the cleaning or tidying of the road.

The containers must be kept in a safe condition, during the period of the authorisation.

#### 5.11.5 Compliance with Directions

The holder of a permit must:

- Comply with all relevant requirements of government departments and statutory authorities along with any direction of the CWT.
- Ensure that containers do not interfere with or cause damage to or affect in any way any wire, post, cable, pipe or other item which is the property of the SA Power Networks, Telstra, SA Water and/or United Water, Boral Ltd, or other federal, state or local government authority or other infrastructure owner.
- Accept total responsibility to make good any damage that occurs to public infrastructure.

#### 5.11.6 Damage to the Road

The holder of a permit will take all reasonable precautions to avoid damage to the road or to any Council owned property located within or adjacent to the road.

The permit holder must immediately notify the CWT of damage that does occur to the road or to any Council owned property located within or adjacent to the road;

Any damage, whether unintentionally or negligently resulting from the holding of a permit will be recovered by the CWT under the provisions of section 233 of the Act.

If damage is caused to the road or footpath and reinstatement work is necessary, the CWT will carry out the reinstatement work at the permit holder's expense.

The permit holder will be responsible for reimbursing the CWT for all reasonable costs incurred to repair or rectify any damage caused to the road.

**Council Policy:  
Memorials**

<b>Classification:</b>	Council Policy		
<b>First Issued:</b>	19 April 2005		
<b>Dates of Review:</b>	27 April 2010, 1 July 2014, 21 July 2015		
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<b>Version Number:</b>	5		
<b>DW Doc set ID:</b>	305943		
<b>Applicable Legislation:</b>	<a href="#"><i>Local Government Act 1999 (SA)</i></a> <a href="#"><i>Road Traffic Act 1961 (SA)</i></a> <a href="#"><i>Copyright Act 1968 (Cth)</i></a>		
<b>Related Policies or Corporate Documents:</b>	Council Policy - <a href="#">Public Consultation Council</a> Administration Policy - <a href="#">Public Consultation Policy</a> Council Policy - Advertising on Public Land and Infrastructure <a href="#">By Law No 1 - Permits and Penalties</a> <a href="#">By Law No 2 - Local Government Land</a> <a href="#">By Law No 3 - Roads</a> <a href="#">By Law No 4 - Moveable Signs</a> <a href="#">By Law No 5 - Dogs</a>		
<b>Associated Forms:</b>			
<b>Note:</b>			
<b>Responsible Manager:</b>	<b>Manager City Assets</b>		
<b>Confirmed by General Manager:</b>	General Manager Urban Services	Date	February 2017
<b>Approved by Executive:</b>		Date	
<b>Endorsed by Council</b>		Date	

City of West Torrens Council Policy – Memorials Policy

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## COUNCIL POLICY - Memorials

### 1. Preamble

- 1.1 The Council of the City of West Torrens (CWT) understands the need to commemorate the memory of a person, group, physical object or event through a memorial or monument adds significant value to the culture of the community, as well as preserving the history of the council area.

### 2. Purpose

- 2.1 This policy provides guidelines for the approval, installation and management of memorials and monuments in the CWT area.

### 3. Scope

- 3.1 This policy covers all proposed memorials and monuments on local government land and roads in the CWT.
- 3.2 This policy covers all temporary memorials or roadside vigils on local government land and roads in the CWT.
- 3.3 The policy does not cover signage, display boards, banners, memorial seats or benches or public art works.

### 4. Definitions

#### 4.1 Local Government Land

Land owned by a Council or under Council's care, control and management. (Section 4 of the *Local Government Act 1999*)

#### 4.2 Plaque

A flat tablet of metal or other durable material and which includes text and/or images that commemorate a person, group, association, event or occasion. Such plaque is to be affixed to a building, object, or pavement.

#### 4.3 Memorial or Monument

An object such as a statue, sculpture or plaque (but not including a plaque that is affixed to a memorial seat or bench, no larger than 150cm x 75cm), that is designed to preserve the memory of a person, group, association, physical object (such as a bridge), event or occasion.

#### 4.4 Road

For the purposes of this policy, the definition of "road" is as per section 4 of the *Local Government Act 1999*, being;

"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."

#### 4.5 Temporary Memorial/ Roadside Vigil

A memorial which is installed on an ad hoc basis by private individuals in response to a tragic event, and which is not intended to be a long term or permanent fixture.

#### 4.6 Applicant

A person or group which proposes the creation or installation of a memorial. They will be responsible for the financial support of the memorial.

### 5. **Policy Statement - Permanent Memorials and Monuments**

#### 5.1 Approval from Council

5.1.1 Council recognises the sensitivity of an application for a permanent memorial or monument and understands that often the intention is to honour a person or event that was special to them. An application for installation of a memorial or monument will be considered by Council to commemorate;

5.1.1.1 An individual who was, or is, a member of the West Torrens community and made a significant contribution to the cultural, political, or social life of the community, or

5.1.1.2 An incorporated body or group which has made a significant contribution to the cultural, political, sporting, or social life of the West Torrens community, or

5.1.1.3 A place or an historical event or anniversary of local, state, or national significance.

5.1.2 Memorials and monuments should be consistent with the Community Land Management Plan for the location.

5.1.3 Memorials and monuments should be in keeping with the aesthetic appeal and functionality of the location.

5.1.4 Alterations to, or replacement of, an existing memorial or monument must comply with the policy.

5.1.5 Council must formally endorse the installation and/or naming of a memorial or monument prior to its placement by way of a resolution of Council.

5.1.5.1 In all instances, the applicant will be contacted by a CWT officer to confirm the details of the application before a memorial or monument will be presented to the Council for consideration and also advised of the meeting date.

5.1.5.2 Memorials and Monuments which have been installed without Council approval may be removed by the CWT.

5.1.6 Any existing memorial or monument cannot be taken as a precedent for future approvals.

5.1.7 The Council has the right to refuse any application for a memorial or monument on local government land or roads.

## City of West Torrens Council Policy – Memorials Policy

- 5.1.8 Only in exceptional circumstances will a new memorial or monument be approved to commemorate the same person, event, or organisation for which there already exists a memorial in the council area.
- 5.1.9 Prior ownership of the land on which the memorial or monument is to be installed is not by itself sufficient reason to apply the owner's name to the site.
- 5.1.10 A memorial or monument must be developed in line with this policy and any of the conditions specified by Council at the point of approval.
- 5.1.11 The placement of the Memorial or Monument is at the discretion of Council and regard will be given to public safety, the object and any maintenance considerations.
- 5.2 Public Safety
  - 5.2.1 The design and/or placement of a memorial or monument should not present a safety risk to pedestrians, cyclists or vehicles.
  - 5.2.2 Council may conduct a risk assessment where public safety issues are identified. This will be completed in accordance with legislative requirements and any applicable Australian Standards.
- 5.3 Register of Memorials and Monuments
  - 5.3.1 CWT will maintain a Register of Memorials and Monuments that have been approved by Council, which fall within the scope of this policy.
- 5.4 Maintenance of a Memorial or Monument
  - 5.4.1 Council cannot guarantee that a memorial or monument will be preserved or remain at a site indefinitely. However, in the event of an alteration or relocation of a memorial or monument, every effort will be made to contact the original applicant or organisation recorded in the Register.
    - 5.4.1.1 The new location of an existing memorial or monument will be as aesthetically appealing and appropriate for the type of memorial or monument as the original location in accordance with legislation.
    - 5.4.1.2 CWT will attempt to consult other stakeholders when altering, removing or relocating a memorial or monument where appropriate with consideration to the principles of the [Public Consultation Policy](#)
    - 5.4.1.3 In the event that a memorial or monument has not been maintained by the applicant as specified within the conditions of approval or when changing circumstances may mean that its existing location compromises public safety, Council reserves the right to remove a memorial or monument if it falls into disrepair.
  - 5.4.2 While reasonable effort will be made to maintain memorials and monuments where Council has agreed to be responsible, the estimated lifespan of objects is ten (10) years unless otherwise specified.
    - 5.4.2.1 If a memorial or monument needs replacing within that time, costs will be borne by the applicant or organisation recorded in the Register.



5.4.2.2 Council reserves the right to decide to remove a memorial or monument after the expiry of ten (10) years, subject to the condition of the original memorial or monument approval and after consultation with the applicant or organisation recorded in the Register.

5.4.2.3 Council will endeavour to contact the applicant at its most recently notified postal address and will allow up to 28 days for a response unless there is a risk to public safety.

5.4.3 Unless otherwise agreed, the applicant will be required to pay for the design, manufacture, and installation of the memorial or monument to Council's specifications.

5.3.3.1 Repair or replacement of the memorial or monument as a result of vandalism or theft is at the applicant's cost.

5.4.4 Council may consider contributing funds to the establishment of a memorial or monument when there is a clear demonstration of the community significance and civic involvement of the proposal. In this instance, Council will specify its proposed financial contribution in the original approval.

## **6. Policy Statement - Temporary Memorials or Roadside Vigils**

6.1 Council understands that families who have lost a loved one due to a tragic event often feel that a temporary memorial or a roadside vigil assists in their mourning and grieving process.

6.2 An individual or group wishing to install a temporary memorial or roadside vigil on local government land and roads must acknowledge that the roadside memorial or vigil:

- is temporary in nature
- must not present a public risk or impediment to other road users or authorities
- must be maintained by that individual or group
- will be permitted to remain on the site at the sole discretion of Council

6.3 Council may decide in certain circumstances to exercise its powers under the *Road Traffic Act 1961* and remove the objects.

6.3.1 The removal of temporary memorials is an indication that no further placement of memorial items will be allowed at that location.

6.3.2 If the owner of the items is able to be identified, Council will attempt to contact and return these objects where possible.

6.3.3 Removal of temporary memorials is at the discretion of Council in order to maintain public safety.





Government  
of South Australia

The Hon Stephen Mullighan MP

17MTR/0326

Ms Cimon Burke  
Kelledy Jones Lawyers  
GPO Box 2024  
ADELAIDE SA 5001

Dear Ms Burke

Thank you for the letter of 22 February 2017 seeking approval for the making of proposed City of West Torrens Local Government Land By-Law (No. 2 of 2017) and proposed Dogs By-Law (No. 5 of 2017), in accordance with the provisions of the *Harbours and Navigation Act 1993* (the Act).

I understand that the Department of Planning, Transport and Infrastructure previously sought clarification in relation to the wording of clause 9.8.4 of By-Law No. 2 of 2017 (Local Government Land). I am advised that this clause is intended to regulate permits for hiring out boats or operating a business on a vessel on local government land within the City of West Torrens, and not intending to regulate the operation of commercial vessel on the waterways, which is regulated under the Marine Safety (Domestic Commercial Vessel) National Law.

Consequently, I am pleased to grant my approval for the making of By-Laws No. 2 and No. 5 of 2017, as required under section 18A of the Act.

I would appreciate a copy of the By-Laws once they have been approved by Council and published in the Gazette.

Yours sincerely

A handwritten signature in black ink, appearing to be "S. Mullighan", written over a horizontal line.

**HON STEPHEN MULLIGHAN MP**  
**MINISTER FOR TRANSPORT AND INFRASTRUCTURE**

7 March 2017

Minister for Transport and Infrastructure  
Minister for Housing and Urban Development

12th Floor, Roma Mitchell House, 136 North Terrace Adelaide SA 5000 | GPO Box 1533 Adelaide SA 5001 DX 171  
Tel 08 8402 1708 | Fax 08 8402 1991 | Email [ministermullighan@sa.gov.au](mailto:ministermullighan@sa.gov.au)



**Government of South Australia****Dog and Cat Management Board**

16 March 2017

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

GPO Box 1047  
Adelaide SA 5001

Ph: 08 8124 4962  
Fax: 08 8124 4648

ABN 36 702 093234

<http://www.dogandcatboard.com.au>

Dear Mr Buss

**RE – CITY OF WEST TORRENS PROPOSED DOGS BY-LAW NO. 5.**

I write to advise that on 15 March 2017 the Dog and Cat Management Board considered the draft by-law relating to dogs submitted by the City of West Torrens.

The Dog and Cat Management Board accepted the City of West Torrens Dogs By-law No. 5 as being broadly consistent with those of other councils.

The Board offer the following considerations:

- That the wording "leash" in sections 6.12 and 9.2 is expanded to "chain, cord or leash", for consistency with Section 8 of the *Dog and Cat Management Act 1995*.

I encourage you to contact our A/g Project Officer, Compliance, Philippa Hook on (08) 8124 4768 or at [philippa.hook@sa.gov.au](mailto:philippa.hook@sa.gov.au) if you have any questions or concerns.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Andrew Lamb".

Andrew Lamb  
**Board Secretary**  
**Dog and Cat Management Board**

**CC: Cimon Bourke, KelledyJones Lawyers**

## **WEST TORRENS CITY COUNCIL**

### **REPORT TO COUNCIL – NATIONAL COMPETITION POLICY**

#### **BACKGROUND**

There are various statutory requirements that apply to the making of by-laws. These include the obligation under section 247(c) of the *Local Government Act 1999* (the Act) which requires that:

*A by-law made by a council must –*

- c. avoid restricting competition to any significant degree unless the council is satisfied that there is evidence that the benefits of the restriction to the community outweigh the costs of the restriction, and that the objectives of the by-law can only be reasonably achieved by the restriction.*

Taking the above into account, any restriction on competition contained in a proposed by-law must be identified before the Council is in a position to make that by-law. A restriction on competition arises where any provision of the by-law has the potential to impact upon competitive conduct in any market. In general terms, restrictions on competition fall within the following categories:

- regulation of the entry or exit of business entities or individuals in to or out of markets;
- controls on prices or production levels;
- restrictions on the quality, level or location of goods and services;
- restrictions on advertising and promotional activities;
- restrictions on price entitled input used in the production process;
- legislation which is likely to confer significant costs on business; and
- legislation which provides advantages to some business entities or individuals over others.

#### **REPORT**

##### **1. PERMITS AND PENALTIES BY-LAW 2017**

#### **Status**

This by-law has been reviewed in light of national competition policy and has been identified as one that will not restrict competition.

#### **Objectives of the By-Law**

The objectives of the by-law are to:

- a) create a permit system for Council by-laws;
- b) provide for the enforcement of breached of Council by-laws and fixing penalties; and
- c) clarify the construction of such by-laws.

## 2. LOCAL GOVERNMENT LAND BY-LAW 2017

### Status

Certain provisions of this by-law have been identified as having the potential to restrict competition.

### Objectives of the By-law

The objectives of the by-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:

- (a) to prevent and mitigate nuisances;
- (b) to prevent damage to Local Government land;
- (c) to protect the convenience, comfort and safety of members of the public;
- (d) to enhance the amenity of the Council area; and
- (e) for the good rule and government of the area.

### Potential Restrictions on Competition

The following provisions of the by-law have the potential to restrict competition:

- (a) Subclauses 5.3 and 5.4 provide that certain provisions of clauses 9 and 10 will only apply in respect of certain areas of the Council as determined by the Council;
- (b) Clause 7 gives the Council a general power to close, regulate or restrict access to Local Government land for specified times and days and to fix fees or charges payable for entry onto Local Government land;
- (c) Clause 9 provides that certain activities require the permission of the Council; “*permission*” means the permission of the Council given in a permit, the form of which is to be determined by the Council in accordance with the *Permits and Penalties By-law 2017*. The Council may attach conditions to a grant of permission as it thinks fit, and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder; permit holders are to comply with every such condition. The Council may revoke a permit at any time by notice in writing to the permit holder;
- (d) Clause 10 provides that certain activities are prohibited on Local Government land in the Council's area; and
- (e) Clause 11 requires a person's compliance with reasonable directions from an authorised person relating to that person's use of Local Government land, the person's conduct and behaviour on the land, that person's safety on the land and the safety and enjoyment of the land by other persons.

The provisions restricting access to Local Government land, prohibiting certain activities and requiring persons to obtain a permit for other activities, have the potential to restrict competition by limiting the number of providers of goods or service using Local Government land and/or by restricting the area a permit holder may occupy, or the manner in which they may conduct business.

The by-law contains an administrative discretion that can be exercised selectively to grant permission (with conditions) for certain activities to be carried out in certain circumstances. However, the Council can ensure that reasonable and objective criteria are used in the exercise of administrative discretion by way of appropriate policy implementation.

### **Alternative Means of Achieving the Same Result**

There are no identified alternative means of regulating the use of and access to Local Government land as provided for in this by-law.

### **Do the Benefits Outweigh the Costs to the Community?**

The costs to the community may include:

- (f) administrative costs in applying for a permit, if necessary;
- (g) any permit fees; and
- (h) the cost of compliance with the by-law, for example, relocating the activity to a suitable location.

The costs to the Council will include:

- (a) administrative costs in making the by-law;
- (b) administrative costs in considering permit applications; and
- (c) staffing costs of administration and enforcement of the by-law.

Benefits to the community will include:

- (d) the proper management of Local Government land on behalf of the community;
- (e) a reduction in the level of inconvenience that could be caused to members of the public by unregulated conduct on Local Government land.

Based on a review of the by-law, the Administration considers that the benefits of the proper management and regulation of the use of and access to Local Government land outweigh the potential restrictions on competition posed by this by-law.

### 3. ROADS BY-LAW 2017

#### Status

This by-law has been reviewed against the requirements of section 247(c) of the Act. Certain provisions of this by-law have been identified as having the potential to restrict competition.

#### Objectives of the By-law

The objectives of the by-law are to manage and regulate certain uses of roads in the Council area:

- (a) to protect the convenience, comfort and safety of road users and members of the public;
- (b) to prevent damage to buildings and structures on roads;
- (c) to prevent certain nuisances occurring on roads; and
- (d) for the good rule and government of the Council area.

#### Potential Restrictions on Competition

Clause 7 provides that certain activities on a road require the permission of the Council. The Council may attach conditions to any grant of permission. Further, the Council may vary the conditions attaching to a permit or revoke a permit at any time by notice in writing to the permit holder.

Where an activity that is subject to the requirement to obtain a permission is an activity undertaken as an incidence of competition within a market, then the requirements to obtain the Council's permission is a restriction on competition. Restrictions on competition will arise where a person is seeking to utilise a road for a business activity.

The use of public roads for business purposes is prohibited by section 222 of the Act except where the Council permits the activity. Section 222 of the Act was considered during the legislation review of the *Local Government Bill 1999*, during which Parliament concluded that the benefits of the provision outweigh the costs.

The proposed by-law does not restrict competition to any greater degree than section 222 of the Act. On this basis, there is no need to further analyse the proposed by-law for the purposes of section 247(c) of the Act.

#### 4. **MOVEABLE SIGNS BY-LAW 2017**

##### **Status**

The proposed by-law has been reviewed against the requirements of section 247(c) of the Act. The review has concluded that:

- a) there are restrictions on competition contained in the by-law;
- b) some of these restrictions restrict competition to a significant degree;
- c) the objectives of the by-laws containing the restrictions can only be achieved by restricting competition; and
- d) the public benefits of the restrictions outweigh the costs of those restrictions.

##### **Objectives of the By-Law**

The objectives of the by-law are to set standards for moveable signs on roads and to provide conditions for the placement of such signs. These objectives include:

- a) the prevention of nuisances;
- b) protecting the convenience, comfort and safety of road users and members of the public;
- c) protecting or enhancing the amenity of the Council area; and
- d) ensuring that moveable signs do not unreasonably restrict the use of a road.

##### **Potential Restrictions on Competition**

Section 226(1) of the Act enables a person to place a moveable sign on a road without an authorisation or permit under Chapter 11, Part 2 of the Act if:

- a) the design and structure of the sign complies with the requirements of the Council's by-laws;
- b) the sign is placed in a position that complies with the requirements of the Council's by-laws;
- c) any other relevant requirements of the Council's by-laws are complied with; and
- d) the sign does not unreasonably:
  - i. restrict the use of the road; or
  - ii. endanger the safety of members of the public.

##### ***Clauses 7 and 9: Construction, design and appearance***

Clauses 7 and 9 place restrictions on the construction, design and appearance of moveable signs. This potentially restricts product innovation.

**Clauses 8, 10 and 11: Placement and restrictions**

Clauses 8, 10 and 11 restrict the placement of a moveable sign. This may inadvertently restrict competitive behaviour and may preclude some businesses from being able to use moveable signs for advertising.

A restriction on competition will restrict competition to a significant degree where the impact on competition is more than nominal or trivial.

The restrictions contained in the proposed by-law are highly prescriptive and are likely to have a significant effect on competition in the market for moveable signs. There may also be significant impacts for other businesses required to comply with the by-law. However, the by-law does not prevent the advertising of businesses. It merely regulates the manner in which this occurs.

In the absence of the proposed by-law, a person would need to seek an authorisation or permit under section 221 or section 222 of the Act. An authorisation or permit under these provisions would also achieve the objective. However, rather than requirements being stated in a by-law any requirements would be conditions on the authorisation or permit. This could mean that there would be a less standardised approach to moveable signs than is achieved by the proposed by-law.

Parliament has expressly indicated that the regulation of moveable signs on a road can, within the terms of section 226 of the Act be regulated by Councils. The public policy preference, therefore, is for by-laws to govern the design, structure and placement of moveable signs on roads. In the context of section 226 of the Act, the optimal means of achieving the objective is through the proposed by-law.

In any event, the By-law contains an administrative discretion such that the Council may grant permission (with conditions) for the display of a moveable sign on a road which is otherwise contrary to the controls under the by-law relating to the construction and placement of moveable signs. The Council can ensure that reasonable and objective criteria are used in the exercise of the administrative discretion by way of appropriate policy implementation.

**Alternative Means of Achieving the Same Result**

There are no identified alternative means of regulating the placement of moveable signs within the Council area.

**Do the Benefits of the By-Law Outweigh the Costs to the Community?**

The costs to the community may include:

- a) the costs of compliance with conditions specified in the by-law; and
- b) administrative costs in obtaining a permit, if necessary.

The costs to the Council will include:

- a) the administrative costs of making the by-law; and
- b) staffing costs of administration and enforcement of the by-law.

The benefits to the community will include:

- a) the proper management of moveable signs on roads on behalf of the community to ensure and maintain road safety;



- b) the protection of Council property and other property within the Council's area;
- c) the protection and enhancement of the amenity of the Council's area;
- d) a reduction in the level of inconvenience that could be caused to members of the public if the placement of moveable signs was not regulated.

The benefits to the community are significant. Accordingly, based on a review of the by-law, the Administration considers that the benefits of the effective management of moveable signs on roads within the Council area outweigh the potential restrictions on competition posed by this by-law.

## 5. **DOGS BY-LAW 2017**

### **Status**

The by-law has been reviewed in light of national competition policy, and has been identified as one that will not restrict competition or otherwise unreasonably restrict or unduly burden business activities.

This is on the basis that the limitations on the number of dogs that may be kept in any premises as prescribed by the by-law (i.e. which has the potential to operate to restrict competition) does not apply to:

- approved kennel establishments operating in accordance with all required approvals and consents; and
- any business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995*.

### **Objectives of the By-law**

The objectives of the by-law are to control and manage dogs in the Council area:

- a) to reduce the incidence of environmental nuisance caused by dogs;
- b) to promote responsible dog ownership;
- c) to protect the convenience, comfort and safety of members of the public; and
- d) for the good rule and government of the Council area.

### 17.3 Review of LGA Membership Subscription Formula

#### Brief

The Local Government Association of South Australia is seeking feedback on alternative membership subscription formulas.

#### RECOMMENDATION(S)

It is recommended to Council that it provides feedback to the Local Government Association supporting the following option for calculation of LGA membership subscription fees:

- (a) One equal flat charge not based on population tiers;
- (b) Maintain the 40% population and 60% revenue weighting for the balance of subscriptions;
- (c) Maintain the three times average cap.

---

#### Introduction

The Local Government Association (LGA) is seeking feedback on research undertaken into how membership subscriptions are calculated.

A report to Council on 16 August 2016 provided Council with relevant information relating to the value proposition of its membership of the Local Government Association of South Australia.

#### Discussion

Based on the figures provided in the LGA report attached to the Council report, the City of West Torrens receives a total nominal individual value of around \$6.33 million and a nominal individual value (excluding grants) of around \$1.83 million, all for a subscription fee of \$78,269 for the 2016/17 financial year.

The membership subscriptions are currently calculated by applying a formula designed to take into account the following:

- Some services have fixed benefits to all members, regardless of population or revenue base e.g. advocacy, policy development, election materials and maintaining candidates' website
- Some services provide benefits relative to the size of the population base (current City of West Torrens population is 59,312)
- Some services provide benefits relative to the revenue base

The current formula for membership subscriptions includes:

1. **A flat fee component** which varies relative to the population of members with the base amount set at \$2,500 for councils less than 10,000 population, increasing to \$5,000 for those 10,000 to 50,000 and to \$7,500 for those greater than 50,000. Note that these population bands are consistent with those set in the Constitution for member voting rights.
2. **The balance** of subscriptions are then calculated on the basis of population share (40% weighting) and operating revenue (60% weighting) of the previous financial year.
3. **A subscription cap** of 3 times the average subscription as well as no council receiving an increase greater than 5% in a year.

In 2015/16 the LGA Board reviewed the formula and canvassed four alternative options with member councils. Following feedback from councils, the LGA Board resolved in May 2016 to adopt the following option:

1. Increase the flat amount collected to 20% (up from 13%) of subscriptions using the current three population tiers. This resulted in councils with population less than 10,000 having a flat charge of \$3,748, those with 10,000 to 50,000 with a flat charge of \$7,497 and those greater than 50,000 with a flat charge of \$11,245.
2. Maintain the 40% population and 60% revenue weighting for the balance of subscriptions.
3. Use a three-year average for the revenue calculation.
4. Maintain the three times average cap.

Before finalising this option, the Board asked for additional modelling on alternative population bands for the flat component of the subscription fee. Morton Consulting Pty Ltd were engaged by the LGA to undertake the research and a summary is included as Attachment 1. The modelling addressed each of the four options considered previously but used alternate population bands. The LGA is now seeking feedback from councils on the following options:

1. **No change from May 2016 resolution:** On the basis that changing the population bands has minor impact on subscription fees, the original Board resolution to adopt Option 1 could be retained.
2. **Retain Option 1 but apply Remuneration Tribunal population bands:** In the interests of applying population bands consistent with that used by the Remuneration Tribunal, the original Board resolution to adopt Option 1 be retained but using Remuneration Tribunal's categories as a general guide to population bands.
3. **Retain Option 1 but apply modified Remuneration Tribunal population bands:** In the interests of applying population bands consistent with that used by the Remuneration Tribunal, the original Board resolution to adopt Option 1 be retained but using a modified Remuneration Tribunal categories as a general guide to population bands.
4. **New Option of one equal flat charge for all councils, and retain cap:** Given the new information now available through the further modelling of one equal flat charge for all councils, an alternative subscription fee formula of having one common flat component for all councils, with no population steps for this part of the formula. This option would retain the 40% population and 60% revenue weighting for the balance of subscriptions, use a three-year average for the revenue calculation, and maintain the three times average cap. Note that this option could be phased in over time to allow smaller councils the opportunity to adjust their budgets on an incremental basis.
5. **New Option of one equal flat charge for all councils, and remove cap in favour of declining block rate based on population and revenue:** Given the new information now available through the further modelling of one equal flat charge for all councils (no tiers) and removing the cap, an alternative subscription fee formula as follows could be adopted, to be phased in over time to allow smaller councils the opportunity to adjust their budgets on an incremental basis.

Options 4 and 5 specifically address the LGA's basic principle outlined above that some services have a fixed benefit to all members, irrespective of population or revenue base and that this should be reflected in the member subscription fees calculations. This is consistent with other State Associations including New South Wales, Queensland, Western Australia and Tasmania.

The potential impacts of each of these options on the City of West Torrens are summarised in the tables below. These figures are based on subscription fees for the 2016/17 financial year.

**Table 1: Impact of Options 1-4**

		<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>	<b>Option 4</b>
	<b>Current Formula</b>	<b>May 2016 resolution</b>	<b>May 2016 resolution RTSA Bands</b>	<b>May 2016 resolution RTSA Modified Bands</b>	<b>One equal flat charge Retain cap</b>
	<b>\$78,629</b>	\$75,168	\$74,057	\$74,462	\$67,741
<b>Change from Current Fee</b>	N/A	-\$3,461	-\$4,572	-\$4,167	\$10,888

**Table 2: Impact of Options 1-3 and 5**

		<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>	<b>Option 5</b>
	<b>Current Formula</b>	<b>May 2016 resolution</b>	<b>May 2016 resolution RTSA Bands</b>	<b>May 2016 resolution RTSA Modified Bands</b>	<b>One equal flat charge Remove cap</b>
	<b>\$78,629</b>	\$75,873	\$75,100	\$74,627	\$70,638
<b>Change from Current Fee</b>	N/A	-\$2,756	-\$3,529	-\$4,002	-\$7,991

The difference in the fees between Options 1-3 in the two tables results from the retention or removal of the cap. The total membership fees paid by all councils will remain the same regardless of the option chosen and therefore the distribution of those fees changes depending on the cap or no cap decision.

All options presented by the LGA provide some level of savings for the City of West Torrens when compared to the current fee. This ranges from a minimum of \$2,756 to a maximum of \$10,888 when using a flat charge for the proportion related to services which have a fixed benefit for all councils. While this has the greatest benefit, it also reflects a fairer system of charging for services which have a fixed benefits for all councils regardless of size. Maintaining the existing cap of three times the average fee also provides a better option for the City of West Torrens.

While reviewing the LGA's document, there appeared to be some anomalies with the fee paid by the City of West Torrens in comparison to the City of Mitcham which has a larger population base but smaller revenue base. On further investigation, it was confirmed that this was due to revenue received from the St Martins Aged Care Facility.

Given that revenue from St Martins accounted for approximately 12% of total revenue, this impact may be significant and will further reduce the City of West Torrens membership fee.

If the LGA subsequently decides to use a rolling three year average revenue for membership fee calculations, the St Martins revenue may still have an impact depending on the timing of its introduction. If this occurs, the Administration would report back to Council and recommend that Council writes to the LGA and asks for its membership fee to be reviewed based on the significant reduction in revenue as a result of the sale of St Martins.

**Conclusion**

All of the proposed options put forward by the LGA provide some level of benefit to the City of West Torrens. However, it is recommended that Council provide feedback to the LGA supporting an equal flat fee for all councils, maintaining the 40% population and 60% revenue weighting for the balance of subscriptions and retaining the three time average cap.

**Attachments****1. LGA Membership Subscription Formula Report**



The voice of local government.



## Further review of LGA SA Membership Subscription Formula - focusing on population bands

### Summary for Consultation

UHY Haines Norton has recently validated the value of LGA membership demonstrating \$1.55m savings per council because of LGA activities and those of entities established by the LGA. This translates to more than \$133m in savings across the sector every year.

LGA member subscription fees fund the core of the LGA activities. These fees are calculated by applying a formula which has been designed to achieve the following basic principles in relation to the benefit of membership:

- a. some services have a fixed benefit to all members, irrespective of population or revenue base; and
- b. some services provide benefits relative to the size of the population of the council; and
- c. some services provide benefits relative to the revenue base of the council.

The LGA has recently undertaken further research into how membership subscriptions are calculated. This was in response to feedback we received last year from councils, which asked us to explore using different population bands for calculating the flat component of the fee.

This research has given us some new insights, and as part of continuously improving our processes as well as our value to members, we are again consulting with councils on the formula.

This document provides a snapshot of how applying different population bands to the formula can be used to achieve a range of different outcomes. It also highlights two additional formula options that have come to light because of applying the different population bands. Your feedback on these options as compared to the Board's decision in May 2016 is now being sought.

For further information, a copy of the detailed report prepared by Morton Consulting Pty Ltd is available by contacting Natasha Black on 8224 2088 or email [natasha.black@lga.sa.gov.au](mailto:natasha.black@lga.sa.gov.au). If you would like to discuss any matters raised in this report, please contact Kathy Jarrett on 8224 2010 or [kathy.jarrett@lga.sa.gov.au](mailto:kathy.jarrett@lga.sa.gov.au).

### Current Formula

The current formula for membership subscriptions includes:

1. **A flat fee component** which varies relative to the population of members with the base amount set at \$2,500 for councils less than 10,000 population, increasing to \$5,000 for those 10,000 to 50,000 and to \$7,500 for those greater than 50,000. Note that these population bands are consistent with those set in the Constitution for member voting rights.



2. **The balance** of subscriptions are then calculated on the basis of population share (40% weighting) and operating revenue (60% weighting).
3. **A subscription cap** of 3 times the average subscription as well as no council receiving an increase greater than 5% in a year.

In 2015/16 the LGA Board reviewed this formula, and canvassed four alternative options with member councils.

The four options were:

Option 1 - Increasing the proportion of subscriptions collected by the flat component from the current 13% to either 20% or 30%. For example, an increase to 20% results in councils with a population less than 10,000 having the flat amount increase from \$2,500 to around \$3,750. This assumes that the current steps based on population are maintained.

Option 2 - Maintaining the weighting for the balance of subscriptions not collected by the flat amount as 40% population and 60% expenditure as at present.

Option 3 - Using a three year moving average for operating revenue to increase stability in this element.

Option 4 - Removing the subscription cap and replace it with a declining block rate based on population and revenue bands.

## Proposed new formula: May 2016 Board Resolution

Following consideration of feedback from members, in May 2016 the Board resolved to adopt Option 1 from 1 July 2017, which was to:

1. Increase the flat amount collected to 20% (up from 13%) of subscriptions using the current three population tiers. This resulted in councils with population less than 10,000 having a flat charge of \$3,748, those with 10,000 to 50,000 with a flat charge of \$7,497 and those greater than 50,000 with a flat charge of \$11,245.
2. Maintaining the 40% population and 60% revenue weighting for the balance of subscriptions.
3. Using a three-year average for the revenue calculation.
4. Maintaining the three times average cap.

However, before finalising this option for application in 2017/2018, the Board asked that more research and modelling be undertaken on using alternative population bands for the flat component of the subscription fee including the bands used by the Remuneration Tribunal.

This further modelling was requested in recognition of the circumstance where the largest capped council (Onkaparinga) is around twice the size (population and revenue) of the smaller capped councils (e.g. Tea Tree Gully, Playford and Marion).

## Population bands: Research / Modelling Outcomes

The further modelling has now been undertaken by Morton Consulting Services Pty Ltd. It addresses each of the four subscription options presented in the 2015/16 Review including:

- An updated base case of Option 1 as adopted by the Board in May 2016 using current population and revenue figures for each council.
- Remodelled options 1 – 4 using the Remuneration Tribunal's categories as a general guide to population bands.
- Remodelled options 1 – 4 using a modified Remuneration Tribunal from that presented above.
- Having one common flat component for all councils like other states, with no population steps for this part of the formula.
- Having one equal flat charge, and replacing the cap with a declining block rate based on population and revenue.

The analysis undertaken demonstrates that changing the population tiers can be used to achieve a range of different outcomes. However, changing the tiers has no impact on the subscription fees of capped councils.

In addition to these insights, the new modelling reveals that having a common flat component for all councils with no population steps would align the formula with the third principle adopted by the LGA in setting subscription fees being 'that some services have a fixed benefit to all members, irrespective of population or revenue base'. This is also consistent with the common approach of other state associations where the flat component is an equal amount per member (note that this approach was not modelled in the original (2015/2016) review).

## Summary Observations

In reviewing the modelling undertaken, the following observations are made:

1. Using the Remuneration Tribunal categories, subscription fees for councils with a population less than 4,000 reduces compared to the Option 1 base case as resolved by the Board in May 2016. Councils with populations from 4,000 to 10,000 increase. Councils that have reached the cap have no change in their subscription fee.
2. By modifying the step increments of the Remuneration Tribunal categories, the small councils (<4,000) still receive a reduction relative to the Option 1 base case, while those in the 4,000 to 10,000 range have relatively small increases. Councils over 30,000 (other than capped councils) population have an increase of around \$3,000. Capped councils have no change.



3. Having one equal flat charge (no population tiers) results in councils with a population less than 10,000 facing increases relative to the Option 1 base case of up to \$2,500 per year. Councils over 10,000 typically have a reduction of around \$2,500 (apart from capped councils). However, there would be two less councils reaching the cap under this approach (Marion and Playford).
4. The new modelling demonstrates there are two primary factors influencing the fair and equitable distribution of LGA SA subscriptions between members, being:
  - the inclusion of population bands for the tiering of the flat component of the formula (which does not strictly conform to the principle that some services have a fixed benefit to all members, irrespective of population or revenue base); and
  - the inclusion of a three times capped subscription limit.
5. Addressing these two factors in a combined approach (i.e. having one equal flat charge, and replacing the cap with a declining block rate based on population and revenue) results in councils less than 10,000 having increases in the \$2,500 to \$4,000 range, and the remaining councils having small decreases except for three of the capped councils (being Playford, Marion and Tea Tree Gully) having decreases between \$17,000 - \$19,000, and Onkaparinga having an increase of \$7,300.
6. Further observations noted by Morton Consulting Services Pty Ltd that may be of interest when adopting any revised subscription model include:
  - the current population tiered approach to the flat component does not conform with the LGA SA principle that some services have a fixed benefit to all members, irrespective of population or revenue base. It also does not reflect the common approach of other state associations where the flat component is an equal amount per member;
  - at present, councils less than 10,000 population contribute 17% of subscriptions but account for 50% of LGSA membership numbers. They have 31% of overall voting numbers;
  - councils over 40,000 population (plus Adelaide City) represent 19% of LGSA members and contribute 50% of subscription revenue. They have 32% of overall voting numbers;
  - the eight capped councils (12% of members) contribute 35% of LGSA subscriptions and have 20% of overall voting numbers;
  - the three times average subscription cap in the current subscription formula results in the largest council (revenue and population) paying the same amount as a council with almost half the population and revenue. This cap (currently \$94,382) is nine times the average subscription paid by the 50% of members with population less than 10,000;
  - the current LGSA subscription amount for the smallest council (\$5,253 subscription with 852 population) is low when compared with other state associations. In NSW (pre-amalgamation), the smallest council (population 1150) pays more than \$13,000 while in Queensland, the smallest council (population 300) pays around \$15,000; and
  - while some state associations use population tiers to determine member voting entitlements, they do not use these tiers in their subscription formula.

## Your feedback is now sought:

After reviewing the above information, the Board is now considering its next steps and would value your input.

As previously mentioned, a copy of the detailed report outlining the full population bands analysis is available by contacting Natasha Black on 8224 2088 or email [natasha.black@lga.sa.gov.au](mailto:natasha.black@lga.sa.gov.au). An extract drawn directly from the report is attached.

Your written feedback should be sent to [natasha.black@lga.sa.gov.au](mailto:natasha.black@lga.sa.gov.au) by **Friday 28 April**. It could focus on the following options or any other matter you wish to raise:

1. **No change from May 2016 resolution:** On the basis that changing the population bands has minor impact on subscription fees, the original Board resolution to adopt Option 1 could be retained.
2. **Retain Option 1 but apply Remuneration Tribunal population bands:** In the interests of applying population bands consistent with that used by the Remuneration Tribunal, the original Board resolution to adopt Option 1 be retained but using Remuneration Tribunal's categories as a general guide to population bands.
3. **Retain Option 1 but apply modified Remuneration Tribunal population bands:** In the interests of applying population bands consistent with that used by the Remuneration Tribunal, the original Board resolution to adopt Option 1 be retained but using a modified Remuneration Tribunal categories as a general guide to population bands.
4. **New Option of one equal flat charge for all councils, and retain cap:** Given the new information now available through the further modelling of one equal flat charge for all councils, an alternative subscription fee formula of having one common flat component for all councils like other states, with no population steps for this part of the formula. This option would retain the 40% population and 60% revenue weighting for the balance of subscriptions, use a three-year average for the revenue calculation, and maintain the three times average cap. Note that this option could be phased in over time to allow smaller councils the opportunity to adjust their budgets on an incremental basis.
5. **New Option of one equal flat charge for all councils, and remove cap in favour of declining block rate based on population and revenue:** Given the new information now available through the further modelling of one equal flat charge for all councils (no tiers) and removing the cap, an alternative subscription fee formula as follows could be adopted, to be phased in over time to allow smaller councils the opportunity to adjust their budgets on an incremental basis.

LGA Subscription Fee Formula:

- a. There should be an equal flat component for each member designed to collect at least 20% of overall subscriptions;
- b. The 40% population and 60% revenue (three-year average) split for the balance of subscriptions should be maintained;
- c. The three times capped subscription limit should be eliminated and replaced with a model which involves a declining block rate for set increments in population and revenue. This means that larger councils (population and revenue) will still pay more than smaller ones, but at a lesser rate of increase.



## 8 Overview of Options

The modelling undertaken for this review for each of the four subscription options presented in the December 2015 report includes:

- Maintaining the current three tiers based on voting entitlement. This essentially updates the options presented in the December 2015 report;
- Using the Remuneration Tribunal SA categories as a general guide to five population steps;
- Modifying the above Remuneration Tribunal SA steps to reduce the step increments at lower population levels while increasing the increments for councils greater than 70,000 population;
- Having one common flat component for all councils similar to other State Local Government Associations, with no population steps.

While it is difficult to provide a simple explanation of the way subscriptions change by type of council under each option, there are a number of observations that can be made to assist decisions on the best way forward. It should also be noted that it is possible to phase-in changes for any option.

### 8.1 Board decision (Base Case)

In terms of the Board decision to implement Option 1 of the December 2015 review, there will be variations in the changes to individual council subscriptions.

Councils less than 10,000 population generally will have increases averaging around \$1,000 in the subscription. This is primarily the result of moving to 20% of total subscriptions being collected from the flat component (rather than 13%). For councils less than 10,000 population, the flat component will be \$3,842 rather than \$2,500 in the 2016/17 subscription. This is based on the total 2016/17 subscription levy and does not reflect any increases required for 2017/18. Councils above 20,000 population, other than those on the cap, generally have a reduction in subscriptions as a result of the increased contribution from smaller councils.

### 8.2 Modified Tier Options for Flat Component

To provide a comparison of how the modelled changes to the flat component impact on individual councils, Option 1 (retaining the 3 times cap) and Option 2 (eliminating the cap and using a declining stepped population and revenue approach) have been compared with the "base case" for each of the modelled flat component approaches.

