



DELEGATIONS & SUBDELEGATIONS REGISTER

Delegations comprehensively reviewed 21 November 2023
Subdelegations reviewed 7 December 2022
Assessment Manager Subdelegations reviewed 4 December 2023

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DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**COUNCIL RESOLUTIONS****Delegations to EHA – 18 June 2019**

That having conducted its annual review of the Council's Delegations to the Eastern Health Authority (EHA) in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. Revocations

- 1.1 Hereby revokes its previous delegations to the EHA of those powers and functions under the following:

1.1.1 South Australian Public Health Act 2011

1.1.2 Supported Residential Facilities Act 1992

with effect from 18 September 2019.

2. Delegations made under Local Government Act 1999

- 2.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Act and Regulations and specified in the proposed Instrument of Delegation (Appendix 1), are hereby delegated this 18th day of June 2019 to the Eastern Health Authority with effect from 18 September 2019, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

2.1.1 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (General) Regulations 2013 – Appendix 1

- 2.2 Such powers and functions may be further delegated by EHA (Eastern Health Authority) in accordance with Section 44 of the Local Government Act 1999 as EHA sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

3. Delegations under Supported Residential Facilities Act 1992

- 3.1 In exercise of the power contained in Section 9 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 specified in the proposed Instrument of Delegation (Appendix 2) are hereby delegated this 18th day of June 2019 to the Eastern Health Authority with effect from 18 September 2019 subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

- 3.2 Such powers and functions may be further delegated by EHA as EHA sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulation 2009.

Eastern Health Authority Immunisation Delegations to Chief Executive Officer– 2 November 2021

That:

1. Council delegates to the person occupying the office of the Chief Executive Officer the power pursuant to Clause 1.7 of the EHA (Eastern Health Authority) Charter to determine whether an activity that EHA proposes to undertake outside the area of EHA's Constituent Councils is necessary or expedient to the performance by EHA of its functions.
2. this delegation is subject to the following conditions:
 - 2.1 The activity that EHA proposes to undertake must be included in the EHA business plan
 - 2.2 This delegation may only be exercised in respect of the proposal that EHA undertake the activity of immunisation services within the areas of the City of Unley and Adelaide Hills Council, and
 - 2.3 This delegation may not be sub-delegated.

Council Assessment Panel Delegations – 26 September 2023

1. In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016*, the powers and functions of the Campbelltown Council Assessment Panel (Panel) as a relevant authority under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the attached proposed Instrument of Delegation entitled 'Instrument C – Instrument Of Delegation Under The Planning, Development And Infrastructure Act 2016, Regulations, Planning And Design Code And Practice Directions Of Powers Of the Council are hereby delegated this 26 of September 2023 to the Assessment Manager for the Panel (Assessment Manager) subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
2. Any previous delegation or delegations of the powers and functions of the Panel to the Assessment Manager pursuant to Section 100 of the *Planning, Development and Infrastructure Act 2016* are hereby revoked and substituted by the delegations made under the proposed Instrument of Delegation in accordance with paragraph 1 above.

Delegations to the Chief Executive Officer - 21 November 2023

That having conducted a comprehensive review of the Council's Delegations Register in accordance with Section 44(6a) of the Local Government Act 1999 (with the exception of Eastern Health Authority delegations which will be managed under a separate process), Council:

1. Revocations

1.1. Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following legislation:

- 1.1.1. Burial & Cremation Act 2013 and Burial & Cremation Regulations 2014
- 1.1.2. Community Titles Act 1996
- 1.1.3. Criminal Procedures Act 1921
- 1.1.4. Development Act 1993
- 1.1.5. Disability Inclusion Act 2018
- 1.1.6. Dog & Cat Management Act 1995
- 1.1.7. Electricity Act 1996 & Electricity (Principles of Vegetation Clearance) Regulations 2010
- 1.1.8. Electronic Conveyancing National Law (South Australia) Act 2013
- 1.1.9. Environment Protection Act 1993
- 1.1.10. Environment, Resources & Development Court Act 1993
- 1.1.11. Expiation of Offences Act 1996
- 1.1.12. Fences Act 1975
- 1.1.13. Fines Enforcement & Debt Recovery Act 2017
- 1.1.14. Fire & Emergency Services Act 2005 and Fire & Emergency Services Regulations 2021
- 1.1.15. Freedom of Information Act 1991 and Freedom Of Information (Fees & Charges) Regulations 2003
- 1.1.16. Heavy Vehicles National Law (South Australia) Act 2013
- 1.1.17. Land & Business (Sale & Conveyancing) Act 1994
- 1.1.18. Liquor Licensing Act 1997
- 1.1.19. Local Government Act 1999
- 1.1.20. Local Nuisance & Litter Control Act 2016
- 1.1.21. Planning, Development & Infrastructure Act 2016
- 1.1.22. Real Property Act 1886

- 1.1.23. Road Traffic Act 1961, Road Traffic (Miscellaneous) Regulations 2014 & Road Traffic (Road Rules – Ancillary & Miscellaneous Provisions) Regulations 2014
- 1.1.24. Roads (Opening & Closing) Act 1991
- 1.1.25. State Records Act 1997
- 1.1.26. Unclaimed Goods Act 1987
- 1.1.27. Water Industry Act 2012
- 1.1.28. Work Health & Safety Act 2012.
- 1.2 Hereby revokes its subdelegations to the Chief Executive Officer under the Road Traffic Act 1961 made in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure.
- 1.3 Hereby revokes its delegations to the Fire Prevention Officers made under the under the Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2021.
- 2. Delegations made under Local Government Act 1999
 - 2.1 In exercise of the power contained in Section 44(1) of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in the attached Instruments of Delegation are delegated this 21st day of November 2023 to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position) subject to the conditions and/or limitations specified in each such proposed Instrument of Delegation included as Attachments to this Report.
 - 2.1.1. Burial & Cremation Act 2013 and Burial & Cremation Regulations 2014 – Appendix A
 - 2.1.2. Community Titles Act 1996 – Appendix B
 - 2.1.3. Criminal Procedures Act 1921 – Appendix C
 - 2.1.4. Disability Inclusion Act 2018 – Appendix D
 - 2.1.5. Dog & Cat Management Act 1995 – Appendix E
 - 2.1.6. Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010 – Appendix F
 - 2.1.7. Electronic Conveyancing National Law (South Australia) Act 2013 – Appendix G
 - 2.1.8. Environment Protection Act 1993 – Appendix H
 - 2.1.9. Environment, Resources & Development Court Act 1993 – Appendix I
 - 2.1.10. Expiation of Offences Act 1996 – Appendix J
 - 2.1.11. Fences Act 1975 – Appendix K
 - 2.1.12. Fines Enforcement & Debt Recovery Act 2017 – Appendix L
 - 2.1.13. Fire & Emergency Services Act 2005 and Fire & Emergency Services Regulations 2021 – Appendix M

- 2.1.14. Freedom of Information Act 1991 and Freedom Of Information (Fees & Charges) Regulations 2003 – Appendix N
 - 2.1.15. Heavy Vehicles National Law (South Australia) Act 2013 – Appendix O
 - 2.1.16. Land & Business (Sale & Conveyancing) Act 1994 – Appendix P
 - 2.1.17. Liquor Licensing Act 1997 – Appendix Q
 - 2.1.18. Local Government Act 1999 – Appendix R
 - 2.1.19. Local Nuisance & Litter Control Act 2016 – Appendix S
 - 2.1.20. Real Property Act 1886 – Appendix T
 - 2.1.21. Roads (Opening & Closing) Act 1991 – Appendix U
 - 2.1.22. Road Traffic Act 1961, Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary & Miscellaneous Provisions) Regulations 2014 – Appendix V
 - 2.1.23. State Records Act 1997 – Appendix W
 - 2.1.24. Unclaimed Goods Act 1987 – Appendix X
 - 2.1.25. Water Industry Act 2012 – Appendix Y
 - 2.1.26. Work Health & Safety Act 2012 – Appendix Z
 - 2.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
3. Delegations made under the Fire and Emergency Services Act 2005
- 3.1 In exercise of the power contained in Section 44 of the Local Government Act 1999, the powers and functions under the Fire and Emergency Services Act 2005 are hereby delegated this 21st day of November 2023, to the person(s) occupying the office of Fire Prevention Officer, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation included as Appendix ZA to this Report.
 - 3.2 Such powers and functions may be further delegated by the Fire Prevention Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
4. Subdelegations made to the Chief Executive Officer under the Road Traffic Act 1961 made in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure
- 4.1 In exercise of the power contained in Section 44 of the Local Government Act 1999, the powers and functions under the Fire and Emergency Services Act 2005 are hereby subdelegated this 21st day of November 2023, to the person occupying the office of Chief Executive Officer, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation included as Appendix ZB to this Report.

5. Delegations under the Development Act 1993

- 5.1 In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (Delegations to the Chief Executive Officer) under the Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008) and marked Appendix ZC, with the exception of those powers and functions identified as 'Not delegated', are hereby delegated this 21st day of November 2023 to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.
- 5.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

6. Delegations under the Planning, Development & Infrastructure Act 2016

- 6.1 Delegated Powers of the Council as a Council, Designated Authority and Designated Entity Under The Planning, Development and Infrastructure Act 2016:
- 6.1.1 In exercise of the power contained in Section 44 of the Local Government Act 1999, the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to the Report and entitled Instrument A) are hereby delegated this 21st of November 2023 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation included as Appendix ZD to this Report.
- 6.1.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
- 6.2 Delegated Powers of the Council as a Relevant Authority under the Planning, Development and Infrastructure Act 2016
- 6.2.1 In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016, the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to the Report and entitled Instrument B) are hereby delegated this 21st day of November 2023 to the person occupying or acting in the office of Chief Executive Officer

of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation included as Appendix ZE to this Report.

6.2.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

7. Delegations to the Eastern Health Authority

7.1 Council notes that the Eastern Health Authority is underway however is not included in this review.

Assessment Manager Delegations – 19 March 2021

In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the Instrument of Delegation marked Instrument D (ECM 6458435) are hereby delegated this 19th day of March 2021 to the positions outlined in the tables in Instrument D subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the Instrument of Delegation.

**Instrument of Delegation under the
Burial and Cremation Act 2013 and
Burial and Cremation Regulations 2014**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

BURIAL AND CREMATION ACT 2013	
Delegated Power	Sub-delegation
1. Offence to Dispose of Bodily Remains Except in Cemetery or Natural Burial Ground	
1.1 The power pursuant to Section 8(2) of the Burial and Cremation Act 2013 (the Act) to grant approval to a person to inter bodily remains in a prescribed area on land within the Council's area outside a cemetery or natural burial ground.	
2. Opening of Interment Sites, Exhumation and Re-interment	
2.1 The power pursuant to Section 13(6) of the Act to consult with the Attorney-General in relation to an approval for the purposes of Section 13(1) of the Act where the Council is the relevant authority for the cemetery or natural burial ground.	
3. Disposal of Unclaimed Cremated Human Remains	
3.1 The power pursuant to Section 18(2) of the Act, to, if the cremated remains of a deceased person processed at a crematorium are not claimed within 6 months, to dispose of them as the delegate thinks fit where the Council is the relevant authority for the crematorium.	
4. Establishment of Cemeteries, Natural Burial Grounds and Crematoria	

BURIAL AND CREMATION ACT 2013	
Delegated Power	Sub-delegation
4.1 Subject to the Act, the power pursuant to Section 19 of the Act, to establish a cemetery, natural burial ground or crematorium. - Not delegated	
5. Power of Councils to Establish and Manage Public Mortuaries	
5.1 The power pursuant to Section 20 of the Act, to establish and manage public mortuaries for the temporary repose of bodily remains prior to their disposal. - Not delegated	
6. Establishment of Mausolea Within Cemeteries	
6.1 The power pursuant to Section 21 of the Act, to, on the delegate's own initiative or on application by any person, establish mausolea within the cemetery for which the Council is the relevant authority.	
7. Designation of Natural Burial Grounds Within Cemeteries	
7.1 The power pursuant to Section 22 of the Act to set apart any part of a cemetery as a natural burial ground where the Council is the relevant authority for the cemetery.	
8. Power to Set Apart Part of Cemetery or Natural Burial Ground for Particular Religions	
8.1 The power pursuant to Section 23 of the Act, to set apart any part of a cemetery or natural burial ground for the interment of human remains in accordance with the customs and practices of a particular religion where the Council is the relevant authority for the cemetery or natural burial ground.	
9. Closure of Cemeteries and Natural Burial Grounds	
9.1 Subject to Section 24 of the Act, the power pursuant to Section 24(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to close the cemetery or natural burial ground if: - Not delegated	
9.1.1 the cemetery or natural burial ground is or has become unsuitable for the disposal of human remains; or	

BURIAL AND CREMATION ACT 2013		
Delegated Power		Sub-delegation
9.1.2	50 or more years have elapsed since human remains were last interred in the cemetery or natural burial ground.	
9.2	The power pursuant to Section 24(8) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are unexercised interment rights in force in relation to the cemetery or natural burial ground, to, by agreement with the holder of such an interment right:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
9.2.1	discharge the interment right and give the former holder a refund equal to the current fee payable for an interment right of the same kind; or	
9.2.2	discharge the interment right and issue to the former holder, free of charge:	
9.2.2.1	a new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or	
9.2.2.2	if the closure relates only to part of the cemetery or natural burial ground - a new interment right in relation to another part of the cemetery or natural burial ground.	
9.3	The power pursuant to Section 24(9) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are interment rights in force in relation to the cemetery or natural burial ground pursuant to which human remains have been interred, to, by agreement with the holder of such an interment right:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
9.3.1	discharge the interment right and issue to the former holder, free of charge:	
9.3.1.1	a new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or	

BURIAL AND CREMATION ACT 2013	
Delegated Power	Sub-delegation
9.3.1.2 if the closure relates only to part of the cemetery or natural burial ground - a new interment right in relation to another part of the cemetery or natural burial ground; and	
9.3.2 remove any human remains interred at the original interment site and re-inter the remains pursuant to the new interment right; and	
9.3.3 remove any memorial erected at the original interment site and re-position the memorial at the new interment site.	
9.4 The power pursuant to Section 24(10) of the Act, if the Council as the relevant authority and the holder of an interment right cannot reach an agreement to discharge the interment right, to refer the matter to an independent party for mediation in accordance with guidelines approved by the Minister subject to Section 24(11) of the Act.	
9.5 The power pursuant to Section 24(12) of the Act, to, if a cemetery or natural burial ground closed under Section 24 of the Act has been lawfully consecrated according to the rites or practices of a particular religious or ethnic group and the Council is the owner of the land, offer the closed cemetery or natural burial ground as a gift to that group. - Not delegated	
10. Dedication of Closed Council Cemeteries as Park Lands	
10.1 Subject to Sections 24 and 25(7) of the Act, the power pursuant to Section 25(4) of the Act, if a closed cemetery for which the Council is the relevant authority is dedicated as park lands, to do any of the following: - Not delegated	
10.1.1 remove memorials to deceased persons;	
10.1.2 relocate memorials to deceased persons in the park lands;	
10.1.3 replace memorials to deceased persons with some other form of memorial in the park lands.	

BURIAL AND CREMATION ACT 2013	
Delegated Power	Sub-delegation
11. Conversion of Closed Cemeteries into Public Parks or Gardens	
11.1 The power pursuant to Section 26(2) of the Act, subject to Sections 26(1), (3), (4) and (8) of the Act, where the Council is the relevant authority for a closed cemetery, to convert the cemetery into a public park or garden. - Not delegated	
11.2 Subject to Sections 24 and 26(8) of the Act, the power pursuant to Section 26(6) of the Act, if a closed cemetery for which the Council is the relevant authority, is converted into a public park or garden to:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
11.1.1 remove memorials to deceased persons;	
11.1.2 relocate memorials to deceased persons in the park or garden;	
11.1.3 replace memorials to deceased persons with some other form of memorial in the park or garden.	
12. Powers of Relevant Authorities in Relation to Closed Cemeteries	
12.1 The power pursuant to Section 27(1) of the Act, where the Council is the relevant authority for a closed cemetery to, for the purpose of converting the cemetery into park lands or a public park or garden:	General Manager Infrastructure, Planning & Sustainability Services
12.1.1 construct roads and pathways on the land; and	
12.1.2 erect or construct buildings or structures on the land; and	
12.1.3 construct on or under the land any vault or other structure as a repository for human remains that are not to be removed from the cemetery for interment elsewhere; and	
12.1.4 erect lighting, seating and any other infrastructure or public amenity; and	
12.1.5 take such other action as the delegate thinks fit for laying out the land as park lands or a public place or garden.	
13. Issue of Interment Rights	

BURIAL AND CREMATION ACT 2013	
Delegated Power	Sub-delegation
13.1 Subject to Section 30 of the Act, the power pursuant to Section 30(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to agree to the interment of human remains in the cemetery or natural burial ground, and issue an interment right that:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
13.1.1 identifies the person to whom the interment right is issued; and	
13.1.2 identifies the person or persons whose remains may be interred pursuant to the interment right or provides that a specified person or person of a specified class may, at some future time, nominate the person or persons whose remains may be interred pursuant to the interment right; and	
13.1.3 identifies the site at which remains may be interred pursuant to the interment right or provides for determination, in a manner set out in the interment right, of the site at which the remains may be interred pursuant to the interment right; and	
13.1.4 specifies the period for which the interment right is granted; and	
13.1.5 sets out the rights to renewal of the interment right; and	
13.1.6 specifies whether the interment right may be cancelled or transferred and sets out the conditions (if any) governing its cancellation or transfer.	
13.2 The power pursuant to Section 30(3) of the Act to make provision in an interment right for the interment of such number of deceased persons at the site in which remains are to be interred pursuant to the interment right as the delegate considers to be within the capacity of the site to hold.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
13.3 Subject to the Act, the power pursuant to Section 30(4) of the Act, to, in relation to an interment right, permit a memorial to the deceased person to be erected at the site.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services

BURIAL AND CREMATION ACT 2013	
Delegated Power	Sub-delegation
	Cemetery Curator
13.4 The power pursuant to Section 30(5) of the Act where the Council is the relevant authority to, at the request of the holder of an interment right, carry out a lift and deepen procedure at the site to which the interment right relates for the purpose of interring additional human remains there.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
14. Duration of Interment Rights	
14.1 The power pursuant to Section 31 of the Act where the Council is the relevant authority to issue an interment right:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
14.1.1 for the period specified in the interment right; or	
14.1.2 in perpetuity.	
15. Renewal of Interment Rights	
15.1 The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to, on application by the holder of an interment right and payment of the renewal fee fixed by the Council as the relevant authority, renew the interment right for a period of not less than 5 years.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
15.2 The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to fix a renewal fee. - Not delegated	
16. Transfer of Interment Rights	
16.1 The power pursuant to Section 33(1) of the Act to transfer an interment right.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
17. Re-use of Internment Sites	

BURIAL AND CREMATION ACT 2013	
Delegated Power	Sub-delegation
17.1 Subject to the Act, the power pursuant to Section 38(1) of the Act, if an interment right expires, to, where the Council is the relevant authority: - Not delegated	
17.1.1 re-use the interment site to which the interment right related; and	
17.1.2 remove any memorial to a deceased person erected on or at the site.	
18. Ownership of Memorial	
18.1 The power pursuant to Section 39(2) of the Act, to, where the Council is the relevant authority for a cemetery or natural burial ground in which a memorial is situated, deal with and dispose of the memorial in accordance with the Act.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
19. Duty to Maintain Memorial	
19.1 The power pursuant to Section 40 of the Act to enter into an agreement with the holder of an interment right in respect of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority for the maintenance of a memorial at that site.	
20. Power to Require Repair, Removal or Reinstatement of Memorial	
20.1 The power pursuant to Section 41(1) of the Act, if a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe, to, by notice in a form approved by the Minister given personally or by post to the owner of the memorial, require repair, removal or reinstatement of the memorial within the period specified in the notice	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
20.2 The power pursuant to Section 41(2) of the Act, if the required work is not carried out within the time allowed in the notice, to have the work carried out and recover the cost of doing so as a debt from the owner of the memorial.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator

BURIAL AND CREMATION ACT 2013	
Delegated Power	Sub-delegation
20.3 The power pursuant to Section 41(3) of the Act, subject to Sections 41(4) and (5) of the Act, if:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
20.3.1 a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe; and	
20.3.2 urgent action to repair, remove or reinstate the memorial is considered necessary by the delegate,	
to, instead of giving a notice under Section 42(1) of the Act, have the work carried out and recover the cost of doing so as a debt from the owner of the memorial.	
21. Power of Relevant Authority to Dispose of Unclaimed Memorial	
21.1 The power pursuant to Section 42(1) of the Act, if:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
21.1.1 2 years or more have elapsed:	
21.1.1.1 since an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, has expired; or	
21.1.1.2 since a cemetery for which the Council is the relevant authority was dedicated as park lands or converted into a public park or garden; and	
21.1.2 a memorial to a deceased person interred in the cemetery or natural burial ground is situated at the interment site or elsewhere in the cemetery or natural burial ground; and	
21.1.3 the Council as the relevant authority for the cemetery or natural burial ground has given notice of its intention to remove and dispose of the memorial:	
21.1.3.1 by public advertisement in a newspaper circulating throughout the State; and	
21.1.3.2 by written notice affixed to the memorial; and	

BURIAL AND CREMATION ACT 2013	
Delegated Power	Sub-delegation
21.1.4 the Council as the relevant authority has taken reasonable steps to give written notice to the owner of the memorial of its intention to remove and dispose of the memorial; and	
21.1.5 6 months have elapsed since the cemetery authority gave notice under this subsection and no person has claimed the memorial within that period,	
to remove the memorial from the cemetery or natural burial ground and dispose of it as the delegate thinks fit.	
22. General Powers of Relevant Authority	
22.1 The power pursuant to Section 43 of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium to:	
22.1.1 enlarge the cemetery, natural burial ground or crematorium; and - Not delegated	
22.1.2 improve or embellish the cemetery, natural burial ground or crematorium; and	
22.1.3 restrict interments in any part of the cemetery or natural burial ground, except as may be required by interment rights granted before the commencement of the Act; and	
22.1.4 take any other action that the delegate considers necessary or desirable for the proper management and maintenance of the cemetery, natural burial ground or crematorium.	
23. Power to Restrict Interments in any Part of Cemetery or Natural Burial Ground	
23.1 The power pursuant to Section 45(1) of the Act, subject to Section 45(2) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground to restrict interments in any part of the cemetery or natural burial ground.	
24. Neglected Cemeteries and Natural Burial Grounds	

BURIAL AND CREMATION ACT 2013	
Delegated Power	Sub-delegation
24.1 The power pursuant to Section 46(1) of the Act, subject to Section 46(2) of the Act, if:	
24.1.1 the delegate is of the opinion that a cemetery or natural burial ground within its area:	
24.1.1.1 is in a neglected condition; or	
24.1.1.2 fails in any manner to comply with the requirements of this Act;	
to by notice in writing to the relevant authority, require the relevant authority to carry out specified work for the purpose of remedying the condition of neglect or complying with that requirement.	
24.2 The power pursuant to Section 46(3) of the Act, if:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
24.2.1 the work required by a notice under Section 46(1) of the Act is not carried out within the time specified in the notice; and	
24.2.2 no application for review of the decision to give the notice is made within 14 days after the notice is given,	
to have the work carried out.	
24.3 The power pursuant to Section 46(4) of the Act, if:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
24.3.1 the work required by a notice under Section 46(1) of the Act is not carried out within the time specified in the notice; and	
24.3.2 an application for review of the decision to give the notice is determined in favour of the Council	
to, within 14 days after the determination of the review, have the work carried out.	
24.4 The power pursuant to Section 46(5) of the Act to recover the costs incurred by the Council in carrying out works required by a notice given under Section 46 of the Act as a debt from the relevant authority to whom the notice was given.	General Manager Corporate Services Manager Finance

BURIAL AND CREMATION ACT 2013	
Delegated Power	Sub-delegation
25. Right of Review	
25.1 The power pursuant to Section 47(1) of the Act where the Council is the relevant authority to which a notice is given under <u>Section</u> 46 of the Act, to within 14 days after receipt of the notice, apply to the District Court for a review of the decision of the council or designated Minister (as the case may be) to give the notice to the relevant authority.	
26. Power of Councils to Accept Conveyance of Cemetery or Natural Burial Ground Land from Trustees	
26.1 The power pursuant to Section 48(1) of the Act, subject to Section 48(4) of the Act, to accept a trust from the trustees of land in the Council's area held on trust for a cemetery or natural burial ground. - Not delegated	
27. Power of Councils to Assume Administration of Cemeteries and Natural Burial Grounds	
27.1 Subject to Section 49 of the Act, the power pursuant to Section 49(1) of the Act to assume the administration of a cemetery or natural burial ground within the Council's area if: - Not delegated	
27.1.1 there is no existing relevant authority for the cemetery or natural burial ground; or	
27.1.2 the relevant authority for the cemetery or natural burial ground is unknown and is not reasonably ascertainable; or	
27.1.3 the relevant authority for the cemetery or natural burial ground agrees to transfer it to the Council.	
28. Public Access to Cemeteries, Natural Burial Grounds and Crematoria	
28.1 The power pursuant to Section 50(2) of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium, to, if the delegate has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery, natural burial ground or crematorium, require the person to leave the cemetery, natural burial ground or crematorium.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
29. Disposal of Surplus Cemetery Land, etc	

BURIAL AND CREMATION ACT 2013	
Delegated Power	Sub-delegation
<p>29.1 Subject to Section 51(2) of the Act, the power pursuant to Section 51(1) of the Act to deal with land that comprises or forms part of a cemetery or natural burial ground that has not been used for the interment of human remains in the ordinary course of commerce.</p> <p>- Not delegated</p>	
30. Disposal of Land After Closure of Cemetery Etc	
<p>30.1 The power pursuant to Section 52(1) of the Act, if:</p> <p>- Not delegated</p>	
<p>30.1.1 a cemetery or natural burial ground has been closed in accordance with this Act; and</p>	
<p>30.1.2 all human remains interred in the cemetery or natural burial ground, and all memorials to deceased persons erected in the cemetery or natural burial ground, have been removed from the cemetery or natural burial ground,</p>	
<p>to deal with the land comprising that cemetery or natural burial ground in the ordinary course of commerce.</p>	
31. Power of Public Trustee to Act on Behalf of Holder of Interment Right etc	
<p>31.1 The power pursuant to Section 56(1) of the Act, if reasonable attempts by the Council as the relevant authority for a cemetery or natural burial ground to ascertain or locate:</p>	
<p>31.1.1 the holder of an interment right in relation to the cemetery or natural burial ground; or</p>	
<p>31.1.2 the owner of a memorial erected in a cemetery or natural burial ground,</p>	
<p>fail, to request the Public Trustee act on behalf of the holder or owner.</p>	
32. Authorised Officers	
<p>32.1 The power pursuant to Section 58(2) of the Act to appoint as an authorised officer a specified officer or employee of the Council, or an officer or employee of the Council of a specified class.</p>	
<p>32.2 The power pursuant to Section 58(3) of the Act to make an appointment under Section 58 of the Act</p>	

BURIAL AND CREMATION ACT 2013	
Delegated Power	Sub-delegation
subject to conditions limiting the period during which, the area within which or the purposes for which the appointee may exercise the powers of an authorised officer.	
32.3 The power pursuant to Section 58(7) of the Act to, at any time, revoke an appointment made under Section 58 of the Act, to vary or revoke a condition of such an appointment or impose a further such condition.	

<u>BURIAL AND CREMATION REGULATIONS 2014</u>	
Delegated Power	Sub-delegation
33. Filling of Sunken Interment Sites	
33.1 The power pursuant to Regulation 16 of the Burial and Cremation Regulations 2014 (the Regulations), if the surface of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, sinks below the level of the natural surface of the ground, to cause the site to be filled up to that level.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
34. Powers of Relevant Authority in Relation to Mausolea and Vaults	
34.1 The power pursuant to Regulation 19(1) of the Regulations, where the Council is the relevant authority for a cemetery to, if the delegate suspects on reasonable grounds that:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
34.1.1 a mausoleum or vault in the cemetery does not comply with the Regulations; or	
34.1.2 offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault in the cemetery,	
open the mausoleum or vault and inspect it.	
34.2 The power pursuant to Regulation 19(2) of the Regulations, if, after inspecting a mausoleum or vault, the delegate is satisfied that:	General Manager Infrastructure, Planning & Sustainability Services
34.2.1 the mausoleum or vault does not comply with the Regulations; or	

<u>BURIAL AND CREMATION REGULATIONS 2014</u>	
Delegated Power	Sub-delegation
34.2.2 offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault,	Manager Planning Services Cemetery Curator
to, by notice in writing to a person who holds an interment right in force in relation to that mausoleum or vault or who is, under such an interment right, entitled to have his or her remains interred in that mausoleum or vault, require the person to take specified remedial action within a reasonable period specified in the notice.	
34.3 The power pursuant to Regulation 19(3) of the Regulations to, if a person refuses or fails to comply with a notice under Regulation 19(2) of the Regulations, cause the work to be carried out and recover the costs as a debt from the person.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
35. Removal and Disposal of Name Plate etc from Coffin Before Cremation	
35.1 The power pursuant to Regulation 21 of the Regulations, subject to Regulation 21(2) of the Regulations, where the Council is the relevant authority for a crematorium to dispose of:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
35.1.1 a name plate, metal or plastic fitting or any other object removed before cremation from the exterior of a coffin containing the bodily remains of a deceased person; or	
35.1.2 any other thing that comes into the possession of the Council as a result of a cremation.	
36. Power of Relevant Authority in Relation to Things on Interment Sites	
36.1 The power pursuant to Regulation 26 of the Regulations where the Council is the relevant authority for a cemetery or natural burial ground to:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator
36.1.1 cause to be removed from an interment site in the cemetery or natural burial ground any unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers; and	

<u>BURIAL AND CREMATION REGULATIONS 2014</u>	
Delegated Power	Sub-delegation
36.1.2 cause to be pruned, cut down or removed any plant on an interment site in the cemetery or natural burial ground that is, in the opinion of the delegate, unsightly or overgrown.	
37. Power of Relevant Authority to Require Persons to Leave Cemetery or Natural Burial Ground.	
37.1 The power pursuant to Regulation 27(1) of the Regulations, where the Council is the relevant authority for a cemetery or natural burial ground to, if the delegate has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery or natural burial ground, require the person to leave the cemetery or natural burial ground.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Cemetery Curator

SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
13.1	<p>In respect of the Old Pioneer Cemetery, to seek the consent of the Mayor before granting rights for burial purposes.</p> <p>In respect of the Athelstone Independent Cemetery, to grant rights for burial purposes for the burial of persons who, prior to their death, had resided in the Campbelltown City Council area for a period of not less than five (5) years, and their family members.</p> <p>In respect of the Columbarium Wall at the Athelstone Independent Cemetery, to grant rights for burial purposes for one niche allotment, on an individual basis, per family member.</p> <p>To grant rights for burial purposes for a term of no longer than forty (40) years for earth burials and fifty (50) years for the Columbarium Wall.</p>

**Delegations to the Chief Executive Officer
under the Community Titles Act 1996**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

COMMUNITY TITLES ACT 1996	
Delegated Power	Sub-delegation
1. Interpretation	
1.1 The function 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:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
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	
1.1.2 no consent or approval is required under that Act in relation to the division of the land (or a change in the use of the land),	
to, as the relevant development authority, endorse a scheme description to the effect of either subsection 3(11)(b)(i) or (ii) of the Act.	
2. Application	
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:	
2.1.1 land comprising an allotment or allotments;	
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.	

COMMUNITY TITLES ACT 1996	
Delegated Power	Sub-delegation
3. Application May Deal With Statutory Encumbrances	
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.	
4. Consents to Application	
4.1 The power pursuant to Section 16(1)(a) of the Act,	
4.1.1 where the Council is the holder of a registered encumbrance over the land to be divided; or	
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	
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.	
5. Application to Amend Schedule of Lot Entitlements	
5.1 The power pursuant to Section 21(4)(a) of the Act, where the Council is	
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	
5.1.2 a prospective owner at the relevant time of a community lot; or	
5.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot; or	
5.1.4 where the Council is a person referred to in Section 21(5) of the Act,	
to consent to the proposed amendment.	

COMMUNITY TITLES ACT 1996	
Delegated Power	Sub-delegation
5.2 The power pursuant to Section 21(5) of the Act:	
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:	
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 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.	
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	

COMMUNITY TITLES ACT 1996	
Delegated Power	Sub-delegation
is over land vested in, or under the control or management of the Council. - Not delegated	
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:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
7.1.1 add any information that is necessary or desirable; or	
7.1.2 clarify any part of the description; or	
7.1.3 remove any unnecessary detail.	
7.2 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.	
8 Persons Whose Consents are Required	
8.1 The power pursuant to Section 32(1) of the Act, where the Council is:	
8.1.1 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	
8.1.2 the prospective owner at the relevant time of a community lot;	
8.1.3 the owner or prospective owner at the relevant time of a development lot;	
8.1.4 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	
8.1.5 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	
8.1.6 a person referred to Section 32(2) of the Act,	

COMMUNITY TITLES ACT 1996	
Delegated Power	Sub-delegation
to grant consent.	
8.2 The power pursuant to Section 32(2) of the Act:	
8.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and the Council is:	
8.2.1.1. a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amendment to the scheme description because the Council was not then a member of the secondary corporation; or	
8.2.1.2. the prospective owner at the relevant time of a secondary lot; or	
8.2.1.3. 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	
8.2.2 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:	
8.2.2.1 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	
8.2.2.2 the prospective owner at the relevant time of a tertiary lot; or	
8.2.2.3 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.	
9A. By-laws	

COMMUNITY TITLES ACT 1996	
Delegated Power	Sub-delegation
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.2 The power pursuant to Section 34(6)(g) of the Act to withdraw or otherwise discontinue the application for revocation.	
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.	
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 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.	
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.	
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.	
10. Application for Amendment	

COMMUNITY TITLES ACT 1996	
Delegated Power	Sub-delegation
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.	
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.	
10.3 The power pursuant to Section 52(2)(c) of the Act, where amendment of the plan will operate to vest an estate or interest in land in the Council, to consent to the application.	
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.	
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 <i>Real Property Act 1886</i> or with a requirement of the Registrar-General under the Act or the <i>Real Property Act 1886</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.	
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	

COMMUNITY TITLES ACT 1996	
Delegated Power	Sub-delegation
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.	
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.	
15. Amendment by Order of ERD 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.	
15.2 The power pursuant to Section 59(3a) of the Act to make submissions to the court in relation to the matter.	
16. Persons Whose Consents are Required	
16.1 The power pursuant to Section 61(1) of the Act, where the Council is:	
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	
16.1.2 the prospective owner at the relevant time of a community lot; or	
16.1.3 the owner or prospective owner at the relevant time of a development lot; or	
16.1.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or a development lot; or	
16.1.5 a person referred to in Section 61(2) of the Act,	
to consent to the amalgamation.	
16.2 The power pursuant to Section 61(2) of the Act,	

COMMUNITY TITLES ACT 1996	
Delegated Power	Sub-delegation
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:	
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	
16.2.1.2 the prospective owner at the relevant time of a secondary lot; or	
16.2.1.3 the owner or prospective owner at the relevant time of a development lot in the secondary scheme; or	
16.2.1.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot or development lot; or	
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:	
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	
16.2.2.2 the prospective owner at the relevant time of a tertiary lot; or	
16.2.2.3 the owner or prospective owner at the relevant time of a development lot in the tertiary scheme; or	
16.2.2.4 a registered encumbrancee or prospective encumbrancee at the	

COMMUNITY TITLES ACT 1996	
Delegated Power	Sub-delegation
relevant time of a tertiary lot or development lot,	
to consent.	
17. Deposit of Amalgamated Plan	
17.1 The power pursuant to Section 62(3) of the Act, where the Council is:	
17.1.1 the owner of the servient land; or	
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.	
18. Persons Whose Consent is Required	
18.1 The power pursuant to Section 66(1) of the Act, to, where the Council is:	
18.1.1 an owner at the relevant time of a community lot and a development lot (if any); or	
18.1.2 the prospective owner at the relevant time of a community lot or a development lot; or	
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.	
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.	
18A.2 The power pursuant to Section 67(1a) of the Act to make submissions to the Court in relation to the matter.	
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	

COMMUNITY TITLES ACT 1996	
Delegated Power	Sub-delegation
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).	
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.	
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.	
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.	
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.	
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.	

COMMUNITY TITLES ACT 1996	
Delegated Power	Sub-delegation
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.	
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.	
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.	
24.3 The power pursuant to Section 108(3) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the primary or secondary corporation.	
25. Information to be Provided by Corporation	
25.1 The power pursuant to Section 139(1) of the Act to, make application to a community corporation to:	
25.1.1 provide a statement setting out:	
25.1.1.1 particulars of any contribution payable in relation to the lot (including details of any	

COMMUNITY TITLES ACT 1996		
Delegated Power		Sub-delegation
	arrears of contributions in relation to the lot); and	
25.1.1.2	particulars of the assets and liabilities of the corporation; and	
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	
25.1.1.4	particulars in relation to any other matter prescribed by regulations; and	
25.1.2	provide copies of:	
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	
25.1.2.2	the statement of accounts of the corporation last prepared by the corporation; and	
25.1.2.3	current policies of insurance taken out by the corporation; and	
25.1.3	make available for inspection such information as is required to establish the current financial position of the corporation including:	
25.1.3.1	a copy of the accounting records of the corporation; and	
25.1.3.2	the minute books of the corporation; and	

COMMUNITY TITLES ACT 1996		
Delegated Power		Sub-delegation
25.1.3.3	any other documentary material prescribed by regulation; and	
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	
25.1.5	make available for inspection the register maintained under Section 135 of the Act.	
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.	
26.	Information as to Higher Tier of Community Scheme	
26.1	The power pursuant to Section 140(1) of the Act to apply to the primary corporation for information under Section 139 of the Act.	
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.	
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.	
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.	
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.	
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.	
28.4	The power pursuant to Section 142(4) of the Act to make an application to the District Court that	

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Delegated Power	Sub-delegation
proceedings that have been commenced in the Magistrates Court be transferred to the District Court.	
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.	
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.	
29.2 The power pursuant to Section 142A(4) of the Act, if the plan of community division is not deposited in the Lands Titles Registration Office:	
29.2.1 within such period after the date of the contract as is specified in the contract in accordance with any requirements specified in the regulations; or	
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.	
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:	

COMMUNITY TITLES ACT 1996	
Delegated Power	Sub-delegation
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.	
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.	
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.	

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

**Delegations to the Chief Executive Officer under the
Criminal Procedure Act 1921**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Information	SUB DELEGATION
1.1 The power pursuant to section 49 of the <i>Criminal Procedure Act 1921</i> to lay an information on the Council's behalf in the Magistrates Court in accordance with the rules charging a person who is suspected of having committed a summary offence(s) with the offence(s) and, where an information is laid, the power to run the proceedings as the delegate sees fit.	

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

**Delegations to the Chief Executive Officer under the
Development Act 1993 and Development Regulations 2008**

In exercise of the power contained in sections 20 and 34(23) of the *Development Act 1993* the powers, duties and functions under the *Development Act 1993* and the *Development Regulations 2008* contained hereunder, are, subject to the conditions, limitations and provisos contained therein, hereby delegated to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position) the following powers, duties and functions and such power may be further delegated by the Chief Executive Officer to an officer or officers of the Council as the Chief Executive Officer sees fit.

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS, DUTIES AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

DEVELOPMENT ACT 1993	
Delegated Power	Sub-delegation
1. Matters Against Which Development Must be Assessed	
1.1 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): – Condition applies	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
1.1.1 the provisions of the appropriate Development Plan; – Condition applies	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance

DEVELOPMENT ACT 1993	
Delegated Power	Sub-delegation
1.1.2 the provisions of the Building Rules;	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
1.1.3 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; – Condition applies	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
1.1.4 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;; – Condition applies	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
1.1.5 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	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance

DEVELOPMENT ACT 1993	
Delegated Power	Sub-delegation
1.1.6 such other matters as may be prescribed.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
1.2 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
1.3 If:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
1.3.1 a development only requires an assessment under paragraph (b) of Section 33(1) of the Act; and	
1.3.2 the Council:	
1.3.2.1 is the relevant authority; and	
1.3.2.2 is to make the assessment under that paragraph; and	
1.3.3 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.	
2. Determination of Relevant Authority	
2.1 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.	General Manager Infrastructure, Planning & Sustainability Services

DEVELOPMENT ACT 1993	
Delegated Power	Sub-delegation
	Manager Planning Services
2.2 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.	
3. Special Provisions Relating to Assessment Against Development Plans	
3.1 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).	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
3.2 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
3.3 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development

DEVELOPMENT ACT 1993	
Delegated Power	Sub-delegation
	Assessment & Compliance
3.4 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. - Not delegated	
3.5 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. - Not delegated	
3.6 Subject to the Act, the power and duty pursuant to Section 35(6) of the Act, to accept that a proposed development complies with the provisions of the appropriate Development Plan to the extent that such compliance is certified by a private certifier.	
4. Special Provisions Relating to Assessment Against the Building Rules	
4.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
4.2 The power pursuant to and in accordance with Section 36(2) of the Act:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
4.2.1 to assess whether a development is at variance with the Building Rules;	
4.2.2 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;	
4.2.3 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	

DEVELOPMENT ACT 1993	
Delegated Power	Sub-delegation
the consent despite the variance on the basis that the Delegate is satisfied that:	
4.2.3.1 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	
4.2.3.2 in circumstances where the development has already occurred the variance is justifiable in the circumstances of the particular case.	
4.3 The 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
4.4 The 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.	Development Officer - Building
4.5 The 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:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
4.5.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the Regulations; or	
4.5.2 such compliance is certified by a private certifier.	
4.6 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	General Manager Infrastructure, Planning &

DEVELOPMENT ACT 1993	
Delegated Power	Sub-delegation
particular classification would cease to conform with the requirements of the Building Rules for a building of that classification.	Sustainability Services Manager Planning Services
5. Proposed Development Involving Creation of Fortifications	
5.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
5.2 The duty pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development involves the creation of fortifications to:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
5.2.1 if the proposed development consists only of the creation of fortifications – refuse the application; or	
5.2.2 in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications.	
6. Public Notice and Consultation	
6.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
6.2 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	General Manager Infrastructure, Planning &

DEVELOPMENT ACT 1993	
Delegated Power	Sub-delegation
to appear personally or by representative before the Delegate.	Sustainability Services Manager Planning Services
6.3 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
6.4 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
7. Application and Provision of Information	
7.1 The power pursuant to Section 39(2) of the Act to request an applicant to:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning
7.1.1 provide such additional documents or information to enable assessment of the application;	
7.1.2 remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;	
7.1.3 consult with an authority or body prescribed by the Regulations;	
7.1.4 (where required by the Regulations) prepare a statement of effect in relation to non-complying development; and	

DEVELOPMENT ACT 1993	
Delegated Power	Sub-delegation
7.1.5 comply with any other requirement prescribed by the Regulations.	Development Officer - Building
<p>7.2 If:</p> <p>7.2.1 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>7.2.2 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act,</p> <p>the power and duty pursuant to Section 39(2b)(c) of the Act, to;</p> <p>7.2.3 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>7.2.4 make that request within a period prescribed by the Regulations.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer - Planning</p> <p>Development Officer - Planning</p>
7.3 The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application.	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer - Planning</p> <p>Development Officer - Planning</p> <p>Development Officer - Building</p>
7.4 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.	General Manager Infrastructure, Planning &

DEVELOPMENT ACT 1993	
Delegated Power	Sub-delegation
	Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning Development Officer - Building
7.5 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).	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
7.6 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
7.7 The power pursuant to Section 39(4)(e) of the Act, if there is an inconsistency between any documents lodged with the Council for the purposes of Division 1 of Part 4 of the Act, or between any such document and a development authorisation that has already been given that is relevant in the circumstances, to return or forward any document to the applicant or to any other person and to determine not to finalise the matter until any specified matter is resolved, rectified or addressed.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance

DEVELOPMENT ACT 1993	
Delegated Power	Sub-delegation
	Senior Development Officer - Planning Development Officer - Planning
7.8 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
7.9 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
7.10 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
7.11 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
7.12 The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages.	
7.13 The power pursuant to Section 39(9) of the Act to determine that the applicant is entitled to a refund of	

DEVELOPMENT ACT 1993	
Delegated Power	Sub-delegation
the application fee in the event that an application is withdrawn.	
8. Determination of Application	
8.1 The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative.	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer - Planning</p> <p>Development Officer - Planning</p>
9. Conditions	
9.1 The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Team Leader Development Assessment & Compliance</p>
9.2 The duty, pursuant to Section 42(4) of the Act, in accordance with Section 42(5) of the Act and subject to Sections 42(6) and (8) of the Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the Delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Team Leader Development Assessment & Compliance</p>

DEVELOPMENT ACT 1993	
Delegated Power	Sub-delegation
9.3 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
9.4 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. - Not delegated	

**Delegations to the Chief Executive Officer under the
Development (Development Plans) Amendment Act 2006**

<u>DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006</u>	
Delegated Power	Sub-delegation
10. Transitional Provisions	
<p>10.1 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. - Not delegated</p>	
<p>10.2 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. - Not delegated</p>	

**Delegations to the Chief Executive Officer under the
Development Regulations 2008**

DEVELOPMENT REGULATIONS 2008	
Delegated Power	Sub-delegation
11. Application to Relevant Authority	
<p>11.1 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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning Administration Assistant – Development & Compliance</p>
<p>11.2 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. - Not delegated</p>	
<p>11.3 The power pursuant to Regulation 15(7)(b) of the Regulations to indicate, in such manner as may be determined by the Development Assessment Commission, that the Delegate wishes to receive written documentation instead of electronic access to the relevant documents and information via the Internet.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning Administration Assistant – Development & Compliance</p>
<p>11.4 The power and duty pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application form under</p>	

DEVELOPMENT REGULATIONS 2008		
Delegated Power		Sub-delegation
	Regulation 15(7a) of the Regulations, furnish to the private certifier	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning Administration Assistant – Development & Compliance
11.4.1	the Development Assessment number assigned to the development proposed under the application; and	
11.4.2	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:	
11.4.2.1	advice about any site contamination that is believed to exist at the site where the development would be undertaken; and	
11.4.2.2	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.	
11.4.2.3	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.	
11.5	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).	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning

DEVELOPMENT REGULATIONS 2008	
Delegated Power	Sub-delegation
	Administration Assistant – Development & Compliance
<p>11.6 The power pursuant to Regulation 15(11) of the Regulations, to modify the requirements of Schedule 5 in relation to a particular application, subject to the following qualifications:</p> <p>11.6.1 in the case of an application that is lodged with the Council for assessment as <i>residential</i> code development – the requirements of Schedule 5 may not be modified in any way by the delegate assessing the application (whether so as to require more or less information), except on authority of the Minister under Section 39(1)(a) of the Act;</p> <p>11.6.2 in any other case, the delegate must not, when requiring plans, drawings, specifications and other documents in relation to the application, require the applicant to provide more information than that specified under Schedule 5 (subject to Section 39 of the Act).</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer - Planning</p> <p>Development Officer - Planning</p>
<p>11.7 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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer - Planning</p> <p>Development Officer - Planning</p>
12. Non-Complying Development	
<p>12.1 The power pursuant to Regulation 17(3) of the Regulations, after receipt of an application which relates to a kind of development that is described as non-complying development to:</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p>
<p>12.1.1 refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or</p>	
<p>12.1.2 resolve to proceed with an assessment of the application.</p>	

DEVELOPMENT REGULATIONS 2008	
Delegated Power	Sub-delegation
12.2 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
13. Amended Applications	
13.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning
13.2 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning
14. Withdrawing/Lapsing Application	
14.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning

DEVELOPMENT REGULATIONS 2008	
Delegated Power	Sub-delegation
	Administration Assistant – Development & Compliance
14.2 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:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning
14.2.1 take reasonable steps to notify the applicant of the action under consideration; and	Development Officer - Planning Administration Assistant – Development & Compliance
14.2.2 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.	
15. Contravening Development	
15.1 The power pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline to proceed with an application until proceedings under the Act have been concluded.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
16. Land Division Applications	
16.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
16.2 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance

DEVELOPMENT REGULATIONS 2008	
Delegated Power	Sub-delegation
17. Underground Mains Area	
17.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
17.2 The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.	
17.3 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
18. Preliminary Advice and Agreement - Section 37AA	
18.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning
18.2 The power pursuant to Regulation 31A(6) of the Regulations if:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning
18.2.1 a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and	
18.2.2 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:	

DEVELOPMENT REGULATIONS 2008	
Delegated Power	Sub-delegation
18.2.3 to obtain a variation to the agreement under Section 37AA of the Act; or	
18.2.4 to obtain a response from the prescribed body for the purposes of Section 37 of the Act.	
18.3 The power pursuant to Regulation 31A(7) of the Regulations if:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning
18.3.1 an application is withdrawn by the Applicant; and	
18.3.2 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.	
18.4 The power pursuant to Regulation 31A(8) of the Regulations if:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning
18.4.1 an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and	
18.4.2 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.	
18.5 The power pursuant to Regulation 31A(9) of the Regulations if:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning
18.5.1 an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and	
18.5.2 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	

DEVELOPMENT REGULATIONS 2008	
Delegated Power	Sub-delegation
after the notice is given to the applicant under Regulation 42 of the Regulations.	
19. Public Notices Categories	
19.1 The power pursuant to Regulation 32(2)(5) of the Regulations to determine that a form of development comprises 2 or more elements.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning
20. Public Inspection of Certain Applications	
20.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
20.2 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
21. Determination of Commission as Relevant Authority	
21.1 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:	General Manager Infrastructure, Planning & Sustainability Services
21.1.1 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	Manager Planning Services

DEVELOPMENT REGULATIONS 2008	
Delegated Power	Sub-delegation
in relation to the matter together with accompanying documentation or information and, as appropriate, fees; and	
21.1.2 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).	
21.2 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
22. Scheme Description – Community Titles	
22.1 The duty pursuant to Regulation 45(2) of the Regulations to endorse a scheme description under Section 3 of the Community Titles Act 1996 including 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
22.2 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.	
23. Minor Variation of Development Authorisation	
23.1 The power pursuant to Regulation 47A(1) of the Regulations, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion that the	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance

DEVELOPMENT REGULATIONS 2008	
Delegated Power	Sub-delegation
variation is minor in nature and, if the delegate is satisfied that the variation is minor in nature, to approve the variation.	Senior Development Officer - Planning Development Officer - Planning
24. Lapse of Consent or Approval	
24.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning
25. Width of Roads and Thoroughfares	
25.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
25.2 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
26. Road Widening	
26.1 The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
27. Requirement as to Forming of Roads	
27.1 The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.	General Manager Infrastructure, Planning & Sustainability Services

DEVELOPMENT REGULATIONS 2008	
Delegated Power	Sub-delegation
	Manager Planning Services
27.2 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
27.3 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
28. Construction of Roads, Bridges, Drains and Services	
28.1 The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
29. Supplementary Provisions	
29.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
29.2 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
29.3 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services

DEVELOPMENT REGULATIONS 2008	
Delegated Power	Sub-delegation
30. General Land Division	
30.1 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.	
30.2 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.	
31. Division of Land by Strata Title	
31.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
32. General Provisions	
32.1 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.	
32.2 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
32.3 The power pursuant to Regulation 60(9) of the Regulations to consult with the Development Assessment Commission before it grants an extension of the period	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services

DEVELOPMENT REGULATIONS 2008	
Delegated Power	Sub-delegation
prescribed by Regulation 60(8) of the Regulations.	
<u>DELEGATIONS UNDER THE DEVELOPMENT (WASTE REFORM) VARIATION REGULATIONS 2019</u>	
33. Development Authorisations to Continue	
33.1 The power pursuant to clause 2(2) of Schedule 1 of the Development (Waste Reform) Variation Regulations 2019 ('the Waste Reform Regulations'), to, on the Delegate's own initiative or on application by an existing authorisee:	
33.1.1 grant a new development authorisation to the person; or	
33.1.2 revoke an existing development authorisation; or	
33.1.3 by notice in writing to the authorisee given within 2 years after the commencement of clause 2 of Schedule 1 of the Waste Reform Regulations:	
33.1.3.1 vary the terminology or numbering in the existing development authorisation; or	
33.1.3.2 impose or vary a condition of the existing development authorisation,	
if, in the opinion of the Delegate, it is necessary or desirable to do so as a consequence of the variation of Schedule 21 or 22 of the principal regulations by the Waste Reform Regulations.	
33.2 The power pursuant to clause 2(3) of Schedule 1 of the Waste Reform Regulations, if the relevant authority takes action under clause 2(2) of Schedule 1 of the Waste Reform Regulations, to, dispense with the requirement for applications and payment of fees as the Delegate considers appropriate.	

SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	<p>The sub-delegate must exercise the power and functions in accordance with the <i>Development Act 1999</i> and <i>Development Regulations 2008</i> including the requirement that the sub-delegate not exercise any powers and functions delegated to the sub delegate for which prescribed qualifications are required under the <i>Development Act 1993</i> and the <i>Development Regulations 2008</i> unless the sub-delegate holds the prescribed qualifications specified in Division 1 Part 15 of the <i>Development Regulations 2008</i>.</p> <p>Where necessary delegation can only be exercised if the delegate has received advice and/or report from a person who holds prescribed qualifications.</p>
1.1	Delegated power is not to be exercised in relation to any development application made by an Elected Member of the Council or in respect of land owned or occupied by an elected member of the Council.
1.1.1	<p>Delegated power may be exercised in respect of development comprising one or more freestanding outbuildings, including a carport, garage, pergola, verandah or similar structure that is less than 75 square metres in area.</p> <p>Delegated power is not to be exercised in respect of Category 2 development where public notice of the application has been given and a representation against the application has been received and/or a person wishes to appear personally or by representative before the Delegate.</p> <p>Delegated power is not to be exercised in respect of Category 3 development where public notice of the application has been given.</p>
1.1.3	Delegated power only to be exercised where the proposed division of land does not create a road.
1.1.4	Delegated power only to be exercised where the proposed division of land does not create a road.

**Delegations to the Chief Executive Officer under the
Disability Inclusion Act 2018**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

DISABILITY INCLUSION ACT 2018	
1. Disability Access And Inclusion Plans	Sub-delegation
<p>1.1 The power in accordance with Section 16(3) of the <i>Disability Inclusion Act 2018</i> (the Act) to determine the content to be included in the Council's Disability Access And Inclusion Plan (DAIP).</p> <p>1.2 The power pursuant to Section 16(5) of the Act to make application to the Minister for approval to prepare a single DAIP for more than one Council.</p> <p>1.3 The power pursuant to Section 16(6) of the Act to vary a DAIP in accordance with the requirements prescribed by Regulation.</p> <p>1.4 The power pursuant to Section 16(7) of the Act to determine the format and website for publication of the DAIP, ensuring that the format is accessible to people with a disability.</p>	<p>General Manager Community Connections</p> <p>Manager Community Services & Social Development</p>
2. Sharing of information between certain persons and bodies	
<p>2.1 The power pursuant to section 27(2) of the Act to provide prescribed information and documents (as defined by section 27(7) of the Act) to another person or body, if the delegate reasonably believes that the provision of the information or documents would assist the recipient:</p> <p>2.1.1 to perform functions relating to people with disability; or</p> <p>2.1.2 to manage any risk to a person with disability, or class of people with disability, that might arise in the recipient's capacity as an employer or provider of services.</p> <p>2.2 The power pursuant to section 27(5) of the Act to request, on behalf of the Council, prescribed information and documents from a person to whom section 27 applies.</p>	<p>General Manager Community Connections</p> <p>Manager Community Services & Social Development</p> <p>Community Development Officer (Social Inclusion)</p>

SCHEDULE OF CONDITIONS**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**Delegations to the Chief Executive Officer under the
Dog and Cat Management Act 1995**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

DOG AND CAT MANAGEMENT ACT 1995	
Delegated Power	Sub-delegation
1. Council Responsibility for Management of Dogs	
1.1 The power pursuant to Section 25A(1) of the Dog and Cat Management Act 1995 (the Act) to appoint suitable persons (other than members of the Council) to be authorised persons for the purposes of the Act.	
1.2 The power pursuant to Section 25A(2) of the Act to make an appointment subject to conditions specified in the instrument of appointment.	
1.3 The power pursuant to Section 25A(3) of the Act to, at any time, revoke the appointment of an authorised person, or vary or revoke the conditions of appointment of an authorised person.	
2. Identification of Authorised Persons	
2.1 The power pursuant to Section 25B(1) of the Act to issue to an authorised person an identity card in a form approved by the Board.	
2.2 The power pursuant to Section 25B(2) of the Act, if the powers of the authorised person have been limited by conditions, to issue an identity card to the person containing a statement of those conditions.	
3. Area Limitation on Authorised Persons Appointed by Councils	
3.1. The power pursuant to Section 25C(c) of the Act to arrange with another council for an authorised person appointed by the Council to exercise powers under the Act within the area of the other council.	

DOG AND CAT MANAGEMENT ACT 1995	
Delegated Power	Sub-delegation
4. Council Responsibility for Management of Dogs and Cats	
<p>4.1. The power pursuant to Section 26 of the Act to administer and enforce the provisions of the Act relating to dogs and cats within the Council area and for that purpose to:</p> <p>4.1.1. maintain a register of dogs containing information required by the Board (which may be kept in the form of a computer record); and</p> <p>4.1.2. ensure that the Board is provided with information contained in the register as required by the Board from time to time; and</p> <p>4.1.3. maintain such other registers as may be required by the Board; and</p> <p>4.1.4. make the registers kept under the Act available for inspection by members of the public in accordance with any guidelines issued by the Board; and</p> <p>4.1.5. if guidelines issued by the Board so require, limit inspection of a register or part of a register kept under the Act by members of the public; and</p> <p>4.1.6. appoint a suitable person to be Registrar; and</p> <p>4.1.7. make satisfactory arrangements for issuing and replacing certificates of registration and registration discs; and</p> <p>4.1.8. appoint at least 1 full time authorised person or make other satisfactory arrangements for the exercise of the functions and powers of authorised persons; and</p> <p>4.1.9. make satisfactory arrangements for the detention of dogs seized under the Act (and make such arrangements for cats seized under the Act); and</p> <p>4.1.10. make satisfactory arrangements for fulfilling other obligations under the Act.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Team Leader Administration & Regulation</p>
4.2. The power pursuant to Section 26(1a) of the Act, to without limiting Section 26(2) of the Act, nominate a facility approved by the Board at which dogs or cats may be detained.	
4.3. The power pursuant to Section 26(4) of the Act to keep separate accounts of money received under the Act and of money expended in the administration and enforcement of the provisions of the Act relating to dogs and cats.	
4.4. The power pursuant to Section 26(5) of the Act to pay into the Fund the percentage fixed by regulation of the dog registration fees received by the Council.	
4.5. The power pursuant to Section 26(6) of the Act to charge: - Not delegated	

DOG AND CAT MANAGEMENT ACT 1995	
Delegated Power	Sub-delegation
4.5.1. fees for the provision of extracts from registers kept under the Act; and	
4.5.2. fees for the receipt and management of information relating to a register contemplated by Section 26(1)(ac) of the Act; and	
4.5.3. fees which may be differential but which must not exceed an amount prescribed by the regulations for the purposes of paragraph (b) of Section 26(6) of the Act:	
4.5.3.1. for the registration of dogs or businesses under Part 4 of the Act; and	
4.5.3.2. for the late payment of registration fees; and	
4.5.3.3. for meeting any other requirement imposed on the Council under the Act.	
4.6. The power pursuant to Section 26(7) of the Act, in the case of a standard dog or cat, to, provide for a percentage rebate of a fee that would otherwise be charged for the registration of a dog or cat under the Act. - Not delegated	
5. Plans of Management Relating to Dogs and Cats	
5.1. The power pursuant to Section 26A(1) of the Act to in accordance with Sections 26A(2) and (3) of the Act, prepare a plan relating to the management of dogs and cats within the Council area.	
5.2. The power pursuant to Section 26A(5) of the Act to amend a plan of management at any time during the course of the 5 year period covered by the plan, with the approval of the Board.	
6. Rectification of Register	
6.1. 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.	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Team Leader Administration & Regulation</p>

DOG AND CAT MANAGEMENT ACT 1995	
Delegated Power	Sub-delegation
7. Destruction and Control Orders	
7.1. The power pursuant to Section 50(1) of the Act to, in accordance with Division 3 of Part 5 of the Act, make an order of any of the following classes in relation to a specified dog:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
7.1.1. a Destruction Order;	
7.1.2. a Control (Dangerous Dog) Order;	
7.1.3. a Control (Menacing Dog) Order;	
7.1.4. a Control (Nuisance Dog) Order;	
7.1.5. a Control (Barking Dog) Order.	
7.2. The power pursuant to Section 50(2)(b) of the Act to approve some other place to the place specified in the order for a dog to be kept or detained until destroyed.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
8. Grounds on Which Orders May be Made	
8.1. The power pursuant to Section 51 of the Act to make an order in relation to a dog under Division 3 of Part 5 of the Act, if satisfied that:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
8.1.1. in the case of a Destruction Order:	
8.1.1.1. the dog is unduly dangerous; and	
8.1.1.2. the dog 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; or	
8.1.2. in the case of a Control (Dangerous Dog) Order:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
8.1.2.1. the dog:	
(a) is dangerous; and	
(b) has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against the Act or any other Act; or	
8.1.2.2. the dog is subject to an order made under a law of another jurisdiction that corresponds with	

DOG AND CAT MANAGEMENT ACT 1995	
Delegated Power	Sub-delegation
a Control (Dangerous Dog) Order; or	
8.1.3. in the case of a Control (Menacing Dog) Order:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
8.1.3.1. the dog:	
(a) is menacing; and	
(b) has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against the Act or any other Act; or	
8.1.3.2. the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Menacing Dog) Order; or	
8.1.4. in the case of a Control (Nuisance Dog) Order:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
8.1.4.1. the dog:	
(a) is a nuisance; and	
(b) has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against the Act or any other Act; or	
8.1.4.2. the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Nuisance Dog) Order; or	
8.1.5. in the case of a Control (Barking Dog) Order:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
8.1.5.1. the dog is a nuisance; and	
8.1.5.2. the dog has created noise by barking or otherwise in circumstances that would constitute an offence against the Act or any other Act.	
9. Procedure for Making and Revoking Orders	
9.1. The power pursuant to Section 52(1) of the Act to:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
9.1.1. make an order under Division 3 of Part 5 of the Act on the Delegate's own initiative or on an application made in a manner and form determined by the Council or the Delegate; and	
9.1.2. to determine the manner and form of an application	

DOG AND CAT MANAGEMENT ACT 1995	
Delegated Power	Sub-delegation
for an order under Division 3 of Part 5 of the Act.	
9.2. The power pursuant to Section 52(1) of the Act before making an order under Division 3 of Part 5 of the Act, to take reasonable steps:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
9.2.1. to ascertain all persons who own or are responsible for the control of the dog; and	
9.2.2. to give each of the persons so ascertained at least 7 days written notice:	
9.2.2.1. identifying the dog in relation to which is it is proposed that the order be made;	
9.2.2.2. setting out the terms of the proposed order; and	
9.2.2.3. inviting the owner or other person to make submissions to the Council or the Delegate in respect of the matter within 7 days or such longer period as is allowed by the Council or the Delegate.	
9.3. The power pursuant to Section 52(2) of the Act to:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
9.3.1. make an order in the manner and form required by the Board; and	
9.3.2. note an order in the register kept by the Council under the Act.	
9.4. The power pursuant to Section 52(3) of the Act to take all reasonable steps to give a copy of the order to each person who owns or is responsible for the control of the dog.	
9.5. The power pursuant to Section 52(4) of the Act to revoke an order made by the Council by written notice to the person who owns or is responsible for the control of the dog.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
9.6. The power pursuant to Section 52(5) of the Act to enter a note of the revocation in the register kept by the Council under the Act.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
9.7. The power pursuant to Section 52(6) of the Act to, at the request of the Board, note in the register kept under the Act an order made by the Board.	General Manager Infrastructure, Planning & Sustainability Services

DOG AND CAT MANAGEMENT ACT 1995	
Delegated Power	Sub-delegation
	Manager Planning Services
10. Directions About How to Comply with Order	
10.1. The power pursuant to Section 53(1) of the Act to issue, from time to time, written directions to a person who owns or is responsible for the control of a dog subject to an order under Division 3 of Part 5 of the Act about how the order may be complied with in the area of the Council.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
11. Power of Court to Order Destruction or Control of Dog on Application	
11.1. The power pursuant to Section 59 of the Act to apply to the Magistrates Court for any order in relation to a dog that the Court could have made if the proceedings had been criminal proceedings under the Act.	
12. Prohibition Orders	
12.1. The power pursuant to Section 59A(1) of the Act to, in accordance with Division 3 of Part 5 of the Act, make a Prohibition Order against a person.	
12.2. The power pursuant to Section 59A(2)(b)(ii) of the Act to approve some other place to that specified in the order for a dog to be kept or detained until destroyed or disposed of.	
12.3. 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 Section 59A(4) of the Act:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
12.3.1. 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 the Act; and	
12.3.2. –	
12.3.2.1. the dog was already subject to a Destruction Order or a Control (Dangerous Dog) Order; or	
12.3.2.2. during the 5 years preceding the event referred to in Section 59A(3)(a) of the Act, 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.	

DOG AND CAT MANAGEMENT ACT 1995	
Delegated Power	Sub-delegation
12.4. The power pursuant to Section 59A(3a) of the Act to, on the Delegate's own initiative or on application, make a Prohibition Order against a person if satisfied that the person is subject to a supervision order under Section 269O of the <i>Criminal Law Consolidation Act 1935</i> .	
12.5. The power pursuant to Section 59A(5) of the Act to:	
12.5.1. make an order in the manner and form required by the Board; and	
12.5.2. record the order in a manner and form approved by the Board, and keep the record readily available for public inspection.	
12.5.3. The power pursuant to Section 59A(6) of the Act to revoke an order made by the Council by written notice to the person against whom the order was made.	
12.5.4. The power pursuant to Section 59A(7) of the Act to enter a note of the revocation in the record kept by the Council under Section 59A of the Act.	
13. Procedure Following Seizure of Dog	
13.1. The power pursuant to Section 61(4) of the Act if a dog is seized in order to prevent or stop it attacking, harassing or chasing a person or an animal or bird because it is unduly dangerous, to as soon as practicable, proceed to consider making an order in relation to the dog or applying to the Magistrates Court for an order in relation to the dog.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
13.2. The power pursuant to Section 61(6) of the Act to recover the cost of taking action under Section 61(3) of the Act from the person who owns or is responsible for the control of the dog as a debt due to the Council.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
14. Power to Seize and Detain Cats	
14.1. The power pursuant to Section 64(2)(c) of the Act to nominate a facility at which cats may be detained. - Not delegated	
15. Certain Bodies May Microchip and Desex Detained Dogs and Cats	
15.1. The power pursuant to Section 64B(1) of the Act, despite any other provision of the Act, or any other Act or law, if the Council is detaining a dog or cat seized under the Act or any other Act, to, in accordance with any guidelines determined by the Board for the purposes of	General Manager Infrastructure, Planning & Sustainability Services

DOG AND CAT MANAGEMENT ACT 1995	
Delegated Power	Sub-delegation
Section 64B of the Act, do 1 or more of the following:	Manager Planning Services
15.1.1. microchip the dog or cat;	
15.1.2. desex the dog or cat;	
15.1.3. cause the dog or cat to be microchipped or desexed or both.	
15.2. The power pursuant to Section 64B(2) of the Act to recover the cost of taking action under Section 64B of the Act as a debt from a person who owns or is responsible for the control of the dog or cat.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

**Delegations to the Chief Executive Officer under the
Electricity Act 1996 & Electricity (Principles Of Vegetation Clearance)
Regulations 2010**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

ELECTRICITY ACT 1996	
1. Power to Carry Out Work on Public Land	Sub-delegation
1.1 The power pursuant to Section 47(3)(b) of the Electricity Act 1996 (the Act), to agree with an electricity entity to the entity carrying out work on public land that the Council is responsible for the management of.	General Manager Infrastructure, Planning & Sustainability Services
1.2 The power pursuant to Section 47(4) of the Act, to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest.	General Manager Infrastructure, Planning & Sustainability Services
1.3 The power pursuant to Section 47(7) of the Act, if a dispute arises between an electricity entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.	
1.4 The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act:	
1.4.1 to make representations to the Minister on the questions at issue in the dispute; and	
1.4.2 to make a reasonable attempt to agree to settlement of the dispute on agreed terms.	
2. Duties in Relation to Vegetation Clearance	
2.1 The power pursuant to Section 55(3) of the Act, where vegetation is planted or nurtured near a public powerline contrary to the principles of vegetation clearance, and the Council has the function under Part 5 of the Act, to keep vegetation clear of the powerline, to remove the vegetation	General Manager Infrastructure, Planning & Sustainability Services

ELECTRICITY ACT 1996	
and recover the cost of so doing as a debt from the person by whom the vegetation was planted or nurtured.	
3. Vegetation Clearance Schemes	
3.1 The power pursuant to Section 55A(1) of the Act and subject to Sections 55A(3), (4) and (6) of the Act to agree a vegetation clearance scheme with an electricity entity governing the way in which vegetation is to be kept clear of public powerlines on land (other than private land) within both the Council's area and a prescribed area.	General Manager Infrastructure, Planning & Sustainability Services
3.2 The power pursuant to Section 55A(2) of the Act, to agree a vegetation clearance scheme in accordance with Section 55A(1) of the Act that does one or more of the following:	General Manager Infrastructure, Planning & Sustainability Services
3.2.1 require the electricity entity to inspect and clear vegetation more frequently than is required under the principles of vegetation clearance or otherwise govern the way in which the entity will carry out its function to clear vegetation;	
3.2.2 contain a delegation by the electricity entity of a function or power under Part 5 of the Act in relation to powerlines designed to convey electricity at 11 kV or less;	
3.2.3 require that the electricity entity be indemnified for any liability arising from an act or omission of the council under the delegation;	
3.2.4 confer on the Council the function to keep vegetation of all kinds clear of specified public powerlines that are designed to convey electricity at 11 kV or less;	
3.2.5 exempt the Council from the principles of vegetation clearance relating to the planting or nurturing of vegetation near overhead public powerlines;	
3.2.6 impose obligations on the electricity entity or the Council with respect to clearance work or reducing the need for clearance work;	
3.2.7 make provision for other related matters.	
3.3 The power pursuant to Section 55A(4)(b) of the Act, to modify a vegetation clearance scheme by written agreement.	General Manager Infrastructure, Planning & Sustainability Services

ELECTRICITY ACT 1996	
4. Vegetation Clearance Scheme Dispute	
4.1 The power pursuant to Section 55B(2) of the Act and subject to Sections 55B(3) and (4) of the Act, by written notice to the Technical Regulator, ask the Technical Regulator to determine a vegetation clearance scheme dispute under Division 2, Part 5 of the Act.	General Manager Infrastructure, Planning & Sustainability Services
4.2 The power pursuant to Section 55C(2)(c) of the Act, to make an application to the Technical Regulator to not determine a vegetation clearance scheme on the basis that there are good reasons why the dispute should not be determined.	General Manager Infrastructure, Planning & Sustainability Services
5. Determinations	
5.1 The power pursuant to Section 55D of the Act, to consent to the Technical Regulator, in determining a scheme or modification of a scheme, conferring on the Council the function to keep vegetation clear of public powerlines.	General Manager Infrastructure, Planning & Sustainability Services
6. Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas	
6.1 The power pursuant to Section 56(1) of the Act, to make an arrangement with an electricity entity conferring on the Council a specified role in relation to vegetation clearance around public powerlines that are not within a prescribed area.	General Manager Infrastructure, Planning & Sustainability Services
6.2 The power pursuant to Section 56(2) of the Act to include in an arrangement:	General Manager Infrastructure, Planning & Sustainability Services
6.2.1 a delegation by the electricity entity of a function or power under Part 5 of the Act; and	
6.2.2 a requirement that the electricity entity be indemnified for any liability arising from an act or omission of the Council under a delegation; and	
6.2.3 provision for the termination of the arrangement by the electricity entity or the Council; and	
6.2.4 provision for the variation of the arrangement by the electricity entity and the Council.	
7. Program for Undergrounding of Powerlines	
7.1 The power pursuant to Section 58A of the Act, in relation to undergrounding work included in a program, to agree to contribute to the cost of the work in the Council's area on the basis determined by the Minister.	General Manager Infrastructure, Planning & Sustainability Services

ELECTRICITY ACT 1996	
7.2 The power pursuant to Section 58A(5) of the Act, to make submissions to the Minister in relation to a program, in preparing a program, the Minister must consult with, and seek proposals and submissions from, councils, electricity entities, bodies (other than councils) responsible for the care, control or management of roads and other persons as the Minister considers appropriate.	General Manager Infrastructure, Planning & Sustainability Services
7.3 The power pursuant to Section 58A(8) of the Act, to make submissions to the Minister in relation to varying a program.	

**ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE)
REGULATIONS 2010**

<u>ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010</u>	
8. Function of Electricity Entity or Council	
8.1 The power pursuant to Regulation 4(4) of the Electricity (Principles of Vegetation Clearance) Regulations 2010 (the Regulations) to seek approval from the Technical Regulator to keep vegetation clear of the powerlines in accordance with the principles in Regulation 4(2)(b)(ii) of the Regulations.	General Manager Infrastructure, Planning & Sustainability Services
9. Technical Regulator May Grant Exemption from Principles of Vegetation Clearance	
9.1 The power pursuant to Regulation 7(3) of the Regulations to make submissions to the Technical Regulator in relation to an application under Regulation 7 of the Regulations.	General Manager Infrastructure, Planning & Sustainability Services
10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity	
10.1 The power pursuant to Regulation 8(2) of the Regulations and subject to Regulations 8(3), (4), (5) and (6) of the Regulations, to agree a vegetation clearance scheme with an electricity entity governing the way in which the entity will carry out its function to clear vegetation in the area of the Council or part of that area.	General Manager Infrastructure, Planning & Sustainability Services
10.2 The power pursuant to Regulation 8(5)(b) of the Regulations, to vary or revoke a scheme by written agreement between the parties.	General Manager Infrastructure, Planning & Sustainability Services

<u>ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010</u>	
11. Objections Relating to Vegetation Clearance	
11.1 The power pursuant to Regulation 10(5) of the Regulations, to reach an agreement with an objector as to how the objection might be resolved.	General Manager Infrastructure, Planning & Sustainability Services
11.2 The power pursuant to Regulation 10(6)(b) of the Regulations, to enter into an agreement under Regulation 9 of the Regulations with the objector that relates to the subject matter of the objection.	General Manager Infrastructure, Planning & Sustainability Services
11.3 The power pursuant to Regulation 10(8) of the Regulations to, when giving notice of an intention to enter private land to carry out work under Part 5 of the Act, include in or with the notice a statement of the rights of the owner or occupier to lodge an objection under Regulation 10 of the Regulations.	General Manager Infrastructure, Planning & Sustainability Services

SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**Delegations to the Chief Executive Officer Under The
Electronic Conveyancing National Law (South Australia) Act 2013**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Client authorisation	Sub-delegation
1.1 The power pursuant to Section 10(1) of the <i>Electronic Conveyancing National Law (South Australia) Act 2013</i> (the Act) to:	
1.1.1 Complete a client authorisation:	
1.1.1.1 That is in the form required by the participation rules; and	
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.	

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**Delegations to the Chief Executive Officer
under the Environment Protection Act 1993**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

ENVIRONMENT PROTECTION ACT 1993	
Delegated Power	Sub-delegation
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. - Not delegated	
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. - Not delegated	
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. - Not delegated	
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.	
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	

ENVIRONMENT PROTECTION ACT 1993	
Delegated Power	Sub-delegation
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.	

SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

**Delegations to the Chief Executive Officer under the
Environment, Resources and Development Court Act 1993**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT ACT 1993	
Delegated Power	Sub-delegation
1 The power to request on behalf of the Council that an appeal be heard by the Court constituted as a full bench pursuant to Section 15(2)(a) of the Act.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Administration & Regulation
2. The power to represent Council at a conference called pursuant to Section 16 of the Act and to agree to any settlement on behalf of the Council.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Administration & Regulation Senior Development Officer - Planning Development Officer (Planning)

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT ACT 1993	
<p>3. The power pursuant to Section 16(7)(g) of the Act to withdraw from proceedings, and to agree to any consequential order that is appropriate under the circumstances.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Team Leader Administration & Regulation</p>
<p>4. The power pursuant to Section 17(4)(a) of the Act to make application to the Court to:</p> <p>4.1 dismiss or determine any proceedings that appear:</p> <p>4.1.1 to be frivolous or vexatious; or</p> <p>4.1.2 to have been instituted or prosecuted for the purpose of delay or obstruction, or for some other improper purpose;</p> <p>4.2 after hearing the applicant in the proceedings, find in favour of the respondent without hearing the respondent;</p> <p>4.3 give summary judgement against a party:</p> <p>4.3.1 who obstructs or unnecessarily delays the proceedings; or</p> <p>4.3.2 who appears to be continuing to participate in the proceedings for the purpose of delay or obstruction, or for some other improper purpose; or</p> <p>4.3.3 who fails to attend any proceedings or fails to comply with a regulation, or a rule or order of the Court.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Team Leader Administration & Regulation</p>
<p>5. The power pursuant to Section 17(4b) to settle costs between parties in accordance with the scale prescribed for the purpose.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p>

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT ACT 1993	
6. The power pursuant to Section 28B of the Act to consent to mediation to achieve a negotiated settlement of the matter.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Administration & Regulation
7 The power pursuant to Section 28B(6) of the Act to permit evidence of anything said or done in the course of processes to be admissible in proceedings before the Court	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Administration & Regulation
8. The power pursuant to Section 29(2) to apply for an adjournment of the hearing of the proceedings if appropriate and necessary.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Administration & Regulation
9. The power pursuant to Section 30(4) of the Act to appeal against any judgement given in those proceedings	
10. The power pursuant to Section 43(1) of the Act where a judgement or order is made by the Court to make application to the registrar for a certified copy of the judgement or order.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Administration & Regulation

SCHEDULE OF CONDITIONS**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**Delegations to the Chief Executive Officer
under the Expiation of Offences Act 1996**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

EXPIATION OF OFFENCES ACT 1996	
Delegated Power	Sub-delegation
1. Certain Offences May Be Expiated	
1.1 The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under an Act, regulation or by-law, and the alleged offence may accordingly be expiated in accordance with the Act.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services General Inspector
2. Authorisation to Issue Expiation Notices	
2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence.	
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: <ul style="list-style-type: none"> 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. 	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services

EXPIATION OF OFFENCES ACT 1996	
Delegated Power	Sub-delegation
3.2 The duty pursuant to Section 8A(4) of the Act to determine an application for review before providing the Chief Recovery Officer with relevant particulars under Section 22 of the Fines Enforcement and Debt Recovery Act 2017 in respect of the offence to which the application relates.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
3.3 The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
3.4 The power pursuant to Section 8A(6a) of the Act, if an enforcement determination made under section 22 of the Fines and Enforcement Debt Recovery Act 2017 is revoked on the ground that the alleged offender had not had a reasonable opportunity to apply for review of the notice under Section 8A of the Act, and the alleged offender makes an application under Section 8A of the Act within 14 days of being notified of the revocation, to withdraw the expiation notice under Section 8A of the Act.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
4. Expiation Reminder Notices	
4.1 The duty pursuant to Section 11 of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 20 of the Fines Enforcement and Debt Recovery Act 2017 and the Council has not received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation reminder notice in the prescribed form to the alleged offender.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services General Inspector Team Leader Administration & Regulation
5. Expiation Enforcement Warning Notices	
5.1 The duty pursuant to Section 11A(1) 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	General Manager Infrastructure, Planning &

EXPIATION OF OFFENCES ACT 1996	
Delegated Power	Sub-delegation
the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation enforcement warning notice, in the prescribed form, to the alleged offender.	Sustainability Services Manager Planning Services General Inspector Team Leader Administration & Regulation
6. Late Payment	
6.1 The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation fee at any time before an enforcement determination is made under Section 22 of the Fines Enforcement and Debt Recovery Act 2017.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Administration & Regulation
7. Withdrawal of Expiation Notices	
<p>7.1 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>7.1.1 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; or</p> <p>7.1.2 the Council as issuing authority receives a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or</p> <p>7.1.3 the notice is defective; or</p> <p>7.1.4 in the opinion of the Delegate the alleged offender is suffering from a cognitive impairment that excuses the alleged offending; or</p> <p>7.1.5 the Delegate decides that the alleged offender should be prosecuted for the offence or offences.</p>	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services

EXPIATION OF OFFENCES ACT 1996	
Delegated Power	Sub-delegation
<p>7.2 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. -Condition applies</p> <p>7.3 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 or failure in the transmission of an email.</p> <p>7.4 The duty pursuant to Section 16(11), 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 22 of the Fines Enforcement and Debt Recovery Act 2017, to inform the Chief Recovery Officer of the withdrawal of the notice.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p>
8. Provision of Information	
<p>8.1 The power pursuant to Section 18 of the Act to enter into an agreement with the Chief Recovery Officer in relation to:</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>General Inspector Team Leader Administration & Regulation</p>
<p>8.1.1 the manner in which the Chief Recovery Officer is to provide information to the Council in relation to action taken by the Chief Recovery Officer under the Act in respect of an expiation notice issued by the Council; and</p>	
<p>8.1.2 the manner in which the Council is to provide information to the Chief Recovery Officer in relation to the issuing of an expiation notice by the Council or any other action taken by the Council in respect of an expiation notice so issued.</p>	

SCHEDULE OF CONDITIONS**CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
7.2	Can only be exercised with agreement of the Council's Chief Executive Officer

**Delegations to the Chief Executive Officer under the
Fences Act 1975**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

FENCES ACT 1975	
Delegated Power	Sub-delegation
1. Notice of Intention to Perform Fencing Work	
<p>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.</p> <p>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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Team Leader Asset Planning & Design Engineering</p> <p>Special Projects & Facilities Coordinator</p> <p>Senior Design Engineer (Major Projects & Stormwater)</p> <p>Senior Transport Officer</p>

FENCES ACT 1975	
Delegated Power	Sub-delegation
2. Cross-notice	
<p>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.</p> <p>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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Team Leader Asset Planning & Design Engineering</p> <p>Graduate Engineer</p> <p>Special Projects & Facilities Coordinator</p> <p>Senior Design Engineer (Major Projects & Stormwater)</p> <p>Senior Transport Officer</p>
3. Agreement upon Basis of Proposals and Counter-proposals	
<p>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).</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Team Leader Asset Planning & Design Engineering</p> <p>Graduate Engineer</p> <p>Special Projects & Facilities Coordinator</p> <p>Senior Design Engineer (Major Projects & Stormwater)</p> <p>Senior Transport Officer</p>
4. Performance of Fencing Work	
<p>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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p>

SCHEDULE OF CONDITIONS**CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

**Delegations to the Chief Executive Officer under the
Fines Enforcement and Debt Recovery Act 2017**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

FINES ENFORCEMENT AND DEBT RECOVERY ACT 2017	
Delegated Power	Subdelegation
1. Amounts Due Under Expiation Notices may be Treated as Part of Pecuniary Sum	
1.1 The power pursuant to Section 9(2) of the Fines Enforcement and Debt Recovery Act 2017 (the Act) if a debtor requests the making of an aggregation determination but no enforcement determination has been made under Section 22 of the Act in relation to the expiation amount, to pay the prescribed fee.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
2. Arrangements as to Manner and Time of Payment	
2.1 The power pursuant to Section 20(4) of the Act to agree with the Chief Recovery Officer the manner in which the Chief Recovery Officer is to give the Council notice of an arrangement entered into under Section 20 of the Act.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader – Administration & Regulation Administration Assistant – Development & Compliance
2.2 The power pursuant to Section 20(18) of the Act to agree with the Chief Recovery Officer the manner in which, if an arrangement terminates under Sections 20(15) or (17) of the Act, the Chief Recovery Officer is to give the Council notice of the termination and the amount then outstanding (taking into account, where the arrangement	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services

FINES ENFORCEMENT AND DEBT RECOVERY ACT 2017	
required the performance of community service, the number of hours of community service to be performed).	Team Leader Administration – Development & Compliance
3. Enforcement Determination	
<p>3.1 The power pursuant to Section 22(1) of the Act to enforce an expiation notice against the alleged offender by providing to the Chief Recovery Officer the particulars determined by the Chief Recovery officer relating to:</p> <ul style="list-style-type: none"> (a) the alleged offender; and (b) the offence or offences that remain unexpiated; and (c) the amount due under the notice; and (d) compliance by the council with the requirements of the Act and any other Act. 	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p>
<p>3.2 The power pursuant to Section 22(2) of the Act to pay the prescribed fee.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p>

SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

**Delegations to the Chief Executive Officer under the
Fire and Emergency Services Act 2005 and the
Fire and Emergency Services Regulations 2021**

In exercise of the powers contained in section 20 of the *Fire and Emergency Services Act 2005*, the powers and functions under the *Fire and Emergency Services Act 2005* and the *Fire and Emergency Services Regulations 2021* contained hereunder, are, subject to the conditions, limitations and provisos contained therein, hereby delegated to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position) and such powers and functions may be delegated by the Chief Executive Officer to an officer or officers of the Council as the Chief Executive Officer sees fit.

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

In this instrument 'SACFS' means the South Australian Country Fire Service.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

FIRE AND EMERGENCY SERVICES ACT 2005	
Delegated Power	Sub-delegation
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. - Not delegated	
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. - Not delegated	
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	

FIRE AND EMERGENCY SERVICES ACT 2005	
Delegated Power	Sub-delegation
services of the staff, equipment or facilities of the Council. - Not delegated	
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. - Not delegated	
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).	
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.	
6. Giving of Expiation Notices	
6.1 The duty pursuant to Section 104 of the Act to not authorise a person (under Section 6(3)(b) of the Expiation of Offences Act 1996) to give expiation notices for alleged offences under Part 4 of the Act unless the person is a fire prevention officer.	
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).	
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	

FIRE AND EMERGENCY SERVICES ACT 2005	
Delegated Power	Sub-delegation
authorised person appointed by the Council under the Local Government Act 1999.	
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.	
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	
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.	
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.	
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.	
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	Fire Prevention Officer General Inspector

FIRE AND EMERGENCY SERVICES ACT 2005	
Delegated Power	Sub-delegation
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);	
11.1.4 other statutory standards or requirements that apply to or in relation to the land.	
11.2 The power pursuant to Section 105F(5) of the Act, if the Delegate believes on reasonable grounds –	Fire Prevention Officer General Inspector
11.2.1 that an owner of private land has failed to comply with Section 105F(1) of the Act; or	
11.2.2 that measures should be taken in respect of particular private land for the purpose of -	
11.2.2.1 preventing or inhibiting the outbreak of fire on the land; or	
11.2.2.2 preventing or inhibiting the spread of fire through the land; or	
11.2.2.3 protecting property on the land from fire,	
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.	
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 -	Fire Prevention Officer General Inspector
11.3.1 to trim or remove vegetation on the land; or	
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	
11.3.3 to eliminate a potential ignition source; or	

FIRE AND EMERGENCY SERVICES ACT 2005	
Delegated Power	Sub-delegation
11.3.4 to create, establish or maintain fire breaks or fuel breaks.	
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.	Fire Prevention Officer General Inspector
11.5 The power pursuant to Section 105F(9) of the Act to give a notice under Section 105(5) of the Act -	Fire Prevention Officer General Inspector
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: (A) on a website determined by the Minister, or (B) 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.	
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.	Fire Prevention Officer General Inspector
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.	Fire Prevention Officer General Inspector
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.	
12.2 The duty pursuant to Section 105G(7) of the Act, to comply with a notice under Section 105G(6) of the Act.	

FIRE AND EMERGENCY SERVICES ACT 2005	
Delegated Power	Sub-delegation
13. Additional Provision in Relation to Powers of Authorised Officers	
13.1 The power pursuant to Section 105J(1) of the Act, for a purpose related to the administration, operation or enforcement of Part 4A of the Act, to -	Fire Prevention Officer
13.1.1 at any reasonable time, after giving reasonable notice to the occupier of the land, enter the land; or	
13.1.2 with the authority of a warrant issued by a magistrate, or in circumstances in which the delegate reasonably believes that immediate action is required, use reasonable force to break into or open any part of, or anything in or on, the land.	
13.2 The power and duty pursuant to Section 105J(3) of the Act to apply for a warrant -	Fire Prevention Officer
13.2.1 either personally or by telephone; and	
13.2.2 in accordance with any procedures prescribed by the regulations.	
13.3 The power pursuant to Section 105J(4) of the Act, in exercising a power under Part 4A of the Act, to -	Fire Prevention Officer
13.3.1 give directions with respect to the stopping, securing or movement of a vehicle, plant, equipment or other thing;	
13.3.2 take photographs, films, audio, video or other recordings;	
13.3.3 give any other directions reasonably required in connection with the exercise of the power.	
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.	Fire Prevention Officer
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.	Fire Prevention Officer
13.6 The power pursuant to Section 105J(7) of the Act to authorise a person for the purposes of Section 105J(6) of	

FIRE AND EMERGENCY SERVICES ACT 2005	
Delegated Power	Sub-delegation
the Act, to take action under Section 105J(6) of the Act on the Council's behalf.	
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.	General Manager Corporate Services General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Manager Finance
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.	General Manager Corporate Services General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Manager Finance
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. - Not delegated	

<u>DELEGATIONS UNDER FIRE AND EMERGENCY SERVICES REGULATIONS 2021</u>	
Delegated Power	Sub-delegation
15. SACFS Group Committee	
15.1 The power pursuant to Regulation 19(2)(e)(i) of the Fire and Emergency Services Regulations 2021 ('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. - Not delegated	

<u>DELEGATIONS UNDER FIRE AND EMERGENCY SERVICES REGULATIONS 2021</u>	
Delegated Power	Sub-delegation
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.	
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;	
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	
17.1.5 may be varied or revoked by further notice in the Gazette.	

<u>DELEGATIONS UNDER FIRE AND EMERGENCY SERVICES REGULATIONS 2021</u>	
Delegated Power	Sub-delegation
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Fire Prevention Officer
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.	General Manager Corporate Services Manager Governance
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 –	Manager City Operations Fire Prevention Officer Coordinator Green Asset Maintenance
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.	
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.	Manager City Operations Fire Prevention Officer

<u>DELEGATIONS UNDER FIRE AND EMERGENCY SERVICES REGULATIONS 2021</u>	
Delegated Power	Sub-delegation
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. - Not delegated	
20.2 The power pursuant to Regulation 56(4)(a) of the Regulations to nominate one or more representatives of the Council to a committee of management established under Regulation 56(3) of the Regulations. - Not delegated	
21. Coronial Inquests	
The power pursuant to Regulation 65(b) of the Regulations to make representations to the South Australian Fire and Emergency Services Commission or an emergency services organisation that a coronial inquest should be held in relation to a fire or other emergency. - Not delegated	

SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
NIL	NIL

**Delegations to the Chief Executive Officer under the
Freedom Of Information Act 1991 and the
Freedom Of Information (Fees And Charges) Regulations 2003**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

FREEDOM OF INFORMATION ACT 1991	
Delegated Power	Sub-delegation
1. Availability of Certain Documents	
<p>1.1 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 than by virtue of Clause 9 or 10 of Schedule 1 to the Act.</p> <p>1.2 The duty pursuant to Section 10(3) of the Act not to enforce a particular policy to the detriment of a person:</p> <p style="padding-left: 40px;">1.2.1 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</p> <p style="padding-left: 40px;">1.2.2 the person could, by knowledge of the policy, have avoided liability to the detriment.</p>	Council's Accredited FOI Officer
2. Transfer of Application	
<p>2.1 The power pursuant to Section 16(1) of the Act to transfer an application for access to Council's documents to another agency if the document to which it relates:</p> <p style="padding-left: 40px;">2.1.1 is not held by the Council but is, to the knowledge of the Council, held by the other agency; or</p> <p style="padding-left: 40px;">2.1.2 is held by the Council but is more closely related to the functions of the other agency.</p>	Council's Accredited FOI Officer

FREEDOM OF INFORMATION ACT 1991	
Delegated Power	Sub-delegation
<p>2.2 The duty pursuant to Section 16(2) of the Act, where an application is transferred to another agency and the Council holds a copy of the document to which the application relates, to forward a copy of the document to the other agency together with the application.</p> <p>2.3 The duty pursuant to Section 16(3) of the Act to cause notice of the transfer to be given to the applicant where the application has been transferred to another agency.</p> <p>2.4 The duty pursuant to Section 16(4) of the Act to specify in a notice under Section 16(3) of the Act, the day on which, and the agency to which, the application was transferred.</p> <p>2.5 The power pursuant to Section 16(5) of the Act not to include in a notice under Section 16(3) of the Act any matter which by its inclusion would result in the notice being an exempt document.</p>	Council's Accredited FOI Officer
3. Council May Require Advance Deposits	
<p>3.1 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.</p>	Council's Accredited FOI Officer
<p>3.2 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.</p>	Council's Accredited FOI Officer
4. Council May Refuse to Deal with Certain Applications	
<p>4.1 The power pursuant to Section 18(1) of the Act to refuse to deal with an application if it appears to the Delegate that the nature of the application is such that the work involved in dealing with it (within the period allowed under Section 14 of the Act or, within any reasonable extension of that period under Section 14A of the Act) would, if carried out, substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions.</p>	Council's Accredited FOI Officer

FREEDOM OF INFORMATION ACT 1991	
Delegated Power	Sub-delegation
<p>4.2 The power pursuant to Section 18(2) of the Act not to refuse to deal with such an application without first endeavouring to assist the applicant to amend the application so that the work involved in dealing with it would, if carried out, no longer substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions.</p> <p>4.3 The power pursuant to Section 18(2a) of the Act to refuse to deal with an application if, the Delegate forms the opinion, that the application is part of a pattern of conduct that amounts to an abuse of the right of access or is made for a purpose other than to obtain access to information.</p>	Council's Accredited FOI Officer
<p>4.4 The power pursuant to Section 18(3) of the Act to refuse to continue dealing with an application if:</p> <p>4.4.1 the Delegate has requested payment of an advance deposit in relation to the application; and</p> <p>4.4.2 payment of the deposit has not been made within the period specified in the request.</p>	Council's Accredited FOI Officer
<p>4.5 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.</p> <p>4.6 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.</p> <p>4.7 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.</p>	Council's Accredited FOI Officer
5. Determination of Applications	
<p>5.1 The duty pursuant to Section 19(1) of the Act, after considering an application for access to the Council's documents, to determine:</p> <p>5.1.1 whether access to the document is to be given (either immediately or subject to deferral) or refused; and</p> <p>5.1.2 if access to the document is to be given, any charge payable in respect of the giving of access; and</p> <p>5.1.3 any charge payable for dealing with the application.</p> <p>5.2 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.</p>	Council's Accredited FOI Officer

FREEDOM OF INFORMATION ACT 1991	
Delegated Power	Sub-delegation
6. Refusal of Access	
<p>6.1 The power pursuant to Section 20(1) of the Act to refuse access to a document:</p> <p>6.1.1 if it is an exempt document;</p> <p>6.1.2 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>6.1.3 if it is a document that is usually and currently available for purchase;</p> <p>6.1.4 if it is a document that:</p> <p>6.1.4.1 was not created or collated by the Council itself; and</p> <p>6.1.4.2 genuinely forms part of library material held by the Council; or</p> <p>6.1.5 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>	Council's Accredited FOI Officer
7. Deferral of Access	
<p>7.1 The power pursuant to Section 21(1) of the Act to defer access to a document:</p> <p>7.1.1 if it is a document that is required by law to be published but is yet to be published;</p> <p>7.1.2 if it is a document that has been prepared for presentation to Parliament, but is yet to be presented; or</p> <p>7.1.3 if it is a document that has been prepared for submission to a particular person or body, but is yet to be submitted.</p>	Council's Accredited FOI Officer
<p>7.2 The duty pursuant to Section 21(2) of the Act not to defer access to a document to which Section 21(1)(a) of the Act applies beyond the time the document is required by law to be published.</p>	Council's Accredited FOI Officer
<p>7.3 The duty pursuant to Section 21(3) of the Act not to defer access to a document to which Section 21(1)(b) or (c) of the Act applies for more than a reasonable time after the date of its preparation.</p>	Council's Accredited FOI Officer

FREEDOM OF INFORMATION ACT 1991	
Delegated Power	Sub-delegation
8. Forms of Access	
<p>8.1 The power pursuant to Section 22(1) of the Act to give a person access to a document by—</p> <ul style="list-style-type: none"> (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 person a written document so reproduced. 	Council's Accredited FOI Officer
<p>8.2 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> <ul style="list-style-type: none"> 8.2.1 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 8.2.2 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 8.2.3 would involve an infringement of copyright in matter contained in a document, <p>in which case access may be given in some other way.</p>	Council's Accredited FOI Officer

FREEDOM OF INFORMATION ACT 1991	
Delegated Power	Sub-delegation
<p>8.3 The power 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> <p>8.4 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> <p>8.5 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>	Council's Accredited FOI Officer
9. Notices of Determination	
<p>9.1 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.</p>	Council's Accredited FOI Officer
<p>9.2 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.</p>	Council's Accredited FOI Officer
10. Documents Affecting Inter-Governmental or Local Governmental Relations	
<p>10.1 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.</p>	Council's Accredited FOI Officer
<p>10.2 The duty pursuant to Section 25(3) of the Act, if:</p> <p>10.2.1 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</p>	Council's Accredited FOI Officer

FREEDOM OF INFORMATION ACT 1991	
Delegated Power	Sub-delegation
<p>10.2.2 the views of the Government or Council concerned are that the document is an exempt document by virtue of Clause 5 of Schedule 1 to the Act,</p> <p>to forthwith give written notice to the Government or Council concerned:</p> <p>10.2.3 that the Council has determined that access to the document is to be given; and</p> <p>10.2.4 of the rights of review conferred by the Act in relation to the determination; and</p> <p>10.2.5 of the procedures to be followed for the purpose of exercising those rights; and</p> <p>defer giving access to the document until after the expiration of the period within which an application for a review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.</p>	
11. Documents Affecting Personal Affairs	
<p>11.1 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>	Council's Accredited FOI Officer

FREEDOM OF INFORMATION ACT 1991	
Delegated Power	Sub-delegation
<p>11.2 The duty pursuant to Section 26(3) of the Act, if:</p> <p>11.2.1 the Delegate determines, after having sought the views of the person concerned, that access to a document to which Section 26(2) of the Act applies is to be given; and</p> <p>11.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 6 of Schedule 1 to the Act; or</p> <p>11.2.3 after having taken reasonable steps to obtain the views of the person concerned, the Delegate is unable to obtain the views of the person and determines that access to the documents should be given,</p> <p>to forthwith give written notice to the person concerned:</p> <p>11.2.4 that the Delegate has determined that access to the document is to be given; and</p> <p>11.2.5 of the rights of review conferred by the Act in relation to the determination; and</p> <p>11.2.6 of the procedures to be followed for the purpose of exercising those rights; and</p> <p>defer giving access to the document until after the expiration of the period within which an application for review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.</p>	Council's Accredited FOI Officer
<p>11.3 The power pursuant to Section 26(4) of the Act where:</p> <p>11.3.1 an application is made to the Council for access to a document to which Section 26 of the Act applies; and</p> <p>11.3.2 the document contains information of a medical or psychiatric nature concerning the applicant; and</p> <p>11.3.3 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>11.3.4 the Delegate decides that access to the document is to be given,</p> <p>to give access to the document to a registered medical practitioner nominated by the applicant.</p>	Council's Accredited FOI Officer

FREEDOM OF INFORMATION ACT 1991	
Delegated Power	Sub-delegation
12. Documents Affecting Business Affairs	
<p>12.1 The duty pursuant to Section 27(2) of the Act not to give access under the Act to a document which contains:</p> <p>12.1.1 information concerning the trade secrets of any person; or</p> <p>12.1.2 information (other than trade secrets) that has a commercial value to any person; or</p> <p>12.1.3 any other information concerning the business, professional, commercial or financial affairs of any person;</p> <p>except to the person concerned, unless the Council has taken such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 7 of Schedule 1 to the Act.</p>	Council's Accredited FOI Officer
<p>12.2 The duty pursuant to Section 27(3) of the Act, if:</p> <p>12.2.1 the Delegate determines, after seeking the views of the person concerned, that access to a document to which Section 27(2) of the Act applies is to be given; and</p> <p>12.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 7 of Schedule 1 to the Act,</p> <p>to forthwith give written notice to the person concerned:</p> <p>12.2.3 that the Council has determined that access to the document is to be given; and</p> <p>12.2.4 of the rights of review conferred by the Act in relation to the determination; and</p> <p>12.2.5 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 under the Act may be made or, if such an application is made, until after the application has been finally disposed of.</p>	Council's Accredited FOI Officer
13. Documents Affecting the Conduct of Research	
<p>13.1 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</p>	Council's Accredited FOI Officer

FREEDOM OF INFORMATION ACT 1991	
Delegated Power	Sub-delegation
document is an exempt document by virtue of Clause 8 of Schedule 1 to the Act.	
<p>13.2 The duty pursuant to Section 28(3) of the Act, if:</p> <p>13.2.1 the Delegate determines, after seeking the views of the person concerned, that access to a document to which Section 28(2) of the Act applies is to be given; and</p> <p>13.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 8 of Schedule 1 to the Act,</p> <p>to forthwith give written notice to the person 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 conferred by the Act in relation to the determination; and</p> <p>13.2.5 of the procedures to be followed for the purpose of exercising those rights; and</p> <p>defer giving access to the document until after the expiration of the period within which an application for a review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.</p>	Council's Accredited FOI Officer
14. Internal Review	
14.1 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.	
15. Determination of Applications	
15.1 The power 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.	
16. Refusal to Amend Records	
<p>16.1 The power pursuant to Section 35 of the Act to refuse to amend the Council's records in accordance with an application:</p> <p>(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</p>	Council's Accredited FOI Officer

FREEDOM OF INFORMATION ACT 1991	
Delegated Power	Sub-delegation
<p>(b) if the Delegate is satisfied that the application contains a matter that is incorrect or misleading in a material respect; or</p> <p>(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.</p>	
17. Notices of Determination	
17.1 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 exempt document.	Council's Accredited FOI Officer
18. Notations to be Added to Records	
<p>18.1 The power 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 of the Act relates, to:</p> <p>18.1.1 ensure that, when the information is disclosed, a statement is given to that person:</p> <p>18.1.1.1 stating that the person to whom the information relates claims that the information is incomplete, incorrect, out of date or misleading; and</p> <p>18.1.1.2 setting out particulars of the notation added to its records under Section 37 of the Act; and</p> <p>the power pursuant to Section 37(3)(b) of the Act to include in the statement the reason for the Council's refusal to amend its records in accordance with the notation.</p>	Council's Accredited FOI Officer
19. Internal Review	
19.1 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.	Council's Accredited FOI Officer
20. Review by Ombudsman or Police Ombudsman	
20.1 The 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.	Council's Accredited FOI Officer

FREEDOM OF INFORMATION ACT 1991	
Delegated Power	Sub-delegation
20.2 The function 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.	Council's Accredited FOI Officer
20.3 The power: 20.3.1 to participate in and effect a settlement conducted under Section 39(5)(c)(i) of the Act; and 20.3.2 to request a suspension of proceedings under Section 39 of the Act at any time to allow an opportunity for a settlement to be negotiated.	Council's Accredited FOI Officer
20.4 The power pursuant to Section 39(7) of the Act 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.	Council's Accredited FOI Officer
21. Appeal to District Court	
21.1 The power pursuant to Section 40(1) of the Act and with the permission of SACAT, to apply for a review under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of the determination by SACAT on a question of law.	
22. Consideration of Restricted Documents	
22.1 The power pursuant to Section 41(1) of the Act to make application to SACAT to have SACAT receive evidence and hear argument in the absence of the public, the other party to the appeal and, the other party's representative.	
23. Fees and Charges	
23.1 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.	
23.2 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.	
23.3 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.	

FREEDOM OF INFORMATION ACT 1991	
Delegated Power	Sub-delegation
24. Provision of Information to Minister	
<p>24.1 The duty pursuant to Section 54AA of the Act—</p> <p>24.1.1 to furnish to the Minister administering the Act, such information as the Minister requires by notice in the Gazette—</p> <p>24.1.1.1 for the purpose of monitoring compliance with the Act; and</p> <p>24.1.1.2 for the purpose of preparing a report under Section 54 of the Act; and</p>	
<p>24.1.2 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>	
25. Documents Containing Confidential Material	
<p>25.1 The power pursuant to Clause 13(2)(b)(iii) of Schedule 1 of the Act to approve a term for inclusion in a contract that the disclosure of the matter in the contract would constitute a breach of the contract or found an action for breach of confidence.</p>	

**Delegations to the Chief Executive Officer under the
Freedom of Information (Fees And Charges) Regulations 2003**

FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003	
Delegated Power	Sub-delegation
26. Fees and Charges	
<p>26.1 The function pursuant to Regulation 5 of the Freedom of Information (Fees and Charges) Regulations 2003 to waive or remit the fee or charge where a person, liable to pay a fee or charge to the Council under the Act, satisfies the Delegate that:</p> <p>(a) he or she is a concession cardholder; or</p> <p>(b) payment of the fee would cause financial hardship to the person.</p> <p>26.2 The power 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.</p>	Council's Accredited FOI Officer

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	An employee must not exercise a power or function under this Act in the absence of the required accreditation.

**Delegations to the Chief Executive Officer under the
Heavy Vehicle National Law (South Australia) Act 2013**

In exercise of the powers contained in section 22B of the *Heavy Vehicle National Law (South Australia) Act 2013* the powers and functions under the *Heavy Vehicle National Law (South Australia) Act 2013* contained hereunder, are, subject to the conditions, limitations and provisos contained therein, hereby delegated to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position) subject to the conditions or limitations indicated in the Schedule of Conditions contained in the Instrument of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013* and such powers and functions may be further delegated by the Chief Executive Officer to an officer or officers of the Council (including any person appointed to act in any such position) as the Chief Executive Officer sees fit.

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013	
Delegated Power	Sub-delegation
1. Deciding Request for Consent Generally	
1.1 The power pursuant to Section 156(1) of the <i>Heavy Vehicle National Law (South Australia) Act 2013 (the Act)</i> , 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:	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Senior Transport Officer
1.1.1 within:	
1.1.1.1 28 days after the request is made, unless Section 156(1)(a)(ii) of the Act applies; or	
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	
1.1.2 within a longer period, of not more than 6 months after the request is made, agreed to by the Regulator.	

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013		
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:	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Senior Transport Officer
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	
1.2.2	the delegate considers a route assessment is necessary for deciding whether to give or not to give the consent; or	
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.	
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Senior Transport Officer
1.4	The power pursuant to Section 156A(1) of the Act if the Regulator asks the Council, being the road manager for a road, for the Council's consent to the grant of a mass or dimension authority, to decide not to give the consent only if the delegate is satisfied:	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Senior Transport Officer
1.4.1	the mass or dimension authority will, or is likely to:	
1.4.1.1	cause damage to road infrastructure; or	
1.4.1.2	impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or	
1.4.1.3	pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and	

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013	
1.4.2 it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise:	
1.4.2.1 the damage or likely damage; or	
1.4.2.2 the adverse effects or likely adverse effects; or	
1.4.2.3 the significant risks or likely significant risks.	
1.5 The power pursuant to Section 156A(2) of the Act, if the delegate considers that the consent would be given if the mass of the vehicle under the application for the authority was less than applied for, to give the consent subject to a road condition that the vehicle not exceed the mass.	
1.6 The power pursuant to Section 156A(3) of the Act, in deciding whether or not to give the consent, to have regard to:	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Senior Transport Officer
1.6.1 for a mass or dimension exemption – the approved guidelines for granting mass or dimension exemptions; or	
1.6.2 for a class 2 heavy vehicle authorisation – the approved guidelines for granting class 2 heavy vehicle authorisations.	
1.7 The power pursuant to Section 156A(4) 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Senior Transport Officer

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013	
2. Action Pending Consultation with Third Party	
2.1 The power pursuant to Section 158(2) of the Act, if the consultation with the other entity is not yet completed, to, as far as practicable, deal with the request for consent and decide to give or not to give the consent (even though the consultation with the other entity is not completed).	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Senior Transport Officer
2.2 The power pursuant to Section 158(4) of the Act, if:	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Senior Transport Officer
2.2.1 the consultation with the other entity is completed and the other entity's approval is required; and	
2.2.2 the delegate has not yet decided to give or not to give the consent,	
to -	
2.2.3 decide not to give the consent, on the ground that the consent would be inoperative; or	
2.2.4 decide to give the consent.	
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:	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Senior Transport Officer
3.1.1 that a route assessment is required for deciding whether to give or not to give the consent;	Manager Infrastructure Services Senior Transport Officer
3.1.2 the fee payable (if any) for the route assessment under a law of the jurisdiction in which the road is situated.	