**Tables 8.1 and 8.2** provide details of the outcomes for these two options. These tables have councils ranked by population size.

#### 8.2.1 Option 1 (Table 8.1) (maintaining 3 times cap)

Using the **RTSA model** (five tiers) results in a reduction in subscriptions of just under \$1,000 for councils less than 4,000 population. However, councils from 4,000 to 10,000 face an increase of around \$1,000 because of the increment (1.6) in the step in the RTSA remuneration approach. Councils in the 10,000 to 20,000 range receive a reduction of around \$1,000.

By modifying the incremental increases in the five tiers (**Modified RTSA**), the small councils (<4,000) still receive a reduction of just under \$1,000 relative to the base case while those in the 4,000 to 10,000 range have relatively small increases (around \$100). Councils over 30,000 population (other than capped councils) have an increase around \$3,000.

Having one equal flat charge (**no tiers**) results in councils with a population less than 10,000 facing increases relative to the base case of up to \$2,500 per year. Councils over 10,000 typically have a reduction of around \$2,500 (apart from capped councils). However, there would be two less councils reaching the cap under this approach.

**Table 8.1: Option 1 outcomes for each modelled flat charge approach (change is relative to base case)**

	Current Tiers (Base Case)	RTSA Model	change	Modified RTSA	change	No Tiers	change
Orroroo / Carrieton DC	\$6,512	\$5,643	-\$869	\$5,563	-\$949	\$8,998	\$2,486
Karoonda East Murray DC	\$6,945	\$6,074	-\$871	\$6,000	-\$945	\$9,421	\$2,476
Elliston DC	\$6,995	\$6,124	-\$871	\$6,051	-\$945	\$9,470	\$2,475
Kimba DC	\$6,777	\$5,907	-\$870	\$5,830	-\$947	\$9,257	\$2,480
Franklin Harbour DC	\$7,294	\$6,422	-\$872	\$6,352	-\$942	\$9,762	\$2,468
Wudinna DC	\$7,212	\$6,340	-\$872	\$6,269	-\$943	\$9,681	\$2,470
Robe DC	\$8,536	\$7,660	-\$876	\$7,606	-\$931	\$10,974	\$2,438
Flinders Ranges Council	\$7,409	\$6,537	-\$873	\$6,469	-\$941	\$9,874	\$2,465
Peterborough DC	\$7,538	\$6,665	-\$873	\$6,598	-\$940	\$10,000	\$2,462
Cleve DC	\$7,665	\$6,791	-\$873	\$6,726	-\$938	\$10,123	\$2,459
Cooper Pedy DC	\$13,744	\$12,850	-\$895	\$12,861	-\$883	\$16,059	\$2,314
Southern Mallee DC	\$8,814	\$7,937	-\$877	\$7,886	-\$928	\$11,246	\$2,432
Streaky Bay DC	\$9,705	\$8,824	-\$881	\$8,785	-\$920	\$12,115	\$2,410
Kingston DC	\$8,297	\$7,421	-\$876	\$7,364	-\$933	\$10,741	\$2,444
Barunga West DC	\$8,136	\$7,261	-\$875	\$7,201	-\$934	\$10,583	\$2,448
Tumby Bay DC	\$8,659	\$7,782	-\$877	\$7,729	-\$929	\$11,094	\$2,435
Mount Remarkable DC	\$9,814	\$8,933	-\$881	\$8,895	-\$919	\$12,221	\$2,408
Anangu Pitjantjatjara Yunta	\$6,876	\$6,006	-\$871	\$5,931	-\$946	\$9,354	\$2,478
Ceduna DC	\$11,396	\$10,510	-\$886	\$10,491	-\$905	\$13,766	\$2,370
Goyder Regional Council	\$12,614	\$13,752	\$1,138	\$12,702	\$88	\$14,955	\$2,341
Northern Areas Council	\$11,684	\$12,825	\$1,141	\$11,764	\$80	\$14,048	\$2,363

	<b>Current Tiers (Base Case)</b>	<b>RTSA Model</b>	<b>change</b>	<b>Modified RTSA</b>	<b>change</b>	<b>No Tiers</b>	<b>change</b>
Kangaroo Island Council	<b>\$14,588</b>	\$15,719	\$1,131	\$14,694	\$106	\$16,882	\$2,294
Yankalilla DC	<b>\$13,702</b>	\$14,836	\$1,134	\$13,800	\$98	\$16,017	\$2,315
Roxby Downs, Municipal Council	<b>\$16,189</b>	\$17,315	\$1,125	\$16,310	\$121	\$18,446	\$2,256
Lower Eyre Peninsula DC	<b>\$12,350</b>	\$13,489	\$1,139	\$12,436	\$86	\$14,698	\$2,348
The Coorong DC	<b>\$13,914</b>	\$15,047	\$1,133	\$14,014	\$100	\$16,224	\$2,310
Tatiara DC	<b>\$15,835</b>	\$16,961	\$1,127	\$15,952	\$117	\$18,100	\$2,265
Wakefield Regional Council	<b>\$14,912</b>	\$16,042	\$1,130	\$15,021	\$109	\$17,199	\$2,287
Walkerville, Corp of the Town	<b>\$12,292</b>	\$13,431	\$1,139	\$12,378	\$85	\$14,641	\$2,349
Grant DC	<b>\$15,296</b>	\$16,424	\$1,128	\$15,408	\$112	\$17,573	\$2,278
Mid Murray Council	<b>\$19,200</b>	\$20,315	\$1,115	\$19,348	\$148	\$21,385	\$2,185
Naracoorte Lucindale Council	<b>\$18,009</b>	\$19,128	\$1,119	\$18,146	\$137	\$20,222	\$2,213
Mallala DC	<b>\$13,706</b>	\$14,840	\$1,134	\$13,804	\$98	\$16,021	\$2,315
Clare & Gilbert Valleys Council	<b>\$17,384</b>	\$18,505	\$1,121	\$17,516	\$131	\$19,612	\$2,228
Renmark Paringa DC	<b>\$15,171</b>	\$16,299	\$1,129	\$15,282	\$111	\$17,451	\$2,281
Berri Bamera Council	<b>\$21,897</b>	\$20,973	-\$925	\$21,716	-\$181	\$19,877	-\$2,021
Yorke Peninsula DC	<b>\$28,191</b>	\$27,245	-\$946	\$28,067	-\$124	\$26,021	-\$2,170
Wattle Range Council	<b>\$25,920</b>	\$24,982	-\$939	\$25,776	-\$145	\$23,804	-\$2,116
Loxton Waikerie DC	<b>\$24,460</b>	\$23,527	-\$933	\$24,302	-\$158	\$22,379	-\$2,082
Copper Coast DC	<b>\$28,084</b>	\$27,137	-\$946	\$27,958	-\$125	\$25,916	-\$2,168
Port Augusta, City of	<b>\$34,253</b>	\$33,286	-\$968	\$34,184	-\$69	\$31,939	-\$2,314
Light Regional Council	<b>\$25,238</b>	\$24,302	-\$936	\$25,087	-\$151	\$23,138	-\$2,100
Port Lincoln, City of	<b>\$24,436</b>	\$23,503	-\$933	\$24,278	-\$158	\$22,355	-\$2,081
Victor Harbor, City of	<b>\$28,225</b>	\$27,278	-\$947	\$28,101	-\$124	\$26,054	-\$2,171
Port Pirie Regional Council	<b>\$28,586</b>	\$27,638	-\$948	\$28,465	-\$121	\$26,406	-\$2,180
Murray Bridge, Rural City of	<b>\$35,945</b>	\$36,831	\$886	\$35,891	-\$54	\$33,591	-\$2,354
Prospect, City of	<b>\$29,737</b>	\$30,645	\$908	\$29,627	-\$110	\$27,530	-\$2,207



	Current Tiers (Base Case)	RTSA Model	change	Modified RTSA	change	No Tiers	change
Gawler, Corp of the Town	\$31,808	\$32,709	\$900	\$31,717	-\$91	\$29,552	-\$2,256
Whyalla, Corp of the City	\$34,559	\$35,450	\$891	\$34,493	-\$66	\$32,238	-\$2,321
Barossa Council	\$37,799	\$38,678	\$879	\$37,761	-\$37	\$35,400	-\$2,398
Adelaide, City of	\$94,382	\$94,382	\$0	\$94,382	\$0	\$94,382	\$0
Alexandrina Council	\$41,701	\$42,566	\$866	\$41,699	-\$2	\$39,210	-\$2,491
Mount Gambier, City	\$34,078	\$34,970	\$892	\$34,007	-\$71	\$31,768	-\$2,310
Mount Barker DC	\$44,689	\$45,544	\$855	\$47,987	\$3,298	\$42,127	-\$2,562
Holdfast Bay, City of	\$56,691	\$57,504	\$814	\$60,097	\$3,407	\$53,844	-\$2,847
Norwood Payneham & St Peters, City of	\$47,521	\$48,367	\$846	\$50,845	\$3,324	\$44,892	-\$2,629
Unley, City of	\$50,316	\$51,152	\$836	\$53,665	\$3,349	\$47,621	-\$2,696
Adelaide Hills Council	\$48,478	\$49,320	\$842	\$51,810	\$3,332	\$45,826	-\$2,652
Burnside, City of	\$52,050	\$52,880	\$830	\$55,414	\$3,365	\$49,313	-\$2,737
Campbelltown City Council	\$57,586	\$56,535	-\$1,050	\$56,720	-\$866	\$50,576	-\$7,010
West Torrens, City of	\$75,168	\$74,057	-\$1,112	\$74,462	-\$707	\$67,741	-\$7,427
Mitcham, City of	\$73,140	\$72,035	-\$1,105	\$72,415	-\$725	\$65,761	-\$7,379
Playford, City of	\$94,382	\$94,382	\$0	\$94,382	\$0	\$92,166	-\$2,216
Marion, City of	\$94,382	\$94,382	\$0	\$94,382	\$0	\$89,233	-\$5,149
Tea Tree Gully, City	\$94,382	\$94,382	\$0	\$94,382	\$0	\$94,382	\$0
Charles Sturt, City of	\$94,382	\$94,382	\$0	\$94,382	\$0	\$94,382	\$0
Port Adelaide Enfield, City of	\$94,382	\$94,382	\$0	\$94,382	\$0	\$94,382	\$0
Salisbury, City of	\$94,382	\$94,382	\$0	\$94,382	\$0	\$94,382	\$0
Onkaparinga, City of	\$94,382	\$94,382	\$0	\$94,382	\$0	\$94,382	\$0

### 8.2.2 Option 2 (Table 8.2) (eliminating the cap)

Under the **current tier** approach to the flat component, in this option there are generally small increases for councils under 4,000 population (averaging under \$300). Councils between 4000 and 10,000 population have increases averaging around \$1,000. The beneficiaries are most of the capped councils with some significant reductions.

Under the **RTSA model**, councils less than 4,000 have reductions while those in the 4,000 to 10,000 range have increases of around \$2,000. Again, most of the capped councils have reductions.



The increases for the 4,000 to 10,000 range are moderated in the **Modified RTSA** approach while those in the 30,000 to 70,000 range have increases. Again, most currently capped councils have reductions.

With one flat charge (**no tiers**), councils less than 10,000 have increases in the \$2,500 to \$4,000 range.

**Table 8.2: Option2 outcomes for modelled flat charge approaches** (change relative to base case Table 8.1)

	Current Tiers	change	RTSA Model	change	Modified RTSA	change	No Tiers	change
Orroroo / Carrieton DC	\$6,489	-\$23	\$5,720	-\$793	\$5,584	-\$928	\$8,939	\$2,427
Karoonda East Murray DC	\$6,994	\$49	\$6,225	-\$721	\$6,090	-\$856	\$9,444	\$2,499
Elliston DC	\$7,053	\$58	\$6,284	-\$711	\$6,149	-\$847	\$9,503	\$2,508
Kimba DC	\$6,802	\$25	\$6,032	-\$745	\$5,897	-\$880	\$9,252	\$2,475
Franklin Harbour DC	\$7,403	\$109	\$6,634	-\$660	\$6,499	-\$796	\$9,853	\$2,559
Wudinna DC	\$7,309	\$97	\$6,540	-\$672	\$6,405	-\$807	\$9,759	\$2,547
Robe DC	\$8,845	\$309	\$8,075	-\$461	\$7,940	-\$596	\$11,295	\$2,759
Flinders Ranges Council	\$7,546	\$137	\$6,776	-\$633	\$6,641	-\$768	\$9,996	\$2,587
Peterborough DC	\$7,696	\$158	\$6,927	-\$611	\$6,792	-\$746	\$10,146	\$2,608
Cleve DC	\$7,846	\$181	\$7,076	-\$588	\$6,941	-\$723	\$10,296	\$2,631
Cooper Pedy DC	\$14,465	\$720	\$13,695	-\$49	\$13,560	-\$184	\$16,915	\$3,171
Southern Mallee DC	\$9,182	\$368	\$8,412	-\$402	\$8,277	-\$537	\$11,632	\$2,818
Streaky Bay DC	\$10,217	\$512	\$9,448	-\$257	\$9,313	-\$392	\$12,667	\$2,962
Kingston DC	\$8,591	\$295	\$7,822	-\$475	\$7,687	-\$610	\$11,041	\$2,745
Barunga West DC	\$8,407	\$271	\$7,637	-\$498	\$7,502	-\$634	\$10,857	\$2,721
Tumby Bay DC	\$9,018	\$359	\$8,248	-\$411	\$8,113	-\$546	\$11,468	\$2,809
Mount Remarkable DC	\$10,356	\$542	\$9,587	-\$227	\$9,451	-\$362	\$12,806	\$2,993
Anangu Pitjantjatjara Yunta	\$6,959	\$83	\$6,190	-\$687	\$6,054	-\$822	\$9,409	\$2,533
Ceduna DC	\$12,210	\$814	\$11,441	\$45	\$11,305	-\$91	\$14,660	\$3,264
Goyder Regional Council	\$13,632	\$1,018	\$14,706	\$2,092	\$13,609	\$995	\$16,082	\$3,468
Northern Areas Council	\$12,563	\$879	\$13,637	\$1,953	\$12,540	\$855	\$15,013	\$3,329
Kangaroo Island Council	\$15,610	\$1,022	\$16,684	\$2,096	\$15,587	\$999	\$18,060	\$3,472

	<b>Current Tiers</b>	<b>change</b>	<b>RTSA Model</b>	<b>change</b>	<b>Modified RTSA</b>	<b>change</b>	<b>No Tiers</b>	<b>change</b>
Yankalilla DC	\$14,802	\$1,100	\$15,876	\$2,174	\$14,778	\$1,077	\$17,252	\$3,550
Roxby Downs, Municipal Council	\$17,153	\$964	\$18,227	\$2,038	\$17,129	\$940	\$19,603	\$3,414
Lower Eyre Peninsula DC	\$13,348	\$998	\$14,422	\$2,072	\$13,325	\$975	\$15,798	\$3,448
The Coorong DC	\$15,109	\$1,195	\$16,183	\$2,270	\$15,086	\$1,172	\$17,559	\$3,646
Tatiara DC	\$17,027	\$1,192	\$18,101	\$2,266	\$17,003	\$1,168	\$19,477	\$3,642
Wakefield Regional Council	\$16,206	\$1,294	\$17,280	\$2,368	\$16,182	\$1,270	\$18,656	\$3,744
Walkerville, Corp of the Town	\$13,346	\$1,054	\$14,420	\$2,128	\$13,323	\$1,031	\$15,796	\$3,504
Grant DC	\$16,736	\$1,440	\$17,810	\$2,514	\$16,713	\$1,417	\$19,186	\$3,890
Mid Murray Council	\$20,350	\$1,150	\$21,424	\$2,224	\$20,326	\$1,126	\$22,800	\$3,600
Naracoorte Lucindale Council	\$19,267	\$1,258	\$20,341	\$2,332	\$19,243	\$1,234	\$21,717	\$3,708
Mallala DC	\$15,008	\$1,303	\$16,082	\$2,377	\$14,985	\$1,279	\$17,458	\$3,753
Clare & Gilbert Valleys Council	\$18,775	\$1,391	\$19,849	\$2,465	\$18,752	\$1,368	\$21,225	\$3,841
Renmark Paringa DC	\$16,715	\$1,544	\$17,789	\$2,618	\$16,691	\$1,521	\$19,165	\$3,994
Berri Bamera Council	\$23,022	\$1,125	\$22,251	\$354	\$22,681	\$784	\$21,630	-\$267
Yorke Peninsula DC	\$28,891	\$700	\$28,120	-\$71	\$28,551	\$359	\$27,499	-\$693
Wattle Range Council	\$26,823	\$902	\$26,052	\$131	\$26,482	\$562	\$25,431	-\$490
Loxton Waikerie DC	\$25,472	\$1,011	\$24,701	\$241	\$25,131	\$671	\$24,080	-\$381
Copper Coast DC	\$29,023	\$940	\$28,252	\$169	\$28,683	\$599	\$27,631	-\$452
Port Augusta, City	\$34,763	\$510	\$33,992	-\$261	\$34,422	\$169	\$33,371	-\$882
Light Regional Council	\$26,445	\$1,207	\$25,674	\$436	\$26,104	\$866	\$25,053	-\$185
Port Lincoln, City of	\$25,714	\$1,277	\$24,943	\$506	\$25,373	\$937	\$24,322	-\$115
Victor Harbor, City	\$29,233	\$1,008	\$28,462	\$237	\$28,893	\$668	\$27,841	-\$384
Port Pirie Regional Council	\$29,745	\$1,159	\$28,974	\$388	\$29,404	\$819	\$28,353	-\$233
Murray Bridge, Rural City of	\$36,812	\$867	\$37,731	\$1,786	\$36,472	\$526	\$35,420	-\$525
Prospect, City of	\$31,101	\$1,364	\$32,020	\$2,283	\$30,761	\$1,023	\$29,709	-\$28
Gawler, Corp of the Town	\$33,108	\$1,299	\$34,027	\$2,218	\$32,767	\$959	\$31,716	-\$93

	<b>Current Tiers</b>	<b>change</b>	<b>RTSA Model</b>	<b>change</b>	<b>Modified RTSA</b>	<b>change</b>	<b>No Tiers</b>	<b>change</b>
Whyalla, Corp of the City	\$35,664	\$1,105	\$36,583	\$2,024	\$35,323	\$764	\$34,272	-\$287
Barossa Council	\$38,687	\$889	\$39,606	\$1,808	\$38,347	\$548	\$37,295	-\$503
Adelaide, City of	\$81,141	-\$13,241	\$82,060	-\$12,322	\$80,800	-\$13,582	\$79,749	-\$14,633
Alexandrina Council	\$42,474	\$773	\$43,393	\$1,692	\$42,133	\$433	\$41,082	-\$619
Mount Gambier, City of	\$35,488	\$1,410	\$36,407	\$2,329	\$35,147	\$1,069	\$34,096	\$18
Mount Barker DC	\$45,772	\$1,083	\$46,691	\$2,002	\$48,369	\$3,680	\$44,380	-\$309
Holdfast Bay, City of	\$57,231	\$540	\$58,150	\$1,459	\$59,827	\$3,137	\$55,838	-\$852
Norwood Payneham & St Peters, City of	\$48,752	\$1,231	\$49,671	\$2,150	\$51,349	\$3,828	\$47,360	-\$161
Unley, City of	\$51,487	\$1,170	\$52,406	\$2,089	\$54,084	\$3,767	\$50,095	-\$222
Adelaide Hills Council	\$49,839	\$1,361	\$50,758	\$2,280	\$52,436	\$3,957	\$48,447	-\$31
Burnside, City of	\$53,519	\$1,469	\$54,438	\$2,388	\$56,116	\$4,066	\$52,127	\$77
Campbelltown City Council	\$59,072	\$1,486	\$58,300	\$714	\$57,827	\$241	\$53,838	-\$3,748
West Torrens, City	\$75,873	\$704	\$75,100	-\$68	\$74,627	-\$541	\$70,638	-\$4,530
Mitcham, City of	\$68,898	-\$4,242	\$68,125	-\$5,015	\$67,652	-\$5,487	\$63,663	-\$9,476
Playford, City of	\$81,376	-\$13,006	\$80,603	-\$13,779	\$83,068	-\$11,314	\$76,141	-\$18,240
Marion, City of	\$80,094	-\$14,288	\$79,321	-\$15,061	\$81,786	-\$12,596	\$74,859	-\$19,522
Tea Tree Gully, City	\$82,513	-\$11,869	\$81,740	-\$12,641	\$84,205	-\$10,177	\$77,279	-\$17,103
Charles Sturt, City	\$90,664	-\$3,718	\$89,892	-\$4,490	\$92,356	-\$2,025	\$85,430	-\$8,952
Port Adelaide Enfield, City of	\$91,443	-\$2,939	\$90,670	-\$3,711	\$93,135	-\$1,247	\$86,208	-\$8,173
Salisbury, City of	\$94,631	\$249	\$93,859	-\$523	\$96,324	\$1,942	\$89,397	-\$4,985
Onkaparinga, City of	\$106,981	\$12,599	\$106,209	\$11,827	\$108,673	\$14,291	\$101,747	\$7,365

As can be seen from the analysis undertaken for this report, a change from the current population tiers could be used to achieve a range of different outcomes. The key to this is the increments adopted for increases to the flat component in each tier. As additional tiers are added, flexibility to change the step increments increases. There are numerous variations in tier steps that could be modelled. However, it is considered that the tier models analysed provide sufficient information to assist decision making.



However, as noted earlier, the use of tiers for the flat component does not completely conform with the principle that some services have a fixed benefit to all members, irrespective of population or revenue base as the flat component in each tier takes into account the population base of the council (which is then again considered in the 40% distribution of the balance of subscriptions).

It is noted that the May 2016 Board decision refers to the population bands used in the subscription formula and their application to voting rights.

While some State Associations use population tiers to determine member voting entitlements, they do not use these tiers in their subscription formula. For example, Local Government NSW has seven voting tiers as shown below which results in a greater weighting in vote numbers for larger councils (1 to 7 range) than is the case in South Australia (1 to 3 range).

#### LG NSW Voting Entitlement

Population	Voting Number
Up to 10,000	1
10,001 - 20,000	2
20,001 - 50,000	3
50,001 - 100,000	4
100,001 - 150,000	5
Over 150,000	7

In other Associations (eg LGAQ), the subscription calculated is used to determine voting entitlements of councils (a stakeholder approach). Vote numbers increase in steps from a minimum of 2 to a maximum of 14 (an effective 1 to 7 range).

In the five tier population tiers used in some models analysed in this report, it would be possible to set increments based on votes but this would potentially require a change to current voting entitlements to a range of 1 to 5 votes. Further consideration of voting options is not part of this report.

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The voice of local government.

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## **18 LOCAL GOVERNMENT BUSINESS**

### **18.1 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 15 and 16.

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.

#### **Attachments**

##### **1. Local Government Circulars Weeks 15 & 16**



## **Local Government Association of South Australia**

### **15.1 Amendments to the Electricity (Principles of Vegetation Clearance) Regulations 2010**

Feedback is now being sought on SA Power Networks' proposed amendments to the Electricity (Principles of Vegetation Clearance) Regulations 2010. Councils are invited to provide input to an LGA submission by COB 5 May 2017.

### **15.2 Nominations sought for the South Australian Public Health Council**

Nominations are being sought for the South Australian Public Health Council. Nominations must be forwarded to the LGA by 12 noon Wednesday 17 May 2017.

### **15.3 Nominations for the SA Tourism Awards are now open**

Nominations close on 26 June 2017.

### **15.4 Nominations to participate in Gold Coast 2018 Commonwealth Games Queen's Baton Relay**

Organisers of the Gold Coast 2018 Queen's Baton Relay are seeking nominations by 15 May 2017 for eligible baton bearers for the Australian leg of the relay. Information about the relay and how to nominate a baton bearer is available from this Circular.

### **15.5 Aged Care reform - LGA Discussion Paper**

The LGA has released a Discussion Paper to ensure that councils are sufficiently informed to respond to the Commonwealth Government's aged care reforms. This Circular provides more information.

### **15.6 Development of New Resources: Lease and Licence Guide for Councils and Clubs**

The Office for Recreation and Sport are now seeking council feedback on what resources are needed to provide guidance in lease and licence policy/templates. Councils are invited to complete the enclosed survey by 28 April 2017.

### **16.1 Development of a local government emergency management framework**

The LGA has partnered with Ernst Young to develop a local government emergency management framework. A workshop to enable council and other stakeholder input to the development process will be conducted on Friday 12 May 2017. This circular contains details.



## **19 MEMBER'S BOOKSHELF**

State Liberal Party's Globe Link Policy - Connecting South Australia to the World 2036

### **RECOMMENDATION**

That the additions to Members' bookshelf be noted.

## **20 CORRESPONDENCE**

### **20.1 Adelaide and Mount Lofty Ranges Natural Resources Management Board Minutes**

Correspondence has been received from the Adelaide and Mount Lofty Ranges Natural Resources Management Board regarding the minutes of the board meeting held on Thursday 15 December 2016 (**Attachment 1**).

### **20.2 Adelaide "Angels" Baseball Club**

Correspondence has been received from the President of the Adelaide "Angels" Baseball Club regarding the Weigall Oval redevelopment (**Attachment 2**).

### **20.3 Small scale infill developer contributions and design quality**

Correspondence has been received from the Deputy Premier and Minister for Planning, the Hon John Rau MP, responding to Council's letter regarding the design quality of small scale infill development and the need for improved mechanisms to manage the funding and delivery of community infrastructure (**Attachment 3**).

### **20.4 Local Government Association's Public Awareness Campaign**

Correspondence has been received from the President of Local Government Association of South Australia, Mayor Lorraine Rosenberg thanking Council for supporting the Local Government Association's public awareness campaign (**Attachment 4**).

### **20.5 2017-18 Contributions to the Adelaide and Mount Lofty Ranges NRM Board**

Correspondence has been received from the Regional Director of the Adelaide and Mount Lofty Ranges Region, Mr Brenton Gear, regarding Council's contribution to the Adelaide and Mount Lofty Ranges NRM Region under the Natural Resources Management Act for 2017-18 (**Attachment 5**).

### **20.6 City of West Torrens Conflict of Interest Provisions**

Correspondence has been received from Kelledy Jones Lawyers providing advice in relation to the operation of the conflict of interest provisions (**Attachment 6**).

### **RECOMMENDATION**

That the correspondence be received.

---

### **Attachments**

- 1. Adelaide and Mount Lofty Ranges Natural Resources Management Board Minutes**
- 2. Adelaide "Angels" Baseball Club**
- 3. Letter from the Hon John Rau MP regarding small scale infill developer contributions and design quality**
- 4. Local Government Association's Public Awareness Campaign**
- 5. 2017-18 Contributions to the Adelaide and Mount Lofty Ranges NRM Board**
- 6. City of West Torrens Conflict of Interest Provisions**

# **ADELAIDE AND MOUNT LOFTY RANGES NATURAL RESOURCES MANAGEMENT BOARD**

## **MINUTES OF MEETING NO 126**

**held from 1.00pm to 3.00 pm  
on Thursday 15 December 2016  
at the Office for the Department of Environment  
Water and Natural Resources,  
Level 10, 81-95 Waymouth Street, Adelaide**



**Government  
of South Australia**

Adelaide and  
Mount Lofty Ranges  
Natural Resources  
Management Board

**PRESENT:**

Chair: Chris Daniels

Members: Alexandra Kentish  
Belinda Bramley  
Mark Searle  
Rachael Siddall  
Russell Johnstone  
Allison Bretones  
James Crocker  
Julia Grant  
Trevor Bennett

**APOLOGIES:**

Joanna Andrew  
Rob Lewis  
Karl Telfer  
Peter Pfennig

**IN ATTENDANCE:**

Brenton Grear, Regional Director  
Lisien Loan, A/Manager Parks & Sustainable Landscapes  
Mary-Anne Healy, Manager Planning & Evaluation  
Marguerite Swart, Manager Business Support  
Michaela Heinson, A/Manager Land Marine and Biodiversity Services  
Steven Gatti, Manager Water Projects  
Kim Krebs, Manager Community Engagement  
Judy Borlase, Minute Secretary

**151216-126-1.0 MEETING PROCEDURE**

**151216-126-1.1 Welcome**

The Chair opened the meeting and acknowledged that it was taking place on Kaurna land and the Aboriginal peoples' ongoing and deep connection with the land. He welcomed all attendees to the meeting.

A special welcome was given to John Schutz, Group Executive Director Parks and Regions, whose area takes on parks, people and the world as we know it. Great to have you here.

**151216-126-1.2 Apologies**

Apologies have been received from Rob Lewis, Joanna Andrew, Karl Telfer, and Peter Pfennig.

- 151216-126-1.3      Declarations of Interest**
- Declaration of interest was provided by Allison Bretones for agenda item 3.2, as she works for City of Charles Sturt.
- 151216-126-1.4      Consent Schedule**
- The Board **confirmed** the items within the consent schedule be adopted.
- CARRIED**
- 151216-126-1.5      Minutes of Previous Meeting**
- The Board **confirmed** the minutes of meeting number 125 held on 24 November 2016 as a true and accurate record.
- CARRIED**
- 151216-126-1.6      Matters Arising from Previous Meetings**
- The Board **noted** the matters arising.
- CARRIED**
- 151216-126-1.7      Resolution Register**
- The Board **noted** the resolution register.
- CARRIED**
- 151216-126-2.0      PRESENTATION**
- 151216-126-2.1      Group Executive Director, Parks and Regions**
- The Group Executive Director Parks and Regions was welcome to the meeting for an update. He welcomed the Board to the new office at 81 – 95 Waymouth Street, Adelaide, where they have moved 10 locations from around the CBD into one central space. It was noted that this location has just been awarded a 6 Star Green Star–Interiors rating from the Green Building Council of Australia.
- A number of issues were covered off during the presentation from the Group Executive Director Parks and Regions, these included: connection with Aboriginal people and the land we use; role of the NRM Board within the urban, peri-urban and semi-urban environment, including agriculture; climate change; stormwater management and water reuse; NRM investment strategy; coastal management; state, commonwealth and local government relationships; and NRM partnerships.
- The Board were advised of the great pride held by the Minister for Sustainability, Environment and Conservation in the work we do and the capacity we have built.
- The Group Executive Director thanked the Board for coming to Waymouth Street today and looked forward to seeing a more fulsome relationship between the Department of Environment, Water and

Natural Resources and the Adelaide and Mount Lofty Ranges NRM Board.

The Board **noted** the information provided.

**CARRIED**

**151216-126-3.0 BOARD MATTERS**

**151216-126-3.1 AMLR Regional Surface Water Monitoring**

The Board welcomed Manager Monitoring and Evaluation Adelaide and Mount Lofty Ranges, and Acting Manager, Resource Monitoring Services, Science Monitoring and Knowledge to the meeting.

An update was provided to the Board by the Manager Monitoring and Evaluation on what has transpired since coming to the Board in July 2016. The Department is looking to have one surface water monitoring system across the region. Support was sought from the Board to undertake a proof of concept trial, at four AMLR sites, which mean that a parallel system will run for the next 12 months to ensure that the uploads and other water monitoring data is maintained before moving across to a single system.

The Board:

- 3.1.1 **approves** the NRAMLR tender process for a new 3 (1+1) year (5 year total) contract for the operation and management of the surface water monitoring program. The contract will include the hydrographic operation and maintenance of all existing, long-term monitoring sites. The contract will also include the option for the contractor to fit DEWNR monitoring platforms to AMLR monitoring sites over the life of the contract, subject to the outcome of the proof of concept trial
- 3.1.2 requests updates at 6 months and 12 months on the proof of concept trial including, number of events, wear & tear on equipment plus details financial analysis.
- 3.1.3 **notes** the implementation of the proof of concept trial for DEWNR platform testing at four nominated sites within the NRAMLR network.
- 3.1.4 **notes** that upon completion of the trial a detailed report of the costs of the proposed system integration with DEWNR will be provided to the Board with recommendations.

**CARRIED**

Due to declaration of interest with item 3.2, Allison Bretones departed the room.

**151216-126-3.2 Transfer of Pontoon Pump to City of Charles Sturt**

The Manager Water Management Services provided the Board with additional information on the transfer of the pontoon pump to the City of Charles Sturt, and which allows the pump to be available for other works when dilution flows are underway. In relation to pumping of River Torrens water associated with dilution flows ion 2017/18, the

Board were advised that a Section 128 permit will be required by the City of Charles Sturt.

The Board:

- 3.2.1 **approves** the transfer of the pontoon pump station to the City of Charles Sturt for nil consideration, with the understanding that the pontoon pump station is used to divert dilution flows water from the River Torrens adjacent to Riverway, Fulham Gardens to Grange Lakes.
- 3.2.2 **approves** the Board to pay for the permanent mains power connection for the pump, estimated to be \$18,000.
- 3.2.3 **endorses** the development of an agreement between the Adelaide and Mount Lofty Ranges NRM Board and the City of Charles Sturt for the ongoing use of the pontoon pump station for the diversion of River Torrens dilution flows water, and which identifies that costs associated with pump transport, commissioning, operation and maintenance are met by the City of Charles Sturt.

**CARRIED**

Allison Bretones re-joined the meeting

**151216-126-3.3 Letter to SA Murray Darling Basin NRM Board – Community Engagement**

The Board:

- 3.3.1 **endorses** the letter of response to SAMDB NRM Board on collaborating through “deliberative muscle” to engage the community in NRM.

**CARRIED**

**151216-126-3.4 AMLR NRM Board (NRM Education) and Flinders University – Statement of Intent**

The Manager Community Engagement advised the Board that the NRM Education team have long since moved away from the waterwatch style of NRM education replacing it with a focus of embedding Education for Sustainability into schools.

The Board requested that the information of this partnership be provided to the NRM Research and Innovation Network.

The Board:

- 3.4.1 **endorses**, for signing, the Letter of Intent between the Adelaide and Mount Lofty Ranges Natural Resources Management Board and Flinders University.

**CARRIED**

**151216-126-3.5 Stormwater Management Plan for Two Wells**

The Board:

- 3.5.1 **notes** that a review completed by the Natural Resources AMLR staff finds that the Two Wells Stormwater Management

Plan contains appropriate provisions as required by the legislation and guidelines for identifying appropriate flood mitigation works, providing non-structural flood mitigation, water quality improvement, and water harvesting strategies, ensuring that stormwater quality is not allowed to deteriorate, and that stormwater reuse is encouraged; and

- 3.5.2 **advises** the Stormwater Management Authority that having considered the advice of NR AMLR staff, it is the Board's opinion that the Two Wells Stormwater Management Plan contains appropriate provisions as required by the legislation and guidelines for identifying appropriate flood mitigation works, providing non-structural flood mitigation, water quality improvement, and water harvesting strategies, ensuring that stormwater quality is not allowed to deteriorate, and that stormwater reuse is encouraged.

**CARRIED**

**151216-126-3.6 Cash Flow Update**

The Board:

- 3.6.1 **notes** the current status of the cash flow position as at 31 October 2016.
- 3.6.2 **notes** that no further draw down of retained earnings be sought for 2016-17 financial year.

**CARRIED**

**151216-126-3.7 Appointment and Revocation of Authorised Officers**

The Board:

- 3.7.1 **approves** the revocation of Donald James Cranwell, Robert Bryn Lewis Troath and Catherine Lynne Gould.
- 3.7.2 **authorises** the Presiding Member (or Board member proxy) and the Regional Director to sign the associated instruments of appointment.
- 3.7.3 **authorises** the use of the Board's common seal by the Presiding Member (or Board member proxy) and Regional Director so that it may be affixed to the associated instruments of appointment.

**CARRIED**

**151216-126-4.0 WATER PLANNING AND MANAGEMENT**

There are no water planning and management matters for noting

**151216-126-5.0 COMMITTEE MATTERS**

**151216-126-5.1 Nomination for membership of Central Adelaide WAPAC**

The Board:

- 5.1.1 **approves** the appointment of Ben Williams to the Central Adelaide WAPAC.

**CARRIED**

**151216-126-5.2      Audit Finance Risk Committee**

The Board:

- 5.2.1 **notes** the confirmed minutes for the meeting hold on 9 August 2016.

**CARRIED**

**151216-126-6.0      FINANCE REPORT**

The Manager Business Support provided the Board with an overview of the financial report for the period ending 30 November 2016.

The Board:

- 6.0.1 **accepts** the financial reports for the financial period ending 30 November 2016.

**CARRIED**

**151216-126-7.0      REGION'S MONTHLY REPORT**

**151216-126-7.1      Monthly Board Progress Report By Division**

The Board **notes** the region's monthly Board progress report by division.

**CARRIED**

**151216-126-8.0      PAPERS TO NOTE**

**151216-126-8.1      Register of Interests**

**151216-126-8.2      Common Seal Usage**

The Board **notes** information papers 8.1 and 8.2.

**CARRIED**

**151216-126-9.0      OTHER BUSINESS**

**151216-126-9.1      DEWNR Green Globe Awards**

The Board were advised about the Department of Environment Water and Natural Resources ran its inaugural Green Globe awards. There were 122 nominations received, with the winners being:

- Of life and land – recovery after the Fires
- Seed hunters protecting and conserving SA threatened plant species
- Flying high – Adelaide International Bird Sanctuary
- Milestone Move to Waymouth Street
- Sharing Science – NRM Science Conference

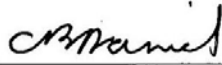
The Board congratulated everyone one who participated and the winners for their awesome work.

**151216-126-10.0 MEETING CLOSED**

There being no further business, the Chair declared the meeting closed at 3.00 pm.

The next Board meeting will be held on Thursday 23 February 2017 at Board Office, 205 Greenhill Road, Eastwood.

Chris Daniels  
Presiding Member



Date: 23 / 2 / 2017





## **ADELAIDE "ANGELS" BASEBALL CLUB**

*Weigall Oval  
Urrbrae Terrace  
Plympton S.A 5038  
Phone: 8293 1524*

*POSTAL ADDRESS  
PO Box 611  
Marleston Business Centre  
Marleston S.A. 5033*

12<sup>th</sup> April 2017

Hon. John Trainer  
Mayor  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 5033

Dear Mayor Trainer,

### **Weigall Oval Development**

On behalf of the Adelaide "Angels" Baseball Club we would like to extend our sincerest gratitude for your commitment and vision to the Weigall Oval upgrade.

We are extremely excited by the \$1.2M of State Govt. funding announced last Wednesday night and for what it will offer not only our club but also the soccer club and the surrounding community.

We appreciate your involvement in the development and the support that you have shown throughout.

Whilst we understand there are still steps to take in finalising the project funding within council, we are certainly buoyed by the progress that has been made in the past week and the prospect of the project getting underway this year.

We look forward to working with all parties involved as the project gets underway.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Leanne Smith'.

Leanne Smith  
President  
Adelaide "Angels" Baseball Club Inc.

**The Hon John Rau MP**

17PLN0114

10 April 2017



**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

Mr Terry Buss  
Chief Executive Officer  
City of West Torrens  
Civic Centre, 165 Bradman Drive  
HILTON SA 5033

Dear Mr Buss

**Small scale infill developer contributions and design quality**

Thank you for your recent letter highlighting Council's concerns regarding the design quality of small scale infill development, and the need for improved mechanisms to manage the funding and delivery of community infrastructure.

The following is a response to those issues identified by Council:

**Infrastructure Schemes & Design Standards**

In terms of infrastructure provision, the *Planning, Development and Infrastructure Act 2016* (the Act) has introduced two new mechanisms that enable infrastructure to be delivered to communities through a fair and transparent process. The Basic Infrastructure Scheme and the General Infrastructure Schemes will be used to ensure that infrastructure for both new developments and infill development is identified, committed, costed and funded beforehand and delivered when and where it is needed. The Schemes also ensure that those who will gain financially from works will pay their fair share of the cost of the infrastructure.

In support of this process, the Act also facilitates high quality design through the introduction of Design Standards for infrastructure and the public realm. The aim of the standards is to ensure that infrastructure is costed and delivered in accordance with appropriate asset requirements and expectations.

Information concerning progress on Infrastructure Schemes and Design Standards can be found on the SA Planning Portal at

[http://www.saplanningportal.sa.gov.au/our\\_new\\_system/infrastructure\\_schemes](http://www.saplanningportal.sa.gov.au/our_new_system/infrastructure_schemes)

This webpage will be periodically updated as the reforms are progressed.

### Residential Design Guidelines

The Department of Planning, Transport and Infrastructure (the Department) is developing a range of tools to improve the quality of design outcomes for residential development. This includes the development of new Residential Design Guidelines (Guidelines). The Guidelines are expected to be released in the second quarter of this year for consultation.

Drafting of the new Planning and Design Code (Code), which the Guidelines will inform, will also be a collaborative process. As part of the transition to the new Code, the City of West Torrens will be able to be involved in areas of particular interest. The Department will be updating Councils on this transition process shortly.

Information concerning progress on the Planning and Design Code can be found on the SA Planning Portal at:

[http://www.saplanningportal.sa.gov.au/our\\_new\\_system/planning\\_and\\_design\\_code](http://www.saplanningportal.sa.gov.au/our_new_system/planning_and_design_code)

This webpage will be periodically updated as the reforms are progressed.

### Planning and Development Fund

Income into the Planning and Development Fund is primarily derived from developer contributions made at the time of land division. Under section 245 of the Act, the State Planning Commission is required to undertake an enquiry into the open space contribution scheme and make any recommendations within two years after the commencement of the Act.

While the Act will come into operation gradually over five years, the relevant section of the Act relating to the open space contribution scheme review commenced operation on 1 April 2017.

In relation to the existing fund, it should be acknowledged that Council has received several grants since 2002 to assist with funding improvements to its open space and public realm. I am also aware that Council has recently applied for Places for People funding to assist with the creation of an Urban Design Framework to provide a long-term vision for its public realm. I can confirm that a final decision regarding Councils application is expected to be made in mid-May 2017.

### 30-Year Plan Update

The Department, through The 30-Year Plan for Greater Adelaide Update (Update) has outlined a series of policies and targets for infill development that recognise the importance of design guidelines to frame how medium density developments can improve the public realm of a locality. The Update is expected to be finalised shortly.