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013	
<p>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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Senior Transport Officer</p>
4. Imposition of Road Conditions	
<p>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:</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Senior Transport Officer</p>
<p>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</p>	
<p>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.</p>	
<p>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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Senior Transport Officer</p>
5. Imposition of Travel Conditions	
<p>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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Senior Transport Officer</p>

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013	
<p>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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Senior Transport Officer</p>
6. Imposition of Vehicle Conditions	
<p>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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Senior Transport Officer</p>
7. Expedited Procedure for Road Manager's Consent for Renewal of Mass or Dimension Authority	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Senior Transport Officer</p>
<p>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:</p>	
<p>7.1.1 14 days after the request for consent is made; or</p>	
<p>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.</p>	
8. Granting Limited Consent for Trial Purposes	
<p>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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Senior Transport Officer</p>

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013	
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Senior Transport Officer
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Senior Transport Officer
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:	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Senior Transport Officer
11.1.1 has caused, or is likely to cause, damage to road infrastructure; or	
11.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or	
11.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.	
11.2 The power pursuant to Section 174(2) of the Act to ask the Regulator to:	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services
11.2.1 amend the mass or dimension authority by:	
11.2.1.1 amending the category of vehicle to which the authority applies; or	
11.2.1.2 amending the type of load that may be carried by vehicles to which the authority applies; or	

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013		
11.2.1.3	amending the areas or routes to which the authority applies; or	Senior Transport Officer
11.2.1.4	amending the days or hours to which the authority applies; or	
11.2.1.5	imposing or amending road conditions or travel conditions; or	
11.2.2 cancel the authority.		
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.		General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Senior Transport Officer
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:		General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Senior Transport Officer
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.		
13.2 The power pursuant to Section 178(2) of the Act to ask the Regulator to:		General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services
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	

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013	
13.2.1.2 amending the days or hours to which the authority applies; or	Senior Transport Officer
13.2.1.3 imposing or amending road conditions or travel conditions on the authority; or	
13.2.2 cancel the authority.	

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Section(s) in Act to which conditions/ limitations apply	Conditions / Limitations
	NIL

**Delegations to the Chief Executive Officer under the
Land and Business (Sale And Conveyancing) Act 1994**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

LAND AND BUSINESS (SALE AND CONVEYANCING) ACT 1994	
Delegated Power	Sub-delegation
<p>1. The duty pursuant to Section 12(1) of the Land and Business (Sale and Conveyancing) Act 1994 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 or Part 5 of the Building Work Contractors Act 1995, in relation to a building on land within the Council's area.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Team Leader Administration and Regulation</p> <p>Administration Assistant – Development & Compliance</p>

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

**Delegations to the Chief Executive Officer under the
Liquor Licensing Act 1997**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

LIQUOR LICENSING ACT 1997	
Delegated Power	Sub-delegation
1. Application for Review of Commissioner's Decision	
1.1 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.	
2. Extension of Trading Area	
2.1 The power pursuant to Section 69(3)(e) of the Liquor Licensing Act 1997, 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. - Not delegated	
3. Rights of Intervention	
3.1 The power pursuant to Section 76(2) of the Liquor Licensing Act 1997 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development and Compliance
4. General right to make written submissions	
4.1 The power pursuant to Section 77(1) of the Act, subject to Section 77(2) of the Act, for the Council to make	General Manager Infrastructure,

LIQUOR LICENSING ACT 1997	
written submissions to the Commissioner in response to an application that has been advertised.	Planning & Sustainability Services Manager Planning Services Team Leader Development and Compliance
5. Right to make submissions in relation to application for small venue licence	
5.1 The power pursuant to Section 77A(1) of the Act for the Council, by notice in the prescribed form lodge with the Commissioner at least 7 days before the day appointed for the hearing of the application, make submissions to the Commissioner in respect of the application.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development and Compliance
6. Variation of objections	
6.1 The power pursuant to Section 79 of the Act, subject to the permission of the licensing authority, for the Council to vary an objection it has made in respect of an application any time before the proceedings of the application are determined.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development and Compliance
7. Noise	
7.1 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) of the Act. 7.2 The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development and Compliance
7.3 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). - Not delegated	
8. Disciplinary Action Before the Court	

LIQUOR LICENSING ACT 1997	
8.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development and Compliance
9. Commissioner's Power to Suspend or Impose Conditions Pending Disciplinary Action	
9.1 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.	
10. Preparation of Draft Local Liquor Accords - Not delegated	
10.1 The power pursuant to Section 128E(1) of the Act to prepare a draft local liquor accord and give it to the Commissioner for approval.	
10.2 The power pursuant to Section 128E(2) of the Act to include in a draft local liquor accord the following details:	
10.1.1 the name of each party to the draft;	
10.1.2 the name and address of the coordinator for the local liquor accord (being a party to the draft or a representative of a party to the draft);	
10.1.3 the proposed accord area;	
10.1.4 any other details prescribed by the regulations.	
11. Terms of Local Liquor Accords - Not delegated	
11.1 The power pursuant to Section 128F of the Act to, in a local liquor accord, make provision for or with respect to authorising or requiring any licensees who are parties to it to do one or more of the following:	
11.1.1 to cease or restrict either or both of the following on their licensed premises:	
11.1.2 the sale of liquor on those premises (including the sale of liquor for consumption off premises);	
11.1.3 allowing the consumption of liquor on those premises;	

LIQUOR LICENSING ACT 1997	
11.1.4 to restrict the public's access to the licensed premises in the manner and to the extent provided by the local liquor accord;	
11.1.5 to take any other measure prescribed by the regulations as a measure that may be taken to prevent or reduce alcohol-related violence.	
12. Approval of Local Liquor Accords - Not delegated	
12.1 The power pursuant to Section 128H(3) of the Act to apply to the Commissioner to vary the accord (including the accord area).	
12.2 The power pursuant to Section 128H(5) of the Act to give to the Commissioner a written request for the Council to be removed or added as a party to the local liquor accord.	
12.3 The power pursuant to Section 128H(6) of the Act to apply to the Commissioner to terminate a local liquor accord where the Council is the coordinator.	
12.4 The power pursuant to Section 128H(7) of the Act to:	
12.4.1 only make an application under Section 128H(6) of the Act as coordinator with the consent of the parties to the local liquor accord; or	
12.4.2 consent as a party to a local liquor accord to the coordinator making an application under Section 128H(6) of the Act.	
13. Commissioner's Power to Suspend or Impose Conditions Pending Disciplinary Action	
13.1 The power pursuant to Section 131(1ab) of the Act and subject to Section 131 of the Act, to, by notice in the Gazette, prohibit the consumption or possession or both of liquor in the public place or public places within the area of the Council specified in the notice during the period (not exceeding 48 hours) specified in the notice. - Not Delegated	
13.2 The power pursuant to Section 131(1ad) of the Act to, within 7 days after publishing a notice under Section 131(1ab) of the Act, give a copy of the notice to the Commissioner of Police.	
13.3 The power pursuant to Section 131(1c) of the Act to vary or revoke a notice under Section 131(1ab) of the Act by further notice in the Gazette.	

SCHEDULE OF CONDITIONS**CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

**Delegations to the Chief Executive Officer under the
Local Government Act 1999**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
1. Review of Representation	
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: - Not Delegated	
1.1.1 alter the composition of the Council;	
1.1.2 divide, or redivide, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards.	
1.2 The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to: - Not delegated	
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;	
1.2.2 alter the name of:	
1.2.2.1 the Council;	
1.2.2.2 the area of the Council;	
1.2.3 give a name to, or alter the name of, a ward, (without the need to comply with Section 13 of the Act).	
1.3 The power pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act to enable the Council Act for the purpose of determining whether the Council's community would benefit from an alteration to the Council's composition or ward structure. - Not delegated	
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	

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
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. - Not delegated	
1.5 The power pursuant to Section 12(5) of the Act to initiate the preparation of a representation review report and form the opinion a person is qualified to address the representation and governance issues. - Not delegated	
1.6 The power pursuant to Section 12 (7) of the Act to undertake public consultation.	General Manager Corporate Services Manager Governance
1.7 The function pursuant to Section 12(11) of the Act to finalise the Council report including recommendations with respect to such related or ancillary matters as it sees fit.	General Manager Corporate Services Manager Governance
1.8 The power pursuant to Section 12(11a) of the Act to refer the report to the Electoral Commissioner.	General Manager Corporate Services Manager Governance
1.9 The power pursuant to Section 12(11e)(a) 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.	General Manager Corporate Services Manager Governance
1.10 The power pursuant to Section 12(11e)(b), where the Council makes an alteration to its report under Section 12(11e)(a) of the Act, to comply with the requirements of Section 12(7) of the Act as if the report, as altered, constituted a new report.	General Manager Corporate Services Manager Governance
1.11 The power pursuant to Section 12(11e)(c), to refer the report to the Electoral Commissioner under section 12(12) of the Act.	General Manager Corporate Services Manager Governance
1.12 The power pursuant to Section 12(12) of the Act to refer the report to the Electoral Commissioner	General Manager Corporate Services Manager Governance

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
1.13 The power pursuant to Section 12(15)(b) of the Act to provide for the operation of any proposal recommended in the Council's report by notice in the Gazette	General Manager Corporate Services Manager Governance
1.14 The power pursuant to Section 12(16)(a) of the Act to take action on a report referred back to the Council by the Electoral Commissioner - Not delegated	
1.15 The power pursuant to Section 12(16)(b) to refer a report back to the Electoral Commissioner. - Not delegated	
1.16 The power pursuant to Section 12(17) to determine alterations to the report are of a minor nature only.	
1.17 The power under Section 12(24) of the Act to undertake a review within period specified by the Electoral Commissioner - Not delegated	
2. Status of a Council or Change of Various Names	
2.1 The power pursuant to Section 13(1) of the Act, to, by notice in the Gazette, after complying with the requirements of Section 13 of the Act:	General Manager Corporate Services Manager Governance
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;	
2.1.2 alter the name of:	
2.1.2.1 the Council 2.2.2 the area of the Council; 2.1.3 alter the name of a ward 2.2 The function, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements 2.2.1 to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks; 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 or Council committee and be heard on those submissions.	

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
3. Commission to Receive Proposals	
3.1 The power pursuant to Section 28(1) of the Act, subject to Section 28 of the Act, refer a proposal for the making of a proclamation under Chapter 3 of the Act to the Commission. - Not delegated	
3.2 The power pursuant to Section 28(3) of the Act, to in relation to a proposal under Section 28 of the Act:	
3.2.1 set out in general terms the nature of the proposal; and	
3.2.2 comply with any requirements of the proposal guidelines.	
4. Inquiries – General Proposals	
4.1 The power pursuant to Section 31(2) of the Act to make a submission to the Commission on the proposed appointments of investigators to conduct inquiries under Section 31 of the Act.	General Manager Corporate Services Manager Governance
4.2 The power pursuant to Section 31(10) of the Act to request the Minister consult with the relevant councils about the matter.	
5. General Powers and Capacities	
5.1 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. - Condition applies	Refer Schedule (ECM 6137024)
5.2 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.	
5.3 The power pursuant to Section 36 (2) of the Act to act outside the Council's area— - Not delegated 5.3.1 to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions. 5.3.2 in order to provide services to an unincorporated area of the State.	
5.4 The function 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.	

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
6. Provision Relating to Contract and Transactions	
6.1 The power pursuant to Section 37(b) of the Act to enter into contracts or to authorise another officer, employee or agent of the Council to enter into contracts, on behalf of the Council, where the common seal of the Council is not required.	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Team Leader Asset Planning & Design Engineering
7. Committees	
7.1 The power pursuant to Section 41(1) and (2) of the Act to establish committees. - Not delegated	
7.2 The power pursuant to Section 41(3) of the Act to determine the membership of a committee. - Condition applies	
7.3 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. - Not delegated	
7.4 The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee. - Not delegated	
7.5 The power and function 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.	
8. Delegations by Council	
8.1 The function pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act.	General Manager Corporate Services Manager Governance
8.2 The function 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.	General Manager Corporate Services Manager Governance

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
9. Principal Office	
9.1 The function 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.	
9.2 The function 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.	
9.3 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.	General Manager Corporate Services Manager Governance
10. Commercial Activities	
10.1 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'). - Not delegated	
10.2 The power pursuant to Section 46(2) of the Act, to, in connection with a commercial project: - Not delegated	
10.2.1 establish a business;	
10.2.2 participate in a joint venture, trust, partnership or other similar body,	
11. Interests in Companies	
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.	
12. Prudential Requirements	
12.1 The power and function 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 -	General Manager Corporate Services Manager Governance
12.1.1 acts with due care, diligence and foresight; and	

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
12.1.2 identifies and manages risks associated with a project; and	
12.1.3 makes informed decisions; and	
12.1.4 is accountable for the use of Council and other public resources.	
12.2 The function 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.	General Manager Corporate Services Manager Governance
12.3 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:	
12.3.1 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) -	
12.3.1.1 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	
12.3.1.2 where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 (indexed); or	
12.3.1.3 where the Council or Delegate considers that it is necessary or appropriate.	
13. Contracts and Tenders Policies	
13.1 The function pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:	General Manager Corporate Services Manager Governance
13.1.1 obtaining value in the expenditure of public money; and	
13.1.2 providing for ethical and fair treatment of participants; and	

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
13.1.3 ensuring probity, accountability and transparency in procurement operations.	
<p>13.2 Without limiting Section 49(a1) of the Act, the power and duty pursuant to Section 49(1) of the Act to prepare policies on contracts and tenders including policies on the following:</p> <p>13.2.1 the contracting out of services; and</p> <p>13.2.2 competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and</p> <p>13.2.3 the use of local goods and services; and</p> <p>13.2.4 the sale or disposal of land or other assets.</p>	<p>General Manager Corporate Services</p> <p>Manager Governance</p>
<p>13.3 The power and function pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:</p> <p>13.3.1 identify circumstances where the Council will call for tenders for the supply of goods, the provision of services or the carrying out of works, or the sale or disposal of land or other assets; and</p> <p>13.3.2 provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and</p> <p>13.3.3 provide for the recording of reasons for entering into contracts other than those resulting from the tender process.</p> <p>13.3.4 are consistent with any requirement prescribed by the regulations.</p>	<p>General Manager Corporate Services</p> <p>Manager Governance</p>
13.4 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). - Not delegated	
13.5 The function pursuant to Section 49(4) of the Act to make available for inspection (without charge) a policy adopted under this Section at the principal office of Council during office hours.	<p>General Manager Corporate Services</p> <p>Manager Governance</p>
14. Public Consultation Policies	
<p>14.1 The power and function pursuant to Section 50(1) and (2) of the Act to prepare a public consultation policy for consideration and adoption by the Council which sets out the steps the Council will follow:</p> <p>14.1.1 in cases where the Act requires the Council to follow its public consultation policy; and</p> <p>14.1.2 in other cases involving Council decision making, if</p>	<p>General Manager Corporate Services</p> <p>Manager Governance</p>

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
relevant.	
14.2 The function 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.	General Manager Corporate Services Manager Governance
14.3 The function 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: 14.3.1 the publication of a notice: 14.3.1.1 in a newspaper circulating within the area of the Council; and 14.3.1.2 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 is not less than 21 days) stated; and 14.3.2 the consideration of any submissions made in response to that invitation.	General Manager Corporate Services Manager Governance
14.4 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. - Not delegated	
14.5 Before the Council adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to – 14.5.1 prepare a document that sets out its proposal in relation to the matter; and 14.5.2 publish in a newspaper circulating within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the notice, which must be at least one month; 14.5.3 consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.	General Manager Corporate Services Manager Governance
14.6 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.	General Manager Corporate Services Manager Governance

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
14.7 The function 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.	General Manager Corporate Services Manager Governance
15. Register of Interests	
The power pursuant to Section 68(3b) to apply to SACAT for an order disqualifying a Member of the Council from the Office of Member.	
16. Member Behaviour	
16.1 The power under Section 75F(1) of the Act to prepare and adopt a behavioural support policy – Not delegated	
16.2 The power under section 75F(5) to alter or substitute a behavioural support policy – Not delegated	
16.3 The power under Section 75F(6) of the Act to undertake public consultation before adopting, altering or substituting a behavioural support policy – Not delegated	
16.4 The power under Section 75F(7)(a) of the Act to review the operation of the behavioural support policies and consider whether to adopt additional behavioural support policies – Not delegated	
16.5 The power under Section 75F(7)(b) of the Act, within 6 months after the conclusion of each periodic election, to consider whether to adopt behavioural support policies. – Not delegated	
17. Reimbursement of Certain Expenses	
17.1 The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses of a kind prescribed for these purposes 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.	General Manager Corporate Services
18. Register of Allowances and Benefits	
The function 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.	

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
19. Insurance of Members	
The power pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Council and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members.	
20. Training and Development	
20.1 The power pursuant to Section 80A(1) of the Act to prepare a training and development policy for the Council's members.	General Manager Corporate Services Manager Governance
20.2 The function 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.	General Manager Corporate Services Manager Governance
20.3 The power pursuant to Section 80A(2b) of the Act to suspend a member from office of Member of the Council for failure to comply with the prescribes mandatory requirements. - Not delegated	
20.4 The power under section 80A(2e) of the Act to revoke the suspension if satisfied the Member has complied with the prescribed mandatory requirements and give public notice of the revocation. - Not delegated	
20.5 The power under Section 80A(F) to apply to SACAT for an order disqualifying the Member from office of Member of the Council - Not delegated	
20.6 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. - Not delegated	
20.7 The power pursuant to Section 80B(1)(a) of the Act to suspend a Member subject to a relevant interim intervention order from the office of Member of the Council where person protected by the Order of another Member. - Not delegated	
20.8 The power pursuant to Section 80B(3) to revoke a suspension. - Not delegated	
20.9 The power pursuant to Section 80B(9) of the Act to Apply to SACAT for an order disqualifying the Member from the office of Member of the Council. - Not delegated	

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
21. Committee Meetings	
21.1 The power pursuant to Section 87(1) of the Act to determine the times and places of ordinary meetings of Council committees.	
22. Access to Meetings and Documents - Code of Practice	
22.1 The function pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare a Code of Practice for consideration and adoption by the Council, relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operations of Parts 3 and 4 of Chapter 6 of the Act.	General Manager Corporate Services Manager Governance
22.2 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. - Not delegated	
22.3 The function pursuant to Section 92(5) of the Act to ensure that before the Council adopts, alters or substitutes its Code of Practice that public consultation in undertaken.	General Manager Corporate Services Manager Governance
23. Meetings of Electors	
23.1 The power pursuant to Section 93(1) of the Act to convene a meeting of electors in the area or part of the area of the Council.	
23.2 The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii).	
24. Obstructing of Meetings	
The power pursuant to Section 95 of the Act to take proceedings under this 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. - Not delegated	
25. Certain Matters Concerning Employees	
25.1 The function 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.	General Manager Corporate Services
25.2 The function 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.	General Manager Corporate Services

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
25.3 The function 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.	
26. Application of Division	
26.1 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.	
27. Behavioural Standards	
27.1 The power under section 120A(1) of the Act to prepare and adopt employee behavioural standards. – Not Delegated	
27.2 The power under section 120A(4) to alter or substitute employee behavioural standards. – Not Delegated	
27.3 The power under section 120A(5) of the Act to consult with any registered industrial association that represents interests of employees of councils before adopting, altering or substituting employee behavioural standards.	General Manager Corporate Services Manager People & Culture
27.4 The power under section 120A(6)(a) of the Act to Review the operation of the employee behavioural standards.	General Manager Corporate Services Manager People & Culture
27.5 The power under section 120A(6)(b) of the Act to consider whether to adopt employee behavioural standards within 6 months of a periodic election. – Not Delegated	
28. Certain Aspects of Strategic Management Planning	
28.1 The function pursuant to Section 122(1) of the Act to develop for consideration and adoption by the Council strategic management plans for the Council's area over a period of at least 4 years in accordance with the principles set out at Section 122(1), (2) and (3) of the Act.	General Manager Corporate Services Manager Governance
28.2 In conjunction with the development of the plans required under Section 122(1) of the Act, the function pursuant to Section 122(1a) of the Act to develop in accordance with Section 122(2) and (3) of the Act for consideration and adoption by the Council—	
28.2.1 a long-term financial plan for a period of at least 10 years; and	General Manager Corporate Services

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
	Manager Finance
28.2.2 an infrastructure and asset management plan, relating to the management and development of infrastructure and major assets by the Council for a period of at least 10 years.	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Team Leader Asset Planning & Design Engineering
<p>28.3 In conjunction with the development of the plans required under Section 122(1) of the Act, within the prescribed period, to</p> <p>28.3.1 provide information relating to long-term financial plan and infrastructure and asset management plan to designated authority un accordance with Section 122(1c) of the Act;</p> <p>28.3.2 provide to the designated authority all relevant information on the matters specified in this section in accordance with guidelines determined by designated authority in accordance with Section 122(1e) of the Act;</p> <p>28.3.3 ensure advice provided by designated authority and any response of the Council is published in the Council's annual business plan (draft and adopted) in the relevant financial year and subsequent financial year (until next relevant financial year) in accordance with section 122(1h) of the Act;</p> <p>28.3.4 provide to the designated authority within time and in manner specified in notice information the designated authority reasonably requires in accordance with Section 122(1j) of the Act.</p>	<p>General Manager Corporate Services</p> <p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Finance Manager Infrastructure Services</p>
28.4 The function pursuant to Section 122(6) of the Act to develop a process or processes for adoption by the Council to ensure that members of the public are given a reasonable opportunity to be involved in Council's development and review of its strategic management plans.	General Manager Corporate Services Manager Governance
29. Annual Business Plans and Budget Documents	
29.1 The function pursuant to Section 123(1)(a) of the Act to prepare an annual business plan in accordance with the principles and requirements set out at Section 123(2), (10)	General Manager Corporate Services

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
and (12) of the Act for consideration and adoption by the Council in accordance with Section 123(3), (6) and (8) of the Act.	Manager Finance
29.2 The function pursuant to Section 123(1)(b) of the Act to prepare a budget in accordance with the requirements set out at Section 123(10) and (12) of the Act for consideration and adoption by the Council in accordance with Section 123(7) and (8) of the Act.	General Manager Corporate Services Manager Finance
29.3 Before the Council adopts an annual business plan, the function pursuant to Section 123(3) of the Act to— 29.3.1 prepare a draft annual business plan; and 29.3.2 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.	General Manager Corporate Services Manager Finance
29.4 The function pursuant to Section 123(5a) of the Act to provide a facility for asking and answering questions and the receipt of submissions on the Council's website.	General Manager Corporate Services Manager Governance
29.5 After the Council has adopted an annual business plan and a budget, the function pursuant to Section 123(9) of the Act to ensure: 29.5.1 that a summary of the annual business plan is prepared in accordance with the requirements set out at Section 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of the Council's services and the Council's rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and 29.5.2 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.	General Manager Corporate Services Manager Finance
30. Accounting Records to be Kept	
30.1 The function pursuant to Section 124(1) of the Act to: 30.1.1 keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council; 30.1.2 keep the Council's accounting records in such manner as will enable—	General Manager Corporate Services Manager Finance

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
<p>30.1.2.1 the preparation and provision of statements that fairly present financial and other information; and</p> <p>30.1.2.2 the financial statements of the Council to be conveniently and properly audited.</p>	
<p>30.2 The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Council.</p>	<p>General Manager Corporate Services Manager Finance</p>
31. Internal Control and Audit Committee	
<p>31.1 The function 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>	
<p>31.2 The power pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act. - Not delegated</p>	
<p>31.3 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. - Not delegated</p>	
32. Financial Statements	
<p>32.1 The function pursuant to Section 127(1) of the Act to prepare for each financial year:</p> <p>32.2 financial statements and notes in accordance with standards prescribed by the regulations; and</p> <p>32.3 other statements and documentation referring to the financial affairs of the Council required by the Regulations.</p>	<p>General Manager Corporate Services Manager Finance</p>
<p>32.4 The function 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>32.4.1 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>32.4.2 comply with standards and principles prescribed by the Regulations; and</p>	<p>General Manager Corporate Services Manager Finance</p>

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
32.4.3 include the information required by the Regulations.	
32.5 The function pursuant to Section 127(3) of the Act to submit for auditing by the Council's auditor the statements prepared for each financial year.	General Manager Corporate Services Manager Finance
32.6 The function 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.	Manager Finance
32.7 The function 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.	Manager Finance
33. The Auditor	
33.1 The power pursuant to and in accordance with Section 128(2) of the Act to appoint an auditor on the recommendation of the Council's Audit & Risk Advisory Committee. - Not delegated	
33.2 The function pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report: <ul style="list-style-type: none"> 33.2.1 information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between— 33.2.2 remuneration payable for the annual audit of the Council's financial statements; and <ul style="list-style-type: none"> 33.2.2.1 other remuneration; 33.2.2.2 if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office—the reason or reasons why the appointment of the Council's auditor came to an end. 	General Manager Corporate Services
34. Conduct of Audit	
34.1 The function 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.	General Manager Corporate Services Manager Finance
35. Investigations	

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
<p>35.1 The power pursuant to and in accordance with Section 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section.</p>	
<p>35.2 Unless Section 130A(7) of the Act applies, the function pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:</p> <p>35.2.1 unless Section 130A(6)(b) of the Act applies—at the next ordinary meeting of the Council in accordance with Section 130A(6)(a) of the Act;</p> <p>35.2.2 if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the Council—at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act.</p>	
36. Annual Reports	
<p>36.1 The function pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council and to submit a copy to persons or bodies prescribed by regulations.</p>	<p>General Manager Corporate Services</p> <p>Manager Governance</p>
<p>36.2 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.</p>	<p>General Manager Corporate Services</p> <p>Manager Governance</p>

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
37. Access to Documents	
<p>37.1 The function pursuant to Section 132(1) of the Act to ensure a member of the public is able –</p> <p>37.1.1 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</p> <p>37.1.2 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.</p>	<p>General Manager Corporate Services</p> <p>Manager Governance</p>
<p>37.2 The power under Section 132(3a) of the Act to publish a document or part of a document on a website determined by the chief executive officer where an order under section 91(7) of the Local Government Act expires or ceases to apply.</p>	<p>General Manager Corporate Services</p> <p>Manager Governance</p>
38. Administrative Standards	
<p>38.1 The power pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order—</p> <p>38.1.1 to ensure compliance with any statutory requirements; and</p> <p>38.1.2 to achieve and maintain standards that reflect good administrative practices.</p>	
39. Sources of Funds	
<p>39.1 Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under this or another Act and as may otherwise be appropriate in order to carry out the Council's functions under this or another Act, by –</p>	
39.2 selling property; - Not delegated	
39.3 by leasing or hiring out property; - Not delegated	
39.4 by obtaining grants or other allocations of money other than by borrowing;	General Manager Corporate Services
39.5 by carrying out commercial activities; - Not delegated	
39.6 by recovering fees, charges, penalties or other money payable to the Council.	General Manager Corporate Services

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
40. Ability of a Council to Give Security	
40.1 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: - Not delegated	
40.1.1 guarantees (including guarantees relating to the liability of a subsidiary of the Council);	
40.1.2 debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act);	
40.1.3 bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act.	
40.2 The power and function 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: - Not delegated	
40.2.1 assign a distinguishing classification to the debentures to be included in the issue so as to distinguish them from those included or to be included in previous or subsequent issues; and	
40.2.2 if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.	
41. DELIBERATELY LEFT BLANK	
42. DELIBERATELY LEFT BLANK	
43. DELIBERATELY LEFT BLANK	
44. Expenditure of Funds	
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. - Condition applies	Refer Schedule (ECM 6137024)
45. Investment Powers	
45.1 The power pursuant to Section 139(1) of the Act to invest money under the Council's control.	General Manager Corporate Services Manager Finance Accountant

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
	Team Leader Finance
<p>45.2 The function pursuant to Section 139(2) of the Act in exercising the power of investment, to:</p> <p>45.2.1 exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and</p> <p>45.2.2 avoid investments that are speculative or hazardous in nature.</p>	General Manager Corporate Services
<p>45.3 The power pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters—</p> <p>45.3.1 the purposes of the investment;</p> <p>45.3.2 the desirability of diversifying Council investments;</p> <p>45.3.3 the nature of and risk associated with existing Council investments;</p> <p>45.3.4 the desirability of maintaining the real value of the capital and income of the investment;</p> <p>45.3.5 the risk of capital or income loss or depreciation;</p> <p>45.3.6 the potential for capital appreciation;</p> <p>45.3.7 the likely income return and the timing of income return;</p> <p>45.3.8 the length of the term of a proposed investment;</p> <p>45.3.9 the period for which the investment is likely to be required;</p> <p>45.3.10 the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment;</p> <p>45.3.11 the aggregate value of the assets of the Council;</p> <p>45.3.12 the likelihood of inflation affecting the value of a proposed investment;</p> <p>45.3.13 the costs of making a proposed investment;</p> <p>45.3.14 the results of any review of existing Council investments.</p>	General Manager Corporate Services
<p>45.4 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>45.4.1 the anticipated community benefit from an investment; and</p> <p>45.4.1 the desirability of attracting additional resources into the local community.</p>	General Manager Corporate Services
<p>45.5 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</p>	General Manager Corporate Services

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
investments from the person whom the Delegate reasonably believes to be competent to give the advice.	
46. Review of Investment	
The function pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year and the function to report to the Council on the outcome of the review.	General Manager Corporate Services
47. Gifts to Council	
47.1 Within the confines of Section 44(3) of the Act:	
47.1.1 the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;	
47.1.2 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; - Not delegated	
47.1.3 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; - Not delegated	
47.1.4 where a variation is sought in the terms of a trust, the function 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 - Not delegated	
47.1.5 the function 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 <i>Gazette</i> , within 28 days after that order is made. - Not delegated	
48 Function to Insure Against Liability	
The power 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.	
49 Writing off Bad Debts	
49.1 The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council— 49.1.1 if the Council has no reasonable prospect of recovering the debts; or	

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
49.1.2 if the costs of recovery are likely to equal or exceed the amount to be recovered, up to and including an amount of \$5,000.00 in respect of any one debt.	
49.2 The function pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified— 49.2.1 reasonable attempts have been made to recover the debt; or 49.2.2 the costs of recovery are likely to equal or exceed the amount to be recovered.	General Manager Corporate Services
50 Recovery of Amounts due to Council	
50.1 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.	General Manager Corporate Services
50.2 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.	General Manager Corporate Services
51 Land Against Which Rates may be Assessed	
The power 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 the principles and practices that apply on a uniform basis across the Council.	General Manager Corporate Services Rates Officer
52 Basis of Rating	
52.1 Before the Council - Not delegated	
52.1.1 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	
52.1.2 changes the basis on which land is valued for the purposes of rating; or	

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Delegated Power	Sub-delegation
52.1.3 changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land;	
the power and function pursuant to Section 151(5)(d) and (e) of the Act to:	
52.1.4 prepare a report on the proposed change in accordance with Section 151(6) of the Act; and	
52.1.5 follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.	
53 General Rates	
53.1 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. - Not delegated	
54 Service Rates and Service Charges	
54.1 The function 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.	General Manager Corporate Services Manager Finance
54.2 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. - Not Delegated	
55. Basis of Differential Rates	
55.1 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. - Not delegated	
55.2 The power 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 - Not delegated	

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
55.2.1 prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and	
55.2.2 follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.	
55.3 The function 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.	General Manager Corporate Services Manager Finance
56. Notice of Differentiating Factors	
If the Council declares differential rates, the function 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. - Not delegated	
57. Preliminary	
57.1 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. - Not delegated	
57.2 The power pursuant to Section 159(3) of the Act 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).	General Manager Corporate Services Manager Finance
57.3 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 %. - Not delegated	
57.4 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. - Not delegated	
58. Rebate of Rates – Community Services	
58.1 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 and administration (or both) by a community service organisation, where that organisation – - Not delegated	

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Delegated Power	Sub-delegation
58.1.1 is incorporated on a not-for-profit basis for the benefit of the public; and	
58.1.2 provides community services without charge or for charge that is below the cost to the body of providing their services; and	
58.1.3 does not restrict its services to persons who are members of the body.	
59. Rebate of Rates – Educational Purposes	
59.1 The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land: - Not delegated	
59.1.1 occupied by a Government school under a lease or license and being used for educational purposes; or	
59.1.2 occupied by non-Government school registered under Part 5 of the Education Act 1972 and being used for educational purposes; or	
59.1.3 land being used by University or University College to provide accommodation and other forms of support for students on a not-for-profit basis.	
60. Discretionary Rebates of Rates	
60.1 The function 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): - Condition applies	General Manager Corporate Services Manager Finance
60.1.1 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	
60.1.2 the community need that is being met by activities being carried out on the land for which the rebate is sought; and	
60.1.3 the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;	
60.1.4 any other matter considered relevant by the Council or the Delegate.	
60.2 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	General Manager Corporate Services

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Delegated Power	Sub-delegation
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: – Condition applies	Manager Finance
60.2.1 where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;	
60.2.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area;	
60.2.3 where the rebate will be conducive to the preservation of buildings or places of historic significance;	
60.2.4 where the land is being used for educational purposes;	
60.2.5 where the land is being used for agricultural, horticultural or floricultural exhibitions;	
60.2.6 where the land is being used for a hospital or health centre;	
60.2.7 where the land is being used to provide facilities or services for children or young persons;	
60.2.8 where the land is being used to provide accommodation for the aged or disabled;	
60.2.9 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;	
60.2.10 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;	
60.2.11 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;	
60.2.12 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:	
60.2.12.1 a redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or	

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Delegated Power	Sub-delegation
60.2.12.2 a change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.	
60.2.13 where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:	
60.2.13.1 a 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	
60.2.13.2 a liability that is unfair or unreasonable;	
60.2.14 where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or	
60.2.15 where the rebate is contemplated under another provision of the Act.	
60.3 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: – Condition applies	General Manager Corporate Services Manager Finance
60.3.1 where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or	
60.3.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area; or	
60.3.3 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.	
60.4 The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(l) of the Act for a period exceeding 1 year but not exceeding 3 years. – Condition applies	General Manager Corporate Services Manager Finance
61. Valuation of Land for the Purpose of Rating	
61.1 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.	General Manager Corporate Services Manager Finance Rates Officer

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
61.2 For the purpose of adopting a valuation of land for rating, the function pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt -	General Manager Corporate Services Manager Finance Rates Officer
61.2.1 valuations made, or caused to be made, by the Valuer-General; or	
61.2.2 valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council;	
or a combination of both.	
61.3 The function 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.	Manager Finance Rates Officer
62. Valuation of Land	
62.1 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).	General Manager Corporate Services Manager Finance Rates Officer
62.2 The function 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.	General Manager Corporate Services Manager Finance Rates Officer
62.3 The power and function 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.	General Manager Corporate Services Manager Finance Rates Officer
63. Objections to Valuations Made by Council	
63.1 The function 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:	
63.1.1 the objection does not involve a question of law; and	
63.1.2 the objection is made in writing (setting out a full and detailed statement of the grounds on which the objection is based); and	

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Delegated Power	Sub-delegation
63.1.3 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).	
63.2 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.	
63.3 The function pursuant to Section 169(7) of the Act to give the objector written notice of the outcome of the reconsideration of the objection.	
63.4 The function 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:	
63.4.1 in the prescribed manner and form;	
63.4.2 made within 21 days after the objector receives notice of the outcome of his or her initial objection; and	
63.4.3 accompanied by the prescribed fee.	
63.5 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.	
64. Notice of Declaration of Rates	
64.1 The function 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.	General Manager Corporate Services Manager Finance
65. Alterations to the Assessment Record	
65.1 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.	General Manager Corporate Services Manager Finance
65.2 The function 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.	

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Delegated Power	Sub-delegation
66. Recovery of Rates and Charges	
<p>66.1 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—</p> <p>66.1.1 the principal ratepayer; or</p> <p>66.1.2 any other person (not being a principal ratepayer) who is an owner or occupier of the land; or</p> <p>66.1.3 any other person who was at the time of the declaration of the rates an owner or occupier of the land.</p>	<p>General Manager Corporate Services Manager Finance Rates Officer</p>
<p>66.2 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.</p>	<p>General Manager Corporate Services Manager Finance</p>
<p>66.3 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.</p>	<p>General Manager Corporate Services Manager Finance</p>
<p>66.4 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.</p>	<p>General Manager Corporate Services Manager Finance</p>
67. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year	
<p>67.1 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.</p>	<p>General Manager Corporate Services Manager Finance</p>
<p>67.2 The function 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.</p>	<p>General Manager Corporate Services Manager Finance Rates Officer</p>
68. Service of Rate Notice	
<p>68.1 The function pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after—</p> <p>68.1.1 the declaration of a rate; or</p>	<p>General Manager Corporate Services Manager Finance Rates Officer</p>

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Delegated Power	Sub-delegation
68.1.2 the imposition of a service charge; or 68.1.3 a change in the rates liability of land.	
69. Payment of Rates – General Principles	
69.1 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).	General Manager Corporate Services Manager Finance
69.2 The power pursuant to Section 181(2) of the Act to determine the day on which each instalment falls due in the months of September, December, March and June of the financial year for which the rates are declared.	General Manager Corporate Services Manager Finance
69.3 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.	General Manager Corporate Services Manager Finance Rates Officer
69.4 The duty pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Section 181(6) and (7) of the Act— 69.4.1 the amount of the instalment; and 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.	General Manager Corporate Services Manager Finance Rates Officer
69.5 The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal ratepayer 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.	General Manager Corporate Services Manager Finance Rates Officer
69.6 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.	General Manager Corporate Services Manager Finance Rates Officer
69.7 The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage: - Not Delegated	
69.7.1 the payment of instalments of rates in advance; or	
69.7.2 prompt payment of rates.	

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Delegated Power	Sub-delegation
69.8 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. - Not delegated	
69.9 The power pursuant to Section 181(13) of the Act and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the address shown in the assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.	
69.10 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: - Not Delegated	
69.11 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	
69.12 the Delegate must give at least 30 days notice before an instalment falls due.	
70. Remission and Postponement of Payment of Rates	
70.1 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— 70.1.1 postpone payment in whole or in part for such period as the Delegate thinks fit. Condition Applies	General Manager Corporate Services Manager Finance Rates Officer Team Leader Customer Service Customer Service Officer Records Officer/Customer Service Officer
70.1.2 Remit the rates in whole or in part. - Not delegated	
70.2 The power pursuant to Section 182(2) of the Act on a postponement of rates—	General Manager Corporate Services

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
<p>70.2.1 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>70.2.2 to grant the postponement on other conditions determined by the Delegate; and</p> <p>70.2.3 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>	<p>Manager Finance Rates Officer</p>
70.3 The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates –	<p>General Manager Corporate Services Manager Finance</p>
70.3.1 to assist or support a business in the Council's area; or	
70.3.2 to alleviate the effects of anomalies that have occurred in valuations under the Act.	
70.4 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>General Manager Corporate Services Manager Finance</p>
70.5 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>General Manager Corporate Services Manager Finance</p>
70.6 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>Manager Finance</p>
70.7 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>General Manager Corporate Services Manager Finance Rates Officer</p>
70.8 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 year made in accordance with Sections 182A(1) and (2) of the Act to -	<p>General Manager Corporate Services Manager Finance</p>

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Delegated Power	Sub-delegation
70.8.1 reject an application for the postponement of rates; or	
70.8.2 impose conditions on the postponement of rates	
but only in accordance with the Regulations.	
71. Application of Money in Respect of Rates	
The power and the function to apply monies received or recovered in respect of rates pursuant to an in accordance with Section 183 of the Act.	
72. Sale of Land for Non-Payment of Rates	
72.1 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. - Not delegated	
72.2 The function 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— 72.2.1 stating the period for which the rates have been in arrears; and 72.2.2 stating the amount of the total liability for rates presently outstanding in relation to the land; and 72.2.3 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.	
72.3 The function 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— 72.3.1 to any owner of the land who is not the principal ratepayer; and 72.3.2 to any registered mortgagee of the land; and 72.3.3 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.	
72.4 If— 72.4.1 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	

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Delegated Power	Sub-delegation
<p>72.4.2 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,</p> <p>the power pursuant to Section 184(4) of the Act to effect service of the notice by—</p> <p>72.4.3 placing a copy of the notice in a newspaper circulating throughout the State; and</p> <p>72.4.4 leaving a copy of the notice in a conspicuous place on the land.</p>	
72.5 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.	
72.6 The function 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.	
72.7 The function 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.	
72.8 The function 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.	
72.9 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.	
72.10 The power and function 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.	
72.11 The function 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.	

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Delegated Power	Sub-delegation
73. Objection, Review or Appeal	
<p>73.1 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—</p> <p>73.1.1 to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or</p> <p>73.1.2 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.</p>	<p>General Manager Corporate Services</p> <p>Manager Finance Rates Officer</p>
74. Certificate of Liabilities	
<p>74.1 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:</p> <p>74.1.1 the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 or Schedule 1B of the Act (including rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act)); and</p> <p>74.1.2 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.</p>	<p>General Manager Corporate Services</p> <p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Finance Rates Officer</p> <p>Manager Planning Services</p> <p>Team Leader Administration & Regulation</p> <p>Administration Assistant – Development & Compliance</p>
75. Investigation by Ombudsman	
<p>75.1 The function pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to—</p> <p>75.1.1 the Ombudsman; and</p> <p>75.1.2 if relevant, the person who made the complaint.</p>	

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Delegated Power	Sub-delegation
75.2 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.	
76. Fees and Charges	
76.1 The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges:	
76.1.1 for the use of any property or facility owned, controlled, managed or maintained by the Council; - Condition Applies	General Manager Community Connections Manager Customer Experience Team Leader Customer Service Customer Service Officer Records Officer/Customer Service Officer Admin/Hiring Officer Events Coordinator
76.1.2 for services supplied to a person at his or her request; - Not Delegated	
76.1.3 for carrying out work at a person's request; - Not Delegated	
76.2 The power pursuant to Section 188(3) of the Act to provide for -	General Manager Corporate Services Manager Finance
76.2.1 specific fees and charges;	
76.2.2 maximum fees and charges and minimum fees and charges;	
76.2.3 annual fees and charges;	
76.2.4 the imposition of fees or charges according to specified factors;	

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Delegated Power	Sub-delegation
76.2.5 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	<p>General Manager Corporate Services</p> <p>General Manager Community Connections</p> <p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Recreation & Leisure Services</p>
76.2.6 the reduction, waiver or refund, in whole or in part, of any fees and charges.	<p>General Manager Corporate Services</p> <p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>General Manager Community Connections</p> <p>Manager Library Services</p> <p>Team Leader Library Customer Service (Library Notice fees only)</p> <p>Manager Recreation & Leisure Services</p>
76.3 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.	<p>General Manager Corporate Services</p> <p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>General Manager Community Connections</p>

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Delegated Power	Sub-delegation
76.4 The function pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, update 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.	
77. Acquisition of Land	
77.1 The power pursuant to Section 190 of the Act to acquire land by agreement. - Not delegated	
77.2 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.	
77.3 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. - Not delegated	
77.4 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. - Not delegated	
77.5 The function 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 <i>Gazette</i> .	
78. Community Land	
78.1 The function pursuant to Section 193(6) of the Act to give notice in the <i>Gazette</i> of a resolution— 78.1.1 to exclude land from classification as community land under Section 193(4) of the Act; or 78.1.2 to classify as community land, land that had previously been excluded from classification as such under Section 193(5) of the Act.	General Manager Corporate Services Manager Governance Property Officer
78.2 The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to— 78.2.1 prepare a report on the proposal containing— 78.2.1.1 a summary of reasons for the proposal; and	General Manager Corporate Services Manager Governance Property Officer

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
<p>78.2.1.2 a statement of any dedication, reservation or trust to which the land is subject; and</p> <p>78.2.1.3 a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and the statement of how the Council proposes to use the proceeds; and</p> <p>78.2.1.4 an assessment of how implementation of the proposal would affect the area and the local community; and</p> <p>78.2.1.5 if the Council is not the owner of the land, a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and</p> <p>78.2.2 follow the relevant steps set out in the Council's public consultation policy.</p>	
<p>78.3 After complying with the requirements of Section 194(2) of the Act, the function 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.</p>	<p>General Manager Corporate Services</p> <p>Manager Governance</p> <p>Property Officer</p>
<p>78.4 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. - Not delegated</p>	
79. Effect of Revocation of Classification	
<p>79.1 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 function 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.</p>	<p>General Manager Corporate Services</p> <p>Manager Governance</p> <p>Property Officer</p>
80. Management Plans for Community Land	
<p>80.1 The function pursuant to Section 196(1), (2), (3) and (7) of the Act to prepare for consideration and adoption by the Council a management plan or management plans for Council's community land, for which a management plan must be prepared, that—</p> <p>80.1.1 identifies the land to which it applies; and</p>	<p>General Manager Corporate Services</p> <p>Manager Governance</p> <p>Property Officer</p>

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Delegated Power	Sub-delegation
<p>80.1.2 states the purpose for which the land is held by the Council; and</p> <p>80.1.3 states the Council's objectives, policies (if any) and proposals for the management of the land; and</p> <p>80.1.4 states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.</p>	
<p>80.2 If a management plan relates to land that is not in the Council's ownership, the power and function 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>80.2.1 identify the owner of the land; and</p> <p>80.2.2 state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and</p> <p>80.3 contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.</p>	
<p>80.4 The function 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>	<p>General Manager Corporate Services</p> <p>Manager Governance</p> <p>Property Officer</p>
81. Public Consultation on Proposed Management Plan	
<p>81.1 Before the Council adopts a management plan for community land, the function to pursuant to Section 197(1) of the Act and subject to Section 197(2) of the Act—</p> <p>81.2 make copies of the proposed plan available for inspection or purchase at the Council's principal office; and</p> <p>81.3 follow the relevant steps set out in Council's public consultation policy.</p> <p>81.4 The function pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.</p>	<p>General Manager Corporate Services</p> <p>Manager Governance</p> <p>Property Officer</p>
82. Amendment or Revocation of Management Plan	
<p>82.1 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. - Not delegated</p>	
<p>82.2 The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council adopting a</p>	<p>General Manager Corporate Services</p>

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Delegated Power	Sub-delegation
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.	Manager Governance Property Officer
82.3 The function pursuant to Section 198(4) of the Act to give public notice of Council's adoption of a proposal for the amendment or revocation of a management plan.	General Manager Corporate Services Manager Governance Property Officer
83. Effect of Management Plan	
83.1 The function pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land.	General Manager Infrastructure, Planning & Sustainability Services
84. Business Use of Community Land	
84.1 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.	
85. Sale or Disposal of Local Government Land	
85.1 The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land: - Not delegated	
85.1.1 vested in the Council in fee simple; or	
85.1.2 vested in the Council as lessee.	
85.2 The power pursuant to Section 201(2) of the Act to: - Not Delegated	
85.2.1 grant an easement (including a right of way) over community land; and	
85.2.2 grant an easement (excluding a right of way) over a road or part of a road.	
86. Alienation of Community Land by Lease or Licence	
86.1 The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), and to make provision in a lease or licence for—	General Manager Corporate Services Manager Governance Property Officer

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Delegated Power	Sub-delegation
<p>86.1.1 the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;</p> <p>86.1.2 the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);</p> <p>86.1.3 any other matter relevant to the use or maintenance of the land.</p>	
<p>86.2 The function pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council's public consultation policy, unless—</p> <p>86.2.1 the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the proposed lease or licence is 5 years or less; or</p> <p>86.2.2 the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.</p>	<p>General Manager Corporate Services</p> <p>Manager Governance</p> <p>Property Officer</p>
<p>86.3 The power and function 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.. - Not delegated</p>	
<p>86.4 The function pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.</p>	<p>General Manager Corporate Services</p> <p>Manager Governance</p> <p>Property Officer</p>
87. Register of Community Land	
<p>87.1 The function pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area.</p>	<p>General Manager Corporate Services</p> <p>Manager Governance</p> <p>Property Officer</p>
<p>87.2 The function pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register—</p>	<p>General Manager Corporate Services</p>

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Delegated Power	Sub-delegation
87.2.1 contains the information required by the Regulations; and	Manager Governance
87.2.2 contains copies of current management plans.	Property Officer
87.3 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.	General Manager Corporate Services Manager Governance Property Officer
87.4 The function 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.	General Manager Corporate Services Manager Governance Property Officer
88. Ownership of Public Roads	
88.1 The function 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services
89. Ownership of Fixtures and Equipment installed on Public Roads	
89.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services
90. Conversion of Private Road to Public Road	
90.1 The function 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services

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Delegated Power	Sub-delegation
<p>90.2 The function 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 –</p> <p>90.2.1 if the identity and whereabouts of the owner of the road are known to the Council, to give written notice to the owner of land subject to the proposed declaration; and</p> <p>90.2.2 if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council – give written notice to the person of the proposed declaration; and</p> <p>90.2.3 to give public notice of the proposed declaration.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p>
<p>90.3 The function pursuant to Section 210(5) to publish in the Gazette a declaration of the Council made in accordance with Section 210(1) of the Act.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p>
<p>90.4 The function pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made.</p>	
91. Highways	
<p>91.1 The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p>
92. Power to Carry Out Roadwork	
<p>92.1 The power pursuant to Section 212(1) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p>

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Delegated Power	Sub-delegation
<p>92.2 The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that—</p> <p>92.2.1 the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and</p> <p>92.2.2 before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and</p> <p>92.2.3 the roadwork in relation to a private road is only carried out if—</p> <p style="padding-left: 40px;">92.2.3.1 the owner agrees; or</p> <p style="padding-left: 40px;">92.2.3.2 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 style="padding-left: 40px;">92.2.3.3 the identity or whereabouts of the owner is unknown; and</p> <p>92.2.4 the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager City Operations</p> <p>Manager Infrastructure Services</p>
93. Recovery of Cost of Roadwork	
<p>93.1 Where roadwork has been carried out 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>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager City Operations</p> <p>Manager Infrastructure Services</p> <p>Team Leader Asset Planning & Design Engineering</p> <p>Graduate Engineer</p> <p>Special Projects & Facilities Coordinator</p>

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Delegated Power	Sub-delegation
	Senior Design Engineer (Major Projects & Stormwater) Senior Transport Officer
<p>93.2 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>93.2.1 the person who caused the damage; or</p> <p>93.2.2 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>	General Manager Infrastructure, Planning & Sustainability Services Manager City Operations Manager Infrastructure Services Team Leader Asset Planning & Design Engineering Graduate Engineer Special Projects & Facilities Coordinator Senior Design Engineer (Major Projects & Stormwater) Senior Transport Officer
<p>93.3 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>	
<p>94. Contribution Between Councils where Road is on Boundary Between Council Areas</p>	
<p>94.1 Where roadwork is carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is brought.</p>	General Manager Infrastructure, Planning & Sustainability Services Manager City Operations

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Delegated Power	Sub-delegation
	Manager Infrastructure Services Team Leader Asset Planning & Design Engineering Graduate Engineer Special Projects & Facilities Coordinator Senior Design Engineer (Major Projects & Stormwater) Senior Transport Officer
95. Special Provisions for Certain Kinds of Roadwork	
95.1 If the Council changes the level of a road, the function pursuant to Section 215(1) of the Act to— 95.1.1 ensure that adjoining properties have adequate access to the road; and 95.1.2 construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.	General Manager Infrastructure, Planning & Sustainability Services Manager City Operations Manager Infrastructure Services Team Leader Asset Planning & Design Engineering Graduate Engineer Special Projects & Facilities Coordinator Senior Design Engineer (Major Projects & Stormwater) Senior Transport Officer

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Delegated Power	Sub-delegation
<p>95.2 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>95.2.1 there is no significant risk of damage to the adjoining property; or</p> <p>95.2.2 the road work does not significantly increase the risk of damage to adjoining property.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager City Operations</p> <p>Manager Infrastructure Services</p>
<p>95.3 The function 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>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager City Operations</p> <p>Manager Infrastructure Services</p>
96. Power to Order Owner of Private Road to Carry out Specific Roadwork	
<p>96.1 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>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p>
<p>96.2 The function 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>96.2.1 any proposal to make an order; and</p> <p>96.2.2 if an order is made, any order, under Section 216(1) of the Act.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p>
97. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work	
<p>97.1 The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including</p>	<p>General Manager Infrastructure, Planning &</p>

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Delegated Power	Sub-delegation
<p>pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner—</p> <p>97.1.1 to carry out specified work by way of maintenance or repair; or</p> <p>97.1.2 to move the structure or equipment in order to allow the Council to carry out roadwork.</p>	<p>Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Team Leader Asset Planning & Design Engineering</p> <p>Graduate Engineer</p> <p>Special Projects & Facilities Coordinator</p> <p>Senior Design Engineer (Major Projects & Stormwater)</p> <p>Senior Transport Officer</p>
<p>97.2 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>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Team Leader Asset Planning & Design Engineering</p> <p>Graduate Engineer</p> <p>Special Projects & Facilities Coordinator</p> <p>Senior Design Engineer (Major Projects & Stormwater)</p> <p>Senior Transport Officer</p>

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Delegated Power	Sub-delegation
<p>98. Power to Require Owner of Adjoining Land to Carry Out Specific Work</p>	
<p>98.1 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>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Team Leader Asset Planning & Design Engineering</p> <p>Graduate Engineer</p> <p>Special Projects & Facilities Coordinator</p> <p>Senior Design Engineer (Major Projects & Stormwater)</p> <p>Senior Transport Officer</p>
<p>98.2 The function 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>98.2.1 any proposal to make an order; and</p> <p>98.2.2 if an order is made, any order under Section 218(1) of the Act.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Team Leader Asset Planning & Design Engineering</p> <p>Graduate Engineer</p> <p>Special Projects & Facilities Coordinator</p> <p>Senior Design Engineer (Major</p>

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Delegated Power	Sub-delegation
	Projects & Stormwater) Senior Transport Officer
99. Power to Assign a Name, or Change a Name, of a Road or Public Place	
99.1 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.	
99.2 The function 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
99.3 Where it is proposed to change the name of a public road that runs into the area of an adjoining Council, the function pursuant to Section 219(2) of the Act to— 99.3.1 give the adjoining Council at least 2 months notice of the proposed change; and 99.3.2 consider any representations made by the adjoining Council in response to that notice.	
99.4 The duty pursuant to Section 219(3) of the Act to— 99.4.1 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 99.4.2 on request by the Registrar-General, the Surveyor-General or the Valuer-General, to provide information about the names of roads or public places in the Council's area.	
99.5 The function 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Administration and Regulation

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Delegated Power	Sub-delegation
	Administration Assistant – Development & Compliance
99.6 The power pursuant to Section 219(5) of the Act to prepare a policy relating to the assigning of names under Section 219 of the Act for consideration and adoption by the Council.	General Manager Corporate Services Manager Governance
99.7 The function pursuant to Section 219(7) of the Act to give public notice of the adopting or altering of a policy under Section 219 of the Act. 99.7.1 in the Gazette; and 99.7.2 in a newspaper circulating in the area of the Council; and 99.7.3 on a website determined by the Chief Executive Officer.	General Manager Corporate Services Manager Governance
100. Numbering of Premises and Allotments	
100.1 The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.	
100.2 The power 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Administration and Regulation Administration Assistant – Development & Compliance Senior Development Officer - Planning Development Officer - Planning
100.3 The function 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	General Manager Infrastructure, Planning &

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Delegated Power	Sub-delegation
requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act.	Sustainability Services Manager Planning Services Team Leader Administration and Regulation Administration Assistant – Development & Compliance Senior Development Officer - Planning Development Officer - Planning
100.4 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.	
100.5 The function pursuant to Section 220(3) of the Act to give public notice of resolution adopting, altering or substituting a numbering system for a particular road.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Administration and Regulation Administration Assistant – Development & Compliance
100.6 The function pursuant to Section 220(4) of the Act to notify the Valuer-General of the resolution adopting, altering or substituting a numbering system.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Administration and Regulation Administration Assistant –

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Delegated Power	Sub-delegation
	Development and Compliance
100.7 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Administration and Regulation Administration Assistant – Development & Compliance Senior Development Officer - Planning Development Officer - Planning
101. Alteration of Road	
<p>101.1 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: - Condition applies</p> <p>101.1.1 altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or</p> <p>101.1.2 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>101.1.3 changing or interfering with the construction, arrangement or materials of the road; or</p> <p>101.1.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or</p> <p>101.1.5 planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Team Leader Asset Planning & Design Engineering</p> <p>Special Projects & Facilities Coordinator</p> <p>Senior Design Engineer (Major Projects & Stormwater)</p> <p>Graduate Engineer</p>

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Delegated Power	Sub-delegation
	Manager Environment & Sustainability Manager Planning Services Team Leader Administration & Regulation Senior Transport Officer Senior Tree Management Officer General Inspector
101.2 Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the function pursuant to Section 221(4) of the Act to give consideration as to whether the structure will— 101.2.1 unduly obstruct the use of the road; or 101.2.2 unduly interfere with the construction of the road; or 101.2.3 have an adverse effect on road safety.	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Team Leader Asset Planning & Design Engineering
101.3 The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act— 101.3.1 for a particular act or occasion; or 101.3.2 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Team Leader Asset Planning & Design Engineering Special Projects & Facilities Coordinator Senior Design Engineer (Major Projects & Stormwater)

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Delegated Power	Sub-delegation
	Graduate Engineer Manager Environment & Sustainability Senior Tree Management Officer
102. Permits for Business Purposes	
102.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Administration & Regulation
102.2 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.	
102.3 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Manager Infrastructure Services Team Leader Administration & Regulation
103. Public Consultation	
103.1 The function 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— 103.1.1 that confers a right of exclusive occupation; or	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services

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Delegated Power	Sub-delegation
<p>103.1.2 that would have the effect of restricting access to a road; or</p> <p>103.1.3 in relation to a use or activity for which public consultation is required under the Regulations.</p>	<p>Team Leader Administration & Regulation</p>
<p>103.2 The function 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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Team Leader Administration & Regulation</p>
104. Conditions of Authorisation/Permit	
<p>104.1 The power pursuant to Section 224 of the Act subject to Sections 224(2) and (4) of the Act to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Team Leader Administration & Regulation</p>
105. Cancellation of Authorisation/Permit	
<p>105.1 The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit:</p> <p>105.1.1 in the case of a permit for the purposes of a mobile food vending business under Section 222 of the Act – cancel the permit for breach of a condition if the breach is sufficiently serious to justify cancellation of the permit; or</p> <p>105.1.2 in any other case - cancel the authorisation or permit for breach of a condition.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Team Leader Administration & Regulation</p> <p>Manager Infrastructure Services</p>
<p>105.2 The function pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to—</p> <p>105.2.1 give the holder of the authorisation or permit a written notice of the proposed cancellation stating the</p>	<p>General Manager Infrastructure, Planning &</p>

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Delegated Power	Sub-delegation
<p>grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and</p> <p>105.2.2 consider any representations made in response to the notice.</p>	<p>Sustainability Services</p> <p>Manager Planning Services</p> <p>Team Leader Administration & Regulation</p> <p>Manager Infrastructure Services</p>
<p>105.3 The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Team Leader Administration & Regulation</p>
<p>105.4 The power pursuant to Section 225(4) of the Act if the Council cancels a permit under Section 225(1)(a) of the Act, to specify at the time of cancellation a period (not exceeding six months) that an application for a permit for the purposes of a mobile food vending business under Section 222 of the Act must not be made by or on behalf of the person who, before the cancellation, held the permit.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Team Leader Administration & Regulation</p>
106. Register of Roads	
<p>106.1 The power and function pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which—</p> <p>106.1.1 includes the information required by regulation; and</p> <p>106.1.2 may consist (if the Delegate so decides) of a computer record of the relevant information.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Team Leader Asset Planning & Design Engineering</p>

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106.2 The function 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.	
107. Planting Trees and Vegetation	
<p>The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement)—</p> <p>107.1 giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account—</p> <p>107.1.1 environmental and aesthetic issues; and</p> <p>107.1.2 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>107.1.3 road safety matters; and</p> <p>107.1.4 other matters (if any) considered relevant by the Delegate; and</p> <p>107.2 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>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Manager City Operations</p> <p>Manager Environment & Sustainability</p> <p>Senior Tree Management Officer</p>
108. Road Damage	
108.1 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>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Team Leader Asset Planning & Design Engineering</p> <p>Manager City Operations</p> <p>Graduate Engineer</p>

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	Special Projects & Facilities Coordinator Senior Design Engineer (Major Projects & Stormwater) Senior Transport Officer
109. Council's Power to Remove Objects from Roads	
<p>109.1 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>109.1.1 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>109.1.2 an authorisation or permit has been granted but has later expired or been cancelled.</p>	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Team Leader Asset Planning & Design Engineering Manager City Operations Graduate Engineer Special Projects & Facilities Coordinator Senior Design Engineer (Major Projects & Stormwater) Senior Transport Officer
<p>109.2 The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.</p>	General Manager Infrastructure, Planning & Sustainability Services
<p>109.3 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</p>	General Manager Infrastructure, Planning &

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vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles.	Sustainability Services Manager City Operations Manager Infrastructure Services
110. Abandonment of Vehicles and Farm Implements	
110.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
111. Removal of Vehicles	
111.1 The function pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Administration & Regulation General Inspector
111.1.1 by written notice in the prescribed form -	
111.1.2 served on the owner personally; or	
111.1.3 served on the owner by the use of person-to-person registered post,	
111.1.4 as soon as practicable after the removal of the vehicle; or	
111.1.5 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.	
111.2 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 function 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
111.3 The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:	General Manager Infrastructure,

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111.3.1 the vehicle is offered for sale but not sold; or	Planning & Sustainability Services Manager Planning Services
111.3.2 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.	
111.4 The function pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale as follows:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Administration & Regulation General Inspector
111.4.1 firstly, in payment of the costs of and incidental to the sale;	
111.4.2 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;	
111.4.3 thirdly, in payment of the balance to the owner of the vehicle.	
111.5 The function 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 function to pay the balance of the proceeds of sale to the Council.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Administration & Regulation General Inspector
111.6 The function 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 function to deal with the property as unclaimed goods under the Unclaimed Goods Act 1987 as if the Council were the bailee of those goods.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Administration & Regulation General Inspector
112. Time Limits for Dealing with Certain Applications	
112.1 Where the power to decide upon certain applications to which the Section applies has been delegated, the duty	

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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.	
112.1.1 The function 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.	
113. Issue of Certificate of Title by Registrar-General	
113.1 The function 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.	
113.2 The function 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: 113.2.1 in a manner and form approved by the Registrar-General; and 113.2.2 accompanied by— 113.2.2.1 any surveys of the land and other materials that the Registrar-General may reasonably require; and 113.2.2.2 a fee fixed by the Registrar-General.	
114. Liability for Injury, Damage or Loss Caused by Certain Trees	
114.1 The power and function 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).	
115. Council May Require Bond or Other Security in Certain Circumstances	
115.1 Subject to Section 245A of the Act, if,	General Manager Infrastructure, Planning & Sustainability Services Manager City Operations
115.1.1 a person has approval to carry out development under the Development Act 1993; and	
115.1.2 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,	

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the power, pursuant to Section 245A of the Act, to, by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.	Manager Infrastructure Services Team Leader Asset Planning & Design Engineering Graduate Engineer Special Projects & Facilities Coordinator Senior Design Engineer (Major Projects & Stormwater) Senior Transport Officer Coordinator Green Asset Maintenance
115.2 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.	General Manager Infrastructure, Planning & Sustainability Services Manager City Operations Manager Infrastructure Services Graduate Engineer Special Projects & Facilities Coordinator Senior Design Engineer (Major Projects & Stormwater) Senior Transport Officer
116. Certain Matters in Relation to Passing By-Laws	
116.1 The function 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	

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published in the Gazette and in a newspaper circulating in the area of the Council.	
116.2 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 function pursuant to Section 249(1) of the Act to make copies of the proposed by law (and any code, standard or other document proposed to be applied or incorporated by the by-law) are made available to the public in accordance with Section 132(1).	
116.2.1 Before the Council makes a by-law, the function pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner –	
116.2.1.1 the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and	
116.2.1.2 the by-law is not in conflict with the Act.	
116.3 The function pursuant to Section 249(5) of the Act to publish a by-law in the Gazette.	
116.4 The function 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.	
116.5 The function 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.	
116.6 The function 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.	
116.7 The function 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.	
116.8 The function pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time.	
117. Power to Make Orders	

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<p>117.1 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 of the Act, 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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Manager Infrastructure Services</p>
<p>117.2 The function pursuant to Section 255(1) of the Act before taking action to make an order under Part 2 of Chapter 12 of the Act (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing—</p> <p>117.2.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and</p> <p>117.2.2 stating the reasons for the proposed action; and</p> <p>117.2.3 inviting the person to show, within a specified time (being a reasonable period), why the proposed action should not be taken (by making representations to the Delegate).</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Manager Infrastructure Services</p>
<p>117.3 If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the function pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Manager Infrastructure Services</p>
<p>117.4 The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act—</p> <p>117.4.1 to make an order in accordance with the terms of the original proposal; or</p> <p>117.4.2 to make an order with modifications from the terms of the original proposal; or</p> <p>117.4.3 to determine not to proceed with an order.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p>

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	Manager Infrastructure Services
<p>117.5 The power pursuant to Section 255(5) of the Act to—</p> <p>117.5.1 include two or more orders in the same instrument;</p> <p>117.5.2 direct two or more persons to do something specified in the order jointly.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Manager Infrastructure Services</p>
<p>117.6 The function pursuant to Section 255(6) of the Act to ensure that the order—</p> <p>117.6.1 subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and</p> <p>117.6.2 states the reasons for the order.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p> <p>Manager Infrastructure Services</p>
117.7 The function 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.	
117.8 If an order is directed to a person who is not the owner of the relevant land, the function pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner.	
117.9 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>117.10 If the Delegate, in the circumstances of a particular case, considers—</p> <p>117.10.1 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>117.10.2 that an emergency situation otherwise exists, the Delegate has the power pursuant to Section 255(12) of the Act to—</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>General Manager Corporate Services</p>

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<p>117.10.3 proceed immediately to make an order under this Section without giving notice under Section 255(1) of the Act; and</p> <p>117.10.4 require immediate compliance with an order despite Section 255(6)(a) of the Act.</p>	
118. Rights of Review of an Order	
<p>118.1 The function pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 of the Act includes a statement setting out the rights of the person to seek a review of the order under the Act, and to include the information specified by the Regulations to the Act.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p>
119. Action on Non-Compliance with an Order	
<p>119.1 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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p>
<p>119.2 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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p>
<p>119.3 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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Planning Services</p>
<p>119.4 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—</p>	<p>General Manager Corporate Services</p>

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<p>119.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and</p> <p>119.4.2 if the person is the owner of the land to which the order relates – the power, in accordance with Schedule 6 of the Act, to impose a charge over the land for the unpaid amount, together with interest.</p>	
120. Policies Concerning Orders	
120.1 The power pursuant to Section 259(1) of the Act to take reasonable steps to prepare for consideration and adoption by the Council policies concerning order making (“Orders Policy”).	General Manager Corporate Services Manager Governance
<p>120.2 The power pursuant to Section 259(2) of the Act to—</p> <p>120.2.1 prepare a draft of an Orders Policy; and</p> <p>120.2.2 by notice in a newspaper circulating in the area of the Council, to 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 Delegate (being at least four weeks).</p>	General Manager Corporate Services Manager Governance
120.3 The function pursuant to Section 259(3) of the Act to consider any submission made on the proposed Orders Policy in response to an invitation under Section 259(2) of the Act.	General Manager Corporate Services Manager Governance
120.4 The power to amend the Orders Policy at any time, pursuant to Section 259(4) of the Act. - Not delegated	
120.5 The function pursuant to Section 259(5) of the Act before adopting an amendment to the Orders Policy, to take the steps specified in Section 259(2) and (3) of the Act (as if the amendment were a new policy), unless the Delegate determines the amendment is only of minor significance.	General Manager Corporate Services Manager Governance
120.6 The function 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 function to take into account any relevant policy under Division 3 of Part 2 of Chapter 12 of the Act.	
121. Appointment of Authorised Persons	
121.1 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.	

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121.2 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.	
121.3 The power pursuant to Section 260(3) of the Act to issue to an authorised person an identity card— 121.3.1 containing a photograph of the authorised person; and 121.3.2 identifying any conditions or limitations imposed under Section 260(2) of the Act.	General Manager Corporate Services Manager Governance Governance Officer
121.4 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.	
122. Member Behaviour	
122.1 The power pursuant to Section 262A(3) of the Act to deal with a complaint in accordance with the Council's Behavioural Management Policy.	
122.2 The power pursuant to section 262B(1) of the Act to prepare and adopt a Behavioural Management Policy. – Not delegated	
123. Procedures for Review of Decisions and Requests for Services	
123.1 The power 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:	General Manager Corporate Services Manager Governance
123.1.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and	
123.1.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.	
123.2 The power and function 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:	General Manager Corporate Services Manager Governance
123.2.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and	

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123.2.2 using information gained from the Council's community to improve its services and operations.	
123.3 Without limiting Sections 270(a1) and (a2) of the Act, the power and function 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:	General Manager Corporate Services Manager Governance
123.3.1 the Council;	
123.3.2 employees of the Council;	
123.3.3 other persons acting on behalf of the Council,	
123.4 The function 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 determines to be relevant) -	General Manager Corporate Services Manager Governance
123.4.1 the manner in which an application for review may be made;	
123.4.2 the assignment of a suitable person to reconsider a decision under review;	
123.4.3 the matters that must be referred to the Council itself for consideration or further consideration;	
123.4.4 in the case of applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers – the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the Act;	
123.4.5 the notification of the progress and outcome of an application for review;	
123.4.6 the timeframes within which notifications will be made and procedures on a review will be completed.	
123.5 The power pursuant to Section 270(3a) of the Act to, as the Delegate thinks fit, reduce, waive or refund (in whole or part) the fee under Section 270(3) of the Act.	General Manager Corporate Services Manager Governance
123.6 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—	

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<p>123.6.1 the application was made by an employee of the Council and relates to an issue concerning his or her employment; or</p> <p>123.6.2 it appears that the application is frivolous or vexatious; or</p> <p>123.6.3 the applicant does not have a sufficient interest in the matter;</p> <p>123.6.4 the Council or Delegate or person (as the case requires) is satisfied that the subject matter of the application has been or is already the subject of a review by the Council or an investigation, inquiry or review by another authority.</p>	
123.7 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.	
<p>123.8 The power and function pursuant to Section 270(8) of the Act to, on an annual basis, initiate a report that relates to—</p> <p>123.8.1 the number of applications for review made under Section 270; and</p> <p>123.8.2 the kinds of matters to which the applications relate; and</p> <p>123.8.3 the outcome of applications under this Section; and</p> <p>123.8.4 such other matters as may be prescribed by the Regulations.</p>	
123.9 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.	
124. Mediation, Conciliation and Neutral Evaluation	
124.1 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.	
124.2 The function 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.	

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125. Provision of Information to Minister	
125.1 The power and function, 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.	
125.2 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:	
125.2.1 the information was given to the Council in confidence; or	
125.2.2 is held on a confidential basis under Chapter 6 Part 4.	
126. Minister May Refer Investigation of Council to Ombudsman	
126.1 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.	
126.2 The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.	
127. Action on a Report	
127.1 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.	
127.2 The power pursuant to Section 275(2) of the Act to make submissions to the Minister.	
128. Special Jurisdiction	
128.1 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—	
128.1.1 proceedings to try the title of a member to an office;	
128.1.2 proceedings to try the right of a person to be admitted or restored to an office;	
128.1.3 proceedings to compel restoration or admission;	
128.1.4 proceedings to compel the Council to proceed to an election, poll or appointment;	
128.1.5 proceedings to try the validity of a rate or service charge;	

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<p>128.1.6 proceedings to try the validity of a by-law;</p> <p>128.1.7 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.</p>	
129. Service of Documents	
129.1 Where a document is required or authorised to be served on or given to a person by the Council, the power and function to effect service in accordance with and pursuant to Section 279 of the Act.	
129.2 The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for service of documents on the Council and the power to accept or authorise a person to accept documents on Council's behalf.	
130. Recovery of Amounts from Lessees or Licensees	
130.1 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.	
131. Ability of Occupiers to Carry out Works	
131.1 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.	
132. Power to Enter and Occupy Land	
132.1 The function 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.	General Manager Infrastructure, Planning & Sustainability Services
<p>132.2 The function pursuant to Section 294(3) of the Act –</p> <p>132.2.1 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</p>	

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
<p>132.2.2 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</p> <p>132.2.3 within 6 months of ceasing to occupy the land</p> <p>132.2.3.1 remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and</p> <p>132.2.3.2 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;</p> <p>132.2.4 The function pursuant to Section 294(5) of the Act, at the request of an owner or occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining land.</p>	
133. Reclamation of Land	
133.1 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.	
133.2 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.	
133.3 The function pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act.	
133.4 The function 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 of Chapter 10 of the Act.	
134. Property in Rubbish	
134.1 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.	
135. Power to Act in an Emergency	

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
135.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager City Operations Manager Infrastructure Services
136. Costs of Advertisements	
136.1 The function 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.	
137. Use of Facilities	
137.1 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.	
138. Preparation of Stormwater Management Plans by Councils	
138.1 The function pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan —	
138.1.1 complies with the guidelines issued by the Authority; and	
138.1.2 is prepared in consultation with the relevant regional NRM board or boards; and	
138.1.3 is prepared in accordance with any other procedures or requirements prescribed by the Regulations.	
139. Authority May Issue Order	

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
<p>139.1 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.</p> <p>139.2 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).</p>	General Manager Infrastructure, Planning & Sustainability Services
140. Special Powers in Relation to Land	
<p>140.1 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 condition imposed on approval of a stormwater management plan or action required by an order under Clause 20 of Schedule 1A of the Act, to—</p> <p>140.1.1 enter and occupy any land; and</p> <p>140.1.2 construct, maintain or remove any infrastructure; and</p> <p>140.1.3 excavate any land; and</p> <p>140.1.4 inspect, examine or survey any land and for that purpose—</p> <p style="padding-left: 40px;">(i) fix posts, stakes or other markers on the land; and</p> <p style="padding-left: 40px;">(ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and</p> <p style="padding-left: 40px;">(iii) remove samples for analysis; and</p> <p>140.1.5 alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and</p> <p>140.1.6 hold water in a watercourse or lake or by any other means; and</p> <p>140.1.7 divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and</p> <p>140.1.8 deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and</p>	General Manager Infrastructure, Planning & Sustainability Services Manager City Operations Manager Infrastructure Services

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
<p>140.1.9 undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and</p> <p>140.1.10 undertake any testing, monitoring or evaluation; and</p> <p>140.1.11 undertake any other activity of a prescribed kind.</p>	
<p>140.2 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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p>
141. Entry and Occupation of Land Other Than Council Land	
<p>141.1 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.</p> <p>141.2 The power pursuant to Clause 25(3) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the Delegate considers is reasonable in the circumstances.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager City Operations</p> <p>Manager Infrastructure Services</p>
142. Vesting of Infrastructure, etc	
<p>142.1 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. - Not delegated</p>	
143. Building Upgrade Agreement <i>(May only be delegated to CEO)</i>	
<p>143.1 The power pursuant to Clause 2(1) of Schedule 1B of the Act, subject to Clause 2 of Schedule 1B of the Act, to, in relation to a building situated on land within the area of the Council, enter into an agreement (a <i>building upgrade agreement</i>) under which - Not delegated:</p>	
<p>143.1.1 the building owner agrees to undertake upgrade works in respect of the building; and</p>	

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
143.1.2 a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and	
143.1.3 the Council agrees:	
143.1.3.1 to levy a charge on the relevant land (a building upgrade charge), to be paid by the building owner, for the purpose of recouping the money advanced by the finance provider for the upgrade works (and any interest or other charges payable to the finance provider under the agreement); and	
143.1.3.2 to pay to the finance provider any money paid to the Council by way of the building upgrade charge (other than any service fee or late payment fee that the Council is permitted by the agreement to deduct and retain).	
143.2 The power pursuant to Clause 2(3) of Schedule 1B of the Act to include in a building upgrade agreement, payment to the finance provider of penalty interest on money advanced by the finance provider under the agreement, at such rate as determined in accordance with the regulations, and, if the regulations do not provide for the determination of the rate at such rate as determined in accordance with the agreement. - Not delegated	
143.3 The power pursuant to Clause 2(4) of Schedule 1B of the Act to agree that a building upgrade agreement may be entered into by any other persons that the delegate considers should be parties to the agreement. - Not delegated	
144. Variation or Termination of Agreement (May only be delegated to CEO)	
144.1 The power pursuant to Clause 4 of Schedule 1B of the Act to vary or terminate a building upgrade agreement by further agreement between the primary parties. - Not delegated	
145. Contents of Agreement (May only be delegated to CEO)	
145.1 The power pursuant to Clause 5(1) of Schedule 1B of the Act to make a building upgrade agreement in writing and specify:	
145.1.1 the upgrade works to be undertaken by or on behalf of the building owner under the agreement; and	

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
145.1.2 the amount of money to be advanced by the finance provider under the agreement; and	
145.1.3 the amount of the building upgrade charge to be levied by the Council under the agreement; and	
145.1.4 the schedule for the payment, by the building owner, of a building upgrade charge to the Council; and	
145.1.5 the amount of, or a method for calculating the amount of, any service fee or late payment fee that the Council may deduct and retain; and	
145.1.6 any prescribed matters.	
145.2The power pursuant to Clause 5(2) of Schedule 1B of the Act to, in a building upgrade agreement:	
145.3provide for the early repayment of any amount payable under the agreement; and	
145.4include and agree to other provisions.	
146. Declaration of Building Upgrade Charge <i>(May only be delegated to CEO)</i>	
146.1The power pursuant to Clause 6(1) of Schedule 1B of the Act, after the Council enters into a building upgrade agreement, to, in accordance with the terms of the agreement, declare a building upgrade charge in respect of the relevant land (being a charge of the agreed amount specified in the building upgrade agreement). - Not delegated	
146.2The power pursuant to Clause 6(2) of Schedule 1B of the Act, if the Council or delegate declares a building upgrade charge, to, within 28 days after the declaration give the building owner written notice in accordance with Clauses 6(3) and (4) of Schedule 1B of the Act specifying:	
146.2.1 the name and address of the building owner; and	
146.2.2 a description of the relevant land in respect of which the building upgrade charge is being levied; and	
146.2.3 the building upgrade agreement under which the building upgrade charge is being levied; and	
146.2.4 the amount for which the building owner is liable; and	

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
146.2.5 the manner of payment of the amount; and	
146.2.6 the due date for payment of the amount, in accordance with the schedule for the payment of the building upgrade charge to the Council (specified in the building upgrade agreement); and	
146.2.7 the amount of, or method of calculating, any service fee of the Council authorised by the building upgrade agreement and any late payment fee that may be imposed by the Council if the building owner fails to pay an amount for which the building owner is liable by the due date; and	
146.2.8 any prescribed matters.	
146.3 The power pursuant to Clause 6(4) of Schedule 1B of the Act, to, in relation to each payment in respect of a building upgrade charge for which a building owner is liable, give a notice under Clause 6(2) of Schedule 1B of the Act to the building owner at least 28 days before the date for payment specified in the notice.	
147. Payment of Building Upgrade Charge	
147.1 The power pursuant to Clause 7(2) of Schedule 1B of the Act, on payment of money in respect of a building upgrade charge to the Council, to deduct and retain any service fee and late payment fee authorised by the building upgrade agreement.	General Manager Corporate Services Manager Finance
147.2 The power pursuant to Clause 7(3) of Schedule 1B of the Act in relation to money paid to the Council in respect of a building upgrade charge, to, other than any service fee and late payment fee retained by the Council,	General Manager Corporate Services Manager Finance
147.2.1 hold that money on behalf of the finance provider pending payment to the finance provider; and	
147.2.2 pay that money to the finance provider in accordance with the terms of the building upgrade agreement under which the charge was levied.	
148. Sale of Land for Non-payment of Building Upgrade Charge	
148.1 The power pursuant to Clause 9(1) of Schedule 1B of the Act, subject to clause 9 of Schedule 1B of the Act to, if an amount for which a building owner is liable in respect of a building upgrade charge remains unpaid for more than 3 years, sell the relevant land in accordance with the regulations. - Not delegated	

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
148.2 The power pursuant to Clause 9(2) of Schedule 1B of the Act to, apply any money received by the Council in respect of the sale of land under Clause 9 of Schedule 1B of the Act as follows:	General Manager Corporate Services Manager Finance
148.2.1 firstly – in paying the costs of the sale and any other costs incurred in proceeding under Clause 9 of Schedule 1B of the Act;	
148.2.2 secondly – in discharging any liabilities to the Council in respect of the land (other than any building upgrade charge, service fee or late payment fee in relation to a building upgrade charge);	
148.2.3 thirdly – in discharging any liability to the Council for a building upgrade charge, service fee or late payment fee in relation to a building upgrade charge;	
148.2.4 fourthly – in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;	
148.2.5 fifthly – in discharging any liabilities secured by registered mortgages, encumbrances or charges;	
148.2.6 sixthly – in discharging any other mortgages, encumbrances or charges of which the Council has notice;	
148.2.7 seventhly – in payment to the owner of the land.	
148.3 The power pursuant to Clause 9(3) of Schedule 1B of the Act, if the owner cannot be found after making reasonable inquiries as to his or her whereabouts, to deal with an amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1891.	General Manager Corporate Services Manager Finance
149. Repayment of Advances to Finance Provider	
149.1 The power pursuant to Clause 10(2) of Schedule 1B of the Act, if a building upgrade agreement is terminated before all the money that the finance provider agreed to advance to the building owner is advanced, to:	General Manager Corporate Services Manager Finance
149.1.1 adjust the building upgrade charge to reflect the lower amount advanced to the building owner; and	
149.1.2 give the building owner written notice of the adjustment.	

LOCAL GOVERNMENT ACT 1999	
Delegated Power	Sub-delegation
149.2 The power pursuant to Clause 10(3) of Schedule 1B of the Act, if, as a result of an adjustment being made to a building upgrade charge under clause 10 of Schedule 1B of the Act:	General Manager Corporate Services Manager Finance
149.2.1 the building owner has made payment in respect of the charge in excess of the adjusted amount; and	
149.2.2 the excess amount has been paid by the Council to the finance provider,	
to refund the building owner the excess amount paid.	
150. Register of Building Upgrade Agreements	
150.1 The power pursuant to Clause 13(1) of Schedule 1B of the Act to keep a register of building upgrade agreements in accordance with Clause 13(2) of Schedule 1B of the Act.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
150.2 The power pursuant to Clause 13(3) of Schedule 1B of the Act to make available the register for inspection (without charge) by a member of the public at the principal office of the Council during ordinary office hours and to provide a person with an extract from the register (without charge).	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services

SCHEDULE OF CONDITIONS**CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
5.1 & 44	<p>Delegated power only to be exercised as it complies with delegated financial limit.</p> <p>Chief Executive Officer:</p> <ul style="list-style-type: none"> Section 36(1)(a)(i): Chief Executive Officer – Limited to \$1,000,000 (exc GST) and subject to the conditions of Council's Procurement Policy, with the exception of electricity contracts, whereby the Chief Executive Officer's financial delegation is unlimited to the extent needed to secure ongoing electricity arrangements for Council's facilities and service provision where endorsement in principle has been provided by Council. Section 137: Chief Executive Officer - to expend Council's approved budgeted funds, in the exercise, performance or discharge of the Council's powers, functions or duties under the Local Government Act 1999 or other Acts.
7.2	Delegated power can only be exercised when replacing existing Club/School representative appointments on Section 41 Committees of the Council.
60.1	Staff may exercise this delegation in subsequent years where Council initially approved an applicants' request for rate rebate.
70.1	Team Leader Customer Service, Customer Service Officer and Records Officer/Customer Service Officer subdelegation may only be exercised within the first 14 days after payment is due.
76.1.1	Authorised to issue permits
101.1	<p>Delegated power only to be exercised to authorise an alteration in the nature of:</p> <ul style="list-style-type: none"> (a) placement of temporary hoardings and containers; (b) house removal clearance; (c) erection of scaffolding; and (d) usage of cranes for development purposes.

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

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

LOCAL NUISANCE AND LITTER CONTROL ACT 2016	
Delegated Power	Sub-delegation
1. Authorised Officers	
1.1 The power pursuant to Section 12(3) of the Local Nuisance and Litter Control Act 2016 (the Act), to appoint:	
1.1.1 specified officers or employees of the Council; or	
1.1.2 a specified class of officers or employees of the Council,	
to be authorised officers for the purposes of the Act.	
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.	
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.	
2. Identity Cards	
2.1 The function 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:	General Manager Corporate Services Manager Governance Governance Officer
2.1.1 containing the person's name and a recent photograph of the person; and	
2.1.2 stating that the person is an authorised officer for the purposes of the Act; and	

LOCAL NUISANCE AND LITTER CONTROL ACT 2016	
Delegated Power	Sub-delegation
2.1.3 specifying the name of the Council.	
2.2 The function pursuant to Section 13(3) of the Act to issue an identity card as soon as is reasonably practicable after the appointment is made.	General Manager Corporate Services Manager Governance Governance Officer
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.	
4. Provisions Relating to Seizure	
4.1 The function 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.	
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
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	General Manager Infrastructure, Planning &

LOCAL NUISANCE AND LITTER CONTROL ACT 2016		
Delegated Power		Sub-delegation
	in respect of a specified activity to be carried on in the Council's area.	Sustainability Services Manager Planning Services
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
5.3	The power 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:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
5.3.1	there are exceptional circumstances that justify the making of the declaration; and	
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.	
5.4	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:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
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.	
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
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	

LOCAL NUISANCE AND LITTER CONTROL ACT 2016	
Delegated Power	Sub-delegation
Section 19 of the Act and any variations of the declaration; and	
5.6.2 function 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.	
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.	
6.2 The power pursuant to Section 22(3)(a)(ii) of the Act to approve or authorise the manner of the disposal of litter in the Council's area.	
7. Liability of Vehicle Owners	
7.1 The function 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:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Administration Assistant – Development & Compliance Team Leader Administration & Regulation
7.1.1 setting out the name and address of the person who the owner believes to have been the alleged principal offender; or	
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 Harbors 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).	
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. – Condition applies	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services

LOCAL NUISANCE AND LITTER CONTROL ACT 2016		
Delegated Power		Sub-delegation
7.3	The function 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:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
7.3.1	setting out particulars of the alleged principal offence; and	
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).	
7.4	The function pursuant to Section 26(9) of the Act, if:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Administration Assistant – Development & Compliance Team Leader Administration & Regulation
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.	
7.5	The function 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Administration Assistant – Development & Compliance Team Leader Administration & Regulation
8.	Notification of EPA of Serious or Material Environmental Harm	
8.1	The function 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	General Manager Infrastructure, Planning &

LOCAL NUISANCE AND LITTER CONTROL ACT 2016	
Delegated Power	Sub-delegation
meaning of the Environment Protection Act 1993, to, as soon as practicable, notify the Environment Protection Authority of that belief.	Sustainability Services Manager Planning Services
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
9.3 The:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
9.3.1 function 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	
9.3.1.2 specifies the person to whom it is issued (by name or by a description sufficient to identify the person); and	
9.3.1.3 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	

LOCAL NUISANCE AND LITTER CONTROL ACT 2016	
Delegated Power	Sub-delegation
9.3.2.2 impose a requirement that the person do one or more of the following:	
(a) discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice;	
(b) not carry on a specified activity except at specified times or subject to specified conditions;	
(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;	
(d) furnish to the Council specified results or reports within a specified period;	
(e) clean up litter that the Council or delegate considers to have been caused by a contravention of this Act;	
(f) make good any damage to property that the Council or delegate considers to have been caused by a contravention of this Act;	
(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 of the Act;	
(h) take such other specified action in a specified way, and within a specified period or at specified times or in specified circumstances; and	
(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	

LOCAL NUISANCE AND LITTER CONTROL ACT 2016	
Delegated Power	Sub-delegation
B. keeping a specified area (not exceeding 100 metres) around business premises free from litter; and	
(j) impose any other requirement prescribed by regulation; and	
(k) ensure it states that the person may, within 14 days, appeal against the notice to the Environment Resources and Development Court.	
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
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:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
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.	
9.6 The function 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance

LOCAL NUISANCE AND LITTER CONTROL ACT 2016	
Delegated Power	Sub-delegation
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
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.	
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.	
10.3 The function 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.	
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.	General Manager Corporate Services Manager Finance
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.	General Manager Corporate Services Manager Finance
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:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
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;	

LOCAL NUISANCE AND LITTER CONTROL ACT 2016	
Delegated Power	Sub-delegation
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;	Team Leader Development Assessment & Compliance
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;	
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;	
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;	
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.	
11.2 The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services

LOCAL NUISANCE AND LITTER CONTROL ACT 2016	
Delegated Power	Sub-delegation
	Team Leader Development Assessment & Compliance
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
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).	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
11.6 The power pursuant to Section 33(11) of the Act to make an application without notice to any person.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
11.7 The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development

LOCAL NUISANCE AND LITTER CONTROL ACT 2016	
Delegated Power	Sub-delegation
	Assessment & Compliance
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services Team Leader Development Assessment & Compliance
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
12.2 The function 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
12.3 The function 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:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
12.3.1 unless the Council or the delegate has served on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention 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.	

LOCAL NUISANCE AND LITTER CONTROL ACT 2016	
Delegated Power	Sub-delegation
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
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).	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
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).	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
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 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
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	

LOCAL NUISANCE AND LITTER CONTROL ACT 2016	
Delegated Power	Sub-delegation
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:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
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.	
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
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:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
15.1.1 has taken action to:	
15.1.1.1 investigate the contravention; or	
15.1.1.2 issue a nuisance abatement notice or litter abatement notice in respect of the contravention; or	

LOCAL NUISANCE AND LITTER CONTROL ACT 2016	
Delegated Power	Sub-delegation
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	
15.1.2 has, in taking such action, incurred costs and expenses in taking samples or in conducting tests, examinations, monitoring or analyses,	
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.	
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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
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:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
15.3.1 extend the time for payment of an amount payable in accordance with the notice; or	
15.3.2 waive payment of such an amount or reduce the amount payable.	
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.	General Manager Corporate Services Manager Finance
16. Assessment of Reasonable Costs and Expenses	
16.1 The function 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
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:	

LOCAL NUISANCE AND LITTER CONTROL ACT 2016	
Delegated Power	Sub-delegation
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.	
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.	

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
7.2	Can only be exercised with agreement of Council's Chief Executive Officer

DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER UNDER THE REAL PROPERTY ACT 1886

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

REAL PROPERTY ACT 1886	
Delegated Power	Subdelegation
1. Lands granted prior to the day on which this Act comes into operation may be brought into operation under this Act	
1.1 The power pursuant to Section 27 of the <i>Real Property Act 1886</i> (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: - Not delegated	
1.1.1 the Council claims to be the person in whom the fee simple is vested either at law or in equity;	
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.	
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. - Not delegated	
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	

REAL PROPERTY ACT 1886	
Delegated Power	Subdelegation
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. - Not delegated	
2. Undivided shares and mortgaged land may not be brought under Act except upon conditions	
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, - Not delegated	
2.1.1 the Council appears to be entitled to an undivided share of the land; or	
2.1.2 the Council is the mortgagee of the land.	
3. Caveat against bringing land under Act	
3.1 The power pursuant to and in accordance with Section 39 of the Act, where the Council has or claims an estate or interest in any land sought to be brought under the provisions of the Act, to, within the time by the Registrar-General or under any order of the Court for that purpose limited, lodge a caveat with the 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.	
4. Applicant may withdraw their application	
4.1 The power pursuant to Section 41 of the Act, to:	
4.1.1 withdraw the Council's application at any time prior to the issuing of the certificate;	
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.	
5. Proceedings under Caveat	
5.1 The power pursuant to Section 44 of the Act, whenever a caveat shall have been lodged with 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.	

REAL PROPERTY ACT 1886	
Delegated Power	Subdelegation
6. Priority of instruments	
6.1 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 two or more registered mortgages or encumbrances.	
6.2 The power pursuant to Section 56(6)(b) of the Act to consent to an application for the variation of an order of priority in accordance with Section 56(5) of the Act where the Council is the holder of a registered mortgage or encumbrance which is, by virtue of the proposed variation of order of priority, to be postponed to a mortgage or encumbrance over which it has had priority.	
7. Issue of new certificate on application	
7.1 The power pursuant to Section 78 of the Act where the Council is a registered proprietor holding land under one or more certificates, to make application 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.	General Manager Corporate Services Manager Governance
8. Application for Certificate based on possession	
8.1 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.	
9. Caveats	
9.1 The power pursuant to and in accordance with Section 80F of the Act, where the Council claims an estate or interest in land to which an application under Part 7A relates, to lodge a caveat with the Registrar-General forbidding the granting of the application.	
10. Variation and Extinguishment of Easements	
10.1 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:	General Manager Infrastructure, Planning and Sustainability Services
10.1.1 vary the position of, or extend or reduce the extent of, an easement over servient land; or	

REAL PROPERTY ACT 1886	
Delegated Power	Subdelegation
10.1.2 vary an easement by extending the appurtenance of the easement to other land owned by the proprietor of the dominant land; or	
extinguish an easement.	
10.2 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.	General Manager Infrastructure, Planning and Sustainability Services
11. Easement subject to existing mortgage etc	
11.1 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.	
12. Person now holding under lease or agreement may surrender	
12.1 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. - Not delegated	
12.2 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. - Not delegated	
13. Execution and registration of Crown Lease	
13.1 The power pursuant to Section 93(1) of the Act, where the Council is party to a Crown lease, to execute the lease for	

REAL PROPERTY ACT 1886	
Delegated Power	Subdelegation
lodgement in the Lands Titles Registration Office for inclusion or recording in the Register of Crown Leases.	
14. Transfers	
14.1 The power pursuant to and in accordance with Section 96 of the Act, where the Council is the registered proprietor of any land to transfer that land and for that purpose, to execute a transfer in the appropriate form set out within section 96(2) of the Act.	
14.2 The power pursuant to and in accordance with Section 96 of the Act, where the Council is the registered proprietor of any right-of-way or other easement intended to be created or transferred, to execute a transfer in the appropriate form set out within section 96(2) of the Act.	
15. Creation of easements by reservation	
15.1 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.	
16. Sale under Writ of fieri facias or Decree, Warrant or Order of Court	
16.1 The power pursuant to Section 105 of the Act in relation to a writ or warrant of execution against land, or of a decree or order (other than an order for sale for non-payment of rates) affecting land issued out of or made by the Court, or any Court of insolvency or other Court of competent jurisdiction, to sign a statement to accompany such a writ, warrant, decree or order where the Council is a party interested, specifying the land sought to be affected.	
17 Issue of certificate where land is vested by operation of law	
17.1 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:	General Manager Corporate Services Manager Governance
17.1.1 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	
17.1.2 in the case of land not under the provisions of the Act – bring the land under the provisions of the Act	

REAL PROPERTY ACT 1886	
Delegated Power	Subdelegation
and register the Council as the proprietor of that estate or interest in the land.	
18. Lands, now leased	
18.1 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.	
19. Leases not to bind non-consenting mortgagees or encumbrancees	
19.1 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. - Not delegated	
20. Standard terms and conditions of lease	
20.1 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.	General Manager Corporate Services Manager Governance
21. Lease may be surrendered by separate instrument	
21.1 The power pursuant to Section 120 of the Act to surrender a registered lease by instrument in the appropriate form, signed by the lessee and lessor.	General Manager Corporate Services Manager Governance
22. Registrar-General may enter surrender	
22.1 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 their intention to give up possession of the land comprised in such lease, to make application in the appropriate form and on production of such evidence as the Registrar-General may require that the lessee has abandoned occupation of the land to make a record in the Register Book of the surrender of the lease.	General Manager Corporate Services Manager Governance
23. Surrender where lease subject to mortgage or under lease	
23.1 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. - Not delegated	

REAL PROPERTY ACT 1886	
Delegated Power	Subdelegation
24. Registrar-General to note particulars of re-entry in Register Book	
24.1 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.	General Manager Corporate Services Manager Governance
25. Mortgage of land	
25.1 The power pursuant to Section 128 and Section 128B of the Act and in accordance with the requirements of Section 129 of the Act: - Condition Applies	
25.1.1 whenever the Council is the registered proprietor of land intended to be charged or made security in favour of any person - to execute a mortgage in the appropriate form; and	
25.1.2 whenever the Council is the registered proprietor of land intended to be charged with, or made security for, the payment of an annuity, rent charge or sum of money, in favour of any person - to execute an encumbrance in the appropriate form.	
26. Standard terms and conditions of Mortgage or Encumbrance	
26.1 The power pursuant to Section 129A(1) of the Act to deposit with the Lands Titles Registration Office for filing a document containing terms and conditions for incorporation as standard terms and conditions in mortgages or encumbrances under Section 129A of the Act.	General Manager Corporate Services Manager Governance
27. Nature of Mortgage and Encumbrance and procedure in case of default	
27.1 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.	

REAL PROPERTY ACT 1886	
Delegated Power	Subdelegation
28. Power of sale	
28.1 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.	
29 Power of Mortgagee to enter, take possession, distrain, let or bring action for recovery of land	
29.1 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:	
29.1.1 enter into possession of the mortgaged or encumbered land and receive the rents and profits thereof; or	
29.1.2 distrain upon the occupier or tenant of the land; or	
29.1.3 from time to time let the said land for any term not exceeding one year; or	
29.1.4 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.	
30. Power of Mortgagee to distrain on tenant or occupier for arrears not exceeding the amount of rent due	
30.1 The power pursuant to and in accordance with Section 138 of the Act, where the Council is a mortgagee or encumbrancee and the principal sum, interest, annuity, or rent charge has been in arrears for 21 days and a further 7 days have elapsed from the date of application for the payment thereof to the occupier or tenant, to enter upon the mortgaged or encumbered land and distrain upon the goods and chattels of the occupier or tenant for such arrears to an amount not exceeding the rent then due from such occupier or tenant to the Council, and to dispose of the goods and chattels so distrained upon in like manner as landlords may do in ordinary distresses for rent, and out of	

REAL PROPERTY ACT 1886	
Delegated Power	Subdelegation
the proceeds to retain the moneys distrained for, and all costs and expenses occasioned by such distress and sale.	
31 Application to Mortgagee to Registrar-General for foreclosure	
31.1 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.	
32 Provision for case where Mortgagee or Encumbrancee refuses to join in proceedings on default	
32.1 The power pursuant to Section 142A(1) of the Act, where the Council and one or more other persons are registered as mortgagees or encumbrances under the same mortgage or encumbrance, and default has been made in payment of any money due under the mortgage or encumbrance or in the performance of any covenant in the said mortgage or encumbrance expressed or implied as entitles the mortgagees or encumbrances to exercise any of their rights or remedies under the Act or under the mortgage or encumbrance, and any such mortgagee or encumbrance fails or refuses to join in giving any notice, making any application or doing any other act or thing for the purpose of enforcing any of the said rights or remedies, to apply to the Court by originating summons to:	
32.1.1 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;	
32.1.2 give any directions as to the mode of exercising the said rights or remedies and as to any other matters incidental thereto.	
33 Discharge of Mortgages and Encumbrances	
33.1 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 signed by the Delegate, a mortgagee or encumbrance held by the Council.	
34. Partial discharge of Mortgage or Encumbrance on Grant of Easement	
34.1 The power pursuant to Section 144 of the Act, where an easement is granted over land that is subject to a mortgage	

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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.	
35. Transfer of Mortgage Lease and Encumbrance	
35.1 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.	
36. Renewal or extension of Mortgage etc	
36.1 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. - Not delegated	
37. Person who intends to lodge an instrument may lodge a priority notice.	
37.1 The power pursuant to Section 154A(1) of the Act to lodge an instrument, on payment of the prescribed fee with the Lands Titles Registration Office, a priority notice (as required under Section 154A(2) of the Act) for the purpose of giving priority to 1 or more instruments relevant to the same conveyancing transaction - Not delegated	
38. Withdrawal of priority notice	
38.1 The power pursuant to Section 154E of the Act to withdraw a priority notice by lodging a notice of withdrawal in the appropriate form with the Lands Titles Registration Office.	
39. Disclaimers	
39.1 The power pursuant to Section 169(1) of the Act, where the Council claims that it has been registered, without its consent, as proprietor of any estate or interest in land, to advise the Registrar-General in writing that the registration occurred.	
39.2 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.	
39.3 The power pursuant to Section 169(6) of the Act, where the Council is a disclaimant who has received a notice under paragraph (b) of Section 169(4) or (5) of the Act to apply to the Supreme Court for an order that the Registrar-General take such action as is necessary to give effect to the instrument of disclaimer.	

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40. Bankruptcy or assignment of lessee	
40.1 The power pursuant to Section 173(1)(a) of the Act where the Council is a lessor and the registered proprietor of the lease has become bankrupt, or has made or will make, a statutory assignment and if such lease be not mortgaged or encumbered under the provisions of the Act, to apply to the Registrar-General in writing accompanied by a statement in writing, signed by the Official Receiver or the trustee under such bankruptcy or assignment, certifying their refusal to accept such lease, to make record in the Register Book a note of such refusal;	
40.2 The power pursuant to Section 173(1)(b) of the Act and in accordance with Section 173(1)(c) of the Act, where the Council is the mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make, a statutory assignment to:	
40.2.1 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 their refusal to accept such lease to make record in the Register Book a note of such refusal.	
40.2.2 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.	
40.3 The power pursuant to Section 173(1)(c) of the Act, where the Council is the mortgagee or encumbrance of a lease and the registered proprietor of the lease has heretofore made or shall hereafter make, a statutory assignment to give fourteen days' notice in writing of the Council's intended application to every subsequent mortgagee or encumbrancee of the lease, or obtain their written consent.	
40.4 The power pursuant to Section 173(1)(c) of the Act where the Council is a subsequent mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make a statutory assignment, to consent in writing to an application to the Registrar-General by a mortgagee or encumbrance to enter in the Register Book a note of the refusal or neglect of the	

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Delegated Power	Subdelegation
Official Receiver or trustee under bankruptcy or assignment to accept such lease.	
40.5 The power pursuant to Section 173(1)(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:	
40.5.1 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;	
40.5.2 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.	
40.6 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 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.	
41. Application to be made in such case	
41.1 The power pursuant to Section 176 of the Act where the Council is an executor or administrator before dealing with such estate or interest, make application in writing to the Registrar-General to be registered as the proprietor.	
42. Proceedings when executor etc refuse to transfer	
42.1 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,	

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administrator, or Public Trustee shall transfer the said land to the Council.	
43. Registration of survivor of joint proprietors, and of remainder-man entitled to estate in possession	
43.1 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.	
44. Caveats	
44.1 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.	
44.2 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.	
44.3 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.	
44.4 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.	
44.5 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.	
44.6 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.	

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Delegated Power	Subdelegation
44.7 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.	
44.8 The power pursuant to Section 191(3) of the Act to lodge a caveat under this Section in respect of land for which the Council is the registered proprietor.	
45. Ejectment	
45.1 The power pursuant to Section 192 of the Act, and in accordance with Section 193 of the Act, where the Council is:	
45.1.1 the registered proprietor of a freehold estate in possession;	
45.1.2 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;	
45.1.3 the lessor with power to re-enter where rent is in arrears for three months; or	
45.1.4 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.	
46. Persons claiming may, before taking proceedings, apply to the Registrar-General for compensation	
46.1 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.	
47. Reviews	
47.1 If the Council is dissatisfied with a decision of the Registrar-General to cancel the registration of a mortgage under Section 147 of the Act, the power pursuant to	

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Delegated Power	Subdelegation
Section 221(1a) of the Act to seek a review of the decision by the Tribunal.	
48. Applications for amendment	
48.1 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:	
48.1.1 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	
48.1.2 the description of the land in the certificate is erroneous or imperfect on the face of it.	
48.2 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.	
49. Caveats	
49.1 The power pursuant to Section 223D(1) of the Act and in accordance with Section 223D(2) of the Act, where the Council claims any estate or interest in any land in respect of which an application under Part 19A of the Act is made, to at any time before the application is granted lodge a caveat in the Lands Titles Registration Office forbidding the granting of the application.	
50. Rectification by consent	
50.1 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.	
51. Application for Division of Land	
51.1 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	

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Delegated Power	Subdelegation
make application for the division of land to the Registrar-General. - Not delegated	
51.2 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.	
51.3 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.	
52. Application may deal with statutory encumbrances	
52.1 The power pursuant to Section 223LDA of the Act to: - Not delegated	
52.1.1 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	
52.1.2 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.	
53. Consent to plans of division	
53.1 The power pursuant to Section 223LH(1) of the Act:	
53.1.1 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;	
53.1.2 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;	
53.1.3 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.	

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Delegated Power	Subdelegation
53.2 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.	
54. Amalgamation	
54.1 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.	
54.2 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 encumbrancee 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.	
55. Authority To Register	
55.1 The power pursuant to section 273(1) and (1A) of the Act to provide certification in the appropriate form to deal with or affect land (including by instrument lodged electronically under the Electronic Conveyancing National Law (South Australia))	

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
25.1	The delegation of the power contained in section 128 of the Act is subject to section 44(3)(c) of the <i>Local Government Act 1999</i> , that is, the delegate is not delegated the power to borrow money or obtain other forms of financial accommodation.

**Delegations to the Chief Executive Officer under the
Roads (Opening and Closing) Act 1991**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

ROADS (OPENING AND CLOSING) ACT 1991	
Delegated Power	Sub-delegation
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.	
2. Deposit of Preliminary Plan and Statement of Persons Affected	
<p>2.1 The function pursuant to Section 9(1) of the Roads (Opening and Closing) Act 1991 ("the Act") where the Council proposes to commence a road process, to cause to be prepared:</p> <p>2.1.1 a preliminary plan of the land subject to the proposed road process in a form approved by the Surveyor-General; and</p> <p>2.1.2 a statement in a form approved by the Surveyor-General containing—</p> <p style="padding-left: 40px;">2.1.2.1 the names and addresses of those persons affected who can be identified by reasonable enquiry; and</p> <p style="padding-left: 40px;">2.1.2.2 such information in relation to the land subject to the proposed road process as is required by the Surveyor-General.</p> <p>2.2 The function 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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p>
3. Notification of Proposed Road Process	

ROADS (OPENING AND CLOSING) ACT 1991	
Delegated Power	Sub-delegation
<p>3.1 The function pursuant to Section 10(1) of the Act where the Council commences a road process (where the Council is the relevant authority in relation to the road process) to—</p> <p>3.1.1 after compliance with the requirements of Section 9 of the Act, give public notice, in accordance with the Regulations, of the proposal; and</p> <p>3.1.2 at the same time to give notice in writing of the proposal on each person affected who can be identified by reasonable enquiry.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p>
<p>3.2 The function pursuant to Section 10(2) of the Act to (where the Council is a relevant authority in relation to a proposed road process) as soon as practicable after giving public notice under Section 10(1) of the Act in relation to the process, deposit a copy of the notice at the Adelaide office of the Surveyor-General.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p>
4. Dealings in Land after Commencement of Road Process	
<p>4.1 The power pursuant to Section 11(a)(ii) of the Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is land which has been brought under the Real Property Act 1886), to lodge a caveat with the Registrar-General forbidding any dealing with the land without the consent of the Council.</p> <p>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 in writing served on any person, require the person to deliver up to the Registrar-General any instrument evidencing the person's interest in the land.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p>
5. Power to make Preliminary Agreements	
<p>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. - Not delegated</p>	
<p>5.2 The function to pursuant to Section 12(3) of the Act where the Delegate seeks to make an agreement for transfer in</p>	

ROADS (OPENING AND CLOSING) ACT 1991	
Delegated Power	Sub-delegation
relation to land subject to a proposed road closure pursuant to Section 12 of the Act: - Not delegated	
5.2.1 where adjoining land is owned by a person who owns land subject to a proposed road opening, first endeavour to secure an agreement for exchange with that person;	
5.2.2 in any case, 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 function 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services
7. Making of Road Process Order	
7.1 The function 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—	General Manager Infrastructure, Planning & Sustainability Services
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.	
7.2 The function 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;	General Manager Infrastructure, Planning & Sustainability Services
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.	