I note that Planning Reform staff from the Department met with Council earlier this year and continue to look forward to opportunities to work collaboratively with Council during implementation of the Act in the future.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Rau', with a large, sweeping initial 'J'.

**John Rau**  
Deputy Premier  
Minister for Planning



Office of the President  
Local Government Association  
of South Australia

Voice of Local Government

In reply please quote our reference: ECM 649254 BL/DB

12 April 2017

Mayor John Trainer  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 5033

Dear Mayor



**Local Government Association's Public Awareness Campaign**

I am writing to thank your council for supporting the Local Government Association's public awareness campaign.

Through this campaign we will work together to build greater understanding of the valuable contribution councils make to communities every day - and the impact a rate capping policy would have on important local services. The success of this campaign hinges on the support of councils across the state.

The LGA appreciates that councils work with their communities to strike a balance between expenditure, revenue and service standards. An externally imposed rate cap will reduce a council's capacity to get this balance right.

Your council administration would have recently received campaign marketing material for inclusion in council's quarterly rates notices. Further creative work such as website and social media material and posters will be available shortly.

We will continue to provide updates about the campaign through the LGA President and CEO newsletters. We'd also love to hear your ideas and feedback about how you'll be expanding the reach and impact of the campaign within your local area.

For further information on the campaign and our sector-wide response to the threat of a rate capping policy, please go to the publically available rate capping webpage on the LGA website at: [www.lga.sa.gov.au/RateCapping](http://www.lga.sa.gov.au/RateCapping).

Yours sincerely

Mayor Lorraine Rosenberg  
President

Telephone: (08) 8224 2022

Email: [lga-president@lga.sa.gov.au](mailto:lga-president@lga.sa.gov.au)

148 Frome Street Adelaide SA 5000 | GPO Box 2693 Adelaide SA 5001 | T 08 8224 2000 | F 08 8232 6336 | W [lga.sa.gov.au](http://lga.sa.gov.au)

**Government of South Australia**Adelaide and Mount Lofty Ranges  
Natural Resources Management Board

Ref: F0000962601

19 April 2017

**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](http://www.amlnrm.sa.gov.au)Chief Executive  
Council

Dear Sir/Madam,

**Re: Council's contribution to the Adelaide and Mount Lofty Ranges NRM Region under the Natural Resources Management Act for 2017-18**

The Business Plan for Adelaide and Mount Lofty Ranges Natural Resources Management Board was adopted by Hon Ian Hunter MLC, Minister for Sustainability, Environment and Conservation on 6 April 2016. The adopted Business Plan covers the financial years of 2016-17, 2017-18 and 2018-19.

The Business Plan includes a specified amount of \$28,977,644 to be contributed by the constituent councils in the AMLR NRM Region for 2017-18. The indicative share for each Council of this base contribution is listed at Attachment A.

Under section 92 of the *Natural Resources Management Act 2004* the share of each Council is determined by the Minister following consultation with each Council. Accordingly, I am seeking your comments on behalf of the Minister on Council's proposed contribution.

Council may also collect a fee from the regional NRM board for the administrative costs of collecting an NRM levy. Further information relating to these costs is provided in section 96 of the NRM Act and regulation 4C of the NRM (Financial Provisions) Regulations. The reimbursement calculation for 2017-18 is also provided in Attachment A.

If you have any comment to make on your Council's share of the base contribution for 2017-18 or your Council's reimbursement fee, please reply by close of business 15 May 2017 to [DEWNR.AMLRFeedback@sa.gov.au](mailto:DEWNR.AMLRFeedback@sa.gov.au).

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Adelaide and Mount Lofty Ranges Natural Resources Management Board

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After consideration of any comments, the Minister will determine Council's share and submit the amount to the Governor for approval. Notice of approved contributions will then be forwarded to the Council as well as being published in the *Government Gazette*.

Thank you for your prompt attention to this matter.

Yours sincerely



Brenton Gear  
**REGIONAL DIRECTOR**  
**Adelaide and Mount Lofty Ranges Region**

Attachment A: Proposed Council contributions 2017-18 and reimbursement calculations  
2017-18

Electronic copy to: Rates Officer

## Attachment A

### Proposed council contributions to the Adelaide and Mount Lofty Ranges NRM Region 2017-18

<b>Council</b>	<b>Contribution \$ 2017-18</b>
Adelaide City Council	1,589,557.18
Adelaide Hills Council	913,863.97
Alexandrina Council	169,929.63
The Barossa Council	458,288.04
The City of Burnside	1,543,627.96
Campbelltown City Council	1,071,613.55
City of Charles Sturt	2,665,847.56
Town of Gawler	352,392.65
City of Holdfast Bay	1,152,437.69
Light Regional Council	319,295.32
Adelaide Plains Council	169,894.40
City of Marion	1,798,759.17
City of Mitcham	1,564,870.06
Mount Barker District Council	106,372.58
The City of Norwood, Payneham & St Peters	1,183,840.67
City of Onkaparinga	2,771,540.18
City of Playford	1,044,334.59
City of Port Adelaide Enfield	2,428,231.80
City of Prospect	524,939.20
City of Salisbury	1,945,399.57
City of Tea Tree Gully	1,662,631.96
City of Unley	1,284,967.67
City of Victor Harbor	392,065.35
Corporation of the Town of Walkerville	289,404.71
City of West Torrens	1,383,060.57
District Council of Yankalilla	190,477.97
<b>Total</b>	<b>28,977,644.00</b>

### Reimbursement Calculation 2017-18

Total amount that can be claimed being \$2,402 per board plus 23 cents per rateable assessment.



**From:** Tracy Riddle  
**To:** [Vanessa Davidson](#)  
**Cc:** [Sue Curran](#)  
**Subject:** City of West Torrens Material Conflict of Interest Matter  
**Date:** Monday, 24 April 2017 3:52:20 PM  
**Attachments:** [City of West Torrens - Material Conflict of Interest.pdf](#)

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Hi Vanessa

You have requested our advice in relation to the operation of the conflict of interest provisions in the scenarios identified in your email below. The three (3) examples you have provided, and for which you now seek advice are: whether an elected member will have a conflict of interest (and if so, what type of conflict) under the following circumstances:

- nomination to an external Committee or Board where the elected member is required to pay a membership fee to join the Board or Committee;
- nomination to an external Committee or Board where the elected member is paid an allowance (or receives payment) upon being appointed to the Board or Committee; and
- nomination to an external Committee or Board where there is no monetary exchange (that is, there is no direct or indirect **pecuniary** benefit or detriment).

I propose to deal with each of your queries below. However, briefly by way of background first, I set out the relevant conflict of interest provisions.

### **Material Conflict of Interest**

The material conflict of interest provisions set out at section 73 of the *Local Government Act 1999* ("the LG Act") provide that a member of a Council (defined to also include Committee members for committees established under section 41 and Board members of subsidiaries established under sections 42 and 43 of the LG Act) will have a material conflict of interest in a matter to be discussed at council (or Committee or Board) meeting if any of the prescribed persons **would** gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) **depending on the outcome of the consideration of the matter** at the meeting. The first person on that prescribed list is "the member."

Accordingly, the material conflict of interest provisions will operate such that a Council member will have a material conflict of interest if they would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting.

While a Council member will not be taken to have a material conflict of interest if the relevant benefit or loss would be enjoyed or suffered in common with all or a substantial proportion of the ratepayers, electors or residents of the council area (section 73(2)(a)), it is important to note that this is different to the "substantial class" test as prescribed for the purposes of the current provisions.

Likewise, whilst the LG Act provides that the conflict of interest provisions will not apply to matters of "ordinary business" of a kind prescribed by regulation. Regulation 8AAA of the *Local Government (General) Regulations 2013* prescribes the following matters as "ordinary business":

- (a) *the preparation, discussion, conduct, consideration or determination of a review under section 12 of the Act;*
- (b) *the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders);*
- (c) *the preparation, discussion, adoption or alteration of a training and development policy under section 80A of the Act;*
- (d) *the preparation, discussion, adoption or amendment of a strategic management plan under section 122 of the Act;*
- (e) *the adoption or revision of an annual business plan;*
- (f) *the adoption or revision of a budget;*
- (g) *the declaration of rates (other than a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration;*
- (h) *a discussion or decision of a matter at a meeting of a council if the matter*  
-  
*(i) relates to a matter that was discussed before a meeting of a subsidiary or committee of the council; and*  
*(ii) the relevant interest in the matter is the interest of the council that established the committee or which appointed, or nominated for appointment, a member of the board of management of the council subsidiary or regional subsidiary.*

There are also specific exemptions under regulation 8AAB relating to subsidiaries and committees.

In dealing with a material conflict of interest, Council members must inform the meeting of their interest and immediately leave the meeting room when the matter is discussed so they cannot view or hear any discussion or voting.

It is important to note that the LG Act provides for a criminal offence for failing to comply with the material conflict of interest provisions.

### **Actual and Perceived Conflict of Interest**

Section 75(1) of the LG Act defines an “actual” conflict of interest in relation to a matter to be discussed as a meeting of Council if there is a conflict between **a member** of the Councils interest (whether direct or indirect, personal and pecuniary) **and the public interest**, that might lead to a decision that is contrary to the public interest. This is a very different test to that set out under section 73.

Section 75A defines a “perceived” conflict of interest in relation to a matter to be discussed as a meeting of Council if that member could “*reasonably be taken, from the perspective of an impartial, fair-minded person, to have a conflict in the matter.*” In our opinion, the best manner in which to approach what the view of the “impartial fair-minded person” might be is to consider how the Ombudsman might approach the question if the matter were to be reported to that Office.

If the member has an actual or perceived conflict of interest, then they are required to deal with it in a “transparent and accountable way”. In dealing with an actual or perceived conflict in a “transparent and accountable way,” section 75(5) of the LG Act specifically provides that non-participation in the meeting **is not** the only way in which a member

may appropriately deal with a perceived conflict of interest. That is, section 75A allows for an elected member to be a continuing participant in a meeting provided that their perceived conflict of interest has been disclosed and, having done so, they are able to remain in (or return to) the meeting room whilst dealing with their interest in a transparent and accountable way.

This level of statutory accountable discretion enables an elected member with a perceived interest, subject to complying with the disclosure provisions, to remain in the meeting room and to play a continuing role by fully participating by debate and voting, or by not debating but voting, or by debating but not voting, or by not debating and not voting (as the case may be).

Of course, having declared a perceived conflict of interest, and dealing with it in a transparent and accountable way, if the elected member did vote on the matter, then the manner in which they voted will be required to be recorded in the minutes (along with the other matters set out under section 75A(4)).

Importantly then for the questions you have posed, section 75(3) provides that a member of a council will not be regarded as having a conflict of interest in a matter to be discussed at a meeting of the council **by reason only of:**

*(v) a nomination or appointment as a member of a board or corporation or other association, if the member was nominated for appointment by a council.*

That is, the nomination **alone** is not enough to enliven the provisions, there must be something further, which is, of course, relevant for the scenarios you have raised. In this regard it is important to note that the material conflict of interest provisions **do not** provide for a corresponding "exemption" in circumstances whereby the member could be said to gain a benefit or suffer as loss as a result of the decision made in relation to the nomination. That is, the "exemption" under section 75(3)(a)(v) **cannot** be considered in the absence of the material conflict of interest provisions.

### Advice

Accordingly, it is our advice that in each of the scenarios you have outlined, the elected members who are nominated for appointment to a Committee or Board **will** need to consider whether they have a conflict in interest and the "ordinary business" exemptions will not apply in the scenarios as outlined.

In this regard it is important to note that section 73, the material conflict of interest provisions, provides that if the member **would** gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) **depending on the outcome** of the consideration of the matter at the meeting, they will have a material conflict of interest.

- In the first scenario, the elected member **would** suffer a direct pecuniary loss depending on the outcome of the consideration of the matter, being the requirement to personally pay a \$20 membership fee to be a member of the Committee, so the Council member has a material conflict of interest when the Council discussed the matter.
- In the second scenario the elected member **would** gain a direct pecuniary benefit in receiving a fee or allowance upon being nominated (and appointed) to the Board or Committee, and accordingly the member has a material conflict of interest when the Council discussed the matter.



- In the last scenario, while it will be a matter for the consideration of the individual elected member, they should consider whether there is a direct (or indirect) **personal** benefit or detriment in being nominated to the Committee or Board, even where there is no monetary exchange. In those circumstances, the material conflict of interest provisions **will** apply.

Of all the scenarios, it may be this example that could arguably fall within the actual or perceived conflict of interest “exemptions” under section 75A(4)(v). That is, by “reason only of” the nomination the elected member may not be regarded as having a conflict of interest in the matter, but do they have a direct or indirect personal interest that is captured? As always, it will be for the individual elected member to consider, based on the particular facts and circumstances of each case, whether they have an interest captured by the provisions, and if so, what type of interest that is and then deal with it accordingly.

In relation then to the proposed amendments to the Council’s Code of Practice – Procedures at Meetings, while it is not *incorrect* to state that:

*Pursuant sections 73 and 74 of the Act Elected Members wishing to nominate themselves to a board or committee for which an allowance is paid, or to attend a conference or seminar must ... (our underline)*

such a statement does not capture the full set of circumstances where such nomination may result in a direct or indirect personal benefit, or a direct or indirect pecuniary loss. Accordingly, we recommend this statement be amended to:

*Pursuant sections 73 and 74 of the Act Elected Members wishing to nominate themselves to a board or committee who would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter, or to attend a conference or seminar must ...*

Please do not hesitate to contact us should we be able to assist further.

Regards

Tracy

Tracy Riddle  
Lawyer



Level 6/19 Gilles Street Adelaide SA 5000 | GPO Box 2024 SA 5001

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**21      CONFIDENTIAL**

Nil

**22      MEETING CLOSE**

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**1 MEETING OPENED****2 PRESENT****3 APOLOGIES****4 DISCLOSURE STATEMENTS**

Committee Members are required to:

1. Consider Section 73 and 75 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 75A of the *Local Government Act 1999*.

**5 CONFIRMATION OF MINUTES****RECOMMENDATION**

That the Minutes of the meeting of the Urban Services Committee held on 4 April 2017 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 Torrensville Bowling Club - Proposed Lease**

#### **Brief**

The report updates Elected Members' in regards to the status of the lease negotiations that have occurred between the Torrensville Bowling Club and the Administration and recommends that public comment now be sought on the proposed grant of lease of community land fronting South Road, Torrensville.

#### **RECOMMENDATION(S)**

The Committee recommends to Council that:

1. Council provide its in principle consent to the proposed ground lease of 21 years to the Torrensville Bowling Club for the Council owned premises at 80 South Road, Torrensville, contingent upon the Club surrendering its existing lease (should this be necessary).
2. The commencing rental of the lease be \$2,000 pa plus GST and to escalate each year on the anniversary of the lease commencement by Adelaide All Groups Consumer Price Index (or similar index should that index cease to apply).
3. As is required under the relevant section(s) of the *Local Government Act 1999*, and Council's public consultation policy, public comment be sought on the proposed grant of lease to the Torrensville Bowling Club.
4. In the event that any meaningful adverse comment is received during the public consultation process, a further report be provided to the Community Facilities General Committee/Council to consider such public comment.
5. Should no meaningful adverse comment be received during the public consultation period the Mayor and Chief Executive Officer be authorised to sign and seal any documentation to give effect to the grant of lease.

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#### **Introduction**

The report updates Elected Members' in regards to the status of the lease negotiations that have occurred between the Torrensville Bowling Club (the Club) and the Administration.

#### **Background**

The Club arose following an amalgamation of the former Hindmarsh Bowling Club and Underdale/Airport Bowling Clubs. The Underdale/Airport Bowling Club relocated to the Hindmarsh Bowling Club site at 80 South Road, Torrensville (within the Thebarton Oval complex) and the lease previously held by the Hindmarsh Bowling Club was assigned to the Torrensville Bowling Club following Council's resolution at its meeting of 4 August 2015. The current lease held by the club commenced on 4 September 2012 and expires on 3 September 2017. The Club currently pays approximately \$850 pa plus GST and outgoings.



## Discussion

There is broad agreement in regard to the terms and conditions of the proposed lease. The proposed lease is based on the standard terms and conditions found within Council's agreements. The essential elements of this particular agreement are as follows:

- The Torrensville Bowling Club seeks a term of 21 years (as indicated in previous reports to the Community Facilities General Committee, and as endorsed in principle by the Committee and the Council, a term of this length is sought to recover the Club's significant investment in new infrastructure to be constructed on the land);
- The arrangement will be treated as a ground lease whereby the club will bear responsibility for any works (capital and operational) which are required to be undertaken in respect of the infrastructure on the site. However, Council will continue to assume responsibility for any structural (capital) works to the existing clubroom building that are identified prior to the commencement of the new lease term. It is proposed that a building condition audit be undertaken to assist this determination and the condition audit will form an addendum to the lease;
- The Club will be responsible for all user costs including power, water, gas, telephone and building insurance premiums or the reimbursement of such premiums if taken out by Council;
- Council will have the opportunity to use the facility (similar to arrangements which exist within the South Australian Amateur Football League (SAAFL) lease of Thebarton Oval;
- The lease may be reviewed or terminated by either party if the South Road /Torrens to Torrens project results in a significant portion of the site being affected by any proposed works, such that it is no longer feasible for the continued operation of the bowling club. Whilst the parties agree to negotiate in good faith to attain an outcome that is acceptable to both, this may not be achievable;
- The project works, and Council's contribution (of \$850,000) to the project works, are recognised within the proposed lease agreement;
- The proposed lease area has now also been identified (refer to **Attachment 1**). As this has now been formally delineated the Deed of Variation for the lease held by the SAAFL (to recognise the space to be surrendered by SAAFL) may now be prepared.

Members should note that advice has been sought from Council's property consultant to assist with determination of the commencing ground rental for the premises. The advice suggested a commencing market ground rental of \$20,000pa plus GST. Whilst this rental is at market levels, and was sourced to provide guidance and set the upper limit for rental determination purposes, it is noted that rentals paid by Council's sporting (and community) clubs are generally offered/negotiated at a discount to the market to recognise a Council subsidy.

There are three bowling clubs that currently operate within the City of West Torrens consisting of Lockleys Bowling Club, Novar Gardens Bowling Club and Torrensville Bowling Club. The rentals being paid by each of these clubs have, by and large, been determined historically and as a result of this are perhaps somewhat deficient from an equity perspective. For example, Lockleys Bowling Club has a total site area of approximately 12,300 m<sup>2</sup>, building area of approximately 870 m<sup>2</sup>, does not reimburse Council for insurance premiums, does pay Council rates (currently of \$6,113 pa) and pays a current rental of approximately \$2,600 pa plus GST (lease negotiated approximately 10 years ago). The Novar Gardens Bowling Club does reimburse building insurance premiums, sits on a site of approximately 4,100 m<sup>2</sup>, currently does not pay Council rates and its clubroom has an area of approximately 350 m<sup>2</sup>. The current rental paid by Novar Gardens Bowling Club is approximately \$3,200 pa plus GST (lease negotiated approximately 2 years ago). The "existing" Torrensville Bowling Club occupies a site of some 4,240 m<sup>2</sup>, has a clubroom building of approximately 370 m<sup>2</sup> and pays Council rates, reimburses insurance premiums and pays a rental of approximately \$850 pa plus GST (lease negotiated approximately 5 years ago). The site area to be occupied under the proposed long term lease increases from 4,240 m<sup>2</sup> to 8,180 m<sup>2</sup>. This information is summarised in the table below.

<b>Bowling Club</b>	<b>Site Area m<sup>2</sup> (approx.)</b>	<b>Building Area m<sup>2</sup> (approx.)</b>	<b>Current Rent (pa approx.) + GST</b>	<b>Rates (pa approx.)</b>	<b>Insurance Premiums reimbursed</b>
Torrensville (pre works)	4,240	370	\$850	\$7,250	Y
Torrensville (post works)	8,180	370*			
Lockleys	12,300	870	\$2,600	\$6,110	N
Novar Gardens	4,100	350	\$3,200	\$3,480**	Y

(\* does not include new clubroom building proposed to be built by Torrensville Bowling Club)

(\*\* rates are currently not charged to Novar Gardens Bowling Club)

Operationally, each bowling club employs their own greenkeepers and each is solely responsible for maintaining their playing greens.

As is indicated above, much of the apparent disparity in rental charges can be attributed to the historic nature of these lease or licence agreements. However, the proposed grant of a long term lease to the Torrensville Bowling Club provides an opportunity for Council to address and remedy (some of) these inconsistencies and establish an equitable framework to be utilised for the determination of rental levels for these clubs from this point forward.

The length of lease term to be offered/granted, will (at least in part) recognise the level of investment (proposed to be) made by the lessee club and for this reason should not be the sole, or an overriding, factor in determining the rental to be sought and paid.

Whilst there may be an argument to suggest that market rental (or a corollary or surrogate or discount of market rental) is an appropriate starting point, the use of this measure may penalise or benefit (as the case may be) one club over another depending on its location. The real estate "location, location, location" adage recognises that location is a significant contributor to market value. It is acknowledged that market value is the appropriate methodology to be used for commercial leases or licenses but it is suggested that an alternate methodology be utilised for determining the rental for Council's sporting group users. The proposed methodology seeks to utilise a combination of the land area occupied, the insurance premium paid that relates to Council constructed improvements on the site, Council rates (if assessed/paid - which are a corollary or surrogate for "value"), a building condition audit factor and the degree of exclusivity of the facility.

Broadly speaking, it is suggested that this amalgam reflects and addresses the following ends of the rental spectrum:

Irrespective of location, a club utilising a large amount of land with large clubrooms and facilities (constructed/financed by Council) for their exclusive use in excellent condition should pay a higher rental and outgoings than a club using a small parcel of land with small clubrooms and facilities (constructed/financed by the club) in inferior condition. It is also noted that the bowling greens, by their nature, are not readily available for general public usage (as opposed to e.g. ovals, tennis courts etc).

Council may also wish to offer a further discount in rental to clubs where the agreed arrangement addresses Council's desired strategic or other outcomes e.g. where clubs agree to utilise shared clubroom or other facilities, where clubs may allow their facilities to be utilised by bona fide community groups at no/low cost etc.

Utilising this methodology it is apparent that, if one accepts that the "starting point" is the rental and outgoings being paid by the Novar Gardens Bowling Club (similar size clubroom building in similar condition, comparable site area to the existing Torrensville Bowling Club, but significantly smaller than the area proposed to be occupied under the new lease agreement by Torrensville), the rental to be paid under the new agreement by the Torrensville Bowling Club should be higher than that paid by Novar Gardens Bowling Club. However, allowance also needs to be made for the fact that the Torrensville Bowling Club will also be responsible for all non-pre-existing structural works to the existing clubroom building under the proposed arrangement.

Further, given that the rental and outgoings being paid by the Torrensville Bowling Club are currently substantially in excess of that being paid by Novar Gardens Bowling Club, and that the rate payment will further increase upon the increase in leased area and following completion of the project, it is suggested that the commencing rental for the Torrensville Bowling Club be capped at \$2,000pa plus GST plus outgoings.

Alternatively the Council may seek to impose a "rate equivalent" rental. The rates that are applicable to the **existing** site, which are on-charged to the club, are \$7,247.40. As indicated above, this amount will increase to reflect the additional land holding and improvements which are proposed under the new lease arrangements and would require the Valuer-General to undertake a new valuation. The Council *may* wish to further discount this rental for the duration of the project to recognise the fact that the Club will not have access to a significant proportion of the site whilst the building/project works are proceeding.

It is proposed that the rental escalate each year on the anniversary of the date of commencement by Adelaide All Groups Consumer Price Index or similar index should that cease to exist.

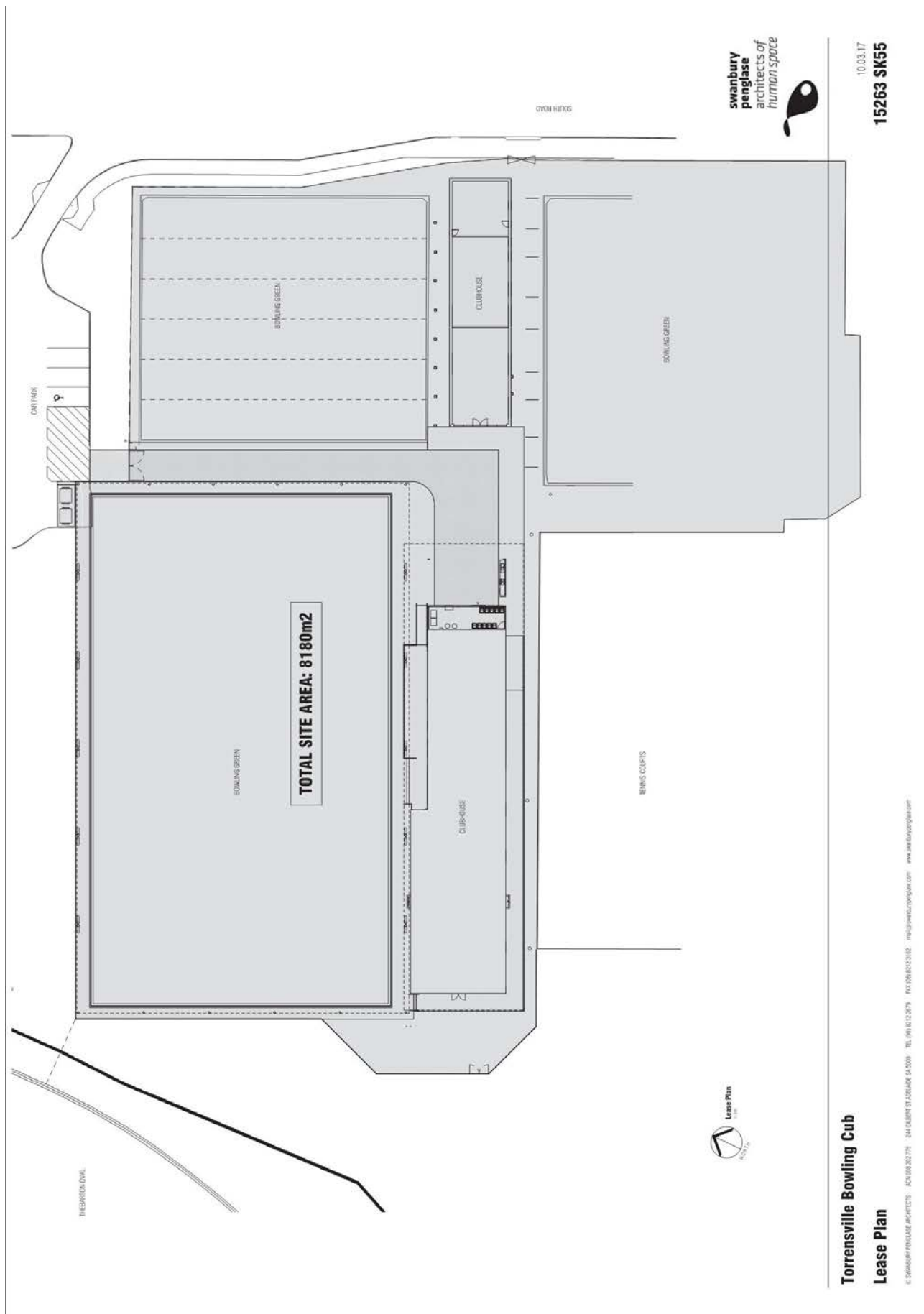
As the lease requested is for a term in excess of 5 years, public consultation is necessary in accordance with the *Local Government Act 1999*.

## Conclusion

Negotiations between the Torrensville Bowling Club and the Administration for the grant of a new 21 year ground lease have now concluded. Prior to the grant of the proposed lease it is necessary for public consultation to occur. Should the public consultation result in adverse comment being received a further report will be brought back to the Community Facilities General Committee/Council for consideration. Otherwise, it is proposed that authority be provided for the Mayor and Chief Executive Officer to enter into the lease.

## Attachments

### 1. Lease Area - Torrensville Bowling Club



## 11.2 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.

### Discussion

This report details the key activities of the City Assets, City Development and City Works Departments.

Special Project Work	
New Drainage System - Lockleys Catchment May Terrace Stage 3	<p>A scope of works extension has been awarded to these works to overcome a service conflict encountered during the completion of the main contract of works. Based on all of the necessary services, materials and works programming, these works are now anticipated to be undertaken around mid-June 2017. During these works the access to and from May Terrace from Henley Beach Road will be impacted.</p> <p>Verge upgrades along the main length of May Terrace as included in original contract of works, including directly adjacent to the school, have been completed during the April 2017 school holidays.</p>
New Drainage System - Lockleys Catchment Henley Beach Road Crossings - Stage 4a Rutland Ave	<p>The major civil works associated with this project are now scheduled to commence from mid May 2017, with advance works for SA Water alterations to occur in the weeks prior to this.</p> <p>It is intended that these works will be completed within a five to six week window based on being able to establish favourable arrangements with DPTI in relation to traffic management on Henley Beach Road.</p> <p>Resident notification and advance notice VMS signage is to be undertaken early May 2017.</p>
New Drainage System - Lockleys Catchment Henley Beach Road Crossings - Stage 4b May Tce	<p>The majority of the documentation necessary for this project to be tendered has been developed.</p> <p>Tendering of these works has been delayed whilst the project team undertake negotiations with DPTI in relation to developing an acceptable traffic management approach for both DPTI and Council.</p>
Henley Street, Mile End - Stormwater Drainage	<p>All works on this project have been complete.</p> <p>Practical completion of the works was undertaken at the end of April 2017.</p>

West Beach Drainage System - Flood Wall	<p>Joint sealing maintenance works associated with this project are continuing.</p> <p>Council has also commenced a joint investigation with Adelaide Airport Limited (AAL) in relation to the flow performance of the drainage line downstream of West Beach Road, through Remnant Patawalonga Creek, on land which is under the control and maintenance of AAL.</p>
George Street, Thebarton	Design detailing for both the new stormwater drainage and the road reconstruction are nearing completion.
River Torrens Linear Park, (Pedestrian Light Project)	<p>The project has been awarded for the River Torrens Linear Park Pedestrian Lighting Project on the next stages (6 and 7) of pedestrian lighting for the 2016/17 program of works, from Henley Beach Road to Tapleys Hill Road, Lockleys / Fulham, for both sides of the river.</p> <p>The project is underway and is scheduled to be completed in June 2017.</p>
Westside Bikeway, Moss Ave - Pedestrian Lighting	<p>The project has been awarded for the 2016/17 stage of pedestrian lighting on the Westside Bikeway, from Barwell Ave to Richmond Road, Marleston.</p> <p>The project is underway and is scheduled to be completed in June 2017.</p>
Coast Watchers Reserve - Pedestrian Lighting	The project has been awarded for the upgrade of the pedestrian lighting on Coast Watchers Reserve on the pathway from Henley Beach Road to Ashburn Avenue, Fulham. The project is underway and is scheduled to be completed in June 2017.

### Capital Works

Road Reconstruction Works	<p>The following is an update on roadworks occurring in our City:</p> <p><b>2015/16 Program</b></p> <ul style="list-style-type: none"> <li>- West Beach Road - detailed concept design works are completed and the Administration are continuing to work with the City of Charles Sturt to identify funding opportunities.</li> <li>- Norma Street, Mile End - Reconstruction complete. Minor ancillary works are being organised.</li> <li>- Military Road, West Beach - Works being organised.</li> <li>- Tennyson Street, Kurralta Park - Reconstruction complete; defects list to be completed.</li> </ul> <p><b>2016/17 Program</b></p> <ul style="list-style-type: none"> <li>- North Parade (Clifford St to Stephens Ave) - All construction works to be completed by May 2017.</li> <li>- Birdwood Tce (Keith Ave to Murdoch Ave) - Construction works are ongoing.</li> <li>- Beauchamp St - Design and documentation complete.</li> </ul>
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Road Reconstruction Works ( <i>continued</i> )	<p>Design and documentation are currently being undertaken for the following roads:</p> <ul style="list-style-type: none"> <li>- Aldridge Tce (Richmond Rd to St Anton St)</li> <li>- Mortimer St (Gray St to Grassmere St)</li> <li>- George St (South Rd to Dew Street) - consultation done and detailed design ongoing.</li> <li>- West Thebarton Road / Phillips Street - consultation done and detailed design ongoing.</li> </ul> <p>Pavement designs have been completed for the above list of roads.</p>
Undergrounding of Power West Thebarton Rd / Phillips St, Thebarton	<p>Power pole and cabling works are ongoing. SA Power Networks (SAPN) have finalised replacement of contractors to complete the civil works for undergrounding the power lines. Due to contractual issues with the original civil contractor, SAPN have now advised that the completion date for the project would be June 2017.</p>
Road Rejuvenation Program for 2016/2017	<p>All works are complete.</p>
Kerb & Watertable and Road Reseal Program for 2016/17	<p>The following is a list of the streets allocated for kerb and watertable works in 2016/17. The streets have been divided into six (6) stages of equal duration.</p> <p>Stage 1: program of works:</p> <ul style="list-style-type: none"> <li>- Alexander Av - (Marleston Av to Day Av) - Works ongoing</li> <li>- Clifton St - (Stonehouse Av to Carlton Rd) - Works ongoing</li> <li>- Cromer St - (Bourlang Av to Patricia Av) - To be scheduled</li> <li>- Patricia Av - (Clifton St to Cromer St) - To be scheduled</li> <li>- Patricia Av - (Cromer St to Whelan Av) - To be scheduled</li> <li>- Warwick Av - (Daphne St to Cross Tce) - Complete</li> <li>- Coulter St - (Allchurch Av to Galway Av) - Complete</li> <li>- Mackay Av - (Edward Davies St to Laverack Rd) - Complete</li> <li>- Mackay Av - (Mackay Av to Mackay Av) - Complete</li> <li>- Park Tce - (Allchurch Av to Talbot Av) - Complete</li> <li>- Talbot Av - (Marion Rd to Wyatt St) - Complete</li> <li>- Talbot Av - (Packard St to Park Tce) - Complete</li> <li>- Talbot Av - (Park Ter to Birdwood Tce) - Complete</li> <li>- Talbot Av - (Wyatt St to Packard St) - Complete</li> </ul> <p>Stage 2: program of works:</p> <ul style="list-style-type: none"> <li>- Somerset Av - (Davenport Tce to Sir Donald Bradman Dr) - To be scheduled</li> <li>- Verran Av - (Sir Donald Bradman Dr to Davenport Tce) - To be scheduled</li> <li>- Albert St - (Milner Rd to Martin Av) - Works ongoing</li> <li>- Arthur St - (Arthur Street to Shaw Av) - Works ongoing</li> <li>- Arthur St - (Brooker Tce to Arthur Street) - Works ongoing</li> <li>- Davenport Tce - (Martin Av to Milner Rd) - To be scheduled</li> <li>- Davenport Tce - (South Rd to Martin Av) - To be scheduled</li> <li>- Lucas St - (Bartholomew St to Chambers Av) - Complete</li> <li>- Lucas St - (Marion Rd to Sanders St) - Complete</li> <li>- Lucas St - (Sanders St to Bartholomew St) - Complete</li> </ul>

Kerb & Watertable and  
Road Reseal Program for  
2016/17 (*continued*)

Stage 3: program of works:

- Mallen St - (Sir Donald Bradman Dr to Burt Av) - Works ongoing
- Darebin St - (Ebor Av to Falcon Av) - Works ongoing
- Ebor Av - (Tarragon St to Cowra St) - Completed
- Lurline St - (Bagot Av to Ebor Av) - Works ongoing
- Norma St - (South Rd to Falcon Av)
- Victoria St - (Henley Beach Rd to Hughes St) - Works ongoing

Stage 4: program of works:

- Dew St - (Kintore St to George St) - To be scheduled
- Dew St - (Rose St to Kintore St) - To be scheduled
- School L - (Taylors L to Rose St) - To be scheduled
- Cawthorne St - (End to Smith St) - To be scheduled
- James St - (Phillips St to Smith St) - Works ongoing
- Smith St - (Dew St to Holland St) - Works ongoing
- Walsh St - (Anderson St to Phillips St) - To be scheduled
- Clifford St - (North Pde to Carlton Pde) - Complete
- East St - (Carlton Pde to Henley Beach Rd) - Complete
- Hayward Av - (End to North Pde) - Complete
- Jervois St - (Carlton Pde to North Pde) - Complete
- Jervois St - (Henley Beach Rd to Carlton Pde) - Complete
- Northcote St - (Henley Beach Rd to Carlton Pde) - Complete
- Sherriff Ct - (Sherriff St to End) - Works ongoing

Stage 5: program of works (not yet commenced):

- Bedford St - (Pine St to Wakefield Pl)
- Bedford St - (Wakefield Pl to End)
- Frank St - (Property #1 to Airport Rd)
- James Av - (Western Pd to Press Rd)
- Pine St - (Allen Av to Bedford St)
- Rushworth Av - (Lipsett Ter to Sir Donald Bradman Dr)
- Stott Cr - (Marshall Ter to End)
- Western Pd - (Carnarvon Ave to Everett St)
- Acacia Av - (End to Willingale Av)
- Acacia Av - (Willingale Av to End)
- Franciscan Av - (Property #5 to Arcoona Av)
- Fulham Park Dr - (Arcoona Av to Corona Av)
- Noble Av - (Torrens Av to Kenton St)
- Rostrata St - (End to Willingale Av)
- Torrens Av - (End to Dartmoor St)
- Rankine Rd - (Property #22 to Hounslow Av)
- Oakington St - (Elizabeth St to Henley Beach Rd)
- Torrens St - (Wilton Ter to Ferris St)
- Wilton Tce - (Elizabeth St to Hopson St)



Kerb & Watertable and Road Reseal Program for 2016/17 <i>(continued)</i>	<p>Stage 6: program of works (not yet commenced):</p> <ul style="list-style-type: none"> <li>- Fitch Rd - 3900 (Halsey Rd to Good St)</li> <li>- Good St - 4330 (Good St to Good St)</li> <li>- Hadley St - 4540 (Ashburn Av to Henley Beach Rd)</li> <li>- Halsey Rd - 4560 (Halsey Rd to City Boundary)</li> <li>- Halsey Rd - 4560 (Halsey Rd to End)</li> <li>- Huntington Av - 4990 (Ayton Av to La Jolla Ave)</li> <li>- Huntington Av - (Henley Beach Rd to Ayton Av)</li> <li>- Huntington Av - (La Jolla Ave to Riverside Dr)</li> <li>- Layton St - (Henley Beach Rd to Ashburn Av)</li> <li>- Raikoff Ct - (Kandy St to End)</li> <li>- Samuel St - (Mackirdy St to Weetunga St)</li> <li>- Sherwin Ct - (Henley Beach Rd to Henley Beach Rd)</li> <li>- Susan St - (Ayton Av to Henley Beach Rd)</li> <li>- Warramunga St - (Halsey Rd to End)</li> <li>- Burbridge Rd (Service Road) - (Davis St to City Boundary)</li> <li>- Charles Veale Dr - (Mountbatten Gv to Tapleys Hill Rd)</li> <li>- Charles Veale Dr - (Windsor Ter to Mountbatten Gv)</li> <li>- Toledo Av - (Property #27 to Swan Av)</li> <li>- Toledo Av - (Swan Av to Property #36)</li> </ul>
Footpath Program 2016/17	<p>The following is a list of the streets allocated for footpath works in 2016/17:</p> <p>Renewal Footpath Program:</p> <ul style="list-style-type: none"> <li>- Ballantyne Street (Lowe Street to South Road)</li> <li>- Henley Beach Road (Lisa Court to Tapleys Hill Road)</li> <li>- Tapleys Hill Road (Henley Beach Road to City Boundary)</li> <li>- Darebin Street (Falcon Avenue to South Road) - Complete</li> <li>- King Street (Claremont Street to South Road) - Complete</li> <li>- King Street (Victoria Street to Claremont Street) - Complete</li> </ul> <p>New Footpath Program:</p> <ul style="list-style-type: none"> <li>- Horsley Street (Frontage Road to Durham Avenue) Wider resident consultation for this proposal to be undertaken.</li> <li>- Reese Avenue (Deacon Ave to Kingston Ave) - Complete</li> <li>- Eringa Avenue (Fulham Park Drive to End) - Complete</li> <li>- Hayward Avenue Extension (End to Ashwin Parade) - Complete</li> <li>- Neptune Crescent (Ingerson Street to End) - Works underway</li> <li>- Orana Avenue (Iluka Street to City Boundary) - Works underway</li> <li>- Rostrata Street (End to Willingale Avenue) - Works underway</li> <li>- Wakefield Place (Bedford Street to End) - Works underway</li> <li>- Willingale Avenue (Henley Beach Road to Rostrata Street) - Works yet to commence</li> <li>- Willingale Avenue (Rostrata Street to Acacia Avenue) - Works yet to commence</li> <li>- Walter Street (Ralph Street to Trennery Street) - Complete</li> </ul>
Bicycle Management Schemes	<p>Detailed design plans and documentation are nearing completion for the shared use path installation along Beare Avenue, north of Watson Avenue.</p>

Playground Upgrade 2016/2017	<p>The following is an update on the program of works:</p> <ul style="list-style-type: none"> <li>– Memorial Gardens, Hilton - Draft concept / draft plans are currently being reviewed / updated by the Administration. Further details will be provided to Elected Members on completion of the concept / draft plans.</li> <li>– Kesmond Reserve, Surrey Rd, Keswick - Playground works are completed. Currently additional improvements works are underway to upgrade the reserve area.</li> <li>– Camden Oval, playground by bowling / tennis club - Completed.</li> <li>– Lyons Street Reserve, Brooklyn Park - Works scheduled to commence in May / June 2017.</li> <li>– Joe Wells Reserve, Netley - Concepts plans are underway, with the Netley Kindergarten.</li> <li>– Kings Reserve, Torrensville - Draft concept plans have commenced together with the developments of the site master plan for the Kings Reserve. Project will include the expansion of the existing skate bowl and development of a larger playground facility aimed at older children.</li> </ul>
Reserve Irrigation Upgrades 2016/17	<p>The following is a status update on the current program of works:</p> <ul style="list-style-type: none"> <li>– Carolyn Reserve, Fulham - Irrigation works are completed, with additional reserve improvements continuing. Further planting is also scheduled for May / June 2017.</li> <li>– Kings Reserve, Torrensville (staged project) - In progress</li> <li>– Richmond Oval, Richmond - Complete</li> <li>– Golflands Reserve (western section), Glenelg North - irrigation works are completed, with additional reserve improvements continuing.</li> <li>– Tyson Avenue (wide verge area), Ashford - Complete</li> <li>– Frank Norton Reserve, Torrensville - Works scheduled to commence in May 2017.</li> <li>– East Parkway Reserve, Fulham - Works are scheduled to commence in May 2017.</li> </ul>
<b>Parking and Traffic Management</b>	
Torrensville/Thebarton LATM	<p>Detailed development of the projects is continuing. Projects anticipated this financial year are:</p> <ul style="list-style-type: none"> <li>• North Parade and Wainhouse Street kerb extension</li> <li>• North Parade and Shipster Street kerb extension</li> <li>• Ashwin Parade and Hardys Road intersection realignment</li> <li>• Hardys Road and Ashley Street roundabout (Black Spot funding received - \$79,950). Pavement design and service relocation are ongoing</li> <li>• Ashley Street bus closure relocation to be incorporated with concept plan to be developed for Ashley Street between Holbrooks Road and Hayward Avenue.</li> <li>• Maria Street slowpoints</li> <li>• George Street and Albert Street intersection</li> <li>• Concept plan development for Ashley Street (between Holbrooks Rd and Hayward Avenue)</li> </ul> <p>Consultation with those properties directly affected will commence shortly.</p>

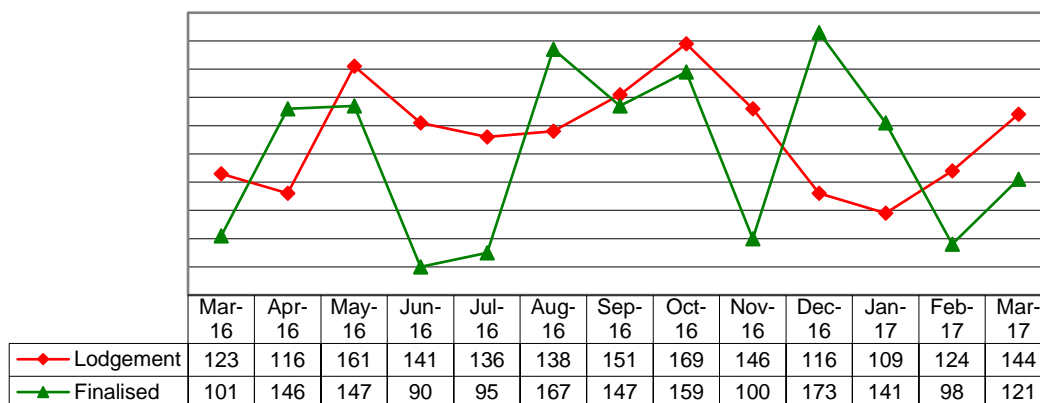
Novar Gardens/Camden Park LATM	A community issues paper is being prepared to begin development of this area. Turning movement counts have been undertaken. Working Party meeting soon to be convened.
Richmond/Mile End LATM	Baseline traffic data is currently being collected.
Bus Stop DDA compliance program	Works on 2016/17 program are in progress.
Cowandilla Primary School & Jenkins Street precinct	Conceptual design of children crossing changes has been developed. The Administration has met with the school governing council to review the concept design. Consultation is to commence within the local area.
<b>Property and Facility Services</b>	
Weigall Oval	Council has been advised that its grant application (SGLIP Grant) has been successful. Additional funding commitment requires Council consent. Continued progress of Stage 1 documentation.
Lockleys Oval Masterplan	Ongoing meeting with consultants in regard to detailed design plans.
Apex Park Masterplan	Ongoing meetings with consultants in regard to detailed design plans.
Camden Oval Masterplan	Architect engaged. Meetings with all current user groups at Camden Oval to advise of engagement of architect, likely project timeframe, need to consider alternative facilities for training and competition during project delivery, confirm contact protocols, Building room data sheets provided to West Torrens Birkalla and PHOS Camden Football clubs for completion. Meeting with Birkalla and architect 24 April 2017 to progress design.
Cummins House	State Government (DPTI) have been advised of Council's resolution. Negotiations to commence with DPTI. Further letter sent to DPTI on 28 March 2017. Still seeking clarification on State Government position.
Torrensville Bowling Club	Lease negotiations completed. Providing Council an agreement with terms of draft lease, lease to go to public consultation.
Craig St road closures	No response from adjoining owners in regards to possible purchase of portion of roadway by required expiry date. Consultants engaged to undertake road closure process. Preliminary documentation lodged with Surveyor-General's office. Once preliminary plan number provided closures can go to public consultation.
Thebarton Theatre Complex - Fire Safety	The final two stages (Stages 3 & 4) of the fire building and compliance works for the theatre are continuing on site. The project is expected to continue until July 2017.
Star Theatre Complex	The works program for Stage 1 have been finalised in consultation with the tenant and a detailed design is underway. The program of works will be delivered to ensure minimal impact on the Theatre's schedule of events in 2017.