ROADS (OPENING AND CLOSING) ACT 1991		
Delegated Power		Sub-delegation
<p>7.3 The function 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>		General Manager Infrastructure, Planning & Sustainability Services
<p>7.4 The function pursuant to Section 17 of the Act where, when acting as the relevant authority, a road process order or a road closure has been made, to as part of that order make one or more of the following orders dealing, or together dealing, with all of the land subject to the road closure:</p> <p>7.4.1 if an agreement for exchange or transfer has been made in respect of land subject to the road closure, an order that the land be transferred or added to other land in accordance with the agreement;</p> <p>7.4.2 an order that the land be sold by public auction or tender, if the Delegate considers that land subject to the road closure can conveniently be used separately from other land and the power to so form that opinion;</p> <p>7.4.3 an order that land subject to the road closure be sold, or transferred, for use for some public, charitable or beneficial community purpose;</p> <p>7.4.4 if land subject to the road closure is required by the Council for some purpose—in order that the land be retained by the Council and the Certificate of Title be issued to the Council;</p> <p>7.4.5 an order that land subject to the road closure—</p>		General Manager Infrastructure, Planning & Sustainability Services

ROADS (OPENING AND CLOSING) ACT 1991	
Delegated Power	Sub-delegation
<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>be vested in the Crown.</p>	
<p>7.5 The power 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>	<p>General Manager Infrastructure, Planning & Sustainability Services</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>	<p>General Manager Infrastructure, Planning & Sustainability Services</p>

ROADS (OPENING AND CLOSING) ACT 1991	
Delegated Power	Sub-delegation
<p>7.7 The function pursuant to Section 19 of the Act when acting as the relevant authority to as soon as 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> <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 given pursuant to Division 1 —give notice in writing of the discontinuance of the road process in respect of that land to any person who has an interest in that land; and</p> <p>7.7.2.3 deliver to the Adelaide office of the Surveyor-General a copy of the minutes of all meetings held by it in relation to the proposed road process certified by the Chief Executive Officer of the Council.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p>

ROADS (OPENING AND CLOSING) ACT 1991	
Delegated Power	Sub-delegation
<p>7.8 The function pursuant to Section 20 of the Act, within 3 months after a road process order is made to deposit at the Adelaide office of the Surveyor-General—</p> <p>7.8.1 2 copies of the order; and</p> <p>7.8.2 survey plans as required by the Registrar-General for the purposes of this Section; and</p> <p>7.8.3 in the case of an order for a road closure that includes an order that land be transferred or added to other land in accordance with an agreement for exchange or transfer—a copy of the agreement for exchange or transfer on which is denoted all stamp duty payable in respect of the agreement; and</p> <p>7.8.4 in the case of an order for a road opening or the narrowing of a road—a statement that the order complies with the requirements of Part 8 of the Act as to the minimum width of roads; and</p> <p>7.8.5 any other document required by the Surveyor-General; and</p> <p>7.8.6 any fee prescribed by regulation including any fee required to be paid by a person in whom land or an interest in land would be vested on publication in the <i>Gazette</i> of notice of the order and its confirmation by the Minister.</p>	General Manager Infrastructure, Planning & Sustainability Services
<p>7.9 The function 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>	General Manager Infrastructure, Planning & Sustainability Services
8. Review and Confirmation of Road Process Order	
<p>8.1 The function 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>	General Manager Infrastructure, Planning & Sustainability Services

ROADS (OPENING AND CLOSING) ACT 1991	
Delegated Power	Sub-delegation
<p>8.2 The function 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>	General Manager Infrastructure, Planning & Sustainability Services
9. Compensation	
<p>9.1 The function pursuant to Section 31(1)(a) of the Act where a road is opened pursuant to the Act over land not owned by the Council to—</p> <p>9.1.1 serve notice in writing of the road process order on each person who had an interest in the land immediately before it vested in the Council by virtue of the road opening; and</p> <p>9.1.2 append to the notice an offer in writing stating the total amount of compensation that the Council proposes to pay to the person and dividing the amount, so far as is practicable, into its separate components.</p>	General Manager Infrastructure, Planning & Sustainability Services
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: - Not delegated	
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.	

ROADS (OPENING AND CLOSING) ACT 1991	
Delegated Power	Sub-delegation
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. - Not delegated	
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. - Not delegated	
10A.2 The function, pursuant to Section 34G(2) of the Act to ensure that an application pursuant to Section 34G of the Act is accompanied by: - Not delegated	
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.	
10A.3 The function, pursuant to Section 34G(4) of the Act, if the Minister, after consultation under Section 34G(3) of the Act, determines that the application should be considered to, in accordance with Section 34G(5) of the Act, - Not delegated	
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).	
10A.4 The function, 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 : - Not delegated	

ROADS (OPENING AND CLOSING) ACT 1991	
Delegated Power	Sub-delegation
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.	
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. - Not delegated	
10A.6 The power and function 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. - Not delegated	
11. Duty to Fence	
11.1 The function pursuant to Section 39 of the Act in any case in which a road is fenced along one or both of its boundaries and the road is altered or diverted, to ensure that the road as altered or diverted is fenced along its boundaries with a substantial fence of the same nature as the fence previously on the boundary of the road and the abutting land.	General Manager Infrastructure, Planning & Sustainability Services

SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

**Delegations to the Chief Executive Officer under the
Road Traffic Act 1961**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

ROAD TRAFFIC ACT 1961	
Delegated Power	Sub-delegation
1. Installation etc of traffic control devices – general provision	
1.1 The power pursuant to Section 17(1) of the Road Traffic Act 1961 ('the Act'), to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), install, maintain, alter or operate, or cause to be installed, maintained, altered or operated, a traffic control device on, above or near a road.	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Manager City Operations
1.2 The power pursuant to Section 17(2) of the Act, to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), remove a traffic control device or cause a traffic control device to be removed.	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services
1.3 The power pursuant to Section 17(3) of the Act, to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), install, display, alter, operate or remove traffic control devices:	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Manager City Operations
1.3.1 in relation to an area where persons are engaged in work or an area affected by works in progress; or	
1.3.2 in relation to a part of a road temporarily closed to traffic under the Act or any other Act; or	
1.3.3 for any temporary purposes.	

ROAD TRAFFIC ACT 1961	
Delegated Power	Sub-delegation
1.4 The power pursuant to Section 17(5) of the Act to make an application for an approval of the Minister in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and to accompany the application with the fee fixed by, or calculated in accordance with, the regulations.	General Manager Infrastructure, Planning & Sustainability Services
2. Direction as to Installation etc of Traffic Control Devices	
2.1. The function 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services
2.2. 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.	General Manager Corporate Services
3. Work areas and work sites	
3.1 The power pursuant to Section 20(3) of the Act to, with a relevant authorisation and in accordance with Part 2 of the Act and any regulations made for the purposes of Part 2 of the Act, place signs on a road for the purpose of indicating a maximum speed to be observed by drivers while driving on, by or towards a work area or work site where workers are engaged, or works are in progress, at the direction of the Council or the Council's delegate.	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Manager City Operations

ROAD TRAFFIC ACT 1961	
Delegated Power	Sub-delegation
<p>3.2 The power pursuant to Section 20(4) of the Act to place speed limit signs on a road:</p> <p>3.2.1 if the Council holds a permit issued by the Minister under Section 20 of the Act (a 'roadworks permit') and the signs are placed on the road in accordance with the permit; or</p> <p>3.2.2 if:</p> <p>3.2.2.1 the work is required to be undertaken by the Council as a matter of urgency; and</p> <p>3.2.2.2 the signs are placed on the road in accordance with an approval of the Minister under Part 2 of the Act; and</p> <p>3.2.2.3 the Minister is notified of the placement of the signs as soon as is practicable (and, in any case, within two hours after the signs are placed on the road); and</p> <p>3.2.2.4 the signs are placed on the road for a period not exceeding 24 hours or such longer period as may be determined by the Minister on an application under Section 20(9) of the Act; or</p> <p>3.2.3 if:</p> <p>3.2.3.1 the signs will not relate to any prescribed roads; and</p> <p>3.2.3.2 the signs are placed on the road in accordance with an approval of the Minister under this Part.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Manager City Operations</p>
<p>3.3 The power pursuant to Section 20(6) of the Act to make an application for a roadworks permit in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and to accompany the application with the fee fixed by, or calculated in accordance with, the regulations.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Manager City Operations</p>
<p>3.4 The power pursuant to Section 20(9) of the Act to make an application to the Minister for an extension of the 24 hour period referred to in Section 20(4)(b)(v) of the Act:</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p> <p>Manager City Operations</p>
<p>3.4.1 by telephone or any other manner prescribed by the regulations; and</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p>

ROAD TRAFFIC ACT 1961	
Delegated Power	Sub-delegation
	Manager Infrastructure Services Manager City Operations
3.4.2 at least three hours before the end of that 24 hour period (unless the Minister is satisfied that there were good reasons for a delay in making the application).	
4. Appeal to District Court	
4.1 The power pursuant to Section 20A(1) of the Act, if the Council having applied for an approval of the Minister under Section 17 of the Act or for a roadworks permit under Section 20 of the Act, is dissatisfied with a decision of the Minister in relation to the application, or in relation to an approval or permit granted as a result of the application, to appeal to the District Court against the decision.	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Manager City Operations
5. Action to Deal with False Devices or Hazards to Traffic	
5.1 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.	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services Team Leader Asset Planning & Design Engineering Manager City Operations Graduate Engineer Special Projects & Facilities Coordinator Senior Design Engineer (Major Projects & Stormwater) Senior Transport Officer
6. Road Closing and Exemptions for Certain Events	
6.1 The power pursuant to Section 33(2) of the Act, to consent to an order under Section 33(1) of the Act to close a road in the Council's area.	General Manager Infrastructure,

ROAD TRAFFIC ACT 1961	
Delegated Power	Sub-delegation
	Planning & Sustainability Services Manager Infrastructure Services
7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed	
7.1 The function pursuant to Section 40P(3) of the Act and subject to Section 40P(4) of the Act 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 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.	
7.2 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 a vehicle would be unlikely to exceed the costs incurred in selling the vehicle, to dispose of the vehicle in such manner as the Delegate thinks fit.	General Manager Infrastructure, Planning & Sustainability Services
7.3 The function pursuant to Section 40P(5) of the Act to apply the proceeds of the sale of a vehicle as follows: 7.3.1 firstly, in payment of the costs of and incidental to the sale; 7.3.2 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 of the Act; and 7.3.3 thirdly, in payment of the balance to the owner of the vehicle.	
7.4 The power pursuant to Section 40P(6) of the Act, if after reasonable inquiry following the 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.	
8. Council May Determine That Ticket for Parking be Obtained Without Fee	
8.1 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): - Not delegated	

ROAD TRAFFIC ACT 1961	
Delegated Power	Sub-delegation
8.2 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 - Not delegated	
8.3 vary or revoke a determination made under Section 86 of the Act. - Not delegated	
9. Compensation Orders for Damage to Road Infrastructure	
9.1 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.	
10. Assessment of Compensation	
10.1 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:	
10.1.1 any evidence not adduced in connection with the prosecution of the offence but adduced in connection with the making of the proposed order; and	
10.1.2 any certificate of the Council, as the road authority stating that the Council maintains the road concerned; and	
10.1.3 any other certificate of the Council as the road authority, such as a certificate:	
10.1.4 estimating the monetary value of all or any part of the road infrastructure or of the damage to it; or	
10.1.5 estimating the cost of remedying the damage; or	
10.1.6 estimating the extent of the offender's contribution to the damage.	
11. Service of Certificates	
11.1 The function, 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.	

ROAD TRAFFIC ACT 1961	
Delegated Power	Sub-delegation
12. Exemptions	
<p>12.1 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>	<p>General Manager Infrastructure, Planning & Sustainability Services</p>

ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014	
Delegated Power	Subdelegation
13. Event Management Plan	
<p>13.1 The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with an applicant in the preparation of an event management plan for the purpose of Section 33(1) of the Act.</p> <p>13.2 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.</p>	<p>General Manager Infrastructure, Planning & Sustainability Services</p> <p>Manager Infrastructure Services</p>

ROAD TRAFFIC (ROAD RULES – ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014	
Delegated Power	Subdelegation
14. Permit Zones	
<p>14.1 The power pursuant to Regulation 17(2) of the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 to determine—</p> <p>14.2 the class of permits required for vehicles to stop in a permit zone established by the Council;</p> <p>14.3 the persons entitled to such permits;</p> <p>14.3.1 any fees to be paid for such permits;</p> <p>14.3.2 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.</p> <p>14.4 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.</p>	General Manager Infrastructure, Planning & Sustainability Services Manager Infrastructure Services
15. Parking and Parking Ticket-Vending Machines or Parking Meters	
<p>15.1 The power pursuant to Regulation 22(2) of the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 if the Council has installed permissive parking signs on a length of road or an area, to determine fees that will be payable for parking by the operation of parking ticket-vending machines or parking meters, installed or to be installed in the length of road or area, and the power to vary such fees.</p> <p>- Not delegated</p>	

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER UNDER THE STATE RECORDS ACT 1997

NOTES

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

STATE RECORDS ACT 1997	
Delegated Power	Subdelegation
1. Surveys of Official Records and Record Management	
1.1 The power pursuant to Section 15(2) of the <i>State Records Act 1997</i> (the Act) to afford the Manager reasonable cooperation and assistance in the conduct of a survey under Section 15 of the Act.	
2. Voluntary Transfer to State Records' Custody	
2.1 The power pursuant to Section 18(1) of the Act to, subject to Section 18(2) of the Act, to deliver any of the Council's records into the custody of State Records.	
3. Mandatory Transfer to State Records' Custody	
3.1 The power pursuant to and subject to Section 19(1) of the Act, to deliver an official record of the Council into the custody of State Records (unless sooner delivered to State Records) or dispose of an official record of the Council in accordance with this Act): 3.1.1 when the Council ceases to require access to the record for current administrative purposes; or 3.1.2 during the year occurring 15 years after the record came into existence, whichever first occurs.	
3.2 The power pursuant to and subject to Section 19(3) of the Act, to postpone the delivery of records into the custody of State Records: 3.2.1 in accordance with record management standards issued by the Manager; or 3.2.2 with the Manager's approval, in cases where the Manager is satisfied (after consultation with the Council) that the	

STATE RECORDS ACT 1997	
records are further required for current administrative purposes or should be retained for any other special reason.	
3.3 The power pursuant to Section 19(3)(c) of the Act, to make submissions to the Manager for the delivery of records into the custody of State Records to be postponed.	
3.4 The power pursuant to Section 19(5) of the Act, to apply to the Manager for an exemption granted under Section 19(4) of the Act to be varied or revoked.	
4. Keeping of Official Records in Premises Other than State Records' Premises	
4.1 The power pursuant to Section 22(2) of the Act, to require an arrangement under Section 22(1) of the Act to be subject to such conditions as the Delegate may reasonably require.	
5. Disposal of Official Records by Agency	
5.1 The power pursuant to Section 23(1) of the Act, to dispose of official records in accordance with a determination made by the Manager with the approval of the State Records Council.	
5.2 The power pursuant to Section 23(2) of the Act, to request the Manager make a determination as to the disposal of official records.	
5.3 The power pursuant to Section 23(4) of the Act, if there is a dispute as to a determination under Section 23 of the Act to make an application to the Minister to determine the matter.	
6. Disposal of Official Records by Manager	
6.1 The power pursuant to Section 24(3) of the Act, to consent and make submissions to the Minister in relation to the disposal of a record under Section 24(1) of the Act.	
7. Agency's Access to Records in Custody of State Records	
7.1 The power pursuant to Section 25(1) of the Act, to have such access to, and make or direct such use of as the Delegate requires, official records in the custody of State Records for which the Council is responsible.	
7.2 The power pursuant to Section 25(3) of the Act, if there is a dispute as to access under Section 25 of the Act, to make an application to the Minister to determine the matter.	
8. Public Access to Records in Custody of State Records	

STATE RECORDS ACT 1997	
<p>8.1 The power pursuant to Section 26(1) of the Act, in relation to official records in the custody of State Records for which the Council is responsible, to, in consultation with the Manager:</p> <p>8.1.1 determine that access to the record (other than by the Council) is not subject to any restrictions other than those determined by the Manager under Section 26(2) of the Act; or</p> <p>8.1.2 determine conditions excluding or restricting access to the record.</p>	

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**Delegations to the Chief Executive Officer under the
Unclaimed Goods Act 1987**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

UNCLAIMED GOODS ACT 1987	
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.
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.
1.3	The function 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.
1.4	The function 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.
2.	Sale Or Disposal Of Unclaimed Goods

UNCLAIMED GOODS ACT 1987	
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.
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 function 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.
2.3	The function 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.
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 function 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
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.
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.
3.	Claim Made By Bailor After Commencement Of Proceedings Under This Act

UNCLAIMED GOODS ACT 1987	
3.1	The function 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.
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.
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.
4.	Proceeds of Sale
4.1	The power pursuant to Section 8(1) of the Act in relation to the proceeds of the sale of goods under the Act to -
4.1.1	retain from those proceeds -
4.1.1.1	the reasonable costs of the sale and of proceeding under the Act;
4.1.1.2	the reasonable costs of storing and maintaining the goods prior to sale;
4.1.1.3	the amount of any lien that the Council had over the goods; and
4.1.2	pay the balance to the Treasurer.

SCHEDULE OF CONDITIONS**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

**Delegations to the Chief Executive Officer under the
Water Industry Act 2012 and Water Industry Regulations 2012**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

WATER INDUSTRY ACT 2012	
1. Water Planning	
1.1	The power pursuant to Section 6(6) of the <i>Water Industry Act 2012</i> (the Act), in relation to a proposal:
1.1.1	to create the State Water Demand and Supply Statement; or
1.1.2	to undertake a comprehensive review of the State Water Demand and Supply Statement,
1.1.3	to make written representations on the proposal to the Minister.
2. Application for Licence	
2.1	The power pursuant to Section 19(1) of the Act and in accordance with Sections 19(2), (3) and (4) of the Act, to apply to the Commission in a form approved by the Commission.
3. Licence fees and returns	
3.1	The power pursuant to Section 24(2) of the Act, where the Council is the holder of a licence issued for a term of 2 years or more, to,:
3.1.1	in each year lodge with the Commission, before the date prescribed for that purpose, an annual return containing the information required by the Commission by condition of the licence or by written notice; and
3.1.2	in each year (other than a year in which the licence is due to expire) pay to the Commission, before the date prescribed for that purpose, the relevant annual licence fee, or the first instalment of the relevant annual licence fee, as the case may require.

WATER INDUSTRY ACT 2012	
4. Variation of Licence	
4.1	The power pursuant to Section 28(2) of the Act to:
4.1.1	make application to the Commission to vary the terms or conditions of the Council's licence;
4.1.2	agree to the variation of the terms or conditions of the Council's licence;
4.1.3	make representations to the Commission about the proposed variation.
5. Transfer of Licence	
5.1	The power pursuant to Section 29(1) of the Act, and in accordance with Sections 29(4), (5) and (6) of the Act, to transfer a licence with the Commission's agreement.
5.2	The power pursuant to Section 29(4) of the Act to consent to the transfer of a licence to the Council.
6. Surrender of Licence	
6.1	The power pursuant to Section 32(1) of the Act and in accordance with Section 32(2) of the Act to, by written notice given to the Commission, surrender the Council's licence.
6.2	The power pursuant to Section 32(3) of the Act to agree with the Commission that the required period of notice be shortened.
7. Suspension or cancellation of Licences	
7.1	The power pursuant to Section 33(3)(b) of the Act to make submissions to the Commission in relation to the Commission's proposed action under Section 33 of the Act.
8. Standard terms and conditions for retail services	
8.1	The power pursuant to Section 36(1) of the Act and in accordance with Section 36(4) of the Act to, from time to time, fix standard terms and conditions governing the provision of services by the Council to customers of a designated class.
8.2	The power pursuant to Section 36(2) of the Act to publish in the Gazette a notice setting out any standard terms and conditions fixed by the Council.
8.3	The power pursuant to Section 36(3) of the Act, when the Council publishes a notice in the Gazette under Section 36(2) of the Act, to also publish a notice in a newspaper circulating generally in the State describing the general nature of the standard terms and conditions and advising where a person may read or obtain a copy of the standard terms and conditions.

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8.4	The power pursuant to Section 36(5) of the Act, subject to the conditions of a licence, to modify or exclude a standard term or condition fixed under Section 36 of the Act by express agreement with a customer of the Council.
9.	Customer hardship policies
9.1	The power pursuant to Section 37(3) of the Act to:
9.1.1	adopt a customer hardship policy published by the Minister under Section 37 of the Act; or
9.1.2	with the written approval of the Commission, adopt such a policy with modifications.
10.	Power to take over operations
10.1	The power pursuant to Section 38(2) of the Act, before a proclamation is made under Section 38 of the Act, to make written representations giving reasons why the proclamation should not be made.
11.	Appointment of operator
11.1	The power pursuant to Section 39(3) of the Act to facilitate the take over of the relevant operations by the operator.
12.	Appointment of water industry officer
12.1	The power pursuant to Section 41(1) of the Act, subject to conditions or limitations determined by the Minister, to appoint a person to be a water industry officer for the Council.
12.2	The power pursuant to Section 41(2) of the Act, to give directions to a water industry officer appointed by the Council.
13.	Conditions of appointment
13.1	The power pursuant to Section 42(1) of the Act to appoint a water industry officer for a stated term or for an indefinite term that continues while the officer holds a stated office or position.
13.2	The power pursuant to Section 42(2) of the Act to remove a water industry officer from office.
14.	Identity cards
14.1	The power pursuant to Section 43(1) of the Act and in accordance with Section 43(2) of the Act, to give each water industry officer for the Council an identity card.
15.	Power to enter land to conduct investigations

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15.1	The power pursuant to Section 44(1) of the Act and subject to Section 44(3) of the Act to, by agreement with the occupier of land or on the authorisation of the Minister, enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure.
15.2	The power pursuant to Section 44(3) of the Act, if the Council enters land under the authorisation of the Minister, to:
15.2.1	give reasonable notice of the proposed entry on land under Section 44 of the Act to the occupier; and
15.2.2	minimise the impact of work carried out by the Council on activities of others on the land; and
15.2.3	comply with the conditions of the authorisation.
16. Power to carry out work on land	
16.1	The power pursuant to Section 45(1) of the Act and in accordance with Sections 45(3), (11), (12), (13), (16), (17) and (20) of the Act:
16.1.1	to construct, install, improve or add to any water/sewerage infrastructure; or
16.1.2	to inspect, operate, maintain, test, repair, alter, remove or replace any water/sewerage infrastructure or equipment; or
16.1.3	to lay pipes and install, operate or inspect pumps and other equipment; or
16.1.4	to carry out other work in connection with the establishment or operation of any water/sewerage infrastructure or otherwise connected with any water service or sewerage service; or
16.1.5	to obtain or enlarge a supply of water; or
16.1.6	to protect, improve or restore the quality of water; or
16.1.7	to protect any infrastructure or equipment connected with any water service or sewerage service; or
16.1.8	to perform any other function brought within the ambit of Section 45 of the Act by the regulations.
16.2	The power pursuant to Section 45(3) of the Act, subject to Section 45 of the Act, if the Council seeks to enter public land under Section 45 of the Act, to:
16.2.1	give the authority responsible for the management of public land not less than 12 hours notice of the Council's intention to carry out work on the land; and
16.2.2	secure the authority's agreement to the carrying out of the work;

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16.3	The power pursuant to Section 45(3)(b) of the Act, if an authorised entity seeks to enter public land under Section 45 of the Act and the Council is responsible for the management of the public land, to agree to the carrying out of the work.
16.4	The power pursuant to Section 45(5) of the Act to include in an agreement under Section 45(3) of the Act conditions the delegate considers appropriate in the public interest.
16.5	The power pursuant to Section 45(7) of the Act and subject to Section 45(8) of the Act if a dispute arises between the Council and the authority responsible for managing public land or an authorised entity and the Council about whether work should be permitted under Section 45 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.
16.6	The power pursuant to Section 45(9) of the Act, if a dispute is referred to the Minister under Section 45 of the Act, to make representations to the Minister on the questions at issue in the dispute.
16.7	The power pursuant to Section 45(11) of the Act and subject to Section 45(3) of the Act, if the Council seeks to enter land other than public land for the first time, to give prior written notice to the occupier of the land stating the reason and the date and time of the proposed entry.
16.8	The power pursuant to Section 45(12) of the Act and subject to Section 45(13) of the Act, to give notice to the occupier of land in other circumstances prescribed by the regulations.
16.9	The power pursuant to Section 45(14) of the Act to use reasonable force to enter any land under Section 45 of the Act.
16.10	The power pursuant to Section 45(16) of the Act, at the reasonable request of an owner or occupier of land used for any purpose under Section 45 of the Act, to separate the land being used for the other part or parts of the land by a fence of reasonable construction and design (with such gates as may be necessary for the convenient use of any land) and, in the case of a dispute as to the fence to be constructed under Section 45 of the Act, to refer the matter to the Magistrates Court for resolution.
16.11	The power pursuant to Section 45(17) of the Act to make good any damage caused by the exercise of powers under Section 45 of the Act as soon as practicable (including so as to reinstate any road or other place) or pay reasonable compensation for the damage.
16.12	The power pursuant to Section 45(19) of the Act, in an emergency, to exercise a power under Section 45 of the Act at any time and without prior notice or agreement.
17. Acquisition of land	
17.1	The power pursuant to Section 46(1) of the Act and in accordance with Section 46(2) of the Act, to acquire land in accordance with the Land Acquisition Act 1969. - Not delegated
18. Requirement to connect to infrastructure	

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<i>Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).</i>	
18.1	The power pursuant to Section 45(2) of the Act to apply to the Minister for the approval of a scheme under Section 48 of the Act.
18.2	The power pursuant to Section 48(6) of the Act, if the Minister approves a scheme, to by notice that complies with any requirements prescribed by the regulations and served on any owner of land adjacent to land where the designated part of the prescribed infrastructure is situated, require the owner to connect drains, equipment or works to the prescribed infrastructure in order to provide for the discharge of sewage into the infrastructure.
18.3	The power pursuant to Section 48(9) of the Act, if the requirements of a notice under Section 48 of the Act are not complied with, to take any action required by the notice.
18.4	The power pursuant to Section 48(10) of the Act, to authorise a person to take action on behalf of the Council under Section 45(9) of the Act.
18.5	The power pursuant to Section 48(12) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 45(9) or (10) as a debt from the person who failed to comply with the requirements of the notice.
18.6	The power pursuant to Section 48(13) of the Act to, from time to time, with the approval of the Minister, vary a scheme under Section 48 of the Act.
19. Encroachments	
19.1	The power pursuant to Section 49(1) of the Act to consent to a person:
19.1.1	constructing or placing a building, wall, fence or other structure on or over any water/sewerage infrastructure, or creating some other form of encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure); or
19.1.2	creating any form of encroachment over any easement that exists for the purposes of any water service or sewerage service; or
19.1.3	obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or
19.1.4	excavating or altering any land or structure supporting any water/sewerage infrastructure.
19.2	The power pursuant to Section 49(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 49(1) of the Act, to:
19.2.1	at any reasonable time, enter land and carry out an inspection of any place; and

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19.2.2	as the delegate thinks fit (whether or not an inspection has taken place), by notice that complies with any requirements prescribed by the regulations and served on the person, require the person to take such action as may be specified in the notice to remedy any contravention of Section 49(1) of the Act.
19.3	The power pursuant to Section 49(3) of the Act if any entry under Section 49(2)(a) of the Act is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.
19.4	The power pursuant to Section 49(4) of the Act if the requirements of a notice under Section 49(2)(b) of the Act are not complied with, to take any action required by the notice.
19.5	The power pursuant to Section 49(6) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 49(4) or (5) as a debt from the person who failed to comply with the requirements of the notice.
19.6	The power pursuant to Section 49(7) of the Act to authorise a person to take action on the Council's behalf under Section 49 of the Act.
20. Protection of infrastructure and equipment	
20.1	The power pursuant to Section 50(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 50(1), to:
20.1.1	at any reasonable time, enter any land and carry out an inspection of any place; and
20.1.2	as the delegate thinks fit (whether or not an inspection has taken place), after complying with any requirements prescribed by the regulations, disconnect, close, turn off or remove anything that has, in the opinion of the delegate been attached or used in connection with the contravention.
20.2	The power pursuant to Section 50(3) of the Act, if any entry under Section 50(2)(a) is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.
20.3	The power pursuant to Section 50(4) of the Act to authorise a person to take action on the Council's behalf under Section 50 of the Act.
20.4	The power pursuant to Section 50(7) of the Act, if the Council suffers loss as a result of a contravention of Section 50 of the Act, to recover compensation for the loss from a person guilty of the contravention:
20.4.1	on application to a court convicting the person of an offence against Section 50 of the Act; or
20.4.2	by action in a court of competent jurisdiction.
21. Notice of work that may affect water/sewerage infrastructure	

WATER INDUSTRY ACT 2012	
21.1	The power pursuant to Section 51(4) of the Act, if the Council suffers loss as a result of a contravention of Section 51 of the Act, to recover compensation for the loss from a person guilty of the contravention:
21.1.1	on application to a court convicting the person of an offence against Section 51 of the Act; or
21.1.2	by action in a court of competent jurisdiction.
22. Duty to give notice before paving a road etc	
22.1	The power pursuant to Section 52(1) of the Act, before the Council begins:
22.1.1	to first lay the pavement or hard surface in any road; or
22.1.2	to relay the pavement or hard surface in any road; or
22.1.3	to widen or extend the pavement or hard surface in any road; or
22.1.4	to alter the level of any road; or
22.1.5	to construct or alter any footpaths, gutters, kerbing or water tables in any road; or
22.1.6	to construct or alter any drainage work in any road,
	in which there is any water/sewerage infrastructure, to give the relevant water industry entity at least 14 days notice of the proposed work (being a notice that includes details of the nature and thickness of the pavement or hard surface proposed to be made or laid in any such work, and of any other work that is proposed to be undertaken).
22.2	The power pursuant to Section 52(2) of the Act, to within 14 days after receiving a notice, advise the person who gave the notice of any new water/sewerage infrastructure proposed in the relevant road and of any interference that is expected to be caused to the existing water/sewerage infrastructure.
22.3	The power pursuant to Section 52(3) of the Act, if any work referred to Section 52(1) would involve any alteration to any water/sewerage infrastructure that is owned or operated by a water industry entity, to subject to Section 52(5) of the Act, pay to the entity:
22.3.1	unless Section 52(3)(b) applies – half of the actual cost of the alteration or any damage caused by the work;
22.3.2	in prescribed circumstances – an amount determined under the regulations.
22.4	The power pursuant to Section 52(6) of the Act, to under an agreement between the Council and a person otherwise required to give notice under Section 52 of the Act, waive the requirement to give such notice in relation to specified classes of work.
23. Unlawful abstraction, removal or diversion of water or sewage	

WATER INDUSTRY ACT 2012	
23.1	The power pursuant to Section 53(2) of the Act, to grant approval to a person to install or maintain a pipe capable of conveying water beyond the boundaries of a site occupied by that person where the Council supplies water to the site.
23.2	The power pursuant to Section 53(3) of the Act, if the Council suffers loss as a result of a contravention of Section 53, to recover compensation for the loss from a person guilty of the contravention:
23.2.1	on application to a court convicting the person of an offence against this Section; or
23.2.2	by action in a court of competent jurisdiction.
24. Water meters	
24.1	The power pursuant to Section 54(1) of the Act to, require a person who is supplied with water by the Council, to
24.1.1	allow a person authorised by the Council to enter land and fix a meter supplied by the Council;
24.1.2	ensure that a meter of a kind specified by the Council is fixed and used for purposes of measuring water supplied to the person.
24.2	The power pursuant to Section 54(1) of the Act, to authorise a person to enter land and fix a meter supplied by the Council.
24.3	The power pursuant to Section 54(3) of the Act, with the approval of the Commission or in prescribed circumstances, to include in a requirement under Section 54(1) of the Act a requirement that a person fix or use a meter supplied by the Council.
24.4	The power pursuant to Section 54(10) of the Act, if a person fails to comply with Section 54(9) of the Act, to serve written notice on the person requiring him or her to take such action as is specified in the notice to provide access to the meter or fitting.
24.5	The power pursuant to Section 54(11) of the Act, if a person on whom notice has been served under Section 54(10) of the Act fails to comply with the notice within 1 month to enter the land and take such action (including altering the position of the meter or fitting) as the delegate thinks fit to provide access to the meter or fitting.
24.6	The power pursuant to Section 54(11) of the Act, if a person on whom a notice has been served under Section 54(10) of the Act fails to comply with the notice within one month, to authorise a person to enter land and take such action (including altering the position of the meter or fitting) as the person thinks fit to provide access to the meter or fitting.
24.7	The power pursuant to Section 54(12) of the Act, if the Council suffers loss as a result of a contravention of Section 54 of the Act, to recover compensation for the loss from a person found guilty of the contravention:
24.7.1	on application to a court convicting the person of an offence against this section; or

WATER INDUSTRY ACT 2012	
24.7.2	by action in a court of competent jurisdiction.
24.8	The power pursuant to Section 54(13) of the Act, if the Council incurs costs as a result of taking action under Section 54(11), to recover those costs as a debt by action in a court of competent jurisdiction.
25. Discharge of unauthorised material into water infrastructure	
25.1	The power pursuant to Section 55(3) of the Act, if the Council suffers loss as a result of a contravention of Section 55, to recover compensation for the loss from a person found guilty of the contravention:
25.1.1	on application to a court convicting the person of an offence against this Section; or
25.1.2	by action in a court of competent jurisdiction.
26. Discharge of unauthorised material into sewerage infrastructure	
26.1	The power pursuant to Section 56(3) of the Act, to, in relation to any sewerage infrastructure operated by the Council:
26.1.1	on application by any person, authorise the person to discharge waste material referred to in the authorisation into the infrastructure; or
26.1.2	as part of a contract in relation to the provision of a sewerage service, authorised a person to discharge waste material referred to in the contract into the infrastructure.
26.2	The power pursuant to Section 56(4) of the Act, to grant an authorisation to a person to discharge any solid, liquid or gaseous material, or any other item or thing, prescribed by the regulations.
26.3	The power pursuant to Section 56(5) of the Act, to grant an authorisation to a person to cause, permit or allow any rainwater, stormwater or surface water to flow into, or to otherwise enter, any sewerage infrastructure.
26.4	The power pursuant to Section 56(7) of the Act, to attach such conditions to an authorisation under Section 56 of the Act as the delegate thinks fit and vary or revoke the authorisation at any time.
26.5	The power pursuant to Section 56(9) of the Act, to recover the reasonable costs and expenses incurred by the Council in addressing any damage or loss caused as a result of, or in remedying circumstances caused by, a contravention of Section 56 as a debt from the person in contravention of Section 56 of the Act.
27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure	
27.1	The power pursuant to Section 57(1) of the Act, and in accordance with Section 57(2) of the Act, to, in order:

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27.1.1	to provide for the proper treatment (including the deodorising) of waste material before it is discharged from land into a drain connected to any sewerage infrastructure; or
27.1.2	to prevent the discharge of rainwater, stormwater or surface water into any sewerage infrastructure or to prevent the discharge into any sewerage infrastructure of waste material that has been prescribed as water material that may not be discharged into any sewerage infrastructure or that is, in the opinion of the delegate, likely to damage or be detrimental to any sewerage infrastructure,
	by notice in writing served on the owner or occupier of the land, require the owner or occupier, within the time stated in the notice, to carry out work specified in the notice.
27.2	The power pursuant to Section 57(1) of the Act, to, by notice referred to in Section 57(1) of the Act require the person on whom it is served to:
27.2.1	install or construct in such locations as are specified in the notice;
27.2.2	connect to the infrastructure;
27.2.3	alter or replace;
27.2.4	maintain, repair or cleanse;
27.2.5	remove, block or disconnect,
27.2.6	such drains, equipment or works as are specified in the notice in the manner specified in the notice or take other action specified in the notice.
27.3	The power pursuant to Section 57(3) of the Act, to vary or revoke a notice referred to in Section 57(1) of the Act by a subsequent notice in writing served on the owner or occupier of the land.
27.4	The power pursuant to Section 57(5) of the Act, if the requirements of a notice under Section 57 of the Act are not complied with, to take any action required by the notice.
27.5	The power pursuant to Section 57(6) of the Act, to authorise a person to take action under Section 52(5) of the Act on the Council's behalf.
27.6	The power pursuant to Section 57(8) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 57(6) or (7) as a debt from the person who failed to comply with the requirements of the notice.
28. Power to disconnect drains to restrict services	
28.1	The power pursuant to Section 58(1) of the Act, if the Council has grounds to believe that material:
28.1.1	is being discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act; or

WATER INDUSTRY ACT 2012	
28.1.2	has been discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act and that it is likely that a similar contravention will occur in the future,
	to, after complying with any requirement prescribed by the regulations, close off or disconnect from the sewerage infrastructure 1 or more drains on the land that are connected to the infrastructure or restrict the provision of any sewerage service to the land.
28.2	The power pursuant to Section 58(2) of the Act, before reopening or reconnecting a drain closed off or disconnected under Section 58 of the Act, to require the owner or occupier of the relevant land to pay the prescribed fee.
29. Power to restrict or discontinue water supply	
29.1	The power pursuant to Section 59(1) of the Act, if the delegate believes on reasonable grounds:
29.1.1	
29.1.1.1	that the quantity of water available for supply by the Council is, or is likely to be, insufficient to meet the demands of the persons to whom it is required to supply water (either because of a reduction in the quantity of water available or an increase in demand); or
29.1.1.2	that the quantity or quality of water available for supply by the Council is, or is likely to be, below a standard set or adopted by the Council for the purposes of Section 59 of the Act, or prescribed by the regulations; or
29.1.1.3	that the capacity of any water infrastructure is, or is likely to be, insufficient to cope with existing or anticipated demand; and
29.1.2	that action under Section 59(1) of the Act is justified in the circumstances,
	to, after complying with any requirements prescribed by the regulations, exercise 1 or more of the powers specified under Section 59(3) of the Act.
29.2	The power pursuant to Section 59(1) and (3) of the Act and subject to Section 59(5) of the Act to:
29.2.1	lessen the supply of water through any infrastructure (to such extent and in such manner as the delegate thinks fit);
29.2.2	prohibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;
29.2.3	prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used;

WATER INDUSTRY ACT 2012	
29.2.4	prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used;
29.2.5	for such time or times as the delegate thinks proper, discontinue the supply of water.
29.3	The power pursuant to Section 59(3) of the Act, to provide in a requirement under Section 59(3) of the Act that a specified activity involving the use of water cannot occur without the authority of a permit issued by the Council in accordance with the regulations.
29.4	The power pursuant to Section 59(4) of the Act, to:
29.4.1	impose a prohibition or notice under Section 59(3) of the Act by a notice published or served in accordance with any requirements prescribed by the regulations; and
29.4.2	vary or revoke a prohibition or notice under Section 59(3) of the Act in accordance with any requirements prescribed by the regulations.
30. Power to require the use of devices to reduce flow	
30.1	The power pursuant to Section 60(1) of the Act and in accordance with Section 60(2) of the Act, if the delegate believes on reasonable grounds that action under Section 60 is justified in the circumstances to supply water during periods of high demand, to serve notice under Section 60(3) of the Act on the owner or occupier of land that is connected to water infrastructure operated by the Council.
30.2	The power pursuant to Section 60(2) of the Act and subject to Section 60(3) of the Act, to, in the notice direct the owner or occupier:
30.2.1	to install (at his or her expense) a flow reducing device of the kind specified in the notice at the point specified in the notice (including at a point on the customer's side of any connection point) to enable the flow in the pipes on the land that are connected to the infrastructure to be reduced; and
30.2.2	to use the device to reduce flow in those pipes during the periods specified in the notice.
30.3	The power pursuant to Section 60(5) of the Act, if the requirements of a notice under Section 60 of the Act are not complied with, to install a flow reducing device to reduce the flow in the pipes on the relevant land notwithstanding that this reduction in flow will operate continuously instead of during the periods specified in the notice.
30.4	The power pursuant to Section 60(6) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 60(5) of the Act as a debt from the person who failed to comply with the requirements of the notice.
31. Disconnection in an emergency	

WATER INDUSTRY ACT 2012	
31.1	The power pursuant to Section 64 of the Act, to, without incurring any liability, cut off the supply of water to any region, area, land or place if it is, in the delegate's opinion, necessary to do so to avert danger to any person or property.
32. Responsibilities of water industry entity	
32.1	The power pursuant to Section 68(1) of the Act, to, where the Technical Regulator so requires of the Council:
32.1.1	prepare and periodically revise a safety, reliability, maintenance and technical management plan dealing with matters prescribed by regulation in accordance with any requirements specified by the Technical Regulator; and
32.1.2	obtain the approval of the Technical Regulator to the plan and any revision; and
32.1.3	comply with the plan as approved from time to time; and
32.1.4	audit from time to time the Council's compliance with the plans and report the results of those audits to the Technical Regulator.
33. Responsibilities of Customers	
33.1	The power pursuant to Section 69(3) of the Act, if a person fails to comply with Section 69(1) of the Act to, where the Council is providing the service, disconnect the supply of water to the place, or the collection of sewerage from the place, or restrict the supply of services to that place.
34. Enforcement notices	
34.1	The power pursuant to Section 80(2)(h) of the Act to, within 14 days, apply for a review of the notice under the provisions of the Act and the South Australian Civil and Administrative Tribunal Act 2013.
35. Warning notices and assurances	
35.1	The power pursuant to Section 82(1)(b)(ii) of the Act and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Commission to the Council give the Commission an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.
35.2	The power pursuant to Section 82(2)(b)(ii) of the Act, and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Technical Regulator to the Council give the Technical Regulator an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.
36. Injunctions	

WATER INDUSTRY ACT 2012	
36.1	The power pursuant to Section 83(1) of the Act, to apply to the District Court for an injunction on the grounds that a person has engaged or proposes to engage in conduct that constitutes or would constitute a contravention of the Act.
36.2	The power pursuant to Section 83(8) of the Act, to consent to a final injunction being granted without proof that proper grounds for the injunction exist.
37. Review of decisions by Commission or Technical Regulator	
37.1	The power pursuant to Section 84(1) of the Act and subject to and in accordance with Section 84 of the Act to make an application to:
37.1.1	the Commission for the issue or variation of the terms or conditions of a licence under Part 4 of the Act, or for agreement to the transfer of such a licence, for review of a decision of the Commission to refuse the application; or
37.1.2	the Commissioner for review of a decision of the Commission under Part 4 of the Act to suspend or cancel the Council's licence or to vary the terms or conditions of the Council's licence; or
37.1.3	the Technical Regulator where the Council has been given a direction under the Act by the Technical Regulator or an authorised officer for review of the decision to give the direction; or
37.1.4	the Technical Regulator where the Council is a person affected by the decision for review of a decision of an authorised officer or a water industry officer to disconnect or restrict a supply of water to a place, or the collection of sewage from a place, or to restrict the provision of a service.
38. Appeals	
38.1	The power pursuant to Section 85(1) of the Act and in accordance with Section 85(2) of the Act to make an application to the Tribunal :
38.1.1	in relation to a decision as confirmed, amended or substituted by the Commission or the Technical Regulator;
38.1.2	in relation to an enforcement notice issued under Part 8 Division 4 of the Act.
39. Water conservation measures	
39.1	The power pursuant to Section 92(5) of the Act, to consult with the Minister before a regulation is made under Section 92(2) of the Act.

WATER INDUSTRY REGULATIONS 2012	
40. Information as to amounts already paid for retail services etc	
40.1	The power pursuant to Regulation 11(1) of the Water Industry Regulations 2012 (the Regulations) to, on application by a person who has paid an amount to the Council for the provision of retail services, provide the person with a statement of the amount paid.
40.2	The power pursuant to Regulation 11(2) of the Regulations to, on application by a consumer, provide the consumer with a statement of the quantity of water supplied by the Council to the consumer in a financial year.
40.3	The power pursuant to Regulation 11(3) of the Regulations to, on application by any other person, in connection with the provision of retail services, provide that person with information of the kind referred to in Regulation 11(1) or (2) of the Regulations.
41. Certificate as to encumbrance	
41.1	The power pursuant to Regulation 12(1) of the Regulations to, on application by an interested person and payment of the fee prescribed in Schedule 1, provide the person with a statement as to the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the Land and Business (Sale and Conveyancing) Act 1994 and the regulations under that Act and that are in favour of the Council.
42. Protection of infrastructure – planting of trees etc on public land	
42.1	The power pursuant to Regulation 13(9) of the Regulations to grant written approval for trees and shrubs (except those listed in Schedule 2 and Schedule 3) to be planted on public land owned by the Council or where the Council operates sewerage infrastructure that may be affected by the planting.
42.2	The power pursuant to Regulation 13(b) of the Regulations to grant written approval for trees and shrubs to be planted on a road closer than 1 metre to any water infrastructure where the Council owns or operates the infrastructure.
43. Protection of infrastructure – action in relation to trees and shrubs	
43.1	The power pursuant to Regulation 14(1) of the Regulations, if:
43.1.1	a tree or shrub has been planted in contravention of Regulation 13; or
43.1.2	the delegate is of the opinion (based on reasonable grounds) that a tree or shrub on public land is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure,
to, by written notice served on the Council or other person who owns or has the care, control or management of the land on which the tree or shrub is situated, direct that action specified in the notice (including the removal of the tree or shrub) be taken.	

WATER INDUSTRY REGULATIONS 2012	
43.2	The power pursuant to Regulation 14(2) of the Regulations to, if a person on whom a notice has been served fails to comply with the notice, enter the land and take the specified action.
43.3	The power pursuant to Regulation 14(3) of the Regulations to, recover its costs of taking the specified action as a debt from the person on whom the notice was served.
44. Protection of infrastructure – damage caused by trees or shrubs	
44.1	The power pursuant to Regulation 15 of the Regulations to, if a tree or shrub has been planted in contravention of Regulation 13 of the Regulations, recover the Council's costs of taking action under Regulation 14 as a debt from:
44.1.1	the owner for the time being of the land on which the tree or shrub is, or was, situated; or
44.1.2	in the case of land under the care, control or management of a Council – that Council.
45. Access to sewerage infrastructure	
45.1	The power pursuant to Regulation 16(2) of the Regulations to recover the Council's costs of repairing any damage caused to infrastructure owned or operated by the Council by a person using an inspection point under Regulation 16(1) of the Regulations as a debt due by that person to the Council.
46. Power to restrict or discontinue water supply	
46.1	The power pursuant to Regulation 17(1) of the Regulations to, if the Council proposes to exercise a power under Section 59(3)(a) to (e) (inclusive) of the Act in relation to water that may be used for human consumption, to:
46.1.1	obtain the approval of the prescribed authority before acting; and
46.1.2	notify the public of the intention to exercise the power by publishing a notice (specifying in the notice relevant details of the power to be exercised):
46.1.2.1	if the Council proposes to exercise a power under Section 59(3)(b), (c) or (d) – in the Gazette; and
46.1.2.2	in all cases:
	(a) on a website determined by the delegate and in accordance with Regulation 17(2) of the Regulations; and

WATER INDUSTRY REGULATIONS 2012	
	(b) in a newspaper circulating generally throughout the area of the State in which the persons affected by the exercise of the power are situated; and
	(c) in any other manner considered appropriate by the delegate for the purpose of notifying the persons affected by the exercise of the power.
47. Notices under Section 59 – Permits	
47.1	The power pursuant to Regulation 18(1) of the Regulations, for the purposes of Section 59(4) of the Act, if a specified use of water is prohibited except under the authority of a permit issued by a water industry entity, to issue such a permit to a person in accordance with Regulation 18 of the Regulations.
48. Fittings etc to be flush with road surface	
48.1	The power pursuant to Regulation 23(2)(a) of the Regulations to, if the surface height of a road, footpath or easement is altered and the Council has made the alteration, to give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration.
48.2	The power pursuant to Regulation 23(2)(b) of the Regulations, if the surface height of a road, footpath or easement is altered, to at the cost of the Council, other authority or person who made the alteration, alter the height of the entry point, inspection point or other fitting.
48.3	The power pursuant to Regulation 23(3) of the Regulations, to recover the Council's costs as a debt from the Council, other authority or person.
49. Pipes must not lie across allotment boundaries	
49.1	The power pursuant to Regulation 34(1) of the Regulations, if, on the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to any water/sewerage infrastructure has been laid, to direct the owner or occupier of each allotment under Regulation 34 of the Regulations to disconnect the pipe from the water/sewerage infrastructure.
49.2	The power pursuant to Regulation 34(4) of the Regulations, if a pipe connected to any water/sewerage infrastructure lies across the boundary between adjoining allotments (except allotments in the same site under the Strata Titles Act 1988 or in the same community parcel under the Community Titles Act 1996), to give written notice to the owner or occupier of each of the allotments directing that the pipe be disconnected from the water/sewerage infrastructure by a qualified person in the manner, at the point and within the time stated in the notice.
49.3	The power pursuant to Regulation 34(7) of the Regulations, if a person to whom notice has been given fails to comply with the notice, to enter either allotment or any adjoining land and carry out the necessary work.

WATER INDUSTRY REGULATIONS 2012	
50. Water meters – estimates	
50.1	The power pursuant to Regulation 36 of the Regulations if:
50.1.1	the Council is unable for any reason to gain access to a meter or to read a meter for the purpose of measuring water supplied to the person by the Council; and
50.1.2	a code or rules made under the Essential Services Commission Act 2002 relating to the provision of retail services to customers does not apply to that supply of water,
	to, in accordance with any requirements of the Commission, estimate the quantity of water supplied through the meter and take that quantity to be the quantity of water supplied for the purpose of any amount payable for the supply of the water.
51. Charge where land not connected or service to land reduced or discontinued	
51.1	The power pursuant to Regulation 38 of the Regulations to, for the purposes of Section 115(2)(c) of the Act, impose a charge in respect of land of a kind specified by the Minister by notice in the Gazette despite the fact that:
51.1.1	the land is not connected to infrastructure by which a retail service is provided by the Council; or
51.1.2	the provision of a retail service to the land by the Council has been reduced or discontinued.

SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Section(s) in Act to which conditions/ limitations apply	Conditions / Limitations

**Delegations to the Chief Executive Officer under the
Work Health and Safety Act 2012**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

WORK HEALTH AND SAFETY ACT	
1. Determination of work groups	
1.1	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.
2. Negotiations for agreement for work group	
2.1	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.
2.2	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.
3. Failure of negotiations	
3.1.	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.
4. Determination of work groups of multiple businesses	
4.1.	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.
4.2.	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.
5. Negotiation of agreement for work groups of multiple businesses	
5.1.	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

WORK HEALTH AND SAFETY ACT	
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.	
6.	Withdrawal from negotiations or agreement involving multiple businesses
6.1.	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.
6.2.	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.
7.	Disqualification of health and safety representatives
7.1.	The power pursuant to Section 65(1) of the Act, to make an application to the SAET (South Australian Employment Tribunal) 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.	
8.	General obligations of person conducting business or undertaking
8.1.	The power pursuant to Section 70(1) of the Act, to
(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
(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
(c)	allow any health and safety representative for the work group to have access to information that the Council has relating to:
(i)	hazards (including associated risks) at the workplace affecting workers in the work group; and
(ii)	the health and safety of the workers in the work group; and
(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:

WORK HEALTH AND SAFETY ACT	
	(i) an inspector; or
	(ii) the Council or the Council's representative; and
(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:
	(i) an inspector; or
	(ii) the Council or the Council's representative; and
(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.
(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
(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
(i)	provide any other assistance to the health and safety representative for the work group that may be required by the regulations.
9. Exceptions for obligations under Section 70(1)	
9.1. 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.	
10. Obligation to train health and safety representatives	
10.1. 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.	
10.2. The power pursuant to Section 72(3) of the Act to:	
(a)	as soon as practicable within the period of 3 months after the request is made, allow the health and safety representative time off work to attend the course of training; and
(b)	pay the course fees and any other reasonable costs associated with the health and safety representative's attendance at the course of training.
10.3. 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	

WORK HEALTH AND SAFETY ACT	
	matters set out in Sections 72(1)(c) and (3) of the Act, ask the regulator to appoint an inspector to decide the matter.
11. Obligation to share costs if multiple businesses or undertakings	
11.1.	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.
11.2.	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.
12. Health and safety committees	
12.1.	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.
13. Constitution of committee	
13.1.	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.
13.2.	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.
14. Referral of issue to regulator for resolution by inspector	
14.1.	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.
15. Alternative work	
15.1.	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.
16. Request to regulator to appoint inspector to assist	
16.1.	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.

WORK HEALTH AND SAFETY ACT	
17. Request for review of provisional improvement notice	
17.1.	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.
18. Application for assistance of inspector to resolve dispute	
18.1.	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.
19. Authorising authority may deal with a dispute about a right of entry under this Act	
19.1.	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.
20. Return of seized things	
20.1.	The power pursuant to Section 180(1) of the Act to, if a seized thing has not been forfeited, and the Council is the person entitled to the thing, apply to the regulator for the return of the thing after the end of 6 months after it was seized.
21. Access to seized things	
21.1.	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.
22. Application for internal review	
22.1.	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.
23. Application for external review	
23.1.	The power pursuant to Section 229(1) of the Act, to, where the Council is an eligible person, apply to SAET under Part 3 Division 1 of the South Australian Employment Tribunal Act 2014, in accordance with Section 229(2) of the Act, for a review of:
(a)	a reviewable decision made by the regulator; or

WORK HEALTH AND SAFETY ACT	
(b)	a decision made, or taken to have been made, on an internal review.

SCHEDULE OF CONDITIONS**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Section(s) in Act to which conditions/ limitations apply	Conditions / Limitations
	NIL

Delegations to the Fire Prevention Officer

Instrument of Delegation to Fire Prevention Officer(s) under the Fire and Emergency Services Act 2005

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.
3. In this instrument the following abbreviations have the following meaning:

‘SACFS’ means the South Australian Country Fire Service.

‘SACFS region’ means a region established by the SACFS under Part 4 of the Act.

FIRE AND EMERGENCY SERVICES ACT 2005	
1. Permit to Light and Maintain Fire	
1.1	The power pursuant to Section 81(14) of the Act, with the approval of the Chief Officer of the SACFS, to authorise a person to issue permits under Section 81 of the Act.
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 the vicinity of the road in the country, to remove the debris from the road.
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.
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. - Not Delegated
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

FIRE AND EMERGENCY SERVICES ACT 2005	
3.2.2	request at the time that the Delegate makes such written submissions that the Minister must discuss the matter with a delegation representing the Council.
3.3	The function 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. - Not delegated

SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
1	Delegated power only to be exercised in those parts of the Council's area that are outside of fire district.

Subdelegation to the Chief Executive Officer
Under the Road Traffic Act 1961
made in accordance with the
Instrument of General Approval and Delegation
to Council dated 22 August 2013
From the Minister for Transport and Infrastructure

BACKGROUND

1. On 22 August 2013 the Minister for Transport and Infrastructure issued an Instrument of General Approval and Delegation Council (the '**Instrument**') containing:
 - 1.1 General Approvals by the Minister to the Council in accordance with Section 12 of the Road Traffic Act 1961 (the '**Act**') for the purposes of the Act; and
 - 1.2 Delegations pursuant to Section 11 of the Act, by the Minister to the Council for the purposes of the Act.