Camden Community Hall	<p>The Administration has arranged the works to be undertaken in April / May 2017 for the replacement of an existing roof-mounted air-conditioning system with a wall-mounted (evaporative) system, along with replacement of the existing roof sheeting on the hall.</p> <p>This project should be finalised by early May 2017.</p>
Thebarton Community Centre	<p>A report was provided to Elected Members' at the Community Facilities Committee meeting held on 28 March 2017 to address the matters raised regarding the building functionality.</p> <p>The Administration is now proceeding as recommended in the report to develop a detail design and technical specification for this project. A further report will be provided back to the Community Facilities Committee on completion of this stage.</p>

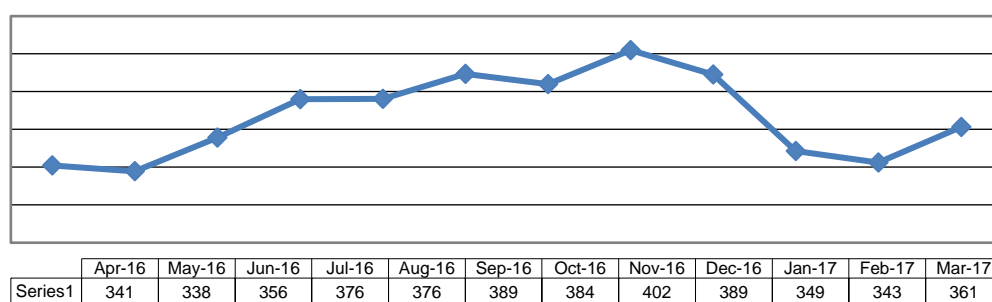
Civil and General Maintenance			
Monthly Update	Concrete, Block Paver & Asphalt Footpath/Dr Crossover		579m2
	Kerbing & water table / Invert		173m
	Road Repairs		87m2
	Line marking		3,106m
	Graffiti Removal	Council property	14 locations (186m2)
		Private property	38 locations (231m2)
		Bus stops	6 location (22m2)
	Signage	Regulatory	28
		Street nameplates	14
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		6.9t
	Road Sweepers		108t
Horticulture Services			
Monthly Update	Trees Pruned		469
	Removals		19
	Weed Control (Reserves, Verges, Traffic Islands)		23,724L

## Development Assessment

### Development Applications

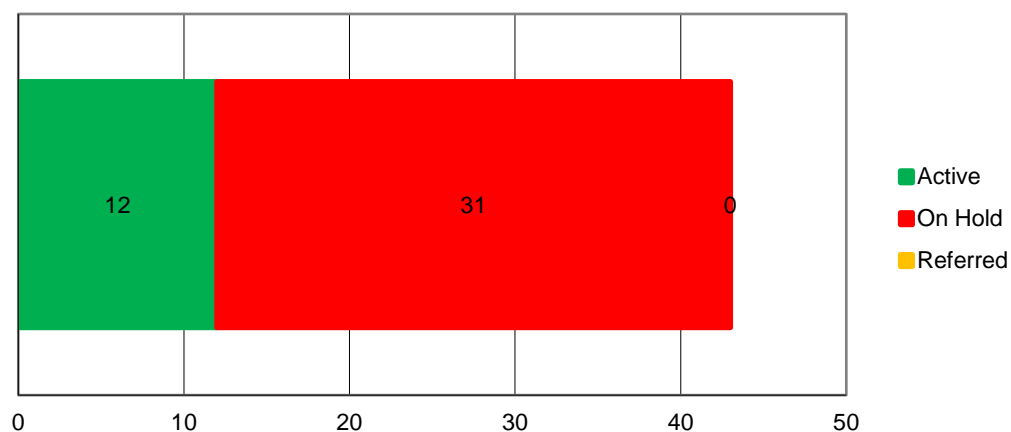


### Active files - Development Approval



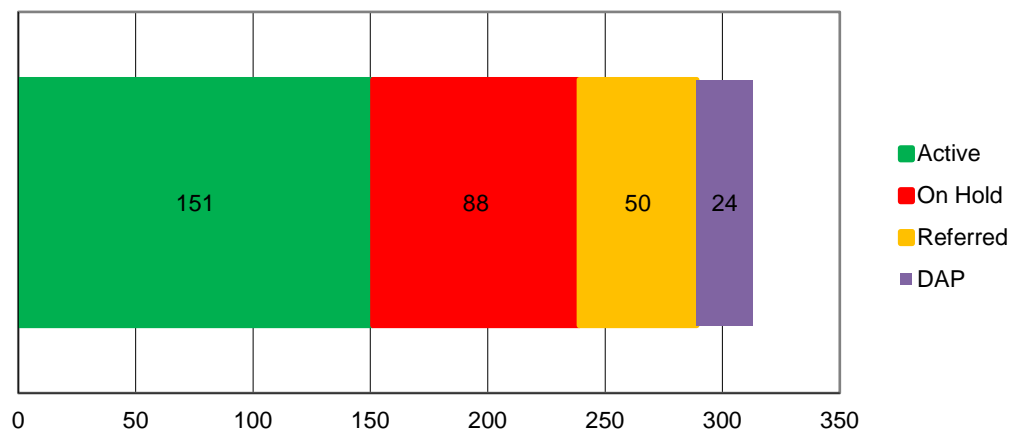
Active files shows all development applications that have been lodged with Council but are yet to receive a decision, it includes applications for Development Plan Consent, Building Rules Consent and Land Division Consent.

### Current Applications - Building Rules Consent



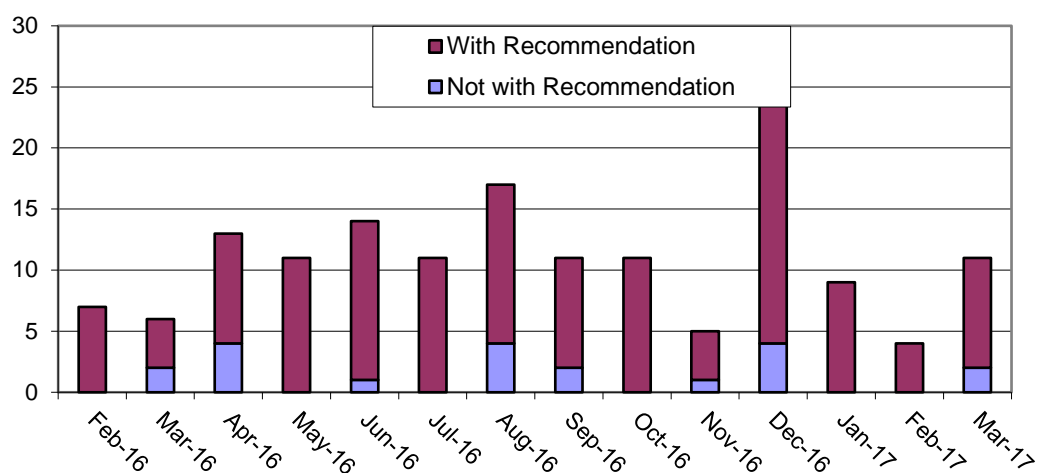
Building Rules Consent, is the process where applications are assessed against the Building Code of Australia (BCA), not all applications are assessed against the BCA (e.g. land divisions, tree removals) and some are only assessed against the BCA.

## Current Applications - Development Plan Consent

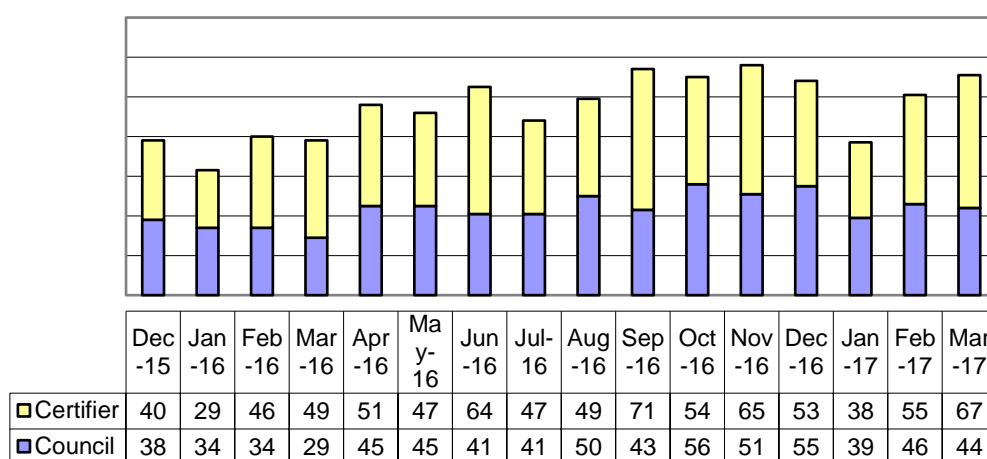


*Development Plan Consent, is the process where applications are assessed against the City of West Torrens Development Plan (DP) not all applications are assessed against the DP (e.g. Residential Code and Building Rules only) and some are only assessed against the DP (eg land divisions, tree removals).*

## Development Assessment Panel Decision

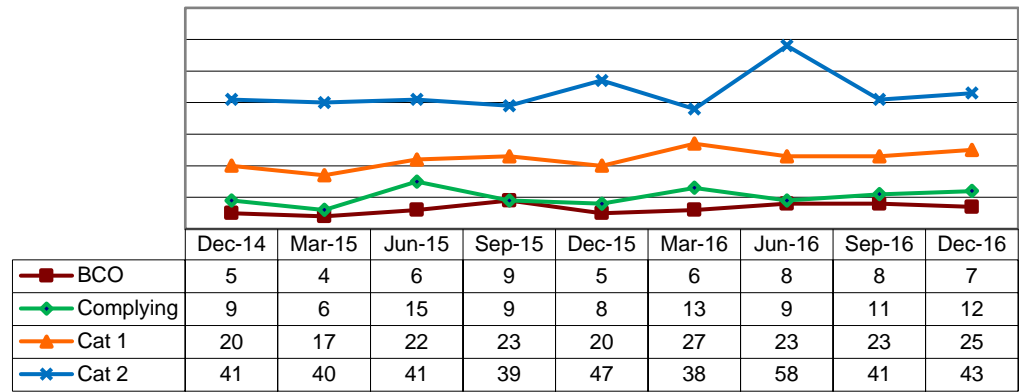


## Building Rules Consent issued



*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.*

### Median Assessment Timeframes



*Maximum Statutory Timeframes are as follows:*

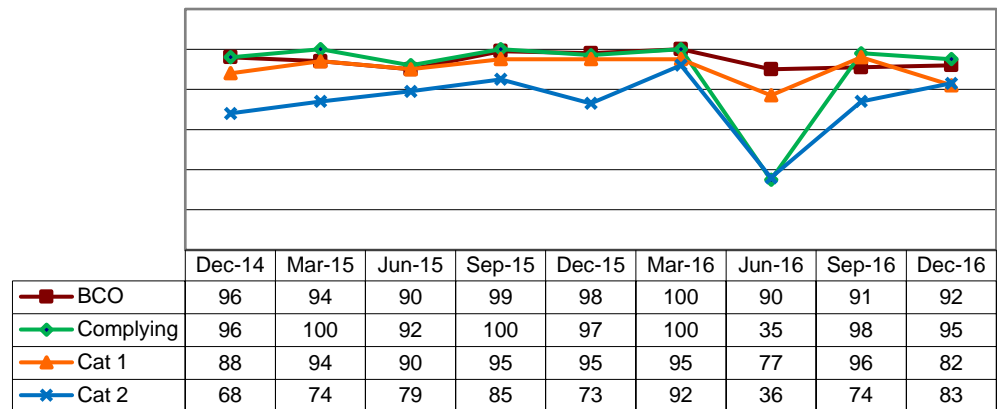
*Building Code Only (BCO) - 20 days*

*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
Mar 16	15	7	17	95	-	-	1	-	2	14
Apr 16	20	9	21	85	5	-	-	-	2	8
May 16	17	7	21	74	2	-	1	-	3	8
Jun 16	16	9	3	78	3	-	-	-	3	9
Jul 16	16	13	14	67	-	-	-	-	3	8
Aug 16	16	8	19	56	-	-	-	-	3	14
Sep 16	19	19	12	44	-	-	-	-	3	6
Oct 16	16	13	1	46	-	-	-	-	3	8
Nov 16	20	16	7	43	1	-	-	-	3	13
Dec 16	16	8	0	51	3	-	-	1	2	9
Jan 17	19	14	0	56	1	-	-	-	2	11
Feb 17	11	7	0	60	-	-	-	-	2	5
Mar 17	27	24	8	55	-	-	-	-	2	10

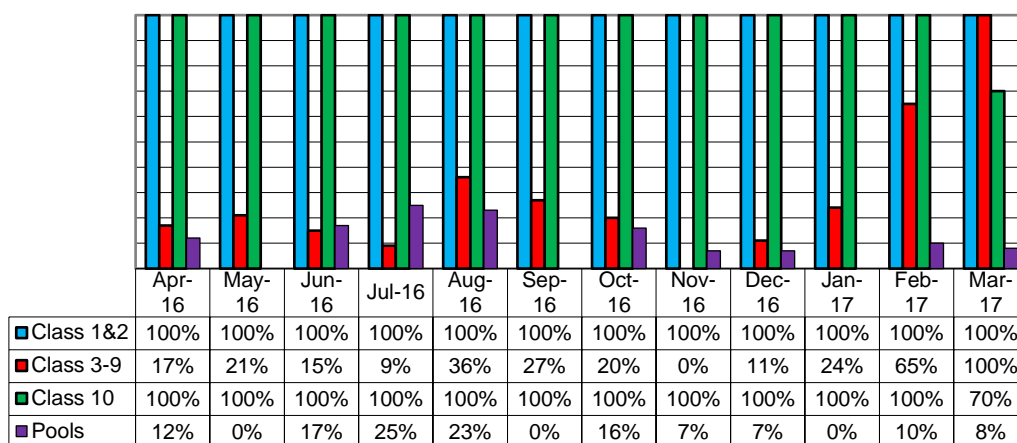
Compliance actions include investigating potential use of properties for activities that haven't been approved, buildings being constructed without the required approvals, checking of older buildings that may be becoming structurally unsound.

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.

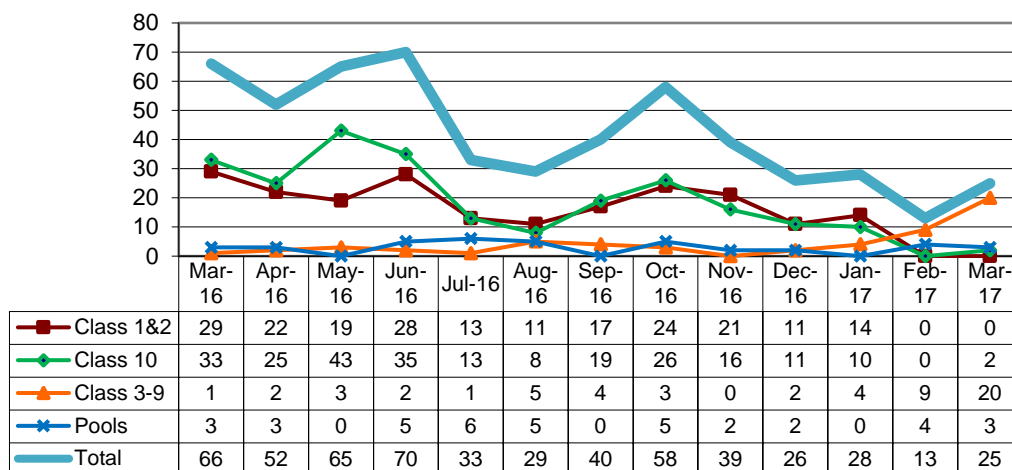
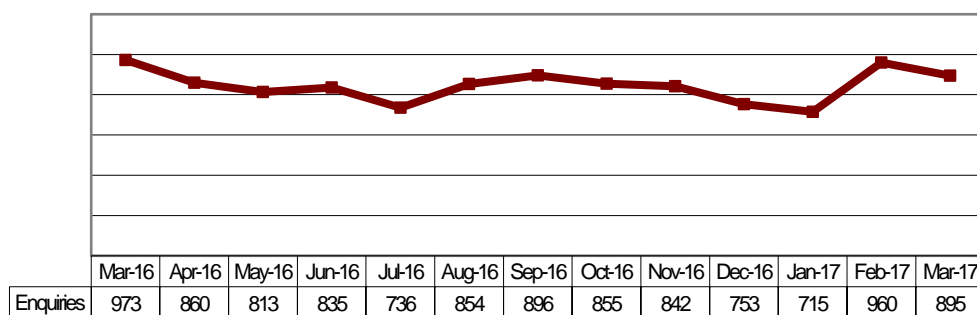
## Building Inspections



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

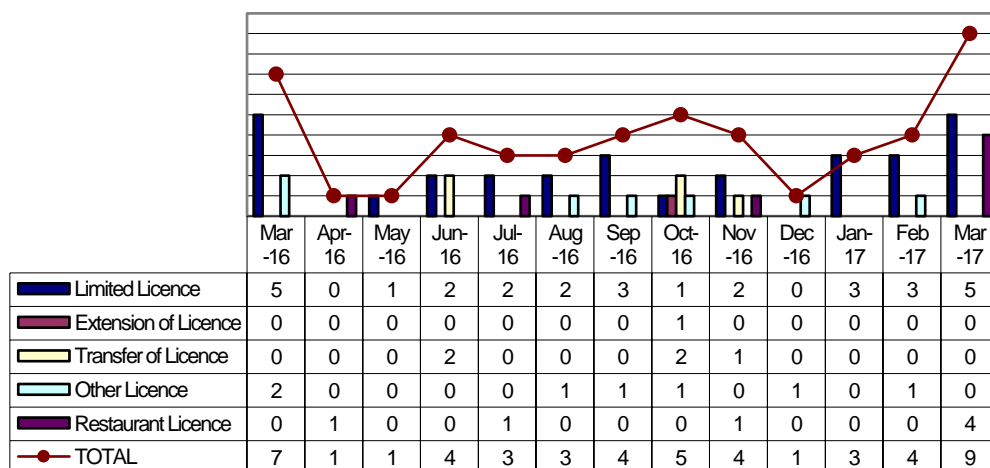


Actual  
Satisfactory  
Building  
Inspections  
UndertakenePathway  
Development  
Application  
Enquiries

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-2017.

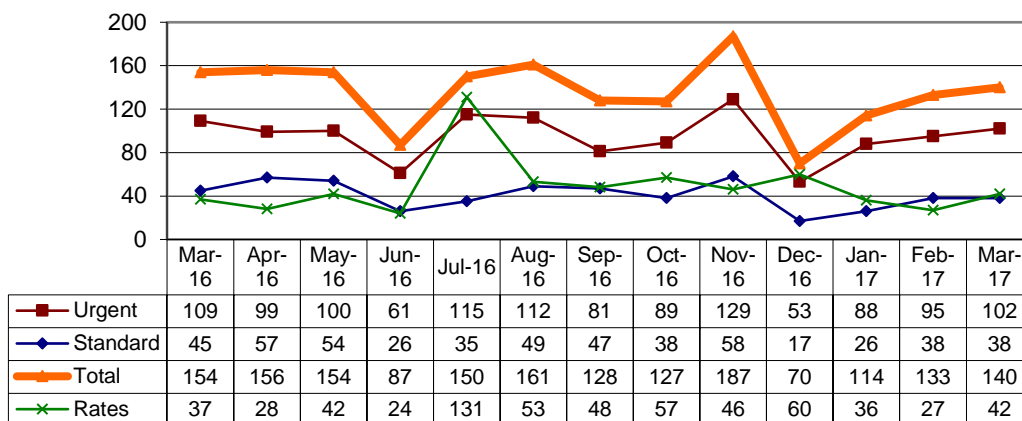
## Liquor Licence

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).

### Attachments

Nil

## 12 MEETING CLOSE

**INDEX**

<b>1</b>	<b>Meeting Opened .....</b>	<b>1</b>
<b>2</b>	<b>Present .....</b>	<b>1</b>
<b>3</b>	<b>Apologies .....</b>	<b>1</b>
<b>4</b>	<b>Disclosure Statements .....</b>	<b>1</b>
<b>5</b>	<b>Confirmation of Minutes.....</b>	<b>1</b>
<b>6</b>	<b>Communications by the Chairperson.....</b>	<b>1</b>
<b>7</b>	<b>Questions with Notice .....</b>	<b>1</b>
	Nil	
<b>8</b>	<b>Questions without Notice.....</b>	<b>1</b>
<b>9</b>	<b>Motions with Notice .....</b>	<b>1</b>
	Nil	
<b>10</b>	<b>Motions without Notice.....</b>	<b>1</b>
<b>11</b>	<b>Governance Reports.....</b>	<b>2</b>
11.1	Prescribed Officers 2017 - Register of Interest .....	2
11.2	South Australian Planning Reform Implementation Progress Report - May 2017 .....	5
11.3	Legislative Progress Report - April 2017 .....	8
<b>12</b>	<b>Meeting Close .....</b>	<b>10</b>

**1 MEETING OPENED****2 PRESENT****3 APOLOGIES****4 DISCLOSURE STATEMENTS**

Committee Members are required to:

1. Consider Section 73 and 75 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 75A of the *Local Government Act 1999*.

**5 CONFIRMATION OF MINUTES****RECOMMENDATION**

That the Minutes of the meeting of the Governance Committee held on 4 April 2017 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 2017 - 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)

The Committee recommends 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 Business and Community Services
- General Manager Corporate and Regulatory
- General Manager Urban Services
- Manager City Assets
- Manager City Development
- Manager City Works
- Manager Community Services
- Manager Financial Services
- Manager Information Services
- Manager People and Culture
- Manager Regulatory Services
- Manager Strategy and Business
- Team Leader Compliance
- Team Leader Governance
- Team Leader Library
- Team Leader Community Development
- Team Leader Media and Events
- Team Leader Service Centre
- Coordinator City Development
- Coordinator Engineering Services
- Coordinator Horticulture Services
- Coordinator Property Services
- Coordinator Fleet Cleansing and Support Services
- Executive Coordinator Office of the Mayor and CEO
- Revenue Accountant
- Senior Property Assets Advisor
- Senior Mechanic
- Senior Strategic Procurement Officer
- Traffic Engineer
- Community Centre Coordinator
- Home Assist Worker
- 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 officer' 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 - Planning
- Development Officer - Planning
- Development Officer - Planning
- 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

3. Given the nature of their role and responsibilities the following positions 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

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## 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 complete 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':

- All executive/management positions
- Other positions that hold a financial delegation and/or delegation to make a decision on behalf of the Council or the CEO
- Any other position which gives rise to declaration as a prescribed officer position.

The Administration assess 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 the 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.

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 'Officer 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 'Officer Register of Interests' is not available for public inspection.

## Conclusion

The declaration of 'prescribed officers' is a statutory requirement and also a risk management control which aims to minimise the implication or occurrence of a conflict of interest and promotes accountability and transparency.

## Attachments

Nil

## 11.2 South Australian Planning Reform Implementation Progress Report - May 2017

### Brief

This report provides an update on the status of the implementation of the South Australian Planning Reform, including the transition from the *Development Act 1993* to the *Planning, Development and Infrastructure Act 2016* (the Act), and the implementation of associated legislation and statutory planning documents.

### RECOMMENDATION(S)

The Committee recommends to Council that the South Australian Planning Reform Implementation Progress Report - May 2017 be received.

### Introduction

This report provides a monthly update on the progress of the various elements of the implementation of the South Australian Planning Reform including the implementation of the Act, including the staged proclamation of specific sections, as well as related legislation and statutory planning documents prepared under the Act or by the Department of Planning, Transport and Infrastructure.

### Discussion

#### Staged proclamation of the Act and Regulations

#### Planning, Development and Infrastructure Act 2016 (the Act)

The *Planning, Development and Infrastructure Act 2016* (the Act) was proclaimed on 1 April 2017. In line with the phased transition from the *Development Act 1993* to the Act, the parts that will take effect from 1 April 2017 are:

- the objects, principles, and general responsibilities under the PDI Act;
- the establishment of the new State Planning Commission;
- the establishment of the Minister's statutory advisory committees;
- the commencement of basic infrastructure scheme provisions and pilot general scheme provisions;
- the Environment Food Production Areas (not applicable to CWT);
- the capacity for multiple councils to establish joint planning agreements;
- the first stage of ePlanning via the SA Planning Portal; and
- various related minor administrative matters.

A considerable portion of the Act has been suspended and will not take effect from 1 April 2017. This includes most provisions immediately relating to the Council's role in implementing the planning system. These sections of the Act and associated regulations will be proclaimed over the next three years to enable the phased transition.

The suspended sections of the Act to be proclaimed on a future date relate to:

- state planning policies;
- ePlanning database and online atlas;
- online delivery of planning services;
- regional plans;
- planning & design code;
- relevant authorities;
- composition of council assessment panels;



- development assessment pathways;
- development assessment processes;
- building matters;
- general infrastructure schemes (unless they are a pilot scheme);
- land management agreements;
- open space contributions and other funds;
- appeal and enforcement matters;
- insurance requirements;
- professional advice requirements;
- accreditation of building products;
- charges on land and registration requirements on the transfer of land;
- new change of use of land provisions;
- local heritage; and
- significant trees.

**Further information can be found in Government Gazette Issue No. 18 - Published on 28 March 2017.**

The Department of Planning Transport and Infrastructure (DPTI) has advised that subsequent parts of the new planning system will be progressively introduced over the coming years. The Minister's Road Map, published on the SA Planning Portal, indicates the initial order and structure envisaged for the staged introduction of the main elements of the new system through to 2020. Significant elements expected to be commenced in the near future include:

- the commencement of Council Assessment Panels - 1 July 2017;
- the Accredited Professional Scheme – commencement late 2017; and
- preparation of the initial State Planning Policies.

However, the exact dates for commencement of each of the above elements have not been confirmed. Each new stage of the implementation program will require a specific proclamation of the relevant sections of the Act and, where required, will be accompanied by regulations. The exact dates are expected to be proclaimed in due course.

**Further information can be found on the SA Planning Portal website [www.saplanningportal.sa.gov.au](http://www.saplanningportal.sa.gov.au)**

### **Planning, Development and Infrastructure Regulations**

The *Planning, Development and Infrastructure (General) Regulations 2017* and the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017* were also proclaimed on 1 April 2017.

These Regulations support the portions of the Act which will commence on 1 April 2017. Specifically, these Regulations:

- confirm public notices under the Act can be published through the SA Planning Portal or newspapers;
- refine the requirements for the annual reports of the State Planning Commission and Joint Planning Boards;
- provide for a complaints process for members of the State Planning Commission and other ancillary matters; and
- ensure that the new Environment and Food Production Areas can be created and given effect under the *Development Act 1993*.

**Further information can be found in Government Gazette Issue No. 18 - Published on 28 March 2017.**

Associated Legislation
Local Heritage Reform Bill
<p>In late 2016 DPTI released the <i>Local Heritage Discussion Paper</i> for public consultation. Council made a written submission on the discussion paper.</p> <p>Copies of the submissions have been published on the DPTI website.</p> <p>DPTI staff have advised that a document summarising submissions and a draft Local Heritage Reform Bill is intended to be released in April 2017.</p>
Statutory Planning Documents
DPTI Statutory Planning Documents
<p>DPTI staff have advised the Administration that the following statutory planning documents will be released soon:</p> <p><i>For public consultation:</i></p> <ul style="list-style-type: none"> <li>• Medium Density Housing Guidelines</li> <li>• Ministerial Inner Middle Metro Corridor Infill (Design) Development Plan Amendment</li> <li>• Ministerial Inner Middle Metro Corridor Infill (Sites) Development Plan Amendment</li> </ul> <p><i>Final version:</i></p> <ul style="list-style-type: none"> <li>• 30-Year Plan for Greater Adelaide 2017 Update</li> </ul>
Acts, Regulations and Statutory Planning Documents previously reported on where status remains unchanged
<ul style="list-style-type: none"> <li>• <i>None</i> - This is the first report.</li> </ul>

## Conclusion

This report on the *Planning, Development and Infrastructure Act 2016* implementation is current as at 12 April 2017.

## Attachments

Nil

### 11.3 Legislative Progress Report - April 2017

#### Brief

This report provides an update on the status of proposed legislative changes affecting local government either dealt with in Parliament, by the Local Government Association or contained in the Government Gazette during the preceding month.

#### RECOMMENDATION(S)

The Committee recommends to Council that the 'Legislative Progress Report - April 2017' 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

##### Liquor Licensing (Liquor Review) Amendment Bill 2017

On 29 March 2017, the Minister for Consumer and Business Services introduced the *Liquor Licensing (Liquor Review) Amendment Bill 2017* (Bill) into the House of Assembly where it was adjourned at its second reading. This comes after the Minister sought consultation on the Bill through November 2016 to January 2017 and the *Liquor Licensing Act 1997* (Act) was subject to an independent review by former Supreme Court Justice Tim Anderson QC in 2016.

The introduction of the Bill outlines the legal framework for the new system, however there are areas proposed by the independent review that the Government is still considering. Amendments will also be required to the regulations and the Commissioner's Codes of Practice.

Amendments expected to be considered as part of the regulations and Code include changes to support the:

- new classes of licence, in particular details of the Short Term Licence class and the new annual fees;
- various reforms in the Bill such as minors on licensed premises, the sale of liquor through direct sales, and the new power to enable seizure of an evidence of age document;
- requirements relating to responsible service of alcohol training; and
- the offence of selling or supplying liquor to an intoxicated person.

The State Government will be consulting with impacted members of the community during the development of the changes to the regulations and Codes of Practice, and further information will be provided at that time.

**Further information can be found on the South Australian Legislative Tracking website.**

## Public Interest Disclosure Bill 2016

*Public Interest Disclosure Bill 2016* was passed in the Legislative Council on 15 February 2017 with amendments and returned to the House of Assembly for consideration. The House of Assembly disagree with the amendments and the Bill has now been returned to the Legislative Council for their reconsideration of the requested amendments.

## Road Traffic (Roadworks) Amendment Bill 2017

*Road Traffic (Roadworks) Amendment Bill 2017* was adjourned in the Legislative Council at its 2<sup>nd</sup> reading on 29 November 2016. The *Road Traffic (Roadworks) Amendment Bill* was moved on its 3<sup>rd</sup> reading by the Minister for Police. On 11 April 2017 the Bill was returned from Legislative Council to House of Assembly for consideration of requested amendments, which were subsequently agreed upon. The Bill is now waiting assent.

## Government Gazette Notices

### Planning Development and Infrastructure Act 2017

The *Planning, Development and Infrastructure Act 2016* (Act) and initial regulations were proclaimed on 1 April 2017. Council will be kept informed of the implementation of the Act in a dedicated report which will be presented monthly.

**Further information can be found in Government Gazette Issue No. 18 - Published on 28 March 2017.**

### Dog and Cat Management (Miscellaneous) Amendment Act 2016

*Dog and Cat Management (Miscellaneous) Amendment Act 2016* was proclaimed on 19 April 2017 and will come into operation on 1 July 2017. The following sections will come into operation from 1 July 2018:

- Section 26 - Requirements for dogs and cats to be microchipped and certain breeds of cats of cats and dogs to be desexed
- Sections 45 and 48 - New appeal processes
- Section 51 - Requirements for relating to the breeding and sale of cats and dogs.

*Dog and Cat Management Regulations 2017* were proclaimed on 19 April 2017 and will come into operation on 1 July 2017.

**Further information can be found Government Gazette Issue No. 24 - Published on 19 April 2017.**

### Bills previously reported on where status remains unchanged

- *Public Interest Disclosure Bill 2016* was passed in the Legislative Council on 15 February 2017 with amendments. The Bill will now be returned to the House of Assembly for consideration.
- *Whistleblowers Protection (Miscellaneous) Amendment Bill 2016* was received by the House of Assembly on 22 September 2016 however, the *Whistleblowers Protection Act 1993* will be repealed once the *Public Interest Disclosure Bill 2016* comes into effect.
- *Liquor Licencing (Small Venue Licence) Amendment Bill 2016* was adjourned in the Legislative Council at its 2<sup>nd</sup> reading on 27 July 2016.
- *Local Government (Mobile Food Vendors) Amendment Bill 2016* was adjourned in the Legislative Council at its 2<sup>nd</sup> reading on 1 March 2017.
- *Local Government (Boundary Adjustment) Amendment Bill* was adjourned in the House of Assembly at its 2<sup>nd</sup> reading on 2 March 2017.

### Acts Assented to but Not Yet Commenced

- *Local Nuisance and Litter Control Act 2016* - Proclaimed on Thursday 21 July 2016 for staged commencement; the litter provisions came into effect of 1 February 2017 and the local nuisance provisions will come into effect on 1 July 2017.
- *Independent Commissioner Against Corruption (Miscellaneous) Amendment Act 2016* proclaimed on 15 December 2016 is waiting assent.
- *Native Vegetation Regulations 2017* (Regulations) will come into effect on 1 July 2017 and will replace the *Native Vegetation Regulations 2003*.

### Conclusion

This report on legislative amendments is current as at 20 April 2017.

### Attachments

Nil

## 12 MEETING CLOSE

CITY OF WEST TORRENS



# **ATTACHMENT UNDER SEPARATE COVER**

**Council**

**2 May 2017**

Item 17.1 Delegations Review 2017

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## Delegations Framework 2017

This document includes the CEO delegated provisions, duties, and Council only delegations endorsed by Council on the day of 2017

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	New Addition
	Amendment
	Council Only
	Duty / Delegation Not Required

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## 1. 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			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
s17	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	
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	
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	
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	

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Authorisations under Road Traffic Act 1961 Made in Accordance with the Notice to Council 22 August 2013 from the Minister for Transport			
Clause B.1	<p><b>AUTHORISATIONS</b></p> <p>3. SPEED LIMITS AT WORKS ON ROADS</p> <p>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)].</p>	<p>Technical Assistant - Capital Works, Technical Officer City Assets</p>	<p>All staff who have gained and hold a current Workzone Traffic Management accreditation in the DPTI Workzone Traffic Management Training Program. ****This is NOT a condition/limitation - To be copied into Delegates section.</p>
Clause C	<p><b>AUTHORISATIONS</b></p> <p>4. TRAFFIC CONTROL DEVICES SIGNS AT WORKS ON ROADS</p> <p>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.</p>	<p>Delegation Not Required</p>	
Clause C.1	<p><b>AUTHORISATIONS</b></p> <p>4. TRAFFIC CONTROL DEVICES SIGNS AT WORKS ON ROADS</p> <p>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.</p>	<p>Delegation Not Required</p>	
Clause C.1	<p><b>AUTHORISATIONS</b></p> <p>4. TRAFFIC CONTROL DEVICES SIGNS AT WORKS ON ROADS</p> <p>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)].</p>	<p>General Manager Urban Services, Manager City Assets, Manager City Works, Parking and Traffic Officer, Senior Coordinator Civil Works and Services</p>	<p>All staff who have gained and hold a current Workzone Traffic Management accreditation in the DPTI Workzone Traffic Management Training Program.</p>

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Authorisations under Road Traffic Act 1961 Made in Accordance with the Notice to Council 22 August 2013 from the Minister for Transport			
			****This is NOT a condition/limitation - To be copied into Delegates section.
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	
Clause D.1	AUTHORISATIONS 5. 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. ****This is NOT a condition/limitation - To be copied into Delegates section.
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	Delegation Not Required	

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Authorisations under Road Traffic Act 1961 Made in Accordance with the Notice to Council 22 August 2013 from the Minister for Transport			
	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.		
Clause F.1	<p><b>AUTHORISATIONS</b></p> <p>6. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY</p> <p>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.</p>	Delegation Not Required	
Clause F.1	<p><b>AUTHORISATIONS</b></p> <p>6. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY</p> <p>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)]</p>	Manager City Assets, Traffic Engineer	

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## 2. By-Law 1 - Permits and Penalties

By-Law 1 - Permits and Penalties A By-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and for the construction of Council By-laws.			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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.	Chief Executive	
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.	Chief Executive	

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## 3. By-Law 2 - Local Government Land

By-Law 2 - Local Government Land A By-Law to regulate the access to and use of Local Government land (other than roads), and certain public places.			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	
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	
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	
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</p> <p>9.4 Amplification</p> <p>9.5 Animals</p> <p>9.6 Annoyance</p>	Chief Executive Officer	

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## By-Law 2 - Local Government Land

A By-Law to regulate the access to and use of Local Government land (other than roads), and certain public places.

9.7 Attachments		
9.8 Bees		
9.9 Boats		
9.10 Buildings		
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<b>By-Law 2 - Local Government Land</b> A By-Law to regulate the access to and use of Local Government land (other than roads), and certain public places.		
	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	
Clause 11.1	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: 11.1.1 the use of the land by that person; 11.1.2 the conduct and behaviour on the land by that person; 11.1.3 the safety on the land by that person; or 11.1.4 the safety and enjoyment of other persons on the land.	Duty - Not a Delegation

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<b>By-Law 2 - Local Government Land</b> A By-Law to regulate the access to and use of Local Government land (other than roads), and certain public places.		
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
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
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

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## 4. By-Law 3 - Roads

By-Law 3 - Roads A By-law to regulate certain activities on roads in the Council area.			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	
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	
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	

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By-Law 3 - Roads		
A By-law to regulate certain activities on roads in the Council area.		
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

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## 5. By-Law 4 - Moveable Signs

<b>By-Law 4 - Moveable Signs</b> A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs.			
<b>Section Delegated</b>	<b>Summary of Delegation</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	
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	
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	
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	

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## 6. By-Law 5 - Dogs

By-Law 5 - Dogs A By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council area.			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	
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	
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	
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	
Clause 9.1.1	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:  9.1.1 on Local Government land or public place to which the Council has resolved that this subclause applies; and  9.1.2 on any park or reserve during times when organised sport is being played 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.	Chief Executive Officer	
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:	Duty - Not a Delegation	

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By-Law 5 - Dogs A By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council area.			
	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.		
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	
Clause 12.3	The power pursuant to Clause 12.3 of the By-law to, if a person does not comply with an order, recover the costs of any action taken from the person to whom the order was directed.	Chief Executive Officer	

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## 7. Community Titles Act 1996

Community Titles Act 1996			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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(1)(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, to apply to the Registrar-General for the division of the land by a plan of community division.</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	
s16(1)(a)	<p>4. Consents to Application</p> <p>4.1 The power pursuant to Section 16(1)(a) of the Act,</p>	Chief Executive Officer	

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Community Titles Act 1996		
	<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>	
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 the vote was</p>	Chief Executive Officer

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Community Titles Act 1996			
	taken; or		
	5.2.1.2 a prospective owner at the relevant time of a secondary lot; or		
	5.2.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot; or		
	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:		
	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		
	5.2.2.2 a prospective owner at the relevant time of a tertiary lot; or		
	5.2.2.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot, to grant consent.		
s27(1)(b)(i)	6. Encroachments 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.	Chief Executive Officer	
s30(4)	7. Scheme Description 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: 7.1.1 add any information that is necessary or desirable; or 7.1.2 clarify any part of the description; or	Chief Executive Officer	

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Community Titles Act 1996		
	7.1.3 remove any unnecessary detail.	
s31(3)	8. Scheme Description 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.	Chief Executive Officer
s32(1)	9. Persons Whose Consents are Required 9.1 The power pursuant to Section 32(1) of the Act, where the Council is:  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  9.1.2 the prospective owner at the relevant time of a community lot;  9.1.3 the owner or prospective owner at the relevant time of a development lot;  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  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  9.1.6 a person referred to Section 32(2) of the Act, to grant consent.	Chief Executive Officer
s32(2)	9. Persons Whose Consents are Required 9.2 The power pursuant to Section 32(2) of the Act:  9.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and the Council is:  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	Chief Executive Officer

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Community Titles Act 1996	
	secondary corporation; or 9.2.1.2 the prospective owner at the relevant time of a secondary lot; or 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 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;
s34(6)(e)	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 9.2.2.2 the prospective owner at the relevant time of a tertiary lot; or 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.
s34(6)(g)	9A. By-laws 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. 9A. By-laws 9A.2 The power pursuant to Section 34(6)(g) of the Act to withdraw or otherwise discontinue the application for revocation.
s36(5)	9B. By-law as to the Exclusive Use of Part of the Common Property 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.
s49(1)	9C. Enforcement of Development Contract 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

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Community Titles Act 1996			
	a development contract, to take proceedings for its enforcement (including damages for breach of the contract) in the Magistrates Court 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	Chief Executive Officer	

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Community Titles Act 1996		
	the application.	
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

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Community Titles Act 1996		
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

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Community Titles Act 1996		
	<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

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Community Titles Act 1996		
	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

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Community Titles Act 1996		
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	Chief Executive Officer

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Community Titles Act 1996		
s139(1)	<p>primary or secondary corporation.</p> <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</p>	Chief Executive Officer

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Community Titles Act 1996		
	corporation for information under Section 139 of the Act.	
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

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Community Titles Act 1996		
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

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## 8. Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008

General Conditions and Limitations Applicable to the Exercise of Development Assessment Powers under the Development Act 1993	
CHIEF EXECUTIVE OFFICER, GENERAL MANAGER URBAN SERVICES AND MANAGER CITY DEVELOPMENT shall -	
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.	
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.	
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.	
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—	
a) will be internally illuminated and incorporate red, yellow, green or blue lighting; or	
b) will incorporate a moving display or message; or	
c) will incorporate a flashing light.	
ALL CITY DEVELOPMENT STAFF shall -	
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	
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	
C) With regard to residential development and land division applications, only exercise delegated powers to assess or determine applications where all proposed allotments and or sites meet the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan.	
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	

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<b>General Conditions and Limitations Applicable to the Exercise of Development Assessment Powers under the Development Act 1993</b>	
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—	
a) will be internally illuminated and incorporate red, yellow, green or blue lighting; or b) will incorporate a moving display or message; or c) will incorporate a flashing light.	
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 General Manager Urban Services has determined with notification 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.	

<b>Development Act 1993</b>		
<b>Section Delegated</b>	<b>Summary of Delegation</b>	<b>Delegate</b>
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
		<b>Conditions and Limitations</b>

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Development Act 1993		
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
s20(8)	<p>3. Delegations</p> <p>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.</p>	Duty - Not a Delegation
s24(1)(a)(i)	<p>4. Council or Minister May Amend a Development Plan</p> <p>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.</p>	Council Only
s24(1)(b)(i)	<p>4. Council or Minister May Amend a Development Plan</p> <p>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.</p>	Council Only

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Development Act 1993		
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
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)	5. Amendments by a Council 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: 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	Duty - Not a Delegation

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Development Act 1993	
and such other investigations (if any) as the Council or the Delegate thinks fit;	
5.3.2 the DPA must include an assessment of the extent to which the proposed amendment;	
5.3.2.1 accords with the Planning Strategy; and	
5.3.2.2 accords with the Statement of Intent; and	
5.3.2.3 accords with other parts of the Development Plan; and	
5.3.2.4 complements the policies in the Development Plans for adjoining areas; and	
5.3.2.5 satisfies the matters prescribed in the Regulations;	
5.3.3 the DPA must include:	
5.3.3.1 an explanation of the intent of the proposed amendments, the relationship between that intent and the policy of the Statement of Intent, and a summary of the major policy changes (if any) that are proposed; and	
5.3.3.2 a summary of the conclusions drawn from the investigations and assessments referred to above; and	
5.3.3.3 a draft of the amendment, or a draft of the relevant section of the Development Plan as amended (with the amendments shown in a distinctive manner);	
5.3.4 the DPA must include an assessment of the extent to which the proposed amendment accords with relevant infrastructure planning (with respect to both physical and social infrastructure) identified by the Council through strategic planning or other processes undertaken by the Council under the Act or the Local Government Act 1999 or identified by a Minister, or any other relevant government agency, in accordance with any scheme set out in the Regulations, in connection with the preparation of the DPA under the Act;	
5.3.5 the DPA must include any other matter prescribed by the Regulations.	

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<b>Development Act 1993</b>		
s25(3)(a)	5. Amendments by a Council 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.	Council Only
s25(4)	5. Amendments by a Council 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.	Duty - Not a Delegation
s25(5)	5. Amendments by a Council 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.	Council Only
s25(6)	5. Amendments by a Council 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.	Duty - Not a Delegation
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	Chief Executive Officer

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Development Act 1993			
	received within the period that applies under Section 25(7)(a) of the Act, to assume that the particular Department, agency or other body does not desire to provide any comment.		
s 25(7)(c)	5. Amendments by a Council 5.9 Process A 5.9.3 The power pursuant to Section 25(7)(c) of the Act to consult with the Minister.	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	
s25(10), 25(11), 25(12) and 25(12a)	5. Amendments by a Council 5.9 Process A 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.	Duty - Not a Delegation	
s25(8)(a)	5. Amendments by a Council 5.10 Process B 5.10.1 The duty pursuant to Section 25(8)(a) of the Act, if required by the Minister, to first refer the DPA to the Minister for consideration. 5.10.2 The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister. 5.10.3 The duty pursuant to Section 25(8)(a)(i) of the Act to comply with a requirement of the Minister to make an alteration to the DPA. 5.10.4 Subject to complying with Section 25(8)(a) of the Act, (if relevant) the duty and power pursuant to Section 25(8)(b)(i) of the Act to refer the DPA to any	Duty - Not a Delegation	

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Development Act 1993		
	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.	
	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.	
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> <p>5. Amendments by a Council</p>	Duty - Not a Delegation
s25(10)	5. Amendments by a Council	Duty - Not a Delegation

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	<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> <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</p>	Duty - Not a Delegation

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<b>Development Act 1993</b>		
	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:	
	5.14.1 informing the owner of the proposed amendment, and	
	5.14.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.	
s25(12a)	5. Amendments by a Council 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: 5.15.1 informing the owner of the proposed amendment; and 5.15.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.	Duty - Not a Delegation
s25(13)(a)	5. Amendments by a Council 5.16 The duty pursuant to Section 25(13)(a) of the Act, after complying with the requirements of Sections 25(1)-(12a) of the Act, to, in accordance with the Regulations prepare a report on the matters raised during the consultation period, on the reasons for any failure to comply with any time set for any step under Sections 25(1)-(12a) of the Act, and on any recommended alterations to the proposed amendment.	Duty - Not a Delegation
s25(13)(b)	5. Amendments by a Council 5.17 The power pursuant to Section 25(13)(b) of the Act, if the Delegate thinks fit, by notice in writing to the Minister, to decline to proceed any further with an amendment.	Council Only
s25(13)(a);	5. Amendments by a Council 5.18 The duty to send to the Minister: 5.18.1 a copy of a report under Section 25(13)(a); and 5.18.2 a certificate from the Chief Executive Officer;	Duty - Not a Delegation

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<b>Development Act 1993</b>		
	pursuant to and in accordance with Section 25(14) of the Act and the Regulations.	
s25(15)(d) and 25(15)(f)	5. Amendments by a Council 5.19 The power pursuant to Sections 25(15)(d) and 25(15)(f) of the Act to consult with the Minister.	Council Only
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

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Development Act 1993		
s30(1)		Duty - Not a Delegation
<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> <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>		

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Development Act 1993		
	8.1.4.1 prescribed by the regulations; or 8.1.4.2 required by the Minister.	
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
s30(4)	<p>8. Strategic Directions Reports</p> <p>8.4 The duty, pursuant to Section 30(4) of the Act, in connection with the operation of Section 30(3) of the Act, to prepare and make available the documentation prescribed by the regulations.</p>	Duty - Not a Delegation

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Development Act 1993		
s30(5)	<p>8. Strategic Directions Reports</p> <p>8.5 The duty pursuant to Section 30(5) of the Act to give a person who makes a written response to an invitation under Section 30(3)(a) of the Act an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions.</p>	Duty - Not a Delegation
s30(6)	<p>8. Strategic Directions Reports</p> <p>8.6 The duty pursuant to Section 30(6) of the Act, in preparing a report under Section 30 of the Act, to:</p> <p>8.6.1 reach agreement with the Minister on a Statement of Intent with respect to any proposed amendments to a Development Plan that applies within the area of the Council; and</p> <p>8.6.2 if relevant, prepare a DPA that is suitable for consideration under Section 25(3) of the Act.</p>	Duty - Not a Delegation
s30(7)	<p>8. Strategic Directions Reports</p> <p>8.7 The duty pursuant to Section 30(7) of the Act to furnish a report under Section 30 of the Act to the Minister.</p>	Duty - Not a Delegation
s30(8)	<p>8. Strategic Directions Reports</p> <p>8.8 The duty pursuant to Section 30(8) of the Act to, then, in accordance with any reasonable request of the Minister, enter into an agreement with the Minister on the steps that the Council will take as a result of the matters contained in the report (and the report will not be taken to have been completed unless or until such an agreement is reached with the Minister).</p>	Duty - Not a Delegation
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)	8. Strategic Directions Reports	Duty - Not a Delegation

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Development Act 1993			
	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.		
s30(13)	8. Strategic Directions Reports 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.	Duty - Not a Delegation	
s30(14)	8. Strategic Directions Reports 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.	Council Only	
s30(15)	8. Strategic Directions Reports 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.	Council Only	
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, Development Assessment Panel	Except for refusals and conditions A-C of the General Conditions and Limitations above*
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):	Chief Executive Officer	Subject to the person having prescribed qualifications or experience as specified in Regulation 87.

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Development Act 1993			
	10.1.2 the provisions of the Building Rules;		
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, Development Assessment Panel	Except for refusals and conditions A-C* of the General Conditions and Limitations above*
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 Assessment Panel	Except for refusals and conditions A-C of the General Conditions and Limitations above*
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, Development Assessment Panel	
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, Development Assessment Panel	
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, Development Assessment Panel	
s33(1)	10. Matters Against Which Development Must be Assessed 10.3 If:	Duty - Not a Delegation	

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Development Act 1993			
	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.		
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	

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Development Act 1993			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.			
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, Development Assessment Panel	
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, Development Assessment Panel	Except for refusals and conditions A-C of the General Conditions and Limitations above*
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, Development Assessment Panel	
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,		Chief Executive Officer	

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Development Act 1993		
	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.	
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
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

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Development Act 1993		
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 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).	Duty - Not a Delegation

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Development Act 1993		
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
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, Development Assessment Panel
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	Duty - Not a Delegation

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Development Act 1993		
	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.	
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: 17.2.1.1 subject to any exclusion or qualification prescribed by the Regulations - give an owner or occupier of each piece of adjoining land; and 17.2.1.2 give any other person of a prescribed class, notice of the application; and 17.2.2 the duty pursuant to Section 38(3a)(b) of the Act, to: 17.2.2.1 give consideration to any representations in writing made in accordance with the Regulations by a person who is entitled to be given notice under paragraph (a) of Section 38(3a) of the Act; and 17.2.2.2 forward to the applicant a copy of any representations that the relevant authority must consider under subparagraph (i) of Section 38(3a)(b) of the Act	Duty - Not a Delegation

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Development Act 1993		
	and allow the applicant an opportunity to respond in writing, to those representations within the period prescribed by the Regulations; and	
	17.2.3 If a representation is received under paragraph (b) of Section 38(3a) of the Act within the prescribed number of days, the power pursuant to Section 38(3a)(c) of the Act to, in the Delegate's absolute discretion, allow the person who made the representation to appear personally or by representative before it to be heard in support of the representation.	
s38(4)	17. Public Notice and Consultation 17.3 The duty pursuant to Section 38(4) of the Act to give notice of a proposal for a Category 2 development.	Duty - Not a Delegation
s38(5)	17. Public Notice and Consultation 17.4 The duty pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development.	Duty - Not a Delegation
s38(8)	17. Public Notice and Consultation 17.5 The duty pursuant to Section 38(8) of the Act to forward to an applicant a copy of any representation made regarding the proposed development, and to allow the applicant to respond in writing to those representations.	Duty - Not a Delegation
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	Duty - Not a Delegation

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<b>Development Act 1993</b>			
	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.		
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.	Duty - Not a Delegation	
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.	Chief Executive Officer, Development Assessment Panel	
s39(2a)	18. Application and Provision of Information 18.2 If: 18.2.1 a development is of a kind that is complying development; and	Duty - Not a Delegation	

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	<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), 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>	
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</p> <p>the duty pursuant to Section 39(2b)(d) of the Act, to;</p> <p>18.3.4 make that request within a period prescribed by the Regulations.</p>	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, Development Assessment Panel

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Development Act 1993		
s39(3a)	18. Application and Provision of Information 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.	Duty - Not a Delegation
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, Development Assessment Panel
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	Chief Executive Officer

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Development Act 1993			
	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.		
s39(7)	18. Application and Provision of Information 18.12 The power pursuant to Section 39(7) of the Act to approve an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative.	Chief Executive Officer	
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, Development Assessment Panel	
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	Duty - Not a Delegation	

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Development Act 1993			
	include the reasons for the refusal and any appeal rights that exist under the Act.)		
s40(3)	19. Determination of Application 19.2 The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative.	Chief Executive Officer	
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 Assessment Panel	
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	Duty - Not a Delegation	

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Development Act 1993			
	person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).		
s42(6) s42(4)	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, Development Assessment Panel	
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, Development Assessment Panel	
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	
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.	Delegation Not Required	
s49(5)	24. Crown Development and Public Infrastructure 24.2 The power pursuant to Section 49(5) of the Act to report to the	Chief Executive Officer	

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Development Act 1993			
	Development Assessment Commission on any matters contained in a notice from the Development Assessment Commission under Section 49(4a) of the Act.		
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	
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.	Chief Executive Officer	

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Development Act 1993		
	according to the determination and specification of the Council or Delegate.	
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
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, Development Assessment Panel
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	Duty - Not a Delegation

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Development Act 1993			
	Minister has been obtained.		
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	
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	Duty - Not a Delegation	

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Development Act 1993			
	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.		
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	
s50B(6)	28. Urban Trees Fund 28.5 The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to: 28.5.1 maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act; or	Chief Executive Officer	
s50B(6)	28. Urban Trees Fund 28.5 The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to: 28.5.2 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.	Chief Executive Officer	
s50B(7)	28. Urban Trees Fund 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: 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; 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.	Duty - Not a Delegation	
s51(2)	29. Certificate in Respect of the Division of Land	Duty - Not a Delegation	

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Development Act 1993			
	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.		
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.	Delegation Not Required	
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.	Delegation Not Required	
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	Delegation Not Required	

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Development Act 1993			
	under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity or includes an activity for which a development authorisation is required under the Act to, when considering an application for a development authorisation or for the variation of a development authorisation, for the activity, use information and other material provided to the Commonwealth Minister under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.		
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> <p>31.5.2 the power pursuant to Section 52A(6)(b) of the Act to attach a condition</p>	Chief Executive Officer	

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Development Act 1993		
	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 date prescribed by regulation for the purposes of subsection 53A(1) of the Act, the power pursuant to Section 53A(1) of the Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition and therefore require as a condition of consent that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.	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
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	Chief Executive Officer

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<b>Development Act 1993</b>			
	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.		
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	
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	

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Development Act 1993		
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
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	Council Only

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Development Act 1993		
	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.	
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
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	Chief Executive Officer

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Development Act 1993		
	56B.	
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
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	Duty - Not a Delegation

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Development Act 1993		
	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).	
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
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:	Duty - Not a Delegation

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Development Act 1993		
	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.	
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
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	Chief Executive Officer

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Development Act 1993			
	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).		
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	
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	

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Development Act 1993		
s69(1)	<p>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.</p> <p>44.1.1 the power pursuant to Section 69(4) of the Act to cause the required work to be carried out; and</p> <p>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.</p>	Chief Executive Officer
s71(18), (19)	<p>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.</p>	Council Only
s71(19)(a)(i)	<p>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.</p>	Council Only
s71(19)(a)(ii)	<p>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)).</p>	Council Only
s71(19)(a)(iii)	<p>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.</p>	Council Only
s71(19)(a)(iv)	<p>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.</p>	Council Only
s71(19)(b)	<p>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.</p>	Council Only
s71(19)(d)	44A Fire Safety	Council Only

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Development Act 1993		
	44A.7 The power pursuant to Section 71(19)(d) of the Act to appoint deputy members to the appropriate authority.	
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
s74(1)	46. Advertisements 46.1 The power pursuant to and in accordance with Section 74(1) of the Act to:  46.1.1 form the opinion that an advertisement or advertising hoarding disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality or is contrary to a character desired for a locality under the relevant Development Plan; and  46.1.2 serve notice in writing requiring the removal or obliteration of the advertisement or the removal of the advertising hoarding (or both).	Chief Executive Officer
s74(3)	46. Advertisements 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.	Chief Executive Officer
s84(2)	47. Enforcement Notices 47.1 The power pursuant to and in accordance with Section 84(2) of the Act to issue an enforcement notice where the Delegate has reason to believe on reasonable grounds that a person has breached the Act or a repealed Act.	Chief Executive Officer
s84(3)	47. Enforcement Notices 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.	Chief Executive Officer
s84(2)(b)	47. Enforcement Notices 47.3 Where a person has failed to comply with a direction contained in a notice	Chief Executive Officer

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Development Act 1993		
	issued pursuant to Section 84(2)(b) of the Act: 47.3.1 the power pursuant to Section 84(6) of the Act to cause the necessary action to be undertaken, and 47.3.2 pursuant to and in accordance with Sections 84(7) and 84(8) of the Act to recover the costs of doing so as a debt from the person whose failure gave rise to the action.	
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	Chief Executive Officer

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Development Act 1993			
	prescribed function, to rely on a certificate of a person with prescribed qualifications.		
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	
s105(5)	53. General provisions relating to offences 53.1 The Power pursuant to section 105(5) to commence prosecution proceedings for an offence under the Act.	Chief Executive Officer	
s105(5)	53. General provisions relating to offences 53.2 The duty if it is more than three years but less than ten years after the date of the alleged commission of an offence under the Act, to apply to the Attorney-General for authorisation to commence a prosecution for that offence.	Duty - Not a Delegation	

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Development (Development Plans) Amendment Act 2006			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
r8A(1)(a)	53A. Complying Development – Development Plan Consent 53A.1 The power pursuant to Regulation 8A(1)(a) of the Development Regulations 2008 ('the Regulations'), for the purposes of Sections 33(1) and 35 of the Act (subject to Regulation 8A(2)) of the Regulations to:  53A.1.1 in the case of a proposed development lodged for assessment as residential code development – assess the development as being in a form described in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C (including a form	Duty - Not a Delegation	

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Development Regulations 2008		
	specified or provided for in a relevant Development Plan referred to in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C); and	
	53A. 1.2 in any other case – to assess the development as being in a form described in Schedule 4 Part 1 (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 Part 1).	
r8A(1)(b)	53A. Complying Development – Development Plan Consent 53A.2 The power pursuant to Regulation 8A(1)(b) of the Regulations, for the purposes of Section 35(1b) of the Act, to:	Chief Executive Officer, General Manager Urban Services, Manager City Development, Development Assessment Panel
	53A.2.1 form the opinion that a variation from complying development (including complying development as declared under Regulation 8A(1)(a) of the Regulations) is minor; and	
	53A.2.2 determine that 2 or more minor variations, when taken together, constitute a 'minor variation from complying development'.	
r8B(1)	53B. Complying Building Work – Building Rules 53B.1 The power pursuant to Regulation 8B(1) of the Regulations, for the purposes of Section 36(1) of the Act to, subject to Regulation 8B(2) of the Regulations, assess building work as being in a form specified in Schedule 4 Part 2 (including a form specified or provided for in the Building Code referred to in Schedule 4 Part 2).	Duty - Not a Delegation
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 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.	Council Only

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Development Regulations 2008		
s25,26	<p>56. Public Consultation - Section 25 &amp; 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 &amp; 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
s25,26	<p>56. Public Consultation - Section 25 &amp; 26</p> <p>56.3 For the purposes of Sections 25(9)(c) and 26(5b)(c) of the Act, the duty pursuant to Regulation 11A(4) of the Regulations to include in the written notice the same information as required for a notice under Regulation 11A(1) of the Regulations.</p>	Duty - Not a Delegation
s25,26	56. Public Consultation - Section 25 & 26	Duty - Not a Delegation

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Development Regulations 2008			
	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.		
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 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.	Duty - Not a Delegation	
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.	Delegation Not Required	

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Development Regulations 2008		
r15(7b)	<p>58.4A The power pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application under Regulation 15(7a) of the Regulations, furnish to the private certifier:</p> <p>58.4A.1 the Development Assessment number assigned to the development proposed under the application; and</p> <p>58.4A.2 if the private certifier, at the time of forwarding a copy of an application under Regulation 15(7a) of the Regulations, requests advice on the matters set out in subparagraphs (i) and (ii), and if such advice is relevant:</p> <p>58.4A.2.1 advice about any site contamination that is believed to exist at the site where the development would be undertaken; and</p> <p>58.4A.2.2 advice about the likely need for approval to alter a public road under section 221 of the Local Government Act 1999 in order to establish a new access point.</p> <p>58.4A.2.3 advice about whether the relevant development plan specifies any requirements relating to finished floor levels (expressed by reference to AHD or ARI) in relation to the site where the development would be undertaken.</p>	Chief Executive Officer, General Manager Urban Services, Manager City Development, Coordinator City Development - Planning, Senior Development Officer - Planning, Senior Development Officer - APPS, Development Officer - Planning
r15(8)	<p>58. Application to Relevant Authority</p> <p>58.5 The power pursuant to Regulation 15(8) of the Regulations to extend the period prescribed in Regulation 15(8) for the lodging of an application for the appropriate development authorisation as required by Section 54(2)(c).</p>	Chief Executive Officer
r15(10)(c)	<p>58. Application to Relevant Authority</p> <p>58.6 If an application relates to a proposed development that involves the division of land in the Golden Grove Development Area which is complying development in respect of the Development Plan, the duty pursuant to Regulation 15(10)(c) to forward to the Development Assessment Commission within 5 business days after receipt of the application:</p> <p>58.6.1 a copy of the application; and</p> <p>58.6.2 a copy of the plans, drawings, specification and other documents or information accompanying the application.</p>	Delegation Not Required
r15(11)	<p>58. Application to Relevant Authority</p> <p>58.7 The power pursuant to Regulation 15(11) of the Regulations, to modify the requirements of Schedule 5 in relation to a particular application, subject to</p>	Chief Executive Officer, General Manager Urban Services, Manager City Development, Coordinator City Development - Planning, Senior Development

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Development Regulations 2008		
	the following qualifications: 58.7.1 in the case of an application that is lodged with the Council for assessment as residential code development – the requirements of Schedule 5 may not be modified in any way by the delegate assessing the application (whether so as to require more or less information), except on authority of the Minister under Section 39(1)(a) of the Act; 58.7.2 in any other case, the delegate must not, when requiring plans, drawings, specifications and other documents in relation to the application, require the applicant to provide more information than that specified under Schedule 5 (subject to Section 39 of the Act).	Officer - Planning, Senior Development Officer - APPS, Development Officer - Planning, Coordinator City Development - Building, Development Officer - Building
R15(12)	58. Application to Relevant Authority 58.8 The duty pursuant to Regulation 15(12) of the Regulations to, in exercising the discretion under Section 39(4)(b) of the Act, dispense with the requirements of Schedule 5 in relation to a particular application	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, 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.	Chief Executive Officer

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Development Regulations 2008		
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 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.	Duty - Not a Delegation

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Development Regulations 2008		
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: 63.3.1 take reasonable steps to notify the applicant of the action under consideration; and 63.3.2 allow the applicant a reasonable opportunity to make submissions to the Council or the Delegate about the proposed course of action, and the power to determine the manner and form of those submissions.	Duty - Not a Delegation
r23(2)	64. Contravening Development 64.1 The power pursuant to Regulation 23(2) of the Regulations, by notice in	Chief Executive Officer

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Development Regulations 2008			
	writing to the applicant to decline to proceed with an application until proceedings under the Act have been concluded.		
r24(1)	65. Referrals 65.1 The duty pursuant to Regulation 24(1) of the Regulations to refer an application of a prescribed kind together with a copy of any relevant information provided by the applicant to the relevant body prescribed by Schedule 8 of the Regulations and to not make a decision on the application until a response has been received from the referral body or the time period for receipt of a response has lapsed.	Duty - Not a Delegation	
r25	66. Procedure Where Concurrence Required 66.1 The duty pursuant to Regulation 25 of the Regulations, if concurrence must be sought from another body prior to issuing a consent or approval to forward to the other body whose concurrence must be sought that information required by Regulation 25(b) of the Regulations.	Duty - Not a Delegation	
r27(1)	67. Additional Information or Amended Plans 67.1 The duty pursuant to Regulation 27(1) of the Regulations, where an application has been referred to a prescribed body under Part 5 of the Regulations and additional information is received which is materially relevant to the referral, to repeat the referral process where the Delegate is of the opinion that the additional information or amendment is significant and the power to repeat the referral process in all other instances.	Duty - Not a Delegation	
r28(3)	68. Special Provisions - Referrals 68.1 The duty pursuant to and in accordance with Regulation 28(3) of the Regulations to refer an application for building rules consent to the relevant fire authority for comment and report where the Delegate considers that:  68.1.1 a proposed alternative solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or  68.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or  68.1.3 special problems for fire fighting could arise due to hazardous conditions	Duty - Not a Delegation	

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Development Regulations 2008			
	of a kind described in Section E of the Building Code, and the duty pursuant to Regulation 28(5) of the Regulations to have regard to any report received from the fire authority under Regulation 28.		
r28(4)	68. Special Provisions - Referrals 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.	Chief Executive Officer	
r28	68. Special Provisions - Referrals 68.3 If, in respect of an application referred to a fire authority under Regulation 28, the fire authority: 68.3.1 recommends against the granting of building rules consent; or 68.3.2 concurs in the granting of consent on conditions specified in its report, but the Delegate; 68.3.3 proposes to grant building rules consent despite a recommendation referred to in Regulation 28(5a)(a) of the Regulations; or 68.3.4 does not propose to impose the conditions referred to in Regulation 28(5a)(b) of the Regulations, or proposes to impose the conditions in varied form, on the grant of consent, the duty pursuant to Regulation 28(5a) of the Regulations to: 68.3.5 refer the application to the Building Rules Assessment Commission; and 68.3.6 not grant consent unless the Building Rules Assessment Commission concurs in the granting of consent.	Duty - Not a Delegation	
r28(6)	68. Special Provisions - Referrals 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.	Duty - Not a Delegation	

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Development Regulations 2008		
r28(7)	68. Special Provisions - Referrals 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.	Duty - Not a Delegation
r29(1)	69. Land Division Applications 69.1 The duty pursuant to Regulation 29(1) of the Regulations, subject to the provisions in Regulation 29(2) of the Regulations, to withhold making a decision on an application which relates to a proposed development that involves the division of land until a report has been received from the Development Assessment Commission.	Duty - Not a Delegation
r29(1)	69. Land Division Applications 69.2 The power pursuant to Regulation 29(2) of the Regulations, when a report from the Development Assessment Commission pursuant to Regulation 29(1) of the Regulations is not received by the Council within eight weeks or within such longer period as the Development Assessment Commission may require by notice in writing to the Council, to presume that the Development Assessment Commission does not desire to make a report.	Chief Executive Officer
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
r32(2)(5)	71A. Public Notice Categories 71A.1 The power pursuant to Regulation 32(2)(5) of the Regulations to determine that a form of development comprises 2 or more elements.	Duty - Not a Delegation
s37AA	71. Preliminary Advice and Agreement - Section 37AA	Chief Executive Officer

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Development Regulations 2008			
	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.		
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;  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.	Chief Executive Officer	
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	Chief Executive Officer	

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Development Regulations 2008			
	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 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	Chief Executive Officer	

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Development Regulations 2008			
	within which an applicant may respond to any representation		
34(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 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	Duty - Not a Delegation	
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:  74.1.2 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).	Chief Executive Officer	
s34(1)(b)(iv)	74. Determination of Commission as Relevant Authority 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.	Chief Executive Officer	
r39	75. Assessment in Respect of Building Rules Referred to the Council 75.1 The duty pursuant to and in accordance with Regulation 39 of the Regulations, where the Council is the relevant authority pursuant to Section 34(2) of the Act, not to give any decision in respect of the assessment against the Building Rules until the Development Assessment Commission or the regional development assessment panel (as the case may be) has made its decision.	Duty - Not a Delegation	
r42	76. Notification of Decision to Applicant (Including Conditions) 76.1 The duty pursuant to and in accordance with Regulation 42 of the Regulations to give notice of a decision on an application under Division 1 of Part 4 of the Act including, but not limited to, the power to endorse approved	Duty - Not a Delegation	

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Development Regulations 2008		
	plans and documentation under Regulation 42(4).	
r43	77. Notification of Decision to a Prescribed Body 77.1 The duty pursuant to and in accordance with Regulation 43 of the Development Regulations, to send a copy of the notice of decision issued under Regulation 42 of the Regulations to any prescribed body to which the application had been referred.	Duty - Not a Delegation
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

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Development Regulations 2008		
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r45(2)	79. Scheme Description - Community Titles 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 opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services.	Chief Executive Officer

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Development Regulations 2008		
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 and drain.	Duty - Not a Delegation
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

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Development Regulations 2008			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.		
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 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.	Delegation Not Required	
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	Delegation Not Required	

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Development Regulations 2008			
	period prescribed by Regulation 60(8) of the Regulations.		
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	
s48	92. Referral of Assessment of Building Work 92.1 Where a development application which is subject to the operation of Section 48 of the Act is referred to the Council for assessment in respect of the Building Rules the duty pursuant to and in accordance with Regulation 64(2) of the Regulations, to ensure that the assessment is consistent with any development plan consent previously given under Section 48 of the Act.	Chief Executive Officer	
r64(1)	92. Referral of Assessment of Building Work 92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to: 92.2.1 provide the certification in the form set out in Schedule 12A, and	Chief Executive Officer	

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Development Regulations 2008		
	92.2.2 to the extent that may be relevant and appropriate: 92.2.2.1 issue a schedule of essential safety provisions under Division 4 of Part 12 of the Act; and 92.2.2.2 assign a classification to the building under the Regulations; and 92.2.2.3 ensure that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993.	
r64(3)(a)	92. Referral of Assessment of Building Work 92.3 Where the Council issues a certificate in the form set out in Schedule 12A of the Regulations as required by Regulation 64(3)(a) of the Regulations, the duty pursuant to Regulation 64(4) of the Regulations to furnish to the Minister a copy of the certificate together with a copy of any schedule of essential safety provisions.	Chief Executive Officer
r74(1)(b)	93. Notifications During Building Work 93.1 The power pursuant to Regulation 74(1)(b) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.	Chief Executive Officer
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	Duty - Not a Delegation

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Development Regulations 2008			
	safety provisions for buildings and the standards and requirements for maintenance and testing in respect of those provisions.		
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: 95.1.1 application is made for building rules consent for building work in the nature of an alteration to a class 1, 2 or 3 building under the Building Code; and 95.1.2 the building is in a bushfire prone area under Regulation 78(1) of the Regulations; and 95.1.3 the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction), the power, pursuant to Regulation 78(2) of the Regulations, to require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of the Building Rules for bushfire protection.	Chief Executive Officer	
r79(2)	96. Construction Industry Training Fund 96.1 The duty pursuant to Regulation 79(2) of the Regulations to withhold issuing a building rules consent until satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or that no such levy is payable.	Duty - Not a Delegation	

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Development Regulations 2008			Chief Executive Officer
r79(4)	96. Construction Industry Training Fund 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.		
r79(5)(b)	96. Construction Industry Training Fund 96.3 The power pursuant to and in accordance with Regulation 79(5)(b) of the Regulations to determine that the application has lapsed.		Chief Executive Officer
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
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		Chief Executive Officer

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Development Regulations 2008			
	conditions attached to a development approval have been satisfied.		
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 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.	Chief Executive Officer	
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 report from the fire authority pursuant to Regulation 83(4) is not received within 15	Chief Executive Officer	

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Development Regulations 2008			
	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: 100.4.1 if it appears that an overpayment has occurred, to refund any amount due in accordance with the reassessment; and	Duty - Not a Delegation	

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Development Regulations 2008		
	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
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	Council Only

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Development Regulations 2008		
	Regulation 100(8) to any owner of the land who is not a party to the agreement.	
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 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.	Chief Executive Officer
r101(5)	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information.	Chief Executive Officer

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Development Regulations 2008		
	<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>	
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
r104	<p>105. Transfer of Development Potential</p> <p>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.</p>	Duty - Not a Delegation
Section 115(1)(a)	<p>106. System Indicators</p> <p>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.</p>	Duty - Not a Delegation
115(1)(b)	<p>106.2 The duty pursuant to Section 115(1)(b) of the Regulations to provide the</p>	Duty - Not a Delegation

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Development Regulations 2008		
	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.	
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 2B(4)(b) Schedule 4	108. Schedule 4 - New Dwellings 108.1 The power pursuant to Clause 2B(4)(b) of Schedule 4 of the Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land other than a previous use or activity for residential purposes.	Chief Executive Officer
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

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Development Regulations 2008		
Schedule 8	<p>111. Schedule 8 - Development Adjacent To Main Roads</p> <p>111.1 The power pursuant to Item 3 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is likely to:</p> <p>111.1.1 alter an existing access; or</p> <p>111.1.2 change the nature of movement through an existing access; or</p> <p>111.1.3 create a new access; or</p> <p>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).</p>	Chief Executive Officer
Schedule 8	<p>112. Schedule 8 - State Heritage Places</p> <p>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</p>	Chief Executive Officer
Schedule 8	<p>113. Schedule 8 - Mining - General</p> <p>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.</p>	Council Only
Schedule 8	<p>114. Schedule 8 - Activity of Environmental Significance</p> <p>114.1 The power pursuant to Item 10(b) of Clause 2 of Schedule 8 of the Regulations, where development involves, or is for the purposes of an activity specified in Schedule 21 of the Regulations (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level), other than development which comprises the alteration of, or addition to, an existing building, to form the opinion that the development does not change the use of the building, and is of a minor nature only, and does</p>	Chief Executive Officer

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Development Regulations 2008		
	not have any adverse effect on the environment.	
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 materially affects the context within which a State Heritage place is situated.	Council Only
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.	Chief Executive Officer

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Development Regulations 2008			
	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).		
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:	Chief Executive Officer	
	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		
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:	Chief Executive Officer	
	118.4.2 whether the division will change the nature or function of an existing road.		
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 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.	Chief Executive Officer	
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 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:	Duty - Not a Delegation	

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Schedule 9	<p>118.6.1 the duty to not take into account what is included within Schedule 3 of the Regulations; and</p> <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</p>	Chief Executive Officer

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## Development Regulations 2008

Regulations, except where development is classified as non complying 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.