This document contains Subdelegations made by the Council to the Chief Executive Officer of the Council, pursuant to the terms of the Instrument. The Instrument contains certain conditions, exceptions and requirements, and this document must be read in conjunction with the Instrument.

POWER TO CLOSE ROADS AND GRANT EXEMPTION FOR EVENTS

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:
 - 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
 - 2.2 that persons taking part in the event be exempted, in relation to the specified roads, from the function 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.

CONDITIONS

Nil

INSTRUMENT A

**INSTRUMENT OF DELEGATION UNDER THE
PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS,
PLANNING & DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF A
COUNCIL AS:**

- **A COUNCIL;**
- **A DESIGNATED AUTHORITY;**
- **A DESIGNATED ENTITY**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A	
Delegated Power	Sub-delegation
1. Planning Regions and Greater Adelaide	
1.1 The power pursuant to Section 5(5)(b) of the Planning, Development and Infrastructure Act 2016 (the PDI Act) to make submissions to the Minister on a proposed proclamation under Section 5 of the Act.	
2. Environment and Food Production Areas – Greater Adelaide	
2.1 The power pursuant to Section 7(5)(b) of the PDI Act, in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to concur in the granting of the development authorisation to the development. - Not delegated	
3. Functions	
3.1 The power pursuant to Section 22(4)(a)(i) of the PDI Act to, if an inquiry is conducted by the Commission under Section 22(1)(e) of the PDI Act make submissions or representations.	Manager Planning Services
4. Planning Agreements	
4.1 The power pursuant to Section 35(1)(a) of the PDI Act and subject to Section 35 of the PDI Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State subject to Section 35 of the PDI Act. - Not delegated	

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A	
Delegated Power	Sub-delegation
4.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for: - Not delegated	
4.2.1 the setting of objectives, priorities and targets for the area covered by the agreement; and	
4.2.2 the constitution of a joint planning board including, in relation to such a board:	
4.2.2.1 the membership of the board, being between 3 and 7 members (inclusive); and	
4.2.2.2 subject to Section 35(4) of the PDI Act, the criteria for membership; and	
4.2.2.3 the procedures to be followed with respect to the appointment of members; and	
4.2.2.4 the terms of office of members; and	
4.2.2.5 conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and	
4.2.2.6 the appointment of deputy members; and	
4.2.2.7 the procedures of the board; and	
4.2.3 the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and	
4.2.4 the staffing and other support issues associated with the operations of the joint planning board; and	
4.2.5 financial and resource issues associated with the operations of the joint planning board, including:	
4.2.5.1 the formulation and implementation of budgets; and	
4.2.5.2 the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and	
4.2.6 such other matters as the delegate thinks fit.	
4.3 The power pursuant to Section 35(5)(a) of the PDI Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms). - Not delegated	

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A	
Delegated Power	Sub-delegation
4.4 The power pursuant to Section 35(5)(b) of the PDI Act, to vary or terminate a planning agreement by agreement between the parties to the agreement. - Not delegated	
5. Community Engagement Charter	
5.1 The power pursuant to Section 44(6)(a) of the PDI Act, to make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 of the PDI Act that is relevant to the Council (unless the proposal has been initiated by the Council).	Manager Planning Services
5.2 The power pursuant to Section 44(9)(b) of the PDI Act to the extent that Section 44(9)(a) of the PDI Act does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case.	Manager Planning Services
5.3 The power pursuant to Section 44(10) of the PDI Act to:	Manager Planning Services
5.3.1 seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the charter; and	
5.3.2 with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the charter.	
6. Preparation and Amendment of Charter	
6.1 The power pursuant to Section 45(2)(c) of the PDI Act to make representations (including in writing or via the SA planning portal) on a proposal to prepare or amend the charter. - Not delegated	
7. Preparation and Amendment	
7.1 The power pursuant to Section 73(6) of the PDI Act where the Council is authorised or approved under Section 73 of the PDI Act, after all of the requirements of Section 73 of the PDI Act have been satisfied:	Manager Planning Services
7.1.1 to prepare a draft of the relevant proposal; and	
7.1.2 to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and	
7.1.3 to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board –consult with the joint planning board; and	
7.1.4 to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a	

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proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:	
7.1.4.1 an owner or occupier of the land; and	
7.1.4.2 an owner or occupier of each piece of adjacent land,	
a notice in accordance with the regulations; and	
7.1.5 to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and	
7.1.6 to carry out such investigations and obtain such information specified by the Commission; and	
7.1.7 to comply with any requirement prescribed by the regulations.	
7.2 The power pursuant to Section 73(8) of the PDI Act, after the Council has furnished a report to the Minister under Section 73(7) of the PDI Act, to ensure that a copy of the report is published on the SA planning portal in accordance with a practice direction that applies for the purposes of Section 73 of the PDI Act.	Manager Planning Services
7.3 The power pursuant to Section 73(9) of the PDI Act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the PDI Act (subject to the requirement to charge costs under Section 73(4)(b) of the PDI Act (if relevant)). - Not delegated	
8. Parliamentary Scrutiny	
8.1 The power pursuant to Section 74(8)(c) of the PDI Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the PDI Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks.	Manager Planning Services
9. Complying Changes – Planning and Design Code	
9.1 The power pursuant to Section 75(3) of the PDI Act to effect an amendment under Section 75 of the PDI Act by an instrument deposited on the SA Planning database (in accordance with requirements established by the Chief Executive).	Manager Planning Services

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Delegated Power	Sub-delegation
10. Entities Constituting Relevant Authorities	
10.1 The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel. - Not delegated	
11. Panels Established by Joint Planning Boards or Councils	
11.1 The power pursuant to Section 83(1) of the PDI Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the PDI Act, to:	
11.1.1 appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess; - Not delegated	
11.1.2 determine:	
11.1.2.1 the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a Council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and	
11.1.2.2 the procedures to be followed with respect to the appointment of members; and	
11.1.2.3 the terms of office of members; and	
11.1.2.4 conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and	
11.1.2.5 the appointment of deputy members; and	
11.1.2.6 who will act as the presiding member of the panel and the process for appointing an acting presiding member.	
11.2 The power pursuant to Section 83(1)(h) of the PDI Act to arrange the staffing and support required for the purposes of the operations of the panel.	Manager Planning Services
11.3 The power pursuant to Section 83(1)(i) of the PDI Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the PDI Act.	

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11.4 The power pursuant to Section 83(2) of the PDI Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a Council is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.	
12. Substitution of Local Panels	
12.1 The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry.	
13. Notification of Acting	
13.1 The power pursuant to Section 89(b) of the PDI Act to require an accredited professional to provide such information or documentation as the delegate may require.	Manager Planning Services
14. Matters Against which Development Must be Assessed	
14.1 The power pursuant to Section 102(1)(c)(iv) of the PDI Act in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) where land is to be vested in the Council, to consent to the vesting.	Manager Planning Services
14.2 The power pursuant to Section 102(1)(d)(iv) of the PDI Act in relation to a proposed division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 where land is to be vested in the Council, to consent to the vesting.	Manager Planning Services
14.3 The power pursuant to Section 102(11)(b) of the PDI Act to impose a reasonable charge on account of an encroachment over land under the care, control and management of the Council when the relevant development is undertaken.	
15. Restricted Development	
15.1 The power pursuant to Section 110(2)(b) of the PDI Act to, in accordance with the regulations and within a period prescribed by the regulations, make representations to the Commission in relation to the granting or refusal of planning consent.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning
15.2 The power pursuant to Section 110(c)(ii) of the PDI Act to appear personally or by representative before the Commission to be heard in support of the Council's representation.	Manager Planning Services

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Delegated Power	Sub-delegation
15.3 The power pursuant to Section 110(7) of the PDI Act to appeal against a decision on a development classified as restricted development.	Manager Planning Services
16. Level of Detail	
16.1 The power pursuant to Section 112(b) of the PDI Act to express views in relation to the level of detail required in relation to an EIS.	Manager Planning Services
17. Essential Infrastructure – Alternative Assessment Process	
17.1 The power pursuant to Section 130(6) of the PDI Act to report to the Commission on any matters contained in a notice under Section 130(5) of the PDI Act.	Manager Planning Services
17.2 The power pursuant to Section 130(14) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 130(5) of the PDI Act, expressed opposition to the proposed development in its report under Section 130(6) of the PDI Act, withdraw the Council's opposition.	Manager Planning Services
18. Development Assessment – Crown Development	
18.1 The power pursuant to Section 131(7) of the PDI Act to report to the Commission on any matters contained in a notice under Section 131(6) of the PDI Act.	Manager Planning Services
18.2 The power pursuant to Section 131(15) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 131(6) of the PDI Act expressed opposition to the proposed development in its report under Section 131(7) of the PDI Act, withdraw the Council's opposition.	Manager Planning Services
19. Land Division Certificate	
19.1 The power pursuant to Section 138(1) of the PDI Act to enter into a binding agreement supported by adequate security and if the regulations so require in a form prescribed by the regulations.	
19.2 The power pursuant to Section 138(2) of the PDI Act to furnish the Commission with appropriate information as to compliance with a particular condition and to comply with any requirement prescribed by the regulations.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer – Planning

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Delegated Power	Sub-delegation
20. Action if Development Not Completed	
20.1 The power pursuant to Section 141(1) of the PDI Act, if:	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer – Building
20.1.1 an approval is granted under the PDI Act; but	
20.1.2 -	
20.1.2.1 the development to which the approval relates has been commenced but not substantially completed within the period prescribed by the regulations for the lapse of the approval; or	
20.1.2.2 in the case of a development that is envisaged to be undertaken in stages - the development is not undertaken or substantially completed in the manner or within the period contemplated by the approval,	
to apply to the Court for an order under Section 141 of the PDI Act.	
20.1.3 The power pursuant to Section 141(5) of the PDI Act, if the Court makes an order under Section 141(3)(a), (b) or (d) of the PDI Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and to recover the costs of that work, as a debt from the person.	
20.1.4 The power pursuant to Section 141(6) of the PDI Act, if an amount is recoverable from a person by the Council under Section 141(5) of the PDI Act:	
20.1.4.1 to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	
21. Completion of Work	
21.1 The power pursuant to Section 142(1) of the PDI Act, if:	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer – Building
21.1.1 an approval is granted under the PDI Act; but	
21.1.2 the development to which the approval relates has been substantially but not fully completed within the period prescribed by the regulations for the lapse of the approval,	
to, by notice in writing, require the owner of the relevant land to complete the development within a period specified in the notice.	

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Delegated Power	Sub-delegation
21.2 The power pursuant to Section 142(2) of the PDI Act, if an owner fails to carry out work as required by a notice under Section 142(1) of the PDI Act, to cause the necessary work to be carried out.	Manager Planning Services
21.3 The power pursuant to Section 142(3) of the PDI Act to recover as a debt due from the owner, the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 142 of the PDI Act.	Manager Planning Services
21.4 The power pursuant to Section 142(4) of the PDI Act, if an amount is recoverable from a person by the Council under Section 142 of the PDI Act:	Manager Planning Services
21.4.1 to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	
22. Notification During Building	
22.1 The power pursuant to Section 146(3) of the PDI Act to, subject to Section 146(4) of the PDI Act, direct a person who is carrying out building work to stop building work when a mandatory notification stage has been reached pending an inspection by an authorised officer who holds prescribed qualifications.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building
23. Classification of Buildings	Manager Planning Services Development Officer – Building
23.1 The power pursuant to Section 151(2) of the PDI Act to assign to a building erected in the Council's area a classification that conforms with the regulations.	
23.2 The power pursuant to Section 151(3) of the PDI Act, if the Council assigns a classification under Section 151 of the PDI Act, to give notice in writing to the owner of the building to which the classification has been assigned, of the classification assigned to the building.	
24. Certificates of Occupancy	
24.1 The power pursuant to Section 152(2) of the PDI Act to issue a certificate of occupancy.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning

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Delegated Power	Sub-delegation
	Development Officer – Building
24.2 The power pursuant to Section 152(3)(a) of the PDI Act to require an application for a certificate of occupancy to include any information required by the delegate.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building
24.3 The power pursuant to Section 152(3)(c) of the PDI Act to determine the appropriate fee.	
24.4 The power pursuant to Section 152(5) of the PDI Act to consider any report supplied under Section 152(4) of the PDI Act before deciding the application.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building
24.5 The power pursuant to Section 152(6) of the PDI Act to issue the certificate if the delegate is satisfied (in accordance with procedures set out in the regulations and on the basis of information provided or obtained under Section 152 of the PDI Act) that the relevant building is suitable for occupation and complies with such requirements as may be prescribed by the regulations for the purposes of Section 152(6) of the PDI Act.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building
24.6 The power pursuant to Section 152(10) of the PDI Act, if the Council refuses an application to notify the applicant in writing of:	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building
24.6.1 the refusal; and	
24.6.2 the reasons for the refusal; and	
24.6.3 the applicant's right of appeal under the PDI Act.	
24.7 The power pursuant to Section 152(12) of the PDI Act to issue a certificate of occupancy that applies to the whole or part of a building.	Manager Planning Services Team Leader Development Assessment & Compliance

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	Development Officer – Building
24.8 The power pursuant to Section 152(13) of the PDI Act to, in accordance with the regulations, revoke a certificate of occupancy in prescribed circumstances.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building
25. Temporary Occupation	Manager Planning Services
25.1 The power pursuant to Section 153(1) of the PDI Act to grant an approval to a person to occupy a building on a temporary basis without a certificate of occupancy.	Team Leader Development Assessment & Compliance
25.2 The power pursuant to Section 153(2) of the PDI Act to grant an approval under Section 153(1) of the PDI Act on such conditions (if any) as the delegate thinks fit to impose.	Development Officer – Building
25.3 The power pursuant to Section 153(3) of the PDI Act if the Council refuses an application to notify the applicant in writing of:	
25.3.1 the refusal; and	
25.3.2 the reasons for the refusal; and	
25.3.3 the applicant's right of appeal under the PDI Act.	
26. Emergency Orders	
26.1 The power pursuant to Section 155(5) of the PDI Act, if an owner fails to carry out work as required by an emergency order, to cause the necessary work to be carried out.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building
26.2 The power pursuant to Section 155(6) of the PDI Act to recover as a debt due from the owner the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 155 of the PDI Act.	Manager Planning Services
26.3 The power pursuant to Section 155(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 155 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	Manager Planning Services Team Leader Development Assessment & Compliance

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	Development Officer – Building
27. Fire Safety	
27.1 The power pursuant to Section 157(16) of the PDI Act to establish a body and designate it as an appropriate authority under Section 157 of the PDI Act. - Not delegated	
27.2 The power pursuant to Section 157(17) of the PDI Act to: - Not delegated	
27.2.1 appoint to the appropriate authority:	
27.2.1.1 a person who holds prescribed qualifications in building surveying; and	
27.2.1.2 an authorised officer under Part 3 Division 5 or Section 86 of the Fire and Emergency Services Act 2005 who has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and	
27.2.1.3 a person with expertise in the area of fire safety; and	
27.2.1.4 if so determined by the delegate, a person selected by the delegate;	
27.2.2 specify a term of office of a member of the appropriate authority (other than a member under Section 157(17)(a)(ii) of the PDI Act;	
27.2.3 remove a member of the appropriate authority from office for any reasonable cause;	
27.2.4 appoint deputy members;	
27.2.5 determine the appropriate authority's procedures (including as to quorum).	
28. Consideration of Proposed Scheme	
28.1 The power pursuant to Section 166(1)(c) of the PDI Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.	Manager Planning Services Team Leader Development Assessment & Compliance

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29. Funding Arrangements	
29.1 The power pursuant to Section 169(2)(b) of the PDI Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the PDI Act to apply for any matter to be considered or determined by ESCOSA or some other prescribed person or body as part of a periodic review of the levels and amounts of those contributions.	
29.2 The power pursuant to Section 169(9) of the PDI Act to make submissions to the Commission in relation to a funding arrangement that is specifically relevant to the Council.	
30. Imposition of Charge by Councils	
30.1 The power pursuant to Section 180(7) of the PDI Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9, Division 1, Part 13 of the PDI Act.	
31. Authorised Works	
31.1 The power pursuant to Section 187(1) of the PDI Act, subject to Section 187(3) of the PDI Act, to carry out any infrastructure works if the Council is authorised to so do by or under the PDI Act or any other Act.	
31.2 The power pursuant to Section 187(5) of the PDI Act, subject to Section 187(6) of the PDI Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:	
31.2.1 inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and	
31.2.2 give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and	
31.2.3 ensure that proper consideration is given to the views of the road maintenance authority.	
31.3 The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the designated entity in relation to the matter.	
31.4 The power pursuant to Section 187(6) of the PDI Act, in a case of emergency, to only comply with Section 187(5) of the PDI Act to such extent as is practicable in the circumstances.	
32. Entry onto Land	
32.1 The power pursuant to Section 188(1) of the PDI Act to authorise a person for the purpose of undertaking any work	

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or activity in connection with the exercise of a power under Division 2 of Part 13 of the PDI Act to:	
32.1.1 enter and pass over any land; and	
32.1.2 bring onto any land any vehicles, plant or equipment; and	
32.1.3 temporarily occupy land; and	
32.1.4 do anything else reasonably required in connection with the exercise of the power.	
32.2 The power pursuant to Section 188(4) of the PDI Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the PDI Act.	
33. Land Management Agreements	
33.1 The power pursuant to Section 192(1) of the PDI Act to enter into an agreement relating to the development, management, preservation or conservation of land with the owner of the land or a designated entity. - Not delegated	
33.2 The power pursuant to Section 192(2) of the PDI Act to enter into an agreement relating to the management, preservation or conservation of the land with a greenway authority. - Not delegated	
33.3 The power pursuant to Section 192(4) of the PDI Act in considering whether to enter into an agreement under Section 192 of the PDI Act which relates to the development of land and, if such an agreement is to be entered into, in considering the terms of the agreement, to have regard to: - Not delegated	
33.3.1 the provisions of the Planning and Design Code and to any relevant development authorisation under the PDI Act; and	
33.3.2 the principle that the entering into of an agreement under Section 192 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.	
33.4 The power pursuant to Section 192(5) of the PDI Act to register agreements entered into under Section 192 of the PDI Act in accordance with the regulations.	Manager Planning Services Team Leader Development Assessment & Compliance

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33.5 The power pursuant to Section 192(8) of the PDI Act to carry out on private land any work for which provision is made by agreement under Section 192 of the PDI Act.	Manager Planning Services
33.6 The power pursuant to Section 192(9) of the PDI Act to include in an agreement under Section 192 of the PDI Act an indemnity from a specified form of liability or right of action, a waiver or exclusion of a specified form of liability or right of action, an acknowledgment of liability, or a disclaimer, on the part of a party to the agreement.	Manager Planning Services
33.7 The power pursuant to Section 192(10) of the PDI Act to express a provision under Section 192(9) of the PDI Act as extending to, or being for the benefit of, a person or body who or which is not a party to the agreement.	Manager Planning Services
33.8 The power pursuant to Section 192(11) of the PDI Act to consent to the owner of land entering into an agreement under Section 192 of the PDI Act where the Council has a legal interest in the land.	Manager Planning Services
33.9 The power pursuant to Section 192(12) of the PDI Act to apply to the Registrar-General, to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	Manager Planning Services
33.10 The power pursuant to Section 192(15) of the PDI Act to apply to the Registrar-General in relation to an agreement to which a note has been made under Section 192 of the PDI Act that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.	Manager Planning Services
33.11 The power pursuant to Section 192(16) of the PDI Act to provide in an agreement under Section 192 of the PDI Act for remission of rates or taxes on the land.	
33.12 The power pursuant to Section 192(17) of the PDI Act to consent to an agreement entered into by the Minister under Section 192 of the PDI Act, providing for the remission of rates or taxes payable to the Council.	
33.13 The power pursuant to Section 192(18) of the PDI Act to take into account the existence of an agreement under Section 192 of the PDI Act when assessing an application for a development authorisation under the PDI Act.	
34. Land Management Agreements – Development Applications	
34.1 The power pursuant to Section 193(1) of the PDI Act to, subject to Section 193 of the PDI Act, enter into an agreement under Section 193 of the PDI Act with a person who is applying for a development authorisation under the	Manager Planning Services

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PDI Act that will, in the event that the relevant development is approved, bind:	Team Leader Development Assessment & Compliance
34.1.1 the person; and	
34.1.2 any other person who has the benefit of the development authorisation; and	
34.1.3 the owner of the relevant land (if he or she is not within the ambit of Sections 193(a) or (b) of the PDI Act and if the other requirements of Section 193 of the PDI Act are satisfied).	
34.2 The power pursuant to Section 193(2) of the PDI Act to enter into an agreement under Section 193 of the PDI Act in relation to any matter that the delegate agrees is relevant to the proposed development (including a matter that is not necessarily relevant to the assessment of the development under the PDI Act).	Manager Planning Services Team Leader Development Assessment & Compliance
34.3 The power pursuant to Section 193(3) of the PDI Act to have regard to:	
34.3.1 the provisions of the Planning and Design Code; and	
34.3.2 the principle that the entering into of an agreement under Section 193 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.	
34.4 The power pursuant to Section 193(5) of the PDI Act to register agreements entered into under Section 193 of the PDI Act in accordance with the regulations.	Manager Planning Services Team Leader Development Assessment & Compliance
34.5 The power pursuant to Section 193(10) of the PDI Act to consent to an application to note the agreement against the relevant instrument of title or the land.	Manager Planning Services Team Leader Development Assessment & Compliance
34.6 The power pursuant to Section 193(11) of the PDI Act to consent to an owner of land entering into an agreement or giving a consent under Section 192(10) of the PDI Act where the Council has a legal interest in the land.	Manager Planning Services
34.7 The power pursuant to Section 193(13) of the PDI Act to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not	Manager Planning Services

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under the provisions of the Real Property Act 1886, against the land.	
34.8 The power pursuant to Section 193(15) of the PDI Act to apply to the Registrar-General in relation to an agreement under Section 193 that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.	Manager Planning Services
34.9 The power pursuant to Section 193(16) of the PDI Act, if an agreement under Section 193 of the PDI Act does not have effect under Section 193 of the PDI Act within the period prescribed by the regulations, to by notice given in accordance with the regulations, lapse the relevant development approval.	Manager Planning Services
35. Off-setting Contributions	
35.1 The power pursuant to Section 197(2) of the PDI Act to establish a scheme under Section 197 of the PDI Act that is designed to support or facilitate: - Not delegated	
35.1.1 development that may be in the public interest or otherwise considered by the delegate as being appropriate in particular circumstances (including by the provision of facilities at a different site); or	
35.1.2 planning or development initiatives that will further the objects of the PDI Act or support the principles that relate to the planning system established by the PDI Act; or	
35.1.3 any other initiative or policy:	
35.1.3.1 designated by the Planning and Design Code for the purposes of Section 197(2)(c)(i) of the PDI Act;	
35.1.3.2 prescribed by the regulations for the purposes of Section 197(2)(c)(ii) of the PDI Act.	
35.2 The power pursuant to Section 197(3) of the PDI Act to include in a scheme established under Section 197 of the PDI Act:	
35.2.1 an ability or requirement for a person who is proposing to undertake development (or who has the benefit of an approval under the PDI Act):	
35.2.1.1 to make a contribution to a fund established as part of the scheme; or	

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35.2.1.2 to undertake work or to achieve some other goal or outcome (on an 'in kind' basis); or	
35.2.1.3 to proceed under a combination of Sections 197(3)(a)(i) and (ii) of the PDI Act,	
in order to provide for or address a particular matter identified by the scheme; and	
35.2.2 an ability for a provision of the Planning and Design Code to apply with a specified variation under the terms of the scheme; and	
35.2.3 an ability for any relevant authority to act under or in connection with Sections 197(3)(a) or (b) of the PDI Act.	
35.3 The power pursuant to Section 197(4)(b) of the PDI Act to apply the fund towards the purposes of the scheme in accordance with any directions or approvals of the Treasurer made or given after consultation with the Minister.	
35.4 The power pursuant to Section 197(4)(c) of the PDI Act to invest money that is not immediately required for the purposes of the fund in accordance with provisions included in the scheme.	
36. Open Space Contribution Scheme	
36.1 The power pursuant to Section 198(1) of the PDI Act, where an application for a development authorisation provides for the division of land in the Council's area into more than 20 allotments, and 1 or more allotments is less than 1 hectare in area to require:	Manager Planning Services Team Leader Development Assessment & Compliance
36.1.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or	
36.1.2 that the applicant make the contribution prescribed by the regulations in accordance with the requirements of Section 198 of the PDI Act; or	
36.1.3 that land be vested in the Council under Section 198(1)(c) of the PDI Act and that the applicant make a contribution determined in accordance with Section 198(8) of the PDI Act,	
according to the determination and specification of the delegate, and to have regard to any relevant provision of the Planning and Design Code that designates land as open space and to seek the concurrence of the Commission to taking any action that is at variance with the Planning and Design Code.	

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36.2 The power pursuant to Section 198(3) of the PDI Act to enter into an agreement referred to in Section 198(2)(d) of the PDI Act.	Manager Planning Services
36.3 The power pursuant to Section 198(4)(a) of the PDI Act to concur with an area being vested in the Council.	Manager Planning Services
36.4 The power pursuant to Section 198(11) of the PDI Act in relation to money received under Section 198 of the PDI Act to immediately pay it into a fund established for the purposes of Section 198 of the PDI Act and apply it for the purpose of acquiring or developing land as open space.	Manager Planning Services
36.5 The power pursuant to Section 198(12) of the PDI Act to form the opinion that the division of land is being undertaken in stages.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning
37. Urban Trees Fund	
37.1 The power pursuant to Section 200(2) of the PDI Act to effect the establishing of the fund by notice published in the Gazette. - Not delegated	
37.2 The power pursuant to Section 200(3) of the PDI Act to define a designated area by reference to an area established by the Planning and Design Code. - Not delegated	
37.3 The power pursuant to Section 200(5) of the PDI Act to invest any money in an urban trees fund that is not immediately required for the purpose of the fund and to pay any resultant income into the fund.	Manager Planning Services
37.4 The power pursuant to Section 200(6) of the PDI Act to apply money standing to the credit of an urban trees fund:	Manager Planning Services
37.4.1 to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under the PDI Act; or	
37.4.2 to purchase land within the designated area in order to maintain or plant trees which are or will (when fully grown) constitute significant trees under the PDI Act.	
37.5 The power pursuant to Section 200(7) of the PDI Act if, the Council subsequently sells land purchased under Section 200(6)(b) of the PDI Act, to pay the proceeds of sale into an	

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A	
Delegated Power	Sub-delegation
urban trees fund maintained by the Council under Section 200 of the PDI Act, subject to the qualifications in Sections 200(7)(a) and (b).	
38. Appointment of Authorised Officers	
38.1 The power pursuant to Section 210(1) of the PDI Act to:	
38.1.1 appoint a person to be an authorised officer for the purposes of the PDI Act; and	
38.1.2 appoint a person who holds the qualifications prescribed by the regulations to be an authorised officer for the purposes of the PDI Act if the Council is required to do so by the regulations.	
38.2 The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions.	
38.3 The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:	
38.3.1 containing a photograph of the authorised officer; and	
38.3.2 stating any conditions of appointment limiting the authorised officer's appointment.	
38.4 The power pursuant to Section 210(5) of the PDI Act to, at any time, revoke an appointment which the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.	
39. Enforcement Notices	
39.1 The power pursuant to Section 213(1) of the PDI Act, if the delegate has reason to believe on reasonable grounds that a person has breached the PDI Act or the repealed Act, to do such of the following as the delegate considers necessary or appropriate in the circumstances:	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer – Building Development Officer – Planning
39.1.1 direct a person to refrain, either for a specified period or until further notice, from the PDI Act, or course of action, that constitutes the breach;	
39.1.2 direct a person to make good any breach in a manner, and within a period, specified by the delegate;	
39.1.3 take such urgent action as is required because of any situation resulting from the breach.	
39.2 The power pursuant to Section 213(2) of the PDI Act to give a direction under Section 213(1) of the PDI Act by notice in writing unless the delegate considers that the direction is urgently required.	Manager Planning Services Team Leader Development

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A	
Delegated Power	Sub-delegation
	Assessment & Compliance Senior Development Officer - Planning Development Officer – Building Development Officer - Planning
39.3 The power pursuant to Section 213(5) of the PDI Act, if a person fails to comply with a direction under Section 213(1)(b) of the PDI Act within the time specified in the notice, to cause the necessary action to be taken.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer – Building
39.4 The power pursuant to Section 213(6) of the PDI Act to recover the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 213 of the PDI Act, as a debt due from the person whose failure gave rise to the PDI Action	Manager Planning Services Team Leader Development Assessment & Compliance
39.5 The power pursuant to Section 213(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 213 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	Manager Planning Services Team Leader Development Assessment & Compliance
40. Applications to Court	
40.1 The power pursuant to Section 214(1) of the PDI Act to apply to the Court for an order to remedy or restrain a breach of the PDI Act or the repealed Act.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A	
Delegated Power	Sub-delegation
	Development Officer – Building
40.2 The power pursuant to Section 214(2) of the PDI Act to consent to proceedings under Section 214 of the PDI Act being brought in a representative capacity on behalf of the Council.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer – Building
40.3 The power pursuant to Section 214(4) of the PDI Act to make an application without notice to any person and to make an application to the Court to serve a summons requiring the respondent to appear before the Court to show cause why an order should not be made under Section 214 of the PDI Act.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer – Building
40.4 The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer – Building
40.5 The power pursuant to Section 214(9) of the PDI Act to appear before a final order is made and be heard in proceedings based on the application.	Manager Planning Services Team Leader Development Assessment & Compliance

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A	
Delegated Power	Sub-delegation
	Senior Development Officer - Planning Development Officer – Building
40.6 The power pursuant to Section 214(10) of the PDI Act to make an application to the Court to make an interim order under Section 214 of the PDI Act.	Manager Planning Services Team Leader Development Assessment & Compliance
40.7 The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person.	Manager Planning Services Team Leader Development Assessment & Compliance
40.8 The power pursuant to Section 214(12) of the PDI Act, if the Court makes an order under Section 214(6)(d) of the PDI Act and the respondent fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and recover the costs of that work, as a debt, from the respondent	Manager Planning Services Team Leader Development Assessment & Compliance
40.9 The power pursuant to Section 214(13) of the PDI Act, if an amount is recoverable from a person by the Council under Section 214(12) of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	Manager Planning Services Team Leader Development Assessment & Compliance
40.10 The power pursuant to Section 214(17) of the PDI Act to apply to the Court to vary or revoke an order previously made under Section 214 of the PDI Act.	Manager Planning Services Team Leader Development Assessment & Compliance
41. Proceedings for Offences	
41.1 The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.	
42. Adverse Publicity Orders	
42.1 The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.	Manager Planning Services

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A	
Delegated Power	Sub-delegation
42.2 The power pursuant to Section 223(4) of the PDI Act, if the offender fails to give evidence to the Council in accordance with Section 224(1)(b) of the PDI Act to:	Manager Planning Services
42.2.1 take the PDI Action or actions specified in the order; and	
42.2.2 authorise a person in writing to take the PDI Action or actions specified in the order.	
42.3 The power pursuant to Section 223(5) of the PDI Act, if:	Manager Planning Services
42.3.1 the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and	
42.3.2 despite the evidence, the delegate is not satisfied that the offender has taken the PDI Action or actions specified in the order in accordance with the order,	
to apply to the court for an order authorising the Council, or a person authorised in writing by the Council, to take the PDI Action or actions and to authorise a person in writing to take the PDI Action or actions.	
42.4 The power pursuant to Section 223(6) of the PDI Act, if the Council, or a person authorised in writing by the Council, takes an action or actions in accordance with Section 223(4) of the PDI Act or an order under Section 223(5) of the PDI Act, to recover from the offender an amount in relation to the reasonable expenses of taking the PDI Action or actions, as a debt, due to the Council.	Manager Planning Services
43. Civil Penalties	
43.1 The power pursuant to Section 225(1) of the PDI Act, subject to Section 225 of the PDI Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the PDI Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Court, an amount as a civil penalty in respect of the contravention.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer – Building
43.2 The power pursuant to Section 225(2) of the PDI Act, in respect of a contravention where the relevant offence does not require proof of intention or some other state of mind, to determine whether to initiate proceedings for an offence or take action under Section 225 of the PDI Act, having regard	Manager Planning Services Team Leader Development Assessment & Compliance

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A	
Delegated Power	Sub-delegation
to the seriousness of the contravention, the previous record of the offender and any other relevant factors.	Senior Development Officer - Planning Development Officer – Building
43.3 The power pursuant to Section 225(3) of the PDI Act to serve on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer – Building
43.4 The power pursuant to Section 225(13) of the PDI Act to seek the authorisation of the Attorney-General to the commencement of proceedings for an order under Section 225 of the PDI Act.	Manager Planning Services
43.5 The power pursuant to Section 225(17) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 225 of the PDI Act.	Manager Planning Services
44. Make Good Order	
44.1 The power pursuant to Section 228(7) of the PDI Act to apply to the Court to vary or revoke an order under Section 228 of the PDI Act.	Manager Planning Services
45. Recovery of Economic Benefit	
45.1 The power pursuant to Section 229(5) of the PDI Act to apply an amount paid to the Council in accordance with an order under Section 229(1) of the PDI Act for the purpose of acquiring or developing land as open space and to hold it in a fund established for the purposes of Section 198 of the PDI Act.	
46. Enforceable Voluntary Undertakings	
46.1 The power pursuant to Section 230(1) of the PDI Act to accept (by written notice) a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the PDI Act.	Manager Planning Services Team Leader Development Assessment & Compliance

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A	
Delegated Power	Sub-delegation
	Senior Development Officer - Planning Development Officer – Building
46.2 The power pursuant to Section 230(4) of the PDI Act if the delegate considers that a person has contravened an undertaking accepted by the Council, to apply to the Court for enforcement of the undertaking.	Manager Planning Services Team Leader Development Assessment & Compliance
46.3 The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to:	Manager Planning Services Team Leader Development Assessment & Compliance
46.3.1 vary the undertaking; or	
46.3.2 withdraw the undertaking.	
46.4 The power pursuant to Section 230(11) of the PDI Act to accept an undertaking in respect of a contravention or alleged contravention before proceedings in respect of that contravention have been finalised.	Manager Planning Services Team Leader Development Assessment & Compliance
46.5 The power pursuant to Section 230(12) of the PDI Act if the delegate accepts an undertaking before the proceedings are finalised, to take all reasonable steps to have the proceedings discontinued as soon as possible.	Manager Planning Services Team Leader Development Assessment & Compliance
46.6 The power pursuant to Section 230(14) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 230 of the PDI Act.	Manager Planning Services
47. Advertisements	
47.1 The power pursuant to Section 231(1) of the PDI Act, if, in the opinion of the delegate, an advertisement or advertising hoarding:	Manager Planning Services Team Leader Development Assessment & Compliance
47.1.1 disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality; or	
47.1.2 is contrary to the character desired for a locality under the Planning and Design Code,	
to, by notice served in accordance with the regulations on the advertiser or the owner or occupier of the land on which the advertisement or advertising hoarding is situated, whether or	

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Delegated Power	Sub-delegation
not a development authorisation has been granted in respect of the advertisement or advertising hoarding, order that person to remove or obliterate the advertisement or to remove the advertising hoarding (or both) within a period specified in the notice (of at least 28 days from the date of service of the notice).	
47.2 The power pursuant to Section 231(3) of the PDI Act if a person on whom a notice is served under Section 231(1) of the PDI Act fails to comply with a notice within the time allowed in the notice to enter on the land and take the necessary steps for carrying out the requirements of the notice and to recover the costs of so doing, as a debt, from the person on whom the notice was served.	Manager Planning Services Team Leader Development Assessment & Compliance
48. Professional Advice to be Obtained in Relation to Certain Matters	
48.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.	Manager Planning Services
48.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.	Manager Planning Services
49. Charges on Land	
49.1 The power pursuant to Section 239(1) of the PDI Act if a charge on land is created under a provision of the PDI Act in favour of the Council, to deliver to the Registrar-General a notice in a form determined by the Registrar-General, setting out the amount of the charge and the land over which the charge is claimed.	Manager Planning Services
49.2 The power pursuant to Section 239(6) of the PDI Act if a charge in the Council's favour exists and the amount to which the charge relates is paid, to by notice to the appropriate authority in a form determined by the Registrar-General, apply for the discharge of the charge.	Manager Planning Services
50. Registering Authorities to Note Transfer	
50.1 The power pursuant to Section 240(1) of the PDI Act to apply to the Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, to register or record in an appropriate manner the transfer to the Council of an asset, right or liability by regulation, proclamation or notice under the PDI Act.	

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A	
Delegated Power	Sub-delegation
51. Reporting	
51.1 The power pursuant to Clause 13(3)(b) of Schedule 2 of the PDI Act to require a report under Clause 13(2) of Schedule 2 of the PDI Act to contain any other information or report required by the delegate.	Manager Planning Services
52. Review of Performance	
52.1 The power pursuant to Clause 3(16) of Schedule 4 of the PDI Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the PDI Act.	Manager Planning Services

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017	
Delegated Power	Sub-delegation
53. Mutual Liability Scheme – Rights of Indemnity	
53.1 The power pursuant to Regulation 11B(1) of the Planning, Development and Infrastructure (General) Regulations 2019 (the General Regulations) to:	Manager Planning Services
53.1.1 in being responsible under Section 83(1)(h)(ii) of the PDI Act for the costs and other liabilities associated with the activities of an assessment panel appointed by the Council; and	
53.1.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 84(1)(a) and (i) of the PDI Act,	
have arrangements in place to indemnify the members of any such panel in respect of a claim against a member of the panel arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as a member of the panel.	
53.2 The power pursuant to Regulation 11B(5) of the General Regulations to:	
53.2.1 in being responsible under Section 87(f) of the PDI Act for the costs and other liabilities associated with the activities of an assessment manager for an assessment panel appointed by the Council; and	
53.2.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 87(1)(a) and (i) of the PDI Act,	

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017	
Delegated Power	Sub-delegation
have arrangements in place to indemnify an assessment manager for any such panel in respect of a claim against the assessment manager arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as an assessment manager.	
54. Performance Assessed Development and Restricted Development	
54.1 The power pursuant to Regulation 47(4)(d) of the General Regulations to determine the fee payable by the applicant as being appropriate to cover the reasonable costs of placing the notice on the land.	Manager Planning Services
55. Underground Main Areas	
55.1 The power pursuant to Regulation 78(1) of the General Regulations if the delegate considers an area should be declared an underground mains area to seek a report from the relevant electricity authority in relation to the matter.	Manager Planning Services
55.2 The power pursuant to Regulation 78(2) of the General Regulations after having received and considered a report from the electricity authority to declare the area to be an underground mains area.	Manager Planning Services
56. Width of Roads and Thoroughfares	
56.1 The power pursuant to Regulation 81(4) of the General Regulations to dispense with a width prescribed by Regulations 81(1) or (3) of the General Regulations (and specify a different width) if the delegate is of the opinion that the width so prescribed is not necessary for the safe and convenient movement of vehicles or pedestrians, or for underground services.	Manager Planning Services
56.2 The power pursuant to Regulation 81(5) of the General Regulations to subject to Regulation 81(6) of the General Regulations specify the width of the road at the head of every cul-de-sac in such dimensions as may be acceptable to the delegate.	Manager Planning Services
56.3 The power pursuant to Regulation 81(6) of the General Regulations to dispense with a requirement under Regulation 81(5) of the General Regulations if it appears to the delegate that the cul-de-sac is likely to become a through road.	Manager Planning Services
57. Road Widening	
57.1 The power pursuant to Regulation 82(1) of the PDI Act, subject to Regulation 82(2) of the General Regulations, if an existing road abuts land which is proposed to be divided, to form the view that the road should be widened in order to provide a road of adequate width having regard to existing and future requirements of the area.	Manager Planning Services

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017	
Delegated Power	Sub-delegation
58. Requirement as to Forming of Roads	
58.1 The power pursuant to Regulation 83(1) of the General Regulations, subject to Regulation 83(2) of the General Regulations, to specify the width and manner of the formation of the roadway of every proposed road on a plan of division.	Manager Planning Services
58.2 The power pursuant to Regulation 83(2) of the General Regulations to form the opinion that it is necessary to specify a width for a roadway to be formed under Regulation 83(1) in excess of 7.4m, in view of the volume or type of traffic that is likely to traverse that road.	Manager Planning Services
58.3 The power pursuant to Regulation 83(4) of the General Regulations, to dispense with the requirements under Regulation 83(3) of the General Regulations, if the delegate is of the opinion that the cul-de-sac is likely to become a through road.	Manager Planning Services
58.4 The power pursuant to Regulation 83(5) of the General Regulations, subject to Regulation 83(6) of the General Regulations to require every footpath, water-table, kerbing, culvert and drain of every proposed road to be formed in a manner satisfactory to the delegate.	Manager Planning Services
58.5 The power pursuant to Regulation 83(6) of the General Regulations, to dispense with a requirement under Regulation 83(5) of the General Regulations.	Manager Planning Services
59. Construction of Roads, Bridges, Drains and Services	
59.1 The power pursuant to Regulation 84(1) of the General Regulations to require the roadway of every proposed road within the relevant division to be constructed and paved and sealed with bitumen, tar or asphalt or other material approved by the delegate.	Manager Planning Services
60. Supplementary Provisions	
60.1 The power pursuant to Regulation 85(1) of the General Regulations to approve the road location and grading plan for the manner of forming any proposed road, footpath, water-table, kerbing, culvert or drain required under Division 6 of the General Regulations.	Manager Planning Services
60.2 The power pursuant to Regulation 85(2) of the General Regulations, subject to Regulation 85(4) of the General Regulations, to require all work referred to in Regulations 83 and 84 of the General Regulations to be carried out in a manner satisfactory to the delegate and in conformity with detailed construction plans and specifications signed by a professional engineer or, at the discretion of the delegate, a licensed surveyor, and approved by the delegate before the commencement of the work.	Manager Planning Services

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017	
Delegated Power	Sub-delegation
60.3 The power pursuant to Regulation 85(4) of the General Regulations to form the opinion that all connections for water supply and sewerage services to any allotment delineated on the plan which, in the opinion of the Chief Executive of the South Australian Water Corporation and any other water industry entity identified under regulation 79(1) in relation to any such allotment are necessary and need to be laid under the surface of the proposed road, have been made.	Manager Planning Services
61. General Provisions	
61.1 The power pursuant to Regulation 89(1) of the General Regulations to form the opinion that another form of arrangement is satisfactory for the purposes of Section 138(1) of the PDI Act.	Manager Planning Services
61.2 The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which:	Manager Planning Services
61.2.1 evidences the consent of the Council to an encroachment by a building over other land; and	
61.2.2 sets out: 61.2.2.1 the date on which any relevant building was erected (if known); and 61.2.2.2 the postal address of the site.	
61.3 The power pursuant to Regulation 89(6)(b) of the General Regulations to request a written copy of the certificate and plan (or certificates and plans) referred to in Regulation 89(3) of the General Regulations.	Manager Planning Services
62. Notifications During Building Work	
62.1 The power pursuant to Regulation 93(1)(b) of the General Regulations to specify by notice to the building owner and to the licensed building work contractor responsible for carrying out the relevant building work (if any), when development approval is granted in respect of the work, any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building
62.2 The power pursuant to Regulation 93(1)(c) of the General Regulations to specify by notice in writing to the building owner on the granting of development approval in respect of the work any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017	
Delegated Power	Sub-delegation
	Contract Building Surveyor
63. Essential Safety Provisions	
63.1 The power pursuant to Regulation 94(13) of the General Regulations to require compliance with Regulation 94(10) and subject to Regulation 94(11) of the General Regulations if:	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
63.1.1 the essential safety provisions were installed	
63.1.1.1 under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the Building Code; or	
63.1.1.2 as part of a performance solution under the Building Code; or	
63.1.2 the building has been the subject of a notice under Section 157 of the PDI Act.	
64. Classification of Buildings	
64.1 The power pursuant to Regulation 102(3) of the General Regulations to require an application under Regulation 102(1) or (2) of the General Regulations to be accompanied by:	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
64.1.1 such details, particulars, plans, drawings, specifications, certificates and other documents as the delegate may reasonably require to determine the building's classification.	
64.2 The power pursuant to Regulation 102(4) of the General Regulations, to subject to Regulation 102(5) of the General Regulations, assign the appropriate classification under the Building Code to a building if the delegate is satisfied, on the basis of the owner's application, and accompanying documentation, that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
64.3 The power pursuant to Regulation 102(5) of the General Regulations, if an application under Regulation 102 of the General Regulations is made in respect of an existing Class 2 to Class 9 building, to require the applicant to satisfy the delegate that the provisions of any relevant Ministerial building standard relating to upgrading health and safety in	Manager Planning Services Team Leader Development

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017	
Delegated Power	Sub-delegation
existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).	Assessment & Compliance Development Officer – Building Contract Building Surveyor
64.4 The power pursuant to Regulation 102(6) of the General Regulations, on assigning a classification to a building (or part of a building) to, if relevant, determine and specify in the notice to the owner under Section 151(3) of the PDI Act:	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
64.4.1 the maximum number of persons who may occupy the building (or part of the building); and	
64.4.2 if the building has more than 1 classification—the part or parts of the building to which each classification relates and the classifications currently assigned to the other parts of the building.	
65. Certificates of Occupancy	
65.1 The power pursuant to Regulation 103A(1) of the General Regulations to, require the following documentation:	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
65.1.1 if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that the conditions have been satisfied;	
65.1.2 if the application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, such evidence as the delegate may reasonably require to show:	
65.1.2.1 in the case of a building more than 1 storey - that the requirements of any relevant Ministerial building standard have been complied with; or	
65.1.2.2 in any other case - that the building is suitable for occupation.	
65.2 The power pursuant to Regulation 103A(2)(b) of the General Regulations to, if the development has been approved subject to conditions, require such evidence as the delegate may reasonably require to show that the conditions have been satisfied	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017	
Delegated Power	Sub-delegation
	Contract Building Surveyor
65.3 The power pursuant to Regulation 103A(3) of the General Regulations, to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after 12 March 2018, dispense with the requirement to provide a Statement of Compliance if:	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
65.3.1 the delegate is satisfied that a person required to complete 1 or both parts of the statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification or certifications; and	
65.3.2 it appears to the delegate, after undertaking an inspection, that the relevant building is suitable for occupation.	
65.4 The power pursuant to Regulation 103D(1) of the General Regulations if:	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
65.4.1 a building is:	
65.4.1.1 to be equipped with a booster assembly for use by a fire authority; or	
65.4.1.2 to have installed a fire alarm that transmits a signal to a fire station or to a monitoring service approved by the relevant authority; and	
65.4.2 facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the PDI Act,	
to not grant a certificate of occupancy unless or until the delegate has sought a report from the fire authority as to whether those facilities have been installed and operate satisfactorily and to seek such a report from the fire authority.	
65.5 The power pursuant to Regulation 103D(2) of the General Regulations if a report is not received from the fire authority within 15 business days, to presume that the fire authority does not desire to make a report.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017	
Delegated Power	Sub-delegation
65.6 The power pursuant to Regulation 103D(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 103(4) of the General Regulations before the delegate issues a certificate of occupancy.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
65.7 The power pursuant to Regulation 103E(b) of the General Regulations, on receipt of a notification of intended completion of building work under Regulation 93(1)(f) of the General Regulations, to determine that building work will be inspected by an authorised officer.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
65.8 The power pursuant to Regulation 103F of the General Regulations to revoke a certificate of occupancy:	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
65.8.1 if:	
65.8.1.1 there is a change in the use of the building; or	
65.8.1.2 the classification of the building changes; or	
65.8.1.3 building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300m ² is about to commence, or is being or has been carried out; or	
65.8.1.4 the building is about to undergo, or is undergoing or has undergone, major refurbishment,	
and the delegate considers that in the circumstances the certificate should be revoked and a new certificate sought; or	
65.8.2 if the delegate considers that the building is no longer suitable for occupation because of building work undertaken, or being undertaken, on the building, or because of some other circumstance; or	

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017	
Delegated Power	Sub-delegation
65.8.3 if a schedule of essential safety provisions has been issued in relation to the building and the owner of the building has failed to comply with the requirements of Regulation 94(10) of the General Regulations; or	
65.8.4 if the delegate considers:	
65.8.4.1 that a condition attached to a relevant development authorisation has not been met, or has been contravened, and that, in the circumstances, the certificate should be revoked; or	
65.8.4.2 that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.	
66. Mining Production Tenements	
66.1 The power pursuant to Regulation 109(1)(b) of the General Regulations to make submissions to the appropriate Authority and object to the granting of the tenement.	
67. Register of Land Management Agreements (Section 193)	
67.1 The power pursuant to Regulation 111(2) of the General Regulations to establish a register of agreements entered into by the Council under Section 193 of the PDI Act.	
67.2 The power pursuant to Regulation 111(3) of the General Regulations to include in a register, or provide access to a copy of each agreement entered into by the Council under Section 193 of the PDI Act and such other information the delegate considers appropriate.	
68. Authorised Officers and Inspections	
68.1 The power pursuant to Regulation 112(1) of the General Regulations to appoint at least 1 authorised officer under Section 210(1)(b) of the PDI Act:	
68.1.1 who is an accredited professional who is:	
68.1.1.1 an Accredited professional - building level 1; or	
68.1.1.2 an Accredited professional - building level 2; or	
68.1.1.3 an Accredited professional - building level 3; or	
68.1.1.4 an Accredited professional - building level 4; or	

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017	
Delegated Power	Sub-delegation
68.1.2 who holds a current accreditation recognised by the Chief Executive for the purposes of this Regulation; or	
68.1.3 who holds an approval from the Chief Executive.	
69. Prosecutions	
69.1 The power to commence a prosecution against any person for any offence under the Regulations.	Manager Planning Services Team Leader Development Assessment & Compliance

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019	
Delegated Power	Sub-delegation
70. Calculation of Assessment of Fees	
70.1 The power pursuant to Regulation 5(1) of the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged under a related set of regulations (including via the SA planning portal):	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer – Building Development Officer - Planning
70.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and	
70.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).	
70.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate acting under Regulation 5(1) of the Fees Regulations, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer – Building Development Officer - Planning

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019	
Delegated Power	Sub-delegation
70.3 The power pursuant to Regulation 5(3) of the Fees Regulations to at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of Regulations.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer – Building Development Officer - Planning
71. Waiver or Refund of Fee	Manager Planning Services Team Leader Development Assessment & Compliance
71.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:	
71.1.1 waive the payment of the fee, or the payment of part of the fee; or	
71.1.2 refund the whole or a part of the fee.	

STATE PLANNING COMMISSION PRACTICE DIRECTION – 2, PREPARATION AND AMENDMENT OF DESIGNATED INSTRUMENTS	
Delegated Power	Sub-delegation
72. Requirements in Relation to Preparing an Engagement Plan	Manager Planning Services
72.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction – 2 Preparation and Amendment of Designated Instruments (PD2), to prepare an engagement plan that:	
72.1.1 meets the principles and performance outcomes of the Charter;	
72.1.2 describes the persons or bodies to be consulted on the proposed amendment of the Designated Instrument, which must include any persons or bodies: 72.1.2.1 require to be consulted with under a condition imposed by the Minister under Section 73(5) of the PDI Act; 72.1.2.2 specified by the Commission under Section 73(6)(e) of the PDI Act; 72.1.2.3 who must be consulted with under the Charter;	

STATE PLANNING COMMISSION PRACTICE DIRECTION – 2, PREPARATION AND AMENDMENT OF DESIGNATED INSTRUMENTS	
Delegated Power	Sub-delegation
72.1.3 outlines any relevant previous engagement undertaken to inform the proposal;	
72.1.4 describes the evaluation framework for the engagement.	
72.2 The power pursuant to clause 5(2) of PD2 to submit all engagement plans which relate to proposed preparation of or amendment to a State Planning Policy or a Regional Plan to the Commission for approval prior to commencement of formal engagement on the proposal.	Manager Planning Services
73. Preparation of an Engagement Report (Following Consultation)	
73.1 The power pursuant to clause 6(2) of PD2 to set out in an engagement report:	Manager Planning Services
73.1.1 details of the engagement undertaken and how that engagement met the agreed community engagement plan, and reasons for variations, if any to the engagement plan;	
73.1.2 the outcome of the engagement including a summary of the written submission of feedback received;	
73.1.3 any proposed changes to the proposal to prepare or amend a Designated Instrument (when compared with the proposal that was engaged on) and the reasons for those proposed changes which specifically indicates:	
73.1.3.1 where changes are proposed to the Designated Instrument based on or as a result of the engagement; and	
73.1.3.2 any other changes which are proposed based on or as a result of additional investigations or information which was not available when the proposal was released for engagement.	
73.2 The power pursuant to clause 6(3) of PD2 to, in the engagement report also include an evaluation of the effectiveness of the engagement that considers whether:	Manager Planning Services
73.2.1 the principles of the Charter have been achieved; and	
73.2.2 all mandatory requirements identified in the Charter have been met (where the consultation category is applicable).	