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## 9. Dog and Cat Management Act 1995

Dog and Cat Management Act 1995			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	

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<b>Dog and Cat Management Act 1995</b>		
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;	Duty - Not a Delegation
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
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	Council Only

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<b>Dog and Cat Management Act 1995</b>		
	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.	
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
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	Chief Executive Officer

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Dog and Cat Management Act 1995			
	initiative or on application, to -		
	<p>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;</p> <p>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;</p> <p>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.</p>		
s52(1)	<p>6. Destruction and Control Orders</p> <p>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 -</p> <p>6.2.1 to ascertain all persons who own or are responsible for the control of the dog; and</p> <p>6.2.2 to give each of the persons so ascertained at least seven days written notice -</p> <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> <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>	Duty - Not a Delegation	
s52(2)		Duty - Not a Delegation	

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Dog and Cat Management Act 1995			
	6.3.2 recorded in the register kept by the Council; and 6.3.3 served on the person(s) against whom it is made.		
s52(4) and (5)	6. Destruction and Control Orders 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.	Chief Executive Officer	
s53	6. Destruction and Control Orders 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.	Chief Executive Officer	
s58	6. Destruction and Control Orders 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.	Duty - Not a Delegation	
s59A(3)	7. Prohibition Orders 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 -  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 7.1.2 - 7.1.2.1 the dog was already subject to a Destruction Order or a Control (Dangerous Dog) Order; or 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.	Chief Executive Officer	

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Dog and Cat Management Act 1995		
s59A(5)	<p>7. Prohibition Orders</p> <p>7.2 The 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
s59A(6) and (7)	<p>7. Prohibition Orders</p> <p>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.</p>	Chief Executive Officer
s59C(2)	<p>7. Prohibition Orders</p> <p>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.</p>	Chief Executive Officer
s61(4)(a)	<p>8. Procedure following seizure of dog</p> <p>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.</p>	Duty - Not a Delegation
s68	<p>9. Cat Management Officers</p> <p>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.</p>	Chief Executive Officer
s69	<p>9. Cat Management Officers</p> <p>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.</p>	Duty - Not a Delegation
	<p>9. Prosecution Proceedings</p> <p>The power to commence prosecution proceedings for an offence under the Act.</p>	Chief Executive Officer

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## 10. Electronic Conveyancing National Law (South Australia) Act 2013

Electronic Conveyancing National Law (South Australia) Act 2013			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
s10(1)	<p>1. Client Authorisation</p> <p>1.1 The power pursuant to Section 10(1) of the Electronic Conveyancing National Law (South Australia) Act 2013 (the Act) to:</p> <p>1.1.1 complete a client authorisation:</p> <p>1.1.1.1 that is in the form required by the participation rules; and</p> <p>1.1.1.2 by which the Delegate authorises a subscriber to do one or more things on the Council's behalf in connection with a conveyancing transaction so that the transaction, or part of the transaction, can be completed electronically.</p>	Chief Executive Officer	

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## 11. Environment Protection Act 1993 and the Environment Protection (Waste to Resources) Policy 2010

Environment Protection Act 1993			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	

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Environment Protection (Waste to Resources) Policy 2010			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
Clause 10(2)	<p>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010</p> <p>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.</p>	Duty - Not a Delegation	
Clause 17(2)	<p>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010</p> <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>(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;</p>	Duty - Not a Delegation	
Clause 17(2)	<p>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010</p> <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>(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;</p>	Duty - Not a Delegation	
Clause 17(2)	<p>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010</p> <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>(c) all containers for medical waste that are kept for further use must be thoroughly cleaned and disinfected as soon as reasonably practicable after emptying;</p>	Duty - Not a Delegation	

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Environment Protection (Waste to Resources) Policy 2010		
Clause 17(2)	<p>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010</p> <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>(d) all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;</p>	Duty - Not a Delegation
Clause 17(2)	<p>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010</p> <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>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010</p> <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>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010</p> <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>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010</p> <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>	Duty - Not a Delegation

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Environment Protection (Waste to Resources) Policy 2010		
	(h) medical waste must be disposed of as soon as reasonably practicable; DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010 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:	Duty - Not a Delegation
Clause 17(2)	(i) all medical waste must be: (i) disposed of by incineration; or (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; (iii) collected for disposal by - (A) a licensed waste transporter authorised to collect and transport medical waste; or (B) a council; DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010 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:	
Clause 17(2)	(i) 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; DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010 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:	Duty - Not a Delegation
Clause 17(2)	(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.	Duty - Not a Delegation

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## 12. Expiration of Offences Act 1996

Expiration of Offences Act 1996			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
s5(1)	1. Certain Offences may be Expired 1.1 The power pursuant to Section 5(1) of the Expiration of Offences Act 1996 ("the Act") to issue an expiration 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 expired in accordance with the Act.	Chief Executive Officer	
s6(3)(b)(ii)	2. Expiration Notices 2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiration notice for an alleged offence.	Chief Executive Officer	
s8	2A Alleged offender may elect to be prosecuted etc 2A.1 The power, upon receipt of notice of an election to be prosecuted, to commence prosecution proceedings for the offence for which the alleged offender has elected to be prosecuted.	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 expiration notice in respect of the offence by giving written notice to the alleged offender.	Duty - Not a Delegation	

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Expiry of Offences Act 1996		
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. Expiration Reminder Notices 4.1 The duty pursuant to Section 11 of the Act where an alleged offender has neither paid the expiration 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 expiration notice, by the end of the expiration period, and before the Delegate takes any action under this Act to enforce the expiration notice, to send an expiration reminder notice in the prescribed form to the alleged offender before any action is taken under the Act to enforce the expiration notice.	Duty - Not a Delegation
11A	5. Expiration 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 expiration notice or expiration reminder notice, and before the Delegate takes action under this Act to enforce the expiration notice, to send an expiration 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 expiration notice at any time before an enforcement determination is made under Section 13 of the Act.	Chief Executive Officer
s13(1)	7. Enforcement Procedures 7.1 The power pursuant to Section 13(1) of the Act to enforce an expiration notice	Chief Executive Officer

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Expiation of Offences Act 1996		
	<p>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>	
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> <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>	Chief Executive Officer

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Expiation of Offences Act 1996			
	8.1.3 the notice is defective; or		
	8.1.4 the Delegate decides that the alleged offender should be prosecuted for the offence or offences.		
s16(5)	8. Withdrawal of Expiation Notices 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.	Chief Executive Officer	
s 16(6)	8. Withdrawal of Expiation Notices 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.	Chief Executive Officer	
s16(11)	8. Withdrawal of Expiation Notices 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.	Chief Executive Officer	
s18	9. Provision of Information 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:	Chief Executive Officer	
	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		
s18	9. Provision of Information 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:	Chief Executive Officer	
	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		

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## Expiation of Offences Act 1996

	the Council or any other action taken by the Council in respect of an expiation notice so issued.	
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## 13. Fences Act 1975

Fences Act 1975			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	

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## 14. Fire and Emergency Services Act 2005 and the Fire and Emergency Services Regulations 2005

Fire and Emergency Services Act 2005			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	

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Fire and Emergency Services Act 2005		
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 Expiration Notices 6.1 The duty pursuant to Section 104 of the Act to not authorise a person (under Section 6(3)(b) of the Expiration of Offences Act 1996) to give expiration 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
s105B(3)	9. Fire Prevention Officers 9.2 The duty pursuant to Section 105B(3) of the Act to -	Chief Executive Officer

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	9.2.2 in assessing the qualifications or experience of a person for the purposes of Section 105B(2) of the Act, take into account any policy developed by SACFS for the purposes of Section 105B of the Act.		
s105B(3)	9.3 The power pursuant to Section 105B(3) of the Act to apply to the Chief Officer of the SACFS for an exemption for the Council from the requirement to appoint a fire prevention officer under Section 105B of the Act.  (Note: paragraphs 9.1 - 9.3 only relevant to 'rural councils' or councils that have a 'designated urban bushfire risk area' within their area)	Chief Executive Officer	
s105E	10. Reports 10.1 The duty pursuant to Section 105E of the Act to, where required by written notice from the Commission, the State Bushfire Safety Coordination Committee or a bushfire management committee in whose bushfire management area the Council's area is wholly or partly located, provide to the Commission, the State Bushfire Coordination Committee or the bushfire management committee (within a period stated in the notice or at stated intervals) any report, or reports relating to the performance, exercise or discharge of the functions, powers or responsibilities of the fire prevention officer or officers (if any) for the Council's area, as the Commission, the State Bushfire Coordination Committee or the bushfire management committee (as the case may be) thinks fit.	Council Only	
s105F(2)	11. Private Land 11.1 The duty pursuant to Section 105F(2) of the Act, in determining the standard required to comply with Section 105F(1) of the Act (but subject to Section 105F(4) of the Act), to take into account the following matters (insofar as may be relevant and without limiting any other relevant matter):  11.1.1 the nature of the land;  11.1.2 whether the land is in a country, metropolitan, township or other setting;  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);	Duty - Not a Delegation	

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	11.1.4 other statutory standards or requirements that apply to or in relation to the land.	
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> <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>	Chief Executive Officer

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Fire and Emergency Services Act 2005		
s105F(7)	11. Private Land 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.	Duty - Not a Delegation
s105F(9)	11. Private Land 11.5 The power pursuant to Section 105F(9) of the Act to give a notice under Section 105(5) of the Act - 11.5.1 personally; or 11.5.2 by post; or 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 - 11.5.3.1 by publishing the notice in a newspaper circulating in the locality of the land; and 11.5.3.2 by leaving a copy of the notice in a conspicuous place on the land.	Duty - Not a Delegation
s105F(10)	11. Private Land 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.	Chief Executive Officer
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	Chief Executive Officer

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Fire and Emergency Services Act 2005			
	<p>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 -</p> <p>13.1.1 at any reasonable time, after giving reasonable notice to the occupier of the land, enter the land; or</p> <p>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.</p>		
s105J(3)	<p>13. Additional Provision in Relation to Powers of Authorised Officers</p> <p>13.2 The power and duty pursuant to Section 105J(3) of the Act to apply for a warrant -</p> <p>13.2.1 either personally or by telephone; and</p> <p>13.2.2 in accordance with any procedures prescribed by the regulations.</p>	Chief Executive Officer	
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	

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Fire and Emergency Services Act 2005		
s105J(7)	13. Additional Provision in Relation to Powers of Authorised Officers 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.	Chief Executive Officer
s105J(8)	13. Additional Provision in Relation to Powers of Authorised Officers 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.	Chief Executive Officer
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
	The power to commence prosecution proceedings for an offence under the Act that the Council is authorised to prosecute.	Chief Executive Officer

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Fire and Emergency Services Regulations 2005			
Section Delegated	Summary of Delegation	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 17.1.2 may be limited in its operation to particular times of the day, and to particular days of the year; and 17.1.3 will operate subject to the following conditions: 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; 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 17.1.3.3 that an appropriate agent adequate to extinguish a fire must be at hand;	Chief Executive Officer	

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Fire and Emergency Services Regulations 2005		
	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	
	17.1.4 may be varied or revoked by further notice in the Gazette.	
Reg 34(5)	17. Special Provision relating to Gas and Electric Cooking Appliances 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.	Duty - Not a Delegation
Reg 52(2)	18. Identity cards 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.	Duty - Not a Delegation
Reg 54(2)	19. Roadside Fire Protection 19.1 The power pursuant to Regulation 54(2) of the Regulations, where the Council has the care, control and management of a road in the country, or roadside vegetation in the country, for the purpose of providing fire protection on a road, or the verge of a road, to - 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.	Council Only
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	Chief Executive Officer

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Fire and Emergency Services Regulations 2005		
	or more representatives of the Council to a committee of management established under Regulation 56(3) of the Regulations.	
Reg 65(b)	<p>21. Coronial Inquests</p> <p>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.</p>	Chief Executive Officer

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## 15. Fire Prevention Officers under the Fire and Emergency Services Act 2005

Fire and Emergency Services Act 2005			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	
s 94(4)	3. Failure by a Council to Exercise Statutory Powers 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: 3.2.1 make written submissions to the Minister in relation to the matter; and	Chief Executive Officer	

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Fire and Emergency Services Act 2005		
	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.	
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

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## 16. Food Act 2001

Food Act 2001			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
S29(2)	1 Nature of offences The power to elect to charge a person who is alleged to have committed an offence against Division 2 of the Act with a summary offence.	Chief Executive Officer	
s42(2)	1A. Seizure 1A.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.	Chief Executive Officer	
s42(3)(a)	1A. Seizure 1A.2 The power pursuant to Section 42(3)(a) of the Act to authorise -  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  1.2.2 in the case of food or any other perishable thing, order that it be forfeited to the Council.	Chief Executive Officer	
s42(3)(d)	1A. Seizure 1A.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 -  1A.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  1A.3.2 not make payment of any compensation in respect of the food or other perishable thing.	Duty - Not a Delegation	

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Food Act 2001			Chief Executive Officer
s42(3)(e)	1A. Seizure 1A.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.		
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
s 79(1)	4. Auditing and Reporting 4.1 The duty pursuant to Section 79(1) of the Act to determine:  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  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.		Duty - Not a Delegation
s79(3)	4. Auditing and Reporting		Duty - Not a Delegation

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Food Act 2001		
	<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>	
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
s79(5)	<p>4. Auditing and Reporting</p> <p>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.</p>	Duty - Not a Delegation
s81(1)	<p>5. Reporting Requirements</p> <p>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.</p>	Duty - Not a Delegation
s81(7)	<p>5. Reporting Requirements</p> <p>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.</p>	Duty - Not a Delegation
s86(1)	<p>6. Notification of Food Businesses</p> <p>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.</p>	Duty - Not a Delegation
s86(2)	<p>6. Notification of Food Businesses</p> <p>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</p>	Duty - Not a Delegation

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<b>Food Act 2001</b>		
	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.	
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
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)	Chief Executive Officer

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Food Act 2001	
	<p>Handling food intended for sale in a manner that the person knows will render, or is likely to render, the food unsafe.</p> <p>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.</p> <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>

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Food Act 2001		
	<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> <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
	<p>8. Prosecution Proceedings</p> <p>The power to commence prosecution proceedings for an offence under the Act.</p>	Chief Executive Officer

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## 17. Freedom of Information Act 1991 and the Freedom of Information (Fees and Charges) Regulations 2003

Freedom of Information Act 1991			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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(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	Chief Executive Officer	

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Freedom of Information Act 1991		
	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.	
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
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
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
s15	4. Incomplete and Wrongly Directed Applications 4.1 The duty pursuant to Section 15 of the Act not to refuse to accept an application merely because it does not contain sufficient information to enable the document to which it relates to be identified without first taking such steps as are reasonably practicable to assist the applicant to provide such information.	Duty - Not a Delegation
s16(1)	5. Transfer of Application 5.1 The power pursuant to Section 16(1) of the Act to transfer an application for access to Council's documents to another agency if the document to which it relates: 5.1.1 is not held by the Council but is, to the knowledge of the Council, held by the	Chief Executive Officer

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Freedom of Information Act 1991		
	other agency; or	
	5.1.2 is held by the Council but is more closely related to the functions of the other agency.	
s16(2)	5. Transfer of Application 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.	Duty - Not a Delegation
s16(3)	5. Transfer of Application 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.	Duty - Not a Delegation
s16(4)	5. Transfer of Application 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.	Duty - Not a Delegation
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

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Freedom of Information Act 1991		
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
s18(1)	7. Council May Refuse to Deal with Certain Applications 7.1 The power pursuant to Section 18(1) of the Act to refuse to deal with an application if it appears to the Delegate that the nature of the application is such that the work involved in dealing with it (within the period allowed under Section 14 of the Act or, within any reasonable extension of that period under Section 14A of the Act) would, if carried out, substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions.	Chief Executive Officer
s18(2)	7. Council May Refuse to Deal with Certain Applications 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.	Duty - Not a Delegation
s18(2a)	7. Council May Refuse to Deal with Certain Applications 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.	Chief Executive Officer
s18(3)	7. Council May Refuse to Deal with Certain Applications 7.4 The power pursuant to Section 18(3) of the Act to refuse to continue dealing with an application if: 7.4.1 the delegate has requested payment of an advance deposit in relation to the application; and 7.4.2 payment of the deposit has not been made within the period specified in the request.	Chief Executive Officer
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	Duty - Not a Delegation

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Freedom of Information Act 1991			
	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.		
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	
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.	Chief Executive Officer	

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	<p>9.1.1 if it is an exempt document;</p> <p>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;</p> <p>9.1.3 if it is a document that is usually and currently available for purchase;</p> <p>9.1.4 if it is a document that:</p> <p>9.1.4.1 was not created or collated by the Council itself; and</p> <p>9.1.4.2 genuinely forms part of library material held by the Council; or</p> <p>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.</p>	
s20(4)	<p>9. Refusal of Access</p> <p>9.2 The duty pursuant to Section 20(4) not to refuse access to a document if:</p> <p>9.2.1 it is practicable to give access to a copy of a document from which the exempt matter has been deleted; and</p> <p>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.</p>	Duty - Not a Delegation
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>	Chief Executive Officer

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	10.1.2 if it is a document that has been prepared for presentation to Parliament, but is yet to be presented; or 10.1.3 if it is a document that has been prepared for submission to a particular person or body, but is yet to be submitted.	
s21(2)	10. Deferral of Access 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.	Duty - Not a Delegation
s21(3)	10. Deferral of Access 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.	Duty - Not a Delegation
s22(1)	11. Forms of Access 11.1 The power pursuant to Section 22(1) of the Act to give a person access to a document by - (a) giving the person a reasonable opportunity to inspect the document; or (b) giving the person a copy of the document; or (c) in the case of a document from which sounds or visual images are capable of being reproduced, whether or not with the aid of some other device by making arrangements for the person to hear or view those sounds or visual images; or (d) in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of sound by giving the person a written transcript of the words recorded in the document; or (e) in the case of a document in which words are contained in the form of shorthand writing or in encoded form by giving the person a written transcript of the words contained in the document; or (f) in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of a written document by giving the	Chief Executive Officer

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Freedom of Information Act 1991		
	person a written document so reproduced.	
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> <p>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.</p>	Duty - Not a Delegation
s22(2a)	<p>11. Forms of Access</p> <p>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.</p>	Duty - Not a Delegation
s22(3)	<p>11. Forms of Access</p> <p>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.</p>	Duty - Not a Delegation
s22(4)	<p>11. Forms of Access</p> <p>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.</p>	Chief Executive Officer
s22(5)	<p>11. Forms of Access</p> <p>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.</p>	Chief Executive Officer
s23(1)	12. Notices of Determination	Duty - Not a Delegation

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	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.		
s23(2)	12.2 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	
s23(3)	12.3 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)	12.4 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	Duty - Not a Delegation	

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	<p>exempt document by virtue of Clause 5 of Schedule 1 to the Act, 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 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>(a) —</p> <p>(i) an agency determines, after having sought the views of the person concerned, that access to a document to which this section applies is to be given; and</p> <p>(ii) the views of the person concerned are that the document is an exempt document by virtue of clause 6 of Schedule 1; or</p> <p>(b) after having taken reasonable steps to obtain the views of the person concerned—</p> <p>(i) the agency is unable to obtain the views of the person; and</p> <p>(ii) the agency determines that access to the document should be given, the agency must:</p> <p>(c) forthwith give written notice to the person concerned—</p>	Duty - Not a Delegation

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	<p>(i) that the agency has determined that access to the document is to be given; and</p> <p>(ii) of the rights of review conferred by this Act in relation to the determination; and</p> <p>(iii) of the procedures to be followed for the purpose of exercising those rights; and</p> <p>(d) defer giving access to the document until after the expiration of the period within which an application for a review under this 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
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</p>	Duty - Not a Delegation

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	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.	
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 an agency determines, after seeking the views of the person concerned, that access to a document to which this section 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 the agency must:</p> <p>15.2.3 forthwith give written notice to the person concerned</p> <p>(i) that the agency has determined that access to the document is to be given; and</p> <p>(ii) of the rights of review conferred by this Act in relation to the determination; and</p> <p>(iii) of the procedures to be followed for the purpose of exercising those rights; and</p> <p>15.2.5 defer giving access to the document until after the expiration of the period within which an application for a review under this 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
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>(a) an agency determines, after seeking the views of the person concerned, that access to a document to which this section applies is to be given; and</p>	Duty - Not a Delegation

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	<p>(b) the views of the person concerned are that the document is an exempt document by virtue of clause 8 of Schedule 1,</p> <p>the agency must—</p> <p>(c) forthwith give written notice to the person concerned—</p> <p>(i) that the agency has determined that access to the document is to be given; and</p> <p>(ii) of the rights of review conferred by this Act in relation to the determination;</p> <p>and</p> <p>(iii) of the procedures to be followed for the purpose of exercising those rights; and</p> <p>(d) defer giving access to the document until after the expiration of the period within which an application for a review under this Act may be made or, if such an application is made, until after the application has been finally disposed of.</p>	
s29(3)	<p>17. Internal Review</p> <p>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.</p>	Chief Executive Officer
29(4)	<p>17. Internal Review</p> <p>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.</p>	Duty - Not a Delegation
s32(1)	<p>18. Persons by Whom Applications for Amendment of Records May be Dealt With and Time Within Which Applications Must be Dealt With</p> <p>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.</p>	Duty - Not a Delegation
s32(2)	<p>18. Persons by Whom Applications for Amendment of Records May be Dealt With and Time Within Which Applications Must be Dealt With</p> <p>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.</p>	Duty - Not a Delegation
s33	<p>19. Incomplete Applications for Amendment of Records</p> <p>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</p>	Duty - Not a Delegation

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	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.		
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 - (i) the name and designation of the officer by whom the determination was made; and	Duty - Not a Delegation	

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	(ii) the reasons for that refusal; and (iii) the findings on any material questions of fact underlying those reasons, together with a reference to the sources of information on which those findings are based; and (iv) the rights of review conferred by this 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: 23.2.1 ensure that, when the information is disclosed, a statement is given to that person: 23.2.1.1 stating that the person to whom the information relates claims that the information is incomplete, incorrect, out of date or misleading; and 23.2.1.2 setting out particulars of the notation added to its records under Section 37;	Duty - Not a Delegation

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	and the power pursuant to Section 37(3)(b) of the Act to include in the statement the reason for the Council's refusal to amend its records in accordance with the notation.		
s38(3)	24. Internal Review 24.1 The power pursuant to Section 38(3) of the Act, where an application for review of a determination is made under Part 4 of the Act and in accordance with Section 38(2) of the Act to, confirm, vary or reverse the determination under review.	Chief Executive Officer	
s39(5)(b)(i)	25. Review by Ombudsman or Police Ombudsman 25.1 The duty and power pursuant to Section 39(5)(b)(i) of the Act to sort or compile documents relevant to a review under Section 39 of the Act or to undertake consultation.	Duty - Not a Delegation	
s39(5)(b)(ii)	25. Review by Ombudsman or Police Ombudsman 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.	Duty - Not a Delegation	
s39(5)(c)(i)	25. Review by Ombudsman or Police Ombudsman 25.3 The power: 25.3.1 to participate in and effect a settlement conducted under Section 39(5)(c)(i) of the Act; and 25.3.2 to request a suspension of proceedings under Section 39 at any time to allow an opportunity for a settlement to be negotiated.	Chief Executive Officer	
s39(7)	25. Review by Ombudsman or Police Ombudsman 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 An agency that is aggrieved by a determination made on a review under Division 1 may, with the permission of SACAT, apply for a review under section 34 of the <i>South Australian Civil and Administrative Tribunal Act 2013</i> of the determination by	Chief Executive Officer	

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	SACAT.	
s41(1)	<p>27. Consideration of Restricted Documents</p> <p>27.1 In any proceedings under this Division in which it is claimed that a document is a restricted document, SACAT must, on the application of—</p> <p>(a) the agency concerned; or</p> <p>(b) if the agency concerned is a State Government agency—the Minister administering this Act, receive evidence and hear argument in the absence of the public; the other party to the review and, where in the opinion of SACAT it is necessary to do so in order to prevent the disclosure of any exempt matter, the party's representative.</p>	Chief Executive Officer
s53(2a)	<p>29. Fees &amp; Charges</p> <p>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.</p>	Chief Executive Officer
s53(3)	<p>29. Fees &amp; Charges</p> <p>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.</p>	Duty - Not a Delegation
s53(5)	<p>29. Fees &amp; Charges</p> <p>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.</p>	Chief Executive Officer
s54AA	<p>30. Provision of Information to Minister</p> <p>30.1 The duty pursuant to Section 54AA of the Act-</p> <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>	Duty - Not a Delegation

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Freedom of Information Act 1991		
13(2)(b)(iii) of Schedule 1	31. Documents Containing Confidential Material 31.1 The power pursuant to clause 13(2)(b)(iii) of Schedule 1 of the Act to approve a term for inclusion in a contract that the disclosure of the matter in the contract would constitute a breach of the contract or found an action for breach of confidence.	Chief Executive Officer
clause 13(6) of Schedule 1	31. Documents Containing Confidential Material 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.	Duty - Not a Delegation

Freedom of Information (Fees and Charges) Regulations 2003		
Section Delegated	Summary of Delegation	Delegate
r5	32. Fees & Charges 32.1 The duty pursuant to Regulation 5 of the Freedom of Information (Fees and Charges) Regulations 2003 to waive or remit the fee or charge where a person, liable to pay a fee or charge to the Council under the Act, satisfies the delegate that: (a) he or she is a concession cardholder; or (b) payment of the fee would cause financial hardship to the person.	Duty - Not a Delegation
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

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## 18. Heavy Vehicle National Law (South Australia) Act 2013

Heavy Vehicle National Law (South Australia) Act 2013			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	
S156(2)(c)	<p>1. Deciding Request for Consent Generally</p> <p>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.</p>	Chief Executive Officer	

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Heavy Vehicle National Law (South Australia) Act 2013		
S153(3)	<p>1. Deciding Request for Consent Generally</p> <p>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:</p> <p>1.4.1 the mass or dimension authority will, or is likely to:</p> <p>1.4.1.1 cause damage to road infrastructure; or</p> <p>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</p> <p>1.4.3 pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and</p> <p>1.4.2 it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise:</p> <p>1.4.2.1 the damage or likely damage; or</p> <p>1.4.2.2 the adverse effects or likely adverse effects; or</p> <p>1.4.2.3 the significant risks or likely significant risks.</p>	Chief Executive Officer
s156(4)	<p>1. Deciding Request for Consent Generally</p> <p>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:</p> <p>1.5.1 for a mass or dimension exemption - the approved guidelines for granting mass or dimension exemptions; or</p> <p>1.5.2 for a class 2 heavy vehicle authorisation - the approved guidelines for granting class 2 heavy vehicle authorisations.</p>	Chief Executive Officer
s156(6)	<p>1. Deciding Request for Consent Generally</p> <p>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</p>	Chief Executive Officer
s158(2)	<p>2. Action Pending Consultation with Third Party</p> <p>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).</p>	Chief Executive Officer
s158(4)	<p>2. Action Pending Consultation with Third Party</p> <p>2.2 The power pursuant to Section 158(4) of the Act, if:</p> <p>2.2.1 the consultation with the other entity is completed and the other entity's approval is required; and</p> <p>2.2.2 the delegate has not yet decided to give or not to give the consent,</p>	Chief Executive Officer

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Heavy Vehicle National Law (South Australia) Act 2013		
	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.	
s159(1) and (2)	3. Deciding Request for Consent if Route Assessment Required 3.1 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: 3.1.1 that a route assessment is required for deciding whether to give or not to give the consent; 3.1.2 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
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

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Heavy Vehicle National Law (South Australia) Act 2013		
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
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	Chief Executive Officer

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Heavy Vehicle National Law (South Australia) Act 2013			
	guidelines; or		
s174(2)	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. 11. Amendment or Cancellation on Request by Relevant Road Manager 11.2 The power pursuant to Section 174(2) of the Act to ask the Regulator to: 11.2.1 amend the mass or dimension authority by: 11.2.1.1 amending the areas or routes to which the authority applies; or 11.2.1.2 amending the days or hours to which the authority applies; or 11.2.1.3 imposing or amending road conditions or travel conditions; or 11.2.2 cancel the authority.	Chief Executive Officer	
s176(4)(c)	12. Amendment or Cancellation on Application by Permit Holder 12.1 The power pursuant to Section 176(4)(c) of the Act to consent to the amendment of a mass or dimension authority.	Chief Executive Officer	
S178(1)	13. Amendment or Cancellation on Request by Relevant Road Manager 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: 13.1.1 has caused, or is likely to cause, damage to road infrastructure; or 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 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.	Chief Executive Officer	
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	

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## 19. Housing Improvement Act 1940

Housing Improvement Act 1940			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	

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Housing Improvement Act 1940		
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
s23(5)(d)	<p>1. Power to Declare Houses Unfit for Habitation</p> <p>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.</p>	Duty - Not a Delegation

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Housing Improvement Act 1940		Chief Executive Officer	
s25(1)	<p>2. Power of Housing Authority</p> <p>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.</p>		
s33(3)(a)(i)	<p>3. Power to Declare Clearance Area</p> <p>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</p>	Chief Executive Officer	
s33(b)	<p>3. Power to Declare Clearance Area</p> <p>3.2 The power pursuant to Section 33(b) to make any objections to the Housing Authority, in relation to such recommendation.</p>	Chief Executive Officer	
s71	<p>4. Disposition 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	

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## 20. Land and Business (Sale and Conveyancing) Act 1994

Land and Business (Sale and Conveyancing) Act 1994			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	

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## 21. Liquor Licensing Act 1997

Liquor Licensing Act 1997			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
s22(1), 22(2) and (3)	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	
s120(1) and (2)	4. Disciplinary Action Before the Court	Chief Executive Officer	

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Liquor Licensing Act 1997		
	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.	
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

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## 22. Local Government Act 1999

Local Government Act 1999			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	

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Local Government Act 1999		
		Council Only
s12(4)	<p>1. Composition and Wards</p> <p>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.</p>	
s12(5)	<p>1. Composition and Wards</p> <p>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.</p>	Duty - Not a Delegation
s12(7)	<p>1. Composition and Wards</p> <p>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.</p>	Duty - Not a Delegation
s12(8)	<p>1. Composition and Wards</p> <p>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).</p>	Duty - Not a Delegation
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</p>	Duty - Not a Delegation

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Local Government Act 1999		
	into effect under Section 12 of the Act; and	
	1.10.2.2 in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 26(1)(c) of the Act and the matters referred to in Section 33 of the Act (to the extent that may be relevant); and	
	1.10.3 sets out the reasons for the Council's or the Delegate's decision insofar as a decision of the Council or the Delegate is not to adopt any change under consideration as part of the representation options paper or the public consultation process.	
s12(9)	1. Composition and Wards 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.	Duty - Not a Delegation
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

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Local Government Act 1999		
s12(11a)	<p>1. Composition and Wards</p> <p>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:</p> <p>1.15.1 prepare a summary of issues surrounding the proposal to assist persons who may vote at the poll; and</p> <p>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</p> <p>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.</p>	Duty - Not a Delegation
s12(12)	<p>1. Composition and Wards</p> <p>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.</p>	Duty - Not a Delegation
s12(12a)	<p>1. Composition and Wards</p> <p>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.</p>	Duty - Not a Delegation
s12(15)(b)	<p>1. Composition and Wards</p> <p>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.</p>	Council Only
s12(16)	<p>1. Composition and Wards</p> <p>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.</p>	Council Only

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<b>Local Government Act 1999</b>		
s12(16)(a)	<p>1. Composition and Wards</p> <p>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.</p>	Council Only
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>	Duty - Not a Delegation

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Local Government Act 1999		
	2.2.2 publish the notice in a newspaper circulating within the area; and 2.2.3 give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council, Council committee or the Delegate and be heard on those submissions.	
s27(1)	5. Council Initiated Proposal 5.1 Council may submit to the Minister proposals for the making of proclamations under this Chapter.	Council Only
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 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.	Council Only
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	Chief Executive Officer

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	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.	
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
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	Council Only

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<b>Local Government Act 1999</b>		
	of the Council as an ex officio member of a committee.	
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
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.	Chief Executive Officer
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.	Chief Executive Officer
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:	Council Only

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Local Government Act 1999			
	12.2.1 establish a business;		
	12.2.2 participate in a joint venture, trust, partnership or other similar body		
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	
s48(aa1)	14. Prudential Requirements for Certain Activities 14.00 The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council - 14.00.1 acts with due care, diligence and foresight; and 14.00.2 identifies and manages risks associated with a project; and 14.00.3 makes informed decisions; and 14.00.4 is accountable for the use of Council and other public resources.	Council Only	
s48(a1)	14. Prudential Requirements for Certain Activities 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	Duty - Not a Delegation	
s48(aa1)	14. Prudential Requirements for Certain Activities 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: 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) -	Council Only	

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	<p>14.1.2.1 where the expected operating expenses calculated on an accrual basis of the Council over the ensuing five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or</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>	
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> <p>15.1.2 competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and</p>	Council Only

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Local Government Act 1999		
	15.1.3 the use of local goods and services; and 15.1.4 the sale or disposal of land or other assets.	
s49(2)	15. Contracts and Tenders Policies 15.2 The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:  15.2.1 identify circumstances where the Council will call for tenders for the supply of goods, the provision of services or the carrying out of works, or the sale or disposal of land or other assets; and  15.2.2 provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and  15.2.3 provide for the recording of reasons for entering into contracts other than those resulting from the tender process; and  15.2.4 are consistent with any requirement prescribed by the regulations.	Council Only
s49(3)	15. Contracts and Tenders Policies 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).	Council Only
s49(4)	15. Contracts and Tenders Policies 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.	Duty - Not a Delegation
s50(1)	16. Public Consultation Policies 16.1 The power and duty pursuant to Section 50(1) and (2) of the Act to prepare and adopt a public consultation policy which sets out the steps the Council will follow:  16.1.1 in cases where the Act requires the Council to follow its public consultation policy; and  16.1.2 in other cases involving Council decision making, if relevant.	Duty - Not a Delegation

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Local Government Act 1999		
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
s50(5)	<p>16. Public Consultation Policies</p> <p>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.</p>	Council Only
s50(6)	<p>16. Public Consultation Policies</p> <p>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:</p> <p>16.5.1 prepare a document that sets out its proposal in relation to the matter; and</p> <p>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</p>	Duty - Not a Delegation

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Local Government Act 1999		
	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.	
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
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	Duty - Not a Delegation

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<b>Local Government Act 1999</b>			
	associated with the performance or discharge of official functions and duties by members.		
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	
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	

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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
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
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 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.	Duty - Not a Delegation
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	Duty - Not a Delegation

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<b>Local Government Act 1999</b>		
	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.	
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
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	Chief Executive Officer

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	the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii).	
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
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
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
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	Duty - Not a Delegation

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	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.	
s123(3)	<p>34. Annual Business Plans and Budgets</p> <p>34.1 Before the Council adopts an annual business plan, the duty pursuant to Section 123(3) of the Act to, -</p> <p>34.1.1 prepare a draft annual business plan; and</p> <p>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.</p>	Duty - Not a Delegation
s123(5)	<p>34. Annual Business Plans and Budgets</p> <p>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.</p>	Duty - Not a Delegation
s123(5a)	<p>34. Annual Business Plans and Budgets</p> <p>34.3 The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for:</p> <p>34.3.1 a facility for asking and answering questions; and</p> <p>34.3.2 the receipt of submissions, on the Council's website during the public consultation period.</p>	Duty - Not a Delegation
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</p>	Duty - Not a Delegation

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	<p>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>	
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
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</p>	Chief Executive Officer

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	place or places (within the state) to keep the accounting records of the Council.	
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
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>	Duty - Not a Delegation

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	38.2.3 include the information required by the Regulations.	
s127(3)	38. Financial Statements 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.	Duty - Not a Delegation
s127(4)	38. Financial Statements 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.	Duty - Not a Delegation
s127(5)	38. Financial Statements 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.	Duty - Not a Delegation
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.	Chief Executive Officer
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	Duty - Not a Delegation

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	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.		
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	
s130A(1), s130A(2)	41. Other Investigations 41.1 The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section.	Chief Executive Officer	
s130A(7)	41. Other Investigations 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:  41.2.1 unless Section 130A(6)(b) of the Act applies - at the next ordinary meeting of the Council in accordance with Section 130A(6)(a), of the Act;  41.2.2 if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the Council - at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act.	Duty - Not a Delegation	
s131(1)	42. Annual Report to be Prepared and Adopted 42.1 The duty pursuant to Section 131(1) of the Act and in accordance with Sections 131(2) and (3) of the Act, to prepare and adopt on or before 30 November	Duty - Not a Delegation	

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	each year, an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June.	
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 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.	Duty - Not a Delegation

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s132(2)	<p>43. Access to Documents</p> <p>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).</p>	Chief Executive Officer
s132(3)	<p>43. Access to Documents</p> <p>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:</p> <p>43.3.1 agendas for meetings of the Council or Council committees;</p> <p>43.3.2 minutes of meetings of the Council or Council committees;</p> <p>43.3.3 codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999;</p> <p>43.3.4 the Council's contract and tenders policies, public consultation policy and order-making policies;</p> <p>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;</p> <p>43.3.6 the Council's budget (as adopted by the Council for a particular year);</p> <p>43.3.7 a list of fees and charges imposed by the Council under this Act;</p> <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>	Chief Executive Officer

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	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.		
s132A	44. Related Administrative Standards 44.1 The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order; 44.1.2 to ensure compliance with any statutory requirements; and 44.1.2 to achieve and maintain standards of good public administration.	Duty - Not a Delegation	
s133	45. Sources of Funds 45.1 Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be appropriate in order to carry out the Council's functions under the Act or another Act.	Chief Executive Officer	
s135(1)	46. Ability of a Council to Give Security 46.1 The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including: 46.1.1 guarantees (including guarantees relating to the liability of a subsidiary of the Council); 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); 46.1.3 bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act).	Chief Executive Officer	
s135(2)	46. Ability of a Council to Give Security 46.2 The power and duty pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to: 46.2.1 assign a distinguishing classification to the debentures to be included in the issue so as to distinguish them from those included or to be included in previous or	Chief Executive Officer	

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	subsequent issues; and		
s137	46.2.2 if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders. 47. Expenditure of Funds 47.1 Subject to the Act or another Act, the power pursuant to Section 137 of the Act to expend the Council's approved budgeted funds in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts.	Chief Executive Officer	
s139(1)	48. Investment Powers 48.1 The power pursuant to Section 139(1) of the Act to invest money under the Council's control.	Chief Executive Officer	Subject to conditions of Policy and requirements of the Act
s139(2)	48. Investment Powers 48.2 The duty pursuant to Section 139(2) of the Act in exercising the power of investment, to: 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 48.2.2 avoid investments that are speculative or hazardous in nature.	Duty - Not a Delegation	
s139(3)	48. Investment Powers 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: 48.3.1 the purposes of the investment; 48.3.2 the desirability of diversifying Council investments; 48.3.3 the nature of and risk associated with existing Council investments; 48.3.4 the desirability of maintaining the real value of the capital and income of the investment; 48.3.5 the risk of capital or income loss or depreciation;	Duty - Not a Delegation	

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	<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> <p>48.3.11 the aggregate value of the assets of the Council;</p> <p>48.3.12 the likelihood of inflation affecting the value of a proposed investment;</p> <p>48.3.13 the costs of making a proposed investment;</p> <p>48.3.14 the results of any review of existing Council investments.</p>		
s139(3)	<p>48. Investment Powers</p> <p>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:</p> <p>48.4.1 the anticipated community benefit from an investment; and</p> <p>48.4.2 the desirability of attracting additional resources into the local community.</p>	Duty - Not a Delegation	
s139(5)	<p>48. Investment Powers</p> <p>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.</p>	Chief Executive Officer	
s140	<p>49. Review of Investment</p> <p>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</p>	Duty - Not a Delegation	

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Local Government Act 1999		
	year.	Chief Executive Officer
s141	<p>50. Gifts to a Council</p> <p>50.1 Within the confines of Section 44(3) of the Act:</p> <p>50.1.1 the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;</p> <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,</p> <p>up to and including an amount of \$5,000.00 in respect of any one debt.</p>	Chief Executive Officer

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Local Government Act 1999		
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> <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</p>	Council Only

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	any land; the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:	
	55.1.4 prepare a report on the proposed change in accordance with Section 151(6) of the Act; and	
	55.1.5 follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.	
s151(8) s151(5)(d) s151(7)(a)(i)	55. Basis of Rating 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.	Duty - Not a Delegation
s152(2)(d) s152(3)	56. General Rates 56.1 The power pursuant to Section 152(2)(d) and (3) of the Act to determine, on application, if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise.	Council Only
s155(6)	57. Service Rates and Service Charges 57.1 The duty pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with improving or replacing Council assets for the purposes of the relevant prescribed service.	Duty - Not a Delegation
s155(7)	57. Service Rates and Service Charges 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.	Council Only
s156(3), s156(9), s156(10), s156(11)	58. Basis of Differential Rates 58.1 The power pursuant to Section 156(3), (9), (10), (11) of the Act to attribute the use of the land for any basis for a differential rate and to decide objections to any of those attributions.	Chief Executive Officer

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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
s157	<p>59. Notice of Differentiating Factors</p> <p>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.</p>	Duty - Not a Delegation
s159(1)	<p>60. Preliminary</p> <p>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.</p>	Chief Executive Officer
s159(3)	<p>60. Preliminary</p> <p>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).</p>	Chief Executive Officer
s159(4)	<p>60. Preliminary</p> <p>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%.</p>	Chief Executive Officer

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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 61.1.3 does not restrict its services to persons who are members of the body.	Chief Executive Officer
s165(1), s165(2)	62. Rebate of Rates - Educational Purposes 62.1 The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land: 62.1.1 occupied by a Government school under a lease or license and being used for educational purposes; or 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 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.	Chief Executive Officer
s166(1a)	63. Discretionary Rebates of Rates 63.1 The duty pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j):	Duty - Not a Delegation

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	<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>	
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</p>	Chief Executive Officer

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<p>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 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>	

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s166(3)	<p>63.2.15 where the rebate is contemplated under another provision of the Act.</p> <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)(i) 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;</p> <p>or a combination of both.</p>	Duty - Not a Delegation	

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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
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	Duty - Not a Delegation

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	notice of the outcome of the reconsideration of the objection.	
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
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
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

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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.		
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	
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	

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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
s180(1), s180(2)	72. Service of Rate Notice 72.1 The duty pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after: 72.1.1 the declaration of a rate; or 72.1.2 the imposition of a service charge; or 72.1.3 a change in the rates liability of land.	Duty - Not a Delegation
s181(2)	73. Payment of Rates - General Principles 73.1 The power pursuant to Section 181(2) of the Act to determine the day on which each instalment of rates falls due in the months of September, December, March and June of the financial year for which the rates are declared.	Chief Executive Officer
s181(3)	73. Payment of Rates - General Principles 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).	Chief Executive Officer
s181(4)(b)	73. Payment of Rates - General Principles 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.	Chief Executive Officer
s181(5)	73. Payment of Rates - General Principles 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	Duty - Not a Delegation

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	<p>record in respect of the land setting out in accordance with Sections 181(6) and (7) of the Act:</p> <p>73.4.1 the amount of the instalment; and</p> <p>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.</p>		
s181(7a)	<p>73. Payment of Rates - General Principles</p> <p>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.</p>	Chief Executive Officer	
s181(9)	<p>73. Payment of Rates - General Principles</p> <p>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.</p>	Chief Executive Officer	
s181(11)	<p>73. Payment of Rates - General Principles</p> <p>73.7 The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage:</p> <p>73.7.1 the payment of instalments of rates in advance; or</p> <p>73.7.2 prompt payment of rates.</p>	Chief Executive Officer	
s181(12)(b)	<p>73. Payment of Rates - General Principles</p> <p>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.</p>	Chief Executive Officer	
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</p>	Chief Executive Officer	

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	respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.	
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
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

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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 effects 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
s182(6)	<p>74. Remission and Postponement of Payment</p> <p>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).</p>	Chief Executive Officer
s182A(2)	<p>75. Postponement of Rates - Seniors</p> <p>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.</p>	Chief Executive Officer
s182A(3)	<p>75. Postponement of Rates - Seniors</p> <p>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:</p> <p>75.2.1 reject an application for the postponement of rates; or</p>	Chief Executive Officer

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	75.2.2 impose conditions on the postponement of rates but only in accordance with the Regulations.		
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; 77.2.1 stating the period for which the rates have been in arrears; and 77.2.2 stating the amount of the total liability for rates presently outstanding in relation to the land; and 77.2.3 stating that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the Delegate may allow), the Council intends to sell the land for non-payment of rates.	Duty - Not a Delegation	
s184(3)	77. Sale of Land for Non-Payment of Rates 77.3 The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act: 77.3.1 to any owner of the land who is not the principal ratepayer; and 77.3.2 to any registered mortgagee of the land; and 77.3.3 if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929.	Duty - Not a Delegation	
s184(2), s184(3)	77. Sale of Land for Non-Payment of Rates	Chief Executive Officer	

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	77.4 If:  77.4.1 the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or  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;  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

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Local Government Act 1999		
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
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	Chief Executive Officer

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	respect of rates and charges under this Part); and		
	79.1.2 any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.		
s187B(6)	80. Investigation by Ombudsman 80.1 The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to: 80.1.1 the Ombudsman; and 80.1.2 if relevant, the person who made the complaint.	Duty - Not a Delegation	
s187B(7)	80. Investigation by Ombudsman 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.	Chief Executive Officer	
s188(1), s188(2)	81. Fees and Charges 81.1 The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges: 81.1.1 for the use of any property or facility owned, controlled, managed or maintained by the Council; 81.1.2 for services supplied to a person at his or her request; 81.1.3 for carrying out work at a person's request;	Council Only	
s188(3)	81. Fees and Charges 81.2 The power pursuant to Section 188(3) of the Act to provide for: 81.2.1 specific fees and charges; 81.2.2 maximum fees and charges and minimum fees and charges;	Council Only	

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	81.2.3 annual fees and charges;		
	81.2.4 the imposition of fees or charges according to specified factors;		
s188(3)	81. Fees and Charges 81.2 The power pursuant to Section 188(3) of the Act to provide for:	Chief Executive Officer	
	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		
s188(3)	81. Fees and Charges	Chief Executive Officer	
	81.2.6 the reduction, waiver or refund, in whole or in part, of any fees and charges.		
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	
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	

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		Chief Executive Officer
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.	
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
s193(6)	85. Classification 85.1 The duty pursuant to Section 193(6) of the Act to give notice in the Gazette of a resolution:  85.1.1 to exclude land from classification as community land under Section 193(4) of the Act; or  85.1.2 to classify as community land, land that had previously been excluded from classification as such under Section 193(5) of the Act.	Duty - Not a Delegation
s194(2)	86. Revocation of Classification of Land as Community Land 86.1 The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to:  86.1.1 prepare and make publicly available a report on the proposal containing: 86.1.1.1 a summary of reasons for the proposal; and 86.1.1.2 a statement of any dedication, reservation or trust to which the land is subject; and 86.1.1.3 a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and the statement of how the Council proposes to use the proceeds; and 86.1.1.4 an assessment of how implementation of the proposal would affect the	Duty - Not a Delegation

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	area and the local community; and	
	86.1.1.5 if the Council is not the owner of the land, a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and	
s194(2)	86.1.2 follow the relevant steps set out in the Council's public consultation policy.	
	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	Chief Executive Officer
	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.	
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.	

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Local Government Act 1999		
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
s198(1)	<p>90. Amendment or Revocation of Management Plan</p> <p>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.</p>	Council Only
s198(2), s198(3)	90. Amendment or Revocation of Management Plan	Council Only

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	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.		
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	
s201(2)	93. Sale or Disposal of Local Government Land 93.2 The power pursuant to Section 201(2) of the Act to: 93.2.1 grant an easement (including a right of way) over community land; and 93.2.2 grant an easement (excluding a right of way) over a road or part of a road.	Council Only	
s202(1)	94. Alienation of Community Land by Lease or Licence 94.1 The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), for:	Council Only	

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	94.1.1 the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;  94.1.2 the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);  94.1.3 any other matter relevant to the use or maintenance of the land.	
s202(2)	94. Alienation of Community Land by Lease or Licence 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:  94.2.1 the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the proposed lease or licence is 5 years or less; or  94.2.2 the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.	Duty - Not a Delegation
s202(4)	94. Alienation of Community Land by Lease or Licence 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.	Council Only
s202(6)	94. Alienation of Community Land by Lease or Licence 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.	Duty - Not a Delegation
s207(1)	95. Register 95.1 The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area.	Duty - Not a Delegation
s207(2)(a), s207(2)(b)	95. Register 95.2 The duty pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register:	Duty - Not a Delegation

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	95.2.1 contains the information required by the Regulations; and 95.2.2 contains copies of current management plans.	
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  98.2.2 if a person has some other form of registered legal interest over the road and	Duty - Not a Delegation

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	the identity and whereabouts of that person are known to the Council - give written notice to the person of the proposed declaration; and	
	98.2.3 give public notice of the proposed declaration.	
s210(5)	98. Conversion of Private Road to Public Road 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.	Duty - Not a Delegation
s210(7)	98. Conversion of Private Road to Public Road 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.	Duty - Not a Delegation
s211(1)(a)	99. Highways 99.1 The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.	Chief Executive Officer
s212(1)	100. Power to Carry Out Roadwork 100.1 The power pursuant to Section 212(1) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.	Chief Executive Officer
s212(3)	100. Power to Carry Out Roadwork 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: 100.2.1 the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and 100.2.2 before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and 100.2.3 the roadwork in relation to a private road is only carried out if:	Chief Executive Officer

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	<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> <p>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.</p>	Chief Executive Officer
s214	<p>102. Contribution Between Councils where Road is on Boundary Between Council Areas</p> <p>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</p>	Chief Executive Officer

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	amount determined by the Court in which the action for contribution is bought.	
s215(1)	<p>103. Special Provisions for Certain Kinds of Roadwork</p> <p>103.1 If the Council changes the level of a road, the duty pursuant to Section 215(1) of the Act to:</p> <p>103.1.1 ensure that adjoining properties have adequate access to the road; and</p> <p>103.1.2 construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.</p>	Duty - Not a Delegation
s215(2)	<p>103. Special Provisions for Certain Kinds of Roadwork</p> <p>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:</p> <p>103.2.1 there is no significant risk of damage to the adjoining property; or</p> <p>103.2.2 the road work does not significantly increase the risk of damage to adjoining property.</p>	Chief Executive Officer
s215(4)	<p>103. Special Provisions for Certain Kinds of Roadwork</p> <p>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.</p>	Duty - Not a Delegation
s216(1)	<p>104. Power to Order Owner of Private Road to Carry out Specific Roadwork</p> <p>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.</p>	Chief Executive Officer
s216(2)	<p>104. Power to Order Owner of Private Road to Carry out Specific Roadwork</p> <p>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:</p> <p>104.2.1 any proposal to make an order; and</p> <p>104.2.2 if an order is made, any order, under Section 216(1) of the Act.</p>	Duty - Not a Delegation

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s217(1)	<p>105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.</p> <p>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:</p> <p>105.1.1 to carry out specified work by way of maintenance or repair; or</p> <p>105.1.2 to move the structure or equipment in order to allow the Council to carry out roadwork.</p>	Chief Executive Officer
s217(1)	<p>105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.</p> <p>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.</p>	Chief Executive Officer
s218(1)	<p>106. Power to Require Owner of Adjoining Land to Carry Out Specific Work</p> <p>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.</p>	Chief Executive Officer
s218(2)	<p>106. Power to Require Owner of Adjoining Land to Carry Out Specific Work</p> <p>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:</p> <p>106.2.1 any proposal to make an order; and</p> <p>106.2.2 if an order is made, any order under Section 218(1) of the Act</p>	Duty - Not a Delegation
s219(1)	<p>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</p> <p>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.</p>	Council Only
s219(1a)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place	Duty - Not a Delegation

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	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.	
s219(2)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 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:  107.3.1 give the adjoining council at least 2 months notice of the proposed change; and  107.3.2 consider any representations made by the adjoining council in response to that notice.	Duty - Not a Delegation
s219(3)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.4 The duty pursuant to Section 219(3) of the Act to:  107.4.1 immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and  107.4.2 on request by the Registrar-General, the Surveyor-General or the Valuer-General, provide information about the names of roads or public places in the Council's area.	Duty - Not a Delegation
s219(4)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 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.	Duty - Not a Delegation
s219(5)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 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.	Chief Executive Officer
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.	Duty - Not a Delegation

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	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.	
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
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	Chief Executive Officer

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	<p>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:</p> <p>109.1.1 altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or</p> <p>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</p> <p>109.1.3 changing or interfering with the construction, arrangement or materials of the road; or</p> <p>109.1.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or</p> <p>109.1.5 planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.</p>	
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>	Chief Executive Officer

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	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.		
s222(1)	110. Permits for Business Purposes 110.1 The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for business purposes and to give a permit to do so.	Chief Executive Officer	
s222(2)	110. Permits for Business Purposes 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.	Chief Executive Officer	
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	

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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.		
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: 113.2.1 give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and 113.2.2 consider any representations made in response to the notice.	Duty - Not a Delegation	
s225(3)	113. Cancellation of Authorisation or Permit 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.	Chief Executive Officer	
s231(1)	114. Register 114.1 The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which: 114.1.1 includes the information required by regulation; and 114.1.2 may consist (if the Delegate so decides) of a computer record of the relevant information.	Duty - Not a Delegation	
s231(3)	114. Register 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.	Duty - Not a Delegation	
s232	115. Trees The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following	Chief Executive Officer	

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	<p>matters (in addition to complying with any other statutory requirement):</p> <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
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)	117. Council's Power to Remove Objects etc from Roads	Chief Executive Officer

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	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.	
s234(3)	117. Council's Power to Remove Objects etc from Roads 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.	Chief Executive Officer
s236(2)	119. Abandonment of Vehicles 119.1 The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle abandoned on a public road or public place.	Chief Executive Officer
s237(4)	120. Removal of Vehicles 120.1 The duty pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle: 120.1.1 by written notice in the prescribed form: 120.1.1.1 served on the owner personally; or 120.1.1.2 served on the owner by the use of person-to-person registered post, as soon as practicable after the removal of the vehicle; or 120.1.2 if the owner is unknown or cannot be found - by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.	Duty - Not a Delegation
s237(5)	120. Removal of Vehicles 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.	Chief Executive Officer

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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>		
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)	121. Time Limits for Dealing with Certain Applications		Duty - Not a Delegation

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	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.		
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 any surveys of the land and other materials that the Registrar-General may reasonably require; and 122.2.2.2 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 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	Chief Executive Officer	

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	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 as is reasonable practicable on the Internet; and 126.1.2 by notice in a newspaper circulating in the area of the Council: 126.1.2.1 inform the public of the availability of the proposed by-law; and 126.1.2.2 set out the terms of the by-law, or describe in general terms the by-law's nature and effect.	Duty - Not a Delegation	
s249(4)	126. Passing By-Laws 126.2 Before the Council makes a by-law, the duty pursuant to Section 249(4) of the	Duty - Not a Delegation	

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	Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner:  126.2.1 the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and 126.2.2 the by-law is not in conflict with the Act.	
s249(5)	126. Passing By-Laws 126.3 The duty pursuant to Section 249(5) of the Act to publish a by-law in the Gazette.	Duty - Not a Delegation
s249(7)	126. Passing By-Laws 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.	Duty - Not a Delegation
s250(5)	127. Model By-Laws 127.1 The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the Gazette.	Duty - Not a Delegation
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 128.4 The duty pursuant to Section 252(5) of the Act to make available, on payment	Duty - Not a Delegation

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Local Government Act 1999		
	of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time.	
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:  130.1.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and  130.1.2 stating the reasons for the proposed action; and  130.1.3 inviting the person to show, within a specified time (being a reasonable period), why the proposed action should not be taken (by making representations to the Delegate).	Duty - Not a Delegation
s255(2)	130. Procedures to be Followed 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.	Duty - Not a Delegation
s255(3)	130. Procedures to be Followed 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:  130.3.1 to make an order in accordance with the terms of the original proposal; or  130.3.2 to make an order with modifications from the terms of the original proposal; or  130.3.3 to determine not to proceed with an order.	Chief Executive Officer

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Local Government Act 1999		
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
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,</p> <p>the Delegate has the power pursuant to Section 255(12) of the Act to:</p>	Chief Executive Officer

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	130.9.3 Proceed immediately to make an order under this Section without giving notice under Section 255(1); and 130.9.4 require immediate compliance with an order despite Section 255(6)(a).		
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	

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	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
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

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Local Government Act 1999			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.		
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	
s270(a1)	135. Procedures for Review of Decisions and Requests for Services 135.00 The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with: 135.00.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and 135.00.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.	Chief Executive Officer	

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Local Government Act 1999		
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
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,</p>	Duty - Not a Delegation

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Local Government Act 1999		
	addressed through the provision of relief or concessions under the Act; 135.2.4 the notification of the progress and outcome of an application for review; 135.2.5 the timeframes within which notifications will be made and procedures on a review will be completed.	
s270(4)	135. Procedures for Review of Decisions and Requests for Services 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: 135.3.1 the application was made by an employee of the Council and relates to an issue concerning his or her employment; or 135.3.2 it appears that the application is frivolous or vexatious; or 135.3.3 the applicant does not have a sufficient interest in the matter.	Chief Executive Officer
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	Chief Executive Officer

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Local Government Act 1999		
	135.6.4 such other matters as may be prescribed by the Regulations.	
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
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

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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
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	Chief Executive Officer

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	authorise a person to accept documents on Council's behalf.		
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  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;	Duty - Not a Delegation	

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Local Government Act 1999		
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 of 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
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
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

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Local Government Act 1999			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.		
c13, Schedule 1A	148A Use of Facilities 148A.1 The power pursuant to Clause 13 of Schedule 1A of the Act to arrange with the Authority for the Authority to make use of the services of the staff, equipment or facilities of the Council.	Chief Executive Officer	
C17(1), Schedule 1A	151A Preparation of Stormwater Management Plans by Councils 151A.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which: (a) complies with the guidelines issued by the Authority; and (b) is prepared in consultation with the relevant regional NRM board or boards; and (c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations.	Chief Executive Officer	
c20(5A), Schedule 1A	151B Authority May Issue Order 151B.1 The power pursuant to Clause 20(5) of Schedule 1A of the Act, before the Authority takes any action under Clause 20(4) of Schedule 1A of the Act, to make submissions to the Authority in relation to the matter.	Chief Executive Officer	
c20(6), Schedule 1A	151B.2 The power pursuant to Clause 20(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement with the Authority for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (and the power to agree the rate with the Authority).	Chief Executive Officer	
c24(1), Schedule 1A	154. Special Powers in Relation to Land 154.1 The power pursuant to Clause 24(1) of Schedule 1A of the Act and in accordance with Clause 24(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or a condition imposed on approval of a stormwater management plan or action required by an order under Clause 20 of Schedule 1 of the Act, to: (a) enter and occupy any land; and (b) construct, maintain or remove any infrastructure; and (c) excavate any land; and	Chief Executive Officer	

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	(d) inspect, examine or survey any land and for that purpose: (i) fix posts, stakes or other markers on the land; and (ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and (iii) remove samples for analysis.		
c24(2)(b) and 25, Schedule 1A	154.2 The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.	Duty - Not a Delegation	
c25(2), Schedule 1A	155. Entry and Occupation of Land Other Than Council Land 155.1 The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A of the Act, to give reasonable notice of an intention to enter, or to enter and occupy, land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land.	Delegation Not Required	
c25(3)(b), Schedule 1A	155.2 The power pursuant to Clause 25(3)(b) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the delegate considers is reasonable in the circumstances.	Duty - Not a Delegation	
c26(3), Schedule 1A	156. Vesting of Infrastructure, etc 156.1 The power pursuant to Clause 26(3) of Schedule 1A of the Act to, before the Minister publishes a notice vesting the care, control and management of infrastructure or land in the Council under Clauses 26(1) or (2) of Schedule 1A of the Act make submissions to the Minister in relation to the proposed notice.	Delegation Not Required	
	Prosecution Proceedings The power to commence prosecution proceedings for an offence under the Act or a By-law adopted under the Act.	Chief Executive Officer	

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## 23. Local Nuisance and Litter Control Act 2016

Local Nuisance and Litter Control Act 2016			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
s12(3)	<p>1. Authorised Officers</p> <p>1.1 The power pursuant to Section 12(3) of the Local Nuisance and Litter Control Act 2016 (the Act), to appoint:</p> <p>1.1.1 specified officers or employees of the Council; or</p> <p>1.1.2 a specified class of officers or employees of the Council, to be authorised officers for the purposes of the Act</p>	Chief Executive Officer	
s12(4)	<p>1. Authorised Officers</p> <p>1.2 The power pursuant to Section 12(4) of the Act to make an appointment subject to conditions specified in the instrument of appointment.</p>	Chief Executive Officer	
s12(6)	<p>1. Authorised Officers</p> <p>1.3 The power pursuant to Section 12(6) of the Act to, at any time, revoke an appointment, or vary or revoke a condition specified in the instrument of an appointment or impose a further such condition.</p>	Chief Executive Officer	
s13(2)	<p>2. Identity Cards</p> <p>2.1 The duty pursuant to Section 13(2) of the Act where the Minister has not designated a card issued by the Council to an authorised officer appointed by the Council as an identity card for the purposes of the Act, to issue an authorised officer appointed under the Act, with an identity card in a form approved by the Minister:</p> <p>2.1.1 containing the person's name and a recent photograph of the person; and</p> <p>2.1.2 stating that the person is an authorised officer for the purposes of the Act; and</p> <p>2.1.3 specifying the name of the Council.</p>	Duty - Not a Delegation	
s13(3)	<p>2. Identity Cards</p> <p>2.2 The duty pursuant to Section 13(3) of the Act to issue an identity card as soon as is reasonably practicable after the appointment is made.</p>	Duty - Not a Delegation	

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Local Nuisance and Litter Control Act 2016		
s15(a)	3. Limit of Area of Authorised Officers Appointed by Councils 3.1 The power pursuant to Section 15(a) of the Act to agree in writing to an authorised officer appointed by another council exercising powers under the Act in the Council's area.	Delegation Not Required
s16(1)(a)	4. Provisions Relating to Seizure 4.1 The duty pursuant to Section 16(1)(a) of the Act if a substance, material or thing has been seized under Division 3 of the Act, to hold the substance, material or thing seized pending proceedings for an offence against the Act.	Chief Executive Officer
s16(1)(a)	4. Provisions Relating to Seizure 4.2 The power pursuant to Section 16(1)(a) of the Act, on application, authorise the release of the substance, material or thing seized to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure, subject to such conditions as the delegate thinks fit.	Chief Executive Officer
s16(1)(e)	4. Provisions Relating to Seizure 4.3 The power pursuant to Section 16(1)(e) of the Act if a person is, under section 16 of the Act, entitled to recover any substance, material or thing, to request the person do so.	Delegation Not Required
s16(1)(f)	4. Provisions Relating to Seizure 4.4 The power pursuant to Section 16(1)(f) of the Act to direct that any substance, material or thing forfeited under Section 16 of the Act be disposed of.	Chief Executive Officer
s19(1)	5. Exemptions from Application of Section 18 5.1 The power pursuant to Section 19(1) of the Act to declare by notice in writing in accordance with Section 19 of the Act that a person is exempt from the application of Section 18 of the Act in respect of a specified activity to be carried on in the Council's area.	Chief Executive Officer
s19(2)	5. Exemptions from Application of Section 18 5.2 The power pursuant to Section 19(2) of the Act to require an application for a declaration under Section 19 of the Act made to the Council to be accompanied by any other information in connection with the application that the delegate may require.	Duty - Not a Delegation
s19(3)	5. Exemptions from Application of Section 18 5.3 The duty pursuant to Section 19(3) of the Act to not make a declaration under Section 19 of the Act unless the delegate is satisfied that:	Duty - Not a Delegation

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Local Nuisance and Litter Control Act 2016		
	5.3.1 there are exceptional circumstances that justify the making of the declaration; and	
s19(3)	5. Exemptions from Application of Section 18 5.3 The duty pursuant to Section 19(3) of the Act to not make a declaration under Section 19 of the Act unless the delegate is satisfied that:  5.3.2 the applicant's nuisance management plan adequately sets out the measures that the person will take to prevent, minimise or address any anticipated adverse effects from the specified activity on the amenity value of the area concerned.  5. Exemptions from Application of Section 18 5.4 The power pursuant to Section 19(4) of the Act to make a declaration unconditional or subject to conditions, including (but not limited to) conditions relating to:  5.4.1 the permitted times or periods of time for carrying on the activity; or  5.4.2 the manner of carrying on the activity.	Chief Executive Officer
s19(4)	5. Exemptions from Application of Section 18 5.4 The power pursuant to Section 19(4) of the Act to make a declaration unconditional or subject to conditions, including (but not limited to) conditions relating to:  5.4.1 the permitted times or periods of time for carrying on the activity; or  5.4.2 the manner of carrying on the activity.	Chief Executive Officer
s19(5)	5. Exemptions from Application of Section 18 5.5 The power pursuant to Section 19(5) of the Act to, by further notice in writing, vary or revoke a declaration under Section 19 of the Act.	Chief Executive Officer
s19(7)	5.6 The: 5.6.1 power pursuant to Section 19(7) of the Act to determine the website for publishing a declaration made under Section 19 of the Act and any variations of the declaration; and	Duty - Not a Delegation
s19(7)	5.6 The: 5.6.2 duty pursuant to Section 19(7) of the Act to publish a declaration made under Section 19 of the Act and any variations of the declaration, on a website determined by the Council or the delegate.	Duty - Not a Delegation
s22(3)(a)(i)	6. Disposing of Litter 6.1 The power pursuant to Section 22(3)(a)(i) of the Act to provide a bin or other receptacle in the Council's area for the disposal of litter.	Duty - Not a Delegation
s22(3)(a)(ii)	6. Disposing of Litter 6.2 The power pursuant to Section 22(3)(a)(ii) of the Act to approve or authorise the	Chief Executive Officer

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Local Nuisance and Litter Control Act 2016		
	manner of the disposal of litter in the Council's area.	
s26(3)	<p>7. Liability of Vehicle Owners</p> <p>7.1 The duty pursuant to Section 26(3) of the Act, to accompany an expiation notice or expiation reminder notice given under the Expiation of Offences Act 1996 to the owner of a vehicle for an alleged offence against Section 26 of the Act involving the vehicle with a notice inviting the owner, if he or she was not the alleged principal offender, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:</p> <p>7.1.1 setting out the name and address of the person who the owner believes to have been the alleged principal offender; or</p> <p>7.1.2 if he or she had transferred ownership of the vehicle to another prior to the time of the alleged principal offence and has complied with the Motor Vehicles Act 1959 or the Harbours and Navigation Act 1993 (as the case may require) in respect of the transfer – setting out details of the transfer (including the name and address of the transferee).</p>	Duty - Not a Delegation
s26(4)	<p>7. Liability of Vehicle Owners</p> <p>7.2 The power pursuant to Section 26(4) of the Act, to bring a prosecution for an offence against Section 26 of the Act against one of the owners or against some or all of the owners jointly as co-defendants.</p>	Duty - Not a Delegation
s26(5)	<p>7. Liability of Vehicle Owners</p> <p>7.3 The duty pursuant to Section 26(5) of the Act, before proceedings are commenced against the owner of a vehicle for an offence against Section 26 of the Act to send the owner a notice:</p> <p>7.3.1 setting out particulars of the alleged principal offence; and</p> <p>7.3.2 inviting the owner, if he or she was not the alleged principal offender or the owner of the vehicle at the time of the alleged principal offence, to provide the Council, within 21 days of the date of the notice, with a statutory declaration setting out any matters referred to in subsection 3(a)( and (b):</p>	Duty - Not a Delegation
s26(9)	<p>7. Liability of Vehicle Owners</p> <p>7.4 The duty pursuant to Section 26(9) of the Act, if:</p>	Duty - Not a Delegation

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	7.4.1 an expiation notice is given to a person named as the alleged principal offender in a statutory declaration under Section 26, or		
	7.4.2 proceedings are commenced against such a person, to accompany the notice or summons, as the case may be, with a notice setting out particulars of the statutory declaration that named the person as the alleged principal offender.		
s26(10)	7. Liability of Vehicle Owners 7.5 The duty pursuant to Section 26(10) of the Act to not include in the particulars of the statutory declaration provided to the alleged principal offender the address of the person who provided the statutory declaration.	Delegation Not Required	
s29	8. Notification of EPA of Serious or Material Environmental Harm 8.1 The duty pursuant to Section 29 of the Act, if the delegate has reason to believe that an offence committed under Sections 18 or 22 of the Act has, or may have, resulted in material environmental harm, or serious environmental harm, within the meaning of the Environment Protection Act 1993, to, as soon as practicable, notify the Environment Protection Authority of that belief.	Duty - Not a Delegation	
s30(1)(a)	9. Nuisance and Litter Abatement Notices 9.1 The power pursuant to Section 30(1)(a) of the Act to issue a nuisance abatement notice for or in connection with securing compliance with Part 4 Division 1 of the Act.	Chief Executive Officer	
s30(1)(b)	9. Nuisance and Litter Abatement Notices 9.2 The power pursuant to Section 30(1)(b) of the Act to issue a litter abatement notice for or in connection with securing compliance with Part 4 Division 2 of the Act.	Chief Executive Officer	
s30(2)	9. Nuisance and Litter Abatement Notices 9.3 The 9.3.1 duty pursuant to Section 30(2) of the Act in relation to a notice under Section 30 of the Act to ensure it: 9.3.1.1 is in the form of a written notice served on the person to whom it is issued; and	Duty - Not a Delegation	

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	9.3.1.2 specifies the person to whom it is issued (by name or by a description sufficient to identify the person); and specifies the purpose for which it is issued; and		
	9.3.2 power pursuant to Section 30(2) of the Act, in relation to a notice under Section 30 of the Act, to:		
	9.3.2.1 direct two or more persons to do something specified in the notice jointly; and		
	9.3.2.2 impose a requirement that the person do one or more of the following:		
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (a) discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice;	Duty - Not a Delegation	
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (b) not carry on a specified activity except at specified times or subject to specified conditions;	Duty - Not a Delegation	
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (c) take specified samples or conduct specified tests, examinations, monitoring or analyses at specified times or intervals or for a specified period or until further notice;	Duty - Not a Delegation	
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (d) furnish to the Council specified results or reports within a specified period;	Duty - Not a Delegation	
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (e) clean up litter that the Council or delegate considers to have been caused by a contravention of this Act;	Duty - Not a Delegation	
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (f) make good any damage to property that the Council or delegate considers to have been caused by a contravention of this Act;	Duty - Not a Delegation	
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (g) prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of securing compliance with any requirement of the Act or preventing any future contravention	Duty - Not a Delegation	

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	of the Act;		
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (h) take such other specified action in a specified way, and within a specified period or at specified times or in specified circumstances; and	Duty - Not a Delegation	
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (i) in the case of a litter abatement notice, impose a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of: A. preventing the escape of litter from business premises; or B. keeping a specified area (not exceeding 100 metres) around business premises free from litter; and	Duty - Not a Delegation	
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (j) impose any other requirement prescribed by regulation; and	Duty - Not a Delegation	
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (k) ensure it states that the person may, within 14 days, appeal against the notice to the Environment Resources and Development Court.	Duty - Not a Delegation	
s30(3)	9. Nuisance and Litter Abatement Notices 9.4 The power pursuant to Section 30(3) of the Act to issue a notice under Section 30 of the Act jointly with one or more other councils to prevent the person contravening a provision of the Act in those council areas.	Chief Executive Officer	
s30(4)	9. Nuisance and Litter Abatement Notices 9.5 The power pursuant to Section 30(4) of the Act to issue a notice under Section 30 of the Act that relates to an activity or conditions on premises to: 9.5.1 the owner or occupier of the premises; or 9.5.2 a person who has the management or control of the premises; or 9.5.3 a person who is the trustee of a person referred to in paragraph (a) or (b) or Section 30(4) of the Act, or is managing the affairs of such a person on some other basis.	Chief Executive Officer	
s30(6)	9. Nuisance and Litter Abatement Notices	Delegation Not Required	

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	9.6 The duty pursuant to Section 30(6) of the Act, if an emergency notice issued orally, to advise forthwith the person to whom the notice is issued of the person's right to appeal against the notice to the Environment, Resources and Development court.	
s30(8)	9. Nuisance and Litter Abatement Notices 9.7 The power pursuant to Section 30(8) of the Act, to, by written notice served on a person to whom a notice under section 30 of the Act has been issued by the Council, vary or revoke the notice.	Chief Executive Officer
s31	10. Action on Non-compliance with Notice 10.1 The power pursuant to Section 31 of the Act, if the requirements of a nuisance abatement notice or litter abatement notice issued by Council are not complied with, to take any action required by the notice.	Delegation Not Required
s31(2)	10. Action on Non-compliance with Notice 10.2 The power pursuant to Section 31(2) of the Act to authorise a person to take action under section 31(1) of the Act on behalf of the Council.	Chief Executive Officer
s30(3)	10. Action on Non-compliance with Notice 10.3 The duty pursuant to Section 30(3) of the Act, if the delegate authorises a person to take action under section 31(2) of the Act to issue the person with an instrument of authority.	Chief Executive Officer
s31(5)	10. Action on Non-compliance with Notice 10.4 The power pursuant to Section 31(5) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 31 of the Act as a debt from the person who failed to comply with the requirements of the notice.	Chief Executive Officer
s31(6)	10. Action on Non-compliance with Notice 10.5 The power pursuant to Section 31(6) of the Act, if an amount is recoverable from a person under Section 31 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, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid.	Duty - Not a Delegation
s33(1)(6)	11. Civil Remedies 11.1 The power pursuant to Sections 33(1) and (6) of the Act to apply to the Environment, Resources and Development court for one or more of the following orders:	Chief Executive Officer

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## Local Nuisance and Litter Control Act 2016

	<p>11.1.1 if a person has engaged, is engaging or is proposing to engage in conduct in contravention of the Act – an order restraining the person from engaging in the conduct and, if the court considers it appropriate to do so, requiring the person to take any specified action;</p> <p>11.1.2 if a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by the Act – an order requiring the person to take that action;</p> <p>11.1.3 if a person has caused damage to property by a contravention of the Act – an order requiring the person to take specified action to make good the damage and, if appropriate, to take specified action to prevent or mitigate further damage;</p> <p>11.1.4 if the Council has incurred costs or expenses in taking action to prevent or mitigate damage caused by a contravention of the Act, or to make good resulting damage – an order against the person who committed the contravention for payment of the reasonable costs and expenses incurred in taking that action;</p> <p>11.1.5 if the Council has suffered injury or loss or damage to property as a result of a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage – an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action;</p> <p>11.1.6 if the court considers it appropriate to do so, an order against a person who has contravened the Act for payment to the Council.</p>		
s33(6)	<p>11. Civil Remedies</p> <p>11.2 The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act.</p>	Delegation Not Required	
s33(8)	<p>11. Civil Remedies</p> <p>11.3 The power pursuant to Section 33(8) of the Act to serve a copy of the application on the Minister within three days after filing the application with the court.</p>	Delegation Not Required	
s33(9)	11. Civil Remedies	Delegation Not Required	

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	11.4 The power pursuant to Section 33(9) of the Act to apply to the court for the Council to be joined as a party to the proceedings.		
s33(10)	11. Civil Remedies 11.5 The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained).	Duty - Not a Delegation	
s33(11)	11. Civil Remedies 11.6 The power pursuant to Section 33(11) of the Act to make an application without notice to any person.	Duty - Not a Delegation	
s33(14)	11. Civil Remedies 11.7 The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person.	Duty - Not a Delegation	
s33(19)	11. Civil Remedies 11.8 The power pursuant to Section 33(19) of the Act to apply to the court to vary or revoke an order previously made under Section 33 of the Act.	Duty - Not a Delegation	
s34(1)	12. Minister or Council May Recover Civil Penalty in Respect of Contravention 12.1 The power pursuant to Section 34(1) of the Act, subject to Section 34 of the Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Environment, Resources and Development court an amount as a civil penalty in respect of the contravention.	Chief Executive Officer	
s34(2)	12. Minister or Council May Recover Civil Penalty in Respect of Contravention 12.2 The duty pursuant to Section 34(2) of the Act to not recover an amount under Section 34 of the Act, in respect of a contravention if the relevant offence requires proof of intention or some other state of mind, and to, in respect of any other contravention, determine whether to initiate proceedings for an offence or take action under Section 34 of the Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.	Duty - Not a Delegation	
s34(3)	12. Minister or Council May Recover Civil Penalty in Respect of Contravention 12.3 The duty pursuant to Section 34(3) of the Act to not make an application to the court under Section 34 of the Act to recover an amount from a person as a civil penalty in respect of a contravention.	Duty - Not a Delegation	
	12.3.1 unless the Council or the delegate has served on the person a notice in the		

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	prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention and the person has been allowed not less than 21 days after service of the notice to make such an election; or 12.3.2 if the person serves written notice on the Council, before the making of such an application, that the person elects to be prosecuted for the contravention.		
s34(4)	12. Minister or Council May Recover Civil Penalty in Respect of Contravention 12.4 The power pursuant to Section 34(4) of the Act to recover by negotiation as a civil penalty in respect of a contravention a maximum amount being the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.	Delegation Not Required	
s34(5)	12. Minister or Council May Recover Civil Penalty in Respect of Contravention 12.5 The power pursuant to Section 34(5) of the Act to apply to the Environment, Resources and Development court for an order the person pay to the Council an amount as a civil penalty (but not exceeding the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention).	Delegation Not Required	
s34(8)	12. Minister or Council May Recover Civil Penalty in Respect of Contravention 12.6 The power pursuant to Section 34(8) of the Act, if conduct of a person constitutes a contravention of two or more provisions of the Act, to recover an amount from the person under Section 34 of the Act in relation to the contravention of one or more of those provisions (provided that the person is not liable to pay more than one amount as a civil penalty in respect of the same conduct).	Delegation Not Required	
s34(13)	12. Minister or Council May Recover Civil Penalty in Respect of Contravention 12.7 The power pursuant to Section 34(13) of the Act to apply to the Attorney General for authorisation to commence proceedings for an order under Section 34 of the Act more than three years and within 10 years after the date of the alleged contravention.	Delegation Not Required	
s40	13. Statutory Declaration 13.1 The power pursuant to Section 40 of the Act if a person is required by or under the Act to provide information to the Council, to require that the information be	Duty - Not a Delegation	

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	verified by statutory declaration and, in that event, the person will not be taken to have provided the information as required unless it has been so verified.		
43(1)	Offences The power to commence prosecution proceedings for an offence under the Act.	Chief Executive Officer	
s45(1)	14. Orders in Respect of Contraventions 14.1 The power pursuant to Section 45(1) of the Act, if, in proceedings under the Act, the court finds that the defendant contravened the Act and the contravention has resulted in injury to the Council or loss or damage to property, to apply to the court, in addition to any penalty it may impose, one or more of the following:  14.1.1 an order the person to take specified action to make good any damage and, if appropriate, to take specified action to prevent or mitigate further damage;  14.1.2 an order the person to take specified action to publicise the contravention and its consequences and any other orders made against the person;  14.1.3 an order the person pay to the Council if the Council has incurred costs or expenses in taking action to prevent or mitigate or make good any damage (including, in the case of litter, taking action to remove or clean up, and lawfully dispose of the litter);  the reasonable costs and expenses so incurred, or compensation for the injury, loss or damage so suffered, as the case may be, in such a manner as is determined by the Court.	Delegation Not Required	
s45(2)	14. Orders in Respect of Contraventions 14.2 The power pursuant to Section 45(2) of the Act if a person is found by a court to have contravened the Act, to apply to the court, for, in addition to any penalty it may impose, an order the person to pay to the Council an amount not exceeding the court's estimation of the amount of the economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.	Delegation Not Required	
s45(5)	14. Orders in Respect of Contraventions 14.3 The power pursuant to Section 45(5) of the Act to apply to the court for an order under Section 45 of the Act, fixing a period for compliance and imposing any other requirements the court considers necessary or expedient for enforcement of the order.	Delegation Not Required	

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s48(1)	<p>15. Recovery of Administrative and Technical Costs Associated with Contraventions 15.1 The power pursuant to Section 48(1) of the Act, if a person has contravened this Act and the Council:</p> <p>15.1.1 has taken action to</p> <p>15.1.1.1 investigate the contravention; or</p> <p>15.1.1.2 issue a nuisance abatement notice or litter abatement notice in respect of the contravention; or</p> <p>15.1.1.3 ensure that the person has complied with requirements imposed in relation to the contravention by a nuisance abatement notice or litter abatement notice or by an order of a court under the Act; or</p> <p>15.1.2 has, in taking such action, incurred costs and expenses in taking samples or in conducting tests, examinations, monitoring or analyses,</p> <p>to, by notice in writing served on the person, require the person to pay to the Council the reasonable costs and expenses incurred by the Council in taking such action.</p>	Duty - Not a Delegation
s48(2)	<p>15. Recovery of Administrative and Technical Costs Associated with Contraventions 15.2 The power pursuant to Section 48(2) of the Act to specify in the notice the period within which an amount payable to the Council in accordance with a notice under Section 48 of the Act must be paid.</p>	Delegation Not Required
s48(3)	<p>15. Recovery of Administrative and Technical Costs Associated with Contraventions 15.3 The power pursuant to Section 48(3) of the Act, on application by a person who has been served a notice under Section 48 of the Act to, by notice in writing:</p> <p>15.3.1 extend the time for payment of an amount payable in accordance with the notice; or</p>	Chief Executive Officer
s48(3)	<p>15. Recovery of Administrative and Technical Costs Associated with Contraventions 15.3 The power pursuant to Section 48(3) of the Act, on application by a person who has been served a notice under Section 48 of the Act to, by notice in writing:</p> <p>15.3.2 waive payment of such an amount or reduce the amount payable.</p>	Chief Executive Officer

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Local Nuisance and Litter Control Act 2016		
s48(6)	15. Recovery of Administrative and Technical Costs Associated with Contraventions 15.4 The power pursuant to Section 48(6) of the Act, if an amount payable to the Council is not paid in accordance with Section 48 of the Act to recover the amount as a debt.	Duty - Not a Delegation
s49	16. Assessment of Reasonable Costs and Expenses 16.1 The duty pursuant to Section 49 of the Act, to for the purposes of the Act, assess the reasonable costs and expenses that have been or would be incurred by the Council or some other person or body in taking any action by reference to the reasonable costs and expenses that would have been or would be incurred in having the action taken by independent contractors engaged for that purpose.	Delegation Not Required
s50(4)	17. Evidentiary Provisions 17.1 The power pursuant to Section 50(4) of the Act to execute a certificate certifying as to the matter relating to: 17.1.1 the appointment or non-appointment of a person as an authorised officer under the Act; or 17.1.2 a delegation or authority under the Act; or 17.1.3 a notice, requirement or direction of the Council or an authorised officer under the Act; or 17.1.4 the receipt or non-receipt by the Council or an authorised officer of a notification, report or information given or required to be given or furnished to the Council or authorised officer under the Act.	Delegation Not Required
s50(5)	17. Evidentiary Provisions 17.2 The power pursuant to Section 50(5) of the act to execute a certificate detailing the costs and expenses incurred by the Council and the purpose for which they were incurred	Delegation Not Required

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Local Nuisance and Litter Control Regulations 2017			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
Regulation 5	<p>18. Annual Reports by Councils</p> <p>18.1 The duty pursuant to Regulation 5 of the Local Nuisance and Litter Control Regulations 2017 (the Regulations), to, for the purposes of Section 8 of the Act, include in the Council's annual report details of:</p> <p>18.1.1 the number of complaints of local nuisance or littering received by the Council; and</p> <p>18.1.2 the number and nature of:</p> <p>18.1.2.1 offences under the Act that were expiated; and</p> <p>18.1.2.2 offences under the Act that were prosecuted; and</p> <p>18.1.2.3 nuisance abatement notices or litter abatement notices issued; and</p> <p>18.1.2.4 civil penalties negotiated under Section 34 of the Act; and</p> <p>18.1.2.5 applications by the Council to the Court for orders for civil penalties under Section 34 of the Act and the number of orders made by the Court on those applications; and</p> <p>18.1.3 any other functions performed by the Council under the Act.</p>	Duty - Not a Delegation	
Regulation 6(1)(a)(ii)	<p>19. Exemptions from Application of Section 18</p> <p>19.1 The power pursuant to Regulation 6(1)(a)(ii) of the Regulations:</p> <p>19.1.1 to fix a lodgement period for an application in relation to an activity that is to take place over a period not exceeding 24 hours; and</p> <p>19.1.2 to fix a lodgement period for an application in relation to an activity that is to take place over a period of 24 hours or longer.</p>	Delegation Not Required	
Regulation 6(2)	19. Exemptions from Application of Section 18	Chief Executive Officer	

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Local Nuisance and Litter Control Regulations 2017			
	19.2 The power pursuant to Regulation 6(2) of the Regulations, if an application for a declaration in relation to an activity is not lodged with the Council as required by Regulation 6(1)(a)(ii) of the Act, to refuse to consider the application.		
Regulation 6(3)	<p>19.3 Exemptions from Application of Section 18</p> <p>19.3 The power pursuant to Regulation 6(3) of the Regulations to require the following prescribed details to be contained in a site nuisance management plan to the extent relevant to the activity:</p> <p>19.3.1 an assessment of the potential for local nuisance and the number of residential and commercial premises occupied by persons likely to be affected by the local nuisance (potentially affected persons);</p>	Delegation Not Required	
Regulation 6(3)	<p>19. Exemptions from Application of Section 18</p> <p>19.3.2 a map showing:</p> <p>19.3.2.1 the proposed location of the activity and the likely fixed sources of local nuisance (for example, in the case of a concert, the location and orientation of stages and speakers); and</p> <p>19.3.2.2 the location of premises occupied by potentially affected persons and the distance of the premises from those sources;</p>	Delegation Not Required	
Regulation 6(3)	<p>19. Exemptions from Application of Section 18</p> <p>19.3.3 the name and contact details of the responsible person in relation to the activity;</p>	Delegation Not Required	
Regulation 6(3)	<p>19. Exemptions from Application of Section 18</p> <p>19.3.4 the proposed strategy for minimising, managing and monitoring the effects of the local nuisance on potentially affected persons;</p>	Delegation Not Required	
Regulation 6(3)	<p>19. Exemptions from Application of Section 18</p> <p>19.3.5 a copy of the notice (forming part of the communication strategy) proposed to be given to those persons to notify them of the activity, which must include the following details:</p> <p>19.3.5.1 the nature of the proposed activity;</p> <p>19.3.5.2 the start and finish dates for the activity;</p>	Delegation Not Required	

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Local Nuisance and Litter Control Regulations 2017		
	<p>19.3.5.3 the daily start and finish times for the activity;</p> <p>19.3.5.4 the anticipated sources of local nuisance generated by the activity;</p> <p>19.3.5.5 the proposed measures to be implemented to minimise the local nuisance;</p> <p>19.3.5.6 the name and contact details of the person who may be contacted by potentially affected persons regarding concerns or complaints in relation to the activity;</p> <p>19.3.5.7 such other details as the delegate may require;</p>	
Regulation 6(3)	<p>19. Exemptions from Application of Section 18</p> <p>19.3.6 the proposed communication strategy with the Council, including reporting by the exempt person on progress of the activity and the site nuisance management plan and any unforeseen incidents;</p>	Delegation Not Required
Regulation 6(3)	<p>19. Exemptions from Application of Section 18</p> <p>19.3.7 the proposed process for recording details about complaints, including:</p> <p>19.3.7.1 contact details for each complainant; and</p> <p>19.3.7.2 the date and time of the complaint; and</p> <p>19.3.7.3 a description of the complaint; and</p> <p>19.3.7.4 the nature of the activity giving rise to the complaint; and</p> <p>19.3.7.5 any action taken to address the complaint.</p>	Delegation Not Required
Regulation 12	<p>20. Notification to EPA of Serious or Material Environmental Harm</p> <p>20.1 The duty pursuant to Regulation 12 of the Regulations, to, for the purposes of Section 29 of the Act, include in notifications to the Environment Protection Authority:</p> <p>20.1.1 as many of the following details as may be in the possession of the Council:</p>	Duty - Not a Delegation

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## Local Nuisance and Litter Control Regulations 2017