STATE PLANNING COMMISSION PRACTICE DIRECTION – 2, PREPARATION AND AMENDMENT OF DESIGNATED INSTRUMENTS	
Delegated Power	Sub-delegation
74. Initiating a Code Amendment	
<p>74.1 The power pursuant to clauses 7(1) and (2) of PD2 to lodge a Proposal to Initiate with the Department via the SA Planning Portal that sets out: - Not delegated</p> <p>74.1.1 Code of Policy – an outline of:</p> <p>74.1.1.1 any overlay, general policy, zone or subzones in the Code being proposed for amendment; and/or</p> <p>74.1.1.2 the intended spatial application of an overlay, general policy, zone or subzone in the Code over an identified area;</p>	
<p>74.1.2 Affected Area</p> <p>74.1.2.1 A map or description of the Affected Area</p>	
<p>74.1.3 State Planning Policies</p> <p>74.1.3.1 identification of the relevant principles or objectives of the State Planning Policies and an assessment of the proposed Code Amendment's alignment with those State Planning Policies;</p>	
<p>74.1.4 Regional Plan</p> <p>74.1.4.1 identification of relevant regional plans and assessment of how the matters or issues proposed to be addressed by the proposed Code Amendment will relate to the relevant regional plan;</p>	
<p>74.1.5 Consultation</p> <p>74.1.5.1 matters raised by the relevant Council and/or a relevant Joint Planning Board on the Proposal to Initiate;</p> <p>74.1.5.2 information regarding any consultation that has already occurred with respect to the proposed Code Amendment;</p> <p>74.1.5.3 details of further consultation proposed to be undertaken with respect to the proposed code Amendment;</p>	
<p>74.1.6 Investigations</p> <p>74.1.6.1 information regarding any investigations which have already been undertaken with respect to the proposed Code Amendment;</p> <p>74.1.6.2 an outline of the further investigations that will be undertaken to support the proposed Code Amendment;</p>	

STATE PLANNING COMMISSION PRACTICE DIRECTION – 2, PREPARATION AND AMENDMENT OF DESIGNATED INSTRUMENTS	
Delegated Power	Sub-delegation
<p>74.1.6.3 details of any infrastructure required to support development arising through proposed Code Amendment and how the infrastructure will be provided;</p> <p>74.1.6.4 details of any infrastructure agreement (or agreements) or infrastructure scheme which will need to be established or entered into in connection with the proposed Code Amendment;</p>	
<p>74.1.7 Timetable</p> <p>74.1.7.1 an outline of the proposed timetable for each step of the Code Amendment process (ensuring that the process is completed within reasonable time limits), and a commitment from the Proponent (where it is also the Designated Entity) that it will take steps to update the timetable and seek approval from the Department if it appears that timeframes will not be met.</p>	
<p>74.2 The power pursuant to clause 7(3) of PD2 in relation to a Code Amendment which is intended to designate a place of local heritage value, to provide a report which:</p>	
<p>74.2.1 includes a heritage datasheet for each proposed Local Heritage Place, which includes:</p> <p>74.2.1.1 all relevant property details and descriptions (including images);</p> <p>74.2.1.2 historical background and thematic analysis;</p> <p>74.2.1.3 a statement of heritage value;</p> <p>74.2.1.4 an assessment against the Local Heritage Criteria; and</p> <p>74.2.1.5 the extent of listing (including any exclusions);</p>	
<p>74.2.2 includes an analysis of historic themes of importance to the area;</p> <p>74.2.3 is prepared by a heritage architect, historian or person with similar qualifications, skills or experience; and</p> <p>74.2.4 is otherwise prepared in accordance with any guidelines prepared and published by the Commission under Section 67(2)(c) of the PDI Act.</p>	
<p>74.3 The power pursuant to clause 7(4) of PD2 in relation to a Code Amendment which is intended to designate a tree (or stand of trees) as a significant tree (or trees), to provide a report which:</p>	

STATE PLANNING COMMISSION PRACTICE DIRECTION – 2, PREPARATION AND AMENDMENT OF DESIGNATED INSTRUMENTS	
Delegated Power	Sub-delegation
<p>74.3.1 includes relevant details and descriptions of the tree or stand of trees (including images as necessary);</p> <p>74.3.2 includes an assessment of the tree (or stand of trees) against the Significant Tree Criteria;</p> <p>74.3.3 is prepared by an urban planner, arborist or person with qualifications, skills or experience relevant to the assessment in the report.</p>	
75. Preparation of a Draft Code Amendment (Prior to Consultation)	
75.1 The power pursuant to clause 8(1) of PD2 to, prior to consultation occurring on a draft Code Amendment, to:	Manager Planning Services
75.1.1 carry out investigations and obtain such information:	
<p>75.1.1.1 As provided in the Proposal to initiate approved by the Minister;</p> <p>75.1.1.2 as required under any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act; and</p> <p>75.1.1.3 as specified by the Commission under Sections 73(6)(e) or 73(6)(f) of the PDI Act;</p>	
75.1.2 provide the Department with:	
<p>75.1.2.1 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p> <p>75.1.2.2 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment;</p>	
<p>75.1.3 prepare the draft Code Amendment in accordance with the approved Proposal to Initiate and any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act and the requirements of this Practice Direction;</p> <p>75.1.4 provide the Department with written instructions (in a form acceptable to the Department) to prepare the SA Planning Portal for consultation on the draft Code Amendment; and</p> <p>75.1.5 provide the Department with the engagement plan prepared (and approved, if required) under these Practice Directions, for the purpose of the</p>	

STATE PLANNING COMMISSION PRACTICE DIRECTION – 2, PREPARATION AND AMENDMENT OF DESIGNATED INSTRUMENTS	
Delegated Power	Sub-delegation
Department publishing the engagement plan on the SA Planning Portal.	
75.2 The power pursuant to clause 8(2) of PD2, where an engagement plan is amended during any period of consultation or at any time prior to finalisation of the engagement report under the Practice Directions, to provide the Department with the engagement plan (as updated) for the purpose of the Department publishing the updated engagement plan on the SA Planning Portal.	
76. Requirements For a Draft Code Amendment	
76.1 The power pursuant to clause 9(1) of PD2 to support a draft Code Amendment by the following information:	
76.1.1 an explanation of the current code policy as it applies to the Affected Area (at the time of preparation of the draft Code Amendment)an explanation about why and how the Code is proposed to be amended;	
76.1.2 an explanation of the amendments to the Code policy proposed for the Affected Area;	
76.1.3 an assessment of the strategic planning outcomes intended to be achieved through the draft Code Amendment, including an analysis of the consistency of the draft Code Amendment with the relevant provisions of State Planning Policies, the Regional Plan and any other relevant strategic plans;	
76.1.4 a summary and explanation of the investigations undertaken and how these support the draft Code Amendment; and	
76.1.5 an explanation of any infrastructure or services required to support development facilitated by the proposed Code Amendment, and an explanation of how and when the infrastructure will be provided.	
77. Complying Changes to the Code	
77.1 The power pursuant to clause 11(1) of PD2, in relation to a proposal to agree to a complying change to the Code under Section 75 of the PDI Act, to provide the following information to the Department:	Manager Planning Services
77.1.1 description of the relevant recommendations in the Regional Plan which relate to the proposed Code Amendment, including any specific maps or other specific information which clearly and expressly identify the changes relevant to the proposed Code Amendment;	

STATE PLANNING COMMISSION PRACTICE DIRECTION – 2, PREPARATION AND AMENDMENT OF DESIGNATED INSTRUMENTS	
Delegated Power	Sub-delegation
77.1.2 a summary of any consultation which has occurred in accordance with the Charter in relation to the proposed Code Amendment or the relevant Regional Plan, including a copy of the engagement report prepared for the relevant Regional Plan and any additional consultation that has occurred for the proposed Code Amendment;	
77.1.3 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and	
77.1.4 a mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment.	
78. Early Commencement of a Code Amendment	
78.1 The power pursuant to clause 12(1) of PD2, in relation to a request for early commencement of a Code Amendment under Section 78 of the PDI Act to provide to the Department:	General Manager Infrastructure, Planning & Sustainability Services Manager Planning Services
78.1.1 explanation, justification and evidence as necessary to demonstrate how early commencement of the Code Amendment is: 78.1.1.1 necessary in the interest of the orderly and proper development of an area of the state; and 78.1.1.2 required in order to counter applications for undesirable development (which should identify possible future development that would detract from or negate the object of the proposed Code Amendment) ahead of the outcome of consideration of the Code Amendment;	
78.1.2 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and in order to counter applications for undesirable development (which should identify possible future development that would detract from or negate the object of the proposed Code Amendment) ahead of the outcome of consideration of the Code Amendment;	

STATE PLANNING COMMISSION PRACTICE DIRECTION – 2, PREPARATION AND AMENDMENT OF DESIGNATED INSTRUMENTS	
Delegated Power	Sub-delegation
78.1.3 any maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the Council.	

STATE PLANNING COMMISSION PRACTICE DIRECTION – 3, NOTIFICATION OF PERFORMANCE ASSESSED DEVELOPMENT APPLICATIONS 2019	
Delegated Power	Subdelegation
79. Responsibility to Undertake Notification	
79.1 The power pursuant to clause 6(3)(b) of the State Planning Commission Practice Direction – 3 (Notification of Performance Assessed Development Applications) 2019 (PD3) to determine the relevant fee as being appropriate to cover the relevant authority's reasonable costs in giving public notice of the application under Section 107(3)(a)(ii) of the PDI Act.	

STATE PLANNING COMMISSION PRACTICE DIRECTION (COUNCIL INSPECTIONS) 2020	
Delegated	Subdelegation
80. Mandatory Inspections	
80.1 The power pursuant to clause 2(2) of Part 2 of the State Planning Commission Practice Direction (Council Inspections) 2020 (PD9) to, in carrying out an inspection under PD9, take all reasonable steps to ensure each inspection includes an inspection and assessment of the following elements (elements), as may be present at the time of inspection:	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
80.1.1 primary structural elements;	
80.1.2 structural framing and roof trusses;	
80.1.3 wet areas and waterproofing;	
80.1.4 barriers to prevent falls;	
80.1.5 cladding;	
80.1.6 egress provisions;	
80.1.7 bushfire protection systems;	
80.1.8 passive and active fire safety elements;	
80.1.9 private bushfire shelters; and	
80.1.10 performance solutions.	

STATE PLANNING COMMISSION PRACTICE DIRECTION (COUNCIL INSPECTIONS) 2020	
81. Additional Inspections	
81.1 The power pursuant to clause 3(2) of Part 2 of PD9 to consider carrying out an inspection in addition to any specified in clause 2 of Part 2 of PD9 (additional inspections) if the delegate has information to indicate that the circumstances warrant it, having regard to the objects of PD9.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
82. Inspections Generally	
82.1 The power pursuant to clause 4(3) of Part 2 of PD9, in relation to building work listed in Schedule 7 of the General Regulations to consider if an additional inspection may be appropriate.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
83. General Requirements	
83.1 The power pursuant to clause 1(2) of Part 3 of PD9 to ensure that an inspection under PD9 and subsequent assessment of each of the applicable elements in clause 2(2) of Part 2 of PD9 is carried out by a person who has the appropriate qualifications, skills, knowledge and experience to carry out an inspection assigned to that officer under PD9.	Manager Planning Services

STATE PLANNING COMMISSION PRACTICE DIRECTION 10, (STAGED OCCUPATION OF MULTI-STOREY BUILDINGS) 2020	
Delegated	Sub-delegation
84. Conditions that Must be Met for the Staged Occupation of a Partially Completed Building	
84.1 The power pursuant to clause 5(2) of the State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings 2020 (PD10)) to, agree to partial occupancy of a partially completed multistorey building.	Manager Planning Services Contract Building Surveyor

URBAN TREE CANOPY OFF-SET SCHEME

85. Use of Money from Fund	
85.1 The power pursuant to clause 9 of the Urban Tree Canopy Off-set Scheme (UTCOS) to use money distributed from the fund for any of the following purposes (and for no other purpose):	
85.1.1 to provide for the planting, establishment and maintenance of trees within reserves or public land anywhere within a designated local government area; or	
85.1.2 the purchase of land within a designated local government area to ensure:	
85.1.2.1 the preservation of trees; or	
85.1.2.2 that trees can be established in an area with a low urban tree canopy level or a demonstrated urban tree canopy loss.	

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

INSTRUMENT B**INSTRUMENT OF DELEGATION UNDER THE
PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS,
PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY****NOTES**

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B	
Delegated Power	Sub-delegation
1. Environment and Food Production Areas – Greater Adelaide	
1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development. - Not delegated	
1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development. - Not delegated	
2. Related Provisions	Manager Planning Services
2.1 The power pursuant to Section 99(2)(b)(ii) of the PDI Act to, if appropriate, grant development approval in the case of Section 99(1)(d) of the PDI Act.	Team Leader Development Assessment & Compliance
2.2 The power pursuant to Section 99(3) of the PDI Act where a proposed development is to be undertaken within the area of the Council, to, subject to the regulations, if appropriate, grant the final development approval after all elements of the development have been approved by one or more relevant authorities under Section 99 of the PDI Act.	Development Officer - Building

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B	
Delegated Power	Sub-delegation
3. Matters Against Which Development Must be Assessed 3.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against and grant or refuse a consent in respect of the relevant provisions of the Building Rules (building consent). 3.2 The power pursuant to Section 102(8) of the PDI Act, when all relevant consents have been granted in relation to a development, to in accordance with the PDI Act, indicate that the development is approved.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer - Building
4. Building Consent	
4.1 The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent (subject to such conditions or exceptions as may be prescribed by the regulations).	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
4.2 The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
4.3 The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if:	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
4.3.1 the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied:	
4.3.1.1 that:	
(a) the provisions of the Building Rules are inappropriate to the particular	

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B	
Delegated Power	Sub-delegation
building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and	
(b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or	
4.3.1.2 in a case where the consent is being sought after the development has occurred - that the variance is justifiable in the circumstances of the particular case.	
4.4 The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial building standard.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
4.5 The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in respect of the development that are as good as can reasonably be achieved in the circumstances.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
4.6 The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.	Manager Planning Services Team Leader Development Assessment & Compliance

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B	
Delegated Power	Sub-delegation
	Development Officer – Building Contract Building Surveyor
4.7 The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that:	Manager Planning Services
4.7.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or	Team Leader Development Assessment & Compliance
4.7.2 such compliance is certified by a building certifier.	Development Officer – Building Contract Building Surveyor
4.8 The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of 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	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer – Building Contract Building Surveyor
4.9 The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document):	Manager Planning Services Team Leader Development Assessment & Compliance
4.9.1 the variance; and	Development Officer – Building
4.9.2 the grounds on which the decision is being made.	Contract Building Surveyor
5. Application and Provision of Information	
5.1 The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.	Manager Planning Services Team Leader Development Assessment & Compliance

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B		
Delegated Power		Sub-delegation
		Senior Development Officer - Planning Development Officer – Building Development Officer - Planning Contract Building Surveyor
5.2	The power pursuant to Section 119(3) of the PDI Act to request an applicant:	Manager Planning Services
5.2.1	to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;	Team Leader Development Assessment & Compliance
5.2.2	to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;	Senior Development Officer - Planning
5.2.3	to consult with an authority or body prescribed by the regulations;	Development Officer – Building
5.2.4	to comply with any other requirement prescribed by the regulations.	Development Officer - Planning Contract Building Surveyor
5.3	The power pursuant to Section 119(6)(b) of the PDI Act if a request is made under Section 119(3) of the PDI Act and the request is not complied with within the time specified by the Regulations, subject to Section 119(6)(b)(ii), to refuse the application.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer – Building
5.4	The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.	Manager Planning Services Team Leader Development Assessment & Compliance

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B	
Delegated Power	Sub-delegation
	Senior Development Officer - Planning
5.5 The power pursuant to Section 119(9) of the PDI Act to:	
5.5.1 permit an applicant:	Manager Planning Services
5.5.1.1 to vary an application;	Team Leader Development Assessment & Compliance
5.5.1.2 to vary any plans, drawings, specifications or other documents that accompanied an application,	Senior Development Officer - Planning
(provided that the essential nature of the proposed development is not changed);	Development Officer – Building Development Officer - Planning
5.5.2 permit an applicant to lodge an application without the provision of any information or document required by the regulations;	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer – Building Development Officer - Planning
5.5.3 to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);	Manager Planning Services Team Leader Development Assessment & Compliance
5.5.4 if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter	Manager Planning Services Team Leader Development Assessment & Compliance

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B	
Delegated Power	Sub-delegation
until any specified matter is resolved, rectified or addressed.	Senior Development Officer - Planning Development Officer – Building Development Officer - Planning
5.6 The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer – Building Development Officer - Planning
5.7 The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer – Building Development Officer - Planning
5.8 The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B	
Delegated Power	Sub-delegation
	Development Officer – Building Development Officer - Planning
6. Outline Consent	
6.1 The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.	
6.2 The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:	
6.2.1 grant any consent contemplated by the outline consent; and	
6.2.2 not impose a requirement that is inconsistent with the outline consent.	
7. Referrals to Other Authorities or Agencies	
7.1 The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to:	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning
7.1.1 refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and	
7.1.2 not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made	
where the regulations so provide, subject to Section 122 of the PDI Act.	
7.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:	
7.2.1 to refuse the application; or	Manager Planning Services
7.2.2 consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body) where the regulations so provide.	Manager Planning Services Team Leader Development Assessment & Compliance

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B	
Delegated Power	Sub-delegation
	Senior Development Officer - Planning Development Officer - Planning
7.3 The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.	Manager Planning Services
7.4 The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning
8. Proposed Development Involving Creation of Fortifications	
8.1 The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning
8.2 The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:	
8.2.1 if the proposed development consists only of the creation of fortifications – refuse the application;	Manager Planning Services
8.2.2 in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortification.	Manager Planning Services Team Leader Development

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B	
Delegated Power	Sub-delegation
	Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning
8.3 The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning
8.4 The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act, to apply to the Court to be joined as a party to the appeal.	Manager Planning Services
9. Determination of Application	
9.1 The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Building Development Officer - Planning
9.2 The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.	Manager Planning Services Team Leader Development Assessment & Compliance

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B	
Delegated Power	Sub-delegation
	Senior Development Officer - Planning Development Officer - Planning
10. Conditions	Manager Planning Services
10.1 The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.	Team Leader Development Assessment & Compliance Senior Development Officer - Planning
10.2 The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.	Development Officer - Building Development Officer - Planning
11. Variation of Authorisation	
11.1 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Building Development Officer - Planning
12. Saving Provisions	
12.1 The power pursuant to Section 133(3) of the PDI Act to, in order to avoid or reduce hardship, extend the limitation period referred to in Section 133(2) of the PDI Act.	Manager Planning Services Team Leader Development Assessment & Compliance
13. Requirement to Up-grade	

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B	
Delegated Power	Sub-delegation
13.1 The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Building Development Officer – Planning Contract Building Surveyor
13.2 The power pursuant to Section 134(1) of the PDI Act, if:	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Building Development Officer – Planning Contract Building Surveyor
13.2.1 an application for a building consent relates to:	
13.2.1.1 building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or	
13.2.1.2 a change of classification of a building; and	
13.2.2 the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition,	
to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.	
13.3 The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Building

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B	
Delegated Power	Sub-delegation
	Development Officer – Planning Contract Building Surveyor
13.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:	Manager Planning Services
13.4.1 subject to Section 134(3)(b) of the PDI Act - on the basis that the relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and	Team Leader Development Assessment & Compliance
13.4.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed	Senior Development Officer - Planning Development Officer - Building Development Officer – Planning Contract Building Surveyor
13.5 The power pursuant to Section 134(4) of the PDI Act if:	Manager Planning Services
13.5.1 an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and	Team Leader Development Assessment & Compliance
13.5.2 the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities,	Senior Development Officer - Planning Development Officer - Building
to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be).	Development Officer – Planning Contract Building Surveyor
13.6 The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:	Manager Planning Services
13.6.1 subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority will grant building consent; and	Team Leader Development Assessment & Compliance

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B	
Delegated Power	Sub-delegation
13.6.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.	Senior Development Officer - Planning
14. Urgent Building Work	
14.1 The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.	Manager Planning Services Contract Building Surveyor
15. Cancellation of Development Authorisation	
15.1 The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Building Development Officer - Planning
15.2 The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Building Development Officer - Planning

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B	
Delegated Power	Sub-delegation
16. Professional Advice to be Obtained in Relation to Certain Matters	
16.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.	Manager Planning Services Team Leader Development Assessment & Compliance
16.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.	Manager Planning Services Team Leader Development Assessment & Compliance
17. Continuation of Processes	
17.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:	Manager Planning Services
17.1.1 adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and	
17.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and	
17.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and	
17.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and	
17.1.5 take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.	

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL)
REGULATIONS 2017**

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017	
Delegated Power	Subdelegations
18. Accredited Professionals	
18.1 The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to form the opinion and be satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations.	Manager Planning Services
19. Verification of Application	
19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Building Development Officer - Planning
19.1.1 determine the nature of the development; and	
19.1.2 if the application is for planning consent - determine:	
19.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and	
19.1.2.2 the category or categories of development that apply for the purposes of development assessment; and	
19.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and	
19.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application):	
19.1.4.1 check that the appropriate documents and information have been lodged with the application; and	
19.1.4.2 confirm the fees required to be paid at that point under the <i>Planning, Development</i>	

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017	
Delegated Power	Subdelegations
<i>and Infrastructure (Fees, Charges and Contributions) Regulations 2019; and</i>	
19.1.4.3 provide an appropriate notice via the SA planning portal; and	
19.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application):	
19.1.5.1 provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and	
19.1.5.2 provide an appropriate notice via the SA planning portal.	
20. Amended Applications	
20.1 The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Building Development Officer - Planning
20.2 The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017	
Delegated Power	Subdelegations
21. Withdrawing/Lapsing Applications	
21.1 The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:	Manager Planning Services
21.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and	Team Leader Development Assessment & Compliance
21.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations,	Senior Development Officer - Planning
of the withdrawal.	Development Officer - Planning
21.2 The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Building Development Officer - Planning
21.3 The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations to:	Manager Planning Services
21.3.1 take reasonable steps to notify the applicant of the action under consideration; and	Team Leader Development Assessment & Compliance
21.3.2 allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.	Senior Development Officer - Planning Development Officer - Building Development Officer - Planning
22. Court Proceedings	
22.1 The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the	Manager Planning Services

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017	
Delegated Power	Subdelegations
application until any proceedings under the PDI Act have been concluded.	Team Leader Development Assessment & Compliance
23. Additional Information or Amended Plans	
23.1 The power pursuant to Regulation 42(1) of the General Regulations if the relevant authority has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning
24. Building Matters	
24.1 The power pursuant to Regulation 45(1) of the General Regulations to, if, in assessing an application for building consent, the delegate considers that:	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer - Building Contract Building Surveyor
24.1.1 a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or	
24.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or	
24.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,	
refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the relevant authority that a referral is not required.	
24.2 The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer - Building

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017	
Delegated Power	Subdelegations
	Contract Building Surveyor
24.3 The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer - Building Contract Building Surveyor
24.4 The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer - Building Contract Building Surveyor
24.4.1 recommends against the granting of building consent; or	
24.4.2 concurs in the granting of consent on conditions specified in its report,	
but the delegate:	
24.4.3 proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or	
24.4.4 does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent,	
to:	
24.4.5 refer the application to the Commission; and	
24.4.6 not grant consent unless the Commission concurs in the granting of the consent.	
24.5 The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer - Building

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017	
Delegated Power	Subdelegations
	Contract Building Surveyor
25. Notice of Decision (Section 126(1))	
25.1 The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.	
26. Consideration of Other Development Authorisations	
26.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Planning
27. Certificate of Independent Technical Expert in Certain Cases	
27.1 The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.	Manager Planning Services
28. Urgent Work	
28.1 The power pursuant to Regulation 63(1) of the General Regulations to,	Manager Planning Services
28.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and	
28.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.	
28.2 The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.	Manager Planning Services

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017	
Delegated Power	Subdelegations
28.3 The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.	Manager Planning Services
29. Variation of Authorisation (Section 128)	
29.1 The power pursuant to Regulation 65(1)(a) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning
30. Construction Industry Training Fund	
30.1 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the <i>Construction Industry Training Fund Act 1993</i> or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable.	Manager Planning Services Team Leader Development Assessment & Compliance Development Officer - Building
30.2 The power pursuant to Regulation 99(5) of the General Regulations, if a notification has been given under Regulation 99(4) of the General Regulations and if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification to, if the delegate thinks fit, determine that the application has lapsed.	Manager Planning Services Team Leader Development Assessment & Compliance
31. Plans for Building Work	
31.1 The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building, if:	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Contract Building Surveyor
31.1.1 the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or	
31.1.2 the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building,	
to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other	

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017	
Delegated Power	Subdelegations
documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.	

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019	
Delegated Power	Subdelegations
32. Calculation or Assessment of Fees	
32.1 The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged with the Council under a related set of regulations (including via the SA planning portal):	Manager Planning Services Team Leader Development Assessment & Compliance
32.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and	Senior Development Officer - Planning
32.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).	Development Officer - Building Development Officer - Planning
32.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.	Manager Planning Services Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Building Development Officer - Planning
32.3 The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a	Manager Planning Services

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019	
Delegated Power	Subdelegations
fee payable under the Fees Regulations or a related set of regulations.	Team Leader Development Assessment & Compliance Senior Development Officer - Planning Development Officer - Building Development Officer - Planning
33. Waiver or Refund of Fee	
33.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:	Manager Planning Services
33.1.1 waive the payment of the fee, or the payment of part of the fee; or	Team Leader Development Assessment & Compliance
33.1.2 refund the whole or a part of the fee.	

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

INSTRUMENT C

**INSTRUMENT OF DELEGATION UNDER THE
PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS,
PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS
OF POWERS OF AN ASSESSMENT PANEL
DELEGATED TO THE ASSESSMENT MANAGER**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016	
Delegated Power	Sub-delegation
1. Environment and Food Production Areas – Greater Adelaide	
1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.	
1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.	
2. Appointment of Additional Members	
2.1 The power pursuant to Section 85(1) of the PDI Act to appoint 1 or 2 members to act as additional members of the assessment panel for the purposes of dealing with a matter that the assessment panel must assess as a relevant authority under the PDI Act.	
3. Relevant Authority – Commission	
3.1 The power pursuant to Section 94(3)(a) of the PDI Act, if the Minister acts under Section 94(1)(h) of the PDI Act to, at the request of the Commission, provide the Commission with a report relating to any application for development	

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authorisation that has been under consideration by the relevant authority.		
4. Relevant Provisions		
4.1	The power pursuant to Section 99(1) of the PDI Act, if a proposed development involves the performance of building work to determine to act under Section 99(1) of the PDI Act to:	
4.1.1	refer the assessment of the development in respect of the Building Rules to the council for the area in which the proposed development is to be undertaken; or	
4.1.2	require that the assessment of the development in respect of the Building Rules be undertaken by a building certifier.	
5. Matters Against Which Development Must Be Assessed		
5.1	The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):	Team Leader Development Assessment & Compliance Senior Development Officer - Planning
5.1.1	- Condition Applies	
5.1.1.1	the relevant provisions of the Planning Rules; and	
5.1.1.2	to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development, (planning consent);	
5.1.2	the relevant provisions of the Building Rules (building consent);	Development Officer – Building Contract Building Surveyor
5.1.3	in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act): Condition Applies	Team Leader Development Assessment & Compliance Senior Development Officer - Planning
5.1.3.1	requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;	
5.1.3.2	any relevant requirements set out in a design standard has been satisfied;	

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5.1.3.3	the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;	
5.1.3.4	where land is to be vested in a council or other authority - the council or authority consents to the vesting;	
5.1.3.5	requirements set out in regulations made for the purposes of Section 102(1)(c) of the PDI Act are satisfied;	
5.1.4	in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):	Team Leader Development Assessment & Compliance Senior Development Officer - Planning
5.1.4.1	requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;	
5.1.4.2	any relevant requirements set out in a design standard has been satisfied;	
5.1.4.3	any encroachment of a lot or unit over other land is acceptable having regard to any provision made by the Planning and Design Code or a design standard;	
5.1.4.4	where land is to be vested in a council or other authority - the council or authority consents to the vesting;	
5.1.4.5	a building or item intended to establish a boundary (or part of a boundary) of a lot or lots or a unit or units is appropriate for that purpose;	
5.1.4.6	the division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 is appropriate having regard to the nature and extent of the common property that would be established by the relevant scheme;	
5.1.4.7	the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;	

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5.1.4.8	any building situated on the land complies with the Building Rules;	
5.1.4.9	requirements set out in the regulations made for the purposes of Section 102(d) of the PDI Act are satisfied;	
5.1.5	any encroachment of a building over, under, across or on a public place (and not otherwise dealt with above) is acceptable having regard to any provision made by the Planning and Design Code or a design standard; Condition Applies	
5.1.6	if relevant - requirements applying under Part 15 Division 2 of the PDI Act are satisfied;	
5.1.7	such other matters as may be prescribed.	
5.2	The power pursuant to Section 102(3) of the PDI Act to, in relation to granting a planning consent, on the delegate's own initiative or on application, reserve the delegate's decision on a specified matter or reserve the delegate's decision to grant a planning consent:	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer - Planning
5.2.1	until further assessment of the relevant development under the PDI Act; or	
5.2.2	until further assessment or consideration of the proposed development under another Act; or	
5.2.3	until a licence, permission, consent, approval, authorisation, certificate or other authority is granted, or not granted (by the decision of another authority), under another Act.	
5.3	The power pursuant to Section 102(4) of the PDI Act to allow any matter specified by the Planning and Design Code for the purposes of Section 102(4) of the PDI Act to be reserved on the application of the applicant.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer - Planning
6.	Performance Assessed Development	
6.1	The power pursuant to Section 107(2)(c) of the PDI Act to form the opinion that the development is seriously at variance with the Planning and Design Code (disregarding minor variations).	Team Leader Development Assessment & Compliance
6.2	The power pursuant to Section 107(3) of the PDI Act, if a proposed development is to be assessed under Section 107	

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of the PDI Act to make a decision in accordance with a practice direction.	Senior Development Officer – Planning Development Officer - Planning
6.3 The power pursuant to Section 107(4) of the PDI Act to limit the matters that the delegate will take into account to what should be the decision of the relevant authority as to planning consent in relation to the performance based elements of the development as assessed on its merits.	
7. Building Consent	
7.1 The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent (subject to such conditions or exceptions as may be prescribed by the regulations).	Team Leader Development Assessment & Compliance Development Officer - Building
7.2 The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard.	Team Leader Development Assessment & Compliance Development Officer - Building
7.3 The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if:	Team Leader Development Assessment & Compliance Development Officer - Building
7.3.1 the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied:	
7.3.1.1 that:	
(a) the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and	
(b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more	

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effectively, than if the variance were not to be allowed; or	
7.3.1.2 in a case where the consent is being sought after the development has occurred - that the variance is justifiable in the circumstances of the particular case.	
7.4 The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial building standard.	Team Leader Development Assessment & Compliance Development Officer - Building
7.5 The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in respect of the development that are as good as can reasonably be achieved in the circumstances.	Team Leader Development Assessment & Compliance Development Officer - Building
7.6 The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.	Team Leader Development Assessment & Compliance Development Officer - Building
7.7 The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that:	Team Leader Development Assessment & Compliance
7.7.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or	
7.7.2 such compliance is certified by a building certifier.	
7.8 The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of 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	
7.9 The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant	Team Leader Development

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authority's decision on the application for that consent, specify (in the notice or in an accompanying document):	Assessment & Compliance
7.9.1 the variance; and	
7.9.2 the grounds on which the decision is being made.	
8. Application and Provision of Information	
8.1 The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Building Development Officer – Planning
8.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant:	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Building Development Officer – Planning
8.2.1 to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;	
8.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;	
8.2.3 to consult with an authority or body prescribed by the regulations;	
8.2.4 to comply with any other requirement prescribed by the regulations.	
8.3 The power pursuant to Section 119(6) of the PDI Act if a request is made under Section 119(3) of the PDI Act, and the request is not complied with within the time specified by the regulations, to	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
8.3.1 subject to Section 119(6)(b)(ii) of the PDI Act, refuse the application; and	
8.3.2 refuse the application in prescribed circumstances (including, if the regulations so provide, in a case involving development that is deemed-to-satisfy development).	
8.4 The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.	Team Leader Development

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	Assessment & Compliance Senior Development Officer – Planning Development Officer - Planning
8.5 The power pursuant to Section 119(9) of the PDI Act to:	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer - Planning
8.5.1 permit an applicant:	
8.5.1.1 to vary an application;	
8.5.1.2 to vary any plans, drawings, specifications or other documents that accompanied an application, (provided that the essential nature of the proposed development is not changed);	
8.5.2 permit an applicant to lodge an application without the provision of any information or document required by the regulations;	Team Leader Development Assessment & Compliance
8.5.3 to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);	Team Leader Development Assessment & Compliance
8.5.4 if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.	Team Leader Development Assessment & Compliance
8.6 The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
8.7 The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.	Team Leader Development Assessment & Compliance

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	Senior Development Officer – Planning
8.8 The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.	Team Leader Development Assessment & Compliance
9. Outline Consent	
9.1 The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent. - Not delegated	
9.2 The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:	
9.2.1 grant any consent contemplated by the outline consent; and	
9.2.2 not impose a requirement that is inconsistent with the outline consent.	
10. Design Review	
10.1 The power pursuant to Section 121(7) of the PDI Act, to in acting under the PDI Act, take into account any advice provided by a design panel (insofar as may be relevant to the assessment of proposed development by the delegate).	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
11. Referrals to Other Authorities or Agencies	
11.1 The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to:	Team Leader Development Assessment & Compliance
11.1.1 refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and	Senior Development Officer – Planning
11.1.2 not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made	Development Officer – Planning

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Delegated Power	Sub-delegation
where the regulations so provide, subject to Section 122 of the PDI Act.	
11.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:	Team Leader Development Assessment & Compliance
11.2.1 to refuse the application; or	
11.2.2 consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body) where the regulations so provide.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
11.3 The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.	Team Leader Development Assessment & Compliance
11.4 The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
12. Preliminary Advice and Agreement	
12.1 The power pursuant to Section 123(2) of the PDI Act, if:	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
12.1.1 a proposed development is referred to a prescribed body under Section 123(1) of the PDI Act; and	
12.1.2 the prescribed body agrees to consider the matter under Section 123 of the PDI Act after taking into account any matter prescribed by the regulations; and	
12.1.3 the prescribed body agrees, in the manner prescribed by the regulations, that the development meets the requirements (if any) of the prescribed body (including on the basis of the imposition of conditions),	
to, subject to Section 123(4) of the PDI Act if an application for planning consent with respect to the development is lodged with the relevant authority within the prescribed period after the prescribed body has indicated its agreement under	

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Section 123(2)(c) of the PDI Act, form the opinion and be satisfied that the application accords with the agreement indicated by the prescribed body (taking into account the terms or elements of that agreement and any relevant plans and other documentation).	
12.2 The power pursuant to Section 123(4) of the PDI Act to determine an agreement under Section 123 of the PDI Act is no longer appropriate due to the operation of Section 132 of the PDI Act.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
13. Proposed Development Involving Creation of Fortifications	
13.1 The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).	Team Leader Development Assessment & Compliance
13.2 The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:	Team Leader Development Assessment & Compliance
13.2.1 if the proposed development consists only of the creation fortifications - refuse the application; or	
13.2.2 in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications	
13.3 The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
13.4 The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act to apply to the Court to be joined as a party to the appeal.	Team Leader Development Assessment & Compliance
14. Time Within Which Decision Must be Made	
14.1 The power pursuant to Section 125(6) of the PDI Act to form the opinion and consider that the relevant application for planning consent should have been refused and apply to the Court for an order quashing the consent.	

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14.2 The power pursuant to Section 125(7) of the Act to apply to the Court for an extension of time to make an application under Section 125(6) of the Act.	
15. Determination of Application	
15.1 The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Building Development Officer – Planning
15.2 The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Building Development Officer – Planning
16. Conditions	
16.1 The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Building Development Officer – Planning
16.2 The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.	Team Leader Development Assessment & Compliance

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16.3 The power pursuant to Section 127(4) of the PDI Act, subject to Sections 127(6) and (8) of the PDI Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
16.4 The power pursuant to Section 127(6) of the PDI Act to, on the application of the applicant, determine that a payment of an amount calculated in accordance with the regulations be made into the relevant fund in lieu of planting 1 or more replacement trees under Section 127(4) of the PDI Act.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
16.5 The power pursuant to Section 127(8)(b) of the PDI Act to:	
16.5.1 determine that it is appropriate to grant an exemption under Section 127(8)(b) of the PDI Act in a particular case after taking into account any criteria prescribed by the regulations and provided the Minister concurs in the granting of the exemption;	
16.5.2 to seek the Minister's concurrence to grant an exemption under Section 127(8)(b) of the PDI Act.	
17. Variation of Authorisation	
17.1 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
18. Requirement to Up-grade	
18.1 The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.	Development Officer – Building Contract Building Surveyor
18.2 The power pursuant to Section 134(1) of the PDI Act, if:	

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18.2.1 an application for a building consent relates to:	Development Officer – Building Contract Building Surveyor
18.2.1.1 building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or	
18.2.1.2 a change of classification of a building; and	
18.2.2 the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition,	
to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.	
18.3 The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed.	Development Officer – Building Contract Building Surveyor
18.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:	Development Officer – Building Contract Building Surveyor
18.4.1 subject to Section 134(3)(b) of the PDI Act - on the basis that the relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and	
18.4.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed	
18.5 The power pursuant to Section 134(4) of the PDI Act if:	Development Officer – Building Contract Building Surveyor
18.5.1 an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and	
18.5.2 the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities,	
to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of	

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the Building Code or the Ministerial building standard (as the case may be).	
18.6 The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:	Development Officer – Building Contract Building Surveyor
18.6.1 subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority will grant building consent; and	
18.6.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.	
19. Urgent Building Work	
19.1 The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.	
20. Cancellation of Development Authorisation	
20.1 The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
20.2 The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
21. Professional Advice to be Obtained in Relation to Certain Matters	
21.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.	
21.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.	

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22. General Transitional Schemes for Panels	
22.1 The power pursuant to Clause 12(7) of Schedule 8 of the PDI Act, to	
22.1.1 adopt any findings or determinations of a council development assessment panel under the repealed Act that may be relevant to an application made before the relevant day under the repealed Act; and	
22.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application made before the relevant day under the repealed Act; and	
22.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and	
22.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act; and	
22.1.5 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act.	
<u>(Only applicable to assessment panels appointed by a council or a joint planning board)</u>	
23. Regional Assessment Panels	
23.1 The power pursuant to Clause 13(5) of Schedule 8 of the PDI Act to:	
23.1.1 adopt any findings or determinations of a council development assessment panel or a regional development assessment panel under the repealed Act that may be relevant to an application made before the relevant day under the repealed Act; and	
23.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application made before the relevant day under the repealed Act; and	
23.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and	
23.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act; and	

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23.1.5 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act.	
<u>(Relevant to regional assessment panels only)</u>	
24. Continuation of Processes	
24.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:	
24.1.1 adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and	
24.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and	
24.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and	
24.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and	
24.1.5 take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.	
25. Interpretation	
25.1 The power pursuant to Regulation 3(6)(b) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to require that a statement of site suitability provided to a relevant authority in connection with an application for development authorisation be issued by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application.	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL)
REGULATIONS 2017**

Delegated Power	Sub-delegation
26. Accredited Professionals	
<p>26.1 The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to form the opinion and be satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations.</p>	
27. Verification of Application	
<p>27.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p>	<p>Team Leader Development Assessment & Compliance</p>
<p>27.1.1 determine the nature of the development; and</p>	<p>Senior Development Officer – Planning</p>
<p>27.1.2 if the application is for planning consent - determine:</p>	<p>Development Officer – Building</p>
<p>27.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and</p>	<p>Development Officer – Planning</p>
<p>27.1.2.2 the category or categories of development that apply for the purposes of development assessment; and</p>	
<p>27.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and</p>	
<p>27.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application):</p>	

Delegated Power	Sub-delegation
27.1.4.1 check that the appropriate documents and information have been lodged with the application; and	
27.1.4.2 confirm the fees required to be paid at that point under the <i>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</i> ; and	
27.1.4.3 provide an appropriate notice via the SA planning portal; and	
27.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application):	
27.1.5.1 provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and	
27.1.5.2 provide an appropriate notice via the SA planning portal.	
28. Site Contamination – Detailed Site Investigation Report	
28.1 The power pursuant to Regulation 32A(1) of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act in relation to an application to which Schedule 8 clause 2A applies, request the applicant to provide a detailed site investigation report if:	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>
28.1.1 the preliminary site investigation report indicates that site contamination is present, or is likely to be present, at the site of the proposed development; and	
28.1.2 the delegate considers that there is insufficient information to determine that the site is suitable for its intended use, having regard to:	
28.1.2.1 site contamination; and	
28.1.2.2 if remediation is required, the extent of that remediation; and	

Delegated Power	Sub-delegation
28.1.3 the application is not required to be referred to the Environment Protection Authority under Item 9A or 9AB of the table in Schedule 9 clause 3.	
28.2 The power pursuant to Regulation 32A(2) of the General Regulations to require that a detailed site investigation report be prepared by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application.	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>
29. Site Contamination – Statement of Suitability	
29.1 The power pursuant to Regulation 32B of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act, in relation to an application to which Schedule 8 clause 2A applies, require the applicant to provide a statement of site suitability that confirms that the site is suitable for its intended use before the relevant authority issues a planning consent in relation to the application.	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>
30. Application and Further Information	
30.1 The power pursuant to Regulation 33(4) of the General Regulations to seek clarification about any document or information that has been provided by the applicant.	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Building</p> <p>Development Officer – Planning</p>
31. Amended Applications	
31.1 The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application	Team Leader Development

Delegated Power	Sub-delegation
without the need to repeat an action otherwise required under Division 2 or Division 3.	<p>Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Building</p> <p>Development Officer – Planning</p>
<p>31.2 The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.</p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p>
32. Withdrawing/Lapsing Applications	
<p>32.1 The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:</p>	<p>Team Leader Development Assessment & Compliance</p>
<p>32.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and</p>	<p>Senior Development Officer – Planning</p>
<p>32.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations,</p>	<p>Development Officer – Planning</p>
<p>of the withdrawal.</p>	
<p>32.2 The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.</p>	<p>Team Leader Development Assessment & Compliance</p>
<p>32.3 The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations, to:</p>	<p>Team Leader Development Assessment & Compliance</p>
<p>32.3.1 take reasonable steps to notify the applicant of the action under consideration; and</p>	
<p>32.3.2 allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and</p>	

Delegated Power	Sub-delegation
form determined by the delegate) about the proposed course of action.	
33. Court Proceedings	
33.1 The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.	Team Leader Development Assessment & Compliance
34. Additional Information or Amended Plans	
34.1 The power pursuant to Regulation 42(1) of the General Regulations if a delegate has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
35. Building Matters	
35.1 The power pursuant to Regulation 45(1) of the General Regulations to, if in assessing an application for building consent, the delegate considers that:	Development Officer – Building
35.1.1 a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or	Contract Building Surveyor
35.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or	
35.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,	
refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the delegate that a referral is not required.	

Delegated Power	Sub-delegation
35.2 The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.	Development Officer – Building Contract Building Surveyor
35.3 The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations.	Development Officer – Building Contract Building Surveyor
35.4 The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:	Development Officer – Building Contract Building Surveyor
35.4.1 recommends against the granting of building consent; or	
35.4.2 concurs in the granting of consent on conditions specified in its report,	
but the delegate:	
35.4.3 proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or	
35.4.4 does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent,	
to:	
35.4.5 refer the application to the Commission; and	
35.4.6 not grant consent unless the Commission concurs in the granting of the consent.	
35.5 The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.	Development Officer – Building Contract Building Surveyor
36. Preliminary Advice and Agreement (Section 123)	
36.1 The power pursuant to Regulation 46(6) of the General Regulations, if:	Team Leader Development

Delegated Power	Sub-delegation
36.1.1 the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and	Assessment & Compliance
36.1.2 the delegate 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:	
36.1.3 to obtain a variation to the agreement under Section 123 of the PDI Act; or	
36.1.4 to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.	
36.2 The power pursuant to Regulation 46(7) of the General Regulations if:	Team Leader Development Assessment & Compliance
36.2.1 an application is withdrawn by the applicant; and	
36.2.2 the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application,	
to notify relevant prescribed body of the withdrawal.	
36.3 The power pursuant to Regulation 46(8) of the General Regulations, if:	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
36.3.1 an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and	
36.3.2 the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application,	
to notify the relevant prescribed body of the lapsing.	
36.4 The power pursuant to Regulation 46(9) of the General Regulations, if:	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
36.4.1 an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and	
36.4.2 a notice of a decision on the application is issued by the delegate under Regulation 57 of the General Regulations,	

Delegated Power	Sub-delegation
to provide a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 57 of the General Regulations.	Development Officer – Planning
37. Notification of Application of Tree-damaging Activity to Owner of Land	
37.1 The power pursuant to Regulation 48 of the General Regulations, if an 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, to:	Team Leader Development Assessment & Compliance
37.1.1 give the owner notice of the application within 5 business days after the application is made; and	Senior Development Officer – Planning
37.1.2 give due consideration in the delegate's assessment of the application to any submission made by the owner within 10 business days after the giving of notice under Regulation 48 of the General Regulations.	Development Officer – Planning
38. Public Inspection of Applications	
38.1 The power pursuant to Regulation 49(3) of the General Regulations to request a person verify information in such manner as the delegate thinks fit.	Team Leader Development Assessment & Compliance
39. Representations	
39.1 The power pursuant to Regulation 50(5) of the General Regulations to, if the delegate considers that it would assist the delegate in making a decision on the application, allow a person:	Team Leader Development Assessment & Compliance
39.1.1 who has made a representation under Regulation 50(1) of the General Regulations in relation to development being assessed under Section 107 of the PDI Act; and	
39.1.2 who has indicated an interest in appearing before the delegate,	
an opportunity (at a time determined by the delegate) to appear personally or by representative before the delegate to be heard in support of the representation that has been made under Regulation 50(1) of the General Regulations.	
40. Response by Applicant	

Delegated Power	Sub-delegation
40.1 The power pursuant to Regulation 51(1) of the General Regulations to allow a response to a representation by the applicant to be made within such longer period as the delegate may allow.	Team Leader Development Assessment & Compliance
41. Notice of Decision (Section 126(1))	
41.1 The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Building Development Officer – Planning
42. Consideration of Other Development Authorisations	
42.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
43. Certificate of Independent Technical Expert in Certain Cases	
43.1 The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.	
44. Urgent Work	
44.1 The power pursuant to Regulation 63(1) of the General Regulations to,	

Delegated Power	Sub-delegation
44.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and	
44.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.	
44.2 The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.	Team Leader Development Assessment & Compliance
44.3 The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.	Team Leader Development Assessment & Compliance
45. Variation of Authorisation (Section 128)	
45.1 The power pursuant to Regulation 65(1)(a) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.	Team Leader Development Assessment & Compliance
46. Advice from Commission	
46.1 The power pursuant to Regulation 76(2) of the General Regulations, if a report is not received from the Commission within 20 business days from the day on which the application is lodged under Regulation 29 of the General Regulations or within such longer period as the Commission may require by notice to the relevant authority, to presume that the Commission does not desire to make a report.	
47. Underground Mains Area	
47.1 The power pursuant to Regulation 78(3) of the General Regulations, if an application relates to a proposed development that involves the division of land within, or partly within, an underground mains area (even if the area is declared as such after the application is lodged with the relevant authority), to require, as a condition on its decision on the application, that any electricity mains be placed underground.	

Delegated Power	Sub-delegation
48. Construction Industry Training Fund	
<p>48.1 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the <i>Construction Industry Training Fund Act 1993</i> or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable.</p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>
<p>48.2 The power pursuant to Regulation 99(5) of the General Regulations, if a notification is given under Regulation 99(4) of the General Regulations, if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification, to, if the delegate thinks fit, determine that the application has lapsed.</p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>
49. New Dwellings	
<p>49.1 The power pursuant to clause 2(1)(b) of Schedule 6B of the General 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 that was for residential purposes.</p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>
<p>49.2 The power pursuant to Clause 2(d)(ii)(D) of Schedule 8 of the General Regulations to be satisfied a site contamination audit report (within the meaning of the Environment Protection Act 1993) is not required.</p>	<p>Team Leader Development Assessment & Compliance</p>
50. Plans for Building Work	
<p>50.1 The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building</p>	

Delegated Power	Sub-delegation
consent for development consisting of or involving an alteration to a building, if:	Development Officer – Building
50.1.1 the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or	Contract Building Surveyor
50.1.2 the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building,	
to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.	

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019

51. Calculation or Assessment of Fees	
51.1 The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged with the council under a related set of regulations (including via the SA planning portal):	Team Leader Development Assessment & Compliance
51.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and	Senior Development Officer – Planning
51.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the assessment panel is not a relevant authority).	Development Officer – Building
	Development Officer – Planning
51.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.	Team Leader Development Assessment & Compliance
	Senior Development Officer – Planning

Delegated Power	Sub-delegation
	Development Officer – Building Development Officer – Planning
51.3 The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.	Team Leader Development Assessment & Compliance

PLANNING AND DESIGN CODE

52. Procedural Matter	
52.1 The power pursuant to and in accordance with the Planning and Design Code (the PD Code) to form the opinion development 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 and therefore is excluded from the operation of Sections 107(3) and (4) of the PDI Act.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
52.2 The power pursuant to and in accordance with the PD Code to determine that the variation to one or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
53. Procedural Referrals	
53.1 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature and would not warrant a referral when considering the purpose of the referral.	Team Leader Development Assessment & Compliance
53.2 The power pursuant to and in accordance with the PD Code to form the opinion and deem:	Team Leader Development Assessment & Compliance
53.2.1 alteration to an existing access or public road junction;	

Delegated Power	Sub-delegation
<p>53.2.2 development that changes the nature of vehicular movements or increases the number or frequency of movements through an existing access,</p> <p>to be minor.</p>	<p>Senior Development Officer – Planning</p>
<p>53.3 The power pursuant to and in accordance with the PD Code to form the opinion an alteration or extension of an existing dwelling is minor.</p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>
<p>53.4 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature or like for like maintenance and would not warrant a referral when considering the purpose of the referral.</p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>
<p>53.5 The power pursuant to and in accordance with the PD Code to form the opinion development materially affects the context within which the State Heritage Place is situated.</p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>
<p>54. Administrative Terms and Definition</p>	
<p>54.1 The power pursuant to and in accordance with Part 8 of the PD Code to for the purposes of Table 5 – Procedural Matters (PM) – Notification and the definition of ‘Excluded Building’, form the opinion that:</p> <p>54.1.1 the building, structure or landscape feature (or part thereof) does not contribute to the building or features of identified heritage value within the State Heritage Area;</p> <p>54.1.2 the building (or part thereof) does not demonstrate the historic</p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p>

Delegated Power	Sub-delegation
55. Referral Body: Minister Responsible for the Administration of the Aquaculture Act 2001	
55.1 The power pursuant to and in accordance with Part 9.4 of the PD Code to form the opinion that aquaculture development which involves an alteration to an existing or approved development is minor in nature.	

**STATE PLANNING COMMISSION PRACTICE DIRECTION 3
(NOTIFICATION OF PERFORMANCE ASSESSED DEVELOPMENT APPLICATIONS) 2019**

Delegated Power	Sub-delegation
56. Responsibility to Undertake Notification	
<p>56.1 The power pursuant to clause 6(4) of the State Planning Commission Practice Direction 3 (Notification of Performance Assessed Development Applications) 2019 (PD3), should the applicant request the relevant authority to place the notice on the land and pay the relevant fee, to (either personally or by engagement of a contractor) give notice of the application to members of the public by notice placed on the relevant land in accordance with Section 107(3)(a)(ii) of the PDI Act.</p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>
57. Preparing for Notification	
<p>57.1 The power pursuant to clause 8 of PD3, if the applicant has confirmed they accept responsibility to place a notice on the land as per clause 6(3)(a) of PD3, to, at least 4 business days prior to the commencement of the notification period:</p>	<p>Team Leader Development Assessment & Compliance</p>
<p>57.1.1 give notice of the anticipated commencement date and of the notification period to the applicant; and</p>	<p>Senior Development Officer – Planning</p>
<p>57.1.2 provide the applicant with a copy of the content of the notice to be placed on the relevant land; and</p>	<p>Development Officer – Planning</p>
<p>57.1.3 advise the applicant of the position and number of notice(s) to be erected on the land in accordance with clause 10 of PD3.</p>	
58. Notice on Land	
<p>58.1 The power pursuant to clause 10(2) of PD3, in relation to clause 10(1)(a) of PD3, to determine the most appropriate position for the notice on the land in order to provide for maximum visibility from a public road, and in cases where the relevant land has more than 1 frontage to a public road, to determine that more than 1 notice must be erected on each of the public road frontages to ensure that notice of the development is reasonably apparent to members of the public.</p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>

**STATE PLANNING COMMISSION PRACTICE DIRECTION (APPOINTMENT OF
ADDITIONAL MEMBERS TO ASSESSMENT PANEL) 2019**

Delegated Power	Sub-delegation
59. Qualifications and Experience of Additional members	
59.1 The power pursuant to clause 4(6) of the State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019 (PD5) where the delegate forms the view that additional expert advice is required for an application which requires assessment of a matter listed in Column 1 of PD5, to engage an additional assessment panel member provided that person maintains both the minimum experience detailed in Column 2 of PD5, as well as the minimum qualification listed in Column 3 of PD5.	
59.2 The power pursuant to clause 4(7) of PD5 to be satisfied of the minimum experience and qualifications of an additional assessment panel member.	

**STATE PLANNING COMMISSION PRACTICE DIRECTION (SCHEME TO AVOID
CONFLICTING REGIMENS) 2019**

Delegated Power	Sub-delegation
60. Scheme Provisions	
60.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019 (PD6), to in undertaking a planning assessment or imposing controls, including through the imposition of conditions of planning consent, ensure that such assessment or controls do not conflict or duplicate matters dealt with or addressed under licencing or regulatory regimens under another Act.	
60.2 The power pursuant to clause 5(3) of PD6 to, where the delegate is uncertain whether a matter conflicts with, or duplicates a matter dealt with under a licencing or regulatory regime under another Act, to seek the advice of that authority or agency.	

**SITE PLANNING COMMISSION PRACTICE DIRECTION 14
SITE CONTAMINATION ASSESSMENT 2021**

Delegated Power	Sub-delegation
61. Change of Use Where Remediation is Required After the Issue of Planning Consent – Section 127(1)(b) of Act	
61.1 The power pursuant to clause 12 of the State Planning Commission Practice Direction (Site Contamination Assessment) 2021 (PD14) to be satisfied that a site is suitable for its intended use subject to remediation being undertaken and to issue a planning consent without the remediation work having been carried out, subject to Condition A, B or C in PD14 as relevant.	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>
62. Land Division Where Remediation is Required After the Issue of Planning Consent – Section 127(1)(b) of Act	
<p>62.1 The power pursuant to clause 13 of PD14 to be satisfied in relation to proposed land division that a site is suitable for its intended use subject to remediation being undertaken and to issue a planning consent without the remediation work having been carried out subject to the consent being subject to the following condition:</p> <p><i>A land division certificate under Section 138 of the Planning, Development and Infrastructure Act 2016 must not be issued until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.</i></p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>

**SITE PLANNING COMMISSION PRACTICE DIRECTION 16 URBAN TREE CANOPY OFF-
SET SCHEME**

Delegated Power	Sub-delegation
63. Reserved Matter	
63.1 The power pursuant to clause 6(2) of State Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme (PD16) to where an applicant has elected to reserve consideration of the DTS/DPF Policy in the Overlay, as provided for in the Code and under Section 102(4) of the PDI Act, to require the applicant to provide documents which are considered by the delegate as sufficient to confirm whether the relevant development site includes a Designated Soil Type.	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p>

	Development Officer – Planning
64. Process for Payments to the Fund	
64.1 The power pursuant to clause 7 of PD16 where an applicant has elected to make a payment into the Fund, in lieu of planting a tree (or trees) as provided in the DTS/DPF Policy in the Overlay, to verify the payment as being correct in accordance with the Scheme, prior to the granting of development authorisation under the PDI Act.	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>
65. Development within Council Fund Designated Areas	
65.1 The power pursuant to clause 8(3) of PD16, where a development application relates to a site which is located both within a Council Fund Designated Area and within the Overlay to impose a condition requiring payment into a Council Fund, irrespective of an election by the applicant to plant a tree or make a payment into the Fund as provided under the Scheme.	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>

URBAN TREE CANOPY OFF-SET SCHEME

Delegated Power	Sub-delegation
66. Payment into Fund	
66.1 The power pursuant to clause 6(4) of the Urban Tree Canopy Off-set Scheme (UTCOS) where an applicant has elected to make a contribution to the fund under this scheme to impose a condition on the relevant development authorisation for planning consent requiring that payment of the amount specified in clause 6(1) of the UTCOS be made into the fund before the issue of development approval for the subject development application.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
67. 67 Use of Money from Fund	
67.1 The power pursuant to clause 9 of the UTCOS to use money distributed from the fund for any of the following purposes (and for no other purpose):	
67.1.1 to provide for the planting, establishment and maintenance of trees within reserves or public land anywhere within a designated local government area; or	
67.1.2 the purchase of land within a designated local government area to ensure:	
67.1.2.1 the preservation of trees;	
67.1.2.2 that trees can be established in an area with a low urban tree canopy level or a demonstrated urban tree canopy loss.	