	<p>20.1.1.1 any investigation statements from authorised officers, witnesses or suspects;</p> <p>20.1.1.2 copies of relevant evidence (for example, images, photographs, video or audio recordings or transcripts, maps, reports of analyses, tests or samples, file notes, exhibit management records and any certificates under Section 50 of the Act or other relevant documents, orders, notes or information); and</p> <p>20.1.2 details as to any limitation of time for prosecution or expiation of offences under the Act; and</p> <p>20.1.3 details of the application of any relevant prescribed period within the meaning of Section 16 of the Act in relation to a substance, material or thing seized under Part 3 Division 3 of the Act.</p>		
Regulation 13(2)(a)	<p>21. Action on Non-compliance with Notice</p> <p>21.1 The power pursuant to Regulation 13(2)(a) of the Regulations, to:</p> <p>21.1.1 for the purposes of creating the charge on land, give the Registrar General a notice, in a form determined by the delegate or the Council on the recommendation or with the approval of the Registrar-General;</p> <p>21.1.1.1 setting out the amount recoverable under Section 31 of the Act; and</p> <p>21.1.1.2 setting out the land in relation to which the relevant action was taken; and</p> <p>21.1.1.3 requesting the Registrar-General to make a notation under Regulation 13(2) of the Regulations in relation to the relevant land.</p>	Delegation Not Required	
Regulation 12(2)(a)	<p>21. Action on Non-compliance with Notice</p> <p>21.2 The power pursuant to Regulation 13(2)(f) of the Regulations to, in a case where Regulation 13(2)(d)(i)(B) of the Regulations applies, recover the amount as if it were a rate constituting a charge on land under Section 144(2) of the Act.</p>	Duty - Not a Delegation	
Regulation 12(2)(a)	<p>21. Action on Non-compliance with Notice</p> <p>21.3 The duty pursuant to Regulation 13(2)(g) of the Regulations, if the amount to which the charge relates is paid, to, by further notice to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the</p>	Duty - Not a Delegation	

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Local Nuisance and Litter Control Regulations 2017			
	approval of the Registrar-General), cancel the charge.		
Regulation 13(2)(a)	21. Action on Non-compliance with Notice 21.4 The power pursuant to Regulation 13(3) of the Regulations to recover any costs or expenses incurred by the Council in relation to creating a charge over land or cancelling such a charge under Regulation 13 of the Regulations from the owner of the land in accordance with Section 144 of the Local Government Act 1999.	Delegation Not Required	
Regulation 15(1)	22. Payment of Fees by Instalments 22.1 The power pursuant to Regulation 15(1) of the Regulations to, in allowing the payment of a fee under the Act or the Regulations by instalments, add to each amount payable as an instalment a charge by way of interest, or an administrative fee, determined by the delegate or the Council (as the case may be).	Chief Executive Officer	
Regulation 16	23. Waiver or Refund of Fees 23.1 The power pursuant to Regulation 16 of the Regulations to waive or refund a fee or other amount (or part of a fee or other amount) payable under the Act or the Regulations if the delegate is satisfied that it is appropriate to do so in a particular case.	Chief Executive Officer	
Regulation 17	24. Recovery of Fees 24.1 The power pursuant to Regulation 17 of the Regulations to recover a fee or other amount payable by a person under the Act or Regulations as a debt by action in a court of competent jurisdiction.	Chief Executive Officer	

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## 24. 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			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	

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Natural Resources Management Act 2004			
	6.1.1 the nature of the assistance requested (and, in the case of financial assistance, the amount requested); and		
	6.1.2 the purpose or purposes for which and the manner in which the assistance will be used; and		
	6.1.3 the reasons why, in the Delegate's opinion, the granting of the assistance by the regional NRM board is justified.		
s43(2)	7. Assignment of Responsibility for Infrastructure 7.1 The power pursuant to Section 43(2) of the Act to make a submission to a regional NRM board in response to notice given by the board under Section 43(2) of the Act of the proposed assignment of the responsibility for the care, control or management of infrastructure to the Council as a third party pursuant to Section 43(1) of the Act.	Chief Executive Officer	
s43(3)	7. Assignment of Responsibility for Infrastructure 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.	Chief Executive Officer	
s44(4)(c)	8. Appointment of Body to act as a Board 8.1 The power pursuant to Section 44(4)(c) of the Act to agree that by way of a regulation revoking a regulation made under Section 44(1) of the Act, the assets, rights and liabilities of a body appointed by such regulation to be a regional NRM board under the Act, will vest in or attach to the Council.	Chief Executive Officer	
s45(5)	9. Establishment of Areas 9.1 The power pursuant to Section 45(5) of the Act to receive notice as a constituent council from a regional NRM board and to make a submission to the regional NRM board within a period (being at least 21 days) specified in the notice.	Chief Executive Officer	
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	Chief Executive Officer	

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Natural Resources Management Act 2004			
	Act.		
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	
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	Chief Executive Officer	

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Natural Resources Management Act 2004			
	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.		
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	
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	

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Natural Resources Management Act 2004		
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
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

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Natural Resources Management Act 2004		
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
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
s201(5)	31. Orders made by ERD Court 31.1 The power pursuant to Section 201(5) of the Act, where the Council's	Chief Executive Officer

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Natural Resources Management Act 2004			
	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		
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)(i) 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 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 33.1.5 be served on the person by fixing it to, or leaving it on, a vessel or craft that the person is apparently in charge of, or expected to board at some stage, if the Delegate has reasonable grounds to believe that service in this manner will bring the notice or document to the attention of the person to be served; or 33.1.6 send the notice or document to the person by facsimile transmission; or	Duty - Not a Delegation	

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Natural Resources Management Act 2004			
	33.1.7 serve or give the notice or document to a person in a manner prescribed by the Regulations.		
s208(3)	33. Service of notices or other documents 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.	Chief Executive Officer	
Clause 46(1)(d) of Schedule 4	34. Vesting of Property 34.1 The power pursuant to Clause 46(1)(d) of Schedule 4 of the Act to consent to the vesting in the Council by proclamation of the Governor any asset, right or liability of a statutory body or of a related body nominated by the proclamation.	Council Only	
Clause 54(17) of Schedule 4	35. Special Provisions relating to the repeal of the Water Resources Act 1997 35.1 The duty pursuant to Clause 54(17) of Schedule 4 of the Act, subject to Clause 55 of the Act, to pay any amount payable by the Council under Part 8, Division 2 of the Water Resources Act 1997 under a scheme established by the Minister for the purposes of Clause 54 of Schedule 4 of the Act (and such a scheme may provide that an amount be paid to a regional NRM board rather than a catchment water management board).	Duty - Not a Delegation	

Natural Resources Management (General) Regulations 2005			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
r35(2)	DELEGATIONS UNDER THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2005 37. The power pursuant to Regulation 35(2) of the Natural Resources Management (General) Regulations ("the Regulations"), when making an agreement under Section 43 of the Act, to include provisions terms or conditions other than those identified in Regulation 35(1) of the Regulations.	Chief Executive Officer	

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## 25. Real Property Act 1886

Real Property Act 1886			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	
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</p>	Chief Executive Officer	

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	the said land under the provisions of the Act.		
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 in the Lands Titles Registration Office, in the form of Schedule 3 to the Act, forbidding the bringing of such land under the provisions of the Act.</p>	Chief Executive Officer	
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 in the Lands Titles Registration Office forbidding land to be brought under the provisions of the Act, to bring like proceedings as provided for in the Act for the removal of caveats, in the case of land already under the provisions of the Act, for removal of the caveat, and for the recovery of costs and damages from the caveator, in case the caveat shall have been lodged by the caveator wrongfully and without reasonable cause.</p>	Chief Executive Officer	

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s56(2)	6. Priority of instruments 6.1 Instruments registered or recorded in respect of or affecting the same estate or interest in land are entitled (despite any express, implied or constructive notice) to priority according to the time of registration or recording.	Chief Executive Officer
s56(5)	6A. Priority of instruments 6A.1 The power pursuant to Section 56(5) of the Act and in accordance with Section 56(6) of the Act to apply to the Registrar-General, in the appropriate form, to vary the order of priority between 2 or more registered mortgages or encumbrances.	Chief Executive Officer
s56(6)(a)	6A. Priority of instruments 6A.2 The power pursuant to Section 56(6)(a) of the Act to consent to an application under Section 56(5) of the Act where the Council is the holder of a mortgage or encumbrance that is to have its order of priority varied.	Chief Executive Officer
s56(6)(b)	6A. Priority of instruments 6A.3 The power pursuant to Section 56(6)(b) of the Act, if a registered mortgage or encumbrance is, by virtue of the proposed variation of order of priority, to be postponed to a mortgage or encumbrance over which it has had priority, to consent where the Council is the holder of the mortgage or encumbrance that is to be postponed.	Chief Executive Officer
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 1 or more certificates, to apply to the Registrar-General for the issue of one certificate for the whole of such land, or several certificates each comprising portion of such land.	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	Chief Executive Officer

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	Part 7A relates, to lodge a caveat with the Registrar-General forbidding the granting of the application.		
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	
s92	<p>13. Person now holding under lease or agreement may surrender</p> <p>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.</p>	Chief Executive Officer	

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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
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
s96	15. Transfers The power pursuant to and in accordance with Section 96 of the Act, where the Council is the transferor or transferee of land intended to be transferred or a right of way or other easement intended to be created or transferred, to execute a transfer in the appropriate form to be lodged for registration in the Lands Titles Registration Office.	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
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	Chief Executive Officer

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	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.	
s115A	<p>20. Issue of certificate where land is vested by operation of law</p> <p>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:</p> <p>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</p> <p>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.</p>	Chief Executive Officer
s116	<p>21. Lands, now leased</p> <p>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.</p>	Chief Executive Officer
s118	<p>22. Leases not to bind non-consenting mortgagees or encumbrancees</p> <p>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.</p>	Chief Executive Officer
s119A(1)	<p>23. Standard terms and conditions of lease</p> <p>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.</p>	Chief Executive Officer
s120	<p>24. Lease may be surrendered by separate instrument</p> <p>The power pursuant to Section 120 of the Act to surrender a registered lease by instrument in the appropriate form, executed by the lessee and lessor.</p>	Chief Executive Officer
s121	<p>25. Registrar-General may record surrender</p> <p>The power pursuant to Section 121 of the Act, where the lessee has given written notice to the Council as lessor or the Council's agent of his or her</p>	Chief Executive Officer

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	intention to give up possession of land comprised in a registered lease, to make application to the Registrar-General in the appropriate form and producing such evidence as the Registrar-General may require that the lessee has abandoned occupation of the land comprised in the lease, to make a record in the Register Book.		
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(1)	28. Mortgage of land 28.1 If land is to be charged or made security in favour of a person, a mortgage must be executed by the registered proprietor and the person.	Chief Executive Officer	
s128(2)	28. Mortgage of land 28.2 The power pursuant to Section 128(2) of the Act to lodge a mortgage for registration in the Lands Titles Registration Office in the appropriate form.	Duty - Not a Delegation	
s128(4)	28. Mortgage of land 28.3 The power pursuant to Section 128(4) of the Act where the Council is a mortgagee in relation to a mortgage lodged for registration in the Lands Titles Registration Office to provide certification under Section 273(1) of the Act.	Delegation Not Required	
s128B(1)	28A Encumbrance of land The power pursuant to Section 128B(1) of the Act if land is to be charged with or made security for the payment of an annuity, rent charge or sum of money in favour of a person, to execute an encumbrance in the appropriate form.	Chief Executive Officer	
s129A(1)	29. Standard terms and conditions of Mortgage or Encumbrance The power pursuant to Section 129A(1) of the Act to deposit for filing in the Lands Titles Registration Office a document containing terms and conditions for incorporation as standard terms and conditions in mortgages or encumbrances under Section 129A of the Act	Chief Executive Officer	

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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
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, distraint, 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 distraint upon the occupier or tenant of the land; or</p>	Chief Executive Officer

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	32.1.3 from time to time let the said land for any term not exceeding one year; or 32.1.4 bring an action for recovery of the land either before or after entering into the receipt of the rent and profits or making any distress.		
s138	33. Power of Mortgagee to distress on tenant or occupier for arrears not exceeding the amount of rent due The power pursuant to and in accordance with Section 138 of the Act, where the Council is a mortgagee or encumbrancee and the principal sum, interest, annuity, or rent charge has been in arrears for 21 days and a further 7 days have elapsed from the date of application for the payment thereof to the occupier or tenant, to enter upon the mortgaged or encumbered land and distress 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.	Chief Executive Officer	
s140(1)	34. Application to Mortgagee to Registrar-General for foreclosure The power pursuant to Section 140(1) of the Act, and in accordance with Section 140(2) of the Act, when default has been made for six months in the payment of the principal or interest secured by any mortgage held by the Council, to make application, in writing, to the Registrar-General for an order for foreclosure.	Chief Executive Officer	
s142A(1)	35. Provision for case where Mortgagee or Encumbrancee refuses to join in proceedings on default 35.1 The power pursuant to Section 142A(1) of the Act, where the Council and one or more other persons are registered as mortgagees or encumbrances under the same mortgage or encumbrance, and default has been made in payment of any money due under the mortgage or encumbrance or in the performance of any covenant in the said mortgage or encumbrance expressed or implied as entitles the mortgagees or encumbrances to exercise any of their rights or remedies under the Act or under the mortgage or encumbrance, and any such mortgagee or encumbrance fails or refuses to join in giving any notice, making any application or doing any other act or thing for the purpose of	Chief Executive Officer	

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	enforcing any of the said rights or remedies, to apply to the Court by originating summons to:	
	35.1.1 appoint the Council or any other person to exercise on behalf of the mortgagees or encumbrances such of the said rights or remedies as the Court thinks proper;	
	35.1.2 give any directions as to the mode of exercising the said rights or remedies and as to any other matters incidental thereto.	
s143(1)	36. Discharge of Mortgages and Encumbrances The power pursuant to and in accordance with Section 143(1) of the Act to wholly or partially discharge, by instrument in the appropriate form and executed by the Delegate, a mortgage or encumbrance held by the Council.	Chief Executive Officer
s144	37. Partial discharge of Mortgage or Encumbrance on Grant of Easement The power pursuant to Section 144 of the Act, where an easement is granted over land that is subject to a mortgage or an encumbrance and the Council is the mortgagee or encumbrancee, to endorse the Council's consent to the easement on the instrument granting the easement.	Chief Executive Officer
s150	39. Transfer of Mortgage Lease and Encumbrance The power pursuant to Section 150 of the Act to transfer a registered mortgage, lease or encumbrance by execution of a transfer in the appropriate form.	Chief Executive Officer
s153(1)	40. Renewal or extension of Mortgage etc The power pursuant to Section 153(1) of the Act and in accordance with Sections 153(1) and (2) of the Act to renew or extend a mortgage, encumbrance or lease by registration of an instrument in the appropriate form.	Chief Executive Officer
s153A(1)	40AA Requirements for renewal or extension of mortgage The power pursuant to Section 153A(1) of the Act, in relation to an instrument lodged for registration in the Lands Titles Registration Office renewing or extending a mortgage, to provide certification required under Section 273(1) of the Act.	Chief Executive Officer
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	Chief Executive Officer

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	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.	
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
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
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
s154B(2)(va)	40B Effect of priority notice 40B.3 The power pursuant to Section 154B(2)(va) of the Act, where a priority notice is in force in relation to land, to make an application under the Act where the Council is a surviving joint proprietor to have the death of a joint proprietor recorded in the Register Book.	Chief Executive Officer
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
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
s154F(2)	40D Cancellation of priority notice by Registrar-General	Chief Executive Officer

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	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.	
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
s169(1)	41. Disclaimers 41.1 The power pursuant to Section 169(1) of the Act, where the Council is registered as proprietor of an estate or interest in land, to advise the Registrar-General in writing that the registration occurred without the Council's consent.	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 Section 169(4)(b) of the Act, to apply to the Court for an order that the Registrar-General take such action as is necessary to give effect to the disclaimer.	Chief Executive Officer
s173(a)	42. Bankruptcy or assignment of lessee 42.1 The power pursuant to Section 173(a) of the Act where the registered proprietor of a lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make, a statutory assignment, and if the lease is not mortgaged or encumbered under the Act, to apply to the Registrar General in writing as the lessor being a lessor in possession of a statement signed by the Official Receiver or by the trustee under bankruptcy or the assignment, certifying his or her refusal to accept the lease, to make a record in the Register Book of the refusal.	Chief Executive Officer
s173(b)	42. Bankruptcy or assignment of lessee 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	Chief Executive Officer

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	<p>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>	
s173(c)	<p>42. Bankruptcy or assignment of lessee</p> <p>42.3 The power pursuant to 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 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.</p>	Chief Executive Officer
s173(c)	<p>42. Bankruptcy or assignment of lessee</p> <p>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 encumbrancee 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.</p>	Chief Executive Officer
s173(d)	<p>42. Bankruptcy or assignment of lessee</p> <p>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:</p>	Chief Executive Officer

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Real Property Act 1886			
	<p>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;</p> <p>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.</p>		
s173(d)	<p>42. Bankruptcy or assignment of lessee</p> <p>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.</p>	Chief Executive Officer	
s176	<p>43. Application to be made in such case</p> <p>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.</p>	Chief Executive Officer	
s181	<p>44. Proceedings when executor etc refuse to transfer</p> <p>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.</p>	Chief Executive Officer	
s188	<p>45. Registration of survivor of joint proprietors, and of remainder-man entitled</p>	Chief Executive Officer	

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Real Property Act 1886			
	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.		
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.	Chief Executive Officer	
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	
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	Chief Executive Officer	

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<b>Real Property Act 1886</b>		
	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.	
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
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:	Chief Executive Officer

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Real Property Act 1886			
	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.		
s221(1a)	48A Reviews 48A.1A The power pursuant to Section 221(1a) of the Act, if the Delegate is dissatisfied with a decision of the Registrar-General to cancel the registration of a mortgage under Section 147 of the Act, to seek a review of the decision by the Tribunal.	Chief Executive Officer	
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	
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	
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	
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	
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	

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Real Property Act 1886		
s221(10)	<p>48A. Reviews</p> <p>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:</p> <p>48A.7.1 an order prohibiting a person from lodging a priority notice in the Lands Titles Registration Office;</p> <p>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;</p> <p>48A.7.3 an interim order preventing the Registrar-General from registering or recording a specified instrument until the determination of the application.</p>	Chief Executive Officer
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</p>	Chief Executive Officer

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Real Property Act 1886		
	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 in the Lands Titles Registration Office forbidding the granting of the application.	
s223J	51. Rectification by consent The power pursuant to Section 223J of the Act to consent to the Registrar General making any correction or amendment to any certificate of title for the purpose of reconciling the boundaries shown in the certificate with the boundaries of the land occupied.	Chief Executive Officer
s223LD	52. Application for Division of Land 52.1 The power pursuant to Section 223LD of the Act and in accordance with Section 223LD(2), (3) and (11) of the Act, where the Council is the registered proprietor of land, to make application for the division of land to the Registrar General. 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. 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.	Chief Executive Officer
s223LDA	53. Application may deal with statutory encumbrances 53.1 The power pursuant to Section 223LDA of the Act to: 53.1.1 specify in an application under Part 19AB of the Act or the plan of division that variation or termination of a statutory encumbrance is to be registered or noted; and 53.1.2 sign a certificate on behalf of the Council as the holder of the statutory encumbrance certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.	Chief Executive Officer
s223LH(1)	54. Consent to plans of division 54.1 The power pursuant to Section 223LH(1) of the Act.	Chief Executive Officer

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Real Property Act 1886		
	<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> <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

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## 26. Recreation Grounds Regulations 2011

Recreation Grounds Regulations 2011			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
Reg 3(1)(a)	The power pursuant to regulation 3(1)(a) of the Regulations to authorise a person, for the purposes of the Regulations, in respect of a recreation ground specified in Schedule 1 of the Regulations of which the Council is the controlling body.	Chief Executive Officer	

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## 27. 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			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	
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	Chief Executive Officer	

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Road Traffic Act 1961			
	unlikely to exceed the costs incurred in selling the vehicle, to dispose of the vehicle in such manner as the Delegate thinks fit.		
S40P(5)	<p>3. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed</p> <p>3.3 The duty pursuant to Section 40P(5) of the Act to apply the proceeds of the sale of a vehicle as follows:</p> <p>3.3.1 firstly, in payment of the costs of and incidental to the sale;</p> <p>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</p> <p>3.3.3 thirdly, in payment of the balance to the owner of the vehicle.</p>	Duty - Not a Delegation	
s40P(6)	<p>3. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed</p> <p>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.</p>	Chief Executive Officer	
s86	<p>3A. Council May Determine That Ticket for Parking be Obtained Without Fee</p> <p>3A.1 The power pursuant to Section 86 of the Act, if the Council has installed, or determined that it will install, permissive parking signs to apply to a length of road or area, to (in addition to any other action the Council may be empowered to take by or under the Act):</p> <p>3A.1.1 determine that a ticket must be obtained for parking in the length of road or the area through the operation of parking ticket-vending machines installed or to be installed in or near the length of road or area without payment of a fee; or</p> <p>3A.1.2 vary or revoke a determination made under Section 86 of the Act.</p>	Delegation Not Required	
s163ZC(2)	<p>4. Compensation Orders for Damage to Road Infrastructure</p> <p>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.</p>	Chief Executive Officer	
s163ZD(2)	<p>4A. Assessment of Compensation</p> <p>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:</p>	Chief Executive Officer	

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Road Traffic Act 1961		
	<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		
Section Delegated	Summary of Delegation	Delegate
r6(2)	<p>6. Event Management Plan</p> <p>6.1 The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous)</p>	Chief Executive Officer
		Must consult with applicant in preparation of event

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Road Traffic (Miscellaneous) Regulations 2014			
	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	management plan or temporary road closure
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.		

Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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, determined by the Delegate.	Chief Executive Officer	
r22(2)	8. Parking and Parking Ticket-Vending Machines or Parking Meters	Council Only	

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

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## 28. 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			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
S33(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

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## 29. Road (Opening and Closing) Act 1991

Roads (Opening and Closing) Act 1991			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	
s10(1)	3. Notification of Proposed Road Process 3.1 The duty pursuant to Section 10(1) of the Act where the Council commences a road process (where the Council is the relevant authority in relation to the road process) to - 3.1.1 after compliance with the requirements of Section 9 of the Act, give public	Duty - Not a Delegation	

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<b>Roads (Opening and Closing) Act 1991</b>		
	notice, in accordance with the Regulations, of the proposal; and	
s10(2)	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. 3. Notification of Proposed Road Process 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.	Duty - Not a Delegation
s11(a)(ii)	4. Dealings in Land after Commencement of Road Process 4.1 The power pursuant to Section 11(a)(ii) of the Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is land which has been brought under the Real Property Act 1886), to lodge a caveat with the Registrar-General forbidding any dealing with the land without the consent of the Council.	Chief Executive Officer
s11(b)(iii)	4. Dealings in Land after Commencement of Road Process 4.2 The power pursuant to Section 11(b)(iii) 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 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.	Chief Executive Officer
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 -	Duty - Not a Delegation

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Roads (Opening and Closing) Act 1991		
	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;	
s14(1)	5.2.2 in any case, to first invite offers from the owners of land adjoining the land subject to the proposed road closure. 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. 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 7.1.2 determine that no road process order is to be made. 7. Making of Road Process Order 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; 7.2.1 to the Surveyor General; and 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 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.	Duty - Not a Delegation
s15(1)		Duty - Not a Delegation
s15(3)		Duty - Not a Delegation

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Roads (Opening and Closing) Act 1991		
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> <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>	Duty - Not a Delegation
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>	Duty - Not a Delegation

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Roads (Opening and Closing) Act 1991		
	<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 alienated in fee simple in trust under the Crown Lands Act 1929; or</p> <p>7.4.5.3 be vested in the Crown.</p>	
s18(1)	<p>7. Making of Road Process Order</p> <p>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.</p>	Chief Executive Officer
s18(2)(d)	<p>7. Making of Road Process Order</p> <p>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.</p>	Chief Executive Officer
s19	<p>7. Making of Road Process Order</p> <p>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;</p> <p>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</p> <p>7.7.2 In addition, in the case of an order for a road opening -</p>	Duty - Not a Delegation

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Roads (Opening and Closing) Act 1991		
	<p>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</p> <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 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</p>	<p>Duty - Not a Delegation</p>

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Roads (Opening and Closing) Act 1991		
	the Gazette of notice of the order and its confirmation by the Minister.	
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> <p>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.</p>	Duty - Not a Delegation
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</p>	Duty - Not a Delegation

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Roads (Opening and Closing) Act 1991			
	the road opening; and		
	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.		
s33(1)	10. Acquisition of Additional Land under Land Acquisition Act 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 -  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  10.1.2 proceed to acquire the land, whether or not the land is required in connection with the proposed road.	Council Only	
s33(4)	10. Acquisition of Additional Land under Land Acquisition Act 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.	Council Only	
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	Duty - Not a Delegation	

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<b>Roads (Opening and Closing) Act 1991</b>		
	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).	
s34G(6)	10A. Roads Associated with Adelaide Park Lands 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 - 10A.4.1 any representation in relation to the proposal made to the Council within the relevant period; and 10A.4.2 any response that the Council wishes to make in relation to those representations.	Duty - Not a Delegation
s34G(9)	10A. Roads Associated with Adelaide Park Lands 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.	Chief Executive Officer
s34G(14)	10A. Roads Associated with Adelaide Park Lands 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.	Chief Executive Officer
s39	11. Duty to Fence 11.1 The duty pursuant to Section 39 of the Act in any case in which a road is fenced along one or both of its boundaries and the road is altered or diverted,	Duty - Not a Delegation

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Roads (Opening and Closing) Act 1991		
	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.	

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## 30. 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			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	

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South Australian Public Health Act 2011			
	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 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.	Chief Executive Officer	

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South Australian Public Health Act 2011		
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
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
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	Chief Executive Officer

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South Australian Public Health Act 2011			
	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.		
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	
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	Chief Executive Officer	

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South Australian Public Health Act 2011		
s51(11) s51(12)	<p>51(11), amend a regional public health plan at any time.</p> <p>10. Regional Public Health Plans</p> <p>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:</p> <p>10.3.1 prepare a draft of the proposal; and</p> <p>10.3.2 when the draft plan is completed, subject to Section 51(12) of the Act:</p> <p>10.3.2.1 give a copy of it to:</p> <p>(a) the Minister; and</p> <p>(b) any incorporated hospital established under the Health Care Act 2008 that operates a facility within the region; and</p> <p>(c) any relevant public health partner authority under Section 51(23); and</p> <p>(d) any other body or group prescribed by the regulations; and</p> <p>10.3.2.2 take steps to consult with the public.</p>	Chief Executive Officer
s51(12) s51(11)	<p>10. Regional Public Health Plans</p> <p>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).</p>	Chief Executive Officer
s51(13)	<p>10. Regional Public Health Plans</p> <p>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.</p>	Chief Executive Officer
s51(15)	<p>10. Regional Public Health Plans</p> <p>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).</p>	Chief Executive Officer

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South Australian Public Health Act 2011		
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
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
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
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
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
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

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South Australian Public Health Act 2011		
s52(1)	<p>11. Reporting on Regional Public Health Plans</p> <p>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.</p>	Chief Executive Officer
s66(6)	<p>12. Action to Prevent Spread of Infection</p> <p>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.</p>	Chief Executive Officer
s66(5)	<p>12. Action to Prevent Spread of Infection</p> <p>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.</p>	Chief Executive Officer
s92(1)	<p>13. Notices</p> <p>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:</p> <p>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</p> <p>13.1.2 averting, eliminating or minimising a risk, or a perceived risk, to public health.</p>	Chief Executive Officer
13. Notices	<p>13. Notices</p> <p>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:</p> <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>	Chief Executive Officer

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	<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, 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)(iii)	<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 92(2)(b) of the Act:</p> <p>13.4.1 issue a notice in accordance with the terms of the original proposal; or</p> <p>13.4.2 issue a notice with modifications from the terms of the original proposal; or</p> <p>13.4.3 determine not to proceed further under Section 92.</p>	Chief Executive Officer

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South Australian Public Health Act 2011		
s92(4)	<p>13. Notices</p> <p>13.5 The power pursuant to Section 92(4) of the Act to:</p> <p>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</p> <p>13.5.2 not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.</p>	Chief Executive Officer
s92(5)	<p>13. Notices</p> <p>13.6 The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:</p> <p>13.6.1 in the form of a written notice served on the person to whom it is issued; and</p> <p>13.6.2 specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and</p> <p>13.6.3 directing 2 or more persons to do something specified in the notice jointly; and</p> <p>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:</p> <p>13.6.4.1 is the owner or occupier of the premises; or</p> <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</p>	Chief Executive Officer

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the notice is issued including 1 or more of the following:

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;

13.6.6.2 a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;

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;

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;

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;

13.6.6.6 a requirement that the person undertake specified tests or monitoring;

13.6.6.7 a requirement that the person furnish to a relevant authority specified results or reports;

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;

13.6.6.9 a requirement prescribed under or for the purposes of the regulations; and

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.

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South Australian Public Health Act 2011		
s92(9)	13. Notices 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.	Chief Executive Officer
s95(15)	13. Notices 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.	Chief Executive Officer
s93(1)	14. Action on Non-compliance with Notice 14.1 The power pursuant to Section 93(1) of the Act if the requirements of a notice under Part 12 of the Act are not complied with, to take any action required by the notice.	Chief Executive Officer
s93(2)	14. Action on Non-compliance with Notice 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.	Chief Executive Officer
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

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South Australian Public Health Act 2011		
s95(15)	<p>16. Reviews - Notices Relating to General Duty</p> <p>16.2 The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:</p> <p>16.2.1 dismiss or determine any proceedings that appear:</p> <p>16.2.1.1 to be frivolous or vexatious; or</p> <p>16.2.1.2 to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;</p> <p>16.2.2 bring any proceedings to an end that appear:</p> <p>16.2.2.1 to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or</p> <p>16.2.2.2 to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or</p> <p>16.2.3 bring any proceedings to an end for any other reasonable cause.</p>	Chief Executive Officer
s96(3)	<p>17. Appeals</p> <p>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</p>	Chief Executive Officer

South Australian Public Health (Legionella) Regulations 2013		
Section Delegated	Summary of Delegation	Delegate
r5(3)	<p>18. Duty to Register High Risk Manufactured Water System</p> <p>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,</p>	Duty - Not a Delegation

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<b>South Australian Public Health (Legionella) Regulations 2013</b>			
	register the high risk manufactured water system to which the application relates.		
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	
r6(3)	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: 19.2.1 the type of water system; and 19.2.2 the address of the premises on which the water system is installed; and 19.2.3 the location of the water system on the premises; and 19.2.4 the full name and residential and business addresses of the owner of the premises; and 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; and such other information as the Delegate thinks fit.	Duty - Not a Delegation	
r15(2)	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	Chief Executive Officer	

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South Australian Public Health (Legionella) Regulations 2013			
	<p>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 microbiological testing, in accordance with AS/NZS 3896:</p> <p>(a) of at least 1 sample of water taken from a cooling water system; and</p> <p>(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</p>		
r15(2)	<p>19. Register of High Risk Manufactured Water Systems</p> <p>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.</p>	Chief Executive Officer	
r16(1)	<p>20. Power of Council to Require Microbiological Testing in Other Circumstances</p> <p>20.1 The power pursuant to Regulation 16(1) of the Legionella Regulations, if:</p> <p>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</p> <p>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:</p> <p>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</p>	Chief Executive Officer	

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South Australian Public Health (Legionella) Regulations 2013			
	the system, to determine the presence and number of colony forming units of Legionella in the water; and		
r21(3)	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(4)	21. Fees 21.1 The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to the Council, to give the person written notice requiring the person to pay the fee within the period specified in the notice.	Chief Executive Officer	
	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			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	Chief Executive Officer	

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South Australian Public Health (Wastewater) Regulations 2013			
	23.1 The power pursuant to Regulation 8(1) of the Wastewater Regulations to, if the Council proposes to establish a community wastewater management system for the whole or part of its area in the interests of public and environmental health, to give notice to the owners of land in the area affected by the proposal containing the prescribed details relating to the proposal and inviting submissions in relation to the proposal within a period (which must be at least 21 days) specified in the notice.		
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 system required under Regulation 9 of the Wastewater Regulations, to cause the requirements to be carried out (and a</p>	Chief Executive Officer	

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South Australian Public Health (Wastewater) Regulations 2013			
	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	
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	Chief Executive Officer	

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South Australian Public Health (Wastewater) Regulations 2013			
	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.		
r24(1)	<p>28. Determination of Application</p> <p>28.1 The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:</p> <p>28.1.1 if the applicant fails to satisfy the Delegate of either or both of the following:</p> <p>28.1.1.1 that the technical specifications for the wastewater works comply with the prescribed codes;</p> <p>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</p> <p>28.1.2 for any other sufficient reason.</p>	Chief Executive Officer	
r24(2)	<p>28. Determination of Application</p> <p>28.2 The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made.</p>	Chief Executive Officer	
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</p>	Chief Executive Officer	

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South Australian Public Health (Wastewater) Regulations 2013	
<p>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> <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>	

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South Australian Public Health (Wastewater) Regulations 2013		
	<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 system; or</p> <p>(e) the reuse or disposal of wastewater from the wastewater system.</p>	
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</p>	Chief Executive Officer

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South Australian Public Health (Wastewater) Regulations 2013		
	<p>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 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.</p>	
r26(2)	<p>30. Expiry of Approval</p> <p>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.</p>	Chief Executive Officer
r27(3)	<p>31. Registers of Wastewater Works Approvals</p> <p>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.</p>	Chief Executive Officer
r27(6)	<p>31. Registers of Wastewater Works Approvals</p> <p>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.</p>	Chief Executive Officer
r29(1)	<p>32. Requirement to Obtain Expert Report</p> <p>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.</p>	Chief Executive Officer
r29(3)	<p>32. Requirement to Obtain Expert Report</p> <p>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</p>	Chief Executive Officer

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South Australian Public Health (Wastewater) Regulations 2013			
	to comply with the notice, as a debt.		
r29(3)	32. Requirement to Obtain Expert Report 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.	Chief Executive Officer	
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			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	

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South Australian Public Health (General) Regulations 2013		
r5B(8)	<p>34. Non-compliance with Notices (Section 93(6) of Act)</p> <p>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.</p>	Chief Executive Officer

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## 31. Strata Titles Act 1988

Strata Titles Act 1988			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	
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	Chief Executive Officer	

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Strata Titles Act 1988			
	force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.		
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	
s16(2)(c)	3. Amalgamation of Adjacent Sites The power pursuant to Section 16(2)(c) of the Act, to endorse an application for amalgamation with the consent of the Council where the Council has a registered interest in the units.	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	
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 1986 to consent to a	Chief Executive Officer	

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Strata Titles Act 1988		
	plan of division lodged with the application.	
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
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	Chief Executive Officer

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<b>Strata Titles Act 1988</b>		
	corporation to produce for inspection all current policies of insurance taken out by the corporation.	
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
s41(1), 39A	14. Information to be Furnished 14.1 The power pursuant to Section 41(1) of the Act to make application to a strata corporation to: 14.1.1 furnish: 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); 14.1.1.2 particulars of the assets and liabilities of the corporation; 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; 14.1.1.4 particulars in relation to any prescribed matter; 14.1.2 provide copies of: 14.1.2.1 the minutes of general meetings of the corporation and meetings of its	Chief Executive Officer

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Strata Titles Act 1988		
	<p>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>	
s41(1a), 41(2) and (3)	14. Information to be Furnished 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.	Chief Executive Officer
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	Chief Executive Officer

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Strata Titles Act 1988			
	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.		
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 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.	Chief Executive Officer	
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	
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	Chief Executive Officer	

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Strata Titles Act 1988			
	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.		
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	

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## 32. Summary Procedure Act 1921

Summary Procedure Act 1921			
1.1 The power pursuant to section 49(2) to make a complaint on the Council's behalf to Court.			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
1	1.1 The power pursuant to section 49(2) to make a complaint on the Council's behalf to Court.	Chief Executive Officer	

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## 33. Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009

Supported Residential Facilities Act 1992			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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	
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 to 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	

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Supported Residential Facilities Act 1992		
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
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	Chief Executive Officer

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Supported Residential Facilities Act 1992			
	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;		
s29(3)	<p>4. Licence Conditions</p> <p>4.2 Pursuant to Section 29(3) of the Act where conditions are imposed by the Delegate:</p> <p>4.2.1 if imposed at the time of grant or renewal of the licence - the duty to include them in the licence itself;</p> <p>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;</p> <p>4.2.3 the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;</p>	Chief Executive Officer	
s30(4)	<p>5. Transfer of Licence</p> <p>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.</p>	Duty - Not a Delegation	
s31(1)	<p>6. Cancellation of Licence</p> <p>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;</p>	Chief Executive Officer	
s31(2)	<p>6. Cancellation of Licence</p> <p>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;</p>	Duty - Not a Delegation	
s31(3)	<p>6. Cancellation of Licence</p> <p>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</p>	Chief Executive Officer	
s31(4)	<p>6. Cancellation of Licence</p> <p>6.4 The power pursuant to Section 31(4) of the Act, to appoint an administrator</p>	Chief Executive Officer	

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Supported Residential Facilities Act 1992		
	of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.	
s32(5)	<p>7. Appeals</p> <p>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.</p>	Chief Executive Officer
s32(7)	<p>7. Appeals</p> <p>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.</p>	Chief Executive Officer
s33(1)	<p>7. Appeals</p> <p>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.</p>	Duty - Not a Delegation
s34(1)	<p>8. Appointment of Manager</p> <p>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.</p>	Chief Executive Officer
s34(2)	<p>8. Appointment of Manager</p> <p>8.2 The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.</p>	Chief Executive Officer
s35	<p>9. Death of Licensee</p> <p>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.</p>	Chief Executive Officer
s39(2)(b)	<p>10. Recision of Resident Contract by Proprietor</p> <p>10.1 The power pursuant to Section 39(2)(b) of the Act to approve the method</p>	Chief Executive Officer

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Supported Residential Facilities Act 1992			
	of providing a termination notice subject to this Section.		
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	

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	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	
s52	13A Prosecutions 13A.1 The power pursuant to section 52(1) to commence prosecution proceedings for an offence under the Act.	Chief Executive Officer	
s57(5), (6)	14. Regulations 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	Chief Executive Officer	

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Supported Residential Facilities Act 1992		
	satisfied - 14.1.1 that the Delegate can grant the exemption without seriously affecting the interests of a resident of the facility; and 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.	
s57(7)	14. Regulations 14.2 The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor: 14.2.1 revoke an exemption under Section 57(5); 14.2.2 vary or revoke a condition under Section 57(6).	Chief Executive Officer

Supported Residential Facilities Regulations 2009		
Section Delegated	Summary of Delegation	Delegate
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, 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.	Chief Executive Officer
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	Chief Executive Officer

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## Supported Residential Facilities Regulations 2009

	prospectus pursuant to Regulation 5(2)(b) of the Regulations.		
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 to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.	Chief Executive Officer	
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	

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## 34. Unclaimed Goods Act 1987

Unclaimed Goods Act 1987			
Section Delegated	Summary of Delegation	Delegate	Conditions and Limitations
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 - 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.	Duty - Not a Delegation	
s5(3)	1. Unclaimed Goods	Duty - Not a Delegation	

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Unclaimed Goods Act 1987			
	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.		
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 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.	Duty - Not a Delegation	
s 6(5)	2. Sale or Disposal of Unclaimed Goods 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 2.4.1 sell the goods by public auction; and	Chief Executive Officer	

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Unclaimed Goods Act 1987		
	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 -  2.4.2.1 to the Commissioner of Police; and  2.4.2.2 to the bailor.	
s6(6)	2. Sale or Disposal of Unclaimed Goods 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.	Chief Executive Officer
s7(1)	3. Claim Made by Bailor After Commencement of Proceedings Under this Act 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.	Duty - Not a Delegation
s7(2)	3. Claim Made by Bailor After Commencement of Proceedings Under this Act 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 -  3.2.1 the reasonable costs incurred by the Council in proceeding under the Act;  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; 3.2.3 the amount of any lien that the Council has over the goods.	Chief Executive Officer
s7(3)	3. Claim Made by Bailor After Commencement of Proceedings Under this Act 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.	Chief Executive Officer
s 8(1)	4. Proceeds of Sale 4.1 The power pursuant to Section 8(1) of the Act in relation to the proceeds of	Chief Executive Officer

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Unclaimed Goods Act 1987		
	<p>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>	

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## 35. Work Health and Safety Act 2012

Work Health and Safety Act 2012			
Provision	Item Delegated	Delegate	Conditions and Limitations
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	

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Work Health and Safety Act 2012		
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 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.	Chief Executive Officer

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Work Health and Safety Act 2012		
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 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>	Chief Executive Officer

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Work Health and Safety Act 2012		
	<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
s72(1)	<p>72. Obligation to train health and safety representatives</p> <p>(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.</p>	Chief Executive Officer
s72(3)	<p>72. Obligation to train health and safety representatives</p> <p>(3) The power pursuant to Section 72(3) of the Act to:</p> <p>(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</p>	Chief Executive Officer
s72(3)(b)	<p>72. Obligation to train health and safety representatives</p> <p>(3) The power pursuant to Section 72(3) of the Act to:</p> <p>(b) pay the course fees and any other reasonable costs associated with</p>	Chief Executive Officer

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Work Health and Safety Act 2012			
	the health and safety representative's attendance at the course of training.		
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 (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. (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.	Chief Executive Officer	
s75(2)	75. Health and safety committees (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.	Chief Executive Officer	
s76(1)	76. Constitution of committee (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.	Chief Executive Officer	

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Work Health and Safety Act 2012		
	(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.	
s82(2)	82. Referral of issue to regulator for resolution by inspector (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.	Chief Executive Officer
s87	87. Alternative work 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.	Chief Executive Officer
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	Chief Executive Officer

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Work Health and Safety Act 2012			
	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.		
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	
s224(1)	224. Application for internal review (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: (a) the prescribed time after the day on which the decision first came to the Council's notice; or (b) such longer period as the regulator allows.	Chief Executive Officer	
s229(1)	229. Application for external review (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: (a) a reviewable decision made by the regulator; or (b) a decision made, or taken to have been made, on an internal review.	Chief Executive Officer	

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