SCHEDULE OF CONDITIONS**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
5.1.1, 5.1.3, 5.1.5	<p>Except in relation to any application for planning consent which has undergone notification and for which representations have been received.</p> <p>Except in cases where a deemed consent notice has been served on the CAP/Assessment Manager, in which case the limitation does not apply, and the Assessment Manager is delegated the power pursuant to Section 102(a)(i) of the PDI Act to grant consent in respect of the relevant provisions of the Planning Rules without limitation.</p>

INSTRUMENT D

**INSTRUMENT OF DELEGATION UNDER THE
PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS,
PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS
OF POWERS OF AN ASSESSMENT MANAGER**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant decision of the Assessment Manager to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT 2016	
Delegated Power	Sub-delegation
1. Environment and Food Production Areas – Greater Adelaide	
1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.	
1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.	
2. Relevant Authority – Commission	
2.1 The power pursuant to Section 94(3)(a) of the PDI Act, if the Minister acts under Section 94(1)(h) of the PDI Act to, at the request of the Commission, provide the Commission with a report relating to any application for development authorisation that has been under consideration by the relevant authority.	

PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT 2016	
Delegated Power	Sub-delegation
3. Relevant Provisions	
3.1 The power pursuant to Section 99(1) of the PDI Act, if a proposed development involves the performance of building work to determine to act under Section 99(1) of the PDI Act to:	
3.1.1 refer the assessment of the development in respect of the Building Rules to the council for the area in which the proposed development is to be undertaken; or	
3.1.2 require that the assessment of the development in respect of the Building Rules be undertaken by a building certifier.	
4. Matters Against Which Development Must Be Assessed	
4.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):	
4.1.1 -	
4.1.1.1 the relevant provisions of the Planning Rules; and	
4.1.1.2 to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development, (planning consent);	
4.1.2 in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
4.1.2.1 requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;	

PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT 2016	
Delegated Power	Sub-delegation
4.1.2.2 any relevant requirements set out in a design standard has been satisfied;	
4.1.2.3 the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer - Planning
4.1.2.4 where land is to be vested in a council or other authority - the council or authority consents to the vesting;	
4.1.2.5 requirements set out in regulations made for the purposes of Section 102(1)(c) of the PDI Act are satisfied;	
4.1.3 in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer - Planning
4.1.3.1 requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;	
4.1.3.2 any relevant requirements set out in a design standard has been satisfied;	
4.1.3.3 any encroachment of a lot or unit over other land is acceptable having regard to any provision made by the Planning and Design Code or a design standard;	
4.1.3.4 where land is to be vested in a council or other authority - the	

PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT 2016		
Delegated Power		Sub-delegation
	council or authority consents to the vesting;	
4.1.3.5	a building or item intended to establish a boundary (or part of a boundary) of a lot or lots or a unit or units is appropriate for that purpose;	
4.1.3.6	the division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 is appropriate having regard to the nature and extent of the common property that would be established by the relevant scheme;	
4.1.3.7	the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;	
4.1.3.8	any building situated on the land complies with the Building Rules;	
4.1.3.9	requirements set out in the regulations made for the purposes of Section 102(d) of the PDI Act are satisfied;	
4.1.4	any encroachment of a building over, under, across or on a public place (and not otherwise dealt with above) is acceptable having regard to any provision made by the Planning and Design Code or a design standard;	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer - Planning</p>
4.1.5	if relevant - requirements applying under Part 15 Division 2 of the PDI Act are satisfied;	<p>Team Leader Development Assessment & Compliance</p>

PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT 2016	
Delegated Power	Sub-delegation
	<p>Senior Development Officer – Planning</p> <p>Development Officer - Planning</p>
4.1.6 such other matters as may be prescribed.	
4.2 The power pursuant to Section 102(3) of the PDI Act to, in relation to granting a planning consent, on the delegate's own initiative or on application, reserve the delegate's decision on a specified matter or reserve the delegate's decision to grant a planning consent:	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p>
4.2.1 until further assessment of the relevant development under the PDI Act; or	<p>Development Officer - Planning</p>
4.2.2 until further assessment or consideration of the proposed development under another Act; or	
4.2.3 until a licence, permission, consent, approval, authorisation, certificate or other authority is granted, or not granted (by the decision of another authority), under another Act.	
4.3 The power pursuant to Section 102(4) of the PDI Act to allow any matter specified by the Planning and Design Code for the purposes of Section 102(4) of the PDI Act to be reserved on the application of the applicant.	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer - Planning</p>
5. Deemed-to-satisfy Assessment	
5.1 The power pursuant to Section 106(2) of the PDI Act to form the opinion and be satisfied that development is deemed-to-satisfy development except for 1 or more minor variations and assess it as being deemed-to-satisfy.	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer - Planning</p>
6. Performance Assessed Development	

PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT 2016		
Delegated Power		Sub-delegation
6.1	The power pursuant to Section 107(2)(c) of the PDI Act to form the opinion that the development is seriously at variance with the Planning and Design Code (disregarding minor variations).	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer - Planning
6.2	The power pursuant to Section 107(3) of the PDI Act, if a proposed development is to be assessed under Section 107 of the PDI Act to make a decision in accordance with a practice direction.	Team Leader Development Assessment & Compliance
6.2.1	The power pursuant to Section 107(4) of the PDI Act to limit the matters that the delegate will take into account to what should be the decision of the relevant authority as to planning consent in relation to the performance based elements of the development as assessed on its merits.	Senior Development Officer – Planning Development Officer - Planning
7. Application and Provision of Information		
7.1	The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer - Planning
7.2	The power pursuant to Section 119(3) of the PDI Act to request an applicant:	Team Leader Development Assessment & Compliance
7.2.1	to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;	Senior Development Officer – Planning

PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT 2016	
Delegated Power	Sub-delegation
7.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;	Development Officer - Planning
7.2.3 to consult with an authority or body prescribed by the regulations;	
7.2.4 to comply with any other requirement prescribed by the regulations.	
7.3 The power pursuant to Section 119(6) of the PDI Act if a request is made under Section 119(3) of the PDI Act, and the request is not complied with within the time specified by the regulations, to	Team Leader Development Assessment & Compliance
7.3.1 subject to Section 119(6)(b)(ii) of the PDI Act, refuse the application; and	Senior Development Officer – Planning
7.3.2 refuse the application in prescribed circumstances (including, if the regulations so provide, in a case involving development that is deemed-to-satisfy development).	Development Officer - Planning
7.4 The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.	Team Leader Development Assessment & Compliance Senior Development Officer - Planning
7.5 The power pursuant to Section 119(9) of the PDI Act to:	
7.5.1 permit an applicant:	
7.5.1.1 to vary an application;	
7.5.1.2 to vary any plans, drawings, specifications or other documents that accompanied an application,	
(provided that the essential nature of the proposed development is not changed);	
7.5.2 permit an applicant to lodge an application without the provision of any information or document required by the regulations;	

PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT 2016		
Delegated Power		Sub-delegation
7.5.3	to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);	Team Leader Development Assessment & Compliance
7.5.4	if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer - Planning
7.6	The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
7.7	The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning Development Officer - Building
7.8	The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.	Team Leader Development Assessment & Compliance

PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT 2016	
Delegated Power	Sub-delegation
	Senior Development Officer – Planning
8. Outline Consent	
8.1 The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.	
8.2 The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:	Team Leader Development Assessment & Compliance
8.2.1 grant any consent contemplated by the outline consent; and	Senior Development Officer – Planning
8.2.2 not impose a requirement that is inconsistent with the outline consent.	Development Officer - Planning
9. Design Review	Team Leader Development Assessment & Compliance
9.1 The power pursuant to Section 121(7) of the PDI Act, to in acting under the PDI Act, take into account any advice provided by a design panel (insofar as may be relevant to the assessment of proposed development by the delegate).	Senior Development Officer – Planning
10. Referrals to Other Authorities or Agencies	Development Officer - Planning
10.1 The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to:	
10.1.1 refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and	
10.1.2 not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made	

PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT 2016	
Delegated Power	Sub-delegation
where the regulations so provide, subject to Section 122 of the PDI Act.	
10.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:	
10.2.1 to refuse the application; or	
10.2.2 consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body) where the regulations so provide.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer - Planning
10.3 The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.	Team Leader Development Assessment & Compliance
10.4 The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer - Planning
11. Preliminary Advice and Agreement	
11.1 The power pursuant to Section 123(2) of the PDI Act, if:	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
11.1.1 a proposed development is referred to a prescribed body under Section 123(1) of the PDI Act; and	
11.1.2 the prescribed body agrees to consider the matter under Section 123 of the PDI Act after taking into account any matter prescribed by the regulations; and	

PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT 2016	
Delegated Power	Sub-delegation
<p>11.1.3 the prescribed body agrees, in the manner prescribed by the regulations, that the development meets the requirements (if any) of the prescribed body (including on the basis of the imposition of conditions),</p>	Development Officer - Planning
<p>to, subject to Section 123(4) of the PDI Act if an application for planning consent with respect to the development is lodged with the relevant authority within the prescribed period after the prescribed body has indicated its agreement under Section 123(2)(c) of the PDI Act, form the opinion and be satisfied that the application accords with the agreement indicated by the prescribed body (taking into account the terms or elements of that agreement and any relevant plans and other documentation).</p>	
<p>11.2 The power pursuant to Section 123(4) of the PDI Act to determine an agreement under Section 123 of the PDI Act is no longer appropriate due to the operation of Section 132 of the PDI Act.</p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p>
12. Proposed Development Involving Creation of Fortifications	
<p>12.1 The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).</p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p>
<p>12.2 The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:</p>	
<p>12.2.1 if the proposed development consists only of the creation fortifications - refuse the application; or</p>	
<p>12.2.2 in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications</p>	

PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT 2016	
Delegated Power	Sub-delegation
12.3 The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
12.4 The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act to apply to the Court to be joined as a party to the appeal.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
13. Time Within Which Decision Must be Made	
13.1 The power pursuant to Section 125(6) of the PDI Act to form the opinion and consider that the relevant application for planning consent should have been refused and apply to the Court for an order quashing the consent.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
13.2 The power pursuant to Section 125(7) of the Act to apply to the Court for an extension of time to make an application under Section 125(6) of the Act.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
14. Determination of Application	
14.1 The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).	Team Leader Development Assessment & Compliance Senior Development Officer – Planning

PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT 2016	
Delegated Power	Sub-delegation
	Development Officer - Planning
14.2 The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer - Planning
15. Conditions	
15.1 The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer - Planning
15.2 The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
15.3 The power pursuant to Section 127(4) of the PDI Act, subject to Sections 127(6) and (8) of the PDI Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer - Planning

PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT 2016	
Delegated Power	Sub-delegation
maintenance to be the responsibility of the owner of the land).	
15.4 The power pursuant to Section 127(6) of the PDI Act to, on the application of the applicant, determine that a payment of an amount calculated in accordance with the regulations be made into the relevant fund in lieu of planting 1 or more replacement trees under Section 127(4) of the PDI Act.	
15.5 The power pursuant to Section 127(8)(b) of the PDI Act to:	
15.5.1 determine that it is appropriate to grant an exemption under Section 127(8)(b) of the PDI Act in a particular case after taking into account any criteria prescribed by the regulations and provided the Minister concurs in the granting of the exemption;	
15.5.2 to seek the Minister's concurrence to grant an exemption under Section 127(8)(b) of the PDI Act.	
16. Variation of Authorisation	
16.1 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p> <p>Development Officer - Building</p>
17. Urgent Building Work	
17.1 The power pursuant to Section 135(2) of the PDI Act to issue any direction.	<p>Contract Building Surveyor</p> <p>Development Officer - Building</p>
18. Cancellation of Development Authorisation	

PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT 2016	
Delegated Power	Sub-delegation
18.1 The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
18.2 The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
19. Professional Advice to be Obtained in Relation to Certain Matters	
19.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
19.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
20. General Transitional Schemes for Panels	
20.1 The power pursuant to Clause 12(7) of Schedule 8 of the PDI Act, to	
20.1.1 adopt any findings or determinations of a council development assessment panel under the repealed Act that may be relevant to an	

PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT 2016	
Delegated Power	Sub-delegation
application made before the relevant day under the repealed Act; and	
20.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application made before the relevant day under the repealed Act; and	
20.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and	
20.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act; and	
20.1.5 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act.	
<i>(Only applicable to assessment panels appointed by a council)</i>	
21. Regional Assessment Panels	
21.1 The power pursuant to Clause 13(5) of Schedule 8 of the PDI Act to:	
21.1.1 adopt any findings or determinations of a council development assessment panel or a regional development assessment panel under the repealed Act that may be relevant to an application made before the relevant day under the repealed Act; and	
21.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application made before the relevant day under the repealed Act; and	
21.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and	
21.1.4 deal with any requirement or grant any variation imposed or proposed in connection	

PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT 2016	
Delegated Power	Sub-delegation
with an application made before the relevant day under the repealed Act; and	
21.1.5 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act.	
<i>(Only applicable to regional assessment panels)</i>	
22. Continuation of Processes	
22.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:	
22.1.1 adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and	
22.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and	
22.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and	
22.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and	
22.1.5 take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.	

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL)
REGULATIONS 2017**

Delegated Power	Sub-delegation
23. Interpretation 23.1 The power pursuant to Regulation 3(6)(b) of the Planning, Development and Infrastructure Regulations 2017 (the General Regulations) to require that a statement of site suitability provided to a relevant authority in connection with an application for development authorisation be issued by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
24. Prescribed Scheme (Section 93)	
24.1 The power pursuant to Regulation 22(2) of the Planning, Development and Infrastructure (General) Regulations 2019 (the General Regulations), to, in connection with Regulation 22(1)(a)(ii) of the General Regulations act as a relevant authority for the purposes of:	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
24.1.1 making a decision in accordance with a practice direction under Section 107(3)(a) of the PDI Act; and	
24.1.2 determining whether a proposed development the subject of an application falls within a specified class of development excluded from the operation of Section 107(3) and (4) of the PDI Act by the Planning and Design Code.	
25. Verification of Application	
25.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning Development Officer - Building
25.1.1 determine the nature of the development; and	
25.1.2 if the application is for planning consent - determine:	
25.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the	

	provisions of the Planning and Design Code; and	
	25.1.2.2 the category or categories of development that apply for the purposes of development assessment; and	
	25.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and	
	25.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application):	
	25.1.4.1 check that the appropriate documents and information have been lodged with the application; and	
	25.1.4.2 confirm the fees required to be paid at that point under the <i>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</i> ; and	
	25.1.4.3 provide an appropriate notice via the SA planning portal; and	
	25.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application):	
	25.1.5.1 provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and	
	25.1.5.2 provide an appropriate notice via the SA planning portal.	
26.	Site Contamination – Detailed Site Investigation Report	Team Leader Development Assessment & Compliance
26.1	The power pursuant to Regulation 32A(1) of the General Regulations to for the purposes of Section 119(3)(d) of the PDI Act, in relation to an application to which Schedule 8 clause 2A	

<p>applies, request the applicant to provide a detailed site investigation report if:</p> <p>26.1.1 <i>the preliminary site investigation report indicates that site contamination is present, or is likely to be present, at the site of the proposed development; and</i></p> <p>26.1.2 <i>the delegate considers that there is insufficient information to determine that the site is suitable for its intended use, having regard to:</i></p> <p>26.1.2.1 site contamination; and</p> <p>26.1.2.2 if remediation is required, the extent of that remediation; and</p> <p>26.1.3 <i>the application is not required to be referred to the Environment Protection Authority under item 9A or 9AB of the table in Schedule 9 clause 3.</i></p> <p>26.2 The power pursuant to Regulation 32A(2) of the General Regulations to require that a detailed site investigation report be prepared by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application.</p>	<p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>
<p>27. Site Contamination – Statement of Site Suitability</p> <p>27.1 The power pursuant to Regulation 32B of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act, in relation to an application to which Schedule 8 clause 2A applies, require the applicant to provide a statement of site suitability that confirms that the site is suitable for its intended use before the relevant authority issues a planning consent in relation to the application.</p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>
<p>28. Application and Further Information</p>	
<p>28.1 The power pursuant to Regulation 33(4) of the General Regulations to seek clarification about any document or information that has been provided by the applicant.</p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p>

	Development Officer – Planning Development Officer - Building
29. Amended Applications	
29.1 The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning Development Officer - Building
29.2 The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
30. Withdrawing/Lapsing Applications	
30.1 The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:	Team Leader Development Assessment & Compliance
30.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and	Senior Development Officer – Planning
30.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations,	Development Officer – Planning
of the withdrawal.	

30.2	The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
30.3	The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations, to:	Team Leader Development Assessment & Compliance
30.3.1	take reasonable steps to notify the applicant of the action under consideration; and	Senior Development Officer – Planning
30.3.2	allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.	Development Officer – Planning
31. Court Proceedings		
31.1	The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.	Team Leader Development Assessment & Compliance
32. Additional Information or Amended Plans		
32.1	The power pursuant to Regulation 42(1) of the General Regulations if a delegate has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
33. Preliminary Advice and Agreement (Section 123)		
33.1	The power pursuant to Regulation 46(6) of the General Regulations, if:	Team Leader Development Assessment & Compliance
33.1.1	the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and	

33.1.2	the delegate determines that the application no longer accords with the agreement indicated by the prescribed body,	Senior Development Officer – Planning
	to refer the application (unless withdrawn) to the prescribed body:	Development Officer – Planning
33.1.3	to obtain a variation to the agreement under Section 123 of the PDI Act; or	
33.1.4	to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.	
33.2	The power pursuant to Regulation 46(7) of the General Regulations if:	Team Leader Development Assessment & Compliance
33.2.1	an application is withdrawn by the applicant; and	Senior Development Officer – Planning
33.2.2	the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application,	Development Officer – Planning
	to notify relevant prescribed body of the withdrawal.	
33.3	The power pursuant to Regulation 46(8) of the General Regulations, if:	Team Leader Development Assessment & Compliance
33.3.1	an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and	Senior Development Officer – Planning
33.3.2	the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application,	Development Officer – Planning
	to notify the relevant prescribed body of the lapsing.	
33.4	The power pursuant to Regulation 46(9) of the General Regulations, if:	Team Leader Development Assessment & Compliance
33.4.1	an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and	Senior Development Officer – Planning
33.4.2	a notice of a decision on the application is issued by the delegate under Regulation 57 of the General Regulations,	Development Officer – Planning
	to provide a copy of the notice to the prescribed body within 5 business days after the notice is given to the	

applicant under Regulation 57 of the General Regulations.	
34. Notification of Application of Tree-damaging Activity to Owner of Land	
34.1 The power pursuant to Regulation 48 of the General Regulations, if an 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, to:	Team Leader Development Assessment & Compliance
34.1.1 give the owner notice of the application within 5 business days after the application is made; and	Senior Development Officer – Planning
34.1.2 give due consideration in the delegate's assessment of the application to any submission made by the owner within 10 business days after the giving of notice under Regulation 48 of the General Regulations.	Development Officer – Planning
35. Public Inspection of Applications	
35.1 The power pursuant to Regulation 49(3) of the General Regulations to request a person verify information in such manner as the delegate thinks fit.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning Development Support Officer Team Leader – Administration & Regulation Administration Assistant – Development & Compliance
36. Notice of Decision (Section 126(1))	
36.1 The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.	Team Leader Development Assessment & Compliance

	Senior Development Officer – Planning Development Officer – Planning Development Officer - Building
37. Consideration of Other Development Authorisations	
37.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
38. Certificate of Independent Technical Expert in Certain Cases	
38.1 The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.	
39. Urgent Work	
39.1 The power pursuant to Regulation 63(1) of the General Regulations to,	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning Development Officer – Building
39.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and	
39.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.	
39.2 The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.	Team Leader Development

	<p>Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p> <p>Development Officer – Building</p>
<p>39.3 The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.</p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p> <p>Development Officer – Building</p>
40. Variation of Authorisation (Section 128)	
<p>40.1 The power pursuant to Regulation 65(1) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.</p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>
41. Advice from Commission	
<p>41.1 The power pursuant to Regulation 76(2) of the General Regulations, if a report is not received from the Commission within 20 business days from the day on which the application is lodged under Regulation 29 of the General Regulations or within such longer period as the Commission may require by notice to the relevant authority, to presume that the Commission does not desire to make a report.</p>	

42. Underground Mains Area	
42.1 The power pursuant to Regulation 78(3) of the General Regulations, if an application relates to a proposed development that involves the division of land within, or partly within, an underground mains area (even if the area is declared as such after the application is lodged with the relevant authority), to require, as a condition on its decision on the application, that any electricity mains be placed underground.	
43. Construction Industry Training Fund	
43.1 The power pursuant to Regulation 99(4) of the General Regulations, if a notification has been given under Regulation 99(4) of the General Regulations and if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification to, if the delegate thinks fit, determine that the application has lapsed.	Team Leader Development Assessment & Compliance Development Officer – Building
43.2 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the <i>Construction Industry Training Fund Act 1993</i> or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable.	Team Leader Development Assessment & Compliance Development Officer – Building
44. New Dwellings	
44.1 The power pursuant to Clause 2(1)(b) of Schedule 86B of the General 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 that was for residential purposes.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
44.2 The power pursuant to Clause 2(d)(ii)(D) of Schedule 8 of the General Regulations to be satisfied a site contamination audit report (within the meaning of the Environment Protection Act 1993) is not required.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning
45. Plans for Building Work	
45.1 The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for	Team Leader Development

building consent for development consisting of or involving an alteration to a building, if:	Assessment & Compliance Development Officer – Building
45.1.1 the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or	
45.1.2 the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building,	
to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.	

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019

46. Calculation or Assessment of Fees	
46.1 The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged with the council under a related set of regulations (including via the SA planning portal):	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning Development Officer – Building
46.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and	
46.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the assessment manager is not a relevant authority).	
46.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to	Team Leader Development Assessment & Compliance

calculate any fee on the basis of estimates made by the delegate.	Senior Development Officer – Planning Development Officer – Planning Development Officer – Building
46.3 The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning Development Officer – Building

PLANNING AND DESIGN CODE

47. Procedural Matter	
47.1 The power pursuant to and in accordance with the Planning and Design Code (the PD Code) to form the opinion development 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 and therefore is excluded from the operation of Sections 107(3) and (4) of the PDI Act.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
48. Procedural Matters: Referrals	
48.1 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature and would warrant a referral when considering the purpose of the referral.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning

48.2	The power pursuant to and in accordance with the PD Code to form the opinion and deem:	Team Leader Development Assessment & Compliance
48.2.1	alteration to an existing access or public road junction; or	Senior Development Officer – Planning
48.2.2	development that changes the nature of vehicular movements or increases the number or frequency of movements through an existing access,	Development Officer – Planning
	to be minor.	
48.3	The power pursuant to and in accordance with the PD Code to form the opinion an alteration or extension of an existing dwelling is minor.	Team Leader Development Assessment & Compliance
		Senior Development Officer – Planning
		Development Officer – Planning
48.4	The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature or like for like maintenance and would not warrant a referral when considering the purpose of the referral.	Team Leader Development Assessment & Compliance
		Senior Development Officer – Planning
		Development Officer – Planning
48.5	The power pursuant to and in accordance with the PD Code to form the opinion development materially affects the context within which the State Heritage Place is situated.	Team Leader Development Assessment & Compliance
		Senior Development Officer – Planning
		Development Officer – Planning
49. Administrative Terms and Definitions		
49.1	The power pursuant to and in accordance with Part 8 of the PD Code to for the purposes of Table 5 –	Team Leader Development

Procedural Matters (PM) – Notification and the definition of 'Excluded Building', form the opinion that:	Assessment & Compliance
49.1.1 the building, structure or landscape feature (or part thereof) does not contribute to the building or features of identified heritage value within the State Heritage Area;	Senior Development Officer – Planning
49.1.2 the building (or part thereof) does not demonstrate the historic characteristics as expressed in the Historic Area Statement.	

**STATE PLANNING COMMISSION PRACTICE DIRECTION
(SCHEME TO AVOID CONFLICTING REGIMENS)
2019**

50. Scheme Provisions	
50.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019 (PD6), to in undertaking a planning assessment or imposing controls, including through the imposition of conditions of planning consent, ensure that such assessment or controls do not conflict or duplicate matters dealt with or addressed under licencing or regulatory regimens under another Act.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning
50.2 The power pursuant to clause 5(3) of PD6 to, where the delegate is uncertain whether a matter conflicts with, or duplicates a matter dealt with under a licencing or regulatory regime under another Act, to seek the advice of that authority or agency.	Team Leader Development Assessment & Compliance Senior Development Officer – Planning Development Officer – Planning

**SITE PLANNING COMMISSION PRACTICE DIRECTION 14 SITE CONTAMINATION
ASSESSMENT 2021**

51. Change of Use Where Remediation is Required After the Issue of Planning Consent – Section 127(1)(b) of Act	Team Leader Development Assessment & Compliance
51.1 The power pursuant to clause 12 of the State Planning Commission Practice Direction (Site Contamination Assessment) 2021 (PD14) to be satisfied that a site is suitable for its intended use subject to remediation being undertaken and to	

<p>issue a planning consent without the remediation work having been carried out, subject to Condition A, B or C in PD14 as relevant.</p>	<p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>
<p>52. Land Division Where Remediation is Required After the Issue of Planning Consent – Section 127(1)(b) of Act</p>	<p>Team Leader Development Assessment & Compliance</p>
<p>52.1 The power pursuant to clause 13 of PD14 to be satisfied in relation to proposed land division that a site is suitable for its intended use subject to remediation being undertaken and to issue a planning consent without the remediation work having been carried out subject to the consent being subject to the following condition:</p> <p>52.1.1 A land division certificate under Section 138 of the Planning, Development and Infrastructure Act 2016 must not be issued until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.</p>	<p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>

**STATE PLANNING COMMISSION PRACTICE DIRECTION 16
URBAN TREE CANOPY OFF-SET SCHEME**

<p>53. Reserved Matter</p>	
<p>53.1 The power pursuant to clause 6(2) of State Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme (PD16) to where an applicant has elected to reserve consideration of the DTS/DPF Policy in the Overlay, as provided for in the Code and under Section 102(4) of the PDI Act, to require the applicant to provide documents which are considered by the delegate as sufficient to confirm whether the relevant development site includes a Designated Soil Type.</p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>
<p>54. Process for Payments to the Fund</p>	
<p>54.1 The power pursuant to clause 7 of PD16 where an applicant has elected to make a payment into the Fund, in lieu of planting a tree (or trees) as provided in the DTS/DPF Policy in the Overlay, to verify the payment as being correct in accordance with the Scheme, prior to the granting of development authorisation under the PDI Act.</p>	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p>

	Development Officer – Planning
55. Development within Council Fund Designated Areas	
55.1 The power pursuant to clause 8(3) of PD16, where a development application relates to a site which is located both within a Council Fund Designated Area and within the Overlay to impose a condition requiring payment into a Council Fund, irrespective of an election by the applicant to plant a tree or make a payment into the Fund as provided under the Scheme.	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>

URBAN TREE CANOPY OFF-SET SCHEME

56. Payment into Fund	
56.1 The power pursuant to clause 6(4) of the Urban Tree Canopy Off-set Scheme (UTCOS) where an applicant has elected to make a contribution to the fund under this scheme to impose a condition on the relevant development authorisation for planning consent requiring that payment of the amount specified in clause 6(1) of the UTCOS be made into the fund before the issue of development approval for the subject development application.	<p>Team Leader Development Assessment & Compliance</p> <p>Senior Development Officer – Planning</p> <p>Development Officer – Planning</p>

SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**Delegations to The Eastern Health Authority under the
Environment Protection Act 1993 and the
Environment Protection (Waste To Resources) Policy 2010**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

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.
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.
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.
4.	Site Contamination Assessment Orders
	<i>Deliberately left blank</i>
5.	Site Remediation Orders
	<i>Deliberately left blank</i>
6.	<i>Deliberately left blank</i>

**Delegations under the Environment Protection
(Waste to Resources) Policy 2010**

6A.	<i>Deliberately left blank</i>
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 Eastern Health Authority:
(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;
(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;
(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;
(d)	all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;
(e)	all containers of medical waste must be stored in a secure location;
(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;
(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;
(h)	medical waste must be disposed of as soon as reasonably practicable;
(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;
(j)	before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards associated with the waste and

	any precautions that need to be taken during the collection, transport or disposal of the medical waste;
(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.

SCHEDULE OF CONDITIONS**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

**Delegations to the Eastern Health Authority under the
Expiation of Offences Act 1996**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

1. Certain Offences may be Expiated	
1.1.	The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under:
1.1.1.	Environment Protection Act 1993 and any regulation or Policy made thereunder;
1.1.2.	South Australian Public Health Act 2011 along with the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013;
1.1.3.	Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009,
	and the alleged offence may accordingly be expiated in accordance with the Act.
2. Expiation Notices	
2.1	The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence under:
2.1.1	Environment Protection Act 1993 and any regulation or Policy made thereunder;
2.1.2	South Australian Public Health Act 2011 along with the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013;
2.1.3	Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009.
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.
3.2	The power pursuant to Section 8A(4) of the Act to determine an application for review before providing the Chief Recovery Officer with relevant particulars under Section 22 of the Fines Enforcement and Debt Recovery Act 2017 in respect of the offence to which the application relates.
3.3	The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.
3.4	The power pursuant to Section 8A(6a) of the Act, if an enforcement determination made under section 22 of the Fines and Enforcement Debt Recovery Act 2017 is revoked on the ground that the alleged offender had not had a reasonable opportunity to apply for review of the notice under Section 8A of the Act, and the alleged offender makes an application under Section 8A of the Act within 14 days of being notified of the revocation, to withdraw the expiation notice under Section 8A of the Act.
3A. Deliberately left blank	
4. Expiation Reminder Notices	
4.1	The duty pursuant to Section 11 of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 20 of the Fines Enforcement and Debt Recovery Act 2017 and the Council or EHA has not received a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation reminder notice in the prescribed form to the alleged offender..
5. Expiation Enforcement Warning Notices	
5.1	The duty pursuant to Section 11A(1) of the Act where the Council or EHA has received a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation enforcement warning notice, in the prescribed form, to the alleged offender.
6. Late Payment	

6.1	The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 13 of the Act.
7.	Deliberately left blank
8.	Withdrawal of Expiation Notices
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:
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;
8.1.2	the Council or EHA as issuing authority receives a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or
8.1.3	the notice is defective; or
8.1.3A	in the opinion of the Delegate the alleged offender is suffering from a cognitive impairment that excuses the alleged offending; or
8.1.4	the Delegate decides that the alleged offender should be prosecuted for the offence or offences.
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.
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 or EHA as issuing authority or failure of the postal system or failure in the transmission of an email.
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 22 of the Fines Enforcement and Debt Recovery Act 2014, to inform the Chief Recovery Officer of the withdrawal of the notice.
9.	Provision of Information
9.1	The power pursuant to Section 18 of the Act to enter into an agreement with the Chief Recovery Officer in relation to:
9.1.1	the manner in which the Chief Recovery Officer is to provide information to EHA in relation to action taken by the Chief Recovery

	Officer under the Act in respect of an expiation notice issued by EHA as a delegate of the Council; and
9.1.2	the manner in which EHA is to provide information to the Chief Recovery Officer in relation to the issuing of an expiation notice by EHA as a delegate of the Council or any other action taken by EHA as a delegate of the Council in respect of an expiation notice so issued.

SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

Delegations to the Eastern Health Authority under the Local Government Act 1999

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

1. General Powers and Capacities
1.1 The power pursuant to Section 36(1) of the Local Government Act 1999 ("the Act") to commence a prosecution for a breach of the:
1.1.1 Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009,
where the instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power. - Condition Applies
2. Recovery of Amounts due to Council
2.1 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 the Act or another Act.
2.2 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. - Not delegated

SCHEDULE OF CONDITIONS**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
1.1	Can only be exercised with agreement of the Council's Chief Executive Officer
2	The powers delegated at paragraphs 2.1-2.2 of this instrument can only be exercised by EHA in respect of any fee, charge, expense or other amount recoverable from a person or payable by a person in circumstances where the amount has become recoverable or payable on account of EHA acting in accordance with a delegated authority provided by the Council under the Act or any other Act.

Delegations to the Eastern Health Authority under the Safe Drinking Water Act 2011

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

1. Drinking water providers to be registered
The power pursuant to Section 5(2)(a) and (b) of the Safe Drinking Water Act 2011 (the Act) and in accordance with Section 5(3) of the Act to make an application for registration of the Council under the Act to the Minister and in a manner and form determined by the Minister.
2. Conditions of registration
The power pursuant to Section 8(3) of the Act where the Council holds a registration, to make application to the Minister in a manner and form determined by the Minister, requesting the variation of a condition to which the registration is subject.
3. Suspension of registration
3.1 The power pursuant to Section 9(5) of the Act after the Council or the Eastern Health Authority (EHA) has received notice from the Minister, lodge with the Minister a written objection (setting out the grounds of objection).
3.2 The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter.
3.3 The power pursuant to Section 9(10) of the Act where the Council's registration has been suspended to make application to the Minister for the cancellation of the suspension.
4. Appeals
4.1 The power pursuant to Section 10(1) of the Act and in accordance with Section 10(2) of the Act, to seek a review by the Tribunal under Section 34 of the <i>South Australian Civil and Administrative Tribunal Act 2013</i> of:
(a) a condition imposed by the Minister in relation to a registration under Part 2 of the Act;
(b) a variation of a condition of registration made by the Minister on the Minister's own initiative; or
(c) a decision of the Minister to refuse to grant an application to vary a condition of registration; or

	(d) a decision of the Minister to suspend a registration under Part 2 of the Act.
5.	Drinking water providers to prepare, implement and review risk management plans
5.1	The power pursuant to Section 12(1) of the Act and in accordance with Section 13 of the Act, to:
	(a) prepare a risk management plan in relation to the supply of drinking water to the public; and
	(b) keep the plan under continuous review with a view to updating and improving it; and
	(c) revise any aspect of the plan that is found, on review, to need revision.
5.2	The power pursuant to Section 12(3) of the Act, if a standard risk management plan is in place under Section 12(2) of the Act and the Council falls within the specified class to which the standard risk management plan applies, to, subject to any requirement published by the Chief Executive in connection with the risk management plan and in a manner and form determined by the Chief Executive, adopt the standard risk management plan rather than preparing a separate plan under Section 12(1)(a) of the Act.
6.	Related matters
6.1	The power pursuant to Section 14(2) of the Act, to furnish to the Minister in a manner and form determined by the Minister a copy of the Council's monitoring program and incident identification and notification protocol.
6.2	The power pursuant to Section 14(3)(b) of the Act to consult with the Minister in relation to alterations to the program or protocol (or both) submitted for the purposes of Section 14 of the Act.
6.3	The power pursuant to Section 14(4) of the Act and in accordance with Section 14(5) of the Act, where the Council is required to make an alteration under Section 14(3) of the Act, to seek a review of the requirement by the Tribunal under Section 34 of the <i>South Australian Civil and Administrative Tribunal Act 2013</i> .
7.	Appointment of authorised officers
7.1	<i>Deliberately left blank</i>
7.2	<i>Deliberately left blank</i>
8.	Certificates of authority
8.1	<i>Deliberately left blank</i>
8.2	<i>Deliberately left blank</i>
9.	Seizure orders

9.1	<i>Deliberately left blank</i>
9.2	<i>Deliberately left blank</i>
10.	Notices
10.1	<i>Deliberately left blank</i>
10.2	The power pursuant to Section 38(6) of the Act to, by written notice served on a person to whom a notice under Section 38 has been issued by the Council, vary or revoke the notice.
11.	Action or non-compliance with a notice
11.1	The power pursuant to Section 39(1) of the Act, if the requirements of a notice under Division 3 of the Act by the Council are not complied with, to take any action required by the notice.
11.2	The power pursuant to Section 39(2) of the Act to authorise another person to take action under Section 39(1) of the Act on the Council's behalf.
11.3	The power pursuant to Section 39(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 39 of the Act from the person who failed to comply with the requirements of the notice as a debt in a court of competent jurisdiction.
11.4	The power pursuant to Section 39(5) of the Act, if an amount is recoverable from a person by the Council under Section 39 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.
12.	Action in emergency situations
	The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer of the Council in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction.
13.	Specific power to require information
	<i>Deliberately left blank</i>
14.	Appeals
	The power pursuant to Section 42(3) of the Act to apply for the Council to be a party to proceedings under Section 42 of the Act.
15.	Annual reports by enforcement agencies
	The power pursuant to Section 52(1) of the Act to on or before 30 September in each year, furnish to the Minister a report on the activities of the Council under the Act during the financial year ending on the preceding 30 June.

SCHEDULE OF CONDITIONS**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Section(s) in Act to which conditions/ limitations apply	Conditions / Limitations
Nil	Nil

Delegations to the Eastern Health Authority under the South Australian Public Health Act 2011 and

South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

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.
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.
1.3 The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.
2. Risk of Avoidable Mortality or Morbidity
2.1 The power pursuant to Section 22(2) of the Act, if the Eastern Health Authority (EHA) and/or 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.
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 EHA and/or the Council that may be relevant in the circumstances; and
2.2.2 any plans that EHA and/or the Council may have that may be relevant in the circumstances; and
2.2.3 any steps that EHA and/or the Council is willing to take in the circumstances; and

2.2.4	any other matter relating to EHA and/or the Council that appears to be relevant.
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
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.
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.
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.
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.
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.
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.
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.

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.
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.
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.
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.
7.3	The power pursuant to Section 44(4) of the Act to direct a local authorised officer.
7.4	The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.
7.5	The power pursuant to Section 44(7) of the Act to notify the Chief Public Health Officer in accordance with Section 44(8) of the Act, if the Council or the Delegate:
7.5.1	makes an appointment under Section 44 of the Act; or
7.5.2	revokes an appointment under Section 44 of the Act.
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.
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.
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.
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).
10.2	The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time.
10.3	The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan:
10.3.1	prepare a draft of the proposal; and
10.3.2	when the draft plan is completed, subject to Section 51(12) of the Act:
10.3.2.1	give a copy of it to:
(a)	the Minister; and
(b)	any incorporated hospital established under the <i>Health Care Act 2008</i> that operates a facility within the region; and
(c)	any relevant public health partner authority under Section 51(23); and
(d)	any other body or group prescribed by the regulations; and
10.3.2.2	take steps to consult with the public.
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 EHA releases a draft plan under Section 51(11).
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.
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).
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.
10.8 Deliberately left blank.
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.
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.
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.
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 Action on behalf of the Council, 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 EHA should implement changes to the manner in which, or the means by which, the Council or EHA 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.
11. Reporting on Regional Public Health Plans
11.1 The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act.
12. Action to Prevent Spread of Infection
12.1 The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section 66(5) of the Act from the person who failed to take the required action.
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 EHA to assist in preventing the spread of the disease.
13. Notices

13.1	The power pursuant to Section 92(1) of the Act and subject to Sections 92(2), (3), (4), (5) and (12) of the Act to issue a notice for the purpose of:
13.1.1	securing compliance with a requirement imposed by or under the Act (including the duty under Part 6 or a requirement imposed under a regulation or a code of practice under the Act); or
13.1.2	averting, eliminating or minimising a risk, or a perceived risk, to public health.
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:
13.2.1	have regard to:
13.2.1.1	the number of people affected, or potentially affected, by the breach of the duty;
13.2.1.2	the degree of harm, or potential degree of harm, to public health on account of the breach of the duty;
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 EHA thinks fit; and
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:
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
13.2.2.2	stating the reasons for the proposed action; and
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 EHA or a person nominated to act on behalf of the Council).
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.
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:
13.4.1	issue a notice in accordance with the terms of the original proposal; or

13.4.2	issue a notice with modifications from the terms of the original proposal; or
13.4.3	determine not to proceed further under Section 92.
13.5	The power pursuant to Section 92(4) of the Act to:
13.5.1	not give notice under Section 92(2)(b) of the Act if the Delegate considers that urgent or immediate action is required in the circumstances of the particular case; and
13.5.2	not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.
13.6	The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:
13.6.1	in the form of a written notice served on the person to whom it is issued; and
13.6.2	specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and
13.6.3	directing 2 or more persons to do something specified in the notice jointly; and
13.6.4	without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:
13.6.4.1	is the owner or occupier of the premises; or
13.6.4.2	has the management or control of the premises; or
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
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
13.6.6	imposing any requirement reasonably required for the purpose for which 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.
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 EHA or the Council, vary or revoke the notice.
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 EHA issues a notice under Section 92 of the Act.
14. Action on Non-compliance with Notice	
14.1	The power pursuant to Section 93(1) of the Act if the requirements of a notice under Part 12 of the Act are not complied with, to take any action required by the notice.
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.
14.3	The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by EHA or 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.
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.
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.
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.
16.2	The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:
16.2.1	dismiss or determine any proceedings that appear:
16.2.1.1	to be frivolous or vexatious; or
16.2.1.2	to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;
16.2.2	bring any proceedings to an end that appear:
16.2.2.1	to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or
16.2.2.2	to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or
16.2.3	bring any proceedings to an end for any other reasonable cause.
17. Appeals	
17.1	The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, appeal to the District Court against the outcome of review proceedings under Division 3, Part 12 of the Act.

**SOUTH AUSTRALIAN PUBLIC HEALTH
(LEGIONELLA) REGULATIONS 2013**

18. Duty to Register High Risk Manufactured Water System	
18.1	The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (the Legionella Regulations) to, on application made in a manner and form approved by the Council or EHA and payment of the registration fee specified in Schedule 1 to the Council or EHA, register the high risk manufactured water system to which the application relates.
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 EHA and payment of the renewal fee specified in Schedule 1 to the Council or EHA, renew the registration of the high risk manufactured water system to which the application relates.
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 EHA and/or the Council.
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 EHA thinks fit.	
19.3	The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with EHA and/or the Council is installed, written notice:
19.3.1	requiring the owner, within the period specified in the notice:
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
19.3.1.2	to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:
(a)	of at least 1 sample of water taken from a cooling water system; and
(b)	of at least 2 samples of water taken from a warm water system,
	to determine the presence and number of colony forming units of Legionella in the water; and
19.3.2	requiring the owner to submit to the Council or EHA written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.
20. Power of Council to Require Microbiological Testing in Other Circumstances	
20.1	The power pursuant to Regulation 16(1) of the Legionella Regulations, if:
20.1.1	the Council or EHA is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk manufactured water system is installed; or
20.1.2	the Council or EHA has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations,
	to give the owner of the premises written notice:
20.1.3	requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and
20.1.4	requiring the owner to submit to EHA or the Council a written report setting out the results of the microbiological testing within 24 hours of receiving the report.
21. Fees	
21.1	The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to EHA or the Council,

	to give the person written notice requiring the person to pay the fee within the period specified in the notice.
21.2	Deliberately left blank
21.3	Deliberately left blank

South Australian Public Health (Wastewater) Regulations 2013

22. Relevant Authority	
22.1	The power pursuant to Regulation 6(1)(b) of the South Australian Public Health (Wastewater) Regulations 2013 (the Wastewater Regulations) to, agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area if the system is to be operated by another council or wastewater works related to the system are to be undertaken by another council, or by a person acting in partnership, or in conjunction with that other council.
23. Public Notification of Proposed Community Wastewater Management System	
23.1	<i>Deliberately left blank.</i>
24. Connection to Community Wastewater Management System	
24.1	<i>Deliberately left blank.</i>
24.1.1	<i>Deliberately left blank.</i>
24.1.2	<i>Deliberately left blank.</i>
24.1.2.1	<i>Deliberately left blank.</i>
24.1.2.2	<i>Deliberately left blank.</i>
24.2	<i>Deliberately left blank.</i>
24.3	<i>Deliberately left blank.</i>
24.4	<i>Deliberately left blank.</i>
24.5	<i>Deliberately left blank.</i>
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 EHA and stated in the notice.
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.
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 EHA and stated in the notice.
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.
27. Application	
27.1	The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide EHA or the Council with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.
28. Determination of Application	
28.1	The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:
28.1.1	if the applicant fails to satisfy EHA of either or both of the following:
28.1.1.1	that the technical specifications for the wastewater works comply with the prescribed codes;
28.1.1.2	that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or
28.1.2	for any other sufficient reason.
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.

29. Conditions of Approval	
29.1	The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:
29.1.1	any 1 or more of the following prescribed expiable conditions:
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 EHA and/or the Council in a specified manner and stop the work pending an inspection carried out at the person's expense;
29.1.1.2	a condition that requires the display of specified notices on the premises on which the wastewater system is located;
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 EHA and/or the Council with specified information in a specified manner and at specified times;
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;
29.1.1.5	a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;
29.1.1.6	a condition that requires records of a specified kind to be created, maintained, and provided to EHA and/or Council; or
29.1.2	any other conditions including any 1 or more of the following:
29.1.2.1	a condition that requires decommissioning of the wastewater system:
	(a) after a specified trial period; or
	(b) in specified circumstances; or
	(c) on written notice to the operator of the system;
29.1.2.2	a condition that requires a wastewater system to be connected to a community wastewater management system;
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;
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 EHA or the Council);
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 EHA supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;
29.1.2.6	a condition that otherwise specifies requirements relating to:
(a)	the installation of the wastewater system; or
(b)	the decommissioning of the wastewater system; or
(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
(d)	the operation, servicing and maintenance of the wastewater system; or
(e)	the reuse or disposal of wastewater from the wastewater system.
29.2	The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that:
29.2.1	provides that a matter or thing is to be determined according to the discretion of the Council, EHA, or some other specified person or body; and
29.2.2	operates by reference to the manuals referred to in a product approval for the wastewater system; and
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.
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.

29.4	The power pursuant to Regulation 25(7) of the Wastewater Regulations to, on EHA's own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, provided that the variation, revocation or imposition does not take effect until at least 6 months after the giving of the notice unless:
29.4.1	the operator consents; or
29.4.2	EHA 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.
30. Expiry of Approval	
30.1	The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the fee fixed by Schedule 1, postpone the expiry of a wastewater works approval for a specified period.
31. Registers of Wastewater Works Approvals	
31.1	The power pursuant to Regulation 27(3) of the Wastewater Regulations, to extend the registers to include wastewater works approvals granted under the revoked regulations.
31.2	The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered appropriate by the EHA.
32. Requirement to Obtain Expert Report	
32.1	The power pursuant to Regulation 29(1) of the Wastewater Regulations, if EHA 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 EHA and/or the Council a written report from an independent wastewater engineer within a specified period addressing specified matters.
32.2	The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of a notice under Regulation 29 of the Wastewater Regulations are not complied with to obtain the required report and recover the costs and expenses reasonable incurred in doing so from the person who failed to comply with the notice, as a debt.
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.

33. Deliberately left blank

**SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL)
REGULATIONS 2013**

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.

1.1 The power pursuant to Regulation 5B(7) of the General Regulations to recover an amount as if it were a rate constituting a charge on land under Section 144(2) of the Local Government Act 1999. - **Not delegated**

1.2 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.

**SOUTH AUSTRALIAN PUBLIC HEALTH (FEES)
REGULATIONS 2018**

1. Refund and Recovery of Fees

1.1 The power pursuant to Clause 2(1) of Schedule 1 of the South Australian Public Health (Fees) Regulations 2018 (**the Fees Regulations**), to, where the Council is the relevant authority within the meaning of the respective regulations specified in Schedule 1 of the Fees Regulations, refund, reduce or remit payment of a fee payable under those regulations if the delegate considers that appropriate in the circumstances.

1.2	The power pursuant to Clause 2(2) of the Fees Regulations to recover a fee payable to the Council by action in a Court of competent jurisdiction as a debt due to the Council.
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SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
3	The powers delegated at paragraphs 3.1-3.3 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
5.2	The powers delegated at paragraph 5.2 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
6	The powers delegated at paragraphs 6.1-6.4 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.

**Instrument Of Delegation Under
The Fines Enforcement And Debt Recovery Act 2017**

NOTES

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

<p>1. Amounts Due Under Expiation Notices may be Treated as Part of Pecuniary Sum</p>
<p>1.1 The power pursuant to Section 9(2) of the Fines Enforcement and Debt Recovery Act 2017 (the Act) if a debtor requests the making of an aggregation determination but no enforcement determination has been made under Section 22 of the Act in relation to the expiation amount, to pay the prescribed fee.</p>
<p>2. Arrangements as to Manner and Time of Payment</p>
<p>2.1 The power pursuant to Section 20(4) of the Act to agree with the Chief Recovery Officer the manner in which the Chief Recovery Officer is to give the Health Authority (EHA) notice of an arrangement entered into under Section 20 of the Act in its capacity as delegate of Council.</p>
<p>2.2 The power pursuant to Section 20(18) of the Act to agree with the Chief Recovery Officer the manner in which, if an arrangement terminates under Sections 20(15) or (17) of the Act, the Chief Recovery Officer is to give the EHA notice of the termination and the amount then outstanding as delegate of Council (taking into account, where the arrangement required the performance of community service, the number of hours of community service to be performed).</p>
<p>3. Enforcement Determination</p>
<p>3.1 The power pursuant to Section 22(1) of the Act to enforce an expiation notice against the alleged offender by providing to the Chief Recovery Officer the particulars determined by the Chief Recovery officer relating to:</p>

<p>(a) the alleged offender; and</p> <p>(b) the offence or offences that remain unexpiated; and</p> <p>(c) the amount due under the notice; and</p> <p>(d) compliance by the EHA as delegate of Council with the requirements of the Act and any other Act.</p>	
3.2	The power pursuant to Section 22(2) of the Act to pay the prescribed fee.

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	Nil

Delegations to the Eastern Health Authority under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

1. Role of Councils	
1.1	The power pursuant to Section 9 of the Supported Residential Facilities Act 1992 ("the Act") to commence a prosecution for a breach of the Supported Residential Facilities Act 1992 and/or the Supported Residential Facilities Regulations 2009 where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power.
2. Appointment of Authorised Officers	
2.1	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;
2.2	The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and
2.3	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.
3. Application for a Licence	

3.1	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;
3.2	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;
3.3	The power pursuant to Section 24(9) of the Act subject to such conditions as Eastern Health Authority (EHA) 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 EHA may have determined), to grant a licence; and
3.4	Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any appeal rights that the applicant has under the Act.
3.5	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 EHA thinks fit;
3.6	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 EHA thinks fit;
3.7	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 EHA thinks fit;
3.8	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.
4. Renewal of Licence	
4.1	The power pursuant to Section 27(3) of the Act at EHA's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee;
4.2	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 EHA 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.

4.3	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.
5. Licence Conditions	
5.1	The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as EHA considers necessary or expedient for the purposes of the Act;
5.2	Pursuant to Section 29(3) of the Act where conditions are imposed by EHA:
5.2.1	if imposed at the time of grant or renewal of the licence – the duty to include them in the licence itself;
5.2.2	if imposed during the currency of the licence – the duty to impose them by notice in writing served on the holder of the licence;
5.2.3	the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;
5.3	Deliberately left blank.
6. Transfer of Licence	
6.1	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.
7. Cancellation of Licence	
7.1	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;
7.2	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;
7.3	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
7.4	The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.

8. Review of decision or Order	
8.1	The power pursuant to Section 32(3) of the Act, if an application for review is in respect of an application for renewal of a licence, to order that the licence remain in force until the determination of the review
8.2	The power pursuant to Section 32(4) of the Act to:
8.2.1	make an order under Section 32(3) of the Act subject to such conditions as determined by the Delegate and specified in the order; and
8.2.2	vary or revoke an order made by the Council under Section 32(3) of the Act by further order.
8.3	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.
9. Appointment of Manager	
9.1	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.
9.2	The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.
10. Death of Licensee	
10.1	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 EHA.
11. Recision of Resident Contract by Proprietor	
11.1	The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.
12. Disputes	
12.1	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, EHA, may as it thinks fit, take any action in accordance with Section 43(3) of the Act;
12.2	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 EHA thinks necessary, and to verify any information by statutory declaration;
12.3	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;
12.4	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.
12.5	The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act;
12.6	The power, pursuant to Section 43(12) of the Act -
12.6.1	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 EHA;
12.6.2	to decline to proceed with an application under this Section if EHA considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or
12.6.3	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
12.7	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.
13. Attendance by Health Service Providers etc.	
13.1	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.
14. Complaints	
14.1	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.

14.2	The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.
14.3	The power pursuant to Section 49(3) of the Act to take such action as EHA thinks fit in view of the complaint.
14.4	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.
15. Regulations	
15.1	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 EHA for an exemption from a regulation that applies to the facility and EHA is satisfied -
15.1.1	that EHA can grant the exemption without seriously affecting the interests of a resident of the facility; and
15.1.2	that it is appropriate for EHA 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 EHA thinks fit.
15.2	The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor:
15.2.1	revoke an exemption under Section 57(5);
15.2.2	vary or revoke a condition under Section 57(6).

**Delegations under the
Supported Residential Facilities Regulations 2009**

1.	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.
2.	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.
3.	The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written

	statement required to accompany the prospectus or alteration to the prospectus pursuant to Regulation 5(2)(b) of the Regulations.
4.	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.
5.	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.
6.	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.
7.	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.
8.	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.
9.	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.
10.	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.
11.	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 EHA.

SCHEDULE OF CONDITIONS**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL