



The Barossa Council

NOTICE OF MEETING

**Notice is hereby given that the next ordinary meeting of Council
will be held on Tuesday 21 May 2019
in the Council Chambers,
43 – 51 Tanunda Road, Nuriootpa, commencing at 9.00am.**

Martin McCarthy
CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

A G E N D A

1. THE BAROSSA COUNCIL

- 1.1 Welcome by Mayor Lange - meeting declared open
- 1.2 Present
- 1.3 Leave of Absence
Cr Johnstone
- 1.4 Apologies for Absence
- 1.5 Minutes of previous meetings – for confirmation:
Ordinary Council meeting held on Tuesday 16 April 2019 at 9.00am
Confidential Council meeting held on Tuesday 16 April 2019 at 11.04am
Special Council meeting held on Wednesday 15 May 2019 at 5.30pm
- 1.6 Matters arising from previous minutes
Nil
- 1.7 Petitions
Nil
- 1.8 Deputations
Nil
- 1.9 Notice of Motion
Nil

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- 5.2 RECEIPT OF CONSENSUS AGENDA**
- 5.3 DEBATE OF ITEMS EXCLUDED FROM CONSENSUS AGENDA**

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Nil

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Tuesday 18 June 2019 at 9.00am

11. CLOSURE

Mayor's Report to Council – 21 May 2019

APRIL

- 16/04/2019 Citizenship Ceremony - Council Office
- 17/04/2019 Barossa Vintage Festival Media Promotion – Barossa Visitor Centre
Meeting Editor Leader Newspaper, Mr Tony Robinson
- 18/04/2019 Meeting with Nick Champion, & Director Community & Corporate Services, Jo Thomas - regarding possible future funding opportunities
- 23/04/2019 Meeting with Chris Pfeiffer - Barossa Tourism
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- 24/04/2019 Barossa Vintage Festival Event, Barossa Enterprises "Package to Plate"
Regional CEO/Mayor Meeting, Gawler - Regional Planning Board discussions
- 25/04/2019 ANZAC Day – Dawn Service & Town Parade
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- 27/04/2019 Barossa Vintage Festival Parade
Barossa Vintage Festival Event – Chateau Tanunda
Barossa Vintage Festival Event - Young Ambassador Awards Night
- 28/04/2019 Barossa Vintage Festival event "Something in the Street" - Angaston

MAY

- 02/05/2019 Meeting with Jane Evans & CEO to discuss possible Water Security Community Meeting in the Barossa
- 02/05/2019 Adelaide Wine Capital Trail - Stakeholder Update with Mayor's and CEOs of participating councils
- 03/05/2019 Kroemer Crossing Photo with Member for Schubert, Stephan Knoll, Member for Barker, Tony Pasin, and Pernod Ricard winemakers, Mr Robert Taddeo and Mr Stephen Scott, promoting the joint contributions towards the proposed roundabout
- 03/05/2019 Formal opening of BBBFM at its new studios in Nuriootpa also attending, His Excellency Mr Hieu Van Le and Mrs Le, Ms Karen Redman, Mayor of Town of Gawler. Mr Bill O'Brien, Mayor Light Regional Council and

Member for Light, Mr Tony Piccolo MP, Cr Wiese-Smith, Cr Don Barrett and Cr David de Vries

- 03/05/2019 International Soroptimist Conference Dinner - Welcome to Delegates also attending were Member for Schubert, Stephan Knoll, Member for Barker, Tony Pasin,
- 04/05/2019 Farmers Market celebration \$100,000 raised for the Mount Pleasant community, also attending Cr Wiese-Smith, Cr Don Barrett
- 05/05/2019 Bush Gardens Open Day, Nuriootpa also attending Cr Russell Johnston
- 09/05/2019 Big Project Stakeholders meeting, Lyndoch Oval – Cr David Haebich and Ms Rebecca Tappert, Manager Community Projects also attended
- 10/05/2019 Meeting with Jenny O'Brien Barossa Tourism – debrief Barossa Vintage Festival
- 13/05/2019 Suicide Prevention Forum – Nuriootpa
- 14/05/2019 Meeting with Paul Hollick, Genesee Wyoming & CEO Mr Martin McCarthy

COUNCIL
DEVELOPMENT AND ENVIRONMENTAL SERVICES

DEVELOPMENT SERVICES REPORT

21 MAY 2019

4.5.1 CONSENSUS AGENDA – DEVELOPMENT SERVICES REPORT

4.5.1.1 AN INQUIRY INTO HERITAGE REFORM – UPDATE REPORT
B8451

In late 2018 Parliament's Environment, Resources and Development (ERD) Committee conducted an inquiry into the operation of the heritage system in South Australia. The Terms of Reference for the inquiry are contained in Attachment 1.

Draft comments were circulated to the previous elected members and a Submission was subsequently finalised at officer level. A copy of the Submission is contained in Attachment 2.

The ERD Committee has concluded its inquiry and tabled its' "*An Inquiry into Heritage Reform*" in Parliament on 30 April 2019. A copy of the Report is contained in Attachment 3.

The LGA considers the Report is balanced and contains well-reasoned evidence, with a clear link between the positions prosecuted by the LGA and Councils and the Committee's final recommendations. While the LGA acknowledges that Local Government will be doing a lot of work on heritage reform in the years to come it is encouraged by the Committee's recommendation that all of this work be funded by the State Government.

Council will be advised of further information as it becomes available.

RECOMMENDATION:

That report item 4.5.1.1 be received and noted.



Parliament of South Australia

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Inquiry into Heritage

Terms of Reference

Parliament's Environment, Resources and Development Committee resolved at their meeting on 30 July 2018 to conduct an Inquiry into the operation of the Heritage system in South Australia.

The terms of reference for the Inquiry are as follows:

That the Committee investigate and report on the existing arrangements and desirable reforms for local, state and national heritage listings, with particular reference to:

1. Highlighting the differences in, and consistency of, processes and criteria between listing and assessing local, state and national heritage;
2. How heritage should be managed in the future; including, but not limited to investigating:
 - a. How should the process for listings (from initiation to final placement on the appropriate register) be managed, and by whom;
 - b. Who should have the right to be heard in relation to listings;
 - c. Who should be the decision maker for listings and review; and
 - d. What processes should be in place for the review of listings;
3. What is the relationship and distinction between 'character' and 'heritage';
4. Have there been unexpected or perverse outcomes; and
5. Any other relevant matter.

Submissions to the Inquiry should be submitted by Friday 14 September 2018 to:

The Parliamentary Officer
Environment, Resources and Development Committee
GPO Box 572
ADELAIDE SA 5000
Phone: (08) 8237 9387
Email : ERDC.Assembly@parliament.sa.gov.au

14 September 2018

Joanne Fleer
Parliamentary Officer
Environment, Resources and Development Committee
Parliament House
North Terrace
ADELAIDE SA 5000

Dear Joanne,

HERITAGE INQUIRY – THE BAROSSA COUNCIL SUBMISSION

Thank you for the opportunity to present a submission to the Environment, Resources and Development Committee's inquiry. The Barossa Council provides the following comments:

Listing of places

Assuming that heritage places will be identified in the Planning and Design Code by an Overlay and/or list as currently, any changes to add or remove places would have to follow a formal amendment process to amend the Code. It is anticipated that the process to amend the Code will be simpler with single issue amendments likely to become more prevalent, which in turn should result in less resource intensive and faster amendments.

Education

Proposals to list additional local heritage places is typically done in a secretive manner lest property owners might move to demolish their property. This largely comes down to a misunderstanding that heritage listing is detrimental and will constrain all future development opportunities. Community education is needed, perhaps using real life positive examples, so that early engagement can occur without the 'scare factor'.

Character and heritage

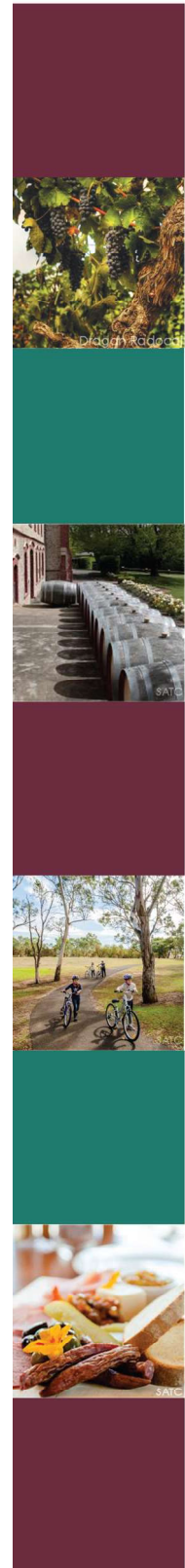
More discussion is needed about 'character' and when the character of an area might warrant specific attention and whether it is anticipated that the character will be maintained or enhanced, or whether it is envisaged that the character will alter significantly. In the Barossa context it is anticipated that the 'historic character' areas within Tanunda for example would continue to accommodate development that is consistent with and maintains the current character; whereas policies for other areas of the town with newer development forms might facilitate development which ultimately leads to a completely new character.

Adaptive reuse

The draft *State Planning Policy 3: Adaptive Reuse* provides a clear mandate that policies facilitate the reuse of heritage buildings. A simple way to achieve this is for the new



The Barossa Council



premium wine food tourism heritage lifestyle community

Planning and Design Code to provide simple assessment pathways and relaxation of requirements relating to heritage places - e.g. all uses to follow a Code assessed pathway (deemed-to-satisfy or performance assessed); potential for simpler assessment pathway for works that have been endorsed by an accredited heritage advisor; waiving of car parking requirements.

Please contact me on 8563 8493 or pmickan@barossa.sa.gov.au for more information or clarification.

Yours sincerely,

A handwritten signature in black ink that reads "Paul D. Mickan". The signature is written in a cursive, flowing style.

Paul Mickan
Principal Planner



AN INQUIRY INTO HERITAGE REFORM

1st Report of the
**ENVIRONMENT, RESOURCES AND DEVELOPMENT
COMMITTEE**

"Heritage matters"

Tabled in the House of Assembly and ordered to be published 30 April 2019

First Session, Fifty-Fourth Parliament

PRESIDING MEMBER'S FOREWORD

Heritage is an issue that seems to polarise people. It can be perceived as an economic burden or barrier to development, or a precious asset that can benefit the whole community. Either way, it is undeniable that everyone wants the same thing from the government agencies that have responsibility for our built heritage; simple and timely processes to nominate and list heritage, and certainty and consistency in whether, and how, they can develop their properties.

The Committee received 144 written submissions and heard from many witnesses about the difficulties experienced in navigating the planning and development process in trying to protect the properties that were important to them. The Committee also experienced, first-hand, the challenges in trying to find a balance between protecting what is important to people, but allowing people to develop and maintain those places without unnecessary economic and bureaucratic expense. Finally, it was clear to the Committee that everyone had different solutions to the multitude of challenges of how the state can best go about protecting its heritage assets and financially assisting owners in maintaining those assets.

This inquiry has taken place in the midst of the most significant planning reform South Australia has undertaken for twenty years. The Committee heard from the Department of Planning, Transport and Infrastructure and the State Planning Commission about the proposed changes to the legislation (that protects local heritage) with the implementation of the *Planning, Development and Infrastructure Act 2016*. Further, during the final stages of completing this report the Planning Minister gazetted the State Planning Policies and released, for public consultation, Phase One of the Planning and Design Code.

The issues of built heritage and the processes to protect assets are highly complex with no easy, one-size-fits-all solution. In its deliberations, the Committee tried to ensure that the outcomes that people were keen to see were included in the recommendations, but without being too prescriptive on what those processes should look like. The Committee felt that a staged approach to heritage reform, taking into account the planning reform process currently being undertaken, would be most appropriate for the agencies involved to work collaboratively and with flexibility towards achieving desired outcomes.

I wish to thank all those who gave their time to assist the Committee with this inquiry. In particular, I'd like to thank the City of Adelaide, Department of Planning, Transport and Infrastructure and SA Heritage, Department for Environment and Water, for assisting in the organisation of the Committee's two heritage tours. I commend the members of the Committee, Mr Nick McBride MP, Hon John Rau (former member for Enfield), Mr Michael Brown MP, Hon John Dawkins MLC, Hon Tung Ngo MLC and Hon Mark Parnell MLC, for their contributions to this report. All members have worked cooperatively on this report. Finally, I thank the Committee staff for their assistance.



Adrian Pederick MP

Presiding Member

29 April 2019

EXECUTIVE SUMMARY

On 30 July 2018, the Environment, Resources and Development Committee (the Committee) resolved to conduct an inquiry into the current state, and potential for reform, of local, state and national heritage in South Australia.

The Committee considered a wide range of evidence from 144 submissions, 29 witnesses and published literature. The Committee also visited state and local heritage places and areas in the City of Adelaide council area and in the Adelaide Hills.

This inquiry has taken place at a time when the Department of Planning, Transport and Infrastructure (DPTI) is in the process of transitioning from the *Development Act* 1993 to the *Planning, Development and Infrastructure Act* 2016 (PDI Act) as part of the biggest planning reforms undertaken by the state in 20 years. Future regulation and management of local heritage will be in accordance with the new Planning and Design Code, informed by the State Planning Policies legislative and policy framework.

The Committee heard that:

- Heritage is important to the community and the community expects state and local heritage to be protected from demolition and the impacts of undesirable development;
- The community wanted a legislative framework that was simple and efficient and that enabled economic benefits to arise from protecting and investing in the state's heritage assets; and
- The community was also generally unhappy with the confusing and cumbersome sectoral approach to the protection and management of heritage and was desirous of change.

In particular, the Committee heard that the challenges and uncertainties about whether transition to the Planning and Design Code would result in improvements to processes were expressed by local councils, who unanimously called for greater clarity, consistency, efficiency and responsiveness from the new policy and legislative framework.

The Committee concluded that:

- A strategic and statewide reform of heritage processes and legislation was necessary, and that reforms to the nominations, assessment and listing processes for state and local heritage must result in places and areas that are protected by appropriate policy and legislative tools;
- Collaborative implementation of reforms is important in providing a future for the protection of heritage in South Australia;
- Clarity, simplicity, transparency and accountability were important outcomes to achieve to increase community and stakeholder confidence in the processes for nominating, assessing and listing state and local heritage, and certainty in development outcomes;
- A stable, long term funding base for management of heritage that results in a 'carrots' rather than 'sticks' approach to compliance; and

- A review or audit needs to be undertaken, using a statewide, collaborative approach to address gaps in the state's heritage listings.

The recommendations in this report highlight the principles and themes expressed in the submissions that called for improvements to the current legislative frameworks. These recommendations are made in the context of providing support to the significant amount of work currently in progress as part of broader planning reforms in South Australia.

The Committee therefore recommended that:

- State government commences a statewide, collaborative and strategic approach to heritage reform through development of a staged process and that any reforms undertaken must result in streamlined, clear and responsive processes and transparent and accountable decision making;
- A statewide, strategic approach to identifying heritage of local and state significance, involving the community and interested stakeholders, which is appropriately funded by state government;
- An audit or review be undertaken of local and state heritage places and contributory items, with the aim of working collaboratively with community and local government;
- A suitable long term funding base (that incentivises management for heritage and disincentivises deliberate neglect of heritage) for the management of heritage be identified and secured; and
- Sub-sections 67 (4) & (5) of the *Planning Development and Infrastructure Act 2016* should be repealed in order to ensure that planning policy is determined by proper planning principles through broad community consultation, rather than through a selective vote of property owners.

COMMITTEE'S FINDINGS

The Committee found that:

1. Heritage is important to the community (including non-government organisations, industry bodies and local councils) and the community expects state and local heritage to be protected from demolition and the impacts of undesirable development.
2. The community was generally unhappy with the current sectoral approach to the protection and management of heritage and was desirous of change. There was a clear call from the community for:
 - a. One set of processes for local and state heritage nomination, assessment and listing;
 - b. One heritage legal framework;
 - c. One independent, expert body to assess, against one set of criteria (with differing thresholds for state and local); and
 - d. One 'heritage' Minister.
3. The community desired reform of current heritage policy and legislation (in particular, local heritage) and called for better clarity, efficiency, transparency, consistency and accountability of processes and decision making.
4. The adversarial nature of the current processes to nominate, assess and list local heritage would likely be moderated by a more strategic, statewide and collaborative approach to identifying heritage, and that the community expected to be involved in the nominations of all heritage.
5. Many in the community were concerned and uncertain about how local heritage would be protected under the changes to the *Planning, Development and Infrastructure Act 2016*; including, specifically, whether existing protections for contributory items and historic conservation/policy zones/areas would be maintained.
6. Community perceptions were divided about whether owning heritage-listed items added value to those properties or whether it is burdensome and can block potential development of a site. The community showed a strong desire to change attitudes towards heritage and a number of submissions provided possible solutions to this.
7. Heritage provides a whole of community benefit in providing desirable areas in which to live, work or visit, and that management and maintenance of heritage should be supported appropriately by the state, in collaboration with local government, through provision of funding and expert advice.
8. Providing incentives for appropriate management of heritage properties and discouraging or disincentivising inappropriate management of properties is likely to mitigate against perverse outcomes, such as neglecting properties until they are deemed suitable to demolish.

COMMITTEE'S RECOMMENDATIONS

The Committee recommends that:

1. State government commences a statewide, collaborative and strategic approach to heritage reform through development of a staged process; commencing in 2019 and reporting to the Houses with a plan on how a staged approach might work in early 2020;
 - a. Any reforms that are adopted must result in:
 - i. The protection and future management of heritage and historic places and areas that are important to people (including initially transferring all items that are registered on existing heritage and planning databases to the Planning and Design Code);
 - ii. Simple, efficient and responsive processes for the nomination, assessment and listing of local and state heritage places and state heritage areas, which arise from a single piece of 'heritage' legislation, in accordance with the authority of one 'heritage' Minister (including the provision of interim protection during the nomination and assessment stages);
 - iii. Nominations of local heritage places or areas being initiated by local councils, property owners, state heritage bodies or non-government organisations. The ability to nominate places or areas for heritage listing should be widely advertised;
 - iv. New heritage legislation operating in an aligned and streamlined manner with planning and development legislation allowing timeliness and cost efficiencies in processing applications for development of heritage places and areas;
 - v. Consistency, transparency and accountability in decisions that are made relating to heritage listing from a single, expert, independent decision maker (or body of decision makers), with transparent and accountable Ministerial oversight of decisions;
 - vi. Certainty in outcomes with respect to heritage listings, development and planning;
 - vii. Better clarity and consistency of heritage terminology used across planning and heritage, including that criteria for local and state heritage are aligned with differences in respect of thresholds against which heritage is assessed; and
 - viii. Better community involvement in the decisions that affect them; facilitated by earlier consultation with community, as well as the provision of interim protection for local and state heritage during the nomination and assessment phases;

- b. That the model for assessment, listing and management of state and local heritage that is proposed by government takes into consideration the expectations of the community, as raised by this report, and also the reforms that are already in process as part of the broader state planning reforms; and
 - c. That state agencies and local government work on inter-agency instruments to streamline processes for nomination, listing, assessment and regulation of compliance as part of the staged approach for the implementation of reforms;
- 2. A statewide, strategic approach to identifying heritage of local and state significance, involving the community and interested stakeholders, be appropriately funded by state government, developed and commenced in the year 2020;
- 3. An audit or review be undertaken of local and state heritage places and contributory items to commence in the year 2020, with the aim of working collaboratively with community and local government, on:
 - a. Providing information on the heritage values of currently listed places to be captured into a publicly-searchable database;
 - b. Assessing places listed prior to 1993 that may require re-attributing from state to local significance (providing this does not reduce their heritage protection);
 - c. Reviewing protected local items and zones or areas that were transferred to the Planning and Design Code against new local heritage criteria;
 - d. Reviewing, against new local heritage criteria, places that were recommended for inclusion as local heritage places in development plans, but weren't; and
 - e. That such projects be appropriately funded by state government;
- 4. A suitable long term funding base (that incentivises management for heritage and disincentivises deliberate neglect of heritage) for the management of heritage be identified by state government, in collaboration with local government and other stakeholders, and secured, in recognition of the value that heritage provides to the community, and to reduce the financial burden on owners maintaining and managing heritage properties; and
- 5. Sub-sections 67 (4) & (5) of the *Planning Development and Infrastructure Act 2016* should be repealed in order to ensure that planning policy is determined by proper planning principles through broad community consultation, rather than through a selective vote of property owners.

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ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Environment, Resources and Development Committee (the Committee) was established pursuant to the *Parliamentary Committees Act* 1991 on 3 December 2003.

Its membership for the duration of this inquiry was:

Mr Adrian Pederick (Chair)

Hon. John Dawkins MLC

Mr Nick McBride MP

Hon. Tung Ngo MLC

Hon. Mark Parnell MLC

Hon. John Rau (former member for Enfield) (until February 2019)

Mr Michael Brown MP (from February 2019)

Parliamentary Officer to the Committee: Ms Joanne Flear

Research Officer to the Committee: Dr Merry Brown

FUNCTIONS OF THE COMMITTEE

Pursuant to section 9 of the *Parliamentary Committees Act* 1991, the functions of the Committee are:

- (a) to inquire into, consider and report on such of the following matters as are referred to it under this Act:
 - (i) any matter concerned with the environment or how the quality of the environment might be protected or improved;
 - (ii) any matter concerned with the resources of the State or how they might be better conserved or utilised;
 - (iii) any matter concerned with planning, land use or transportation;
 - (iv) any matter concerned with the general development of the State;
- (b) to perform such other functions as are imposed on the Committee under this or any other Act or by resolution of both Houses.

REFERRAL PROCESS

Pursuant to section 16(1) of the *Parliamentary Committees Act* 1991, any matter that is relevant to the functions of the Committee may be referred to it in the following ways:

- (a) by resolution of the Committee's appointing House or Houses, or either of the Committee's appointing Houses;
 - (b) by the Governor, or by notice published in the Gazette;
- or
- (c) of the Committee's own motion.

TERMS OF REFERENCE

Pursuant to section 16(1) (c) of the *Parliamentary Committees Act* 1991, the Committee is inquiring into the existing arrangements and desirable reforms for local, state and national heritage listings, with particular reference to:

1. Highlighting the differences in, and consistency of, processes and criteria between listing and assessing local, state and national heritage
2. How heritage should be managed in the future; including, but not limited to investigating:
 - a. How should the process for listings (from initiation to final placement on the appropriate register) be managed, and by whom;
 - b. Who should have the right to be heard in relation to listings;
 - c. Who should be the decision maker for listings and review; and
 - d. What processes should be in place for the review of listings;
3. What is the relationship and distinction between 'character' and 'heritage';
4. Have there been unexpected or perverse outcomes; and
5. Any other relevant matter.

1 INTRODUCTION

1.1 Reason for the inquiry

On 30 July 2018, the Environment, Resources and Development Committee (the Committee) resolved to conduct an inquiry into the current state, and potential for reform, of local, state and national heritage in South Australia. The Committee considered the inquiry timely because it would be undertaken ahead of the release of the first parts of the Planning and Design Code by the Department of Planning, Transport and Infrastructure (DPTI) to implement significant planning reform in South Australia. The Committee believes that the recommendations from this report will have greater impact if they are made prior to policy being decided and approved, and legislation being implemented.

As it transpired, no legislative changes are proposed by the government until after mid-2020, however a draft of Phase One of the Planning and Design Code was released for public comment in February 2019, with submissions closing at the end of March 2019, and expected to be finalised and implemented around mid-2019. Phase One of the Code applies to outback areas, outside of local government boundaries, and coastal waters. None of the three development plans to be replaced by the Code include any local heritage, however the draft Code does include planning policy that will guide heritage into the future.

DPTI also published and implemented its State Planning Policies on 31 January 2019. Of particular interest to this inquiry are State Planning Policies #3 (Adaptive Reuse) and #7 (Cultural Heritage). The Committee was referred the State Planning Policies in accordance with s.74 of the *Planning, Development and Infrastructure Act 2016*.

The Committee believes that this is a singular opportunity to provide a bipartisan perspective on all heritage legislation and policy in South Australia.

1.2 Scope of the report

This report addresses rural, regional and metropolitan built heritage. It addresses neither Aboriginal heritage, nor maritime heritage. Further, intangible heritage is not specifically addressed.

1.3 Disclosure of evidence

The Committee resolved on 3 September 2018 that evidence received would be published on the Committee's website as soon as practicable following receipt of the evidence. This report will also be made available on the Committee's website upon tabling in the Houses on 30 April, 2019.

1.4 Conduct of the inquiry

The Committee considered a wide range of evidence from submissions, witness statements and published literature. The Committee visited heritage places in the City of Adelaide council area and in the Adelaide Hills (set out in Appendix A); heard from 29 witnesses (as per Appendix B); and received 144 submissions (listed in Appendix C).

The Committee met on 13 occasions for the purpose of considering evidence and deliberating this report. The procedural meetings of the Committee and hearings were held in Adelaide.

All views expressed by the Committee in this report are based on the evidence presented before it.

2 DISCUSSION

2.1 Heritage in South Australia

2018 marked the 40th anniversary of heritage protection legislation in South Australia. During this time, thousands of pieces of South Australia's history have been protected for the future benefit of South Australians. Such an achievement is to be celebrated, but, as this inquiry demonstrates, the sectoral approach to the protection and management of South Australia's heritage has become cumbersome and confusing for people wishing to protect places and areas that are important to them.

South Australia's current heritage policy and legislative framework has received significant media attention, coinciding with this inquiry, with front page headlines in state and local newspapers:

Thousands of historic buildings across the state may be at risk of demolition because a complex and confusing heritage system is leaving them unprotected, an inquiry has heard.

Heritage advocates, councils and government agencies want an overhaul of how historic properties are managed and protected, arguing the current system, particularly for local-heritage properties, is not working.

(Castello & Nunn, Inadequate heritage laws leave historic buildings facing the ... wrecking ball, 2018, p. 1), see also (Castello, Celebrating our heritage, 2018(a)), (Castello, Give history a solid future, 2018(b))

The importance of heritage to South Australians is evident from the 144 written submissions the Committee received in response to this inquiry, with the community keen to be involved in decisions made about development and heritage (as evidenced by the number of submissions received concerning the proposed demolition of the Newmarket Hotel in the west end of the city).

The Committee heard that heritage was important to South Australians because it holds a value that goes beyond just aesthetically-pleasing, old buildings:

Our heritage is one of our most important assets. It is both our inheritance and our future. It contributes to community pride and confidence and links people with their past and each other. Heritage is a living thing. It describes our origins and informs our understanding of who we are today. Heritage helps to define for a community a sense of place, an identity. It can contribute to feelings of connectedness, community pride and confidence.

... Heritage places that reflect important aspects of our state's evolution may not be grand in nature and, to some, considered ugly and their value and relevance for protection questionable. However, they are living demonstrations of our journey as a society and as a state established on the premise of free settlement and tolerance of religious views.

Voigt, DEW (Angas, Pope, Voigt, Wells, & Schulz, 2018, p. 72)

Our [LGA] members have consistently told us about the strong connection that communities have with local heritage and the value that heritage contributes to the streets, towns, rural areas of those communities.

Teburea, LGA (Brown, Gannon, Levinson, Smith, & Teburea, 2018, p. 63)

The Committee also heard that conserving and managing heritage was of economic importance to the state and that perhaps the economic value has not been fully realised:

Built heritage contributes economically, culturally, historically, aesthetically and environmentally to the city and the state of South Australia. South Australia has a proud history of acknowledging the value of heritage. Our [City of Adelaide] submission has identified research undertaken by council and others that clearly quantifies the value of heritage. We know that for every \$1 invested in conserving heritage fabric there is a financial return of \$1.68, a figure considered a good return on investment by economists ...

... This study identified a direct benefit by tourism expenditure of \$375 million per year that can be attributed to cultural heritage. International research also identifies that older buildings are more operationally carbon efficient when compared to newer construction.

Ditter, City of Adelaide (Ditter & Hutchins, 2018, p. 48)

Yet, support for heritage in South Australia is countered by a perception, amongst some, that heritage is an economic burden to owners and a barrier to development. For example:

Previous funding through the Heritage Advisory Service was \$350,000 p.a. servicing 50% of local councils in the State. Reduction in funding has impaired heritage expertise, impacting understanding and goodwill. SAHC [SA Heritage Council] believes it has led to deterioration of heritage values in development decision making. The additional burden of development application fees and independent consultants put onto property owners has led to poor development outcomes in an environment of no 'carrots', only 'sticks'.

(South Australian Heritage Council, 2018(b), p. 12)

The approach to heritage in our legislation, really since its inception, has been a fairly, by today's standards, outdated paradigm. It's a system that's all about regulating and controlling. It's not a system that is about unlocking the value in heritage. It's a system that is directed largely to socialising the benefit of heritage but making individual landowners bear the brunt of the cost of heritage maintenance and retention.

In other words, can we make it easy, can we make it attractive, and can we align our values so that the values of those who walk about the streets and enjoy heritage are moving in the same direction as those who are owning and maintaining it? We believe that that is possible.

Levinson, Botten Levinson Lawyers on behalf of the Property Council (Brown, Gannon, Levinson, Smith, & Teburea, 2018, p. 56)

A number of factors have likely contributed to the dichotomous paradigm of cherishing heritage, whilst simultaneously perceiving heritage as a burden and a barrier. The complexity of the processes of nominating, assessing and listing (particularly local) heritage, has also likely resulted in uncertainty for owners and developers, and contributed to a negative perception of owning and maintaining heritage:

I don't know how we change the public's view of heritage. In my opinion, it hasn't changed in the 40 years that we have had heritage listing. People still think if they've got a heritage place, they won't be able to do anything to it. A lot of the objections to listing are on that basis. When people find that they can in fact change their buildings or alter their buildings, as long as they respect the heritage values, then I think a lot of the angst disappears.

Wigg, Management Committee Member, Community Alliance SA (Gibbs, Matthews, Wigg, & Wilkinson, 2018, p. 100)

There have been a number of conversations about the best way to proceed with reforms to heritage policy and legislation in South Australia. Recommendations from the Expert Panel on Planning Reform, on proposed heritage reform, were that:

- 8.1 Heritage laws should be consolidated into one integrated statute.
- 8.2 Terminology for heritage should be reviewed and updated as part of this new statute.
- 8.3 There should be an integrated statutory body, replacing existing multiple heritage bodies. It should include links to the state's cultural institutions.
- 8.4 The new body should administer a single integrated register of heritage sites, including state and local listings, and have the power to add special landscapes and historic markers to the register.
- 8.5 Legislation should provide for a heritage code of practice to outline how listed properties should be described, maintained and adapted.
- 8.6 The legislation should allow accredited heritage professionals (similar to private certifiers) to provide advice and sign-off on changes to listed properties that are consistent with the code of practice.
- 8.7 Existing heritage listings should be audited to accurately describe their heritage attributes.
- 8.8 Financing of heritage should be placed on a stable, long-term footing, with discounts on property-related taxes and a heritage lottery providing the basis for heritage grants.

(Hayes QC, Boujenko, Fogarty, Hains, & Maras AM, 2014, p. 64)

The government's (DPTI's) response to the proposed reforms from the Expert Panel was to further discuss a wider view of heritage, funding options, and better links with SA's cultural institutions. The government's discussion paper (Department of Planning, Transport and Infrastructure, 2016), focussing on local heritage reforms, agreed, in principle, with the Expert Panel's proposed reforms. The paper discussed opportunities around new local heritage criteria and history themes, streamlining processes, improving the spatial representation of heritage places and clarifying the definitions of 'heritage' and 'character'.

The government's discussion paper generated a significant response from the community, with DPTI receiving 183 written submissions (National Trust of South Australia, 2018, pp. 17, Appendix 2 of the submission). Specific local heritage reforms were not pursued by the government immediately following this consultation and subsequently became subsumed as part of the broader planning reform process.

Submitters to the Committee's heritage inquiry have commented on the timeliness of the inquiry and expressed concerns that the future of local heritage policy and processes remain unclear. For example:

[The City of Port Adelaide Enfield] ... considers that the Inquiry is particularly timely and important in the context of the SA Government's current planning reform implementation program in which a number of significant issues with respect to heritage conservation are yet to be resolved.

(City of Port Adelaide Enfield, 2018, p. 2)

DPTI is in the process of transitioning from the *Development Act* 1993 to the *Planning, Development and Infrastructure Act* 2016 (PDI Act). Future regulation and management of local

heritage will be in accordance with the new Planning and Design Code¹, informed by the State Planning Policies.

In accordance with the PDI Act, the Planning and Design Code should implement State Planning Policies by identifying areas and places of national, state and local heritage value, and may include the identification of places, including the extent of their cultural heritage significance. The State Planning Policy on cultural heritage was gazetted by the Minister on 31 January 2019.

After submissions to this inquiry had closed, and after the Committee had heard from witnesses, the Government released the first draft of Phase One of the Planning and Design Code; initially covering areas that are outside local councils, primarily outback areas and coastal waters. These areas include state heritage places, but no local heritage. The draft of Phase One of the Planning and Design Code was published for public consultation in February 2019, with feedback invited up to the end of March 2019.

The proposed State Heritage Area Overlay, in the Planning and Design Code, provides that all forms of development, including demolition, are subject to a right of veto or 'direction' by the Minister administering the *Heritage Places Act* 1993. There is currently no overlay or policy to cover any future local heritage listings. Local heritage is expected to be included as part of Phase Two of the Planning and Design Code which will expand to regional areas, and ultimately Phase Three which will include greater metropolitan Adelaide.

In the transition from the 'old' Act to the 'new' Act, the State Planning Commission has committed to retaining all current state and local heritage places in the Planning and Design Code.²

The challenges and uncertainties about whether transition to the Planning and Design Code would result in improvements to processes were expressed by local councils, who unanimously called for greater clarity, consistency, efficiency and responsiveness from the new policy and legislative framework:

As the planning and design code has not yet been formulated it is not clear what processes and policies will apply to heritage identification and protection (at all levels) in the future.

(City of Norwood, Payneham & St Peters, 2018, p. 2)

... the current process is cumbersome and adversarial and an alteration to such a process is warranted. This comment is however made in the context that the *Planning, Development and Infrastructure Act, 2016* (PDIA Act) which is largely a replication of the process described in the *Development Act, 1993* with the addition of quantitative measures for a qualitative problem (Section 67(4)).

(Light Regional Council, 2018, p. 2)

¹ See here:

https://www.saplanningportal.sa.gov.au/planning_reforms/new_planning_tools/planning_and_design_code.

² See here: State Planning Policies, p. 47:

https://www.saplanningportal.sa.gov.au/data/assets/pdf_file/0009/528507/State_Planning_Policies.pdf

The recommendations in this report highlight the principles and themes expressed in the submissions that called for improvements to the current legislative frameworks. These recommendations are made in the context of providing support to the significant amount of work currently in progress as part of broader planning reforms in South Australia.

2.2 Term of Reference 1: Highlighting the differences in, consistency of, processes and criteria between listing and assessing local, state and national heritage

2.2.1 Current status

In South Australia, there are several pieces of legislation protecting our national, state and local heritage. National heritage is protected primarily in accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act); state heritage is protected in accordance with the *Heritage Places Act 1993* (Heritage Act); and, local heritage is protected in accordance with the *Development Act 1993* and soon to be transitioned to the *Planning, Development and Infrastructure Act 2016* (PDI Act). The Planning and Design Code will set out criteria for the assessment of the suitability of local heritage to be protected, in accordance with the PDI Act.

In addition, there is separate legislation covering historic shipwrecks, Aboriginal Heritage and natural heritage (in the form of Heritage Agreements in accordance with the *Native Vegetation Act 1991*).

National, state and local heritage is assessed in three different ways, using three different sets of criteria, by three different authorities; and authority to regulate heritage is carried by three different Ministers.

The National listing process is most similar to the process for listing state heritage. The Federal Minister with authority for national heritage publishes an invitation for people to nominate places and may determine themes to be given priority during the assessment period. There is an 'early no' provision to allow the Minister to reject nominations which do not meet the regulations as set out in (s324JA(4)) of the EPBC Act. The Minister provides the Australian Heritage Council (AHC) with a proposed priority assessment list and a timeframe in which the AHC must make its assessment. Public consultation is undertaken by the AHC during its assessment period. The Minister considers the AHC's assessments and makes a decision to include places, or parts of a place, on the National Heritage List. The Minister must publish a decision to list in the Gazette and advise the owner and the nominator. The Minister must also publish a decision not to list and advise the nominator³.

A further point of difference in the processes of national, state and local heritage is the development process. Development within South Australia that may impact upon national, state or local heritage is managed by the Department of Planning, Transport and Infrastructure (DPTI) and/or local councils, depending on the size and nature of the development project. Triggers for

³ See: <http://www.environment.gov.au/heritage/about/national/national-heritage-listing-process>

referral for further assessment by the Federal or State Minister with authority for heritage are part of South Australia's development application and assessment process:

Approval under the EPBC Act is required for any action occurring within, or outside, a National Heritage place that has, will have, or is likely to have a significant impact on the National Heritage values of the National Heritage place.

(Department of the Environment, Water, Heritage and the Arts, 2013, p. 19)

Significant impact criteria, in accordance with the EPBC Act, are defined as:

An action is likely to have a significant impact on the National Heritage values of a National Heritage place if there is a real chance or possibility that it will cause:

- one or more of the National Heritage values to be lost
- one or more of the National Heritage values to be degraded or damaged, or
- one or more of the National Heritage values to be notably altered, modified, obscured or diminished.

(Department of the Environment, Water, Heritage and the Arts, 2013, p. 19)

Referrals for state and local heritage are undertaken in accordance with the *Development Act* 1993:

A development proposal for a state listed heritage place is referred to the Minister responsible for the Heritage Places Act for consideration and must be approved under the Development Act if it:

- directly affects a state heritage place or area
- affects the context of the place or area, including adjacent or nearby sites.

Local councils have their own requirements for development affecting local heritage places or contributory items. The requirements are identified in each council development plan.

(Department of Planning, Transport and Infrastructure, 2018)

Current processes for development that may impact upon heritage will change in accordance with the PDI Act, Regulations and implementation of the Planning and Design Code.

Despite its original inclusion in the terms of reference, the Committee subsequently determined that listing for national heritage is not a process that this Committee can influence and therefore has not been considered further in this report.

Similarly, this report focusses upon built heritage. Other aspects of heritage, such as shipwrecks, natural heritage, Aboriginal, cultural and intangible heritage were felt to be outside the scope of this inquiry.

At the state level, the listing of state and local heritage in South Australia is managed by two state government agencies; with state heritage managed by the Department for Environment and Water (DEW) and local heritage managed by the Department of Planning, Transport and Infrastructure (DPTI). This has led to the development of two very different processes for listing state and local heritage.

In relation to state heritage, anyone can nominate a place; or a place may be nominated by the SA Heritage Council⁴, or may be identified during a heritage survey. Once a place has been identified, and assessed against the relevant criteria, the SA Heritage Council may provisionally list the place on the SA Heritage Register⁵. A three-month community consultation period takes place, during which the Minister for Environment may direct the Council to remove the place from provisional listing. If the SA Heritage Council is satisfied that the place meets the criteria for listing, it will be entered into the SA Heritage Register and only the SA Heritage Council may alter the listing.

Local heritage can only be nominated by local councils, who then seek to list places, heritage areas, conservation zones or contributory items through a development plan amendment (DPA). Consultation with the community follows assessment of places against the criteria and gazetting of the proposed plan amendment. Assessment is undertaken by the State Commission Assessment Panel (SCAP) (or a SCAP sub-committee), who makes a recommendation about listing to the Planning Minister. If appropriate, the Planning Minister will approve the amendment to the development plan. The ERD Committee will be referred the development plan amendment from the Planning Minister and will consider the approved amendment.

Historically, changes to local heritage lists through the DPA process have been undertaken using the 'interim operation' provisions of s.28 of the Development Act. This ensures that the DPA comes into operation immediately in order to avoid heritage places being demolished during the consultation period.

Establishment of state heritage areas is also undertaken through the DPA process; initiated by the Minister for Planning in accordance with the *Development Act* 1993 at the request of the Minister for Environment.

In South Australia, assessment for listing of heritage places is carried out in accordance with criteria set out in legislation for state (*Heritage Places Act* 1993) and local (*Development Act* 1993) listings. Each criterion differs between state and local levels; although both capture values for heritage that are beyond simply the aesthetic and technical qualities of buildings (see Appendix D for a list of state and local heritage criteria).

All listings are entered into the SA Heritage Register, which is an online database⁶.

Other online spatial databases are available to view national, state and local heritage⁷.

2.2.2 Challenges with the current status: local heritage places

Witnesses and submitters highlighted a number of challenges with (mostly) local heritage nomination and assessment processes.

An obvious concern appeared to be the lack of community involvement in nominating listings of local heritage, and some spoke of the undesirable situation of owners not being involved in the

⁴ See: <https://www.environment.sa.gov.au/topics/heritage/sa-heritage-council>

⁵ See: <https://www.environment.sa.gov.au/topics/heritage/sa-heritage-register>

⁶ See: <http://maps.sa.gov.au/heritagesearch/HeritageSearchLocation.aspx>

⁷ See: <https://www.environment.sa.gov.au/topics/heritage/sa-heritage-register>

nomination process until the development plan amendment was in the public consultation period:

There is no formal process for individual or group nominations of items or places for local heritage
(Beresford, 2018)

Others suggested that the nomination of local places and zones for listing correctly resided in councils:

The initiative in nomination rightly rests with local councils, who are best placed to decide what their communities wish to preserve ...

(National Trust of South Australia, 2018, p. 13)

Witnesses and submitters also pointed out the lack of consistency across councils in nominating local heritage. For example, some councils have not listed any local heritage; others listed local heritage places, contributory items and/or historic conservation zones or policy areas:

... some greater metro councils have no local heritage registers at all, like Salisbury and the Adelaide plains. Most regional councils have no heritage register.

Conlon OAM, SA Heritage Council (Ellis, et al., 2018, p. 40)

... many councils have never commissioned local heritage surveys, particularly in regional areas, and some who have commissioned them have failed to act on the consultants' recommendations.

(National Trust of South Australia, 2018, p. 13)

Further to the evidence put to it (Figure 1 below) by Mr Wilkinson of inconsistencies in listing of local heritage in North Adelaide, the Committee was shown first hand evidence while on a tour of heritage in the City of Adelaide council area.

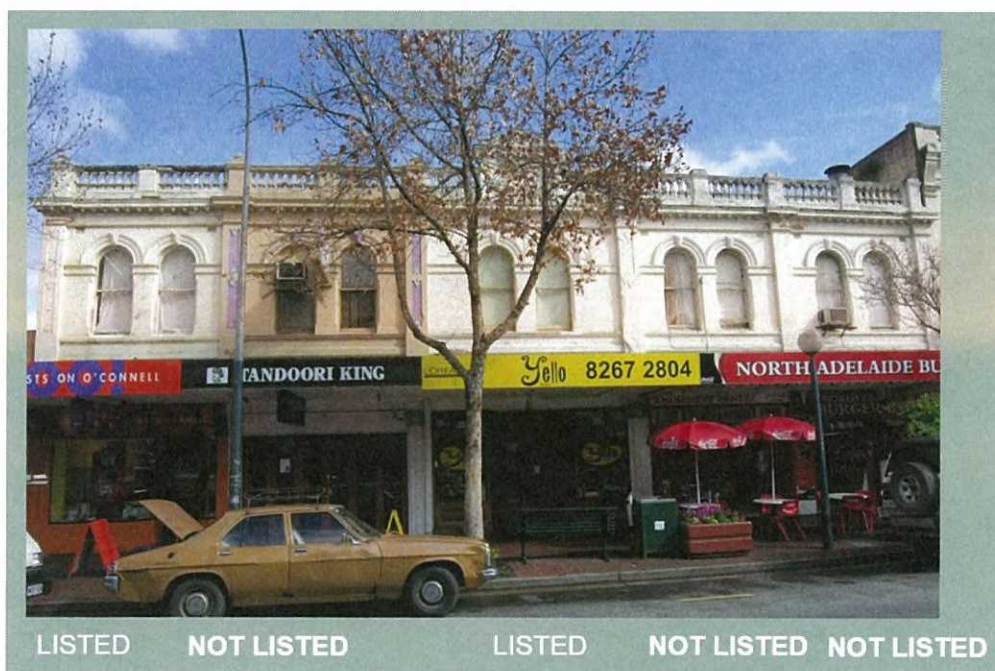


Figure 1. O'CONNELL STREET, NORTH ADELAIDE, SHOWING THE INCONSISTENCIES IN LOCAL HERITAGE LISTING (WILKINSON, 2018, p. 34), (Wilkinson, ERDC Inquiry on Heritage Reforms for South Australia, 2018, p. 4 & 15).

For example, the listed and un-listed row cottages on Kenton and Cardwell Streets, Adelaide, reflects the differing and evolving heritage listing processes (Figure 2). The treatment of nearly identical adjoining properties was explained as a quirk of political history, rather than processes that included evaluation against objective criteria.



Figure 2. The ERD Committee on Kenton and Cardwell Streets, Adelaide, discussing inconsistencies in local heritage listings. Nearly identical adjoining properties were treated differently; with some listed and others not. Left to right: Mr Adrian Pederick MP; Mr Rick Hutchins, City of Adelaide; Mr Simon Wiedenhofer, City of Adelaide; Hon Tung Ngo MLC; Hon Mark Parnell MLC; Hon John Rau (former member for Enfield).

The inconsistencies in listings viewed in Kenton and Cardwell Streets were in contrast to the housing on McLaren Street, Adelaide (an historic conservation zone) (Figure 3), which allows for development of the back half of properties and sympathetic infill development.



McLaren Street, SLSA B 63323-15A c.1961



McLaren Street today

Figure 3. McLaren Street, Adelaide. An historic conservation zones that allows for development that is sensitive to the heritage values of these cottages (City of Adelaide, 2018(b), p. 6).

Many witnesses and submitters pointed out that the development plan amendment process for listing of local heritage was lengthy and difficult to negotiate, with little certainty about the outcome:

The current DPA process, for instance, for local heritage listing, I think you will have heard already, is cumbersome, protracted, politicised and expensive. That is in addition to highly subjective criteria, limited guidelines for their application and establishment of thresholds. It has resulted in a range of inconsistencies in local heritage listings.

... Some [councils] have even gone through the process of doing heritage DPAs and then pulling back. Some have nominated properties that have previously been rejected. Adelaide is an example, and Charles Sturt.

Conlon OAM, SA Heritage Council (Ellis, et al., 2018, p. 40)

In terms of the listing process, a significant concern for our member councils has been the fact that the listing process is done through a development plan amendment under the Development Act. This is a lengthy process. It often takes years, and it is cumbersome and costly. Some councils in South Australia as a consequence have either never undertaken or are overdue to undertake a review of heritage places because of the costs involved and the resources required to undertake a DPA.

Teburea, LGA (Brown, Gannon, Levinson, Smith, & Teburea, 2018, p. 63)

[City of Adelaide] Council's experience has been of changing processes between different DPAs in application of local heritage criteria in the Development Act 1993 (SA). This has involved moving goal posts midway through an agreed DPA process, a transparency deficit regarding no access to the information being provided to the body making the decision, and of variable and limited heritage expertise at the State planning level.

(City of Adelaide, 2018(a), p. 8)

Finally, a number of submitters and witnesses critiqued the criteria that is used for assessment of local heritage; i.e. that the current criteria were not aligned with state and national criteria:

... when you look at the criteria that we currently have, we have a commonwealth system and a state system in the Heritage Places Act that are relatively aligned in terms of the criteria. The

criteria for local heritage places in the Development Act are not aligned and there is no consistency. As a matter of public policy, it's our submission that the criteria in the Development Act, and translated into the PDI Act, are problematic because of that misalignment and are nonsensical, in simple terms.

Levinson, Botten Levinson Lawyers, on behalf of the Property Council (Brown, Gannon, Levinson, Smith, & Teburea, 2018, p. 57)

However, a number of submitters spoke of their fears that local heritage would have reduced protection, not only along with proposed state planning reforms, but also if criteria for the assessment of local heritage were to be changed:

... it's our concern that if these buildings were reclassified or declassified, and the restrictions against the development were released, that would significantly impact upon the character of the suburb, not just its historical significance.

Caldwell, Kensington Residents' Association (Caldwell & Dyson, Heritage Inquiry, 2018, p. 112)

2.2.3 Challenges with the current status: heritage areas, historic zones and contributory items

The philosophical challenges of the dichotomy between:

- a. state and local heritage places and state heritage areas; and
- b. local historic zones and contributory items;

is perhaps largely to do with clarity over exactly what needs to be protected. In the case of state and local heritage places (and usually state heritage areas), what needs to be protected, and why, is often reasonably obvious; whereas with historic zones and contributory items what needs protecting and, more particularly, why, tends to be much less obvious. It also alludes to the challenges of terminology, such as 'character' and 'heritage', and which is worthy of what sort of protection. This has led to some contention about which state agency should have responsibility for regulating and managing areas, zones and contributory items; planning or heritage.

Currently, responsibility for local heritage places, in addition to state heritage areas, historic zones and contributory items is within the planning system, which is undergoing broad policy and legislative reforms with the implementation of the PDI Act. Irrespective of which agency has responsibility, it was clear there was a desire for clarity, consistency and an appropriate level of protection for historic areas, zones and contributory items:

In the interests of consistency, fairness and equity it is vital that the forthcoming Planning and Design Code explicitly recognise the heritage significance of both locally listed places and Contributory Items. Removing Contributory Items from council lists would practically denude some historic neighbourhoods of heritage buildings. Rebadging all Contributory Items as Local Heritage would create invidious distinctions among areas of equal heritage value.

(National Trust of South Australia, 2018, p. 15)

In particular, the Committee heard that reforms to historic areas and zones and contributory items are necessary because different councils have responded to the challenges of protecting historic areas in different ways; leading to inconsistent applications of protection across the state, and sometimes even amongst councils with similar built form. Contributing to the

perception that owning and developing heritage is a burden, inconsistencies across councils has made it difficult for developers and owners of these properties to determine what can and can't be done.

Unlike Historic (Conservation) Zones and Areas, Contributory Items are not described with the *Development Act 1993*. However, as with Historic (Conservation) Zones and Areas, *the Planning Bulletin – Heritage*, provides guidelines for identifying Contributory Items and the identification process occurs through a DPA ...

... Despite these items being identified through a Development Plan Amendment process, as there are no set legislated criteria for identifying and establishing Historic (Conservation) Zones and Areas or identifying and listing Contributory Items, the approach and 'test' for their identification, has differed across Local Government Areas, even amongst councils which have a similar context and built form.

(City of Norwood, Payneham & St Peters, 2018, p. 4)

Submitters expressed concern over the uncertainty created by the proposed planning reforms, and that local historic zones and contributory items would lose their status and protection with the implementation of the PDI Act:

As the broader planning reforms progress, the uncertain policy framework for local heritage and especially the status of Historic (Conservation) Zones and Contributory Items, remains a significant obstacle to resolving the transition of current planning policy into the new planning system and balancing this with the objectives relating to urban infill.

(City of Norwood, Payneham & St Peters, 2018, p. 2)

We strongly recommend that the system continues to recognise of [*sic*] all currently listed local matters and the important role of contributory items.

(Environmental Defenders Office (SA) Inc., 2018, p. 7)

Another concern raised was the proposed criteria (in accordance with the new PDI Act) for heritage areas (s.67 (4)&(5))⁸ only being implemented if 51% of owners were in agreement:

We think that there should be repeal of the Planning, Development and Infrastructure Act 2016 amendment that required 51 per cent of landowners to approve an historic conservation zone listing.

Morgan, National Trust of SA (Ellis, et al., 2018, p. 31)

While it is appreciated that the intent of the '51% test' is to obtain community support, this could lead to inconsistencies between the listing of different areas of equal merit ... The application of this legislative 51% support test, is expected to be impractical to implement and does not reflect the listing process as having a broader support or value than those of the directly affected property owners.

(City of Norwood, Payneham & St Peters, 2018, p. 5)

2.2.4 Regional areas and heritage protection

Finally, the Committee was reminded that heritage protection in regional areas of SA is distinct to the ways in which metropolitan councils approach heritage protection.

⁸ See here: http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/sa/consol_act/pdaia2016415/

For example, as City of Burnside points out, local heritage sometimes doesn't make sense unless it is within the context of its urban setting:

- HCZs [Historic Conservation Zones] tell the historic story of settlement and development in the 'village setting'.
- HCZs reveal the similarities and differences within the society in that locality.
- HCZs reveal the relationships and interplay of a society's living, working and social life.
- HCZs show the history of society and the interaction of the participants within that society

...

(City of Burnside)

But, for regional councils, and areas outside councils, a single building can mean a great deal without its neighbours. Therefore, historic conservation zones (or similar types of protection) may not be suitable for protecting local heritage in regional and outback areas:

[Copper Coast] Council's local heritage areas (Historic Conservation Areas not located within a State Heritage Area) span a significant area, including areas to which the historic significance has long diminished. It is considered that a more appropriate approach would be to reduce the extent of such areas to reflect specific spots which contain existing buildings of historic significance. This will then assist in focusing consideration and funding into these specific areas. Whilst broad historic areas may work within a metropolitan context, the rural nature of the Copper Coast presents greater financial implications.

(Copper Coast Council, 2018)

2.3 Term of Reference 2: How heritage should be managed in the future

There was an almost universal call from submitters for heritage processes (particularly local heritage) to become clearer, more transparent and provide more certainty in outcomes:

... importantly, the trust [National Trust] contends that the current heritage system is overly complex with a cumbersome and inefficient administration, leading South Australians to experience uncertainty, confusion, frustration and much wasted effort. It is our submission that an effective heritage protection system should deliver in three ways: a clear, open and transparent listing system for all types of heritage; an efficient administration, and good governance; certainty and consistency that will serve to promote investment in our state.

Morgan, National Trust of SA (Ellis, et al., 2018, p. 30)

The processes that are associated with local heritage listing need not be identical to those of the state, but we believe reform opportunities are available that would provide a streamlined, cost-effective nomination, assessment and public consultation process for local heritage, and a significant reduction in red tape and costs associated with that listing. They would also help with increasing community engagement and understanding local heritage listing processes and, of course, there would be a reduction in uncertainty for both the community and the development industry.

Conlon OAM, SA Heritage Council (Ellis, et al., 2018, p. 40)

Even further, it was argued that heritage protection was the collective responsibility of owners and multiple agencies at state and local levels, and that heritage policies and processes that were considered strategically, or holistically, could result in better outcomes:

We don't have a strategy for heritage in this state. There is no council-wide strategy, there is no statewide strategy.

Things like public realm upgrades—footpaths and street furniture—are ways in which you can enhance the amenity of an area and potentially tie it to historic themes or historic buildings. We are not dealing with that strategically and we are not looking at the investment that the state or local governments might make in the public realm. But if you look at an example such as Leigh Street, you see the way Leigh Street has transformed over the last 10 years or so. In part, it's the public realm upgrades and the work that the city council has done and, in part, due to a relatively cohesive ownership of the properties, and you see the benefit to the vitality of that street and that precinct.

Levinson, Betton Levinson Lawyers on behalf of the Property Council (Brown, Gannon, Levinson, Smith, & Teburea, 2018, p. 58)

A) How should the process for listings (from initiation to final placement on the appropriate register) be managed, and by whom

Almost all submitters and witnesses called for reforms to the nomination, listing and assessment processes; particularly of local heritage.

2.3.1 Reform of nominations process

In particular, it was argued that the process for nominations be reformed to allow for the community to be able to nominate local heritage places and areas. For example:

New places should be proposed by local government and members of the public ...

(McDougall & Vines, 2018)

... the role of the community in the listing process needs to be improved. Local heritage nominations should be community driven not the sole province of local government. Communities know what they value. Individuals and community organisations should be able to submit nominations for assessment by local councils at any time.

(Environmental Defenders Office (SA) Inc., 2018, p. 8)

Care is needed, however, because currently, there is no provision for interim protection for local heritage until the Planning Minister has approved the DPA for public consultation, which may leave properties vulnerable to undesirable development or demolition.

2.3.2 Reforms to criteria for assessment of heritage

An important reform that many witnesses and submitters argued would create better consistency and clarity was of the criteria against which local heritage is currently assessed:

There ought to be clear and consistent criteria that apply at the national, state and local levels which differ only in the significance or importance of the relevant place ... Notably, the criteria under the EPBC [Environment Protection and Biodiversity Conservation] regulations for national heritage places are substantially similar to the criteria in section 16 of the South Australian Heritage Places Act.

(Property Council of Australia, 2018)

Regarding the question of whether the current local heritage listing criteria require modification, the City of Adelaide has formed a view that yes, they do need to be modified.

Ditter, City of Adelaide (Ditter & Hutchins, 2018, pp. 49-50)

Further to the reform of local heritage criteria, were arguments that consistency in assessment would also be achieved if state and local criteria, against which heritage is currently assessed, were aligned with HERCON criteria. For example:

- That heritage protection in South Australia adopts and aligns to the HERCON^[9] model towards a more consistent approach across Australia.

(Department for Environment and Water, 2018, p. 1)

Some submitters, however, pointed out the risk of changing criteria for local heritage due to concerns that some local heritage may not meet the new criteria and therefore fall into a gap making it vulnerable to undesirable development or demolition:

It would risk the removal of existing local heritage places which may not meet new criteria and failed to acknowledge that the value of a Local Heritage Place lies more intrinsically in its context, within, and contribution to, a local area.

(City of Norwood, Payneham & St Peters, 2018)

Submitters also pointed out later alterations or additions to buildings should not disqualify them from listing:

... that shrouding and superficial alterations of items otherwise compliant shall not act to disqualify the building from listing ... In addition, the fact that the item cannot be seen from the street because of some, for example, later added brick wall, shall not disqualify a building for listing which would otherwise qualify.

(Hamilton, 2018)

Finally, the Local Heritage Discussion Paper released by DPTI in 2016 proposed an opportunity to develop 'new local heritage criteria', amidst a broader change-framework to contemporize and streamline processes, and provide more certainty to stakeholders (Department of Planning, Transport and Infrastructure, 2016, pp. 3-4).

2.3.3 Reforms to heritage legislation

Many submitters and witnesses argued that a single piece of legislation for listing and assessment of both state and local heritage would provide efficiencies and reduce complexity in current processes.

Australia ICOMOS supports Local and State Heritage places, and Local and State Heritage Areas of historic character in South Australia, to be listed under an integrated system and single piece of legislation.

(Australia ICOMOS Secretariat, 2018)

⁹ "In 2006, Australia's intergovernmental Environment Protection and Heritage Council (EPHC) agreed to initiate work on nationally consistent heritage assessment criteria, which became known as HERCON, and thresholds were developed as part of the Cooperative National Heritage Agenda project" (Department for Environment and Water, 2018, p. 1).

- Merging of the local heritage listing and identification of historic conservation zone/areas into the existing state heritage listing processes. This merging can be enabled through adjustments to the current Heritage Places Act 1993 (SA) and removal of local heritage listing criteria from the Planning, Development and Infrastructure Act 2016 (SA).

(City of Adelaide, 2018(a), p. 11)

However, experts did recommend caution in placing all listing and assessment within the planning system:

In my view, the risk that needs to be considered if combining all these elements in a single system within the planning legislation, which is what the expert panel required, is that you would, by definition, remove the advocacy and conservation ethos of those state items because, by definition, you would need to have a broader-range assessment. I simply put that on the table, because there is a logic to the separation that has been built up by parliament over the years.

Lennon, Member, State Planning Commission (Allen, Hayes QC, Lennon, & Maras AM, 2018, p. 23)

The Committee heard that an additional argument for a single piece of heritage legislation for the listing of local and state places was that:

- a. Alignment of local heritage nomination and assessment processes with the state heritage processes would create interim protection for local heritage while being assessed, and thus earlier consultation with owners and a less adversarial process; and
- b. It would make it easier to assess and list nominations as local heritage if a place or area fails to meet the criteria for state significance. For example:

In 2015, the South Australian Heritage Council received a public nomination for Fishermen's Wharf at Port Adelaide for consideration for state heritage listing with significant political and community support for the building. The Heritage Council resolved that it did not fulfil the criteria for state listing and, while it clearly demonstrated it met local heritage value, there was no simple mechanism to afford it immediate heritage protection under the current system.

Voigt, DEW (Angas, Pope, Voigt, Wells, & Schulz, 2018, p. 72)

Finally, evidence was also received by the Committee that the South Australian distinction between local and state heritage is a legacy of legislative separation, rather than any real philosophical distinction:

Nowhere in this country or overseas is local heritage treated as something capable of being defined by experts. It is not a lesser category of heritage than national or state heritage. As far as the National Trust, ICOMOS (International Commission on Monuments and Sites) and other professional organisations are concerned, heritage is heritage. It is not something broken down into categories. It is legislation rather than philosophy that creates distinctions between state and local heritage.

(National Trust of South Australia, 2018)

2.3.4 Reforms to the management of heritage

Heritage management is the critical decision-making processes about what changes are allowed to happen to heritage buildings and areas.

Ditter, City of Adelaide (Ditter & Hutchins, 2018, p. 49)

A number of submitters and witnesses argued that the management of heritage (or policy on development that may impact upon heritage) was best placed in planning and development legislation:

... we [SA Heritage Council] would suggest maintaining legislative separation between heritage listing, say, under the Heritage Places Act, and management under the planning and development act.

Conlon OAM, SA Heritage Council (Ellis, et al., 2018, p. 42)

There was, however, disagreement; with some wanting all heritage matters to be dealt with within one dedicated heritage (rather than planning) portfolio. For example:

- Consolidate SA's Heritage laws into one Act, and combine the current two-part state and local heritage system in SA, under a heritage rather than a planning portfolio
- Local heritage (and other SA heritage matters) should be managed by an appropriately dedicated Cultural Heritage Department rather than by DPTI, in partnership with local government and cultural institutions.

(History Council of South Australia, 2018, p. 2)

B) Who should have the right to be heard in relation to listings

Aside from the call to broaden the base of people who are able to initiate local heritage listings, the Committee heard that involving stakeholders early in the listing and assessment processes would be less adversarial. For example:

There was also a real push to use a better community engagement mechanism, whereas if you just put the listing on top of somebody without them knowing that that is about to happen, it often causes a really adversarial relationship.

Allen, DPTI (Allen & McKeegan, Heritage Inquiry, 2018, p. 4)

The Committee also heard that involving community stakeholders in the decision making and even the appeals processes may result in improved decision making; although there were pros and cons to this argument:

There is a school of thought which says that third-party rights could actually improve decision-making. You've got local historical groups, you've got a wealth of expertise in the community, people who understand what's important in their neighbourhood and, at present, they've got very few rights. They don't have the right, in the local system, to get places listed. If a decision gets made that they don't like, they've got no right to go to court and no ability to go to court to challenge it.

Hon. M. Parnell, ERD Committee (Allen & McKeegan, Heritage Inquiry, 2018, p. 8)

I think it has to be clearly defined and identified as to the extent of that role, but I don't have a problem with third parties being involved in an appeal process at all, because very often that can result in a better decision, but it can also result in delays, and that is where there have to be constraints on it, and cost constraints put on it as well.

Hayes QC (Allen, Hayes QC, Lennon, & Maras AM, 2018, p. 20)

You have to find that fine line between somebody who has no ownership, responsibility or care and control of that property being able to influence and make decisions for somebody else who has purchased that.

... and I guess the other balance of that is that if a community right has an impact on the person who owns that property and what they can and can't do, it adds additional imposts on how they might maintain and manage that ... You would have to have some really strong criteria around what expertise that third party comes to to make a decision that that should happen, because you could actually frustrate a whole lot of planning processes because a third party likes the building more than somebody else does or sees a particular merit in it.

McKeegan, formerly of DPTI (Allen & McKeegan, Heritage Inquiry, 2018, p. 8)

The Committee heard an alternative model to engaging stakeholders, which was to collaborate with the community more strategically prior to the nomination stage:

Because we do draft up a DPA and it goes out for public consultation and interim operation, you have not really canvassed those views at the early stage before you even identify the listings in the first place. So, even though I understand there is a risk of not using interim, what it does mean is you could have a more genuine engagement up front to identify what are the themes of heritage in our local area, what are the themes that are of value to the community members and the other groups? Then you can start to go, based on those themes, what are the places that reflect those themes? Then you have a really genuine conversation about heritage and then people can start to argue the points of detail.

Without having that first conversation, which is what the gap is at the moment, there is often not that conversation to identify what it is that the community as a whole values. It is done in a very behind closed doors kind of way, and then you go out and list it and defend it. There are pros and cons to both options.

Allen, DPTI (Allen & McKeegan, Heritage Inquiry, 2018, p. 9)

C) Who should be the decision maker for listings and review

2.3.5 Decision making

Having a robust process for decision making is likely to lead to greater levels of community trust and confidence in the process. Importantly, the Committee heard that there was a need for independence in decision making; with some of the witnesses and submitters critiquing the current nature of regulatory capture:

The council [SA Heritage Council] endorses legislative and ministerial separation between the heritage listing process and its management under the PDI Act. This legislative and ministerial separation promotes a robust and independent decision-making process and we think it will strengthen community trust in the heritage assessment and listing process.

Conlon OAM, SA Heritage Council (Ellis, et al., 2018, p. 42)

Having the listing of local heritage matters undertaken by the planning department and the Planning Minister creates a fundamental problem of regulatory capture. This is a form of government failure which occurs when a regulatory agency, created to act in the public interest, instead advances the commercial or political concerns of special interest groups that dominate the industry or sector it is charged with regulating. In this case the planning department has responsibility for listing local heritage but also promotes development including in some instances the demolition of such heritage.

(Environmental Defenders Office (SA) Inc., 2018, p. 6)

No one would now accept that the same Minister or government department oversee both environmental protection and mining; the potential conflicts of interest are obvious. The same holds for development and heritage protection.

(South East City Residents Association (SECRA), 2018, p. 3)

In particular, it was pointed out there was a lack of transparency and objectivity around decision making of places of local heritage significance:

Where nominations have been made ultimately many have been refused without adequate explanation. A prominent example of this is the Planning Minister's decision in 2011-2012 to reject all but 78 of more than 400 nominations made by the Adelaide City Council. The reasons for decision making are scarce.

(Environmental Defenders Office (SA) Inc., 2018, p. 6)

When making the decision the Minister [for Planning] is entitled to form an opinion based on the expert report supplied to them and in relying upon that expert evidence the Minister's assessment is likely to be regarded as reasonable. It is the Minister's satisfaction based on an opinion which will determine whether a place qualifies for local heritage listing. It is not necessary for the Minister to be informed of the base facts upon which the expert opinions are expressed.

(Environmental Defenders Office (SA) Inc., 2018, p. 5)

A number of submitters pointed out that, for places of state significance, there are no guidelines, criteria or public consultation for the Minister's intervention 'in the public interest', and therefore a lack of transparency in that aspect of the decision making process. For example:

... there is currently no formal mechanism or requirement for the Minister to consult with other parties including the community (with the exception of the Heritage Council) prior to making a decision which may cause bias to the owner of the place. Determining what and how community opinion should be viewed and measured is also complex in that when does a number of vocal individuals constitute the broader community?

(Department for Environment and Water, 2018, p. 21)

The Environment Minister can request the SAHC [SA Heritage Council] to remove a provisional entry if the Minister is of the opinion that its confirmation would be 'contrary to the public interest'. However, this process lacks transparency as there are no guidelines as to what is meant by this phrase and the Minister is not required to provide reasons for their decision.

(Environmental Defenders Office (SA) Inc., 2018, p. 4)

Finally, the Committee heard from one witness that he believed the timing for political intervention in the decision making process was misplaced:

Sometimes we have political interference at the end of the process whereas the political interference should be at the beginning of the process ...

Maras AM, Expert Panel on Planning Reform (Allen, Hayes QC, Lennon, & Maras AM, 2018, p. 15)

2.3.6 Appeal

Submitters pointed out that for places of state significance, options for appeal were limited to owners of places, who can appeal to the Environment Resources and Development Court against decisions about entry onto the heritage register:

Only owners of places and objects can appeal to the Environment, Resources and Development Court (ERD Court) against a decision to confirm or not to confirm the provisional entry. Nominators do not have a right to appeal against listing decisions but they can apply to the ERD Court to be joined as a party to the appeal. Landowners and the SAHC [SA Heritage Council] also have appeal rights to the Supreme Court. No appeal lies against the removal of a provisional entry at the direction of the Minister.

(Environmental Defenders Office (SA) Inc., 2018, p. 4)

Options for appeal against decisions made for places of local significance were even more limited:

Unlike the position with respect to state listed places there is no right to appeal by either owners or third parties as to the merits of such decisions.

(Environmental Defenders Office (SA) Inc., 2018, p. 5)

D) What processes should be in place for the review of listings

The Committee heard that it is important to describe heritage values accurately and append the information to the listing, in order to give owners and developers certainty about the types of development that can be undertaken:

The audit of existing places was recommended to better describe the heritage attributes. What I think they mean by that was looking at each individual place and identifying what was of value within that place. That was intended to provide greater certainty to proponents or landowners about what they could and couldn't do to that property to provide them greater clarity and certainty.

Allen, DPTI (Allen & McKeegan, Heritage Inquiry, 2018, p. 3)

We think that any review of heritage places should be based on clear criteria and that the process should be about making sure that what is listed is adequately described. So the description of 'heritage place' is essential in guiding future improvements or development as it helps all parties to clearly understand what needs to be retained and respected in order to maintain the integrity and heritage value of a place.

... The problem we have observed is that, if you go through development plans at the moment, there might be an address, and the description of that place is 'house 1940s'. It doesn't really give you much to go on in terms of why that particular property is listed and, if you were wanting to do some improvements to it, develop around it or put an addition on, how to do that.

What is it that we need to retain about this 'house 1940s' to maintain the heritage integrity of it? Those descriptions become incredibly important because they do send a signal to the property owner about, 'What is the implication of my property being listed and what will it allow me to continue to do?' They shouldn't become museum pieces. They are places where people live, they are places where people work, and they need to be evolving and adapting.

Teburea, LGA (Brown, Gannon, Levinson, Smith, & Teburea, 2018, p. 65 & 68)

It was suggested that review, particularly of older listings, was an appropriate means by which to ensure that lists remain accurate and up-to-date, including reviewing items against new and amended criteria. Many submitters also expressed concern that reviews should not be used to lessen heritage values and protections.

A review of local heritage listings is supported (e.g. every 10 years for Local Heritage). Reassessment against relevant criteria at that time is appropriate. Council agree that review should not be intended to remove heritage listings.

(Mount Barker District Council, 2018, pp. 2-3)

Further, the Committee heard that the review of some places that were listed as being of state significance prior to 1993 should be re-visited. The Committee heard this was largely because protection of locally significant heritage was not available prior to 1993:

We have ended up with all sorts of anomalies from the past where, when we originally state-listed places, we didn't have such a thing as local listings. There are a lot of things that are now on the register that we have inherited from pre-'93—1,800 places were listed before 1993—and maybe a few hundred of those are more local than state.

Pope, DEW (Angas, Pope, Voigt, Wells, & Schulz, 2018, p. 76)

The Committee heard from several witnesses that listing decisions over many decades have been inconsistent, as different councils and ministers grappled with objections from property owners. Therefore, any review of currently listed properties should be balanced by a review of properties that were nominated, but not listed.

Finally, a review of the technical (spatial) information associated with listings and land titles may be required. For example:

Kangaroo Island Council ... has encountered issues with listings containing incorrect land data which puts the validity of the listing in question, in one instance it may have proven to be inaccurate listing as [at] the time of the relevant Heritage DPA [Development Plan Amendment], however in another instance, it appears that land parcel details have altered (though Council could not evidence by what process it occurred) and in turn the legal description details of the land and its item's location does not align with current land title records.

(Kangaroo Island Council, 2018)

2.4 Term of Reference 3: What is the distinction between 'character' and 'heritage'

'Heritage' comprises individually important places that are assessed under a set of criteria to establish heritage value, whether that is at a State or Local threshold.

Historic 'character' is generally related to collections of places that display attributes of similar characteristics (i.e. architectural form, land division pattern, streetscape qualities).

(Australia ICOMOS Secretariat, 2018, p. 3)

'Character' has been used to control and manage development in South Australia in certain areas (i.e. the Barossa and McLaren Vale districts) through Character Preservation Acts¹⁰. The 'character' values (see Appendix E) defined in these Acts are particular to the districts that the legislation was formed to protect. The Acts are administered by DPTI and 'recognise the special

¹⁰ *Character Preservation (Barossa Valley) Act 2012* and *Character Preservation (McLaren Vale) Act 2012*

character of these districts and provide statutory protection from inappropriate urban development' (Department of Planning, Transport and Infrastructure, 2017, p. 1).

Outside these two Acts, there are few mechanisms or tools to help protect character. Therefore, councils have inconsistently applied the tools available, or not used them at all. For example:

Sometimes councils prefer designation of Contributory Items to heritage listing when their primary objective is preserving the historic character of a neighbourhood rather than the protection of especially significant buildings. Anomalies arise when ordinary people have difficulty seeing the difference between locally listed places and Contributory Items. It is also the case that not all councils treat Contributory Items in the same way. Some subject even proposed minor changes to a rigorous assessment prior to approval; others readily permit major alterations and demolitions.

(National Trust of South Australia, 2018, p. 13)

The challenges arise with the use of policy tools such as contributory items and conservation zones (of varying names) to protect character (or heritage) because these tools lack clarity in their definitions and consistency in their uses. There are no objective criteria and no legislative mechanisms for assessing locally significant areas or contributory items to help decide whether, what and why an area or item may merit protection.

At present, there are no legislative mechanisms for the assessment and identification of areas of historic character, or potential local heritage value. The SAHC [SA Heritage Council] believes that specific legislative mechanisms for identifying areas of local heritage value will help with the current confusion around heritage v character.

As noted in our submission, zoning mechanisms under the Development Act have been used to establish Historic (Conservation) Areas (H(C)Zs). These zoning mechanisms were not, however, specifically written or tailored to assess historic character or areas of Local Heritage value. As a result, there are no criteria or thresholds under the Act for their assessment and establishment. This lack of criteria and thresholds has led to notable inconsistencies in the quality and historic character attributes H(C)Zs across Councils.

(South Australian Heritage Council, 2018(a), p. 6)

Over time, because the issue of local heritage has been dealt with in the planning and development process without specific tools to clearly define local heritage value of areas or precincts, the distinction between heritage and character has become confused.

(McDougall & Vines, 2018)

Therefore, there was an almost unanimous call from witnesses and submitters for greater clarity around the terms 'character' and 'heritage', and greater consistency in the use, and rigour in the design, of policy tools to meet community expectations for locally significant places and areas:

Just to touch quickly on the difference between character and heritage, we recognise that there is a clear distinction with character being about the look and feel of a place and the relationship between the built form, vegetation and topography; whereas heritage is different from aesthetics and should encompass the history of an area and the identity of a place, not just the external appearance of the building. This distinction needs to be supported through community by guidelines that are available to all decision-makers and the public, and we need to be very clear

about the distinctions between what might come together as a heritage system and that difference between what is dealt with through the planning system. So we have a system for heritage, and we have a different system for design and character that comes through the planning assessment process.

Teburea, LGA (Brown, Gannon, Levinson, Smith, & Teburea, 2018, p. 65)

I think character and heritage get very conflated. It is difficult to have the conversation with the community at times to define the difference for them. When neighbourhoods are not clear about how to protect the character of their areas, they can move to heritage processes because they are not clear about the processes to protect their character. Some of that comes from poor design outcomes in some areas which have led people to feel discomfited about the process, and the policy, that is getting good outcomes.

Allen, DPTI (Allen & McKeegan, 2018, p. 5)

2.5 Term of Reference 4: Have there been unexpected or perverse outcomes

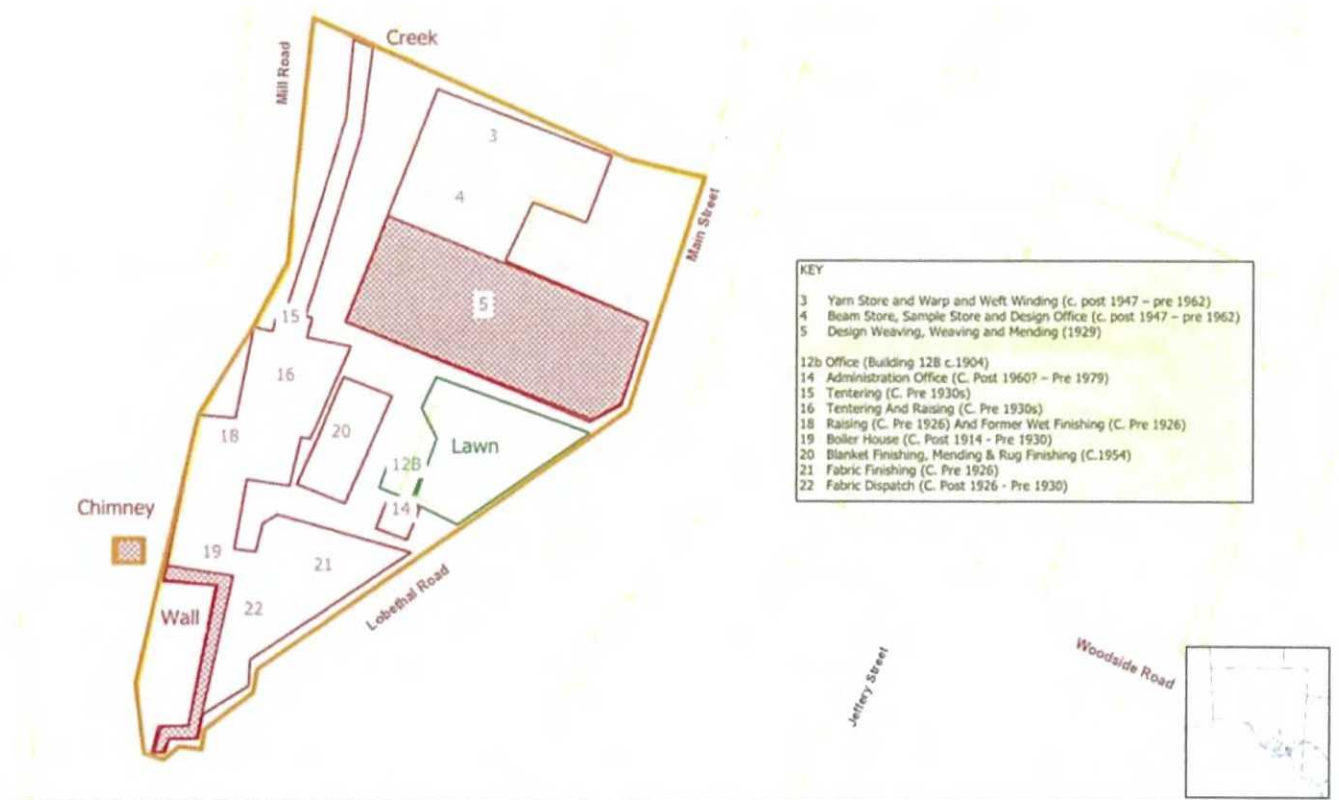
The Committee heard of many examples of perverse or unexpected outcomes from submitters and witnesses.

2.5.1 Legislative constraints

Multiple registrations currently exist in the South Australian Heritage Register with no legislative or policy framework to consolidate them; e.g. the Lobethal Woollen Mill, which the Committee visited on its regional heritage tour, has three registrations of individual sites from 1996 (SHP 16192) and, more recently, the whole site in 2014 (SHP 26414) (Figure 4). There is currently no mechanism to merge these registrations.

Current limitations or interpretation of the Heritage Places Act 1993 have resulted in the perverse outcome of having layers of State heritage listing. That is, there are earlier State Heritage Places located within later State Heritage Places. For example the Burra Historic Mine Site, Brompton Gasworks, Royal Adelaide Hospital and Lobethal Mill are all State Heritage Places and include a number of other individual State Heritage Places within them, without the legislated ability to merge them into the one listing.

(Department for Environment and Water, 2018, p. 20)



- Components of State Heritage Place 16192 are shown in red with diagonal hatching.
- Components of high significance are outlined in red.
- Components of moderate significance are outlined in green.

Figure 4. Site plan for the Lobethal Woollen Mill (SHP 26414) (SA Heritage, Department for Environment and Water, 2018, p. 4)

Once a place has been nominated it can only be listed as a whole parcel; currently, there is no policy or legislative provision to remove part of the listing. For example:

... the Minister has no discretion and cannot currently direct the Heritage Council to remove only part of a provisional entry – the whole entry must remain or be removed. In the example of the 2013 nomination for the Islington Railway Workshops, there may have been a better heritage outcome for that site and owner if part, instead of the whole Workshop complex, was removed from provisional entry in the Register. Subsequent nominations were received for individual buildings on the site and were accepted by the Heritage Council, but at great inconvenience to the owner.

(Department for Environment and Water, 2018, p. 21)

2.5.2 Processual constraints

Amendments to development plans have not always taken impacts to heritage into consideration. For example, Davaar House and the former Assay House in the city (Figures 5-7 below):

Unfortunately, when the 2012 amendments were made to the [City of Adelaide Council] development plan, which increased both development potential and facilitated over-height development ... one of the considerations that could have been in that policy[,] that wasn't[,] was around heritage.

Ditter, City of Adelaide (Ditter & Hutchins, 2018, p. 52)



Figure 5. Davaar House, South Terrace, Adelaide. A high-density development sits behind the local heritage-listed building, impacting upon the aesthetics.



Figure 6. The Committee discusses development impacts to the local heritage-listed Davaar House with Ms Ditter, City of Adelaide. Front left to right: Ms Nadia Gencarelli, DPTI; Mr Simon Wiedenhofer, City of Adelaide; Mr Nick McBride MP; Hon John Dawkins MLC; Hon Tung Ngo MLC; Ms Kirsteen Mackay (back of photo), Office for Design and Architecture SA; Ms Shanti Ditter, City of Adelaide; Mr Adrian Pederick MP; Hon John Rau (former member for Enfield).



Figure 7. The former Assay House, Austin Street, Adelaide. The façade of Assay House, a local heritage listed building, has been retained, but the rest of the building has been demolished for high density accommodation.

Further, the lengthy process to list State Heritage Areas has been a deterrent to nominating areas; with the result that some areas have been nominated as State Heritage Places, perhaps to the detriment of future management strategies. For example:

In 2011, the Heritage Council considered the state heritage significance of Arkaroola in the Flinders Ranges by either listing it as a state heritage place or a state heritage area. Because of the uncertainty of creating a state heritage area through a lengthy DPA process requiring the planning minister's approval, the Heritage Council chose to list the approximately 600 square kilometre Arkaroola as a state heritage place. If Arkaroola was a state heritage area, many of the decisions relating to future development of heritage features could have been managed through development plan policy, minimising uncertainty and also time taken to discuss proposals with our [the DEW] office. Similarly, if the Adelaide Parklands, which is currently under consideration, was listed as a state heritage place and not a state heritage area, it could become very cumbersome in its management.

Voigt, DEW (Angas, Pope, Voigt, Wells, & Schulz, 2018, pp. 72-73)

The process for listing heritage or historic conservation zones has removed community from inputting into the development process; with the result that councils have used the heritage process to achieve public consultation outcomes to protect areas of character. For example:

... the current DPA process affords property owners quite limited consultation in the establishment of such areas. That's resulted in some councils, such as the City of Adelaide, in the case of North Adelaide, utilising mass local heritage listings to try to control areas of historic character. As we understand it, the process was used as it provided public consultation mechanisms. The council, we think, were trying to provide public consultation, and that was a way of doing it.

Conlon OAM, SA Heritage Council (Ellis, et al., 2018, p. 42)

2.6 Term of Reference 5: Any other related matter

2.6.1 Demolition

Issues around demolition were of some concern for submitters and witnesses; in particular the inconsistencies in demolition policies across the heritage hierarchy and across councils:

Currently, demolition control policies differ between the tiers of heritage listing, which is warranted, however there is also significant variation *between* council Development Plans, in respect to the policies which govern the proposed demolition of buildings for each tier of the heritage 'hierarchy'. This has occurred through the absence of a robust leadership and oversight mechanism, which is a role which the State Government must play in providing direction and maintaining the consistent approach to policy.

By way of example, in the City of Norwood Payneham & St Peters Development Plan, the policy states that a State Heritage Place must be '*so seriously unsound as to be unsafe and irredeemable*' and in some zones, demolition of State Heritage Places is listed as non-complying development, whilst demolition is treated 'on merit' in other zones, reflecting the scope of previous amendments, or the listing philosophy of the State Government of the time.

(City of Norwood, Payneham & St Peters, 2018, p. 3)

The Committee heard that the demolition 'on merit' principle in the development process has resulted in land that sits undeveloped for years, and can lead to neglect of local heritage places. Witnesses were keen to impress upon the Committee that principles for demolition of heritage places should be modified to prevent misuse:

We must set an extremely high bar for any property to be delisted and that delisting process should not create any incentive for the wilful neglect of a heritage place.

Treburea, LGA (Brown, Gannon, Levinson, Smith, & Teburea, 2018, p. 65)

At present there is an undesirable trend for some owners of local heritage places to allow their properties to just fall away into disrepair to enable demolition ultimately under uneconomic provisions in the development plan. That can result in derelict places within a suburb or a town, and nobody is happy with that; it's actually a danger.

Conlon OAM, SA Heritage Council (Ellis, et al., 2018, p. 41 & 42)

However, some submitters believed that the demolition 'on merit' principle is an important part of the development process:

The UDIA believes that reform of heritage processes should always include consideration of demolition 'on merit'. This approach already exists across a majority of Councils, and furthermore where it is in place it successfully enables a more pragmatic discussion around the individual circumstances. Such an approach does not necessarily open up local heritage to demolition as applications are still assessed on their merits.

(Urban Development Institute of Australia (SA) Inc., 2018)

2.6.2 Compliance

Compliance was also a concern for submitters and witnesses. The current legislative and policy framework for state heritage places has not been sufficient to ensure the maintenance and/ or restorative actions from owners. For example, Bell's Plumbers Shop in College Park, which suffered significant damage through an explosion and, several years later, a fire:

Despite the legal action which has been undertaken to date, no restorative or active maintenance action has been undertaken and the building remains at significant risk of further deterioration.

(City of Norwood, Payneham & St Peters, 2018, p. 8)

2.6.3 Adaptive reuse of heritage

It was evident to the Committee that there was strong community support for adaptive reuse of heritage buildings; not only to conserve South Australia's history, but also to provide energy savings and cost efficiencies. For example:

The South Australian Heritage Council (the SAHC) supports planning and development reform that recognises and celebrates the value and potential for South Australia's heritage portfolio to contribute to the State's development. Conservation and adaptive reuse are a priority if we are to realise this potential.

(South Australian Heritage Council, 2018(b), p. 2)

The support of heritage owners, we believe, should include clearly worded planning policy that supports and promotes the adaptive reuse of buildings ...

Conlon OAM, SA Heritage Council (Ellis, et al., 2018, p. 43)

... factories, industrial buildings or large manufacturing plants, such as Tonsley Park in South Australia, would not typically be considered as having architectural merit. However, in such building stock the advantages of adaptive re-use can be linked to memory and cultural value rather than built heritage. These buildings have typically helped to form the identity of a place – often acting as a landmark or a way to describe, or to know that place.

(Office for Design and Architecture SA, 2014, p. 2)

There has always been this tug-of-war between heritage and development. In my opinion, heritage conservation is development; it's a very important part of development. I am certainly in favour of keeping not just heritage buildings but looking at whether any existing building can be adapted before one makes the decision to demolish it.

Wigg, Management Committee Member, Community Alliance SA (Gibbs, Matthews, Wigg, & Wilkinson, 2018, p. 99)

... Old turn of the century stone houses such as Adelaide's cottages and villas would conservatively cost upwards of \$5,000/m² to build today, due to their quality, ceiling heights, materials, detailing and workmanship.

... New townhouses, which I design, typically cost \$2-\$2,500/m² to build and this is at the upper end of the residential development spectrum. Project homes typically cost half that again, only \$1200-\$1500/m².

... Yet the cost of renovating the existing houses is typically \$1000-\$1500/m², which yields a building that would cost upwards of \$5,000/m² to build.

(Wilkinson, ERDC Inquiry on Heritage Reforms for South Australia, 2018, p. 17)

Stuart [Gifford] considers that the inherent energy saving features of many European heritage places, such as the insulating properties of thick stone walls, make them easy to save and re-use. 'It's really basic,' he says. Make the most of north-facing areas. Use radiant, localised heating. Evaporative cooling can also be very energy efficient when combined with insulation, and using blinds to take advantage of the sun and breezes. Equally important is the huge savings of resources, energy and emissions with existing building reuse.

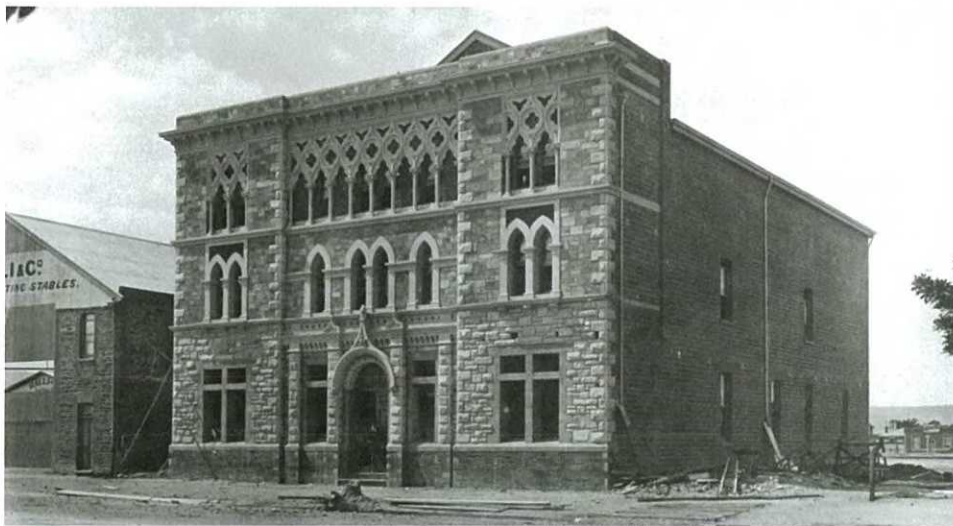
(Baxter, 2009, p. 13)

However, the Committee recognised there were some challenges to adaptive reuse of heritage buildings in making such buildings compliant with the Building Code of Australia:

There are a lot of factors contributing to the challenges for adaptive reuse. They include statutory compliance such as equitable access or earthquake resistance; limitations of working with existing structures on site and their potential impact on yields; the suitability of existing structures for reuse; and potential additional costs associated with repairs and maintenance of such a heritage asset.

Conlon OAM, SA Heritage Council (Ellis, et al., 2018, p. 43)

Nevertheless, the Committee was shown excellent examples of adaptive reuse of heritage buildings on its tour of the City of Adelaide. One such example was the state heritage listed Adabco Boutique Hotel on Wakefield Street (formerly the Our Boys Institute built in 1896) which was successfully and sensitively converted to hotel accommodation in 2007 (Figure 8).



Former Our Boys Institute, SLSA PRG 631-2-1443 c.1897



Adabco Boutique Hotel today

Figure 8. Before and after photos of the former Our Boys Institute, 219-223 Wakefield Street, Adelaide (City of Adelaide, 2018(b), p. 8). An example, of sensitively-completed adaptive reuse.

2.6.4 Heritage education and trades

An issue that was raised by submitters was the gap that currently exists in education of traditional methods of construction. The future ability to maintain and manage heritage in South Australia is reliant upon knowledge, skills and experiences of a suite of tradespersons. However, the Committee heard that South Australia's future heritage construction needs may not be suitably met unless some investment is made in the trades' education sector¹¹.

... to the best of my knowledge, in South Australia there is currently no specific educational support available for students looking to move into the heritage architecture field. There of course are a number of courses and opportunities available for research in archeological and curatorial/archival studies but nothing specifically related to architectural matters ... As a student of architecture who is primarily interested in this aspect of the architectural field, a topic that is increasingly important to South Australia's cultural identity and the development of tourism, this has been both surprising and frustrating. During all of my studies, heritage architecture has never been acknowledged or addressed as a career option so I have mostly had to explore opportunities under my own initiative, which has been quite a journey so far.

(Henderson, 2018)

I searched 'heritage course' online and there isn't one in South Australia. A lot of the heritage courses are academic and heritage isn't being taught generally at a vocational level. I see that as a huge lack at the moment because I am seeing it on the other side. Things like landscaping aren't being addressed, and heritage and character isn't being understood.

De Backer (Caldwell, De Backer, Dyson, & Iwanicki, 2018, p. 125)

It recently came to the Committee's attention, however, that the Construction Industry and Training Board (CITB) offers subsidised training in heritage trades¹². Recent projects included the Glencoe Woolshed:

The CITB in partnership with the HSR Group conducted heritage building conservation training with 17 trades participants at the historic Glencoe Woolshed shearing facility in the south-east of SA.

(CITB, 2017)

Projects earmarked for 2019 include: a) Boolcoommatta Shearers' Quarters, Bimbowrie Conservation Park, in March; b) Jacka House, Hampton Village – Stage 2, Burra, in April; and c) Cordillo Downs, Birdsville, in June.

The Committee visited Balhannah Railway Station and Signal Cabin on its regional heritage tour. The Committee discussed with representatives from SA Heritage and DPTI the potential for this site to be used as a heritage trades training opportunity (Figure 9). The important take-home message for the Committee was that partnerships needed to be developed and maintained in order for such schemes to occur.

¹¹ See: <https://www.environment.sa.gov.au/topics/heritage/heritage-trades>.

¹² See: <https://citb.org.au/news/heritage-trades#>



Figure 9. Balhannah Railway Station and Signal Cabin (SHP 12854) – an opportunity for heritage building conservation training? (SA Heritage, Department for Environment and Water, 2018, p. 2)

2.6.5 Funding for heritage management

One of the biggest issues for witnesses and submitters was concerns around securing funding for heritage management. The reasons for investment in the maintenance of heritage were numerous, but many witnesses and submitters suggested that a more judicious approach to the provision of incentives and disincentives for the management of heritage was a better approach to compliance than punishment.

Places that are entered into the SA Heritage Register remain the property of the owners and therefore the responsibility of owners to maintain into the future. The City of Adelaide offers its ratepayers an incentive scheme to help maintain heritage places, and there is some advice available from DEW on maintaining heritage items¹³.

At least one witness suggested that funding for heritage was a matter of equity, with the community paying for what the community derives benefit from:

I think you should also take this opportunity to look at equity, and what is a community input into this because, everywhere else in the world, if you want to have heritage for the benefit of the community, there has to be a contribution by the community towards heritage.

Maras AM, Expert Panel on Planning Reform (Allen, Hayes QC, Lennon, & Maras AM, 2018, p. 20)

A number of models for funding were suggested, with the UK model of a heritage lottery being amongst the most popular. The LGA pointed out that funding the management of heritage should not be an economic burden for individual councils to have to manage:

While we support state and local government working together on this, we would not support a legislated approach that requires councils to fund particular activities or offer prescribed rebates or concessions. The resourcing approach that would be taken by individual councils must remain

¹³ See: <https://www.environment.sa.gov.au/topics/heritage/owning-a-heritage-place>.

discretionary and be based on the community input during the setting of annual business plans and budgets at the local level.

Teburea, LGA (Brown, Gannon, Levinson, Smith, & Teburea, 2018, pp. 65-66)

The Committee visited Mt Torrens, a state heritage area, and discussed with the community (representatives from the Mount Torrens and District Community Association) funding for heritage management and maintenance (Figure 10). The community was keen to inform visitors to the town that they were entering a state heritage area and the Committee hopes that the Mt Torrens community has been able to access information about the recent heritage grants program from the state government¹⁴. Applications for the first round of funding is now closed however, there will be a second round opening late in April 2019.



Figure 10. The Committee visited Mt Torrens, a state heritage-listed area. Left to right: Mr Chris Barry, Mr Kerry Clarke and Mr Ross Leckie, Mount Torrens and District Community Association; Mr Nick McBride MP; Hon John Dawkins MLC; Mr Adrian Pederick MP; Hon Tung Ngo MLC.

2.6.6 Landscape

The Committee received an interesting submission that raised the issue of landscape as heritage; see (Lothian, 2018). He pointed out that the conservation of landscape, aside from its importance to conserving biodiversity, was important to the community.

Currently, there is no legislative framework to protect landscapes in South Australia outside the reserve system; and even within the reserve system, the primary role of reserves is to conserve and manage their biological and ecological characteristics, and not particularly heritage

¹⁴ See: <https://www.environment.sa.gov.au/topics/heritage/heritage-grants>

(although the recent state government proposal of Glenthorne National Park¹⁵ through the reserve system is arguably protecting heritage as much as biodiversity).

2.6.7 Protecting the Newmarket Hotel

At least 40 submitters expressed concern over what they believed was the proposed demolition of the Newmarket Hotel in the west end of the city. Although outside the Terms of Reference for this inquiry, the number of submitters who raised this concern highlights that conservation of heritage is a priority for the community.

¹⁵ See <https://www.glenthorne.com.au/>

3 CONCLUSIONS

Our South Australian heritage is of both intrinsic and economic value that cannot be underestimated when making future planning and development decisions. The established process to identify and list our heritage places is important, as it clearly identifies what is of value, what is significant and what is worthy of protection.

Voigt, DEW (Angas, Pope, Voigt, Wells, & Schulz, 2018, p. 74)

Clear messages were received by the Committee from the community about the challenges and issues with the current status of listing and assessment of local heritage places. Community focus was on local heritage processes, rather than state heritage processes. Submissions in relation to local heritage were broad-ranging; encompassing the nominations process up to the final decision making process and appeal avenues. The Committee heard that the community was unhappy with the current cumbersome and confusing sectoral approaches to heritage protection and management within the state.

The Committee heard that the community wanted a legislative framework that was simple and efficient and that enabled economic benefits to arise from protecting and investing in the state's heritage assets, e.g:

- Enables the full economic, tourism, cultural, community and sustainability of our built heritage to be realised
- Provides for consistent and transparent decision making based on merit that meets community expectations
- Enables the appropriate conservation, adaptation, sensitive re-use and development of heritage assets

(City of Adelaide, 2018(a), p. 1)

The Committee concluded that a strategic and statewide reform of heritage processes and legislation was necessary, and that reforms to the nominations, assessment and listing processes for state and local heritage must result in places and areas that are protected by appropriate policy and legislative tools.

Heritage should be a statewide process ... It's not about what some local council without resources is going to do. As a government, if you are going to be serious about heritage, get serious about it and let's get it done properly at a statewide level.

Maras AM (Allen, Hayes QC, Lennon, & Maras AM, 2018, p. 16)

The following principles have been developed by the Committee in response to the expectations the community stated in response to this inquiry:

3.1.1 Collaboration between state agencies and other stakeholders to plan proposed reforms

The Committee concluded that collaborative implementation of reforms is important in providing a future for the protection of heritage in South Australia. The Committee heard evidence on suitable forums in which to hold inter-agency discussions on the implementation of recommended reforms:

A heritage round table could be convened with all relevant stakeholders to progress further open discussion and gain a clear consensus regarding heritage listing processes ... There was a

commitment to establish a heritage round table after the former Lord Mayor had held discussions with both the Minister for Environment and Water and the Minister for Transport, Infrastructure and Local Government about exploring one statute for heritage listing, which was a recommendation of the Expert Panel on Planning Reform in 2015 and supported by government. I was tasked to progress the idea of a heritage round table prior to this heritage inquiry, which I have now put on hold until recommendations from this inquiry are tabled.

Voigt, DEW (Angas, Pope, Voigt, Wells, & Schulz, 2018, p. 73)

The submission by the Department for Environment and Water flags a round table with cross sectoral skills as a way ahead. A round table is a matter council has been suggesting and we recently received correspondence from the Minister for Environment and Water on this. We look forward to the round table as enabling many of the suggestions to be worked through in a mature, collaborative partnership.

Ditter, City of Adelaide (Ditter & Hutchins, 2018, p. 49)

3.1.2 Clear, simple, efficient and responsive processes for the nomination and assessment of state and local heritage places and areas

The Committee heard that the community expects nominations of state and local heritage to be clear, simple, responsive, and cost and time efficient.

The Committee concluded that clarity and simplicity of processes could be achieved if state and local heritage nomination processes were better aligned. It would reduce confusion over differing processes and promote the status of local heritage if it was nominated, assessed and listed in much the same manner as state heritage. In aiming to align processes, there are some issues that may be improved, such as the consultation process, which is currently of an adversarial nature because of a lack of interim protection for local heritage during the nomination phase. Aligning processes could potentially address the risk of vexatious nominations for properties that have already been assessed and approved for development because of an 'early no' provision that already exists in the state heritage assessment process.

Retrospective listing has three costs: the first one is time and delay. That's a big cost. The reason that is a big cost is developers normally try to get a development happening on the basis of an option. When that time runs out, you either walk away from it or you have to put money up for it. To put money up for something that is totally uncertain is something where the community does miss out on a lot of good things happening. Eventually, there are those who are stubborn and fight their way through the process and yes, they get approval because it wasn't worthy of listing in the first place.

Maras AM (Allen, Hayes QC, Lennon, & Maras AM, 2018, p. 1)

The Committee noted the frustration of developers, which arises in part due to the inability of the heritage identification and nomination system to identify in advance every item or area deserving of protection. It is often only when a developer comes along with plans to demolish a building that the community focuses any attention on whether or not that building deserves protection. When nothing adverse is proposed, nobody pays much attention. The Committee was of the opinion that it may be possible to achieve better alignment of processes with the use of inter-agency policy instruments. The Committee was also of the opinion that responsiveness would be achieved if the community was better involved in the nominations process for local heritage places and areas. This was a well supported idea across councils who were concerned about the adversarial nature of the nomination process of local heritage.

The Committee heard that the community expects assessment of state and local heritage to be objective, evidence-based and done by experts. This led the Committee to conclude that the current processes of evaluating heritage values against criteria by a panel of experts is likely to satisfy the expectations of community. There are numerous advantages to having an independent body of experts assess all heritage, including consistency in assessment, certainty and transparency. Once again, it may improve the status of local heritage if it is assessed in the same manner as state heritage against objective, evidence-based criteria (but with different thresholds).

There was evidence before the Committee that suggested alignment of criteria for state and local heritage would fit community expectations. The Committee also agreed that if criteria were to be aligned, that it would be best aligned with the national agreement in accordance with HERCON.

Heritage protection in South Australia should adopt and align to the HERCON criteria model, leading to a more consistent approach across Australian jurisdictions and the support of the national heritage listing process.

Voigt, DEW (Angas, Pope, Voigt, Wells, & Schulz, 2018, p. 73)

Australia ICOMOS supports the alignment of South Australia's Local and State Heritage criteria with the 2008 adopted HERCON criteria. This alignment will allow easy, defensible assessment of the heritage value of a place against streamlined heritage criteria, with local, state and national thresholds. This is a common approach in other Australian states and would reduce contestation of heritage value by opponents based on 'word play' between the current mixed sets of State and Local criteria.

(Australia ICOMOS Secretariat, 2018, p. 2)

The community expects that assessment will be undertaken by experts and that the assessing body is independent of political influences. In order to address the identified confusion between the listing of individual heritage items and the listing or zoning of historic conservation areas, it makes sense for both tasks to be undertaken by the same independent body of experts.

3.1.3 Consistency, transparency and accountability in decisions that are made relating to heritage listing

The Committee heard that the community expects decisions to list to be transparent and accountable and that it expects to be consulted at appropriate times of the process. Because the community expects consistency in decisions, the Committee was of the opinion that decisions should be made on the recommendations of an independent, expert, body of assessors, and made publicly available. The Committee heard evidence that Ministerial decision making is appropriate because it is accountable, but that transparency, consistency and objectivity needed to be improved:

- Ministerial power to remove provisionally listed properties on public interest ground should be reviewed to include criteria for exercising this power and a requirement to make reasons publically available.

(Environmental Defenders Office (SA) Inc., 2018, p. 9)

The Committee saw first-hand examples in the City of Adelaide council area of decisions that had previously been politically- rather than evidentially-based (e.g. Kenton and Cardwell Streets).

Also, the Committee heard that the community expects an appeals process that is cost effective, efficient, time limited and available to property owners and expert stakeholders.

If we are going to have heritage legislation, it has to be evidentially based. It has to be properly investigated and justified.

That has to be transparent so that the community can see that, and equally they can see that those that are not in that category are not heritage listed, or do not deserve to be heritage listed ... So it is really important to be evidence-based, transparent and set out, and then the community are better informed in order to make a decision, so they won't make it on aesthetics, they won't make it based on nostalgia and the rest.

Hayes QC (Allen, Hayes QC, Lennon, & Maras AM, 2018, p. 19)

Although the Committee heard that a solution to more simple, clear and consistent processes is to streamline all heritage into a single piece of legislation, the Committee was aware that this may be difficult in the short term, given the present rollout of the PDI Act, which assumes that local heritage items, areas and zones will continue to remain part of the planning system.

However it is an important part of a staged approach to state and local heritage reform.

The alternative to moving local heritage into the state heritage policy and legislative framework would be to do the reverse and move state heritage wholly into the planning system. There were concerns expressed about this. For example:

In my view, the risk that needs to be considered if combining all these elements in a single system within the planning legislation, which is what the expert panel required, is that you would, by definition, remove the advocacy and conservation ethos of those state items because, by definition, you would need to have a broader-range assessment. I simply put that on the table, because there is a logic to the separation that has been built up by parliament over the years.

Lennon, State Planning Commission (Allen, Hayes QC, Lennon, & Maras AM, 2018, p. 23)

As such, the Committee was of the opinion that inter- and intra-agency policy instruments may still achieve desirable outcomes and meet community expectations in the short term. Particularly where nothing was 'lost in translation' between the old and new planning systems.

The Committee also noted that the 51% property-owner vote in s.67(4)&(5) in relation to Historic Conservation Zones is placing current historic conservation zones and areas at risk because of a quirk of the implementation of the Planning and Design Code via phases. Phases Two and Three of the Planning and Development Code are amendments to Phase One and therefore all historic conservation zones and areas are subject to re-evaluation against s.67(4)&(5).

3.1.4 Certainty in outcomes with respect to heritage listings and development

The Committee heard that certainty in outcomes with respect to listing and development applications was critical for economic investment in South Australia. The Committee interpreted this to mean the community sought better clarity over what development is acceptable and unacceptable in individual circumstances.

Clarity of terminology; i.e. character and heritage, needs to be addressed in the reforms because using heritage processes to try and protect character reduces certainty in outcomes. The Committee was of the opinion that, to the community, character is important to protect, but is not necessarily the same as protecting heritage as it applies to individual buildings.

The Committee heard calls for removal of contributory items, etc. from the listing process, but also heard the fear some people had in losing protection for contributory items, which were in many cases, indistinguishable in merit from listed local heritage items. For example:

We have plenty of examples in Kensington itself, where Andrew [Dyson] lives in a house which is [local heritage] ... —and the neighbouring house, which is the same house, is a contributory item. It is the same building, it is the same dwelling, built by the same person with the same architecture, but apparently it has different levels of historical value.

Caldwell, Kensington Residents' Association (Caldwell & Dyson, Heritage Inquiry, 2018, p. 114)

The Committee recommends appropriate tools that provide protection and certainty for contributory items and historic areas be developed as part of the proposed reforms.

There were many proposed solutions to increase certainty in outcomes for listing and development. Options for protecting contributory items were to add them all to the list of local heritage, for example:

Contributory Items should be re-classified as Local Heritage Items without going through the complex and time consuming DPA process.

(Ellenbroek, 2018)

Or, alternatively, to identify them as part of broader conservation areas:

The establishment of local heritage areas should be considered as a solution to addressing the issue of 'Contributory Items' in Historic Conservation Areas. Local heritage areas will provide better clarity for the community than the existing HCZ/HCPA/HCA [Historic Conservation Zone/Historic Conservation Policy Area/Historic Conservation Area] labels. Local heritage areas should have their own Statement of Heritage Value as part of their definition, focusing on 'what the community wants to keep'. Consequently, development proposals would need to be tested against the Statement of Heritage Value for the local heritage area, without the need to identify individual Contributory Items. The creation of local heritage areas would also recognise the heightened property values and social economic value of these precincts ...

(Department for Environment and Water, 2018, p. 15)

Suggestions were also made of a grading system, similar to the UK, in place of contributory items, zones, etc. For example:

A possible way to deal with all local heritage matters is to use a graded system of local heritage conservation similar to the English system. Grade I buildings would comprise places of outstanding individual heritage significance. Only a small number in each council area are likely to qualify for this designation, which would require development approval for any changes to the exterior – front, rear and sides. Grade II buildings would comprise all other places currently listed as Local Heritage, which would continue to enjoy the present level of protection. Grade III buildings would comprise all places currently listed as Contributory Items. All areas where geospatial mapping shows clusters of Grade II and Grade III Local Heritage should be designated as HCZs. HCZs represent an important way to protect heritage and prevent perverse outcomes where identical buildings are treated differently as one is listed and the other is not. Councils

which have never identified contributory items should review previous heritage surveys to identify groups of buildings which deserve a Grade III classification.

(Environmental Defenders Office (SA) Inc., 2018, p. 8)

Irrespective of how contributory items are categorised, assessed and listed, the community expects contributory items to have some protection.

Reforms to the establishment of state heritage areas should also extend to include local heritage areas. With clear criteria, with thresholds, with guidelines, local heritage areas would likely replace historic conservation zones within the planning system, and they would provide an opportunity for greater consistency between local councils and they would give much greater clarity on this vexed issue of heritage versus character.

Conlon OAM, SA Heritage Council (Ellis, et al., 2018, p. 42)

There are other tools state agencies could implement to help increase certainty; e.g. provision for assessors to make recommendations for either state or local heritage. It is a limitation that heritage that appears before the SA Heritage Council cannot be simultaneously assessed for state and local significance.

Also, increased certainty is likely to be achieved by implementing a single (spatial and publicly-available) heritage register (for national, state and local places and areas) that integrates with state and local government planning and development databases, along with clear notes on the heritage values of each item or area.

Finally, a strategic and proactive approach to identifying and nominating heritage is likely to reduce the risk of uncertainty in outcomes and increase economic investment.

3.1.5 Audit or review

The Committee formed the opinion that an audit of local and state heritage places and areas is needed in order to provide further information about the heritage values of these places. Such an audit is likely to provide much-needed information that will assist the community, planners and developers in determining precisely why various places are protected and what opportunities are available in developing heritage properties, whilst retaining their heritage values.

Also, re-assessment needs to be undertaken of places that were listed prior to 1993 to determine if re-registering some properties as being of local significance is appropriate.

We need a process for doing the audit and then moving them from state to local or wherever and doing the appropriate consultation. That is a big process, but I think it would be of benefit in having this clarity and having the places that are most important protected rather than a bit of a hotchpotch.

Pope, DEW (Angas, Pope, Voigt, Wells, & Schulz, 2018, p. 76)

The Committee was concerned that its recommendations for auditing or reviewing heritage should be with the aim of maintaining protection for heritage properties, and that state listed properties being re-registered as local heritage should not cause protection to be lessened.

The Committee, on its tour of the City of Adelaide, heard from witnesses that subjective decision making for local heritage listing resulted in inconsistencies in listing of nearly identical adjoining properties. It therefore made sense for the Committee to recommend that a review be

undertaken of local heritage properties to consider some of those inconsistencies and to review items against newly established and better aligned local heritage criteria.

The Committee further determined that a review of places that had been assessed as being suitable for local heritage listing, but weren't, should be considered following reform to the local heritage assessment and listing processes.

3.1.6 Management of heritage

Heritage management is not development control, there is far more to it than that.

(Bell, 2018)

The following conclusions and recommendations have been formed to attempt to change the current paradigm for heritage to make owning heritage more attractive and to give the community a sense of pride in, and collective responsibility for, South Australia's heritage assets. The Committee felt that the belief that owning heritage makes development difficult and that ownership is encumbered by expensive maintenance should be addressed by policy and legislative reforms that include financial incentives.

You can't freeze buildings forever and a day. You can recognise their importance, but then you must also be able to recognise that changes can be made in a way. This is where the planning side comes into it. A good design, a good clear code as to what is expected in that area, what is expected in terms of the heritage, should be there.

Hayes QC, Expert Panel on Planning Reform (Allen, Hayes QC, Lennon, & Maras AM, 2018, p. 16)

Development of state and local heritage is currently managed in accordance with the *Development Act* 1993 and, in the near future, the PDI Act. Robust planning and development tools that have heritage matters at the heart must be developed in accordance with the PDI Act, with appropriate triggers of referral for development that impacts upon heritage.

Although there is an evident desire to change people's negative attitudes towards heritage, they are unlikely to change unless a stable funding base, that is supported by the broader community, for the management of heritage is implemented¹⁶.

3.1.7 Compliance

Although much of the community's focus was on the challenges provided by the front-end of heritage processes (i.e. nominating, assessing and listing), issues of compliance were raised.

The Committee found that deliberately or wilfully allowing heritage properties to deteriorate was a problem that requires a public interest response. Mandating maintenance or repair is certainly possible whilst buildings are being used (e.g. *Housing Improvement Act* 2016), but it is very difficult in relation to vacant buildings unless they become a public health issue; through infestation by vermin, or other public health concerns.

¹⁶ Although, in 2019, state government has made available \$500,000 in grants as a heritage incentive (Thomas-Wilson, 2019, p. 10); also, see here for further information on heritage grants: <https://www.environment.sa.gov.au/topics/heritage/heritage-grants>.

Compulsory acquisition powers should be investigated in some cases of deliberate neglect, however, care should be taken to ensure that the State does not become the buyer of last resort of degraded heritage properties. Consideration should also be given to amending the *Land Acquisition Act 1969* to ensure that the likely cost of restoring heritage buildings to a safe and sanitary standard is reflected in compensation payments made under the Act.

3.1.8 Reducing the risk of unexpected outcomes

The Committee heard of numerous perverse outcomes that had arisen from current processes for nominating, listing and assessing state and local heritage. For example, improvements could be made to the processes for listing state heritage places would reduce the risk of perverse outcomes for some heritage places:

- a. Reducing the need for multiple layers of registration;
- b. The ability to partially list nominated places;
- c. The ability to assess and list places for state and local heritage simultaneously; and
- d. Simplifying the listing process for state heritage areas so that state heritage areas can be managed more easily.

3.1.9 Other matters

During the course of this inquiry, DPTI released:

- a. The draft Code of Conduct for Accredited Professionals in accordance with Schedule 3 of the PDI Act; and
- b. Phase One of the Planning and Design Code for public consultation.

The Minister for Planning also gazetted the State Planning Policies for South Australia and referred these to the Committee.

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ABBREVIATIONS AND DEFINITIONS

AHC	Australian Heritage Council
Committee	Environment, Resources and Development Committee
DEW	Department for Environment and Water
DPA	Development plan amendment
DPTI	Department of Planning, Transport and Infrastructure
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
HCZ	Historic Conservation Zone(s)
HERCON	The Heritage Convention (criteria)
Heritage Act	<i>Heritage Places Act 1993</i>
HPA	Historic Policy Area(s)
LGA	Local Government Association
PDI Act	<i>Planning, Development and Infrastructure Act 2016</i>
SA	South Australia(n)
SCAP	State Commission Assessment Panel (independent body that assesses and determines certain development applications)
	(https://www.saplanningcommission.sa.gov.au/scap/what_is_scap)
SPC	State Planning Commission (planning advisory and development assessment)
	(https://www.saplanningcommission.sa.gov.au/about_the_commission)

APPENDIX A: FACT FINDING TOURS

22 October 2018 – Adelaide City Council

Former City Mission Hall, Light Square

Murrays Lane cottages, Murrays Lane

Former Royal South Australian Deaf Society, South Terrace

Former TPI Building (Davaar House), South Terrace

McLaren Street (Historic Conservation Zone)

Kenton and Cardwell Streets

Adabco Boutique Hotel, Wakefield Street

Former Adelaide Fruit & Produce Exchange, Union Street

Former Assay House, Austin Street

20 November 2018 – Adelaide Hills region

Rose Park (Historic Conservation Zone)

Hahndorf State Heritage Area

Balhannah Railway Station and Signal Cabin, Junction Road

Lobethal Woollen Mill, Adelaide-Lobethal Road

Mount Torrens State Heritage Area

APPENDIX B: LIST OF WITNESSES

3 September 2018 – Kingston Room, Old Parliament House <ol style="list-style-type: none"> 1. Anita Allen, Manager, Planning Reform, DPTI 2. Andrew McKeegan, Chief Development Officer, DPTI
17 September 2018 – Kingston Room, Old Parliament House <ol style="list-style-type: none"> 3. Brian Hayes QC, Expert Panel on Planning Reform 4. Theo Maras AM, Expert Panel on Planning Reform 5. Michael Lennon, Member, State Planning Commission 6. Anita Allen, Manager, Planning Reform, DPTI
15 October 2018 – Kingston Room, Old Parliament House <ol style="list-style-type: none"> 7. David Ellis, Member, Cultural Heritage Advisory Committee, National Trust of SA 8. Deborah Morgan, President, National Trust of SA 9. Darren Peacock, Chief Executive Officer, National Trust of SA 10. Keith Conlon OAM, Chair, SA Heritage Council 11. Jason Schulz, Member, SA Heritage Council 12. Beverley Voigt, Manager, Heritage SA, DEW
22 October 2018 – Kingston Room, Old Parliament House <ol style="list-style-type: none"> 13. Shanti Ditter, Associate Director, Planning and Development, City of Adelaide 14. Rick Hutchins, Manager, Spatial Planning and Heritage, City of Adelaide
5 November 2018 – Kingston Room, Old Parliament House <ol style="list-style-type: none"> 15. Torie Brown, SA Deputy Executive Director, Property Council of Australia 16. Daniel Gannon, Executive Director, Property Council of Australia 17. James Levinson, Principal, Botten Levinson Lawyers 18. Stephen Smith, Director, Policy, LGA of SA 19. Lisa Teburea, Executive Director, Public Affairs, LGA of SA
12 November 2018 – Kingston Room, Old Parliament House <ol style="list-style-type: none"> 20. Hamish Angas, Senior Heritage Officer, Heritage SA, DEW 21. Anna Pope, Program Manager, Heritage and Maritime, Heritage SA, DEW 22. Beverley Voigt, Manager, Heritage SA, DEW 23. Peter Wells, Principal Conservation Architect, Heritage SA, DEW 24. Jason Schulz, Member, SA Heritage Council 25. Beverley Voigt, Manager Heritage SA, DEW
26 November 2018 – Kingston Room, Old Parliament House <ol style="list-style-type: none"> 26. Michael Gibbs 27. Tom Matthews, President, Community Alliance SA 28. Carolyn Wigg, Management Committee Member, Community Alliance SA 29. Sandy Wilkinson, Alexander Wilkinson Design Pty Ltd

3 December 2018 – Balcony Room, Parliament House

- 30. Stuart Caldwell, President, Kensington Residents' Association Inc.
- 31. Andrew Dyson, Secretary, Kensington Residents' Association Inc.
- 32. Iris Iwanicki, Heritage Planner, District Council of Yankalilla
- 33. Alison De Backer

11 February 2019 – Kingston Room, Old Parliament House

- 34. Anita Allen, Manager, Planning Reform, DPTI
- 35. Nadia Gencarelli, Team Leader, Development Plan Amendments, DPTI

APPENDIX C: LIST OF SUBMITTERS

No.	Submitter
1	Gabrielle Drinkwater
2	Andrew Lothian
3	Wattle Range Council
4	Kangaroo Island Council
5	SA Housing Authority
6	Naracoorte Lucindale Council
7	Dave Walsh
8	Roslyn Black
9	Laurence Bowmaker
10	Mark Gilbert
11	Suzy Ramone
12	Allen Tiller
13	Daphne Baldock
14	Joanna Richardson
15	Aileen Doleheguy
16	Brett Allen
17	Lauren McAleer
18	Jill Cooke
19	Daniel Davis
20	Robert Mounsey
21	Andrea Budiman
22	Meredith Whitford
23	Cathy Chua

No.	Submitter
24	Debbie Williams
25	Aubrey Waye
26	Chris Rumere
27	Candida van Rood
28	Robbie Porter
29	Kimberley Kingsborough
30	Leigh Hoffrichter
31	Robert Stainsby
32	Julie Neilson-Kelly
33	Ray Smith
34	Susan Brame
35	Lucy Chesser
36	Brenda Polglase
37	Beverley Harvey
38	City of Holdfast Bay
39	Matthew Rice
40	Michelle Richards
41	David Ness
42	Lisa Mortimore
43	Mark Hamilton
44	Karen Lawson
45	Julian Rutt
46	George Allen
47	Sarah List
48	Erica Harrington

No.	Submitter
49	Antonio Cocchiaro
50	Janelle Brown
51	Bruce Hogben
52	Berri Barmera Council
53	Ray O'Farrell
54	Samela Harris
55	Carole Whitelock
56	Cheryl Moore
57	Colin Murray
58	Peter Donovan
59	Environmental Defenders Office (SA)
60	Prospect Local History Group
61	Anne Wharton
62	Robin Donaldson
63	Mount Barker District Council
64	Patricia Sumerling
65	Michael Gibbs
66	Jan Madsen
67	Peter and Chris Holmes
68	City of Charles Sturt
69	City of Port Adelaide Enfield
70	Regional Council of Goyder
71	Roger Helbig
72	Carol Williams
73	Light Regional Council

No.	Submitter
74	Ros Islip
75	City of Unley
76	Geoff Reynolds
77	Mount Barker and District Residents' Association
78	District Council of Grant
79	Marcus Beresford
80	Jill Amery
81	Residents for Environment and Character Conservation
82	Peter and Leonie Duffy
83	Christine Francis
84	Eric Mott
85	Bunty Parsons
86	Friends of the City of Unley
87	Alison De Backer
88	Kjell Genborg and Vivienne St John-Robb
89	Adelaide Hills Council
90	City of Onkaparinga
91	Adelaide Plains Council
92	Local Government Association
93	Urban Development Institute of Australia (SA)
94	Art Deco & Modernism Society of Australia, Adelaide Chapter
95	Barossa Council
96	Iris Iwanicki
97	Kenan Henderson
98	South East Residents Association (SECRA)

No.	Submitter
99	Mid Murray Council
100	Christel Mex, Councillor, Kensington/East Norwood Ward, City of Norwood, Payneham and St Peters
101	History Council of SA
102	Kensington Residents Association
103	Dr Peter Bell
104	Charles Gilchrist
105	Deane Kemp
106	City of Adelaide
107	District Council of Yankalilla
108	Andrew and Elaine Dyson
109	City of Burnside
110	Port Adelaide National Trust
111	Chris Holmes
112	Australia International Council on Monuments and Sites (ICOMOS)
113	City of Prospect
114	City of Mitcham
115	City of Tea Tree Gully
116	St Peters Residents Association
117	South West City Community Association
118	SA Heritage Council
119	Val Nairn
120	McDougall and Vines Conservation and Heritage Consultants
121	City of Norwood Payneham & St Peters
122	Hahndorf National Trust
123	Sandy Wilkinson

No.	Submitter
124	Margaret Dingle
125	Australian Civic Trust
126	Project Management Group of the Mount Lofty Ranges World Heritage Bid Project Consortium
127	Gail Casey
128	Elaine Dyson
129	Theo Ellenbroek
130	Bart Van der Wel
131	Prospect Residents Association
132	Unley Museum
133	City of Campbelltown
134	Uniting Church (SA)
135	Department for Environment and Water
136	Property Council
137	Community Alliance
138	National Trust Robe Branch
139	Norwood Residents Association
140	National Trust of South Australia
141	Copper Coast Council
142	Harold Gallasch
143	South Australian Tourism Commission
144	Paulene Thomas

APPENDIX D: LIST OF CRITERIA

HERITAGE CONVENTION (HERCON) CRITERIA (1998)

- a) Importance to the course or pattern of our cultural or natural history.
- b) Possession of uncommon rare or endangered aspects of our cultural or natural history.
- c) Potential to yield information that will contribute to an understanding of our cultural or natural history.
- d) Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments.
- e) Importance in exhibiting particular aesthetic characteristics.
- f) Importance in demonstrating a high degree of creative or technical achievement at a particular period.
- g) Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of the continuing and developing cultural traditions.
- h) Special association with the life or works of a person, or group of persons, of importance in our history.

EXISTING STATE HERITAGE CRITERIA

Heritage Places Act (1993) Part 4 – Registration of places

Division 1 – Criteria for registration

16 – Heritage significance

- (1) A place is of heritage significance if it satisfies one or more of the following criteria:
- a) It demonstrates aspects of the evolution or pattern of the State's history.
 - b) It has rare, uncommon or endangered qualities that are of cultural significance.
 - c) It may yield information that will contribute to an understanding of the State's history, including its natural history.
 - d) It is an outstanding representative of a particular class of places of cultural significance.
 - e) It demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of particular construction techniques or design characteristics.
 - f) It has strong cultural or spiritual associations for the community or a group within it.
 - g) It has a special association with the life or work of a person or organisation or an event of historical importance.

- (2) An object is of heritage significance if—
- a) it is an archaeological artefact, or any other form of artefact that satisfies 1 or more of the criteria set out in subsection (1); or
 - b) it is a geological, palaeontological or speleological specimen that satisfies 1 or more of the criteria set out in subsection (1); or
 - c) it is an object that is intrinsically related to the heritage significance of a State Heritage Place or a State Heritage Area.

EXISTING LOCAL HERITAGE CRITERIA

Development Act (1993) s.23(4)

- a) It displays historical, economic or social themes that are of importance to the local area.
- b) It represents customs or ways of life that are characteristic of the local area.
- c) It has played an important part in the lives of local residents.
- d) It displays aesthetic merit, design characteristics of construction techniques of significance to the local area.
- e) It is associated with a notable local personality or event.
- f) It is a notable landmark in the area.
- g) In the case of a tree (without limiting a preceding paragraph) – it is of special historical or social significance or importance within the local area.

PROPOSED LOCAL HERITAGE CRITERIA

Local Heritage Discussion Paper (2016)

- a) It is important to demonstrating themes in the evolution or pattern of local history; or
- b) It has qualities that are locally rare or endangered; or
- c) It may yield important information that will contribute to an understanding of local history, including its natural history; or
- d) It is comparatively significant in representing a class of places of local significance; or
- e) It displays particular creative, aesthetic or technical accomplishment, endemic construction techniques or particular design characteristics that are important to demonstrating local historical themes; or
- f) It has strong cultural or spiritual associations for a local community; or
- g) It has a special association with the life or work of a person or organisation or an event of local historical importance.

APPENDIX E: CHARACTER VALUES

Character Preservation (Barossa Valley) Act 2012 and Character Preservation (McLaren Vale) Act 2012

S.7—Character values of district

(1)

- a) The rural and natural landscape and visual amenity of the district;
- b) The heritage attributes of the district;
- c) The built form of the townships as they relate to the district;
- d) The viticultural, agricultural and associated industries of the district;
- e) The scenic and tourism attributes of the district.

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

ENVIRONMENTAL SERVICES REPORT

21 MAY 2019

4.5.2 CONSENSUS AGENDA – ENVIRONMENTAL SERVICES REPORT

**4.5.2.1 GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY
B9072, 19/24317**

The Key Outcome Summary and Minutes of the Gawler River Floodplain Management Authority meeting that was held 18 April 2019, are attached for information.

RECOMMENDATION:

That Report 4.5.2.1 be received and noted.

M E E T I N G M I N U T E S

Committee **Gawler River Floodplain Management Authority**
Held On **Thursday 18 April 2019 at 9.45 am**
Location **Adelaide Hills Council, Gumeracha**

WELCOME

Mr Ian Baldwin formally welcomed Board Members, Deputy Board Members, Observers and the Executive Officer and opened the 111th meeting of the Board.

PRESENT

*Mr Ian Baldwin, Independent Board Member, Chair
Cr Malcolm Herrmann, Adelaide Hills Council, Board Member
Mr Marc Salver, Adelaide Hills Council, Deputy Board Member
Mr James Miller, Adelaide Plains Council, Board Member
Cr Terry-Anne Keen, Adelaide Plains Council, Board Member
Mr Gary Mavrinac, The Barossa Council, Board Member
Cr Russell Johnstone, The Barossa Council, Deputy Board Member
Cr Paul Koch, Town of Gawler, Board Member
Cr William Close, Light Regional Council, Board Member
Mr Andrew Philpott, Light Regional Council, Deputy Board Member
Cr Stephen Coppins, City of Playford, Board Member
Mr Greg Pattinson, City of Playford, Deputy Board Member
Mr David Hitchcock, Executive Officer*

GRB 19/14 Observers

Moved: Cr T Keen Seconded: Cr P Koch

That Cr John Lush, Adelaide Plains Council, be appointed as Observer.

CARRIED

APOLOGIES

*Mr. Brian Carr, Light Regional Council, Board Member
Cr Kelvin Goldstone, Town of Gawler, Deputy Board Member
Mr Sam Dilena, Town of Gawler, Board Member
Mayor Bim Lange, Barossa Council, Board Member
Mr Ben DeGilio, Town of Gawler, Deputy Board Member*

Mr. G Pattinson declared a Material Conflict of Interest in Item 8.2 as he is a current member of the GRFMA Audit Committee.

GRB 19/15 Minutes of the 07/02/19 GRFMA meeting

Moved: Mr. J Miller

Seconded: Mr. M Salver

That the Minutes of the Gawler River Floodplain Management Authority Board meeting held 07/02/19 be confirmed as a true and accurate record of that meeting.

CARRIED

GRB 19/16 Minutes of the 21/03/19 GRFMA Special Meeting

Moved: Cr. T Keen

Seconded Cr. S Coppins

That the Minutes of the Gawler River Floodplain Management Authority Board Special Meeting held 21/03/19 be confirmed as a true and accurate record of that meeting.

CARRIED

GRB 19/17 Motion on Notice

Moved: Cr. M Herrmann

Seconded Cr. W Close

That the GRFMA receive the Motion on Notice from the Adelaide Plains Council.

CARRIED

GRB 19/18 Depreciation

Moved: Cr. M Herrmann

Seconded Mr. G Mavrinac

That the GRFMA request the Executive Officer to invite constituent council financial management staff and GRFMA CEO (or delegate staff) Board Members to a workshop to consider principles as they may apply to depreciation and management of GRFMA assets such as the Bruce Eastick Dam and the Northern Floodway project and to specifically consider:

- 1. Policy principles and legislative considerations for funding of depreciation;**
- 2. Options for funding depreciation;**
- 3. Risk associated with not funding depreciation; and**
- 4. Contribution to and value of the Bruce Eastick Dam and the Northern Floodway project to both State and National community safety and economic outputs.**

CARRIED

GRB 19/19 Minutes of the 15/3/19 GRFMA Audit Committee Meeting

Moved: Cr. M Herrmann

Seconded Mr. G Mavrinac

That the Minutes of the 15/3/19 GRFMA Audit Committee Meeting be confirmed as a true and accurate record of that meeting.

CARRIED

Charter Review

The Meeting noted that this phase of the Charter Review was ‘administrative’ as the shorter-term action: and following completion of the Charter Review a further process to scope and consider other contemporary governance arrangements is to be undertaken. (GRB 18/64)

The Meeting considered item 8.1 Charter Review and discussed the following items on a consensus of agreement approach.

Clause	Detail	Action	Agreed process
General	What extent of Direction or Regard, within the Charter, should the GRFMA have in relation to Development Application referrals from Councils	<i>Board Support</i>	<i>Include in 3.1 a function to consider relevant Development Application referrals Via Technical Assessment Panel. Process to undertake to be identified in a Charter Appendix.</i>
3.1	Purpose and Functions of the Authority	<i>As Above</i>	<i>As above</i>
4.3.11	New options Board Members <ul style="list-style-type: none"> ○ Council CEO plus Deputy and Elected Member plus Deputy ○ Council CEO or nominee and Elected Member plus Deputy 	<i>Board Support with amendment</i>	<i>Amendment: Council CEO or nominee plus Deputy and Elected Member plus Deputy</i>
4.4	Amended clause 4.4 (previously clause 4.5) relating to the Chairperson on the following basis: <ul style="list-style-type: none"> • The Constituent Councils will appoint the Chairperson for a term of up to three years and on such terms and conditions as determined by the Constituent Councils. The Authority may at the expiry of the Chairperson's first term of office as Chairperson appoint the Chairperson for a further term of up to three years on the same terms and conditions as the Chairperson's original appointment. <p>This proposed amendment does not deal however with a Chairperson being appointed for a third term or any term thereafter.</p>	<i>Board Support with amendment</i>	<i>Leave as is with following amendment The Authority may <u>at the expiry of the Chairperson's term of office as Chairperson</u> appoint the Chairperson for a further term of up to three years on the same terms and conditions as the Chairperson's original appointment.</i>
8.4.2	In respect of an overdraft facility or facilities up to a maximum amount of \$#####; or	<i>Board Support with amendment</i>	<i>Amendment: Reference to overdraft limits and borrowings management to be included in the GRFMA Treasury Management Policy</i>
8.5.2	In respect of borrowings (not overdraft) Options 1. Must be drawn down within a period of ## months from the date of approval 2.. Must be drawn down within a period as determined by the Board in respect of that project	<i>As Above (8.4.2)</i>	<i>As Above (8.4.2)</i>

General	Options for representatives from Other Agencies on the Board Clause 20 of Schedule 2, Part 2 of the Act provides that subject to the charter of a subsidiary, the membership of a board of management of a regional subsidiary will be determined by the constituent councils and may consist of or include persons who are not members of a council.	<i>Noted no Action</i>	It is possible for the Constituent Councils to appoint to the Board of the Authority persons from external bodies or agencies including State government.
General	Removal of a Board Member Including Chairperson Clause 20(3) of Schedule 2, Part 2 of the Act sets out the circumstances in which the office of a board member becomes vacant. One of those circumstances is if the board member is removed from office by the constituent councils	<i>Noted no Action</i>	It is not possible for the Authority to remove a Board Member (including the Chairperson) from office and this would need to be a decision and power exercised by the Constituent Councils.
General	Addition of New Members The Authority is a regional subsidiary established pursuant to Section 43 of the Act. Section 43 of the Act enables two or more councils to establish a regional subsidiary. Clause 29 of Schedule 2, Part 2 of the Act provides that a council may with the approval of the Minister become a constituent council of a regional subsidiary.	<i>Noted no Action</i>	It is not possible for an entity not being a council to become a constituent council of a regional subsidiary. A regional subsidiary may only be established by councils. However, a regional subsidiary may enter into agreements including joint ventures with entities not being councils provided its charter allows it to.
Other Board Requirements 9.4 9.4.53	Audit Committee Include provision for existing practice of payment of Audit Committee Chair Honorarium Insert words to reflect Audit Committee function to consider Risk Management	<i>New inclusions</i>	<i>As per Detail column</i>

The meeting adjourned at 10.57 am at conclusion of discussion of clause 4.3.11

Mr. Greg Pattinson left the meeting during the break.

The meeting reconvened at 11. 12 am with discussion of clause 4.4

GRB19/20 GRFMA Charter Review

Moved: Mr. G Mavrinac

Seconded: Mr. M Salver

That the GRFMA

- 1. Receive the final Draft GRFMA Charter Review document; and**
- 2. Request a copy of the final draft GRFMA Charter Review document, as amended, be provided to constituent councils for comment and support; and**
- 3. Reinforces to all constituent councils that it will, amongst other aspects and as a priority, commit to a further review of the charter during the 2019/20 financial year that examines percentage rate contributions for each council.**

CARRIED

GRB 19/21 GRFMA Audit Committee Membership

Moved: Mr. A Phillpott

Seconded: Cr. T Keen

That the term of appointment of GRFMA Audit Committee membership for Mr. Peter Brass and Mr. Greg Pattinson be extended until 30/06/20.

CARRIED

GRB 19/22 GRUMP (Gawler River UNHARMED Mitigation Project)

Moved: Cr. T Keen

Seconded: Cr. P Koch

That the GRFMA Executive Officer liaise with Chief Executive Officer Board Members or delegates to establish representation on the Gawler River UNHARMED Mitigation Project (GRUMP) Project Steering Committee.

CARRIED

The meeting noted that preferred delegates to be: M Salver, S Dilena, J Miller, A Phillpott and M Elding and B Austin (as the two Technical Assessment Panel representatives).

GRB 19/23 Financial report

Moved CR. W Close

Seconded: Mr. J Miller

That the GRFMA:

- 1. Receive the financial report as at 31March 2019 showing a balance of total funds available \$100,390.62; and**
- 2. Adopt the Budget Review documents March 2019 for the 2018/19 financial year.**

CARRIED

GRB 19/24 Northern Floodway Project

Moved Cr. M Herrmann

Seconded: Cr. T Keen

That the GRFMA:

- 1. Express disappointment that the Northern Floodway Project, Building Better Regions (BBR) application has been deemed ineligible by the Department of Industry, Innovation and Science;**
- 2. Request the Executive Officer to seek feedback from the Department in relation to ineligibility of the application.**
- 3. Maintain progress of the Northern Floodway Project on the basis of firstly securing commitment from Federal and State Governments to fund in totality all capital costs, including the further design and development costs associated with the project: and**
- 4. Endorse the Chairperson and Executive Officer initiating a program to lobby for political support for funding of the project in the lead up to the 18 May 2019 Federal Government election.**

CARRIED

GRB 19/25 Levee banks and priorities for improving flood management

Moved Mr. G Mavrinac Seconded: Cr. W Close

That the GRFMA endorse the submission on how dams and levee banks are managed to reduce the impacts of floods and priorities for improving flood management in South Australia.

CARRIED

GRB 19/26 Bank Signatories Authority

Moved Cr. M Herrmann Seconded: Cr. R Johnstone

That the GRFMA:

- 1. Authorise Cr Terry-Anne Keen as a new signatory to operate on Bank SA account 101248140 in the name of the Gawler River Floodplain Management Authority; and**
- 2. The previous authority for Mr. D Davey signature to operate the account be revoked.**

CARRIED

GRB 19/27 Landscape SA

Moved Mr. M Salver Seconded: Cr. S Coppins

That the GRFMA receive the Report.

CARRIED

The correspondence was noted.

GRB 19/28 Revaluation of Bruce Eastick North Para Flood Mitigation Dam

Moved Cr. M Herrmann Seconded: Cr. S Coppins

That the GRFMA request the Executive Officer to facilitate revaluation of the Bruce Eastick North Para Flood Mitigation Dam by 30/6/19

CARRIED

Closure of meeting

The Chairperson thanked the Adelaide Hills Council for hospitality as host and wished everyone a safe and happy Easter. The next Ordinary Board Meeting will be held 9.45 am, Thursday 13 June 2019 at the Barossa Council

Meeting closed 12.14 pm.

Confirmed Chairperson

Gawler River Floodplain Management Authority

Adelaide Hills Council, Adelaide Plains Council, The Barossa Council,
Town of Gawler, Light Regional Council, City of Playford

KEY OUTCOMES SUMMARY

GRFMA Board Meeting 18/04/19

Motion on Notice from the Adelaide Plains Council

The Meeting received a Motion on Notice from the Adelaide Plains Council regarding depreciation of GRFMA Assets.

Following discussion, the meeting resolved to invite constituent council financial management staff and GRFMA CEO (or delegate staff) Board Members to a workshop to consider principles as they may apply to depreciation and management of GRFMA assets such as the Bruce Eastick Dam and the Northern Floodway project and to specifically consider:

1. Policy principles and legislative considerations for funding of depreciation;
2. Options for funding depreciation;
3. Risk associated with not funding depreciation; and
4. Contribution to and value of the Bruce Eastick Dam and the Northern Floodway project to both State and National community safety and economic outputs.

Charter Review

The Board received the final Draft GRFMA Charter Review document and following discussion and agreement on identified items directed that a copy of the final draft GRFMA Charter Review document, as amended, be provided to constituent councils for comment and support.

The Board also reinforced that it will, amongst other aspects and as a priority, commit to a further review of the charter during the 2019/20 financial year that examines percentage rate contributions for each council.

Membership of the GRFMA Audit Committee

The term of appointment of GRFMA Audit Committee membership for Mr. Peter Brass and Mr. Greg Pattinson was extended until 30/06/20.

GRUMP (Gawler River UNHARMED Mitigation Project)

M Salver, S Dilella, J Miller, A Phillpott and M Elding and B Austin (as the two Technical Assessment Panel representatives). were appointed to the Gawler River UNHARMED Mitigation Project (GRUMP) Project Steering Committee.

Financial Report

The Board received the financial report as at 31 March 2019 showing a balance of total funds available \$100,390.62; and adopted the Budget Review documents March 2019 for the 2018/19 financial year

Northern Floodway Project, Building Better Regions (BBR) application.

Members expressed disappointment that the Northern Floodway Project, Building Better Regions (BBR) application has been deemed ineligible by the Department of Industry,

Gawler River Floodplain Management Authority

Adelaide Hills Council, Adelaide Plains Council, The Barossa Council,
Town of Gawler, Light Regional Council, City of Playford

Innovation and Science and resolved to seek feedback from the Department in relation to ineligibility of the application.

A program to lobby for political support for funding of the project in the lead up to the 18 May 2019 Federal Government election will be implemented.

Levee banks and priorities for improving flood management

The Board endorsed the GRFMA submission on how dams and levee banks are managed to reduce the impacts of floods and priorities for improving flood management in South Australia.

Revaluation of Bruce Eastick North Para Flood Mitigation Dam

The Executive Officer was requested to facilitate revaluation of the Bruce Eastick North Para Flood Mitigation Dam by 30/6/19

Next GRFMA Ordinary Meeting

The next GRFMA Ordinary Board Meeting will be held 9.45 am, Thursday 13 June 2019 at the Barossa Council.

COUNCIL
DEVELOPMENT AND ENVIRONMENTAL SERVICES

ENVIRONMENTAL SERVICES REPORT

21 MAY 2019

4.5.2 CONSENSUS AGENDA – ENVIRONMENTAL SERVICES REPORT

**4.5.2.2 COUNCIL'S CONTRIBUTION TO THE ADELAIDE AND MOUNT LOFTY RANGES
NRM REGION LEVY UNDER THE NATURAL RESOURCES MANAGEMENT ACT
2004 FOR 2019-20
B2679, 19/21997**

Council members are referred to the *attached* letter received from the Adelaide and Mount Lofty Ranges Natural Resources Management Board, seeking comments in relation to the total NRM levy to be contributed by councils within the Adelaide and Mount Lofty Ranges (AMLR) NRM Region, based on capital value of the rateable properties within it.

The proposed Council contribution to the Adelaide and Mount Lofty Ranges NRM Region for 2019-20 is \$474,425, representing an increase of \$9,255 (1.98%) from 2019-20.

Council may seek reimbursement from the AMLR NRM Board for administrative costs incurred during collection of the NRM Levy.

Following consultation, the Minister will determine Council's share and submit the amount to the Governor for approval, after which Council will be notified and the approved contributions will be published in the Government Gazette.

RECOMMENDATION:

That the report item 4.5.2.2 be received.



Natural Resources Centre

205 Greenhill Road
Eastwood SA 5063

Tel 08 8273 9100
Fax 08 8271 9585

dewnr.amlr@sa.gov.au
www.naturalresources.sa.gov.au
/adelaidemtloftyranges

9 April 2019



Mr Martin McCarthy
Chief Executive Officer
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

Dear Mr McCarthy

**Re: Consultation on Council's contribution to the Adelaide and Mount Lofty Ranges
NRM Region under the Natural Resources Management Act 2004 for 2019-20**

The South Australian Government is currently undertaking major reform to natural resources management through the intended repeal of the *Natural Resources Management Act 2004* (NRM Act) and introduction of a new Landscape South Australia Bill to Parliament last month.

At present the Adelaide and Mount Lofty Ranges Natural Resources Management Board (the Board) is continuing to operate in accordance with the NRM Act. As a requirement of this Act, the Board must review its Business Plan at least once in every three year period. The Board has now completed this review and the Business Plan for Adelaide and Mount Lofty Ranges Natural Resources Management Board was adopted by the Minister for Environment and Water on 27 March 2019. The adopted Business Plan covers the financial years of 2019-20, 2020-21 and 2021-22.

The Business Plan includes a specified amount of \$31,545,643 to be contributed by the constituent Councils in the Adelaide and Mount Lofty Ranges NRM Region for 2019-20. The indicative share for each council of this base contribution is listed at **Attachment A** and also includes the share for each council from the previous year. Under section 95 of the NRM Act, a council must reimburse itself by applying a levy (a regional NRM levy) through its rates notices and in accordance with Chapter 10 of the *Local Government Act 1999*.

Under section 92 of the NRM Act the share of each council is determined by the Minister following consultation with each council. Accordingly, I am seeking your comments on behalf of the Minister on Council's proposed contribution.

Council may also collect a fee from the regional NRM board for the administrative costs of collecting an NRM levy. Further information relating to these costs is provided in section 96 of the NRM Act and regulation 4C of the NRM (Financial Provisions) Regulations. The total amount that can be claimed in 2019-20 is \$2,476 plus 24 cents per rateable assessment.

Please provide any comment on your Council's share of the base contribution for 2019-20 or your Council's reimbursement fee, by close of business Tuesday, 23 April 2019 to Mrs Solange Cricelli, Senior Policy Officer via email solange.cricelli@sa.gov.au.

After consideration of any comments, the Minister will determine a council's share and submit the amount to the Governor for approval. Notice of approved contributions will then be forwarded to the council as well as being published in the *Government Gazette*.

Thank you for your prompt attention to this matter.

Yours sincerely



Lisien Loan
A/REGIONAL DIRECTOR
ADELAIDE AND MOUNT LOFTY RANGES NRM REGION

Attachment A

Proposed council contributions to the Adelaide and Mount Lofty Ranges NRM Region 2019-20

Council	Contribution 2018-19	Contribution 2019-20
City of Adelaide	\$1,681,521	\$1,755,765
Adelaide Hills Council	\$959,634	\$966,053
Adelaide Plains Council	\$174,777	\$179,437
Alexandrina Council	\$177,527	\$177,458
The Barossa Council	\$465,170	\$474,425
City of Burnside	\$1,647,295	\$1,714,557
Campbelltown City Council	\$1,172,568	\$1,220,432
City of Charles Sturt	\$2,858,446	\$2,937,786
Town of Gawler	\$361,432	\$366,464
City of Holdfast Bay	\$1,233,808	\$1,281,868
Light Regional Council	\$324,381	\$332,033
City of Marion	\$1,918,392	\$1,971,997
City of Mitcham	\$1,684,538	\$1,732,697
Mount Barker District Council	\$108,645	\$113,259
City of Norwood, Payneham & St Peters	\$1,280,330	\$1,375,767
City of Onkaparinga	\$2,873,647	\$2,890,101
City of Playford	\$1,092,793	\$1,105,909
City of Port Adelaide Enfield	\$2,645,576	\$2,705,537
City of Prospect	\$564,966	\$576,483
City of Salisbury	\$2,014,099	\$2,038,150
City of Tea Tree Gully	\$1,762,475	\$1,778,337
City of Unley	\$1,337,669	\$1,391,241

City of Victor Harbor	\$398,671	\$397,977
Corporation of the Town of Walkerville	\$310,485	\$323,740
City of West Torrens	\$1,472,440	\$1,542,510
District Council of Yankalilla	\$195,018	\$195,660
Total	\$30,716,303	\$31,545,643

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

ENVIRONMENTAL SERVICES REPORT

21 MAY 2019

4.5.2 CONSENSUS AGENDA – ENVIRONMENTAL SERVICES REPORT

4.5.2.3 CONSULTATION ON COUNCIL'S CONTRIBUTION TO THE SOUTH AUSTRALIAN MURRAY-DARLING BASIN NRM REGION UNDER THE NATURAL RESOURCES MANAGEMENT ACT FOR 2019-20 **B6034**

Purpose

Correspondence has been received from the South Australian Murray-Darling Basin Natural Resources Management Board, outlining proposed Council contributions to the South Australian Murray-Darling Basin Regional NRM for the 2019-20 financial year. (Refer attached).

Council's contribution for 2019-20 will be \$65,750.

This is unchanged since Council considered the draft Business and Operational Plan 2019-20 to 2021-22 back in January 2019.

Under Section 95 of the NRM Act, Council must reimburse itself by applying a regional NRM levy through its rates notices in accordance with Chapter 10 of the Local Government Act. Council may also collect a fee from the Regional NRM Board for the administrative costs of collecting an NRM levy. Further information relating to these costs is provided in section 96 of the NRM Act and regulation 4C of the NRM (Financial Provisions) Regulations.

RECOMMENDATION:

That the report item 4.5.2.3 be received.



17 April 2019

Natural Resources Centre
South Australian Murray-Darling Basin

PO Box 2343
110A Mannum Road
MURRAY BRIDGE SA 5253

Tel 08 8532 9100
Fax 08 8531 1843

ABN 14 305 414 800
Email: samdbenquiries@sa.gov.au
Website: www.naturalresources/samurraydarlingbasin

Mr Martin McCarthy
CEO
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

mmccarthy@barossa.sa.gov.au

Dear Martin,

Re: Contribution to the SA Murray-Darling Basin NRM Board's Levy under the *Natural Resources Management Act* for 2019-20

The new Business and Operational Plan 2019–20 to 2021–22 for SA Murray-Darling Basin Natural Resources Management Board has been adopted. The adopted Business Plan provides details on the NRM Levy for 2019-20, and an estimate of the NRM levies for 2020-21 and 2021-22.

As you are aware a new Landscape SA Bill was recently submitted to Parliament. While the new Bill is going through the legislative process, the SA Murray-Darling Basin NRM Board is continuing to operate in accordance with the *NRM Act 2004*. Under this Act, the Board must prepare and maintain a ten year Strategic Plan and a 3 year Business and Operational Plan.

The NRM levies for 2019-20 have been updated to reflect CPI. The Business Plan specifies \$5,920,700 as the amount to be contributed by the constituent councils in the SA MDB NRM Region.

The indicative share for each Council of this base contribution is listed at Attachment A, which also includes the share for each Council from the previous year. Under section 95 of the *NRM Act 2004* Council must reimburse itself by applying a levy (a regional NRM levy) through its rates notices and in accordance with Chapter 10 of the Local Government Act.

Under section 92 of the *NRM Act 2004* the share of each Council is determined by the Minister following consultation with each Council. Accordingly I am seeking your comments on behalf of the Minister for Environment and Water on the Council's proposed contribution.

Council may also collect a fee from the regional NRM board for the administrative costs of collecting an NRM levy. Further information relating to these costs is provided in section 96 of the *NRM Act 2004* and regulation 4C of the NRM (Financial Provisions) Regulations. The proposed reimbursement fee for each Council is also provided in Attachment A. For 2019-20 the fee has been calculated using a fixed fee of \$2,476 plus \$0.24 per rateable assessment. Claims for costs associated with collecting the fee must be made by 31 March 2020.

If you have any comment to make on your Council's share of the base contribution for 2019-20 or your Council's reimbursement fee, please reply by close of business 29 April 2019 to Amy Goodman via email amy.goodman@sa.gov.au.

After consideration of any comments, the Minister for Environment and Water will determine Councils' shares and submit the amount to the Governor for approval. Notice of approved contributions will then be forwarded to the Council as well as being published in the *Government Gazette*.

Thank you for your prompt attention to this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Williams', written in a cursive style.

Mike Williams

Regional Director

South Australian Murray-Darling Basin Natural Resources Management Board

Attachment A

**Proposed council contributions to the South Australian Murray-Darling Basin Regional NRM
Region 2019-20**

Council	Contribution (\$) 2018-19	Contribution (\$) 2019-20	Levy Collection Reimbursement fee (\$)
Adelaide Hills Council	6,271	6,252	2,623.41
Alexandrina Council	1,350,816	1,356,473	6,587.75
The Barossa Council	64,565	65,750	2,801.87
Berri Barmera Council	313,688	312,808	4,303.21
Coorong District Council	196,451	202,931	3,593.67
Goyder Regional Council	180,051	183,193	3,587.85
District Council of Karoonda East Murray	64,977	64,535	2,988.93
District Council of Loxton Waikerie	453,953	461,454	4,873.78
Mid Murray Council	543,684	551,128	5,505.85
District Council of Mount Barker	1,410,418	1,483,142	6,504.47
Rural City of Murray Bridge	734,454	771,907	5,744.81
City of Onkaparinga	4,530	4,500	2,619.61
Renmark Paringa Council	330,145	334,147	4,089.06
Southern Mallee District Council	109,140	118,658	3,110.94
City of Victor Harbor	3,856	3,822	2,616.57
Total	5,767,000	5,920,700	61,552

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

ENVIRONMENTAL SERVICES REPORT

21 MAY 2019

4.5.2 CONSENSUS AGENDA – ENVIRONMENTAL SERVICES REPORT

4.5.2.4 LIVING SMART BAROSSA – PROGRAM SUMMARY B8570

Council, at its meeting held 22 January 2019, endorsed participation in the Living Smart Program, which was held from 19 February – 9 April 2019.

Living Smart was a seven week sustainability and wellbeing course that encourages participants to reduce their environmental impact and improve their quality of life. The course covered ten topics in sustainability, including water, energy, waste, simple living, gardening for food, gardening for biodiversity, transport, healthy you, healthy homes and community.

The Program was held at the Lyndoch Library, and was promoted by Council, partnering with Adelaide and Mount Lofty Ranges Natural Resources Management Board (ALMRNRM) Urban Sustainability Team and was facilitated by two local professionals, Kim Blenkiron (Springton) and Rachel Brdanovic (Gawler). 23 residents participated in the program, and feedback has been overwhelmingly positive.

The final Course Report, provided by the facilitators, is attached for information.

RECOMMENDATION:

That report items 4.5.2.4 be received.



Living Smart SA

Lyndoch Course Report

Facilitators: Rachel Brdanovic and Kim Blenkiron

Lyndoch Library

19 February to 2 April 2019

6.30pm – 9pm

Proudly brought to you by:



Government of South Australia

Adelaide and Mount Lofty Ranges
Natural Resources Management Board



Living Smart Lyndoch Course 2019

We would like to acknowledge that the land we met on is the traditional lands for the Peramangk people and that we respect their spiritual relationship with their Country. We also acknowledge the Kaurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

Course attendance and demographics

- Who** 23 participants | 20 women, 3 men
0% 16-24 year olds, 5% 25-34 year olds, 26% 35-44 year olds, 21% 45-54 year olds, 32% 55-64 year olds, 16% 65-74 year olds, 0% 75+ year olds
The above age distribution is based on the individuals that answered this survey question. There were two participants under the age of sixteen that attended.
Attendance was high every week, usually over 20 people and over 15 at the field trip.
- Why** 91% participated because they were interested in sustainability
43% wanted to improve their skills and knowledge in specific areas
29% wanted to meet people in their local community
- Reach** Course participants told 168 people about this course.

Before and after course surveys

Participants were all asked to complete an online course survey prior to beginning the course. We gathered information around the participants' background, why they were interested in the course, what sustainable practices they had already incorporated into their lives, and their involvement in community. The survey helped us to design the course for the needs and interests of the participants while tracking behaviour change over the seven weeks.

An after-course survey was completed at the last session by participants to understand key learnings, changes made or intended to be made after the end of the course and broader sustainability questions to compare with the before course survey.

Goal setting

Goal setting was discussed as part of our first session and upon the conclusion and commencement of each session throughout the duration of the course. Participants were given time to share, discuss, document and celebrate their weekly goals and achievements. Every session commenced with a discussion of how everyone went with their goals for the previous week. It was important to set up the expectation at the beginning of the course that goals were to be reviewed in each session and to give participants a guideline as to how to go about it. This encouraged participants to take action on their learnings, celebrate their successes, seek support or advice where necessary and to track their progress.

Favourite aspects

When asked what their favourite aspects of the program were, the majority of the comments were related to connecting with others, the amount and quality of information received, the passion and knowledge of facilitators and guest speakers, appreciating the practical nature of the program allowing them to go home and make changes immediately.

"This Living Smart course has taught me to think about what I purchase at the supermarket and the long term impact. Encouraged me to buy local and direct from the producer, also got me inspired to get my home garden sorted out to grow my own produce"

Course participant

Most significant learnings

Of the 16 people that responded to this question there were 11 different answers. This demonstrates that people are attending the program all looking to learn something different and the broad scope of the content of the program is meeting this diverse need.

The areas mentioned were:

- Electric cars
- Beautiful plants to use
- Managing waste
- Diversity of participants knowledge
- Change can occur if 5 people want it
- Making personal products
- Making cleaning products
- Wicking beds
- Recycling
- Solar
- Being with like-minded people

Changes made or intend to make

Participants were asked if they had or had not changed their behaviours in the following areas as a result of the course - or if they intended to. Participants who responded all answered that they had either implemented these changes or intended to after the course.

Some people answered No to particular categories, not because they weren't doing an action, but because they had already made a change not as a result of attending "Living Smart".

Action	Yes	No	Intend To
Reduce water use	47%	7%	2%
Reduce energy use	50%	5%	3%
Reduce household waste	69%	2%	3%
Reduce car use	53%	6%	1%
Increased community connections	68%	2%	3%

Course satisfaction

Participants were asked to rate how useful they felt the course was and how satisfied they were with the course in general on a scale of 1 to 7.

Rating how **useful** the program was, 94% of participants that responded chose 5 or above and 56% chose 7.

Rating how **satisfied** participants were with the program, 100% of participants that responded chose 5 or above and 56% chose 7.

Suggestions for improvement

When asked if there were any aspects of the course they would recommend changing there were only 6 responses that suggested change. Most responses were around timing, including that February may not be a good time to run the course in the Barossa due to people's commitments to grape harvest. Other comments were around the balance between trying to pack a lot of content into the program, wanting more in-depth information and the length of the course requiring a big commitment.

Another suggestion was an online forum to assist to connect participants.

"This Living Smart course gave me better perspective to realise where I needed to make changes as well as appreciate what I was already achieving"
Course participant

After course communication with participants

Participants were encouraged to join the general Living Smarties SA Facebook page and a number of other local Facebook pages.

The group was offered the opportunity of an eighth week at the venue without the facilitators.

The group was keen to share email addresses with each other.

As many of the people in the group were already a part of other community groups, eg produce swaps, and there was quite a geographic range, there was no real need for this group to stay together, and instead people were encouraged to join existing groups networks and on-line forums.

Course snapshot



A photo of many of the group participants with their attendance certificates.

"The Living Smart course was an excellent opportunity to take ideas and attitudes I have about a more sustainable life towards goals and outcomes. The course showed how to actively make positive change to daily life. It also created a wonderful new group of friends and allies – an extra bonus!!"

Course participant



Group members enjoyed sharing their produce, knowledge and skills with other group members.



Participants engaged in various activities over the 7 weeks including hands on activities, group activities, individual goal setting and a field tour.

Actions taken during the course

Participants were asked to describe 3 actions/changes they made during the 7-week course that they were most proud of. These have been summarised in the table below.

Waste	<ul style="list-style-type: none"> • Not buying plastic • Overhauled home waste management • Recycle – reduce • Started a worm farm • Limiting single use • Composting 	Community/ Self	<ul style="list-style-type: none"> • Sharing skills I don't normally tell people I do • Join local library • Buying more local produce and attending market • Talking to others in the wider community about these issues • Started working in a school in sustainability • Joined a community action group •
Healthy You	<ul style="list-style-type: none"> • Rekindling enthusiasm • Sharing with friend and family 	Food Gardens	<ul style="list-style-type: none"> • Grow microgreens • Develop veggie patch • Improved garden health
Water	<ul style="list-style-type: none"> • Saving more water and reusing where possible 	Energy	<ul style="list-style-type: none"> • Cut power usage • Solar power and battery
Transport	<ul style="list-style-type: none"> • Car pooling • Driving less 	Healthy Home	<ul style="list-style-type: none"> • Rethinking cleaning products used in my home
Biodiversity	<ul style="list-style-type: none"> • Native edible medicinal garden planned 	Living Simply	<ul style="list-style-type: none"> • Making net bags for veggies • Buying only what I need

What do I intend to do as a result of the course?

Waste	<ul style="list-style-type: none"> • Make sure I have exhausted all options before putting anything into landfill • Less waste • Reduce single use items • Less plastics • Recycling 	Community/ Self	<ul style="list-style-type: none"> • Spread the word • Continue to talk to the wider community about sustainability issues • Communicate why I live this way so others follow • Sharing
Healthy You	<ul style="list-style-type: none"> • Yoga • Make own body products 	Food Gardens	<ul style="list-style-type: none"> • Create my own backyard produce garden • Worms • Chicken
Water	<ul style="list-style-type: none"> • Installing water tanks for garden use 	Energy	<ul style="list-style-type: none"> • Ensure our solar power is being used as efficiently as possible
Transport	<ul style="list-style-type: none"> • Use the train to Adelaide for transport • Sell a car 	Healthy Home	<ul style="list-style-type: none"> • Make own home care products • More eco friendly in home
Biodiversity	<ul style="list-style-type: none"> • Native garden 	Living Simply	<ul style="list-style-type: none"> • Keep on improving • Think very carefully about where I need things before I buy them • Live local and lighter

"This course helped to confirm my own beliefs and ideas and encouraged me to follow what I had already started and to move to finish. Gave me different resources to look at for setting up my family's life to be more sustainable"

Course participant

Facilitator reflections

Kim Blenkiron

As a facilitator it was enjoyable to work with another facilitator that had a different facilitation style and as a facilitation team we were able to play to each other's strengths. We also had different technical content interests within the program and were easily able to share the delivery. Delivering the program for the first time it was also beneficial to co-deliver with someone who has delivered the program previously.

Over the 7 weeks of the program it was encouraging to see the individual participants come together as a group and for individuals to feel more confident to share their knowledge with the whole group. One group member gave a demonstration on making skin care products and talked about urban design for sound water use. Another group member spoke about the importance of biodiversity.

While not everyone enjoyed the weekly goal setting and reporting back it was a valuable part of the program and encouraged people to action something they had learnt from each session during the week. Being able to celebrate these achievements weekly was important. Individually these small personal goals may not seem significant but collectively they are having a significant impact.

I believe there is a need for Living Smart in surrounding areas as some participants travelled quite long distances to attend.

Rachel Brdanovic

I was very pleased with the range of participants who attended this course, especially to see some teenagers in attendance. There was unfortunately a lack of gender diversity, which perhaps is something that could be addressed by targeted marketing. As someone already active in the sustainability sector in the region, it's great to see new faces being drawn to Living Smart and the concepts that are taught.

Working with Kim was excellent – our different experiences meant we always had a relevant anecdote to share, and her farming background allowed her to relate to some of the agriculture-specific issues that were discussed, meaning I also learnt something in the process.

The group of participants worked really well together, with most appreciating the activities and goal setting they were involved in, and everyone keen to share their own skills and struggles as appropriate. As the weeks went on, it was enjoyable to see the participants looking forward to the opportunity to spend time discussing various topics with each other and the group.

Course bookings filled quickly, especially considering the pressures of vintage in the Barossa, and I am sure that additional courses would be well received.

Participant reflections

Thank you for providing this. We drove an hour each way for it. Not sustainable but very useful. So thank you Barossa Council and Nat. Resources Man. Board.

This course was a great way to meet like-minded people and realise that small actions count. Thank you to the Barossa Council and the AMLR NRM Board for sponsoring this great course. It was very helpful to make ideas and beliefs into goal focussed actions and enable individual contribution toward a more sustainable future.

I feel so empowered to have a positive impact on the sustainability of our precious environment. I took at least one new learning away from every session - and used them!

This course has been an excellent way to learn more about sustainability and create community

The course underlined how much we are already doing as well as inspiring us to re-engage with things that have lagged. It also showed us amazing networks, many local, that already exist to join or extend.

I was pleased to meet other people who had similar ideas and renews my faith in people. People do want to make a change.

This course has deepened my understanding of how I can become more mindful of my everyday actions, plus it has been affirming to mingle with like-minded others. To know that "I am not alone" in my concern for the planetary health is assuring and makes any actions seem worthwhile.

The Living Smart course is a great way to learn about sustainability, how to take action and start your journey. It is also a fantastic way to connect with the local community and likeminded people.

Living Smart was a wonderful forum to connect with like-minded folks, share our collective knowledge of gardening, sustainability and reducing our impact on the environment. Enjoyable, fun and interesting, it's well worth the commitment for 7 weeks.

The Living Smart course was a great way to gather new ideas and knowledge about means to reduce degradation of the planet.

Thank you to Rachel and Kim for presenting and to Barossa Council and NRM for sponsoring the course.

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

ENVIRONMENTAL SERVICES REPORT

21 MAY 2019

4.5.2 CONSENSUS AGENDA – ENVIRONMENTAL SERVICES REPORT

4.5.2.5 PROGRESS REPORT B8570

- Finalisation of Request for Tender documentation – Review and updating of Council's Roadside Vegetation Management Plan – complete, awaiting Council approval for budget adjustments
- Familiarisation site visits to two Council Bush for Life sites, Trees for Life (Boehm Springs and Magnolia Road) to meet with volunteers.
- Liaising with Treasury Wine Estates regarding Responsible Day – corporate volunteering on sites within The Barossa Council area: Rifle Range Conservation Day (Tuesday 14 May) and Business Clean Up Day Barossa (Friday 17 May). Approximately 30 TWE staff working between both sites during their Global Volunteering Week – worldwide week where all TWE staff contribute a paid day to the community. Media release to follow.
- Attended meeting with Development Services team and provided an update on the role within Council of Team Leader, Environmental Services and offer of assistance for any queries regarding native vegetation and development applications
- Adaptation Practitioners Network – meeting with other Council staff to discuss current projects within Councils relating to Climate Change Adaptation
- Meeting with Nicole Manning, Environment & Sustainability Officer, Town of Gawler regarding their Climate Emergency Declaration – what this means in terms of actions. A further regional meeting with staff from Adelaide Plains & Light Council will be next to discuss a regional approach.
- Meeting with Craig Groecke, RDA Barossa to discuss regional approach to next step in Climate Change Adaptation Strategy.
- Ongoing collaboration between the Team Leader, Environmental Services, and Council's Co-ordinator, Operations and Manager, Operations, Works and Engineering discussing weeds and priority sites for attention, in addition to discussions about Staff training around native vegetation management on Council Roadsides

- Review work completed at Barossa Archery Club that Council have supported (\$2500 annually x 3 years) with NRM \$7500 to remove Declared Weeds from the North Para River adjacent to the Club site.

RECOMMENDATION:

That report items 4.5.2.5 be received.

COUNCIL
DEVELOPMENT AND ENVIRONMENTAL SERVICES

ENVIRONMENTAL SERVICES REPORT

21 MAY 2019

4.5.2 CONSENSUS AGENDA – ENVIRONMENTAL SERVICES REPORT

**4.5.2.6 WATER ALLOCATION PLAN FOR THE RIVER MURRAY PRESCRIBED
WATERCOURSE
B6034**

Correspondence has been received from the SA Murray-Darling Basin Natural Resources Management Board, advising that the updated Water Allocation Plan for the River Murray Prescribed Watercourse (the Plan) was adopted by the Minister for Environment and Water on 28 February 2019 (refer attached).

A revised Water Allocation Plan was adopted on 3 October 2017, and further amendments were released for public consultation in July 2018.

The Water Allocation Plan sets out the rules for the taking and use of water to ensure the South Australian portion of the River Murray is managed sustainably for all water users, including primary producers, industry, communities in the region and the environment.

As the Murray-Darling Basin region once again faces an extended dry period, flow reports and probability outlooks for allocation scenarios are available on the DEW website at www.environment.sa.gov.au/topics/river-murray/water-allocation-and-carryover.

An electronic version of the Water Allocation Plan and fact sheets can be found at www.naturalresources.sa.gov.au/rivermurraywap

RECOMMENDATION:

That the report item 4.5.2.6 be received.



Government of South Australia

South Australian Murray-Darling Basin
Natural Resources Management Board

Natural Resources Centre
South Australian Murray-Darling Basin

PO Box 2343
110A Mannum Road
MURRAY BRIDGE SA 5253

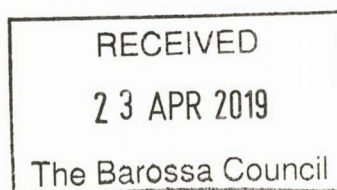
Tel 08 8532 9100
Fax 08 8531 1843

ABN 14 305 414 800
Email: samdbenquiries@sa.gov.au
Website: www.naturalresources/samurraydarlingbasin

Reference: D0011284006

9 April 2019

Mayor Bim Lange
The Barossa Council
PO Box 867
NURIOOTPA SA 5355



Dear Mayor Lange

On behalf of the SA Murray-Darling Basin Natural Resources Management Board (Board), I would like to inform you that an updated Water Allocation Plan for the River Murray Prescribed Watercourse (the Plan) was adopted by the Minister for Environment and Water on 28 February 2019.

The Plan will ensure that the water resources of the River Murray in South Australia are managed sustainably, and provides greater transparency to water users around how water is shared, especially during dry times.

The adoption of the Plan follows on from a significant review and amendment process that was finalised in 2017. At that time, changes to the Plan considered updated science, learnings from the drought and provided a more detailed description of how water is shared between different users.

A further amendment of the Plan has now been completed to incorporate the requirements of the Basin Plan, through:

- The introduction of new Sustainable Diversion Limits
- Identifying Aboriginal objectives and outcomes
- Protecting planned environmental water

Other policies have also been updated, and these may have implications for local government. The main changes that local government should be aware of are:

- An updated salinity zoning policy that allows greater flexibility for further development along the river, while still maintaining South Australia's obligations to manage salinity impacts
- New rules around pumping infrastructure on anabranches and backwaters, and the main river channel, to support water level variability projects (such as weir pool lowering and raising)
- A new extraction limit in the upper Pike River anabranch to protect the environment and existing water users in the area
- The continuation of requirements for artificial water bodies (including marinas and canal estates) to obtain an allocation for the initial fill and annual topping up to cover evaporative losses (including when an artificial water body is enlarged), however the evaporation rate that informs the allocation volume has been revised.
- After 1 July 2019, some water management authorisations will be reissued to ensure consistency with the policies in the Plan.

In addition, the following changes have been made to support water users through a dry period:

- The allocation framework now explicitly includes the use of the Adelaide Desalination Plant in dry times, when irrigators allocations are less than 100 per cent. A total of 50 GL will provide an 8 per cent boost to irrigation allocations, helping support industries and the irrigation sector across the region during dry years.
- The private carryover policy has been simplified so that the provision of carryover is now aligned to minimum opening allocation announcements. These announcements are made in mid-April – when allocations are 50 per cent or less, carryover will be granted. The policy will operate as a drought management measure.

The new Plan outlines a transparent process for allocation decision making that will assist all water users in planning and preparing for dry conditions. The Plan will also contribute to South Australia meeting its Basin Plan obligations.

Preparing for the 2019-20 water use year

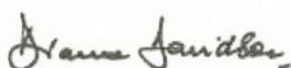
As the Murray-Darling Basin region faces an extended dry period, the Department for Environment and Water is preparing information to help water users prepare for the 2019-20 water use year. Tools such as flow reports and probability outlooks for allocation scenarios will be provided to keep water users informed. To find out more and to keep up to date on water availability and allocation information, please refer to the DEW website at www.environment.sa.gov.au/topics/river-murray/water-allocation-and-carryover.

Please find enclosed a hard copy of the Plan for your information. Electronic versions of the Plan as well as fact sheets and resources to explain changes to the Plan are available on the Natural Resources website at www.naturalresources.sa.gov.au/rivermurraywap.

A copy of the Eastern Mount Lofty Ranges and Marne Saunders Water Allocation Plans are also enclosed as these have recently been amended to meet Basin Plan requirements. The changes do not affect existing rules or water rights.

To find out more about the changes to the Plan please contact Peta Brettig, Senior Project Officer, River Murray Water Allocation Plan via email at rmwap.feedback@sa.gov.au or by calling 8463 6877 or 0438 824 477.

Yours sincerely



Di Davidson
Presiding Member
South Australian Murray-Darling Basin Natural Resources Management Board

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

HEALTH SERVICES REPORT

21 MAY 2019

4.5.3 CONSENSUS AGENDA – HEALTH SERVICES REPORT

4.5.3.1 FOOD RECALLS B9106

Consumer Level recalls were monitored for:

- Chapley Group Hot Cross Buns products: Choc Chip Hot Cross Buns 6pk, Cranberry & White Choc Hot Cross Buns 6 pk, Hot Cross Buns 6 pk, Hot Cross Buns LGE Loose, Hot Cross Buns Fruitless 6 pk, Mini Hot Cross Buns 12 pk, Mini Choc Chip Hot Cross Buns 12 pk & Premium Hot Cross Buns 500g.
- La Famiglia Traditional Garlic Slices 9 pack 270g
- White Mould Cheeses: St Simeon White Mould Cheese, Le Coulommiers, Coulommiers Truffle White Mould Cheese, Brie de Nangis

RECOMMENDATION:

That the report item 4.5.3.1 be received.

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

HEALTH SERVICES REPORT

21 MAY 2019

4.5.3 CONSENSUS AGENDA – HEALTH SERVICES REPORT

4.5.3.2 FOOD PREMISES INSPECTIONS **B4573**

During the month of April 2019 the following food businesses were inspected for their compliance with the Food Act 2001.

- Angas Park Hotel– Routine inspection
- Happy Haven OSHC – Routine Inspection
- Barista Sista Beanery – Routine inspection
- Jays Chilli Bar – Routine inspection
- Rumours Cafe - Follow up inspection

FOOD SAFETY AUDITS

- Good Start Early Learning Nuriootpa

RECOMMENDATION:

That the report items 4.5.3.2 be received.

COUNCIL

DEVELOPMENT & ENVIRONMENTAL SERVICES

HEALTH SERVICES REPORT

21 MAY 2019

4.5.3 CONSENSUS AGENDA – HEALTH SERVICES REPORT

4.5.3.3 REGIONAL PUBLIC HEALTH AND WELLBEING PLAN REPORT
B2316

A Report presented to Council at its meeting held 18 September 2018 (refer 7.5.3.1) recommended that Council delegates authority to the Chief Executive Officer in accordance with Section 44 of the *Local Government Act 1999* to endorse the biennial Public Health and Wellbeing Plan Report, which was forwarded to SA Health.

A letter of commendation has been received from Professor Paddy Phillips (Chief Medical Officer and Chief Public Health Officer, SA Health) and is included as Attachment 1.

RECOMMENDATION:

That report item 4.5.3.3 be received.

19/15169



Government of South Australia
SA Health

A1275191
2018-14298

Chief Medical Officer and Chief
Public Health Officer
Public Health and Clinical Systems

5th Floor, Citi Centre Building
11 Hindmarsh Square
Adelaide SA 5000

PO Box 287, Rundle Mall
Adelaide SA 5000
DX 243

Tel 08 8226 2578
Fax 08 8226 9837
ABN 97 643 356 590
www.sahealth.sa.gov.au

Mr Martin McCarthy
Chief Executive Officer
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

Dear Mr McCarthy

I am writing to thank you and your Regional Public Health Planning group colleagues for providing me with the Barossa, Light and Lower Northern Region's Regional Public Health Plan Report (the Report) for the reporting period 1 July 2016 - 30 June 2018, pursuant to Section 52 of the *South Australian Public Health Act 2011*. I commend the Barossa, Light and Lower Northern Region and those involved for the achievements in implementing your Regional Public Health Plan (RPHP).

Through these reports, ongoing and emerging issues have been identified across all councils relating to building supportive environments, the prevalence of preventable chronic disease risk factors including smoking, alcohol and other drugs, physical inactivity and obesity, and the management of increasing community demand for local government services.

Among the highlights of the Report are:

- The ongoing collaboration and collegiate approach to the governance of the region's RPHP, with representation from member councils to support its development, review and implementation;
- Promotion of library education resources including Barossa Council libraries offering digital literacy sessions and commencing Tech Savvy Seniors Training in partnership with Telstra, development of a Regional Science Hub with activities across the ages, Adult Learners Week programs and activities, the Gawler Connect Digital Hub facilities; and
- The implementation of the Regional Open Space and Public Realm Strategy including the Barossa region's "The Big Project" community infrastructure project.

I applaud the Barossa, Light and Lower Northern Region's public health initiatives and the positive public health and wellbeing benefit it has for your community and region.

The Report also identifies emerging issues and challenges for the region including mental health, suicide, drug issues and the impact of ice on the community. I would like to take this opportunity to let you know how SA Health is responding to these issues. Our work through the Office of the Chief Psychiatrist continues to partner with councils to establish and support suicide prevention networks. Also, the Country Primary Health Network and the Alcohol and Drug Foundation were recently gazetted as Public Health Partner Authorities, which formally establishes their working partnership with SA Health and local councils to work together on regional public health planning.

SA Health is committed to working with you to further implement and, when appropriate, revise your RPHP. The Local Government Relations and Policy team (LGR&P) is undertaking a synthesis of RPHP Section 52 Reports to inform future state-wide regional public health planning and the results will be provided to all local councils in due course.

I would like to offer the assistance and support of the LGR&P team which is dedicated to supporting councils with regional public health planning and public health functions. Please contact Kath Thomas, Manager, LGR&P on 8226 7957 or email PublicHealthAct@sa.gov.au should you or your teams require assistance.

I look forward to working with you to further our mutual commitment to protect and promote the health and wellbeing of the South Australian community.

Yours sincerely



PROFESSOR PADDY PHILLIPS
CHIEF MEDICAL OFFICER & CHIEF PUBLIC HEALTH OFFICER
PUBLIC HEALTH AND CLINICAL SYSTEMS

28/2/19

COUNCIL

MAYOR REPORT

21 MAY 2019

7.1 DEBATE AGENDA - MAYOR

7.1.1

ANNUAL PERFORMANCE REVIEW OF CHIEF EXECUTIVE OFFICER (CEO)

E1200

PURPOSE

The annual review of the Chief Executive Officer's performance is due by the June meeting of Council. A committee is required to be appointed to coordinate the review in accordance with the Contract of Employment.

RECOMMENDATION

That Council undertakes the 2019 annual review of the Chief Executive Officer's performance and remuneration internally with the assistance from the Manager, Organisational Development and Risk utilising the current internal survey tool and reporting templates and appoints Mayor Lange, Deputy Mayor Angas and Councillors (up to 3),, and to the Chief Executive Officer Performance Review Committee.

REPORT

Introduction

The Local Government Act, along with the Chief Executive Officer's employment contract, requires that the performance of the CEO be regularly assessed being at least annually.

Discussion

The annual review of the CEO's performance is now due to commence with the anniversary date being 4 June each year. In fact this year is somewhat behind schedule therefore those nominating to the committee and all members will need to complete surveys and attend any necessary meetings as a priority.

For the past five reviews Council has elected to undertake the review process utilising internal expertise and our survey tool rather than outsourcing to a management consultant. The internal process has been supported by internal Human Resource expertise. Council under the contract of employment can engage a relevant external agency to undertake the review, there are many consultants that can undertake the work if necessary and if Council elect to do so I will seek quotes from three suppliers and consult with the CEO, as is required by the contract.

As part of the contract of employment with the CEO the Performance Review Committee conducts the review and shall consist of the Mayor, Deputy Mayor and up to three Councillors, or, where agreed with the CEO, additional members.

The Council needs to determine if it will conduct the review internally supported by an officer as it has for the past five years or engage an independent consultant which will require further allocation of budget; the CEO needs to concur with the officer or

consultant so appointed. The annual review of the CEO's remuneration package can be included in this process but in any case must be done within one month of the performance review. I understand the CEO is happy to have both processes undertaken together by the Performance Review Committee.

If the internal process is selected by Council (and I have attached the internal survey which would provide for the continuation of longitudinal data) the process commences with a meeting of the committee with the internal support officer to review the survey questions, timeframes and other administrative matters. The process then proceeds in the following general manner:

1. Members, direct reports to the CEO and any other officers (internal or external) agreed between the Committee and CEO undertake the survey;
2. The Committee and CEO review survey results including year to year comparisons and address any areas of material difference in performance outcomes;
3. The CEO will present to the Committee a summation of the year and suggested targets for the following year which the Committee will review and provide further input;
4. CEO will present (if remuneration also part of the Committees responsibility) to the Committee remuneration assessment for review; and
5. The finalisation is completed with a full report to Council to review the yearly report of CEO, any other relevant documentation, remuneration assessment, targets and survey results.

As Mayor I may also provide a summary of the process and performance findings.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Copy of Internal Survey Questionnaire

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance - Accountable

Legislative Requirements

Chapter 7, Part 1 Local Government Act 1999

Section 107 Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Requires only internal resources if undertaking internal process. There is no budget allocation for an external review as the prior Council was satisfied with the internal process, if Council wish to engage an external provider a budget adjustment would be necessary. An estimated cost for such an external review would be in the order of \$8,000 - \$12,000.

COMMUNITY CONSULTATION

Consultation is not required under policy or legislative requirements.

CEO Performance Appraisal 2018

Please consider the following statements with regard to Martin McCarthy's performance during the past 12 months. Please indicate to what extent you believe he has engaged in an activity or behaviour using the nine-point intensity scale. This Appraisal will be open for two weeks, after which time the results will be collated and submitted to the CEO Performance Appraisal Committee.

This Appraisal is confidential; no individual will be identified in the Appraisal Report, unless you identify yourself through written comments in the Appraisal.

1. Delivers on the budget goals set by Council

Not at all					To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

2. Demonstrated understanding and application of a high standard of organisational financial management

Not at all					To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

3. Ensures the Organisation's Strategic Plans are integrated and aligned

Not at all					To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

4. Sees people as more important than physical structures or processes, and encourages people to perform at their best

Not at all				To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

5. Creates a harmonious and productive working environment

Not at all				To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

6. Maintains systems, processes, and tools for leading and managing people, and measuring effectiveness

Not at all				To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

7. Maintains good governance policy and process which encourages openness and transparency

Not at all				To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

8. Able to turn the strategic decisions of Council into actionable and measurable plans

Not at all					To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

9. Ensures the organisation is well-placed to deal with external changes

Not at all					To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

10. Is trusted by the Elected Members

Not at all					To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

11. Gives frank and honest advice and support to the Elected Members, not influenced by politics

Not at all					To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

12. Takes time to build constructive relationships with Elected Members, and all staff

Not at all					To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

13. Effectively builds the Council relationship with the community

Not at all					To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

14. Measures important aspects of the community's perception of Council, and acts on feedback

Not at all					To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

15. Defines the current and future needs of the community, and communicates this effectively to Council

Not at all					To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

16. Conceives and communicates effectively the shared direction and vision necessary for the organisation to achieve its community outcomes

Not at all				To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

17. Redefines challenges and involves staff in creating solutions to problems

Not at all				To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

18. Demonstrates role-modelling and mentoring with strong ethical principles

Not at all				To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

19. Displays adaptability to the situation, given different circumstances and areas of potential conflict

Not at all				To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

20. Exhibits a strong stability of performance, even under heavy workload and uncertain circumstances

Not at all				To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

21. Maintains systems and processes which allow the organisation to predict change and adapt

Not at all				To a moderate extent					To a very great extent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

22. Please indicate the group to which you belong

- ☐ Elected Member
- ☐ Elected Member on the CEO Performance Appraisal Committee
- ☐ Director
- ☐ Executive Services - direct reports

COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER

21 MAY 2019

7.2.1 CHIEF EXECUTIVE OFFICER - DEBATE

7.2.1.1

**APPLICATION FOR A PERIOD OF ANNUAL LEAVE FOR CHIEF EXECUTIVE OFFICER
E1200**

PURPOSE

To seek authorisation for annual leave and appointment of an acting Chief Executive Officer.

RECOMMENDATION

That Council approve the application of the Chief Executive Officer for the following annual leave period:

- (1) commencing on Monday, 21 October 2019 and concluding on Friday, 8 November 2019 noting his first day back at work shall be Monday, 11 November 2019;
- (2) authorise the Mayor to manage all leave applications of the Chief Executive Officer without providing a debate report to Council; and
- (2) note the Mayor shall appoint an Acting Chief Executive Officer pursuant to clause 102(c) of the Local Government Act for periods of absence of the Chief Executive Officer.

REPORT

Introduction

Leave applications for the Chief Executive Officer (CEO) that are more than 5 days are currently required to be submitted to Council for approval. With the period of leave extending greater than this the application is hereby submitted.

In most circumstances leave applications of the CEO's are managed directly with the Mayor, whilst very low risk the fact that leave for the CEO is publicly available does increase the risk to the CEO's personal property. It would seem that a simpler way is to authorise the Mayor to deal with all future applications and acting appointments as contemplated by Section 102 of the Local Government Act.

Discussion

I hereby request a period of annual leave which shall total a period of 15 days commencing on Monday, 21 October 2019 and concluding on Friday, 8 November 2019 noting his first day back at work shall be Monday, 11 November 2019.

Whilst the Chief Executive Officer is on leave an officer must be authorised to act in the position. The Local government Act provides for the Mayor to make this

appointment and with the proposal to authorise the Mayor to management all future leave of the CEO he too can make the necessary appointments under the Act.

Summary and Conclusion

Current annual leave entitlements are 52.64 days and forecast to be 65.04 days at the time of taking the sought leave. A period of leave has been sought by the Chief Executive Officer in accordance with Council policy and industrial arrangements.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

Corporate Plan

6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Budgets are set taking into account leave requirements for employees.

COMMUNITY CONSULTATION

Community consultation is not required.

COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER REPORT

21 MAY 2019

7.2.1

7.2.1.2

**REGIONAL DEVELOPMENT AUSTRALIA BAROSSA GAWLER LIGHT ADELAIDE PLAINS INC
(RDAB) FUNDING AGREEMENT
B6096**

PURPOSE

Seek approval to execute a new three year funding agreement with RDAB.

RECOMMENDATION

That Council endorse the Local Government Funding Agreement 2019-2022 between The Barossa Council, Light Regional Council, Town of Gawler and Adelaide Plains Council and Regional Development Australia Barossa Gawler Light Adelaide Plains Inc as provided at the attachments and authorise the Chief Executive Officer to execute the agreement.

REPORT

Introduction

RDAB is partly funded by The Barossa Council along with other local government partners, Town of Gawler, Light Regional Council and the District Council of Mallala. Both State and Commonwealth Government also provide funding through different mechanisms. The current funding agreement is due to expire on 30 June 2019.

Discussion

Regional Development Australia network is the supported policy arm and regional economic development provider of the three tiers of government. This is an important regional forum providing access to regional economic development services including access to State and Commonwealth funding initiatives. RDAB also provide extensive support to local businesses through one on one activities and via the business to business network.

Both the State and Commonwealth Governments have continued to provide financial support to RDAB for the delivery of economic and community development services.

I have received the attached new Funding Agreement with RDAB for a three year period. The document represents the prior arrangement from 2016 with no material changes. The agreement is appropriate.

Summary and Conclusion

As an important partner in regional development the RDAB agreement is consistent with Council's business plan and budget and Community Plan

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Funding Agreement

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Business and Employment

- 5.1 Work closely with State Government, Federal Government and stakeholders to support economic growth, development and job creation.
- 5.7 Collaborate with industry leaders to ensure informed decision making and Council representation in relation to economic growth, planning and development.
- 5.8 Ensure advice and support for small business is available.

Legislative Requirements

Section 7 of the Local Government Act – to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The agreement is consistent with current budget settings.

COMMUNITY CONSULTATION

No community consultation is required

ABN 70 509 677 325

The Institute
28 Murray Street, Tanunda
PO Box 767, Tanunda SA 5352
Ph +618 8563 3603 Fax +618 8563 3584
www.barossa.org.au

Tuesday 26th March 2019

Mr Martin McCarthy
Chief Executive Officer
The Barossa Council
PO Box 867
NURIOOPTA SA 5355



Dear Martin,

Local Government Funding Agreement

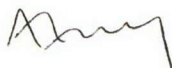
Please find enclosed the Funding Agreement for signing on behalf of The Barossa Council.

Could you please forward the document to the RDA BGLAP, once signed, in the envelope provided.

A copy of the executed document will be sent for your records upon completion.

Should you have any questions regarding this document please do not hesitate to contact me.

Yours sincerely,



Ms Anne Moroney
CEO & Director of Regional Development

**An Australian Government Initiative**

An Initiative of
**Government
of South Australia**



Local Government Funding Agreement

2019– 2022



Gawler



Funding Agreement 2019 – 2022

Between:

Regional Development Australia Barossa Gawler Light Adelaide Plains Inc.

And

The Barossa Council

Town of Gawler

Light Regional Council

Adelaide Plains Council (collectively referred to as the Local Government Partners)

Background

- I. Through the Memorandum of Broome in 2008 The Commonwealth, South Australian and Local Governments agreed to integrate regional development activity in South Australia through the establishment of Regional Development Australia bodies.
- II. Regional Development Australia Barossa Gawler Light Adelaide Plains Inc. (RDA BGLAP) is an established body formed to connect industry and government in accordance with the RDA Charter and RDA BGLAP's formative documents across the local government areas of The Barossa Council, Town of Gawler, Light Regional Council and Adelaide Plains Council
- III. Prudential supervision of RDA BGLAP and the RDA network throughout Australia is undertaken by the Australian Government through the Department of Industry and Regional Development.
- IV. The Australian Government provides funding to RDA pursuant to an Operational Funding Contract (OFC), the Government of South Australia through Regions SA and a number of programme funding contracts and Local Government partners through this agreement.
- V. The governance framework for RDA BGLAP is based in its formation documents, principally its Constitution, the RDA Charter, the RDA Manual and Best Practice Guide. A comprehensive reporting framework is provided for in the OFC.
- VI. For effectiveness and efficiency, the Local Government Partners wish to adopt the Australian Government framework for governance and reporting on outputs and outcomes achieved pursuant to this funding support except where otherwise negotiated between the parties.

Agreement

1. Purpose

The purpose of this agreement is to commit contributory funding for RDA BGLAP to undertake economic development projects, activities and services across the region, assist business to grow, invest and create jobs, and to develop and support partnerships and networks, providing advocacy, regional leadership and coordination

2. Term

This agreement shall commence operation on 1 July 2019 and conclude on 30 June 2022.

3. Funding

The Local Government Partners agree to provide The Funds in the amounts set out in the Schedule to this Agreement ("The Schedule") Item 1 on the following terms and conditions

- 3.1. The Funds will be applied to The Purpose;
- 3.2. The Funds will be paid in the manner and on the dates set out in The Schedule Item 1;
- 3.3. Funds will be increased annually during the Term by an amount equal to the All Groups Adelaide March Quarter Consumer Price Index as published by the Australian Bureau of Statistics.

4. Deliverables

RDA Barossa will deliver:

- 4.1. a Regional Roadmap for a 3 Year Regional Plan with annual reviews;
- 4.2. Each year of this Agreement, an Annual Plan for Economic Development Activities and targeted outcomes set out in The Schedule Item 2
- 4.3. Each year of this Agreement, an Annual Report on outcomes which incorporate audited financial statements

5. Consultation and Alignment

In developing the Deliverables as outlined at Clause 4 RDA BGLAP shall at a minimum:

- 5.1. Consult with the Local Government CEO or nominee providing 28 days to respond;
- 5.2. Specifically consider Local Government Partner strategic, corporate, community or business plans and priorities that support the Purpose in the relevant RDA BGLAP plans including the Regional Roadmap.
- 5.3. Present to each local government body in the region either at a council meeting, workshop or sub-committee meeting on the process and identified priorities;
- 5.4. Give due consideration to feedback and comments received from local government bodies in the region in respect of priorities to be included in the Roadmap.

- 5.5. The CEO of RDA BGLAP will present to at least one meeting of the elected members of the Local Government Partners on Priorities and RDA Barossa's proposed implementation of its Annual Plans.

6. Financial and Regulatory

- 6.1. RDA BGLAP will appoint an auditor and prepare audited Annual Financial Statements in accordance with OFC requirements. These Statements will be published along with a Report on achievement against the Annual Plan and provided to all Local Government Partners.
- 6.2. RDA BGLAP will maintain or confirm maintenance of all insurances and meet regulatory requirements as set out in the OFC. The Local Government Partners may request confirmation by RDA BGLAP of the organisation's insurance cover and currency thereof.
- 6.3. RDA BGLAP will observe the requirements and obligations of the OFC and of Programme Funding Contracts.
- 6.4. All RDA BGLAP Board Members and Staff will be bound by the RDA Code of Ethics and Confidentiality and will keep information of a confidential nature provided by Local Government Partners confidential.

7. Breach and Termination

- 7.1. The Local Government Partners may provide RDA BGLAP with feedback in respect of any breach or perceived breach of a fundamental term of this Agreement.
- 7.2. Either party to this Agreement may refer a persistent breach of this Agreement by the other party or parties first to mediation and if the dispute cannot be resolved by mediation then to arbitration pursuant to a process agreed between the parties or in default of agreement in accordance with arbitration frameworks established by the Local Government Association of SA. If the matter cannot be resolved by arbitration or agreement between the parties then the aggrieved party may terminate this Agreement with three months notice of termination.
- 7.3. At the conclusion of the Term, or earlier termination of this Agreement, any uncommitted Local Government Partners Funds shall upon request be returned to the Local Government Partners on a pro-rata basis.

8. New Funding Arrangement

- 8.1. At least six months before the expiry of The Term the parties agree to jointly review the funding arrangements and service provision supported by this Agreement with a view to determine ongoing Funding parameters.
- 8.2. Four months before the expiry of The Term, The Local Government Partners shall confirm the terms of any such extension or renewal in writing to RDA BGLAP.

9. Miscellaneous

- 9.1. Local Government Partners reserve the right to withhold renewal of this Agreement if RDA BGLAP is not considered solvent by the relevant Local Government Partner, has committed a significant and consistent breach of this agreement, or Commonwealth arrangements are materially changed such that the delivery of services is no longer supported by the Commonwealth.
- 9.2. Any matters not provided for in this Agreement are to be dealt with in accordance with the provisions of the OFC.
- 9.3. This agreement is governed by the laws of South Australia.


Executed this day of 2019
by the Parties as an Agreement

Signed for and on behalf of Regional
Development Australia Barossa Gawler Light
Adelaide Plains Incorporated ABN: 70 509 677
325 by Ms Anne Moroney, CEO:
sign here
date

in the presence of:
.....
.....
print name and occupation of witness
date

Signed for and on behalf of The Barossa Council
ABN: 47 749 871 215 by Mr Martin McCarthy,
CEO:
sign here
date

in the presence of:
.....
.....
print name and occupation of witness
date

Signed for and on behalf of Light Regional
Council ABN: 35 455 841 625 by Mr Brian Carr,
CEO:
sign here 
date 17/4/2019

in the presence of:
TERRY SAVAGE
EXECUTIVE ASSISTANT
print name and occupation of witness
date 17/4/2019

Signed for and on behalf of Adelaide Plains
Council ABN: 58 384 968 672 by Mr James
Miller, CEO:

sign here

date 9 April 2019

in the presence of:

Andrea Post
Executive Assistant

print name and occupation of witness

witness sign here

date 9 April 2019

Signed for and on behalf of Town of Gawler ABN:
29 861 749 581 by Mr Henry Inat, CEO:

sign here

date

in the presence of:

Angela Savelli
Executive Assistant

print name and occupation of witness

witness sign here

date 3/4/2019

Schedule

ITEM 1: THE FUNDS

1. Local Government Partner Funds will be paid, upon receipt of a tax invoice from the Association, in four equal instalments as follows:
 - 1 July
 - 1 October
 - 1 January
 - 1 April
 for each year of the Term.

2. Year 1:

3. The amount of the funding will be \$39,140 plus GST for each of the Local Government Partners.

Year 2 and 3: The amount of the previous year's funding increased by an amount equal to the All Groups Adelaide March Quarter Consumer Price Index as published by the Australian Bureau of Statistics.

ITEM 2: THE PURPOSE

RDA BGLAP will deliver initiatives and projects designed to attract and support new business including start-ups, strengthen business competitiveness and regional competitive advantage in a global marketplace.

Outcomes aligned with OFC

RDABGLAP must focus its resources and activities on achieving the following Outcomes:

Outcome 1:

Increased economic opportunities and investment in the Region.

Outcome 2:

Increased trade and export opportunities.

Outcome 3:

Cooperative effort with all levels of government, industry, community and other regional stakeholders leads to improved economic development ecosystem.

Outcome 4:

Regional businesses and other organisations assisted to benefit from Government programs and grant funding.

Outcome 5:

Information and advice to Government on regional issues, priorities and opportunities.

Additional Activities and Outcomes required pursuant to this agreement:**Outcome 6:**

Regional Roadmap as a blueprint for sustainable regional growth & employment.

Outcome 7:

Support services to SMEs in the region, including networking opportunities and support for local business hubs.

Outcome 8:

Work with local government to assist investors to identify investment opportunities, site selection and local collaborations.

Deliverables:

Regional Plan	31 December 2019
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Annual Report and Audited Financial Statements	30 November 2020
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	30 November 2021
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	30 November 2022
--	------------------

Quarterly Updates to Local Government on issues, opportunities and activities relevant to agreed outcomes and local government strategic plans.

COUNCIL
EXECUTIVE SERVICES
CHIEF EXECUTIVE OFFICER REPORT
21 MAY 2019

7.2.1 DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.3

REVOCATION OF COMMUNITY LAND CLASSIFICATION – MOUNT PLEASANT & DISTRICT GOLF CLUB
B9002

Author: Governance Advisor

PURPOSE

Council is now asked to consider community feedback in response to its proposal to revoke the Community Land classification over the land on which the Mount Pleasant & District Golf Club is located, for the purposes of the future gifting of the land to the Mount Pleasant & District Golf Club Inc. ("MPDGC"). Should Council agree to proceed with revocation, the matter should then be referred to the Minister for Transport, Infrastructure and Local Government to consider in accordance with the *Local Government Act 1999*.

RECOMMENDATION

- (1) That Council note and consider the feedback from community members and the Department of Environment and Water's approval to revoke the Community Land status over the Crown land portion of the Land (described in item 2 below), in accordance with the conditions of the consent made on behalf of the Minister, which are attached to this Report.
- (2) Pursuant to section 194 of the *Local Government Act 1999*, that Council continue the process to revoke the Community Land classification over the land occupied by the Mount Pleasant & District Golf Club, which is comprised of:
 - (i) Certificate of Title Volume 5903 Folio 355
Described as Allotment comprising of Pieces 12, 13 and 14 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga
 - (ii) Certificate of Title Volume 5903 Folio 356
Described as Allotment 100 Filed Plan 218873 in the area named Mount Pleasant, Hundred of Talunga
 - (iii) Portion of Crown Record Volume 5905 Folio 821 – Allotment 17
Described as Allotment 17 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga
- (3) That the Chief Executive Officer prepare a report and submit it to the Minister for Transport, Infrastructure and Local Government seeking approval to revoke the Community Land classification of the said land parcels.

- (4) That should the revocation be approved by the Minister for Transport, Infrastructure and Local Government, the matter be referred back to Council for final resolution in accordance with section 194(3)(b) of the *Local Government Act 1999*.
- (5) That should Council give final approval for the revocation of the Community Land status, that Council endorse the subsequent gifting of the Council-owned land identified in this report from Council to the Mount Pleasant & District Golf Club Inc., in accordance with Council's resolutions of 19 March 2019 and 16 May 2017, noting that:
 - (a) The terms of the gifting of the Council-owned land from Council to the Mount Pleasant Golf Club Inc. will be negotiated between the parties following the revocation of the Community Land status of the land upon which the Mount Pleasant & District Golf Club is located;
 - (b) Council is not expected to be a party to any future transfer of the Crown land portion of the golf club land. It is expected that if the Crown approves the transfer of the Crown land to Mount Pleasant & District Golf Club Inc., the dedication of the Crown land as 'Parklands' will need to be withdrawn;
 - (c) The gifting of the Council owned land parcels is for nil consideration, however noting that any GST, stamp duty or other fees and charges associated with the transfer will not be the responsibility of Council, but that Council may pay all necessary and reasonable legal costs of the transfer;
 - (d) The future use of the land is not expected to change, with the exception of the Mount Pleasant & District Golf Club Inc. possibly seeking to expand the use of the golf club to other community uses, to optimise revenue capacity;
 - (e) That when negotiating the gifting of the Council owned land to Mount Pleasant & District Golf Club Inc., officers will endeavour to put in place a legal mechanism that secures the use of the land for the community, and reverts the land back to the community through Council in the event that the land use changes or the Mount Pleasant and District Golf Club Inc. ceases to exist.

REPORT

Background

On 19 March 2019, Council resolved as follows:

MOVED Cr de Vries

- (1) That Council, being satisfied that the proposal has extensive community benefit and satisfies the requirements of Council's *Disposal of Land and Other Assets Policy*, resolves to undertake a public consultation process pursuant to section 194(2) of the *Local Government Act 1999* (the "Act") and Council's Public Consultation Policy, to indicate its proposal to revoke the Community Land status over the land occupied by the Mount Pleasant and District Golf Club, which is comprised of:
 - (i) Certificate of Title Volume 5903 Folio 355
Described as Allotment comprising of Pieces 12, 13 and 14 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga
 - (ii) Certificate of Title Volume 5903 Folio 356
Described as Allotment 100 Filed Plan 218873 in the area named Mount Pleasant, Hundred of Talunga
 - (iii) Portion of Crown Record Volume 5905 Folio 821 – Allotment 17

Described as Allotment 17 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga

- (2) That the Chief Executive Officer finalises and makes publicly available the consultation report prepared in accordance with Section 194(2)(a) of the Local Government Act on the proposal at Recommendation 1 (see draft consultation report at [*Attachment 3*](#)); publishes a notice in the Herald, Leader and Courier newspapers and on Council's website; writes to adjacent property owners, alerting the community to the consultation process and consultation report and invite written submissions; and
- (3) That the public consultation period shall be for 21 days as prescribed by Section 194(2)(b) of the Local Government Act and clause 4.4 of Council's Public Consultation Policy.
- (4) That at the conclusion of the public consultation process, the Chief Executive Officer prepare a report on all submissions made regarding the proposal ("Submission Report") and provide the report to the Department for Environment and Water for review, in accordance with the conditions of the consent made on behalf of the Minister, for the revocation of the community land status over the Land (as per the Department's letter at [*Attachment 4*](#)).
- (5) Upon the Department of Environment and Water reviewing the Submission Report, and determining whether it is satisfied or not satisfied that the Submission Report has met the conditions of the consent made on behalf of the Minister, for the revocation of the community land status over the Land, that the Chief Executive Officer refer the Submission Report and the Department of Environment and Water's position to Council for consideration.

Seconded Cr Boothby

CARRIED 2018-22/136

Introduction

In accordance with the above resolution, officers provide the following for Elected Members' consideration:

- Public Consultation Report: Revocation of Community Land Status at [*Attachment 1*](#)
- Copies of public notices in the Herald, Leader and Courier newspapers, media release and posts on Council's website, Our Better Barossa consultation platform and Facebook at [*Attachment 2*](#)
- Map of landowners adjacent to the Mount Pleasant & District Golf Club who were sent a letter outlining the proposal at [*Attachment 3*](#)
- Copy of letter sent to the identified adjacent landowners (including the MPDGC) at [*Attachment 4*](#)
- Summary table of responses from the community via email, Facebook and the Our Better Barossa consultation platform at [*Attachment 5*](#)
- Copy of all correspondence from the community (email addresses redacted) at [*Attachment 6*](#)
- Copy of thank you email sent to those who provided feedback and email addresses at [*Attachment 7*](#)
- Copy of letter from Department for Environment and Water on behalf of the Minister for Environment and Water, approving Council seeking the revocation of the Community Land status over the Crown land portion of the land parcels which comprise the land upon which the Mount Pleasant & District Golf Club is

located (Crown Record Volume 5905 Folio 821), pursuant to the *Local Government Act 1999*, at [Attachment 8](#)

Discussion

In accordance with the Public Consultation Report: Revocation of Community Land Status (at [Attachment 1](#)), a public notice was placed in each of the Herald, Leader and Courier newspapers on Wednesday, 27 March 2019 (at [Attachment 2](#)). The public notices advised that the Public Consultation Report would be made available for download via Council's website and in hard copy at its principal office – although the report was also made available at Council's branch offices.

Letters were written to owners of land adjacent to the Mount Pleasant & District Golf Club (including MPDGC), inviting submissions on the Public Consultation Report by 5pm Wednesday, 17 April 2019, i.e. for a period of 21 days in accordance with section 50(4) of the *Local Government Act* and Council's Public Consultation Policy (copies of letter at [Attachment 4](#) and see also [Attachment 3](#) for map of landowners).

Further promotion of the consultation was undertaken via Council's website, Our Better Barossa consultation platform, Facebook post and in a media release sent to the Courier, Herald and Leader (at [Attachment 2](#)).

The 8 submissions received are presented for Elected Member convenience in summary form (at [Attachment 5](#)) and for completeness, copies of all correspondence from the community members, with contact details redacted (at [Attachment 6](#)). Submissions were received via email, the Our Better Barossa platform, and via Facebook. A thank you email and invitation to attend the Council meeting, as per the template in [Attachment 7](#) was sent to each person who provided an email address with their submission.

A copy of the summary of submissions and copies of all submissions received (i.e. Attachments 5 and 6) were provided to the Department of Environment and Water, in accordance with the conditions of the consent provided with respect to the revocation of the community status over the Crown land. The Department's response is presented at [Attachment 8](#), which approves Council seeking the revocation of the Community Land status over the Crown land portion of the land parcel which comprise the land upon which the Mount Pleasant & District Golf Club is located (i.e. Crown Record Volume 5905 Folio 821). It is important to note that the consent provided on behalf of the Minister of Environment and Water only relates to the Crown land portion of the land parcels which comprise the land upon which the Mount Pleasant & District Golf Club is located.

After considering all the community feedback and the approval from the Department of Environment and Water, the Elected Body must now consider whether or not to approve the Public Consultation Report and attachments for referral to the Minister for Transport, Infrastructure and Local Government for approval.

Should the Public Consultation Report be referred to the Minister for Transport, Infrastructure and Local Government, and he approves revoking the Community Land status over the identified parcels, the matter will be referred back to the Elected Body for final endorsement in accordance with section 194(3)(b) of the *Local Government Act 1999*.

Once Council provides final endorsement for the revocation of the Community Land status over the land, the Chief Executive Officer will negotiate the necessary

arrangements for the gifting of the Council-owned land parcels to the MPDGC, noting that:

- The terms of the gifting of the Council-owned land from Council to the Mount Pleasant Golf Club Inc. will be negotiated between the parties following the revocation of the Community Land status of the land upon which the Mount Pleasant & District Golf Club is located;
- Council is not expected to be a party to any future transfer of the Crown land portion of the golf club land. It is expected that if the Crown approves the transfer of the Crown land to Mount Pleasant & District Golf Club Inc., the dedication of the Crown land as 'Parklands' will need to be withdrawn;
- The gifting of the Council owned land parcels is for nil consideration, however noting that any GST, stamp duty or other fees and charges associated with the transfer will not be the responsibility of Council, but that Council may pay all necessary and reasonable legal costs of the transfer;
- The future use of the land is not expected to change, with the exception of the Mount Pleasant & District Golf Club Inc. possibly seeking to expand the use of the golf club to other community uses to optimise revenue capacity;
- That when negotiating the gifting of the Council owned land to Mount Pleasant & District Golf Club Inc., officers will endeavour to put in place a legal mechanism that secures the use of the land for the community, and reverts the land back to the community through Council in the event that the land use changes or the Mount Pleasant and District Golf Club Inc. ceases to exist.

Summary and Conclusion

The Council is asked to consider and approve the officer recommendation and refer the matter of revocation to the Minister for Transport, Infrastructure and Local Government.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 - Public Consultation Report: Revocation of Community Land Status

Attachment 2 - Copy of public notices in the Herald, Leader and Courier newspapers, media releases and posts of Council's website, Our Better Barossa consultation platform and Facebook

Attachment 3 - Map of landowners adjacent to the Mount Pleasant & District Golf Club who were sent a letter outlining the proposal

Attachment 4 - Copy of letter sent to the identified adjacent landowners

Attachment 5 - Summary table of responses from the community via email, Facebook and the Our Better Barossa consultation platform a

Attachment 6 - Copy of all correspondence from the community (including responses to Facebook posts)

Attachment 7 - Copy of thank you letter sent to those who provided feedback and email addresses

Attachment 8 - Copy of letter from Department for Environment and Water on behalf of the Minister for Environment and Water, approving Council seek the revocation of the Community Land status over the Crown land

Attachment 9 - Extract of Council meeting agenda item **7.2.1.3 Public Consultation: Revocation of Community Land Status – Mount Pleasant and District Golf Club Inc.** and attachments; and associated Minutes

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS



How We Work – Good Governance

Corporate Plan

3.3 Ensure Council's sporting, recreational and leisure building facilities and associated programs meet the current need of the community to an agreed level of service.

Legislative Requirements

Local Government Act 1999, section 50 and 194

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There is no further financial or resource implications in finalising this report for referral to the Minister for Transport, Infrastructure and Local Government, as the process is undertaken as part of officers' existing roles. The financial costs associated with the placement of public notices as part of the public consultation process was \$863.60 (including GST) and was sourced from existing budgets.

Risk is mitigated by complying with the relevant section of the *Local Government Act* as to the revocation of community land status, Council's *Public Consultation Policy* and *Disposal of Land and Other Assets Policy*; and by ensuring that the Minister for Environment and Water has approved that Council seek revocation of the community land status over the Crown land.

COMMUNITY CONSULTATION

Community consultation has occurred in accordance with section 194 of the *Local Government Act* and Council's *Public Consultation Policy*.

REVOCATION OF COMMUNITY LAND STATUS REPORT

Pursuant to Section 194 of the Local Government Act 1999



PROPERTY DETAILS

Certificate of Title and Description of Land: Certificate of Title Volume 5903 Folio 355 (marked as "A", "C" and "D" on map)

Allotment comprising of Pieces 12, 13 and 14 Deposited Plan 24931, in the area named Mount Pleasant, Hundred of Talunga

Certificate of Title Volume 5903 Folio 356 (marked as "B" on map)
Allotment 100 Filed Plan 218873 in the area named Mount Pleasant, Hundred of Talunga

Portion of Crown Record Volume 5905 Folio 821 – Allotment 17 (Crown land) (marked as "E" on map)
Allotment 17 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga

(Collectively referred to in this Report as the "Land")

The Council-owned land is marked in blue on the map and Crown land marked in red

See attached titles attached to this Report - Attachments 1 – 3

Address: 45 Golfcourse Road, Mount Pleasant SA 5235
and
Allotment 17 Golfcourse Road, Mount Pleasant SA 5235

1. Reason for proposal

The Mount Pleasant & District Golf Club occupies the parcels of land identified above (collectively referred to as the "Land"). The Land is comprised of 4 Council-owned parcels and 1 Crown land parcel.

Both the Crown land and the Council-owned land parcels are classified as community land pursuant to section 193 of the *Local Government Act 1999*. In addition to the community land status, the Crown land parcel has been dedicated to Council as Parklands under the *Crown Land Management Act 2009*, and is discussed in further detail below.

The Land is leased by Council to the Mount Pleasant & District Golf Club Inc. ("MPDGC"). The MPDGC have made investments with respect to the Land and improvements on the Land that has supported the utilisation of the Land for the golf club, and Council has contributed both financially and non-financially to the Land and improvements including:

- In 1977, a federal grant was obtained for half of the purchase price of part of the Land, conditional on Council holding the title. Of the remainder, a quarter was paid by MPDGC, and the remaining quarter was provided to the MPDGC as a loan from Council.
- Adjoining land was purchased in 1988 with MPDGC funds, and subdivided, however, title is with Council.
- MPDGC has invested in a clubhouse, sheds, sinking a bore, approval for use of Community Wastewater Management System (CWMS) re-use water, irrigation and other improvements over the years and in some cases with the assistance of Council through loans.

- MPDGC has managed the Land and invested in the infrastructure on the Land including trenching, the establishment of four cleaning ponds and replacement dam to collect rainfall run-off.
- In 2012, Council wrote off the remaining balance of debt owed by MPDGC to Council in addition to annual lease payments.
- Council has supported the MPDGC through loans, and financial support towards the maintenance and infrastructure of the grounds. Council's support has contributed to the MPDGC providing sporting activities golf and Footgolf along with community amenity for walking after established playing times, provision of infrastructure and various other assistance over the years.
- The Land (i.e. both the Crown land and the Council-owned land) is currently leased to MPDGC under a land-only lease arrangement (discussed further below).
- Council has established a five-year license to MPDGC for the use of CWMS re-use water supplied to the Land from the Mount Pleasant township CWMS, used for irrigation purposes on the Land, for no fee.

At its meeting held on 16 May 2017, Council resolved that it considered 'the most appropriate land tenure option of the land upon which the Mount Pleasant and District Golf Club reside is to gift the land owned by the Council (excluding the component of Crown Land) to the Club, subject to undertaking the necessary Community Land revocation processes including consultation with the community and approval from the Minister...'. The context and rationale behind Council's resolution can be found in the Council Meeting Agenda and Minutes of 16 May 2017, on Council's website www.barossa.sa.gov.au (Item 1.6.1 – Adjourned Business – Mount Pleasant and District Golf Club Inc).

While this matter is being resolved, Council agreed to enter into a five-year land-only lease arrangement with the MPDGC, whereby MPDGC is responsible for the maintenance and upkeep of the Land and any improvements on the Land (i.e. buildings etc. constructed by MPDGC). Council provides an annual financial contribution to the MPDGC of up to \$30,000 (excluding GST) to be applied to the maintenance of the land and provision of services at the current service level. Council funding is not permitted to be used to directly support MPDGC's operations.

With respect to the Council-owned land, subject to further Council approval as required, if the community land status is revoked, the matter will be referred to Council to begin negotiations with the MPDGC with the view to gifting the Council-owned land to MPDGC, ie. transfer the land to the MPDGC for nil consideration, in accordance with Council's May 2017 resolution. The MPDGC will continue to utilise the land for the golf club's activities, and if the gifting of land proceeds, a necessary legal mechanism will be implemented to limit the primary use of the land to its historical and current community use. The terms of this legal mechanism will be negotiated between Council and MPDGC.

The Crown Lands Office has indicated that it may be open to negotiating the transfer of the Crown land portion of the Land to the MPDGC however it would ultimately be the decision of the Minister for Environment and Water. In order to facilitate this process, it is necessary to first go through the process of revoking the community land status over the Crown land, which is part of the proposal contained in this report.

2. Reservation/Dedication/Trust

In 1989, pursuant to the *Crown Lands Act 1929*, the Crown land identified in this report was dedicated as Parklands to the District Council of Mount Pleasant (see Attachment 4 - Gazette Notice). Following its amalgamation, the Crown land is now under the care, control and

management of The Barossa Council, and has community land status over it pursuant to section 193 of the *Local Government Act 1999*.

This proposal aims to revoke the community land status over the Land only (i.e. both the Crown land, and the Council-owned land). It does not aim to withdraw the dedication as Parklands over the Crown land.

If the Crown approves the transfer of the Crown land to MPDGC, at that stage, the dedication over the Crown land would need to be withdrawn, in accordance with the *Crown Land Management Act 2009*. Negotiations between the Crown and the MPDGC have not commenced. The effect of not withdrawing the dedication as part of this proposal is that the Crown land will continue to be dedicated to Council as Parklands, under its care, control and management, in the event that the parties do not reach agreement.

3. Crown Land

Pursuant to section 194(2)(a)(v) of the *Local Government Act 1999*, with respect to the Crown land, Council is required to obtain the consent of the Minister for Environment and Water, as the Minister who administers the *Crown Land Management Act 2009*, because:

- i. the land is not owned by the Council, and
- ii. there is a dedication over the Crown land to Council.

Consent to the process being undertaken by the Council relating to the revocation of the community land status over the Crown land pursuant to the *Local Government Act 1999* has been provided by the Department for Environment and Water on behalf of the Minister for Environment and Water. In principle approval has also been given for Council to seek the revocation of the community land status, subject to a review by the Department for Environment and Water on behalf of the Minister for Environment and Water, of the outcome of the community consultation.

4. Intended Use of Funds from Sale/Disposal of Land (if any)

Subject to the revocation of community land status over the Council-owned land and further approval by Council as required, the matter will be referred to Council to begin negotiations with the MPDGC to implement Council's resolution. No profits/funds are expected, with the possible exception of necessary government fees and charges. It is not anticipated that government financial assistance will be obtained for this purpose.

Federal government funding was used to assist with the purchase the Council-owned land, initially in April 1975, on the basis that Council would hold the title. State government funding was not used for the purchase or transfer of the Land.

5. Consideration of Council's Sale and Disposal of Land Policy

The proposal is consistent with Council's *Disposal of Land and Other Assets Policy* (the "Policy"), which establishes a framework for the sale and/or other disposal of Council-owned land. Prior to disposing of Land, the Policy requires consideration of:

- (i) The usefulness of the Land;
- (ii) The current market value of the Land;
- (iii) The annual cost of maintenance;
- (iv) Alternative future use of the Land;

- (v) Any duplication of the Land or service provided by the Land;
- (vi) Any impact the disposal of the Land may have on the community;
- (vii) The cultural or historical significance of the Land;
- (viii) The impact of the disposal on the operations of Council;
- (ix) The long term plans and strategic direction of Council;
- (x) The remaining useful life of the asset;
- (xi) A benefit and risk analysis of the proposed disposal;
- (xii) The results of any community consultation process;
- (xiii) Any restrictions on the proposed disposal;
- (xiv) The content of any community land management plan; and
- (xv) Other relevant Council policies, including the Prudential Management Policy and the Asset Accounting Policy.

The Policy also establishes disposal principles which must be considered prior to disposal of the Land.

The establishment of the golf club, and the MPDGC's arrangement with Council for the use of the land spans over 40 years. In considering (i) – (xi) and (xiii) – (xv) above, the revocation of community land status, and the subsequent gifting of the Council-owned land is unlikely to have an impact with respect to these factors, as the use of the Land is unlikely to change. Further, the Land is currently leased to the MPDGC by Council in a land-only arrangement, whereby MPDGC has ownership of any improvements on the Land (i.e. buildings etc. constructed by MPDGC) and is responsible for the maintenance and upkeep of the Land and any improvements on the Land.

When negotiating the terms of the transfer of the land to MPDGC, Council will make every effort to ensure that a legal mechanism is put in place to secure the use of the land for the community, and revert the land back to the community through Council if the land use changes or the MPDGC ceases to exist.

As regards to (xii) above, a public consultation process is required for the revocation of the community land status over the Land, and is further discussed below.

The Policy allows for the disposal of land via direct negotiation with parties with a pre-existing interest in the land. The Policy also provides for the waiver of disposal methods for land disposal where there are extenuating circumstances, allowing for the disposal of the land to be for no consideration, as opposed to sale.

With respect to the Crown land, aside from playing a facilitative role if required, Council is not expected to be a party to negotiations between the Crown and MPDGC, or to profit/receive funds from the transfer.

6. Relevance to Community Consultation

Before the community land can be dealt with in the proposed way, its formal status as "Community Land" under the *Local Government Act 1999* (the "Act") must be considered and if supported by Council, revoked.

The Act establishes a framework for the classification of land that is owned by Council or under Council's care control and management – this is known as "Community Land". The framework ensures that a consistent and strategic approach to the administration and management of local government land. Its objectives are to protect the interests of the whole community regarding the land for current and future generations.

The Act requires Council to consult with its community over proposals to revoke land from the Community Land status framework.

Accordingly, Council has approved a 3 week consultation process which will start on Wednesday, 27 March 2019 and conclude at 5.00pm, local time on Wednesday, 17 April 2019. The approved consultation process shall be:

- (1) Development and release of the public consultation report (i.e. this report);
- (2) Public notices in the Herald, Leader and Courier newspapers;
- (3) Media statement;
- (4) Placement of information on Council's website, Better Barossa consultation platform and Facebook;
- (5) Letters to affected adjoining landowners.

The consultation will seek written submissions through email, letter or Council's Better Barossa consultation platform.

After the consultation period, a report will be prepared for Council's consideration including submissions received, to determine if it will proceed with the revocation of the community land status over the Land.

7. Future use of Land

The Land is currently zoned as Watershed Protection (Mount Lofly Ranges) for use as a golf course.

The Land is currently used by the MPDGC as a golf course, Footgolf facility and provides a community amenity for walking after established playing times. It is not anticipated that the future use of the Land will change as a result of the revocation of the community land status or if the Land is subsequently gifted to the MPDGC. There is a possibility that in the future MPDGC will seek to expand the use of the Land for additional community use, as it has done so in the past, or to optimise revenue capacity.

When negotiating the transfer of the land to MPDGC, Council will endeavour to put in place a legal mechanism to secure the use of the land for the community, and revert the land back to the community in the event that the land use changes or the MPDGC ceases to exist.

The dedication over the Crown land to Council will be later withdrawn, if the Crown and the MPDGC reach agreement on the transfer of the Crown land. However, as the Crown land is also currently leased to the MPDGC by Council and is part of the golf club, there is no expected change to its use.

8. Effect on the Area and Local Community

There will be minimal effect on the area and local community, as the golf course will continue to be used for the same purpose.

As discussed in the previous section, the revocation of the community land status and subsequent gifting of the Land is not expected to change the operations of the MPDGC, or how the Land is used by the local community, with the possible exception of the MPDGC seeking to expand the community use of the Land in the future. When negotiating the transfer of the land to MPDGC, Council will endeavour to put in place a legal mechanism to secure the use of the land for the community, and revert the land back to the community through Council if the land use changes or the MPDGC ceases to exist.



Title Register Search

LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

Attachment 1

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5903 FOLIO 355 *

COST : \$26.50 (GST exempt)	PARENT TITLE : CT 5782/160
REGION : EMAIL	AUTHORITY : TG 9628954
AGENT : LGH6P BOX NO : 000	DATE OF ISSUE : 30/09/2003
SEARCHED ON : 05/11/2014 AT : 14:51:06	EDITION : 1
CLIENT REF NWESTRICH/463-735	

REGISTERED PROPRIETOR IN FEE SIMPLE

THE BAROSSA COUNCIL OF PO BOX 867 NURIOOTPA SA 5355

DESCRIPTION OF LAND

ALLOTMENT COMPRISING PIECES 12. 13 AND 14 DEPOSITED PLAN 24931
IN THE AREA NAMED MOUNT PLEASANT
HUNDRED OF TALUNGA

EASEMENTS

SUBJECT TO THE EASEMENT OVER THE LAND MARKED A TO DISTRIBUTION LESSOR
CORPORATION (SUBJECT TO LEASE 8890000) (TG 7100678)

SUBJECT TO THE EASEMENT OVER THE LAND MARKED Q (TG 9628954)

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

REGISTRAR-GENERAL'S NOTES

NIL

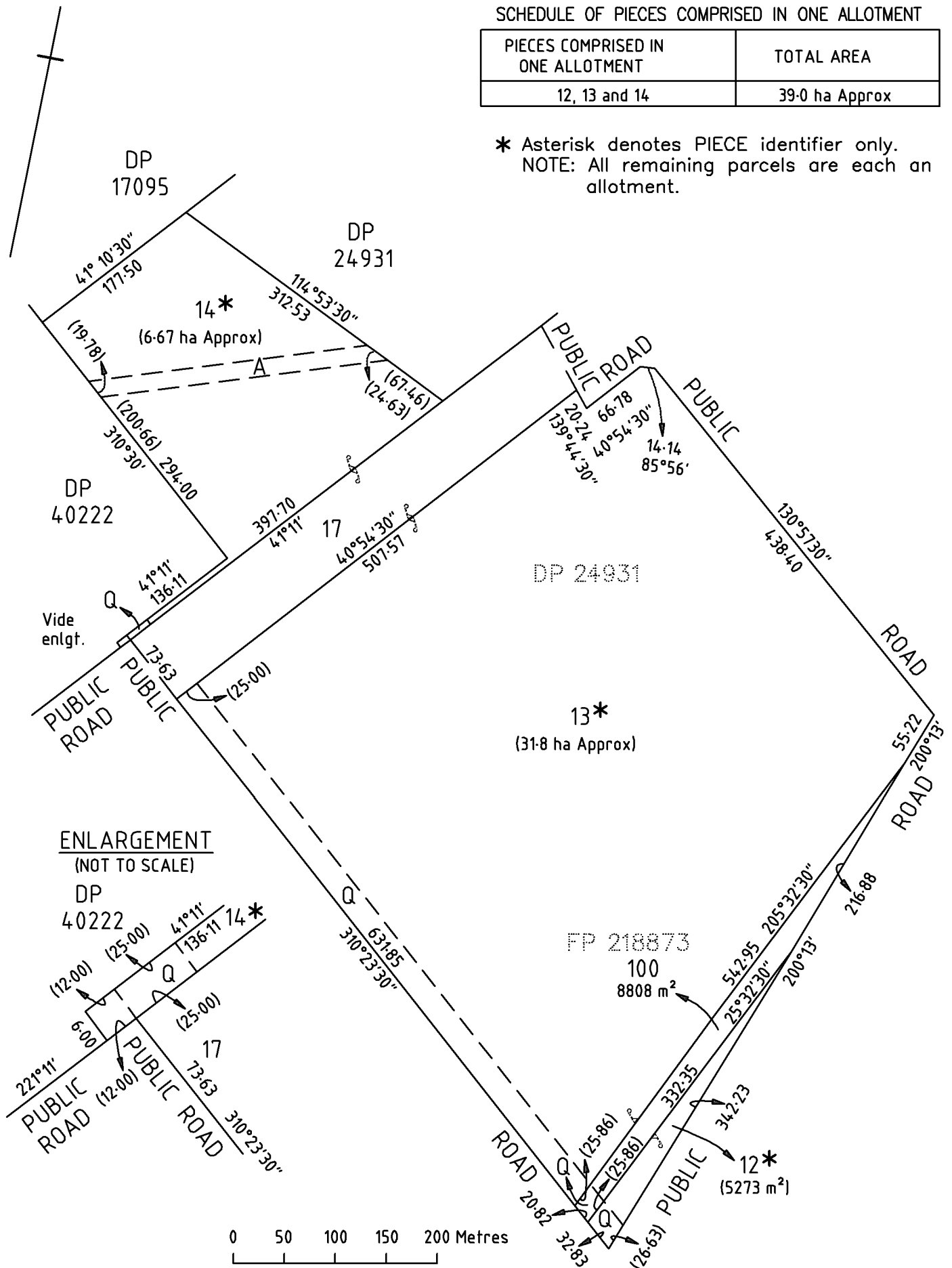
END OF TEXT.



SEARCH DATE : 05/11/2014 TIME: 14:51:06

PIECES COMPRISED IN ONE ALLOTMENT	TOTAL AREA
12, 13 and 14	39.0 ha Approx

* Asterisk denotes PIECE identifier only.
NOTE: All remaining parcels are each an allotment.





Title Register Search

LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

Attachment 2

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5903 FOLIO 356 *

COST : \$26.50 (GST exempt)	PARENT TITLE : CT 5892/487
REGION : EMAIL	AUTHORITY : TG 9628954
AGENT : LGH6P BOX NO : 000	DATE OF ISSUE : 30/09/2003
SEARCHED ON : 05/11/2014 AT : 15:15:03	EDITION : 1
CLIENT REF NWESTRICH/463-7352	

REGISTERED PROPRIETOR IN FEE SIMPLE

THE BAROSSA COUNCIL OF PO BOX 867 NURIOOTPA SA 5355

DESCRIPTION OF LAND

ALLOTMENT 100 FILED PLAN 218873
IN THE AREA NAMED MOUNT PLEASANT
HUNDRED OF TALUNGA

EASEMENTS

SUBJECT TO THE EASEMENT OVER THE LAND MARKED Q (TG 9628954)

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

REGISTRAR-GENERAL'S NOTES

NIL

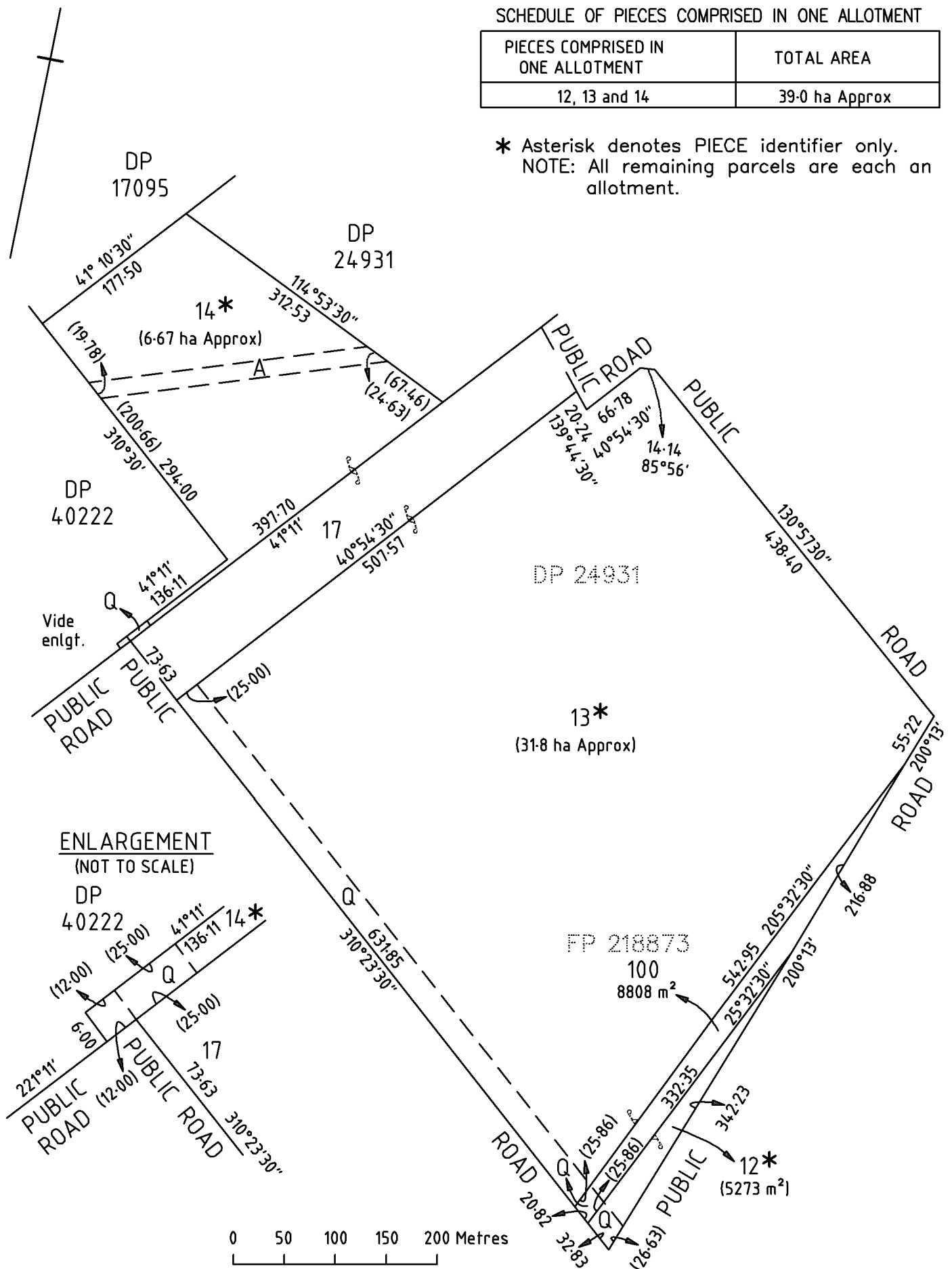
END OF TEXT.



SEARCH DATE : 05/11/2014 TIME: 15:15:03

PIECES COMPRISED IN ONE ALLOTMENT	TOTAL AREA
12, 13 and 14	39.0 ha Approx

* Asterisk denotes PIECE identifier only.
NOTE: All remaining parcels are each an allotment.



SEARCH OF CROWN RECORD

* VOLUME 5905 FOLIO 821 *

COST : \$26.50 (GST exempt)
 REGION : EMAIL
 AGENT : LGH6P BOX NO : 000
 SEARCHED ON : 05/11/2014 AT : 15:16:11
 CLIENT REF NWESTRICH/463-7353

PARENT TITLE : CR 5753/648
 AUTHORITY : RLG 9678658
 DATE OF ISSUE : 04/11/2003
 REGISTRATION : 1

OWNER

THE CROWN

CUSTODIAN

THE BAROSSA COUNCIL OF PO BOX 867 NURIOOTPA SA 5355

DESCRIPTION OF LAND

SECTION 249
 HUNDRED OF TALUNGA
 IN THE AREA NAMED MOUNT PLEASANT

ALLOTMENT 17 DEPOSITED PLAN 24931
 IN THE AREA NAMED MOUNT PLEASANT
 HUNDRED OF TALUNGA

TOTAL AREA: 5.696 HECTARES CALCULATED
 DIGRAM BOOK PAGE 132

EASEMENTS

SUBJECT TO THE EASEMENT OVER THE LAND MARKED Q ON FP 43988 (RLG 9678658)

SCHEDULE OF INTERESTS

LAND DEDICATED FOR PARKLAND PURPOSES PURSUANT TO THE CROWN LANDS ACT, 1929
 BY GAZETTE 23.11.1989

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

CONT.

SEARCH OF CROWN RECORD

* VOLUME 5905 FOLIO 821 *

REGION : EMAIL
AGENT : LGH6P BOX NO : 000
SEARCHED ON : 05/11/2014 AT : 15:16:11

PARENT TITLE : CR 5753/648
AUTHORITY : RLG 9678658
DATE OF ISSUE : 04/11/2003
REGISTRATION : 1

REGISTRAR-GENERAL'S NOTES

NIL

ADMINISTRATIVE INTERESTS AND CROWN NOTES

NIL

END OF TEXT.

CROWN LANDS ACT, 1929: SECTION 5

TAKE NOTICE that pursuant to the Crown Lands Act, 1929, I, SUSAN MARY LENEHAN, Minister of Lands and the Minister of the Crown to whom the administration of the Crown Lands Act, 1929, is committed, DO HEREBY:

1. Dedicate the Crown Lands defined in The First Schedule as Parklands and declare that such lands shall be under the care, control and management of the District Council of Mount Pleasant.

2. Dedicate the Crown Lands defined in The Second Schedule as Public Road.

3. Dedicate the Crown Lands defined in The Third Schedule as Cemetery Reserve and declare that such lands shall be under the care, control and management of the District Council of Mount Pleasant.

The First Schedule

Allotment 17 of Deposited Plan No. 24931 and section 249, Hundred of Talunga, County of Adelaide, exclusive of all necessary roads.

The Second Schedule

Allotment 18 of Deposited Plan No. 24931, Hundred of Talunga, County of Adelaide.

The Third Schedule

Allotment 25 of Filed Plan No. 28197, Hundred of Talunga, County of Adelaide, exclusive of all necessary roads.

Dated 16 November 1989.

SUSAN M. LENEHAN, Minister of Lands

D.L., 1424/1988

CROWN LANDS ACT, 1929: SECTION 5

TAKE NOTICE that pursuant to the Crown Lands Act, 1929, I, SUSAN MARY LENEHAN, Minister of Lands and the Minister of the Crown to whom the administration of the Crown Lands Act, 1929, is committed, DO HEREBY dedicate the Crown Lands defined in The Schedule as a Reserve for Conservation Purposes and declare that such lands shall be under the care, control and management of the Minister of Lands.

The Schedule

Allotment 100 of Deposited Plan No. 25212 and Section 21, Hundred of Wallis, County of Robinson, exclusive of all necessary roads.

Dated 15 November 1989.

SUSAN M. LENEHAN, Minister of Lands

D.L., 2015/1989

CROWN LANDS ACT, 1929: SECTION 5

TAKE NOTICE that pursuant to the Crown Lands Act, 1929, I, SUSAN MARY LENEHAN, Minister of Lands and the Minister of the Crown to whom the administration of the Crown Lands Act, 1929, is committed, DO HEREBY dedicate the Crown Lands defined in The Schedule for Conservation Purposes (Waddikee Rocks Conservation Reserve) and declare that such lands shall be under the care, control and management of the Minister of Lands.

The Schedule

Sections 19, 21 and 39, Hundred of Koongawa, County of LeHunte, exclusive of all necessary roads.

Dated 16 November 1989.

SUSAN M. LENEHAN, Minister of Lands

D.L., 2105/1988

CROWN LANDS ACT, 1929: SECTION 5

TAKE NOTICE that pursuant to the Crown Lands Act, 1929, I, SUSAN MARY LENEHAN, Minister of Lands and the Minister of the Crown to whom the administration of the Crown Lands Act, 1929, is committed, DO HEREBY:

1. Resume the lands defined in The First Schedule.

2. Dedicate the Crown Lands defined in The Second Schedule for Recreation and Camping Purposes and declare that such lands shall be under the care, control and management of the District Council of Orroroo.

The First Schedule

Reserve for Waterworks Purposes, section 341, Hundred of Walloway, County of Dalhousie, the proclamation of which was

published in the *Government Gazette* of 31 March 1966 at page 1566.

The Second Schedule

Section 341, Hundred of Walloway, County of Dalhousie, exclusive of all necessary roads, being the whole of the land defined in The First Schedule hereto.

Dated 16 November 1989.

SUSAN M. LENEHAN, Minister of Lands

D.L., 5389/1989

CROWN LANDS ACT, 1929: SECTION 5

TAKE NOTICE that pursuant to the Crown Lands Act, 1929, I, SUSAN MARY LENEHAN, Minister of Lands and the Minister of the Crown to whom the administration of the Crown Lands Act, 1929, is committed, DO HEREBY:

1. Resume the lands defined in The First Schedule.

2. Dedicate the Crown Lands defined in The Second Schedule as a Reserve for Historical Purposes and declare that such lands shall be under the care, control and management of the Rocky River Historic and Arts Society Incorporated, and subject to the following condition: that the dedication to be conditional upon the society accepting responsibility for all maintenance and upgrading of the old Courthouse building on the land.

The First Schedule

Reserve for the Purposes of the National Trust of South Australia, allotment 112, Town of Laura, Hundred of Booyoolie, County of Victoria, the proclamation of which was published in the *Government Gazette* of 27 November 1969 at page 1779.

The Second Schedule

Allotment 112, Town of Laura, Hundred of Booyoolie, County of Victoria, exclusive of all necessary roads, being the whole of the land defined in The First Schedule hereto.

Dated 16 November 1989.

SUSAN M. LENEHAN, Minister of Lands

D.L., 2857/1969

CROWN LANDS ACT, 1929: SECTION 5

TAKE NOTICE that pursuant to the Crown Lands Act, 1929, I, SUSAN MARY LENEHAN, Minister of Lands and the Minister of the Crown to whom the administration of the Crown Lands Act, 1929, is committed, DO HEREBY dedicate the Crown Lands defined in The Schedule as Public Roads.

The Schedule

1. That strip of land more particularly delineated and marked "Road to be Opened" and numbered as allotment 3051 (Olympic Way), Town of Roxby Downs on Diagram Book Page 1154, Out of Hundreds (Andamooka), deposited in the Department of Lands at Adelaide.

2. That portion of land more particularly delineated and marked "Road to be Opened" and numbered as allotment 3052, Town of Roxby Downs on Diagram Book Page 1154, Out of Hundreds (Andamooka), deposited in the Department of Lands at Adelaide.

3. That strip of land adjoining allotments 697/703, Town of Roxby Downs, more particularly delineated and marked "Road to be Opened" on Diagram Book Page 1155, Out of Hundreds (Andamooka), deposited in the Department of Lands at Adelaide.

Dated 16 November 1989.

SUSAN M. LENEHAN, Minister of Lands

D.L., 5491/1988

CROWN LANDS ACT, 1929: SECTION 5

TAKE NOTICE that pursuant to the Crown Lands Act, 1929, I, SUSAN MARY LENEHAN, Minister of Lands and the Minister of the Crown to whom the administration of the Crown Lands Act, 1929, is committed, DO HEREBY dedicate the Crown Lands defined in The Schedule as a Reserve for Conservation Purposes (Kopi Conservation Reserve) and declare that such lands shall be under the care, control and management of the Minister of Lands.

The Schedule


Allotment 117 of Deposited Plan No. 26437, Hundred of Ulyerra, County of Musgrave, exclusive of all necessary roads.

Dated 16 November 1989.

SUSAN M. LENEHAN, Minister of Lands

D.L., 2068/1988

**REVOCATION OF LAND FROM
COMMUNITY LAND STATUS**


The Barossa Council

The Barossa Council invite the community to provide their feedback regarding the proposed revocation of land from Community Land status at Mount Pleasant & District Golf Club.

Notice is given under section 194(2)(b) of the Local Government Act 1999 that public comment is invited on a Council proposal to revoke the following land from classification as Community Land:

Land Name: Mount Pleasant & District Golf Club

Address: 45 Golfcourse Road, Mount Pleasant SA 5235; and Allotment 17 Golfcourse Road, Mount Pleasant SA 5235

Title References: Certificate of Title Volume 5903 Folio 355 and Volume 5903 Folio 356; and Portion of Crown Record Volume 5905 Folio 821 – Allotment 17

The Land is currently used by the Golf Club as a golf course, Footgolf facility and provides a community amenity for walking after established playing times. It is not anticipated that the future use of the Land will change as a result of the revocation of the community land status, or if the land is subsequently gifted to the Golf Club, and the Council will endeavour to secure the use of the Land for the community.


The Public Consultation Report can be viewed at The Barossa Council's Principal Office at 43-51 Tanunda Road, Nuriootpa during business hours; or online on Council's website at barossa.sa.gov.au.

Written submissions should be addressed to the Chief Executive Officer, The Barossa Council, PO Box 867, Nuriootpa SA 5355 or by email to barossa@barossa.sa.gov.au or at ourbetterbarossa.com by 5pm Wednesday, 17 April 2019.

Martin McCarthy
Chief Executive Officer

147874

premium wine food tourism heritage lifestyle community



Herald

Connect with Classifieds

Phone: 08 8563 2041
Email: classifieds.barossa@fairfaxmedia.com.au

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adzuna

Positions Vacant

Tourism Services Officer

The Barossa Council is committed to enhancing our premium wine, food and tourism region and its unique lifestyle, heritage and community spirit.

- Full Time (Tuesday to Saturday)
- 3 year fixed term contract
- General Officer Level 2

This position provides an exciting opportunity to join our Award Winning Tourism Services Team at the Barossa Visitor Centre. We are seeking a customer focused person with practical experience in tourism, hospitality, retail or a related field.

To be successful in this role you will require:

- An outgoing, friendly personality;
- A genuine passion for customer service;
- Computer literacy including knowledge of Microsoft Office programs, and digital and social media platforms;
- Organisational, time management and communication skills;
- Administration skills;
- Ability to work well within a team environment; and
- Sound knowledge and passion for the Barossa region.

For further information and a copy of the position description, please refer to www.barossa.sa.gov.au or contact Human Resources on (08) 8563 8444. To apply please forward your application addressing the position requirements to The Barossa Council via hr@barossa.sa.gov.au or via our website.

Applications close 5pm 10 April 2019

The Barossa Council is committed to EEO principles, a constructive culture, workplace diversity and professional development.

Public Notices

ALCOHOLICS ANONYMOUS Need Help?
Contact (08) 82270334
Meetings:
Fridays C.W.A. Building Kapunda 8pm.
Tuesdays Riverton Uniting Church 8pm.
Wednesdays Nuriootpa Schlad House (rear entrance 26 Second Street) 8pm.

Revocation of Land from Community Land Status
The Barossa Council invite the community to provide their feedback regarding the proposed revocation of land from Community Land status at Mount Pleasant & District Golf Club.
Notice is given under section 194(2)(a) of the Local Government Act 1999 that public comment is invited on a Council proposal to revoke the following land from classification as Community Land:
Land Name: Mount Pleasant & District Golf Club
Address: 45 Golfcourse Road, Mount Pleasant SA 5225; and Allotment 17 Golfcourse Road, Mount Pleasant SA 5235
Title References: Certificate of Title Volume 5903 Folio 355 and Volume 5903 Folio 356; and Portion of Crown Record Volume 5905 Folio 821 – Allotment 17
The land is currently used by the Golf Club as a golf course, footgolf facility and provides a community amenity for walking after established playing times. It is not anticipated that the future use of the land will change as a result of the revocation of the community land status, or if the land is subsequently gifted to the Golf Club, and the Council will endeavour to secure the use of the land for the community.
The Public Consultation Report can be viewed at The Barossa Council's Principal Office at 43-51 Torunda Road, Nuriootpa during business hours; or online on Council's website at barossa.sa.gov.au. Written submissions should be addressed to the Chief Executive Officer, The Barossa Council, PO Box 867, Nuriootpa SA 5355 or by email to barossa@barossa.sa.gov.au or at ourletterbarossa.com by 5pm Wednesday, 17 April 2019.
Martin McCarthy
Chief Executive Officer

Lost & Found

LOST & FOUND
Contact our Classified Sales (08) 8563 2041 Option 1 – if you have lost or found any items. All Line Adverts listed Free of charge!

Poultry & Birds
LAYER PULLETS
3 Colours, Full Beaks, vacc. \$5.50 (D.O.), (P.O.L.) from \$16.90
Hillier Poultry
(08) 8523 0960

Wanted to Buy
CASH FOR CARS AND SCRAP METAL - I AM LOCAL. Ph: 0411 165 694.
Events & Functions
SWAPMEET, Tanunda Oval, Sunday 7th April. Sellers - 6.30am - 10.00am. Buyers - 7.00am - 8.30am. Entry of sites! Ph 0408 811 053.

Quick & Simple Now

Take the hassle out of finding your next car. Go to CountryCars.com.au to find your dream car today. With constantly changing stock and open 24/7, why would you go any where else?

Tenders

MAIL DELIVERY CONTRACT
Australia Post is seeking tenders from companies, or persons willing to form companies, to deliver mail under contract arrangements in the Delivery Area listed below. Australia Post has a commitment to providing a consistent and personal service to its customers. Therefore, as far as practicable the successful tenderer should be able to supply the same commitment to deliver the articles each day in the Delivery Area.
The successful tenderer will have sufficient time to make arrangements to comply with the conditions of the contract, including the procurement of a suitable vehicle. Training will initially be provided to the successful tenderer, who is then required to train its own personnel.
All genuine tenders and enquiries are welcome. However, Australia Post is not obliged to accept the lowest or indeed any tender, and reserves the right to accept or reject any or all tenders if it considers that it is in the interests of Australia Post to do so.
INVITATIONS TO TENDER FOR DELIVERY SERVICES
Tenders are invited for the delivery of mail from 1st July 2019 for the following Delivery Areas:

MAIL SERVICE NUMBER & DESCRIPTION	FREQUENCY
801858 Evandura Street Mail Delivery Service	(5 days per week)

For tender forms, full details and further information, contact:
michael.lindley@auspost.com.au or
The Manager, Mail Delivery Contract Unit
PO Box 10470, Adelaide EC, SA 5000
Tel: 08 8230 9874 or 08 8230 9875
Tenders must be submitted to either of the above mentioned addresses by the tender closing date and time.
TENDERS WILL CLOSE AT 12 noon on Thursday, 18th April 2019
auspost.com.au
AUSTRALIA POST

Garage Sales

☐ VISIT ☐ VISITED
GIANT GARAGE SALE
- 2 days! Sat 30th March from 8am - 4pm / Sun 31st March from 9am to 4pm. No Early Birds! Household items, Bric-a-brac, Clothing, Jewellery, 14 Railway Parade Eudunda

Forever in our hearts
Pet Death and Tributes notices now available in Classifieds
Connect with Classifieds

Feature

CLASSIFIED DEADLINES REMINDER!
Display Notice Advertising* 3PM FRIDAYS
• Positions Vacant
• Trades & Services
• Public Notices
Line Adverts* 3PM MONDAYS
• For Sale
• Thank You's
• Garage Sale

Herald
Contact us 8563 2041
or classifieds.barossa@fairfaxmedia.com.au

adzuna

Positions Vacant

Abbeyfield Aged Care at Williamstown
We are seeking a Casual Enrolled Nurse to work at Abbeyfield Society (District of Barossa) Inc which is a community owned, not-profit organisation dedicated to providing services for elderly people local to Williamstown and surrounding areas. It currently consists of a 23 bed, residential care facility, with retirement accommodation on-site and now offering Home Care Community Packages.
Please contact Gerry Lloyd on 85246 396 for more details.

Bringing home the

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CHURCH SERVICES March 31

ANGELICAN CHURCH OF AUSTRALIA
Barossa Parish: Angaston come to Tanunda; Nuriootpa come to Tanunda; Tanunda 9.30 a.m. Annual Vestry Meeting HC 8dK. Lyndoch come to Tanunda; Williamsstown come to Tanunda.

Kapunda Parish: Kapunda 9.30 a.m.
Mt. Pleasant: Sundays 8.30 a.m. except for the 6th Sunday.

BAPTIST CHURCH
Barossa Community Church: Music Centre, Faith Lutheran College, 10 a.m.

Grace Baptist Church: A Reformed Baptist Church Home Fellowship - 18 Jadda Drive, Penrice. Please call 0419 112015 for worship times.

THE CHRISTADELPHIANS
 Greenock Institute Hall, SS 9.30 a.m. Memorial Meetings 11 a.m. Sundays

CHRISTIAN CHARISMATIC RENEWAL Inc (1979)
 MacDonnell Street, Tanunda. Saturday Worship Service, 2.30 p.m. focussing on the book of Revelation. Bible Study, 5.30 p.m.

CHRISTIAN FAMILY CENTRE
Barossa: 10.30 a.m. 18 School Ave., Nuriootpa.
GAWLER FULL GOSPEL OUTREACH MINISTRIES

10 a.m. Stone Pavilion, Sport and Community Centre, Kingfisher Drive, Hewett. 10 a.m.

IMPACT CHURCH BAROSSA (Australian Christian Church)
 Sundays 8.30 a.m. and 10.30 a.m.

LIGHT COMMUNITY CHURCH, KAPUNDA (An Assembly of God Church)
 Sundays 10 a.m.

LUTHERAN CHURCH
Angaston Parish: Angaston 10.30 a.m.; Greenberg 8.45 a.m.; Keyneton 5.30 p.m.; Eden Valley 11 a.m. HC; Springton 9.15 a.m.

Barossa North Lutheran Parish: Immanuel, Light Pass 9 a.m.; Truro 10.30 a.m. Bible Society Presentation and Lunch.

Bethany/Tabor Parish: Bethany 8.30 a.m. HC, 11 a.m. HC, Tabor 8.45 a.m. HC.

Birdwood: Every Sunday 9.30 a.m.
Eudunda-Robertstown Parish: Robertstown 9 a.m. HC Pastor Joshua Muller. Parish Service, Parish AGM to be held after the service.

Greenock Parish: Pastor Detlev Vosgerau. Greenock 9 a.m. LR, JAM 9.45 a.m.; Nain 10.30 a.m. with Pastor Goadesfri Marananga 9 a.m. HC CS.

Langmeil Tanunda: 8.45 a.m. Traditional HC, 10.30 a.m. Contemporary.

Light Lutheran Churches: Kapunda 10 a.m. LR; Bethel 10.30 a.m. HC; Allen's Creek 9 a.m. LR; Freeling 8.45 a.m. HC; Rosedale 10.45 a.m. LR.

Lyndoch Parish: Pastor Valdis Andersons. Lyndoch 9 a.m. worship; Reswell Flat 10.30 a.m. worship.

Mid Murray Parish: Mannum 9 a.m. LR; Beechill join Forster; Forster 11 a.m. HC HP; Palmer 9 a.m. HC HP; Cambrai 9 a.m. SW Gd; Sedan 11 a.m. HC Gd.

Penrice Salem Evangelical: 10 a.m.
St. John's (Tanunda) / St. Paul's (Tanunda) / Schoenborn (Gomersal) Parish: St Paul's 10 a.m. Traditional, 6 p.m.; Schoenborn first Sunday 9am LR, third Sunday 8.30 a.m. preaching service.

Tanunda Lutheran Homes: Gramp Chapel Sunday Service 10.30 a.m.

PEACE EVANGELICAL LUTHERAN CHURCH
 10.30 a.m. at the Arthur & Gladys Rousch Community Centre, Nuriootpa. Pastor Michael Rosenzweig, 8563 1310.

ROMAN CATHOLIC

Barossa Valley: Nuriootpa: 1st, 3rd and 5th Saturday 6.30 p.m.; 2nd Sunday 10.30 a.m.; 4th Sunday 9 a.m.

St. Benedict's Freeling: 1st Sunday 9 a.m.; 4th Sunday 10.30 a.m.

St. Rose's Kapunda: Every 4th Saturday 6.30 p.m.; 2nd and 5th Sundays 9 a.m.; 1st and 3rd Sundays 10.30 a.m.

Gawler: Monday, Tuesday and Friday 9.30 a.m. (Mass); Saturday 8.30 p.m. (Mass); Sunday 8 a.m. and 10 a.m. (Mass).

SALVATION ARMY

Gawler: 16 Edith Street, Gawler East, 10 a.m.

SEVENTH DAY ADVENTIST

Nuriootpa: Saturday Family Bible Study 9.30-10.30 a.m. Family Worship 11 a.m.

BIRDWOOD UNITED CHURCH

Every Sunday 10 a.m.

UNITING CHURCH

Barossa Parish: Nuriootpa 10.30 a.m. Combined, Pastor Rob Morgan. Shared lunch to follow service.
Light Parish: Kapunda 9.30 a.m. Ms Carolyn Slade; Robertstown 9.30 a.m. Mr Malcolm Wilson.
Gawler Parish: Sandy Creek 9.30 a.m.
Mount Pleasant Parish: 10 a.m.

Lunchtime swimming for Cambrai Primary

Cambrai Primary students are lucky to have the Cambrai Community Pool just across the road from the school, and thanks to the generosity of the Mid Murray Council, when the temperature is forecast to be above 33 degrees, children get to go swimming at lunchtime.

Ms Michele Holloway, Principal said that lunchtime swimming was a great way for the children to hone the skills they have learnt during their swimming lessons and to cool off.

She said that it is fantastic to have a pool in such close proximity to the school and thanks to the Mid Murray Council for all it's hard work maintaining the facility.



Taylor Reid and Darren Feibig enjoying lunchtime swimming.

Christian View

By Tony Edwards,
Grace Baptist Church

The Diggers Surprise

We were wandering through the Darwin War Museum viewing the many horrors of war.

In particular were the various accounts of cruelty of the Japanese.

The atrocities were so unbelievable that it became common for Australian soldiers to regard the Japanese as sub-human.

It was surprising therefore when we came across a Japanese New Testament which was taken from a dead Japanese soldier.

The caption written under the small book expressed the surprise and consternation the Australians felt when they recognised what it was.

It seemed out of place for a man they regarded as sub-human to cherish something that spoke of faith and love and decency.

The truth is, it does not matter who we are, or how far we have fallen, no-one is beyond the reach of God's grace and forgiveness.

Jesus said, "I came to seek and to save that which was lost."

He said, "I came to give my life a ransom for many." No matter who we are, there is salvation for us if we turn to the Lord with faith and repentance.

The last book in the Bible speaks of the gathering of the redeemed multitude, which was more than could be numbered, and they were from every tribe and people and culture.

How glorious to be among them.

TODAY'S GOOD NEWS

God's revelation Part 4

Jesus said, "I have come down from heaven!" John 6:38. What a news scoop! And it got the inspiring journalistic coverage it deserved.

First, Jesus promised that (aided by the Holy Spirit) his disciples would be given full memory of his sayings. John 14:26. What a miracle! But there's more.

Second, God recruited four journalists – Matthew, Mark, Luke and John – whose contribution is quite unique. Professor F. Godet wrote –

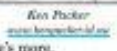
"Of all the important events which took place in the world before the advent of Jesus Christ, there is not one which has been recorded in four narratives – much less in four narratives nearly contemporaneous with the event and simultaneous with each other. The appearance of Jesus on earth has been alone the object of this signal distinction."

So they were not late historians, foisting myths about Jesus on to an unsuspecting public. No. They were setting down what their readers already knew and believed.

Third, well before our modern era of news-gathering, God enabled the first century to see journalism at its best. And Jesus' appearance on earth deserved such in-depth and expert treatment, because in all of history there was never ever a man like him.

GOOD NEWS IN BRIEF

What power the four gospels have to change our lives forever.

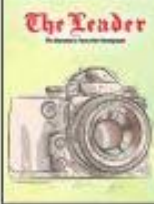


TAKEN A GREAT PHOTO?



For the opportunity to have your photo published, email it to leader@barossaleader.com.au with the subject 'Snapshots'

Please add a brief description, your first and last name and your hometown.



PUBLIC NOTICES

Angaston Tennis Club A.G.M. & windup.

Sunday, March 31, 11a.m. Angaston tennis courts. All positions vacant. Any enquiries - Tom Lansom 0400 742 089

PUBLIC NOTICES



FREE GREEN WASTE DISPOSAL DAYS

Please be advised that Council will be holding Free Green Waste Disposal Days for the residents / ratepayers in the Mid Murray Council area in April 2019. These disposal days are free at all Mid Murray Council Waste Transfer Stations and will further assist residents in managing and maintaining their properties.

Proof of residency / ratepayer will be required at time of disposal. This proof of identification could be your driver's licence, rates notice and / or rent agreement.

When: Saturday 20 and Sunday 21 April 2019 (Easter Long Weekend) during normal operating times. Transfer Station locations and operating times can be viewed on the Mid Murray Council website www.mid-murray.sa.gov.au.

What will be accepted?

- Clean residential green waste, these include:
 - grass clippings
 - prunings
 - leaves
 - small branches, up to 100mm in diameter

What will not be accepted?

- Commercial loads or materials
- Waste or hard rubbish
- Soil
- Proclaimed weeds, these include:
 - rose
 - poplar
 - blackberry
 - gorse
 - olive
 - bridal creeper
 - kikuyu
 - couch
 - bamboo

For more information please contact the Mannum Office on 8569 0100.

J Coombe GAM

ACTING CHIEF EXECUTIVE OFFICER

REVOCATION OF LAND FROM COMMUNITY LAND STATUS

The Barossa Council invite the community to provide their feedback regarding the proposed revocation of land from Community Land status of Mount Pleasant & District Golf Club.

Notice is given under section 194(2)(b) of the Local Government Act 1999 that public comment is invited on a Council proposal to revoke the following land from classification as Community Land:

Land Name: Mount Pleasant & District Golf Club

Address: 45 Golfcourse Road, Mount Pleasant SA 5235; and Allotment 17 Golfcourse Road, Mount Pleasant SA 5235

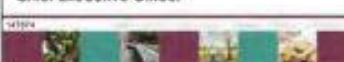
Title References: Certificate of Title Volume 5903 Folio 355 and Volume 5903 Folio 356; and Portion of Crown Record Volume 5905 Folio 621 – Allotment 17.

The Land is currently used by the Golf Club as a golf course, footgolf facility and provides a community amenity for walking after established playing times. It is not anticipated that the future use of the Land will change as a result of the revocation of the community land status, or if the land is subsequently gifted to the Golf Club, and the Council will endeavour to secure the use of the Land for the community.

The Public Consultation Report can be viewed at The Barossa Council's Principal Office at 43-51 Tanunda Road, Nuriootpa during business hours; or online on Council's website at barossa.sa.gov.au.


Written submissions should be addressed to the Chief Executive Officer, The Barossa Council, PO Box 867, Nuriootpa SA 5355 or by email to barossa@barossa.sa.gov.au or at ourbetterbarossa.com by 5pm Wednesday, 17 April 2019.

Marlin McCarthy
Chief Executive Officer



"The Leader", Wednesday, March 27, 2019 - 57

**Revocation of Land from
Community Land Status**



The Barossa Council invite the community to provide their feedback regarding the proposed revocation of land from Community Land status at Mount Pleasant & District Golf Club.

Notice is given under section 194(2)(b) of the Local Government Act 1999 that public comment is invited on a Council proposal to revoke the following land from classification as Community Land:

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Martin McCarthy
Chief Executive Officer

premium wine food tourism heritage lifestyle community



A sweet taste of history



Culinary historian Allison Reynolds will be running an Anzac biscuit cooking workshop at The Hut Community Centre next Wednesday. Inset: Ms Reynolds believes the biscuit is an icon of Australia and NZ.

By Nick Grimm

The smell and taste of an Anzac biscuit is unmistakable, yet an avid baker and researcher believes that no two of them ever taste the same.

The iconic biscuit has a legendary heritage and culinary historian Allison Reynolds believes baking and then devouring them is "pure joy".

Because of this passion for the beloved treat, the author and lifelong cook will hold a workshop to pass on her expertise at The Hut Community Centre next Wednesday.

Mrs Reynolds will talk about their history using stories from her book, *Anzac Biscuits*, and attendees will bake the biscuits using her recipes.

She said the biscuit was a reflection of the "brilliant ingenuity" of the women from Australia and NZ.

"The women back home were looking for a way to send their love over to their husbands, sons and brothers at war –

thus the Anzac biscuit was created," Ms Reynolds said.

The biscuit was ingenious because it was created during war time where many typical ingredients were scarce – mostly due to lack of farm production – and because the travel times of parcels was long, she said.

Mrs Reynolds said eggs, which were typically a feature of many baked goods, were swapped for golden syrup for two reasons: its longevity and its taste.

"The women who created this biscuit replaced a simple ingredient, meaning their delicious treats that were made with love would keep all the way from the kitchens in Australia and NZ to wherever around the world their loved ones were, rather than spoiling within a few days," she said.

"The biscuits have such rich and recognisable taste, yet no two ever taste the same."

That was because of each baker's personal preference of sugars, butters



and amounts of oats and golden syrup, Mrs Reynolds said.

"Some people like more golden syrup or other sugars, others like less ... the same can be said about oats," she said.

However, she said its core ingredients and instructions should always be respected.

"It is truly an icon of Australia and NZ's cultures and people must respect this biscuit's integrity," she said.

"I have no problem with people using the main recipe and adding in whatever they like, whether it be chocolate chips, fruits or anything else, but I believe they should be mindful not to call them Anzac biscuits."

"These biscuits are special and it's up to us to keep their integrity intact."

Mobile black spots prompt multiple calls for action

By Elisa Rose

Member for Mayo Rebekha Sharkie and Liberal candidate Georgina Downer are leading the call for action on the Mobile Black Spot Program.

The program aims to improve mobile coverage and round four will deliver 180 base stations across Australia.

But while Ms Sharkie welcomed the two new base stations in Mayo, she said they would not meet Mayo's needs.

"This is the first round of the program announced since I was first elected, and while these sites are welcomed we are still left with too many black spots across Mayo," she said.

"I call on both the major parties to commit to yearly rounds and not just announcements near elections."

Ms Downer has also called for more mobile base stations in Mayo, saying that other electorates – such as Grey and Barker – had been promised more base stations than Mayo

While these sites are

as "a direct and welcome result of effective lobbying by the local members representing them".

She said she would be committed to addressing mobile black spots if she was elected in May.

"I'll be completely focused on the issues which matter to Mayo and improving our mobile coverage is a key priority," she said.

"This is essential infrastructure which improves safety, economic activity, business productivity, and experiences for visiting tourists."

Earlier this month the Federal Government committed \$160m to rounds five and six of the program.

Ms Sharkie has called on the Opposition to match the commitment.

Revocation of Land from Community Land Status



The Barossa Council invite the community to provide their feedback regarding the proposed revocation of land from Community Land status at Mount Pleasant & District Golf Club.

Notice is given under section 194(2)(b) of the Local Government Act 1999 that public comment is invited on a Council proposal to revoke the following land from classification as Community Land:

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Address: 45 Golfcourse Road, Mount Pleasant SA 5235; and Allotment 17 Golfcourse Road, Mount Pleasant SA 5235

Title References: Certificate of Title Volume 5903 Folio 355 and Volume 5903 Folio 356; and Portion of Crown Record Volume 5905 Folio 821 – Allotment 17

The Land is currently used by the Golf Club as a golf course, Footgolf facility and provides a community amenity for walking after established playing times. It is not anticipated that the future use of the Land will change as a result of the revocation of the community land status; or if the land is subsequently gifted to the Golf Club, and the Council will endeavour to secure the use of the Land for the community.

The Public Consultation Report can be viewed at The Barossa Council's Principal Office at 43-51 Tanunda Road, Nuriootpa during business hours; or online on Council's website at barossa.sa.gov.au. Written submissions should be addressed to the Chief Executive Officer, The Barossa Council, PO Box 867, Nuriootpa SA 5355 or by email to barossa@barossa.sa.gov.au or at ourbetterbarossa.com by 5pm Wednesday, 17 April 2019.

Martin McCarthy
Chief Executive Officer

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Media Release



The Barossa Council

27 March 2019

Mount Pleasant & District Golf Club – Community Land Revocation

The community is invited to provide their feedback regarding the proposed community land revocation at Mount Pleasant & District Golf Club.

Currently, the Golf Club occupies land which is comprised of four council owned parcels and one Crown land parcel, which are classified as community land with the Crown parcel being dedicated to Council as 'Parklands' under the *Crown Land Management Act*.

The Land was originally purchased in 1977 with a combination of a Federal grant, Council loans and Golf Club funds. The Land is currently leased to the Golf Club under a land-only lease arrangement, with the Golf Club having invested in the Land, and its many improvements over the years, and has managed both the Land and its infrastructure during this time.

The Council has contributed both financially and non-financially to the Land and its improvements, and continues to provide an annual financial contribution to the Golf Club for maintenance of the Land and the provision of services at their current level.

In May 2017 Council resolved that it considered the most appropriate land tenure option to be that of gifting the Land owned by the Council to the Golf Club, subject to the necessary land revocation processes, and consultation with the community before obtaining approval from the Minister. Therefore, on 19 March 2019 Council decided to commence public consultation on the proposal to revoke the Community Land status of the Land.

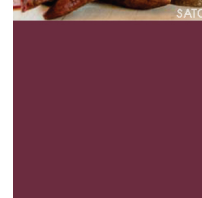
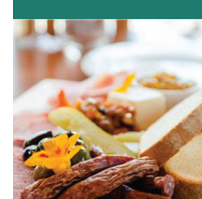
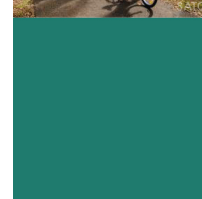
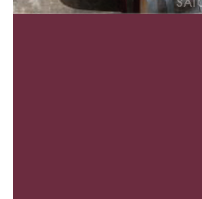
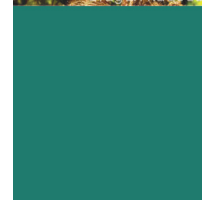
The Land is currently used by the Golf Club as a golf course, Footgolf facility and provides a community amenity for walking after established playing times. It is not anticipated that the future use of the Land will change as a result of the revocation of the community land status, or if the land is subsequently gifted to the Golf Club, as the Council will endeavour to secure the use of the Land for the community.

The Public Consultation Report can be viewed on The Barossa Council's website at www.barossa.sa.gov.au or at Council principle office at 43-51 Tanunda Road, Nuriootpa. Written submissions from the public should be addressed to the Chief Executive Officer, The Barossa Council, PO Box 867, Nuriootpa SA 5355, or by email to barossa@barossa.sa.gov.au or online at www.ourbetterbarossa.com until 5pm Wednesday, 17 April 2019.

For more information visit The Barossa Council website.

Ends

For more information contact Communications and Engagement Officer Yonna Taylor on 8563 8328 or Heidi Helbig on 8563 8428.







premium wine food tourism heritage lifestyle community


ATTACHMENT 2 –The Barossa Council Website






Welcome to The Barossa Council x +


https://www.barossa.sa.gov.au

08 8563 8444 |   









 **The Barossa Council**

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Our heritage
Protecting the region's character


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-  Make a Payment Online
-  Apply for ...
-  Visit the Library
-  Access Online Mapping
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-  Lost & Found Dogs

NEWS EVENTS & ACTIVITIES CONSULTATION COMMUNITY DIRECTORY VISIT THE BAROSSA


Mount Pleasant and District Golf Club
[READ MORE](#)





Suicide Prevention Forum
[READ MORE](#)



All Aboard! Angaston Railway Precinct Works
[READ MORE](#)



Solar Communities Program
[READ MORE](#)


HAVE YOUR SAY!
ourbetterbarossa.com.au

<https://www.barossa.sa.gov.au/sections/council/news/mount-pleasant-and-district-golf-club-community-land-revocation>









08 8563 8444 |   

 **The Barossa Council**

HOME COUNCIL OUR REGION COMMUNITY & CULTURAL SERVICES DEVELOPMENT & WORKS SERVICES I am looking for... 


Mount Pleasant and District Golf Club Community Land Revocation

I WOULD LIKE TO ...

-  Contact The Barossa Council
-  Make a Request
-  Make a Payment Online
-  Apply for ...
-  Visit the Library
-  Access Online Mapping
-  Rubbish Collection Information
-  Lost & Found Dogs

Home > Council > News & Media > Mount Pleasant and District Golf Club Community Land Revocation A A A

Mount Pleasant and District Golf Club Community Land Revocation

The community is invited to provide their feedback regarding the proposed community land revocation at Mount Pleasant & District Golf Club.

Currently, the Golf Club occupies land which is comprised of four council owned parcels and one Crown land parcel, which are classified as community land with the Crown parcel being dedicated to Council as 'Parklands' under the Crown Land Management Act.

The Land was originally purchased in 1977 with a combination of a Federal grant, Council loans and Golf Club funds. The Land is currently leased to the Golf Club under a land-only lease arrangement, with the Golf Club having invested in the Land, and its many improvements over the years, and has managed both the Land and its infrastructure during this time.

The Council has contributed both financially and non-financially to the Land and its improvements, and continues to provide an annual financial contribution to the Golf Club for maintenance of the Land and the provision of services at their current level.

In May 2017 Council resolved that it considered the most appropriate land tenure option to be that of gifting the Land owned by the Council to the Golf Club, subject to the necessary land revocation processes, and consultation with the community before obtaining approval from the Minister. Therefore, on 19 March 2019 Council decided to commence public consultation on the proposal to revoke the Community Land status of the Land.

The Land is currently used by the Golf Club as a golf course, Footgolf facility and provides a community amenity for walking after established playing times. It is not anticipated that the future use of the Land will change as a result of the revocation of the community land status, or if the land is subsequently gifted to the Golf Club, as the Council will endeavour to secure the use of the Land for the community.

Feedback can be provided until 5pm 17 April either online at Our Better Barossa, via email to barossa@barossa.sa.gov.au or in writing to the Chief Executive Officer, The Barossa Council PO Box 867, Nuriootpa SA 5355.

[View the Public Consultation Report](#)

LATEST NEWS

- Suicide Prevention Forum
- Mount Pleasant and District Golf Club Community Land Revocation
- All Aboard! Angaston Railway Precinct Works Begin
- Solar Communities Program
- Barossa Valley Way resurfacing

NEWS ARCHIVE


2019

- April (2)
- March (5)
- February (5)
- January (4)

2018 (37)

- 2017 (47)
- 2016 (40)
- 2015 (51)
- 2014 (19)

ATTACHMENT 2 –Our Better Barossa Consultation Platform



Have your say

The community is invited to provide their feedback regarding the proposed community land revocation at Mount Pleasant & District Golf Club.

Currently, the Golf Club occupies land which is comprised of four council owned parcels and one Crown land parcel, which are classified as community land with the Crown parcel being dedicated to Council as 'Parklands' under the *Crown Land Management Act*.

The Land was originally purchased in 1977 with a combination of a Federal grant, Council loans and Golf Club funds. The Land is currently leased to the Golf Club under a land-only lease arrangement, with the Golf Club having invested in the Land, and its many improvements over the years, and has managed both the Land and its infrastructure during this time.

The Council has contributed both financially and non-financially to the Land and its improvements, and continues to provide an annual financial contribution to the Golf Club for maintenance of the Land and the provision of services at their current level.

In May 2017 Council resolved that it considered the most appropriate land tenure option to be that of gifting the Land owned by the Council to the Golf Club, subject to the necessary land revocation processes, and consultation with the community before obtaining approval from the Minister. Therefore, on 19 March 2018 Council decided to commence public consultation on the proposal to revoke the Community Land status of the Land.

The Land is currently used by the Golf Club as a golf course, Footgolf facility and provides a community amenity for walking after established playing times. It is not anticipated that the future use of the Land will change as a result of the revocation of the community land status, or if the land is subsequently gifted to the Golf Club, as the Council will endeavour to secure the use of the Land for the community.

Feedback on the proposed community land revocation at Mount Pleasant & District Golf Club is open until 5pm 17 April 2019.

See below to view the Public Consultation Report, or provide feedback electronically in the form provided.

PUBLIC CONSULTATION REPORT

Your Name (required)

Your Email (required)

Subject

Your Message


Send

ATTACHMENT 2 – Facebook Post

The Barossa Council - Home x +

https://www.facebook.com/thebarossacouncil/

The Barossa Council



The Barossa Council
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The Barossa Council
27 March at 11:00 · 🌐


The Barossa Council invite the community to provide their feedback regarding the proposed revocation of land from Community Land status at Mount Pleasant & District Golf Club.

The Land is currently used by the Golf Club as a golf course, Footgolf facility and provides a community amenity for walking after established playing times, and it is not anticipated that this will change.

For further information and to have your say visit <http://ow.ly/hBQ550nO33E>



Mount Pleasant & District Golf Club
- Community Land Revocation

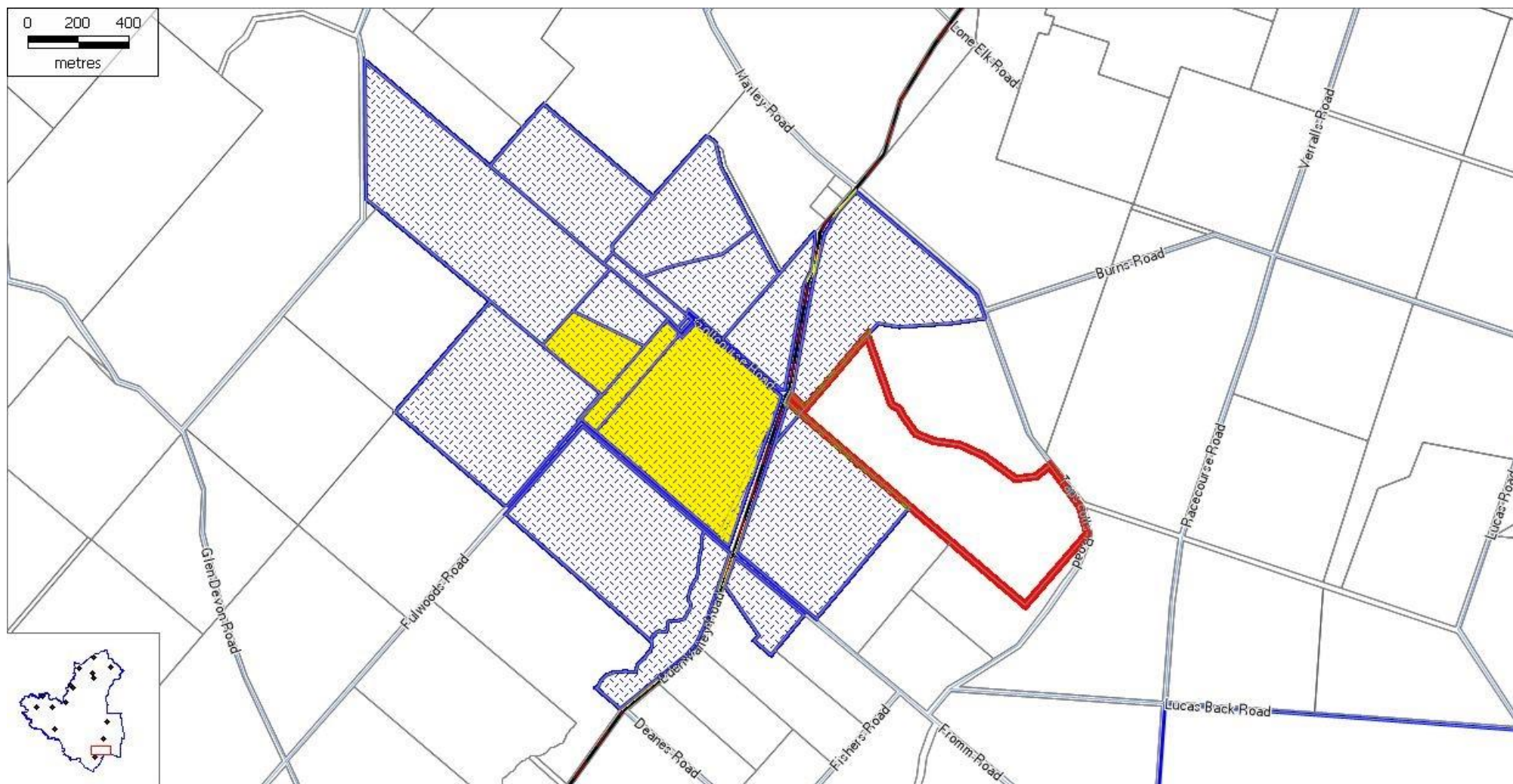
 barossa.sa.gov.au

7 comments 4 shares

Like Comment Share

ATTACHMENT 3 – Map of landowners adjacent to the Mount Pleasant & District Golf Club who were sent a letter outlining the proposal (shaded in blue)

Land identified in the Public Consultation Report for revocation of Community Land status is marked in yellow



21 March 2019

<Name>
<Address>

Public Consultation: Proposed Revocation of Community land status under section 194(2) of the *Local Government Act 1999* – Mount Pleasant & District Golf Club Land

The Barossa Council is consulting with its community about the potential removal of the "Community Land" classification over five community land parcels currently occupied by the Mount Pleasant & District Golf Club. Four of the parcels are owned by Council, and the remaining parcel is owned by the Crown, but dedicated to Council under its care, control and management.

This public consultation was triggered as a result of Council deciding at its meeting on 16 May 2017, that it considered the most appropriate land tenure option to be that of gifting the Land owned by the Council to the Golf Club, subject to the necessary land revocation processes, and consultation with the community before obtaining approval from the Minister. Therefore, on 19 March 2019, Council decided to commence public consultation on the proposal to revoke the Community Land status of the land (which includes both the Council-owned land and the Crown land).

While we have provided a summary map on the next page which shows the location of the relevant land parcels, we encourage you to refer to the entire Consultation Report which outlines the particulars of the proposal, and the subsequent gifting of the land. The Report can be found at our public consultation site at www.ourbetterbarossa.com.au and on our website at www.barossa.sa.gov.au.

If you prefer to read a hard copy, you can attend during business hours at our Principal Office at 43-51 Tanunda Road, Nuriootpa.

Should you wish to make a submission on any aspect of the Consultation Report, please do so in writing by 5pm Wednesday, 17 April 2019 to the Chief Executive Officer via the public consultation site at www.ourbetterbarossa.com.au, by email to barossa@barossa.sa.gov.au, or c/o The Barossa Council, PO Box 867 Nuriootpa SA 5355.

All submissions will be compiled into a report and placed on the public agenda at the next available Council meeting, where Elected Members will consider the merits of revoking the Community Land classification and if they agree to do so, they will recommend to do so to the Minister for Transport, Infrastructure and Local Government, who has oversight in these cases. Please note that prior to being placed on the public Council meeting agenda, all submissions will be reviewed by the Department for Environment and Water on behalf of the Minister for Environment and Water, in accordance with the consent provided by the Minister for the revocation of the Crown land.

Yours sincerely,

Martin McCarthy
Chief Executive Officer



premium wine food tourism heritage lifestyle community

ATTACHMENT 5 – Summary Table of Responses from the Community via Email, Facebook and the Our Better Barossa Consultation Platform

	Name	Submission Made Via	For or Against Proposal	Additional Comments or Concerns	Officer Response
1	Paul and Beth Wright	Email	For	<p>As adjoining land owners and club members since 1977, we support the land title to be in the name of the Mt Pleasant and District Golf Club Inc.</p> <p>The Golf Club exists through frugal management and mainly volunteers.</p> <p>Other than the Federal Government Grant for 50% of the original land purchase over 40 years ago, the Golf Club has paid the remainder including repaying the then Mt Pleasant and District Council's contribution of 25% as well as additional land purchased in 1989. All subsequent infrastructure on the land has been funded by club members.</p> <p>In 1989 a small portion of land was declared and gazetted crown land. The Golf Club had already built a machinery shed, a turkey nest dam and a catchment dam on the said portion of land. The catchment dam was later modified by members to accommodate four polishing ponds and a holding dam for the township SWMS water.</p> <p>We look forward to the Club at last having the ability to use the land title as an asset to secure finance to develop even further. Members are wary of a "legal mechanism" proposed by Council. If the "legal mechanism" is attached to the title the Club's bank manager advises it is likely to reduce the Club's ability to raise commercial finance.</p>	No further response.
2	Graham Sloan	Our Better Barossa	For	I agree with this proposal in the reports that I have read. I consider this an excellent idea.	No further response.
3	Anouska Thomson	Our Better Barossa	For	While I am happy for this to occur, if the golf club were to no longer need or want this land in the future it is important it goes back to council for community use rather than ever be sold off.	No further response.

4	Meg Stephen	Our Better Barossa	For	I support this proposal.	No further response.
5	Hayley Hunt	Facebook	Not specified	Tagged another Facebook user	No further response.
6	Nick Hurtz	Facebook	Against	They are still doing this in lots of towns. There's talk of selling off the small reserves around Tanunda, money grab to pay the over paid employees in the old Tarac building, that do next to nothing!!	This is a gifting of the land from Council to the [Mount Pleasant & District Golf] Club; as per the report, no profits/funds area expected, with the possible exception of necessary government fees and charges.
7	Kim Micheltmore	Facebook	Not specified	What is the benefit to the Community, the Club and the Council b implementing this proposal? I read the supporting documentation and can't really find answers to those three questions.	The context and rationale behind Council's resolution can be found I the Council Meeting Agenda and Minutes of 16 May 2017, on Council's website www.barossa.sa.gov.au (Item 1.6.1 – Adjourned Business – Mount Pleasant and District golf Club Inc.).
8	Susanne Barrett	Facebook	For	The people from the Golf Club have worked tirelessly to maintain and improve this asset. They welcome community input, and I for one hope that they can further improve and continue involving the community. If it was left with council, what do you think would happen? Would the golf club be downgraded to nine holes like so many, would the community take it over and it become say a recreational reserve, or would the council carve it up to sell the land to people who can afford the beautiful views? I am not a golfer, it bores me to tears, but I am in favour of community spaces, especially when the community has clearly spent decades maintaining and improving facilities, and would like the opportunity to do more.	No further response.

Rugiyya Martin

From: MBX Marketing
Sent: Monday, 1 April 2019 1:40 PM
To: Rugiyya Martin
Subject: FW: Draft Customer Service Policy

From: Our Better Barossa [mailto:wordpress@ourbetterbarossa.com.au]
Sent: Wednesday, 27 March 2019 11:15 AM
To: MBX Marketing
Subject: Mount Pleasant Golf Course Community Land Revocation

From: Graeme Sloan [REDACTED]
Subject: Land revocation Mt Pleasant golf course

Message Body:

I agree with this proposal in the reports that I have read. I consider this an excellent idea.

--

This e-mail was sent from a contact form on A WordPress Site (<http://ourbetterbarossa.com.au>)

Rugiyya Martin

From: MBX Marketing
Sent: Monday, 1 April 2019 1:42 PM
To: Rugiyya Martin
Subject: FW: Draft Customer Service Policy

From: Our Better Barossa [mailto:wordpress@ourbetterbarossa.com.au]
Sent: Thursday, 28 March 2019 8:58 PM
To: MBX Marketing
Subject: Mount Pleasant Golf Course Community Land Revocation

From: Anouska Thomson [REDACTED]
Subject: Revocation of land

Message Body:

While I am happy for, this to occur, if the golf club were to no longer need or want this land in the future it is important it goes back to council for community use rather than ever be sold off.

--

This e-mail was sent from a contact form on A WordPress Site (<http://ourbetterbarossa.com.au>)

Rugiyya Martin

From: MBX Marketing
Sent: Friday, 12 April 2019 10:08 AM
To: Rugiyya Martin
Subject: FW: Mount Pleasant & District Golf Course Community Land Revocation

From: Our Better Barossa [mailto:wordpress@ourbetterbarossa.com.au]
Sent: Monday, 8 April 2019 1:13 PM
To: MBX Marketing
Subject: Mount Pleasant & District Golf Course Community Land Revocation

From: Meg Stephens [REDACTED]
Subject: Mount Pleasant and District Golf Club land revocation

Message Body:
I support the proposal

--

This e-mail was sent from a contact form on A WordPress Site (<http://ourbetterbarossa.com.au>)

Rugiyya Martin

From: paul wright <[REDACTED]>
Sent: Tuesday, 16 April 2019 6:23 PM
To: MBX Barossa
Subject: Mt Pleasant & District Golf Club Community Land Revocation

To Chief Executive Officer

Martin McCarthy

Dear Sir

As adjoining land owners and club members since 1977, we support the land title to be in the name of the Mt Pleasant and District Golf Club Inc.

The Golf Club exists through frugal management and mainly volunteers.

Other than the Federal Government Grant for 50% of the original land purchase over 40 years ago, the Golf Club has paid the remainder including repaying the then Mt Pleasant and District Council's contribution of 25% as well as additional land purchased in 1989. All subsequent infrastructure on the land has been funded by club members.

In 1989 a small portion of land was declared and gazetted crown land. The Golf Club had already built a machinery shed, a turkey nest dam and a catchment dam on the said portion of land. The catchment dam was later modified by members to accommodate four polishing ponds and a holding dam for the township SWMS water.

We look forward to the Club at last having the ability to use the land title as an asset to secure finance to develop even further. Members are wary of a "legal mechanism" proposed by Council. If the "legal mechanism" is attached to the title the Club's bank manager advises it is likely to reduce the Club's ability to raise commercial finance.

Regards

Paul and Beth Wright

Life Members of Mt Pleasant and District Golf Club Inc.



Hayley Hunt Fiona Hockings

Like · Reply · 3d



0



Nick Kurtz They are still doing this in lots of the towns
There's talk of selling off the small reserves around Tanunda
,money grab
to pay the over paid employees in the old Tarac building,that do
next to nothing !!

Like · Reply · 4d · Edited



0



The Barossa Council Hi Nick Kurtz this is a gifting of land
from Council to the Club; as per the report, no profits/funds
are expected, with the possible exception of necessary
government fees and charges. Thanks, HH

Like · Reply · 1h

0



Kim Michelmores What is the benefit to the Community, the Club
and the Council by implementing this proposal? I read the
supporting documentation and can't really find answers those three
questions

Like · Reply · 4d

0



The Barossa Council Hi Kim Michelmores The context and
rationale behind Council's resolution can be found in the
Council Meeting Agenda and Minutes of 16
May 2017, on Council's website www.barossa.sa.gov.au
(Item 1.6.1 – Adjourned Business – Mount Pleasant and
District Golf Club Inc). Thanks, HH



BAROSSA.SA.GOV.AU

Welcome to The Barossa Council

Like · Reply · 1h



0



Susanne Barrett The people from the Golf Club have worked
tirelessly to maintain and improve this asset. They welcome
community input, and I for one hope that they can further improve
and continue involving the community. If it was left with council,
what do you think would happen? Would the golf club be
downgraded to nine holes like so many, would the community take
it over and it become say a recreational reserve, or would the
council carve it up to sell the land to people who can afford the
beautiful views? I am not a golfer, it bores me to tears, but I am in
favour of community spaces, especially when the community has
clearly spent decades maintaining and improving facilities, and
would like the opportunity to do more.

Like · Reply · 1d

0

ATTACHMENT 7 – Thank you Email Sent to those who Provided Feedback and Email Addresses

Dear [Name]:

Thank you for your recent feedback to The Barossa Council regarding the proposed revocation of the community land status over the Mount Pleasant & District Golf Club land.

Your correspondence will be compiled with all other public feedback and attached to a report for Council's consideration at its meeting on Tuesday, 21 May 2019. The Council meeting commences at 9am at the Nuriootpa Council Chamber located at 43-51 Tanunda Road, Nuriootpa.

You are welcome to attend in the public gallery and listen to the Elected Members discuss and decide, among other agenda items, whether or not the community land classification should be removed from the relevant parcels of land, with a view to gifting the Council-owned parcels of land to the Mount Pleasant & District Golf Club Inc.

Please note that Elected Members will not be receiving any questions without notice from the public gallery during the meeting.

In the week leading up to that Council meeting, you will find the agenda for the entire meeting on Council's website [here](#). You will also find the meeting minutes at that link within 5 days of the meeting, so that even if you are unable to attend, you can read about the Elected Members' decision on this matter.

Your correspondence will also be provided to the Department for Environment and Water for review (in accordance with the conditions of their consent to include the Crown land in the proposal) prior to being presented to Council at the May meeting.

Should you have any questions about this process, please contact me via details below.

Many thanks.

Kind regards,



17/1400

Date: 6 May 2019

Ms Rugiyya Martin
Governance Adviser
The Barossa Council
PO Box 867
NURIROOTPA SA 5355

Crown Lands

Level 8

Waymouth Street

ADELAIDE SA 5000

GPO Box 1047

ADELAIDE SA 5001

Ph: +61 8 8204 1218

Dear Rugiyya

RE: MOUNT PLEASANT GOLF CLUB LAND - REVOCATION OF COMMUNITY LAND STATUS

I write regarding the proposed revocation of the community land status over Allotment 17 Deposited Plan 24931 as comprised in Crown Record Volume 5905 Folio 821.

Thank you for the opportunity to review the feedback received by The Barossa Council in response to the public consultation process. On behalf of the land owner, being the Minister for Environment and Water, I approve the Council seeking the revocation of the community land status over the Crown land pursuant to the *Local Government Act 1999*.

For further information please contact Anthea Duthie, Project and Property Officer on telephone 8303 0892 or via email at anthea.duthie@sa.gov.au.

Yours sincerely



Tony Halls
SENIOR PROPERTY OFFICER

COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER REPORT

19 MARCH 2019

7.2.1 DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.3

PUBLIC CONSULTATION: REVOCATION OF COMMUNITY LAND STATUS – MOUNT PLEASANT AND DISTRICT GOLF CLUB INC.
B9002

Author: Governance Advisor

PURPOSE

To seek Council's consideration and approval to undertake a community consultation process with respect to revoking the community land status of the land on which the Mount Pleasant and District Golf Club is located, for the purposes of the future gifting of the land to the Mount Pleasant and District Golf Club Inc. ("MPDGC"). Details of the relevant land (including maps) are contained in this report and its attachments.

RECOMMENDATION

- (1) That Council, being satisfied that the proposal has extensive community benefit and satisfies the requirements of Council's *Disposal of Land and Other Assets Policy*, resolves to undertake a public consultation process pursuant to section 194(2) of the *Local Government Act 1999* (the "Act") and Council's Public Consultation Policy, to indicate its proposal to revoke the Community Land status over the land occupied by the Mount Pleasant and District Golf Club, which is comprised of:
 - (i) Certificate of Title Volume 5903 Folio 355
Described as Allotment comprising of Pieces 12, 13 and 14 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga
 - (ii) Certificate of Title Volume 5903 Folio 356
Described as Allotment 100 Filed Plan 218873 in the area named Mount Pleasant, Hundred of Talunga
 - (iii) Portion of Crown Record Volume 5905 Folio 821 – Allotment 17
Described as Allotment 17 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga
- (2) That the Chief Executive Officer finalises and makes publicly available the consultation report prepared in accordance with Section 194(2)(a) of the Local Government Act on the proposal at Recommendation 1 (see draft consultation report at Attachment 3); publishes a notice in the Herald, Leader and Courier newspapers and on Council's website; writes to adjacent property owners, alerting the community to the consultation process and consultation report and invite written submissions; and
- (3) That the public consultation period shall be for 21 days as prescribed by Section 194(2)(b) of the Local Government Act and clause 4.4 of Council's Public Consultation Policy.

- (4) That at the conclusion of the public consultation process, the Chief Executive Officer prepare a report on all submissions made regarding the proposal ("Submission Report") and provide the report to the Department for Environment and Water for review, in accordance with the conditions of the consent made on behalf of the Minister, for the revocation of the community land status over the Land (as per the Department's letter at *Attachment 4*).
- (5) Upon the Department of Environment and Water reviewing the Submission Report, and determining whether it is satisfied or not satisfied that the Submission Report has met the conditions of the consent made on behalf of the Minister, for the revocation of the community land status over the Land, that the Chief Executive Officer refer the Submission Report and the Department of Environment and Water's position to Council for consideration.

REPORT

Background

The land on which the Mount Pleasant & District Golf Club is located is made up of four Council-owned parcels of land and one Crown parcel of land. In 2017, Council considered future land tenure options, and, at its meeting of 16 May 2017 resolved as follows:

MOVED Cr Lange that Council:

- (1) Acknowledging it currently owns land on which the Mount Pleasant and District Golf Club resides, agrees to provide funding up to \$30,000 per annum (Excl GST) for a maximum of 5 years to be applied to the maintenance of the land and provision of services at the current service level, noting funds will not be provided to directly support the Club's operations.
- (2) Considers the most appropriate land tenure option of the land upon which the Mount Pleasant and District Golf Club reside is to gift the land owned by the Council (excluding the component of Crown Land) to the Club, subject to undertaking the necessary Community Land revocation processes including consultation with the community and approval from the Minister, and whilst this matter is being resolved, Council agrees to enter into a land only lease for a period of up to 5 years with the Mount Pleasant and District Golf Club.
- (3) Authorises the Mayor and Chief Executive Officer to sign and seal the lease.
- (4) Reiterates to the Mount Pleasant and District Golf Club that the long term viability of the Club remains solely in the hands of the Club and the Mount Pleasant community. Should the Club be unable to 'trade its way back to financial independence', Council reserves the right to withdraw funding assistance and consider other options for the land.

Seconded Cr de Vries

CARRIED 2014-18/1030

The agenda report and minutes of the 16 May 2017 Council meeting are attached at **Attachment 1a** and **Attachment 1b** for further information.

Introduction

The land on which the Mount Pleasant Golf Club is located is comprised of (collectively referred to as the "Land" in this report):

- i. Certificate of Title Volume 5903 Folio 355 (owned by Council)

Described as Allotment comprising of Pieces 12, 13 and 14 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga

- ii. Certificate of Title Volume 5903 Folio 356 (owned by Council)
Described as Allotment 100 Filed Plan 218873 in the area named Mount Pleasant, Hundred of Talunga
- iii. Portion of Crown Record Volume 5905 Folio 821 – Allotment 17 (Crown land)
Described as Allotment 17 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga

A map of the land with the parcels marked separately is provided at **Attachment 2** of this report.

Both the Crown land and the Council-owned land parcels are classified as Community Land pursuant to section 193 of the *Local Government Act 1999* (the "Act"). In addition to the Community Land status, the Crown land parcel has been dedicated to Council as Parklands under the *Crown Land Management Act 2009*.

In order to implement Council's resolution of 16 May 2017 to gift the Council-owned land to the Mount Pleasant & District Golf Club Inc. ("MPDGC"), it is necessary to first revoke the community land status over the Land.

It should be noted that the proposed public consultation process will seek to revoke the Community Land status over the Crown land. The process does not seek to withdraw the dedication over the Crown land. The Crown Lands Office has indicated that it may be open to negotiating the transfer of the Crown land portion of the Land to the MPDGC however it would ultimately be the decision of the Minister for Environment and Water. If the Crown approves the transfer the Crown land to the MPDGC, at that stage, the dedication over the Crown land will need to be withdrawn, in accordance with the *Crown Land Management Act 2009*.

Discussion

Section 194 of the Act requires Council to prepare and make publicly available a consultation report of the reasons for the proposal and an assessment of how implementation of the proposal would affect the area and the local community.

Before the community land status can be revoked, Council must consult with the public in accordance with its Public Consultation Policy. In order to satisfy the obligations of Council under the Policy, it is appropriate in the circumstances that the Chief Executive Officer:

- Finalise and make public available the consultation report;
- Write to adjacent property owners to provide them a reasonable opportunity to make a submission with respect to the consultation report;
- Publish a notice in the Herald, Leader and Courier newspapers, on Council's website, Better Barossa consultation platform and Facebook page inviting submissions from the community on the consultation report for a consultation period of at least 21 days;
- After the consultation period, refer the consultation report and submissions received to Council for consideration.

A draft consultation report has been prepared by officers, and is attached at **Attachment 3**. The consultation report proposes the revocation of the community land status of the Land in the context that following the revocation, the Council will consider the gifting of the Council-owned portion of the Land to the MPDGC in order

to implement the Council resolution of 16 May 2017 (see **Attachment 1**). Subject to Council approval, the terms of the gifting will be negotiated between Council and the MPDGC, once the community land status is revoked.

The report proposes that when negotiating the transfer, Council make every effort to secure the use of the land for the community and ensure that in the event that the land is not primarily used for its current community use and purpose, or the MPDGC ceases to exist, the land reverts back to the community through Council. However, it is noted in the report that the MPDGC may look to expand the community use of the land in the future, following the transfer. It is not anticipated that the primary use of the land will change from its current use as a golf course.

With respect to the Crown land, pursuant to section 194(2)(a)(v) of the Act, Council is required to obtain the consent of the Minister for Environment and Water, as the Minister who administers the Crown Land Management Act 2009, because:

- i. the land is not owned by the Council, and
- ii. there is a dedication over the Crown land to Council.

Consent to the process being undertaken by the Council relating to the revocation of the community land status over the Crown land pursuant to the Act has been provided by the Department for Environment and Water on behalf of the Minister for Environment and Water. In principle approval has also been given for Council to seek the revocation of the community land status, subject to a review by the Department for Environment and Water on behalf of the Minister for Environment and Water, of the outcome of the community consultation. The Department's in-principle consent letter is attached at **Attachment 4**.

Once the public consultation period has concluded, the results of the consultation must be provided to the Department of Environment and Water for review (as per the condition of the consent for the revocation). Once the Department has determined whether or not the results satisfy the conditions of the consent provided by the Minister for Environment and Water, Council must then consider the submissions received, the consultation report and the Department of Environment and Water's position and make a decision to refer the matter to the Minister for Transport, Infrastructure and Local Government for approval of the revocation of the community land status, under section 194(3) of the Act.

By way of providing context, if the approval of the Minister for Transport, Infrastructure and Local Government to revoke the community land status is obtained and Council further resolves to revoke the community land status of the land, the terms of the gifting of the land will need to be negotiated between Council and the MPDGC.

Summary and Conclusion

Council is asked to authorise officers to commence public consultation as part of the process to revoke the Community Land status over the Land.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1a – Council meeting Minutes Extract - Item 1.6.1 – Matters Arising From Previous Business – Adjourned Business – Mount Pleasant and District Golf Club Inc. - 16 May 2017

Attachment 1b - Council meeting Agenda Report Extract - Item 1.6.1 – Matters Arising From Previous Business – Adjourned Business – Mount Pleasant and District Golf Club Inc. and attachments - 16 May 2017

Attachment 2 - Map of Land

Attachment 3 – draft consultation report – Revocation of Community Land Status Report

Attachment 4 – letter from the Department of Environment and Water providing in-principle conditional consent to the commence the revocation of community land

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS



Community and Culture



How We Work – Good Governance

Community Plan

2.8 Provide opportunities for the community to participate in local decision-making.

Corporate Plan

2.3 Support and promote community involvement and networks and provide opportunities for participation in local decision making.

6.7 Implement strategies for the community to be actively engaged in Council decision making through sound information and communication.

Legislative Requirements

Local Government Act 1999: section 194

Crown Land Management Act 2009

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial – Costs to advertise in the Herald, Leader and Courier will be approximately \$1,200 and can be sourced from existing budgets.

Resource – The public consultation and revocation processes will be undertaken as part of officers' existing roles.

Risk Management – Risk is mitigated by complying with Council's Public Consultation Policy and requirements under the Local Government Act.

COMMUNITY CONSULTATION

Subject to Council resolving to commence the process as stated in this report, Community Consultation will occur in accordance with section 194 of the Local Government Act and Council's Public Consultation Policy.

COPY FOR YOUR
INFORMATION

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Tuesday 16 May 2017 commencing at 9.00am in the
Council Chambers, 43-51 Tanunda Road, Nuriootpa

1.1 WELCOME

Mayor Sloane declared the meeting open at 9.00am.

1.2 MEMBERS PRESENT

Mayor Bob Sloane, Crs Scotty Milne (Deputy Mayor), Mark Grossman, John Angas, Dave de Vries, Michael (Bim) Lange, Leonie Boothby, Margaret Harris, Tony Hurn, Michael Seager, Christopher Harms and Richard Miller

1.3 LEAVE OF ABSENCE

Nil

1.4 APOLOGIES

Nil

1.5 MINUTES OF PREVIOUS COUNCIL MEETINGS

MOVED Cr Grossman that the Minutes of the Council meeting held on Tuesday 18 April 2017 at 9.00am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Milne

CARRIED 2014-18/1026

MOVED Cr Lange that the Minutes of the Confidential Council meeting held on Tuesday 18 April 2017 at 11.04am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Seager

CARRIED 2014-18/1027

MOVED Cr Harris that the Minutes of the Confidential Council meeting held on Tuesday 18 April 2017 at 11.10am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr de Vries

CARRIED 2014-18/1028

MOVED Cr Miller that the Minutes of the Special Council meeting held on Wednesday 26 April 2017 at 5.15pm, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr de Vries

CARRIED 2014-18/1029

1.6 MATTERS ARISING FROM PREVIOUS COUNCIL MEETING

1.6.1 GROUP MANAGER CORPORATE SERVICES

1.6.1.1

ADJOURNED BUSINESS - MOUNT PLEASANT AND DISTRICT GOLF CLUB INC B5739**COPY FOR YOUR
INFORMATION****MOVED** Cr Lange that Council:

- (1) Acknowledging it currently owns land on which the Mount Pleasant and District Golf Club resides, agrees to provide funding up to \$30,000 per annum (Excl GST) for a maximum of 5 years to be applied to the maintenance of the land and provision of services at the current service level, noting funds will not be provided to directly support the Club's operations.
- (2) Considers the most appropriate land tenure option of the land upon which the Mount Pleasant and District Golf Club reside is to gift the land owned by the Council (excluding the component of Crown Land) to the Club, subject to undertaking the necessary Community Land revocation processes including consultation with the community and approval from the Minister, and whilst this matter is being resolved, Council agrees to enter into a land only lease for a period of up to 5 years with the Mount Pleasant and District Golf Club.
- (3) Authorises the Mayor and Chief Executive Officer to sign and seal the lease.
- (4) Reiterates to the Mount Pleasant and District Golf Club that the long term viability of the Club remains solely in the hands of the Club and the Mount Pleasant community. Should the Club be unable to 'trade its way back to financial independence', Council reserves the right to withdraw funding assistance and consider other options for the land.

Seconded Cr de Vries**CARRIED 2014-18/1030****PURPOSE**

Regulation 19 (3) of the Local Government (Procedures at Meetings) Regulations 2013 requires that "Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting."

Council to resume consideration of the matter "Mount Pleasant and District Golf Club Inc" as detailed in the Agenda Report 2.2.1.1 of Special Council Meeting held 26 April 2017.

REPORT**Background**

A Report regarding the Mount Pleasant and District Golf Club Inc (the Club) was presented to Council at its meeting held 26 April 2017 (*refer Attachment 1*).

Before consideration of the proposed Recommendations, the formal meeting procedures were suspended to facilitate informal discussion on the question.

At the resumption of the formal meeting procedures, the following was resolved:

"MOVED Cr Hurn that the question be adjourned for further discussion at the full council meeting of 16 May 2017 to allow all members to be present and undertake further consideration of the matters raised during the suspension of formal meeting procedures.

Seconded Cr Lange**CARRIED 2014-18/1022"****Discussion**

Council is to consider and resolve its position in supporting a community golf facility and related activities:

- as a recreational outdoor sport conducted on Council land contained in Certificate of Title Volume 5903 Folio 355 and Crown Land – Crown Record Volume 5905 Folio 821 – ("The Land");
- any ongoing support for the Mount Pleasant and District Golf Club Inc ("the Club") to facilitate that activity;
- the options for The Land ownership and/or leasing with the Club.

The matter has been fully discussed in the attached Agenda Report to the 26 April 2017 Special Council Meeting.

Debate on the matter can commence immediately from the interrupted point and no resolution needs to be lifted from the table.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Agenda Report 2.2.1.1 from 26 April 2017 Special Council Meeting – "Mount Pleasant and District Golf Club Inc"

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Legislation

Local Government Act 1999

Community Plan – Themes



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment

Corporate Plan



How We Work – Good Governance

- 3.3 Ensure Councils sporting, recreational and leisure grounds and playing arena and associated programs meet the current need of the community to an agreed level of service.
- 3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial, resource and risk management considerations have been discussed in the attached Agenda Report 2.2.1.1 to the 26 April 2017 Special Council Meeting.

COMMUNITY CONSULTATION

Not required under legislation or Council's Public Consultation Policy.

1.7 NOTICE OF MOTION

Nil

1.8 QUESTIONS ON NOTICE

Nil

2. MAYOR

COUNCIL

MATTERS ARISING FROM PREVIOUS BUSINESS

16 MAY 2017

**COPY FOR YOUR
INFORMATION**

1.6 MATTERS ARISING FROM PREVIOUS BUSINESS – GROUP MANAGER CORPORATE SERVICES

1.6.1

ADJOURNED BUSINESS - MOUNT PLEASANT AND DISTRICT GOLF CLUB INC
B5739

PURPOSE

Regulation 19 (3) of the Local Government (Procedures at Meetings) Regulations 2013 requires that *"Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting."*

Council to resume consideration of the matter "Mount Pleasant and District Golf Club Inc" as detailed in the Agenda Report 2.2.1.1 of Special Council Meeting held 26 April 2017.

RECOMMENDATION

That Council:

- (1) Acknowledging it currently owns land on which the Mount Pleasant and District Golf Club resides, agrees to provide funding up to \$30,000 per annum (Excl GST) for a maximum of 5 years to be applied to the maintenance of the land and provision of services at the current service level, noting funds will not be provided to directly support the Club's operations.
- (2) Considers the most appropriate land tenure option of the land upon which the Mount Pleasant and District Golf Club reside is to gift the land owned by the Council (excluding the component of Crown Land) to the Club, subject to undertaking the necessary Community Land revocation processes including consultation with the community and approval from the Minister, and whilst this matter is being resolved, Council agrees to enter into a land only lease for a period of up to 5 years with the Mount Pleasant and District Golf Club.
- (3) Authorises the Mayor and Chief Executive Officer to sign and seal the lease.
- (4) Reiterates to the Mount Pleasant and District Golf Club that the long term viability of the Club remains solely in the hands of the Club and the Mount Pleasant community. Should the Club be unable to 'trade its way back to financial independence', Council reserves the right to withdraw funding assistance and consider other options for the land.

REPORT**Background**

A Report regarding the Mount Pleasant and District Golf Club Inc (the Club) was presented to Council at its meeting held 26 April 2017 (refer Attachment 1).

Before consideration of the proposed Recommendations, the formal meeting procedures were suspended to facilitate informal discussion on the question.

At the resumption of the formal meeting procedures, the following was resolved:

"MOVED Cr Hurn that the question be adjourned for further discussion at the full council meeting of 16 May 2017 to allow all members to be present and undertake further consideration of the matters raised during the suspension of formal meeting procedures.

Seconded Cr Lange

CARRIED 2014-18/1022"

Discussion

Council is to consider and resolve its position in supporting a community golf facility and related activities:

- as a recreational outdoor sport conducted on Council land contained in Certificate of Title Volume 5903 Folio 355 and Crown Land – Crown Record Volume 5905 Folio 821 – ("The Land");
- any ongoing support for the Mount Pleasant and District Golf Club Inc ("the Club") to facilitate that activity;
- the options for The Land ownership and/or leasing with the Club.

The matter has been fully discussed in the attached Agenda Report to the 26 April 2017 Special Council Meeting.

Debate on the matter can commence immediately from the interrupted point and no resolution needs to be lifted from the table.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Agenda Report 2.2.1.1 from 26 April 2017 Special Council Meeting – "Mount Pleasant and District Golf Club Inc"

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSLegislation

Local Government Act 1999

Community Plan – Themes

Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment



How We Work – Good Governance

- 3.3 Ensure Councils sporting, recreational and leisure grounds and playing arena and associated programs meet the current need of the community to an agreed level of service.
- 3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial, resource and risk management considerations have been discussed in the attached Agenda Report 2.2.1.1 to the 26 April 2017 Special Council Meeting.

COMMUNITY CONSULTATION

Not required under legislation or Council's Public Consultation Policy.

SPECIAL COUNCIL MEETING
CORPORATE AND COMMUNITY SERVICES
GROUP MANAGER'S REPORTS

26 APRIL 2017

**COPY FOR YOUR
INFORMATION**

2.2.1 DEBATE AGENDA – GROUP MANAGER CORPORATE SERVICES

2.2.1.1

MOUNT PLEASANT AND DISTRICT GOLF CLUB INC
B5739

PURPOSE

Council to consider and resolve its position in supporting a community golf facility and related activities:

- as a recreational outdoor sport conducted on Council land contained in Certificate of Title Volume 5903 Folio 355 and Crown Land – Crown Record Volume 5905 Folio 821 – ("The Land");
- any ongoing support for the Mount Pleasant and District Golf Club Inc ("the Club") to facilitate that activity;
- the options for The Land ownership and/or leasing with the Club.

RECOMMENDATION 1

That Council acknowledging the recreational and public benefit, supports the recreational activities on the land contained in Certificate of Title Volume 5903 Folio 355 and Crown Record Volume 5905 Folio 821 ("the land") (commonly known as the Mount Pleasant Golf Club), including the assets constructed for golf and footgolf sport and a community amenity for walking.

and

RECOMMENDATION 2

That Council considers the most appropriate way to support the recreational activity on the land commonly known as the Mount Pleasant Golf Club (Certificate of Title Volume 5903 Folio 355 and Crown Record Volume 5905 Folio 821) is by direct financial contribution to a maximum of \$xx towards the maintenance and operations for the sporting grounds (ie golf course fairways and greens).

and

RECOMMENDATION 3

That Council considers the most appropriate land tenure option for the land commonly known as the Mount Pleasant Golf Club ("the Club") to be gifting the land owned by the Council (ie Certificate of Title Volume 5903 Folio 355) to the Club, subject to Community Land revocation processes and approval from the Minister, making the Club responsible for the site and whilst this matter is being resolved, a land only lease be provided for a period of up to 5 years.

and

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RECOMMENDATION 4

That Council reiterates to the Mount Pleasant and District Golf Club Inc ("the Club") that the long term viability of the Club remains solely in the hands of the Club and the Mount Pleasant community. Should the Club be unable to 'trade its way back to financial independence', Council reserves the right to withdraw funding assistance and consider other options for the land.

REPORT

Background

Council, at its meeting held 15 November 2016, resolved the following:

- " (1) Notes the Letter of Advice from Wallmans Lawyers regarding Mount Pleasant and District Golf Club Incorporated (the Club) Trim Ref: 16/73147 and endorses the conclusion that the land is vested in the ownership of The Barossa Council (Certificate of Title Volume 5903 Folio 355) and the Crown (Crown Record Volume 5905 Folio 821).
- (2) Notes the progress of the development of the amended Business Plan and requires that to be submitted to Council for review before 31 March 2017.
- (3) Instructs Officers to engage with the Club and Mount Pleasant Progress Association Incorporated to develop a consultation process with the broader Mount Pleasant Community regarding the continuing role of the facility and what local support can be achieved to assist in its long term sustainability and bring future reports to Council regarding this process as required.
- (4) Extends the monthly payment of \$2,500 (excluding GST) to the Club for the period ending 30 June 2017 to allow the actions in (2) and (3) above to take place.
- (5) Approves the relevant Budget Adjustments of \$15,000 (excluding GST) for the 2016/17 year as per the Due Diligence Report contained within this Report.
- (6) Extends the existing Lease with the Club on the same terms and conditions up to 30 June 2017 so that the specified actions can be carried out.
- (7) Provides in principal support to the concept of a future ground lease arrangement with the Club subject to final Council approval of a future model of operations by 30 June 2017 with the objective that this brings consideration of the matter to a conclusion....."

A presentation in relation to the Mount Pleasant and District Golf Club Inc Draft Business Plan 2017 was provided by the Club President at the March 2017 Council Workshop and an item was also included in the 5 April Council Workshop to discuss the Council position and support for a golf course, along with the consideration of further questions put to the Club. (Refer Consensus Agenda item 4.3.1.3 of the 21 March 2017 Council Meeting – Attachment 1.)

Other matters from the above Council resolution are considered in this Report.

A Summary of Council resolutions over the last 5 years is provided in Attachment 2, with the underpinning reports to Council available as follows:

- 15 November 2016 – From Council's records. (Recently released from Confidence, but report not yet available on website.)
- 27 January 2016 – from Council's website: Council Meeting Agenda - 27 January 2016

- 19 May 2015 – from Council's website: [Council Meeting Agenda - 15 May 2015](#)
- 17 April 2012 – From Council's records (Not available on current website.)

The Land has been classified Community Land with a Management Plan that specifically refers to its purpose as being for activities associated with Golf. Should Council wish to revoke the Community Land status, the legislated processes, including community consultation and approval from the Minister, may take several months to complete.

Discussion

Council Workshop – April 2017

At its April Workshop, Council discussed questions posed by Elected Members with responses from the Club; also a group of questions and responses from Council Officers regarding the Club's position on the land ownership and support for the recreational activities on this Council owned land. (Refer [Attachment 3](#)).

The Club

Notwithstanding responses to the Elected Members from the questions in [Attachment 3](#), the Club's stated position going forward is as stated in the following dot points:

"In a brief summary we feel the following criteria must be addressed in the business plan. Our preferred position is Land only lease for 40 years with the Council contributing an agreed Asset Management Fee to the Management Team of the M.P.& D.G.C. Inc..

1. *Whilst the legal position of ownership of the course has been presented to the committee by a qualified legal opinion we need to have the ethical position addressed and recognized in the plan.*
2. *The nature of the club's annual financial commitment to the maintenance and development of the council's Southern Barossa sporting facility. (\$125 000 - \$150 000) must be acknowledged.*
3. *The historical contribution to the establishment of this Southern Barossa sporting facility. (Estimated to be in excess of \$2 500 000 over the 40 years compared to the \$200 000 from both Mt Pleasant and Barossa councils.*
4. *The security of tenure of this facility by the M.P.&D.G.C. for the long term (40 year lease) and at no cost. (This recognizes the club's financial majority share of the purchase of the land.)*
5. *That council recognize it's ethical response and financial commitment to maintain and develop Council's course through an asset management payment to the club (as addressed in the business plan). For its part the club is prepared to commit to an annual contribution of \$150,000 p.a.*
6. *That the clubhouse, funded and built by the member's, remains the property of the club.*

7. That the club's role in constructing and managing the Town water dams be acknowledged and that club has priority in accessing water to irrigate the council's sporting facility.
8. Should the council decide to sell the golf course to a private Company that the current club members and the M.P. & D.G.C. Inc. rights and access are protected in the arrangement.

That any future agreement with the council addresses the ownership issue and the 2017 resolution, along with 2017 business plan be documented and signed off by all parties."

Financial support requested

Although the Club's draft Business Plan is not yet adopted by Council, within the document there are numerous objectives and strategies working with the Council to achieve its Vision and Mission. An Objective, Strategy and Action specifically relating to the financial support requested by the Club is as follows:

Objective 7:

"Foster our partnership and relationship with The Barossa Council to provide recreational activities for the community"

Strategy:

"An agreement with Council in alignment with the NSARP Framework¹ that recognises the need for regional and local government's investment in sport and active recreation infrastructure, as well as the support (in this situation including financial) of the Mount Pleasant Golf Club in their capacity as a non-government organisation that enables sport and active recreation participation.

Action:

"Seek a contribution from Council for:

- o Annual asset management fee of \$30,000, increasing in line with CPI
- o Annual capital fund contribution of \$25,000 for the replacement of plant and machinery used in maintaining this asset"

Council Recreation – Services and Support

The net operational costs \$ for all recreational outdoor sports was \$650k to \$850k pa over the last 3 years. This includes the provision of land, facilities and other direct and indirect support. Council assists by providing open space, establishment, construction and replacement of infrastructure and grounds, maintaining and/or assisting by contributions towards assets as/where needed. Most of these activities have been set up in the recreational parks, other parks and/or open space areas.

The recreational activities are then overseen by the various clubs and groups including: football, tennis, hockey, soccer, netball, cricket, rugby, athletics, bowls, swimming, etc.

Other recreational activities not included in the net operational costs amount above and/or facilities that Council provides and supports include: in-door swimming, water aerobics, gym, gymnastics, squash, basketball, bike riding, walking, marathons, triathlons, table tennis, badminton, volley ball, dancing, horse/equine, etc.

Council's current commitment to the Golfing/Footgolf activities has been \$30k pa. Is that an appropriate amount of support as compared to other sporting activities within the district? As shown within this report for the provision of this recreational activity, the Club is suggesting a review of the amount provided by Council.

The Big Project

Where does the golf activity fit within *The Big Project*?

Various Recreational Development activities have been identified with the scope of works being reviewed. In this area of The Barossa Council district, a Talunga Park Masterplan has been prepared identifying activities at that site. At the February 2017 Council Meeting, the Golf activity at Mt Pleasant was flagged as a "Business as usual" activity.

Open Space

The Council's adopted regional open space strategy identified the parcel of land where the Golf Club is currently located. Is golf the right recreational activity for this large open space land?

As Council disposes of CWMS water at this site and then the benefits of this reuse water is on fairways and other greening, it appears to be a logical and appropriate solution.

Council's Position for Consideration

Recreational outdoor sport

Council needs to consider and resolve its position and ongoing support for a community golf facility and related activities as conducted on Council land contained in Certificate of Title Volume 5903 Folio 355 and Crown Record Volume 5905/821 – ("The Land").

Does Council believe recreational activities are not always viable without Council's support directly or indirectly? As noted above in "Council Recreation - Services and Support", Council currently provides resources, places, grounds, etc for various recreational activities.

Council has been providing financial support for the Mount Pleasant and District Golf Club Inc to facilitate golf and related recreational activities.

Does Council consider and decide if golf is a recreational activity the community needs and want to provide ongoing support for? The volunteers at the Club have worked hard establishing a community amenity for Golfing and recently FootGolf, to be enjoyed by the regular and green fee players, visitors and for the enjoyment of people walking in a park-like area or grounds. The existing landscape with its flora and fauna is evidence of the Club's substantial effort and shouldn't be understated. By providing support to the Club, that valuable open space and recreational activity can continue to be available for the community into the future. There are examples of other Councils providing resources and support for golf courses on Council owned land, with a mixture of Council run and leased sites, providing golf as a sporting activity for their communities. One Council has recently undertaken a service review of their golf course, considering various options to reduce the net operational cost going forward.

Ongoing support

Council has several options to consider for the future and ongoing support to the sporting activity, as follows:

- a. Direct financial contribution of up to \$xx towards the maintenance and operations for the sporting grounds (ie fairways and greens); and/or
- b. Provide resources on the ground for ongoing maintenance and operations (Council currently maintains all the recreation park ovals); and/or
- c. Direct financial contribution to a maximum of \$xx towards the purchase of equipment and materials used for grounds upkeep and maintenance.

If agreed by the Council and the Club, a further report will be provided for Council consideration to quantify any agreed Council support and/or contribution and terms for its ongoing contribution and/or support. Council has a similar payment arrangement for another sporting Club in the district which is paid in arrears when/if selected criteria are met.

If Council chooses to provide ongoing support, the regular review and criteria to be considered is as follows:

- The Club adopts its Business Plan including the financial forecasts for a ten year period
- The Club undertaking to continue to pursue additional sources of capital and operational revenue from users, sponsors and program / event participants;
- As recreational activity and operations may change, the Club to review the Business Plan and the financial forecasts every three years
- Council to review and accept financial forecasts
- The Club's annual financial statements to be audited within three months of the end of Financial Year each year
- Where the Club funds are sufficient to meet its operations, Council contribution will be reduced accordingly.
- Expenditure will be compared to the adopted forecast expenditure on identified areas - "Course, Machinery and Equipment" (used for grounds upkeep and maintenance).
- Where the overall expenditure on these identified areas was less than planned/forecast, Council's contribution will then be reduced in the next period. Notwithstanding, other conditions and unplanned work may influence the expenditure requirements.

If selected criteria or targets are met, an approved amount could be paid quarterly in arrears and then reconciled at year end for the final payment.

If the criteria is met, Council would then include a funding allocation and/or resources of up to \$xx pa in the next year budget in support of this recreational activity.

Council's existing financial oversight would continue, with the Club providing annual reports, with financial comparisons and variance analysis to the adopted Business Plan and forecasts.

If Council chooses not to provide ongoing financial or other support, the Club would need to manage with its own sources of revenue (and any external funding as available) and expenditure.

The Land

What are the options for The Land ownership and/or leasing with the Club? Does Council want to hand over (gift) the Council owned land* to the Club? As mentioned in this report, The Land is classed as "Community Land". To revoke this status from the title will require appropriate Statutory processes, including community consultation and approval from the Minister. If Council chose to take this step, the process could take considerable time to complete, so a lease would need to be put in place for that expected time period.

Does Council want to enter into a long term lease* of the land with the Club? A long term lease will provide the Club with some certainty for future development and support from the community and corporate sponsorship. It will also enable the Club and its volunteers to invest in the recreational activities, seeing the benefits of longer term stability.

*Note: The Crown Land portions would need appropriate Statutory Authority to provide a long term lease.

Council has several options to consider for the access and use of the Land to the sporting activity as follows:

- a. Gift the land owned by the Council to the Club. The Club would then be responsible for the site. (Exception being the Crown Land* portion which Council, with appropriate approvals, could lease to the Club on a long term lease.) A "normal" lease for the period of 1 to 2 years would be required while undertaking the Community Land revocation process. Council would also need to put in place a formal agreement for access to Reuse Water from Council's CWMS treatment services; or
- b. A Land Only lease is established where Council provides land for recreational activities operated by the Club, as it does for some other recreational activities in the district. The Club is responsible for all improvements on the land including building, infrastructure and other assets on the land; or
- c. A normal lease is established where the Club is responsible for activities and most assets on the site and Council will be assigned selected asset control, replacement and maintenance (depending on the terms of the lease).

Other

Should the Golf Club be linked to Mount Pleasant Inc, nominating a Club member to this group to ensure communication and joint activities can be coordinated? This linkage should provide benefits for the local suppliers, development, promote health and wellbeing by being active and encourage visitors to stay and play.

The Mount Pleasant and District Golf Club Inc draft Business Plan, as presented at the March 2017 Council Workshop, will be finalised and presented once the above decisions have been made by Council and the Club considers the decisions and its requirements and direction. This will enable the final Plan to include all decisions on land ownership and lease option and any ongoing support for the Club.

Conclusion

Council to resolve its position on the Mount Pleasant Golf Club regarding the following matters:

- Golf/Footgolf as a recreational activity supported in the area
- Ongoing financial and/or other support
- Land ownership and if Council owned, lease options
- The Club to gather Community support and linkages to the local committees and Inc. bodies for this recreational activity

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Consensus Report – 21 March 2017 Council Meeting

Attachment 2: Summary of Council Resolutions over last 5 years

Attachment 3: Questions and answers from Council's April Workshop

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Legislation

Local Government Act 1999

Community Plan – Themes



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment

Corporate Plan



How We Work – Good Governance

- 3.3 Ensure Councils sporting, recreational and leisure grounds and playing arena and associated programs meet the current need of the community to an agreed level of service.
- 3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

Council has been providing \$30k pa contribution for many years. The Long Term Financial Plan currently does not have an allowance for this contribution.

Financial support would continue if Council considers this support to be appropriate for this level of recreational activity and if financially needed by the Club.

The Mount Pleasant Golf Club Inc. - Draft Business Plan was provided to Council at the March Workshop. Council's financial contributions were included to provide and support this recreational activity for the community; currently, without financial support, the Club is unsustainable.

Depending on the outcome of the Club in meeting its objectives and strategies to increase the use of the facility as stated in its Business Plan, if successful the Club may

then be able to improve its financial stability and then reduce the external support needed.

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However, Council must reiterate to the Club that the long term viability of the Club remains solely in the hands of the Club and the Mount Pleasant community. Should the Club be unable to 'trade its way back to financial independence', Council reserves the right to withdraw funding assistance and consider other options for the land.

Resource

Senior officer time continues to be provided to support the Club through regular meetings, Business Plan development, research and reporting.

Risk Management

Council continues to work with the Club to achieve a sustainable model of operations and provide financial support. In doing so Council has demonstrated its ongoing commitment to the role of the Club in offering sport and recreational opportunity within the region whilst managing the risks associated with a general decline in the participation in golf in Australia and the sustainability of regional golf clubs.

COMMUNITY CONSULTATION

Not required under legislation or Council's Public Consultation Policy.

COUNCIL

CORPORATE AND COMMUNITY SERVICES

GROUP MANAGER'S REPORT

21 MARCH 2017

4.3.1 CONSENSUS AGENDA – GROUP MANAGER CORPORATE SERVICES

4.3.1.3

MOUNT PLEASANT & DISTRICT GOLF CLUB INC

B5739

Council, at its meeting held 15 November 2016*, resolved the following:

"MOVED Cr de Vries that Council:

- (1) Notes the Letter of Advice from Wallmans Lawyers regarding Mount Pleasant and District Golf Club Incorporated (the Club) Trim Ref: 16/73147 and endorses the conclusion that the land is vested in the ownership of The Barossa Council (Certificate of Title Volume 5903 Folio 355) and the Crown (Crown Record Volume 5905 Folio 821).
- (2) Notes the progress of the development of the amended Business Plan and requires that to be submitted to Council for review before 31 March 2017.
- (3) Instructs Officers to engage with the Club and Mount Pleasant Progress Association Incorporated to develop a consultation process with the broader Mount Pleasant Community regarding the continuing role of the facility and what local support can be achieved to assist in its long term sustainability and bring future reports to Council regarding this process as required.
- (4) Extends the monthly payment of \$2,500 (excluding GST) to the Club for the period ending 30 June 2017 to allow the actions in (2) and (3) above to take place.
- (5) Approves the relevant Budget Adjustments of \$15,000 (excluding GST) for the 2016/17 year as per the Due Diligence Report contained within this Report.
- (6) Extends the existing Lease with the Club on the same terms and conditions up to 30 June 2017 so that the specified actions can be carried out.
- (7) Provides in principal support to the concept of a future ground lease arrangement with the Club subject to final Council approval of a future model of operations by 30 June 2017 with the objective that this brings consideration of the matter to a conclusion.
- (8) Having considered this matter in confidence under Section 90(2) and 90(3)(h) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the agenda report, associated documents and minutes, other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 15 November 2016 in relation to confidential item 8.3.1, Mount Pleasant and District Golf Club Inc – Historical Tenure of Title – Legal Advice, be kept confidential and not available for public inspection other than information required to be released in accordance with any relevant requirements of Section 91(8) of the Local Government Act 1999; and
- (9) In accordance with (8) above and section 91(9)(c) of the Local Government Act 1999, authorises the Chief Executive Officer to review and revoke the order.

Seconded Cr Seager

CARRIED CO2014-18/37"

*Minutes of this meeting are now out of Confidence.

A presentation in relation to the Mount Pleasant & District Golf Club Inc (the Club) Draft Business Plan 2017, was given to Elected Members by the Club President at a Council Workshop held 1 March 2017.

As Elected Members have raised several questions, an item has been added to the next Council Workshop on 5 April 2017 to discuss the Council position and support for a golf course, along with the consideration of further questions put to the Club.

The Draft Business Plan was provided to Elected Members at the March Council Workshop to satisfy point (2) of the Council resolution above. Other matters from the Council resolution will be considered at a future Council Meeting as there are questions pending from the Elected Members. A formal report and the final Business Plan and associated matters will be presented to the May or June Council Meeting.

The annual report on the Club's performance is not available for this Council Meeting (refer Consensus item 4.3.1.1 - 21 February 2017), but will be presented to a future meeting.

RECOMMENDATION

That this Report 4.3.1.3 be received and noted.

COUNCIL RESOLUTIONS 2012 – 2017 in relation to Mt Pleasant & District Golf Club Inc

Council Meeting	Resolutions
17/4/2012	<p>(1) Extends the monthly payment of \$2,500 (excluding GST) to the Mount Pleasant and District Golf Club Incorporated (the Club) in principle up to and including September 2015.</p> <p>(2) Grants the extension of the monthly payment subject to: continued quarterly meetings between the Club and officers and representatives of Council to monitor and review that financial performance is in line with the Club's current and future Business Plans; all revised Business Plans to be approved by Council and an annual report of the Club's performance be provided to Council in January each year;</p> <p>(3) Reserves the right to reduce the \$2,500 (excluding GST) monthly payment if the financial performance of the Club demonstrates that reduction can be reasonably sustained;</p> <p>(4) Notwithstanding (2) and (3) above, advises the Club of its intention to agree a staged reduction in the monthly payment to take effect after September 2015;</p> <p>(5) Notifies the Club that it will be required to make lease payments beyond September 2015 and review lease arrangements with Council;</p> <p>(6) Writes off the outstanding debenture loan to the club totalling \$31,259;</p> <p>(7) Reiterates to the Club that direct financial assistance to the Club is both temporary and short term, and that the long term viability of the Club remains solely in the hands of the Club and the Mount Pleasant community. Should the Club be unable to "trade its way back to financial independence", Council reserves the right to withdraw funding assistance and consider other options for the golf course land.</p>
19/5/2015	<p>(1) Extends the monthly payment of \$2,500 (excluding GST) to the Mount Pleasant and District Golf Club Incorporated (the Club) up to and including December 2015.</p> <p>(2) Grants the extension of the monthly payment subject to continued quarterly meetings between the Club and officers and representatives of Council to monitor and review that financial performance is in line with the Club's current and future Business Plans and requires all revised Business Plans to be approved by Council.</p> <p>(3) Grants the extension of the monthly payment subject to the Club engaging the services of a Business Development Consultant to assist the Club in reviewing and developing options for business models to support the sustainable operation of the Club (including reduction of facilities to a 9 hole operation) and as part of that exercise, quantify the minimum financial contribution (if any) required by Council to support each of the business models explored. That process to be completed with a report and recommendation by the Club of its preferred options to Council for consideration by the 31 December 2015 after which time the current financial arrangements will cease.</p> <p>(4) Grants the additional sum of up to \$5,000 (excluding GST) to the Club exclusively for the commissioning of the Business Development Consultant for the purposes of 3) above.</p> <p>(5) Requires Officers to provide a cost benefit analysis of the options for treated wastewater currently being irrigated across the Golf Club land for consideration alongside the modelling as per item (3).</p>

27/1/2016	<ul style="list-style-type: none"> (1) Receives the Mount Pleasant and District Golf Club Inc. Business Plan Overview dated 6 January 2016. (2) Notes the role of the Mount Pleasant and District Golf Club Inc. in undertaking the initial construction of the dams at the site, ongoing maintenance of the water storage and distribution; and (3) Authorises Council Officers to negotiate an arrangement to provide the Club with access to CWMS water for an agreed period whilst future options for the CWMS treated water generated through Talunga Park continue to be determined and bring a further recommendation to Council in due course. (4) Notes the request of the Mount Pleasant and District Golf Club Inc. to find a reasonable resolution to the issues of the ownership of the land to accurately recognise their previous financial contributions and instructs officers to provide a further report to Council specifically in relation to this matter. (5) Extends the monthly payment of \$2,500 (excluding GST) to the Mount Pleasant and District Golf Club Incorporated (the Club) for a further 12 months to enable the land ownership issue to be resolved. (6) Approves the relevant Budget Adjustment of \$15,000 (excluding GST) for the 2015/16 year and incorporates a further \$15,000 (excluding GST) into the LongTerm Financial Plan for the 2016/17 Financial Year as per the Due Diligence Report contained within this Report.
15/11/2016	<ul style="list-style-type: none"> (1) Notes the Letter of Advice from Wallmans Lawyers regarding Mount Pleasant and District Golf Club Incorporated (the Club) Trim Ref: 16/73147 and endorses the conclusion that the land is vested in the ownership of The Barossa Council (Certificate of Title Volume 5903 Folio 355) and the Crown (Crown Record Volume 5905 Folio 821). (2) Notes the progress of the development of the amended Business Plan and requires that to be submitted to Council for review before 31 March 2017. (3) Instructs Officers to engage with the Club and Mount Pleasant Progress Association Incorporated to develop a consultation process with the broader Mount Pleasant Community regarding the continuing role of the facility and what local support can be achieved to assist in its long term sustainability and bring future reports to Council regarding this process as required. (4) Extends the monthly payment of \$2,500 (excluding GST) to the Club for the period ending 30 June 2017 to allow the actions in (2) and (3) above to take place. (5) Approves the relevant Budget Adjustments of \$15,000 (excluding GST) for the 2016/17 year as per the Due Diligence Report contained within this Report. (6) Extends the existing Lease with the Club on the same terms and conditions up to 30 June 2017 so that the specified actions can be carried out. (7) Provides in principal support to the concept of a future ground lease arrangement with the Club subject to final Council approval of a future model of operations by 30 June 2017 with the objective that this brings consideration of the matter to a conclusion.

Considerations – Mt Pleasant Golf Club

Fundamental questions:

How does the Club see itself?

- Commercial business in competition with other golf clubs (being run by a not-for-profit incorporated body)?
- Community recreation facility?
- Sporting club?

"We are a sporting club which has by its actions and philosophy provided its local and wider community with a recreational facility with a particular focus of Golf and more recently FootGolf. We have always been a not for profit body that has reinvested all monies into improving and developing the course.

In terms of Competition we do not see us competing with other facilities, rather as facility that complements the other facilities which are more centralised around the Council offices. The concept of competition was a term that was introduced by those who were chartered with responsibility of supporting us with our business plan. It was one that we did not feel comfortable with. Perhaps this concept needs to be refined. We do not wish for those who to consider that council would be support a club which 'competes' with private clubs. Rather we would hope the councillors would recognise that they are supporting a model of council/community collaboration which

*- provides a \$4 return for their \$1 investment
- allows a golf facility to exist in an under resourced region of the Barossa Council especially in terms of recreational diversity. Eg swimming pools, Gymnasia etc."*

What does the Club believe it owns?

- Land – it accepts that it 'legally' doesn't own the land – however believes it 'ethically' it does (or should)
- Clubrooms?
- Golf course infrastructure

"As we have consistently said, the members have provided the financial means to purchase 75% of all land, including survey costs, conveyance and stamp duties.

As I believe is the case with any federal grants, and assuming no financial impropriety for a period of 25 years, the grant becomes the property of the owner.

It is my understanding that this is the case with Starplex becoming part of Trinity Collage's Asset folio and the Tanunda Entertainment Centre becoming a part of Faith College's asset. I stand to be corrected.

With the required professional advice, which I believe should have come from the professionals of The Mount Pleasant Council 100% of the land should now be the asset of the members. We believe, in support of its constituents who had invested time, labour funds and possibly blind trust, the council should not have allowed the members to hand over a realisable asset for future developments.

The other ownership claims.

- The buildings including the Clubhouse, 3 Vehicle and Storage Sheds, the BBQ Gazebo and the pump house including the pumps are a result of financial and volunteer labour commitments from the club.

- The many kilometres of underground irrigation, and incorporated sprinkler units, were provided by the club's monies and labour.

- The sourcing and provision of the bore with electric pump were at cost to the club.

- The two fresh water storage dams

1. 'Turkey Nest' and

2. The lake alongside the 3rd fairway

were built at cost to the club.

- The provision of power, to the site, were at cost to the club.

As mentioned in the prologue, we believe that as conservative estimate the club has invested at least \$2.5 million in the development.

Further to the ownership we would want councillors to be mindful of the role of the club in

1. The construction of WMC Dams to settle, filter and store water.

2. The construction of the several kilometres of piping to the course under the guidance of Mount Pleasant Council.

This implies some ownership of the available irrigation water.

We would hope that councillors who are charged with responsibility of making decisions on behalf the constituents are mindful of the current council situation but are also mindful of

1. Respecting historical community commitments, over the past 40 years, which now provide the wider community with sport and recreational facilities that match those of their more urbanised cousins.

2. The future constituents of a community, which council expects to expand with housing development demands over the next 40 years, would be denied of a facility already established and allowed, through a lack of foresight, to deteriorate or even disappear.

3. What statement they may be making about capitalising on the value of volunteers and recognising the value they add to community well-being."

Further comments:

"P.S. The members are supportive of our position and will formalise the agreement subject to the council's position.

This may require us to seek other bodies for support of our position if we feel that we do not receive further support or acknowledgement of our concerns."

What does Council understand the situation to be?

- Are we a landlord for a commercial business leasing community land?
- If Land only lease established then Council provides land for recreational activities leased by the Club as it does throughout the district. The Club does not see itself as a commercial business but as a non-profit.
- If not, how do we view the use of the land? Is this another recreation park? If so do we need two in one town?
- Other towns currently have parks and/or recreational land for community use and/ or open space along with Recreation parks that contain ovals, playgrounds, tennis courts, other
- Do we in fact 'own a golf course' – if so – should we?
- Other recreational activities are conducted on Council land including football, tennis, soccer, bowls, hockey, athletics – clubs – are these also owned by Council? So though these activities are on Council land doesn't mean Council 'owns' the sporting activities or assists in their being available for the community?
- What are the current roles and responsibilities per the lease agreement (Trim ref: 12/48985) (which is soon to expire)?

In 'layman' terms -

- Lessee will:
 - (5.1) Pay the said rent and all other payments herein reserved
 - (5.2) Pay all manner of rates (excluding State land tax and any general rates imposed by the Lessor) charges assessments duties impositions and outgoings of every kind (whether Federal State district or otherwise)
 - (5.3) Insure and keep insured all improvements erected upon the Land
 - (5.4) Take out public liability insurance to the value deemed necessary by the Lessor
 - (5.5) Cleanse, repair and keep the Land in good and tenantable repair and condition
 - Responsibility includes keeping all greens, lawns, trees and shrubs in good heart and condition
 - Eradication and control of noxious weeds and plants
 - (5.6) Not make any alterations or additions to the Land without first obtaining written consent or approval of the Lessor
 - Alterations, additions and fixtures made, be and remain part of the Land on the determination of this Lease
 - (5.7) Comply with all acts, regulations, by-laws and other provisions affecting the Land
 - ... and will not suffer the Land to be or to become an insanitary condition within the meaning of the Public and Environment Health Act 1987 and includes where appropriate, the obligation to carry out works of a structural nature
 - (5.8) If Lessee makes default in above (5.7), Lessor shall have the power to enter the Land and carry out such work at the expense of the Lessee

- (5.9) Permit the Lessor at all reasonable times to enter upon the Land and view the condition thereof
 - Will execute all repairs and works required to be done by written notice given by the Lessor
- (5.10) Not permit any noxious, immoral, noisome, offensive or illegal act, trade, business occupation or calling to be permitted on the Land
 - Will not permit any act, matter or thing to be done on the Land which may cause annoyance, nuisance, grievance, damage or disturbance to the occupiers/owners of adjoining/neighbouring lands
- (5.11) Not bring onto/adjacent the Land anything that may damage or injure the Land
- (5.12) Use the Land solely for the purposes of conducting, fostering and promoting the game of golf upon the Land and associated recreational activities as are permitted by the rules of the Lessee's constitution
- (5.13) May apply for and maintain such licences it so chooses to further any business or activity on the Land
- (5.14) Occupy and use the Land at its risk
- (5.15) Indemnify the Lessor from and against all actions, claims, demands, notices, losses, damages, costs and expenses to which the Lessor shall or may be or become liable
- (6.1) Have the right, subject to written consent of the Lessor, to assign or transfer its rights pursuant to this Lease.
- Lessor will:
 - (7.1) Allow the Lessee to peacefully possess and enjoy the Land during the term
 - (7.2) Maintain all internal roads in existence on the Land from time to time to a standard to enable vehicles to traverse
 - Lessee requires written consent of the Lessor if it desires to construct further internal roads
 - (7.3) In the event the Lessor resolves to sell the Land during the term or within twelve months of the expiration thereof the Lessee shall have the right of first refusal to purchase the land on such terms and conditions to be determined by the Lessor
- (8.1) Termination Clause;
- (9) Further Agreed and Declared:
 - Lessor remaining in occupation of the Land at or after the expiration of the said term
 - Application of the rent received under this Lease
 - Giving or serving of any demand consent or notice
 - Costs of and incidental to the preparation of the Lease
- What does Council see as its role in relation to the land and the services delivered on that land?
 - Maintaining a recreation park? Directly (Council staff manage) or indirectly (Council provides funding to MPGC to maintain – directed via a funding agreement?)

- Currently Council provides \$30k pa support for this recreational activity, throughout the district Council funds directly or indirectly other recreational activities over the last 3 years from \$650k to \$850k pa. (See spreadsheet/table)
- Providing financial assistance to a commercial business that is a lessee?
- **See the Clubs position re: Commercial business question and non-profit body**
- Providing financial assistance to a sporting club that is a lessee?
- **Re first dot point regarding other financial support in the district for recreational activities**

What are the considerations for Council?

- Future ownership and use of the land:
 - Is there mutual agreement that the land (if not legally), effectively has been purchased by the MPGC over time and the title should therefore be transferred to them?
 - **Possibly should be, though there are Crown land and Community land implications to consider along with the use and disposal of CWMS water**
 - If so, what other considerations are there? E.g. length of time to revoke community land (including the Crown owned portion) (including required community consultation); encumbrances to be placed on the land e.g. requirements for the land to be returned to the community if they cease usage?
 - **Yes**
 - Transfer of land may be the simplest solution for Council and allow us to have an ongoing 'arm's length' relationship with them. Would give them ownership of the \$850k they indicate they've invested. However, given their operational sustainability challenges (without Council assistance), would ownership of the land actually help them??]
 - **From the Clubs perspective probably not in the long term unless patronage increases enough to be viable**
 - Do we need to look at best use of this land from a community perspective? [Services provided and cost of service delivery - viability of current use / other recreation spaces in Mt Pleasant (Talunga Park) / use of water / ownership of infrastructure etc.]
 - **Yes Council could assess Community use for all assets/services provided, though it probably won't always exactly be the same. Recreation activities are not always viable without Councils support financial or indirectly.**
- Ongoing governance relationships (if land not to be transferred to MPGC):
 - Current lease expires soon (30/6/2017?) – do we need to extend for 12 months whilst long-term options are actioned?
 - **Possibly an option to consider though the sooner Council decides its long term options the better as this process has been taken some time now.**
 - What is the appropriate longer term governance arrangement?
 - What is the appropriate governance arrangement to reflect the relationship we want to have with them ongoing? Lease? MoU? Service level funding agreement?

[MPGC reference a 'partnership' with Council?? Council has provided funding for so long, MPGC has become dependent on that funding & Council officer support (they want ongoing support quarterly from officers forever?? / MPGC appears to have the view that 'ethically' Council has ongoing 'fiscal responsibilities'??)]

Lease could be long term with appropriate clauses in case the club/Council needing to end the arrangement for financial or other reasons

- If lease - type, length, conditions, roles and responsibilities (including who looks after maintenance, Council financial responsibilities as landlord etc.). E.g. if 'Council owns a golf course' then the lease agreement is more complicated than average? It would be a commercial lease?
 - Council to consider ongoing financial support which could end if the Club becomes financially unviable as indicated by financial reports
 - MPGC has requested a land only lease – for all or part of the assets - clubrooms and golf course? If land only lease then MPGC as lessee responsible for all operational and maintenance expenditure?
 - The Club is hoping Council supports the recreational activity including assets on site. (Need to check if that includes the buildings, structures, infrastructure and/or equipment)
 - Onkaparinga own a golf course (MPGC stated Onkaparinga are losing \$300k p.a. on it) - would be interesting to know why they own it? What structure they manage it under?
 - The Council owns it and has provided financial support and is also.....see copy council resolutions
- Asset ownership / management:
 - Does Council 'own a golf course'?
 - If in fact Council owns a golf course, is this a commercial asset that we should own?
 - If a golf club is a commercial asset then is a football club a commercial asset?
 - Not currently 'on our books' in terms of assets and operational income and expenses????
 - That is correct for the operational income, the asset is own our books as follows: Liz to provide this information
 - No governance arrangement (e.g. management contract) in place to manage the asset?
 - No
 - MPGC pricing philosophy 'inclusive and cheap' – competitive neutrality issues for Council?
 - Have not considered this from a competitive neutrality aspect as Council provides numerous parcels of land throughout the district to sporting and other community groups at fairly low cost

- What services / service levels are we wanting to deliver? At what cost are we prepared to deliver those services?
- Annual contribution is requested at what service level should e the support for this type of recreational activity?
- Should Council be managing the asset directly?
- Does Council see the recreational /sporting need? Does Council provide other sporting activities directly?
- What competitive neutrality issues might exist?
[Not a 'significant business activity' per \$ criteria however may still require scrutiny given its direct competition with private sector golf courses in the region??]
- Low activity and support other like sporting clubs could approach Council for support, noting this activity is being undertaken on Council land and assists with the disposal of Councils CWMS reuse water?
- Broader context:
 - What possible precedents could result from providing financial support to MPGC as requested? Equity concerns in terms of private sector owned golf courses? Funding provided for other 'sporting clubs' that lease facilities?
 - Council currently provides funding and support to numerous sporting/recreational activities (see spreadsheet/table)
 - How does this fit in relation to other 'commercial businesses' that Council owns and runs e.g. The Rex, Barossa Valley Tourist Park, other small caravan parks (Williamstown, Mt Pleasant)
 - ?

Contradictions in Business Plan and in communication from MPGC:

- 'Council owns a golf course' compared with qualifying for a land only lease (which implies they own the assets?)?
- Yes needs clarification
- Asking for a land only lease (at peppercorn rate) and recognising that means they are responsible for all costs – and at the same time asking for \$55k p.a. to manage the asset (\$30k course maintenance and development and \$25k capital expenditure – plant and machinery)
- \$55k requested but can be discussed, what is appropriate?

Attachment 2 – Map of Land



Property details

- Certificate of Title Volume 5903 Folio 355 – owned by Council (marked as "A", "C" and D" on map)
Described as Allotment comprising of Pieces 12, 13 and 14 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga
- Certificate of Title Volume 5903 Folio 356 – owned by Council (marked as "B" on map)
Described as Allotment 100 Filed Plan 218873 in the area named Mount Pleasant, Hundred of Talunga
- Portion of Crown Record Volume 5905 Folio 821 – Allotment 17 - Crown land (marked as "E" on map)
Described as Allotment 17 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga

The Council-owned land is marked in blue on the map and Crown land marked in red

Address: 45 Golfcourse Road, Mount Pleasant SA 5235
and
Allotment 17 Golfcourse Road, Mount Pleasant SA 5235

REVOCATION OF COMMUNITY LAND STATUS REPORT

Pursuant to Section 194 of the Local Government Act 1999



PROPERTY DETAILS

Certificate of Title and Description of Land: Certificate of Title Volume 5903 Folio 355 (marked as "A", "C" and D" on map)

Allotment comprising of Pieces 12, 13 and 14 Deposited Plan 24931, in the area named Mount Pleasant, Hundred of Talunga

Certificate of Title Volume 5903 Folio 356 (marked as "B" on map)
Allotment 100 Filed Plan 218873 in the area named Mount Pleasant, Hundred of Talunga

Portion of Crown Record Volume 5905 Folio 821 – Allotment 17 (Crown land) (marked as "E" on map)
Allotment 17 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga

(Collectively referred to in this Report as the "Land")

The Council-owned land is marked in blue on the map and Crown land marked in red

See attached titles on pages 7-9 (Attachments 1 – 3)

Address: 45 Golfcourse Road, Mount Pleasant SA 5235
and
Allotment 17 Golfcourse Road, Mount Pleasant SA 5235

1. Reason for proposal

The Mount Pleasant & District Golf Club occupies the parcels of land identified above (collectively referred to as the "Land"). The Land is comprised of 4 Council-owned parcels and 1 Crown land parcel.

Both the Crown land and the Council-owned land parcels are classified as community land pursuant to section 193 of the *Local Government Act 1999*. In addition to the community land status, the Crown land parcel has been dedicated to Council as Parklands under the *Crown Land Management Act 2009*, and is discussed in further detail below.

The Land is leased by Council to the Mount Pleasant & District Golf Club Inc. ("MPDGC"). The MPDGC have made investments with respect to the Land and improvements on the Land that has supported the utilisation of the Land for the golf club, and Council has contributed both financially and non-financially to the Land and improvements including:

- In 1977, a federal grant was obtained for half of the purchase price of part of the Land, conditional on Council holding the title. Of the remainder, a quarter was paid by MPDGC, and the remaining quarter was provided to the MPDGC as a loan from Council.
- Adjoining land was purchased in 1988 with MPDGC funds, and subdivided, however, title is with Council.
- MPDGC has invested in a clubhouse, sheds, sinking a bore, approval for use of Community Wastewater Management System (CWMS) re-use water, irrigation and other improvements over the years and in some cases with the assistance of Council through loans.

- MPDGC has managed the Land and invested in the infrastructure on the Land including trenching, the establishment of four cleaning ponds and replacement dam to collect rainfall run-off.
- In 2012, Council wrote off the remaining balance of debt owed by MPDGC to Council in addition to annual lease payments.
- Council has supported the MPDGC through loans, and financial support towards the maintenance and infrastructure of the grounds. Council's support has contributed to the MPDGC providing sporting activities golf and Footgolf along with community amenity for walking after established playing times, provision of infrastructure and various other assistance over the years.
- The Land (i.e. both the Crown land and the Council-owned land) is currently leased to MPDGC under a land-only lease arrangement (discussed further below).
- Council has established a five-year license to MPDGC for the use of CWMS re-use water supplied to the Land from the Mount Pleasant township CWMS, used for irrigation purposes on the Land, for no fee.

At its meeting held on 16 May 2017, Council resolved that it considered 'the most appropriate land tenure option of the land upon which the Mount Pleasant and District Golf Club reside is to gift the land owned by the Council (excluding the component of Crown Land) to the Club, subject to undertaking the necessary Community Land revocation processes including consultation with the community and approval from the Minister...'. The context and rationale behind Council's resolution can be found in the Council Meeting Agenda and Minutes of 16 May 2017, on Council's website www.barossa.sa.gov.au (Item 1.6.1 – Adjourned Business – Mount Pleasant and District Golf Club Inc).

While this matter is being resolved, Council agreed to enter into a five-year land-only lease arrangement with the MPDGC, whereby MPDGC is responsible for the maintenance and upkeep of the Land and any improvements on the Land (i.e. buildings etc. constructed by MPDGC). Council provides an annual financial contribution to the MPDGC of up to \$30,000 (excluding GST) to be applied to the maintenance of the land and provision of services at the current service level. Council funding is not permitted to be used to directly support MPDGC's operations.

With respect to the Council-owned land, subject to further Council approval as required, if the community land status is revoked, the matter will be referred to Council to begin negotiations with the MPDGC with the view to gifting the Council-owned land to MPDGC, ie. transfer the land to the MPDGC for nil consideration, in accordance with Council's May 2017 resolution. The MPDGC will continue to utilise the land for the golf club's activities, and if the gifting of land proceeds, a necessary legal mechanism will be implemented to limit the primary use of the land to its historical and current community use. The terms of this legal mechanism will be negotiated between Council and MPDGC.

The Crown Lands Office has indicated that it may be open to negotiating the transfer of the Crown land portion of the Land to the MPDGC however it would ultimately be the decision of the Minister for Environment and Water. In order to facilitate this process, it is necessary to first go through the process of revoking the community land status over the Crown land, which is part of the proposal contained in this report.

2. Reservation/Dedication/Trust

In 1989, pursuant to the *Crown Lands Act 1929*, the Crown land identified in this report was dedicated as Parklands to the District Council of Mount Pleasant (see Attachment 4 - Gazette Notice). Following its amalgamation, the Crown land is now under the care, control

and management of The Barossa Council, and has community land status over it pursuant to section 193 of the *Local Government Act 1999*.

This proposal aims to revoke the community land status over the Land only (i.e. both the Crown land, and the Council-owned land). It does not aim to withdraw the dedication as Parklands over the Crown land.

If the Crown approves the transfer of the Crown land to MPDGC, at that stage, the dedication over the Crown land would need to be withdrawn, in accordance with the *Crown Land Management Act 2009*. Negotiations between the Crown and the MPDGC have not commenced. The effect of not withdrawing the dedication as part of this proposal is that the Crown land will continue to be dedicated to Council as Parklands, under its care, control and management, in the event that the parties do not reach agreement.

3. Crown Land

Pursuant to section 194(2)(a)(v) of the *Local Government Act 1999*, with respect to the Crown land, Council is required to obtain the consent of the Minister for Environment and Water, as the Minister who administers the *Crown Land Management Act 2009*, because:

- i. the land is not owned by the Council, and
- ii. there is a dedication over the Crown land to Council.

Consent to the process being undertaken by the Council relating to the revocation of the community land status over the Crown land pursuant to the *Local Government Act 1999* has been provided by the Department for Environment and Water on behalf of the Minister for Environment and Water. In principle approval has also been given for Council to seek the revocation of the community land status, subject to a review by the Department for Environment and Water on behalf of the Minister for Environment and Water, of the outcome of the community consultation.

4. Intended Use of Funds from Sale/Disposal of Land (if any)

Subject to the revocation of community land status over the Council-owned land and further approval by Council as required, the matter will be referred to Council to begin negotiations with the MPDGC to implement Council's resolution. No profits/funds are expected, with the possible exception of necessary government fees and charges. It is not anticipated that government financial assistance will be obtained for this purpose.

Federal government funding was used to assist with the purchase the Council-owned land, initially in April 1975, on the basis that Council would hold the title. State government funding was not used for the purchase or transfer of the Land.

5. Consideration of Council's Sale and Disposal of Land Policy

The proposal is consistent with Council's *Disposal of Land and Other Assets Policy* (the "Policy"), which establishes a framework for the sale and/or other disposal of Council-owned land. Prior to disposing of Land, the Policy requires consideration of:

- (i) The usefulness of the Land;
- (ii) The current market value of the Land;
- (iii) The annual cost of maintenance;
- (iv) Alternative future use of the Land;

- (v) Any duplication of the Land or service provided by the Land;
- (vi) Any impact the disposal of the Land may have on the community;
- (vii) The cultural or historical significance of the Land;
- (viii) The impact of the disposal on the operations of Council;
- (ix) The long term plans and strategic direction of Council;
- (x) The remaining useful life of the asset;
- (xi) A benefit and risk analysis of the proposed disposal;
- (xii) The results of any community consultation process;
- (xiii) Any restrictions on the proposed disposal;
- (xiv) The content of any community land management plan; and
- (xv) Other relevant Council policies, including the Prudential Management Policy and the Asset Accounting Policy.

The Policy also establishes disposal principles which must be considered prior to disposal of the Land.

The establishment of the golf club, and the MPDGC's arrangement with Council for the use of the land spans over 40 years. In considering (i) – (xi) and (xiii) – (xv) above, the revocation of community land status, and the subsequent gifting of the Council-owned land is unlikely to have an impact with respect to these factors, as the use of the Land is unlikely to change. Further, the Land is currently leased to the MPDGC by Council in a land-only arrangement, whereby MPDGC has ownership of any improvements on the Land (i.e. buildings etc. constructed by MPDGC) and is responsible for the maintenance and upkeep of the Land and any improvements on the Land.

When negotiating the terms of the transfer of the land to MPDGC, Council will make every effort to ensure that a legal mechanism is put in place to secure the use of the land for the community, and revert the land back to the community through Council if the land use changes or the MPDGC ceases to exist.

As regards to (xii) above, a public consultation process is required for the revocation of the community land status over the Land, and is further discussed below.

The Policy allows for the disposal of land via direct negotiation with parties with a pre-existing interest in the land. The Policy also provides for the waiver of disposal methods for land disposal where there are extenuating circumstances, allowing for the disposal of the land to be for no consideration, as opposed to sale.

With respect to the Crown land, aside from playing a facilitative role if required, Council is not expected to be a party to negotiations between the Crown and MPDGC, or to profit/receive funds from the transfer.

6. Relevance to Community Consultation

Before the community land can be dealt with in the proposed way, its formal status as "Community Land" under the *Local Government Act 1999* (the "Act") must be considered and if supported by Council, revoked.

The Act establishes a framework for the classification of land that is owned by Council or under Council's care control and management – this is known as "Community Land". The framework ensures that a consistent and strategic approach to the administration and management of local government land. Its objectives are to protect the interests of the whole community regarding the land for current and future generations.

The Act requires Council to consult with its community over proposals to revoke land from the Community Land status framework.

Accordingly, Council has approved a 3 week consultation process which will start on Wednesday, 27 March 2019 and conclude at 5.00pm, local time on Wednesday, 17 April 2019. The approved consultation process shall be:

- (1) Development and release of the public consultation report (i.e. this report);
- (2) Public notices in the Herald, Leader and Courier newspapers;
- (3) Media statement;
- (4) Placement of information on Council's website, Better Barossa consultation platform and Facebook;
- (5) Letters to affected adjoining landowners.

The consultation will seek written submissions through email, letter or Council's Better Barossa consultation platform.

After the consultation period, a report will be prepared for Council's consideration including submissions received, to determine if it will proceed with the revocation of the community land status over the Land.

7. Future use of Land

The Land is currently zoned as Watershed Protection (Mount Lofty Ranges) for use as a golf course.

The Land is currently used by the MPDGC as a golf course, Footgolf facility and provides a community amenity for walking after established playing times. It is not anticipated that the future use of the Land will change as a result of the revocation of the community land status or if the Land is subsequently gifted to the MPDGC. There is a possibility that in the future MPDGC will seek to expand the use of the Land for additional community use, as it has done so in the past, or to optimise revenue capacity.

When negotiating the transfer of the land to MPDGC, Council will endeavour to put in place a legal mechanism to secure the use of the land for the community, and revert the land back to the community in the event that the land use changes or the MPDGC ceases to exist.

The dedication over the Crown land to Council will be later withdrawn, if the Crown and the MPDGC reach agreement on the transfer of the Crown land. However, as the Crown land is also currently leased to the MPDGC by Council and is part of the golf club, there is no expected change to its use.

8. Effect on the Area and Local Community

There will be minimal effect on the area and local community, as the golf course will continue to be used for the same purpose.

As discussed in the previous section, the revocation of the community land status and subsequent gifting of the Land is not expected to change the operations of the MPDGC, or how the Land is used by the local community, with the possible exception of the MPDGC seeking to expand the community use of the Land in the future. When negotiating the transfer of the land to MPDGC, Council will endeavour to put in place a legal mechanism to secure the use of the land for the community, and revert the land back to the community through Council if the land use changes or the MPDGC ceases to exist.



17/1400

Date: 27 February 2019

Rugiyya Martin
Governance Adviser
The Barossa Council
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NURIOOTPA SA 5355

Crown Lands

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ADELAIDE SA 5001

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Dear Rugiyya

RE: MOUNT PLEASANT GOLF CLUB LAND - REVOCATION OF COMMUNITY LAND STATUS

I write regarding the proposed revocation of the community land status over Allotment 17 Deposited Plan 24931 as comprised in Crown Record Volume 5905 Folio 821.

I note that Council has prepared a draft Public Consultation Report for the revocation of the above land parcel and others in Council's ownership that are leased to the Mount Pleasant & District Golf Club Incorporated. Council is likely to consider this matter at its meeting on 19 March 2019.

Thank you for the opportunity to review the draft Public Consultation Report. I enclose a copy of it with suggested tracked changes relating to the Crown land.

On behalf of the land owner, being the Minister for Environment and Water, I consent to the process being undertaken by the Council relating to the revocation of the community land status over the Crown land pursuant to the *Local Government Act 1999*. Further I provide in principle approval for Council to seek the revocation of the community land status, subject to my review on behalf of the Minister for Environment and Water, of the outcome of the community consultation.

For further information please contact Anthea Duthie, Project and Property Officer on telephone 8303 0892 or via email at anthea.duthie@sa.gov.au.

Yours sincerely



Tony Halls

SENIOR PROPERTY OFFICER

- Attachment 3:** Proposed amendments to the Instrument of Delegation under the *Water Industry Act 2012 and Regulations*.
- Attachment 4:** LGA's Table of Delegations Updates, which outlines the required changes to powers and functions of its Instrument of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013, Local Government Act 1999* and the *Water Industry Act 2012 and Regulations*.
- Attachment 5:** LGA's Table of Delegations Updates, which outlines the required further changes to powers and functions of its Instrument of Delegation under the *Local Government Act 1999*.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

Corporate Plan

6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

Legislative Requirements

Heavy Vehicle National Law (South Australia) Act 2013

Local Government Act 1999, sections 44 and 101

Water Industry Act 2012 and Regulations

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

There are no financial considerations.

Resource

Facilitation of these delegations to the Chief Executive Officer will be undertaken according to officer's existing duties.

Risk

The risk of having ineffective or invalid delegations is minimised as the delegations being considered have been recommended by Norman Waterhouse Lawyers (which prepared the Instruments for the LGA). It is imperative that delegations are validly made as consequences of ineffective or invalid delegations include:

- the exercise of power may fail – i.e. the decision made may be liable to being overturned by a court
- the cost of a successful challenge to a decision made without lawful delegation will likely be borne by the Council
- where the unlawful exercise of the power has caused loss or damage the Council may be liable for such loss or damage.

COMMUNITY CONSULTATION

There is no legislative requirement to consult the community in this situation, nor, in officers' opinions, do the particular circumstances require it as the delegations themselves are based on prescribed LGA templates where there is no option for amendment through community feedback.

For transparency, the community has access to the delegations register on Council's website so is made aware of the powers of the Chief Executive Officer as delegated by the Council, and also the powers of officers as sub-delegated by the Chief Executive Officer.

7.2.1.3

PUBLIC CONSULTATION: REVOCATION OF COMMUNITY LAND STATUS – MOUNT PLEASANT AND DISTRICT GOLF CLUB INC.

B9002

Author: Governance Advisor

MOVED Cr de Vries

- (1) That Council, being satisfied that the proposal has extensive community benefit and satisfies the requirements of Council's *Disposal of Land and Other Assets Policy*, resolves to undertake a public consultation process pursuant to section 194(2) of the *Local Government Act 1999* (the "Act") and Council's Public Consultation Policy, to indicate its proposal to revoke the Community Land status over the land occupied by the Mount Pleasant and District Golf Club, which is comprised of:
- (i) Certificate of Title Volume 5903 Folio 355
Described as Allotment comprising of Pieces 12, 13 and 14 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga
 - (ii) Certificate of Title Volume 5903 Folio 356
Described as Allotment 100 Filed Plan 218873 in the area named Mount Pleasant, Hundred of Talunga
 - (iii) Portion of Crown Record Volume 5905 Folio 821 – Allotment 17
Described as Allotment 17 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga
- (2) That the Chief Executive Officer finalises and makes publicly available the consultation report prepared in accordance with Section 194(2)(a) of the Local Government Act on the proposal at Recommendation 1 (see draft consultation report at *Attachment 3*); publishes a notice in the Herald, Leader and Courier newspapers and on Council's website; writes to adjacent property owners, alerting the community to the consultation process and consultation report and invite written submissions; and
- (3) That the public consultation period shall be for 21 days as prescribed by Section 194(2)(b) of the Local Government Act and clause 4.4 of Council's Public Consultation Policy.
- (4) That at the conclusion of the public consultation process, the Chief Executive Officer prepare a report on all submissions made regarding the proposal ("Submission Report") and provide the report to the Department for Environment and Water for review, in accordance with the conditions of the consent made on behalf of the Minister, for the revocation of the community land status over the Land (as per the Department's letter at *Attachment 4*).
- (5) Upon the Department of Environment and Water reviewing the Submission Report, and determining whether it is satisfied or not satisfied that the Submission Report has met the conditions of the consent made on behalf of the Minister, for the revocation of the community land status over the Land, that the Chief Executive Officer refer the Submission Report and the Department of Environment and Water's position to Council for consideration.

Seconded Cr Boothby**CARRIED 2018-22/136****PURPOSE**

To seek Council's consideration and approval to undertake a community consultation process with respect to revoking the community land status of the land on which the Mount Pleasant and District Golf Club is located, for the purposes of the future gifting of the land to the Mount Pleasant and District Golf Club Inc. ("MPDGC"). Details of the relevant land (including maps) are contained in this report and its attachments.

REPORT**Background**

The land on which the Mount Pleasant & District Golf Club is located is made up of four Council-owned parcels of land and one Crown parcel of land. In 2017, Council considered future land tenure options, and, at its meeting of 16 May 2017 resolved as follows:

MOVED Cr Lange that Council:

- (1) Acknowledging it currently owns land on which the Mount Pleasant and District Golf Club resides, agrees to provide funding up to \$30,000 per annum (Excl GST) for a maximum of 5 years to be applied to the maintenance of the land and provision of services at the current service level, noting funds will not be provided to directly support the Club's operations.
- (2) Considers the most appropriate land tenure option of the land upon which the Mount Pleasant and District Golf Club reside is to gift the land owned by the Council (excluding the component of Crown Land) to the Club, subject to undertaking the necessary Community Land revocation processes including consultation with the community and approval from the Minister, and whilst this matter is being resolved, Council agrees to enter into a land only lease for a period of up to 5 years with the Mount Pleasant and District Golf Club.
- (3) Authorises the Mayor and Chief Executive Officer to sign and seal the lease.
- (4) Reiterates to the Mount Pleasant and District Golf Club that the long term viability of the Club remains solely in the hands of the Club and the Mount Pleasant community. Should the Club be unable to 'trade its way back to financial independence', Council reserves the right to withdraw funding assistance and consider other options for the land.

Seconded Cr de Vries

CARRIED 2014-18/1030

The agenda report and minutes of the 16 May 2017 Council meeting are attached at **Attachment 1a** and **Attachment 1b** for further information.

Introduction

The land on which the Mount Pleasant Golf Club is located is comprised of (collectively referred to as the "Land" in this report):

- i. Certificate of Title Volume 5903 Folio 355 (owned by Council)
Described as Allotment comprising of Pieces 12, 13 and 14 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga
- ii. Certificate of Title Volume 5903 Folio 356 (owned by Council)
Described as Allotment 100 Filed Plan 218873 in the area named Mount Pleasant, Hundred of Talunga
- iii. Portion of Crown Record Volume 5905 Folio 821 – Allotment 17 (Crown land)
Described as Allotment 17 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga

A map of the land with the parcels marked separately is provided at **Attachment 2** of this report.

Both the Crown land and the Council-owned land parcels are classified as Community Land pursuant to section 193 of the *Local Government Act 1999* (the "Act"). In addition to the Community Land status, the Crown land parcel has been dedicated to Council as Parklands under the *Crown Land Management Act 2009*.

In order to implement Council's resolution of 16 May 2017 to gift the Council-owned land to the Mount Pleasant & District Golf Club Inc. ("MPDGC"), it is necessary to first revoke the community land status over the Land.

It should be noted that the proposed public consultation process will seek to revoke the Community Land status over the Crown land. The process does not seek to withdraw the dedication over the Crown land. The Crown Lands Office has indicated that it may be open to

negotiating the transfer of the Crown land portion of the Land to the MPDGC however it would ultimately be the decision of the Minister for Environment and Water. If the Crown approves the transfer the Crown land to the MPDGC, at that stage, the dedication over the Crown land will need to be withdrawn, in accordance with the *Crown Land Management Act 2009*.

Discussion

Section 194 of the Act requires Council to prepare and make publicly available a consultation report of the reasons for the proposal and an assessment of how implementation of the proposal would affect the area and the local community.

Before the community land status can be revoked, Council must consult with the public in accordance with its Public Consultation Policy. In order to satisfy the obligations of Council under the Policy, it is appropriate in the circumstances that the Chief Executive Officer:

- Finalise and make public available the consultation report;
- Write to adjacent property owners to provide them a reasonable opportunity to make a submission with respect to the consultation report;
- Publish a notice in the Herald, Leader and Courier newspapers, on Council's website, Better Barossa consultation platform and Facebook page inviting submissions from the community on the consultation report for a consultation period of at least 21 days;
- After the consultation period, refer the consultation report and submissions received to Council for consideration.

A draft consultation report has been prepared by officers, and is attached at **Attachment 3**. The consultation report proposes the revocation of the community land status of the Land in the context that following the revocation, the Council will consider the gifting of the Council-owned portion of the Land to the MPDGC in order to implement the Council resolution of 16 May 2017 (see **Attachment 1**). Subject to Council approval, the terms of the gifting will be negotiated between Council and the MPDGC, once the community land status is revoked.

The report proposes that when negotiating the transfer, Council make every effort to secure the use of the land for the community and ensure that in the event that the land is not primarily used for its current community use and purpose, or the MPDGC ceases to exist, the land reverts back to the community through Council. However, it is noted in the report that the MPDGC may look to expand the community use of the land in the future, following the transfer. It is not anticipated that the primary use of the land will change from its current use as a golf course.

With respect to the Crown land, pursuant to section 194(2)(a)(v) of the Act, Council is required to obtain the consent of the Minister for Environment and Water, as the Minister who administers the Crown Land Management Act 2009, because:

[[

- i. the land is not owned by the Council, and
- ii. there is a dedication over the Crown land to Council.

Consent to the process being undertaken by the Council relating to the revocation of the community land status over the Crown land pursuant to the Act has been provided by the Department for Environment and Water on behalf of the Minister for Environment and Water. In principle approval has also been given for Council to seek the revocation of the community land status, subject to a review by the Department for Environment and Water on behalf of the Minister for Environment and Water, of the outcome of the community consultation. The Department's in-principle consent letter is attached at **Attachment 4**.

Once the public consultation period has concluded, the results of the consultation must be provided to the Department of Environment and Water for review (as per the condition of the consent for the revocation). Once the Department has determined whether or not the results satisfy the conditions of the consent provided by the Minister for Environment and Water, Council must then consider the submissions received, the consultation report and the Department of Environment and Water's position and make a decision to refer the matter to the Minister for Transport, Infrastructure and Local Government for approval of the revocation of the community land status, under section 194(3) of the Act.

By way of providing context, if the approval of the Minister for Transport, Infrastructure and Local Government to revoke the community land status is obtained and Council further resolves to

revoke the community land status of the land, the terms of the gifting of the land will need to be negotiated between Council and the MPDGC.

Summary and Conclusion

Council is asked to authorise officers to commence public consultation as part of the process to revoke the Community Land status over the Land.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1a – Council meeting Minutes Extract - Item 1.6.1 – Matters Arising From Previous Business – Adjourned Business – Mount Pleasant and District Golf Club Inc. - 16 May 2017

Attachment 1b - Council meeting Agenda Report Extract - Item 1.6.1 – Matters Arising From Previous Business – Adjourned Business – Mount Pleasant and District Golf Club Inc. and attachments - 16 May 2017

Attachment 2 - Map of Land

Attachment 3 – draft consultation report – Revocation of Community Land Status Report

Attachment 4 – letter from the Department of Environment and Water providing in-principle conditional consent to the commence the revocation of community land

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS



Community and Culture



How We Work – Good Governance

Community Plan

2.8 Provide opportunities for the community to participate in local decision-making.

Corporate Plan

2.3 Support and promote community involvement and networks and provide opportunities for participation in local decision making.

6.7 Implement strategies for the community to be actively engaged in Council decision making through sound information and communication.

Legislative Requirements

Local Government Act 1999: section 194

Crown Land Management Act 2009

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial – Costs to advertise in the Herald, Leader and Courier will be approximately \$1,200 and can be sourced from existing budgets.

Resource – The public consultation and revocation processes will be undertaken as part of officers' existing roles.

Risk Management – Risk is mitigated by complying with Council's Public Consultation Policy and requirements under the Local Government Act.

COMMUNITY CONSULTATION

Subject to Council resolving to commence the process as stated in this report, Community Consultation will occur in accordance with section 194 of the Local Government Act and Council's Public Consultation Policy.

7.2.1.4

BAROSSA AND DISTRICTS HEALTH ADVISORY COUNCIL INC. – APPOINTMENT OF LOCAL GOVERNMENT REPRESENTATIVE

B879

Author: Governance Advisor

COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER REPORT

21 MAY 2019

7.2.1 DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.4

ANNUAL REVIEW OF DELEGATIONS

B8824

Author: Governance Advisor

PURPOSE

Council is asked to undertake an annual review of the Delegations Register in accordance with section 44(6) of the *Local Government Act 1999*.

RECOMMENDATION

(1) That Council has reviewed its delegations for the time being in force in accordance with Section 44(6) of the *Local Government Act 1999* and has confirmed that the following amendments are required to its Delegations Register at this time:

a. Delegations made under the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) regulations 2010

(i) In exercise of the powers contained in Section 44 of the *Local Government Act 1999*, Council hereby delegates to the person occupying the office of Chief Executive Officer of the Council, the powers and functions under the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) regulations 2010 which are specified in Appendix 5 of Attachment 1 to this Report;

(ii) 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;

b. Delegations made under the Gas Act 1997

(i) In exercise of the powers contained in Section 44 of the *Local Government Act 1999*, Council hereby delegates to the person occupying the office of Chief Executive Officer of the Council, the powers and functions under the Gas Act 1997 which are specified in Appendix 15 of Attachment 1 to this Report;

(ii) 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;

c. Delegations made under the Liquor Licensing Act 1997

- (i) In exercise of the powers contained in Section 44 of the *Local Government Act 1999*, Council hereby delegates to the person occupying the office of Chief Executive Officer of the Council, the powers and functions under sections 128E(1) and (2), 128F, and 128H(3), (5), (6) and (7) of the *Liquor Licensing Act 1997*, which is specified in Appendix 18 of Attachment 1 to this Report by way of track changes to the Instrument of Delegation under the Liquor Licensing Act 1997;
- (ii) 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;

d. *Delegations under the Local Government Act 1999*

- (i) In exercise of the powers contained in Section 44 of the *Local Government Act 1999*, Council hereby delegates to the person occupying the office of Chief Executive Officer of the Council, the powers and functions under sections 198(1), 28(1), 28(3), 31(2) and 31(10) of the *Local Government Act 1999*, as specified in Appendix 19 of Attachment 1 to this Report by way of track changes to the Instrument of Delegation under the Local Government Act;
- (ii) 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;

(2) That the Instruments of Delegation which make up Council's Delegations Register, as set out at *Attachment 1* of this Report are confirmed and remain in force in accordance with this resolution.

REPORT

Background

Council may only exercise those powers and functions which are conferred on it by legislation. The ways in which Council may exercise its powers and functions are:

- when the Elected Body itself exercises the power/function at a formally constituted meeting; and
- where the legislation enables it, a power or function may be delegated by an Instrument of Delegation and exercised in the name of a delegate.

Delegations assist Council by enabling the Elected Body to progress with the strategic element of local government and leave the daily operations and administration to the Council staff who have the relevant expertise and experience to deal with such matters – thus improving effectiveness and efficiency.

It is essential to good governance that the Elected Body considers the delegations it proposes to make and demonstrates it has turned its mind to each power and function contained in its Delegations Register.

Introduction

The Barossa Council's Delegations Register ("the Register") is reviewed:

- 1) once each financial year in accordance with Section 44(6) of the *Local Government Act 1999*, and
- 2) quarterly by way of best practice, and amended if the Local Government Association's Quarterly Reviews or urgent updates recommend that amended Instruments of Delegation be immediately adopted.

The review before Council today is the annual review of all Instruments of Delegation which comprise the current Delegations Register, in addition to quarterly updates identified by the LGA on its advice as detailed in this Report. With respect to the quarterly updates, the LGA has confirmed that new delegations should be in place as soon as possible. The LGA Table of Updates is attached to this report at **Attachment 2**.

Discussion

A. Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010; and the Gas Act 1997

The LGA has issued two new Instruments of Delegation, being under:

- the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010; and
- the Gas Act 1997

which are attached to this report at **Appendix 5 and 15** respectively, of **Attachment 1**.

B. Liquor Licensing Act 1997

The LGA has issued a quarterly update, which has identified updates to powers and functions under sections 128E(1) and (2), 128F, and 128H(3), (5), (6) and (7) under Instrument of Delegation under the Liquor Licensing Act, as a result of legislative amendment. These powers relate to local liquor accords.

The amendments are set out by way of track changes and attached as **Appendix 18** of **Attachment 1** of this Report. The LGA's Table of Delegations Updates, which outlines the required changes is attached at **Attachment 2** of this Report.

C. Local Government Act 1999

Delegations under section 198(1) of the Local Government Act 1999

The Elected Body is asked to consider delegating the powers and functions under section 198(1) of the Local Government Act 1999 as specified in **Appendix 19** of **Attachment 1** of this Report by way of track changes to Council's Chief Executive Officer. The delegation would allow the Chief Executive Officer to make amendments to Community Land Management Plans, where public consultation is not required in accordance with the Act – i.e. where an amendment to a Community Land Management Plan has no impact or no significant impact on the interests of the community. However, where public consultation is required in order to amend a Community Land Management Plan, in accordance with the Act, a decision of Council will be required.

Delegations under sections 28(1), 28(3), 31(2) and 31(10) of the Local Government Act 1999

The LGA's quarterly update identified updates to powers and functions under sections 28(1), 28(3), 31(2) and 31(10) under the Instrument of Delegation under the the *Local Government Act*, as a result of legislative amendment. These powers relate to boundary reform proposals.

The amendments are set out by way of track changes and attached as **Appendix 19** of **Attachment 1** of this Report. The LGA's Table of Delegations Updates, which outlines the required changes is attached at **Attachment 2** of this Report.

Accordingly, it is recommended that the Elected Body:

- 1) adopt the Instrument of Delegation under the Electricity Act and delegate the powers and functions under the Act as specified in Attachment 1 to the Chief Executive Officer;
- 2) adopt the Instrument of Delegation under the Gas Act and delegate the powers and functions under the Act as specified in Attachment 1 to the Chief Executive Officer;
- 3) adopt the amendment to delegations under sections 128E(1) and (2), 128F, and 128H(3), (5), (6) and (7) of the *Liquor Licensing Act* and delegate the powers and functions under the Act as specified in Attachment 1 to the Chief Executive Officer;
- 4) adopt the amendment to the delegations under Sections 198(1), 28(1), 28(3), 31(2) and 31(10) of the *Local Government Act* and delegate the powers and functions under the Act as specified in Attachment 1 to the Chief Executive Officer; and
- 5) Confirm all remaining delegations as specified in Attachment 1 as remaining in force.

Summary and Conclusion

Council is now asked to review the Delegations Register as *attached*.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Instruments of Delegation which compile the Delegations Register

Attachment 2: LGA's Quarterly Table of Updates as at 31 March 2019

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS



How We Work – Good Governance

Corporate Plan

6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

Legislative Requirements

Local Government Act 1999; Section 44(6)

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Failure to conduct an annual review will result in non-compliance with legislation, as an annual review per each financial year is required under Section 44(6) of the *Local Government Act 1999*.

The risk of having ineffective or invalid delegations is minimised as the delegations being considered have been recommended by Norman Waterhouse Lawyers (which prepared the Instruments for the LGA) and Wallmans Lawyers, which prepared the

Residential Parks Act 2007 Instrument. It is imperative that delegations are validly made as consequences of ineffective or invalid delegations include:

- the exercise of power may fail – i.e. the decision made may be liable to being overturned by a court or tribunal;
- the cost of a successful challenge to a decision made without lawful delegation will likely be borne by the Council; and
- where the unlawful exercise of the power has caused loss or damage the Council may be liable for such loss or damage.

COMMUNITY CONSULTATION

There is no legislative requirement to consult the community in this situation, nor, in the officers' opinions, do the particular circumstances require it as the delegations themselves are based on lawyer prepared LGA templates where there is no option for amendment through community feedback.

For transparency purposes, the community has access to the Delegations register on Council's website so it is made aware of the powers of the CEO as delegated by the Council, and also the powers of officers as sub-delegated by the CEO.

THE BAROSSA COUNCIL DELEGATIONS REGISTER INDEX

INSTRUMENTS OF DELEGATION

Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
Community Titles Act 1996
Development Act 1993, Development (Development Plans) Amendment Act 2006 and the Development Regulations 2008 (to CEO, Barossa Assessment Panel and Strategic Planning and Development Policy Committee)
Dog and Cat Management Act 1995
Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010
Electronic Conveyancing National Law (SA) 2013
Environment Protection (Air Quality) Policy 2016 – Delegations directly to Council officers from the Board of the Environment Protection Authority
Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010
Expiation of Offences Act 1996
Fences Act 1975
Fines Enforcement and Debt Recovery Act 2017
Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005 to the CEO
Fire and Emergency Services Act 2005 to the Fire Prevention Officers
Food Act 2001
Freedom of Information Act 1991
Gas Act 1997
Heavy Vehicle National Law (South Australia) Act 2013
Land and Business (Sale and Conveyancing) Act 1994
Liquor Licensing Act 1997
Local Government Act 1999
Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017
Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005
Planning, Development and Infrastructure Act 2016
Real Property Act 1886
Residential Parks Act 2007
Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999, Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999
Roads (Opening and Closing) Act 1991
Safe Drinking Water Act 2011
SA Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, SA Public Health (General) Regulations 2013 and SA Public Health (Fees) Regulations 2018
Strata Titles Act 1988
Water Industry Act 2012 and Water Industry Regulations 2012
Work Health and Safety Act 2012
The Barossa Council Cats By-law 2013
The Barossa Council Dogs By-law 2013
The Barossa Council Local Government Land By-law 2013
The Barossa Council Moveable Sign By-law 2013

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The Barossa Council Nuisance Caused by Building Sites By-law 2013
The Barossa Council Permits and Penalties By-law 2013
The Barossa Council Roads By-law 2013

APPENDIX 1 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE BURIAL AND CREMATION ACT 2013 AND BURIAL AND CREMATION REGULATIONS 2014

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - CO: Co-ordinator, Operations
 - DWES: Director, Works and Engineering Services
 - EA-DWES: Executive Assistant to the Director, Works and Engineering Services
 - GI: General Inspector
 - MO: Manager, Operations
 - MRS: Manager, Regulatory Services

Provision	Item Delegated by Council to the Chief Executive Officer	Sub-Delegate
s8(2)	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.	This power remains with CEO - no further sub-delegation
s13(6)	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.	This power remains with CEO - no further sub-delegation

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
Sub-delegations reviewed by the Chief Executive Officer on 2 April 2019

APPENDIX 1 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE BURIAL AND CREMATION ACT 2013 AND BURIAL AND CREMATION REGULATIONS 2014

s18(2)	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.	This power remains with CEO - no further sub-delegation
s19	4. Establishment of Cemeteries, Natural Burial Grounds and Crematoria 4.1 Subject to the Act, the power pursuant to Section 19 of the Act, to establish a cemetery, natural burial ground or crematorium.	This power remains with Council - delegation does not apply.
s20	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.	This power remains with CEO - no further sub-delegation
s21	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.	This power remains with CEO - no further sub-delegation
s22	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.	This power remains with CEO - no further sub-delegation
s23	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.	This power remains with Council - delegation does not apply.
s24(1)	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:	This power remains with CEO - no further sub-delegation

Head delegations reviewed and confirmed by Council at its Annual Review on **XX** May 2019
Sub-delegations reviewed by the Chief Executive Officer on 2 April 2019

APPENDIX 1 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE BURIAL AND CREMATION ACT 2013 AND BURIAL AND CREMATION REGULATIONS 2014

	<p>9.1.1 the cemetery or natural burial ground is or has become unsuitable for the disposal of human remains; or</p> <p>9.1.2 50 or more years have elapsed since human remains were last interred in the cemetery or natural burial ground.</p>	
s24(8)	<p>9. Closure of Cemeteries and Natural Burial Grounds</p> <p>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:</p> <p>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</p> <p>9.2.2 discharge the interment right and issue to the former holder, free of charge:</p> <p>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</p> <p>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.</p>	This power remains with CEO - no further sub-delegation
s24(9)	<p>9. Closure of Cemeteries and Natural Burial Grounds</p> <p>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:</p> <p>9.3.1 discharge the interment right and issue to the former holder, free of charge:</p> <p>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</p>	This power remains with CEO - no further sub-delegation

Head delegations reviewed and confirmed by Council at its Annual Review on **XX** May 2019
Sub-delegations reviewed by the Chief Executive Officer on 2 April 2019

APPENDIX 1 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE BURIAL AND CREMATION ACT 2013 AND BURIAL AND CREMATION REGULATIONS 2014

	<p>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</p> <p>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</p> <p>9.3.3 remove any memorial erected at the original interment site and re position the memorial at the new interment site.</p>	
s24(10) s24(11)	<p>9. Closure of Cemeteries and Natural Burial Grounds</p> <p>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.</p>	This power remains with CEO - no further sub-delegation
s24(12)	<p>9. Closure of Cemeteries and Natural Burial Grounds</p> <p>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.</p>	This power remains with CEO - no further sub-delegation
s25(4)	<p>10. Dedication of Closed Council Cemeteries as Park Lands</p> <p>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:</p> <p>10.1.1 remove memorials to deceased persons;</p> <p>10.1.2 relocate memorials to deceased persons in the park lands;</p> <p>10.1.3 replace memorials to deceased persons with some other form of memorial in the park lands.</p>	This power remains with CEO - no further sub-delegation

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s26(2)	<p>11. Conversion of Closed Cemeteries into Public Parks or Gardens</p> <p>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.</p>	This power remains with CEO - no further sub-delegation
s24 s26(8)	<p>11. Conversion of Closed Cemeteries into Public Parks or Gardens</p> <p>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:</p> <p>11.2.1 remove memorials to deceased persons;</p> <p>11.2.2 relocate memorials to deceased persons in the park or garden;</p> <p>11.2.3 replace memorials to deceased persons with some other form of memorial in the park or garden.</p>	This power remains with CEO - no further sub-delegation
s27(1)	<p>12. Powers of Relevant Authorities in Relation to Closed Cemeteries</p> <p>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:</p> <p>12.1.1 construct roads and pathways on the land; and</p> <p>12.1.2 erect or construct buildings or structures on the land; and</p> <p>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</p> <p>12.1.4 erect lighting, seating and any other infrastructure or public amenity; and</p> <p>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.</p>	This power remains with CEO - no further sub-delegation

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s30(1)	<p>13. Issue of Interment Rights</p> <p>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:</p> <p>13.1.1 identifies the person to whom the interment right is issued; and</p> <p>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</p> <p>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</p> <p>13.1.4 specifies the period for which the interment right is granted; and</p> <p>13.1.5 sets out the rights to renewal of the interment right; and</p> <p>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.</p>	DWES, EA-DWES, MO, CO
s30(3)	<p>13. Issue of Interment Rights</p> <p>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.</p>	DWES, EA-DWES, MO, CO
s30(4)	<p>13. Issue of Interment Rights</p> <p>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.</p>	DWES, EA-DWES, MO, CO

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s30(5)	13. Issue of Interment Rights 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.	DWES, EA-DWES, MO, CO
s31	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: 14.1.1 for the period specified in the interment right; or 14.1.2 in perpetuity.	DWES, EA-DWES, MO, CO
s32(1)	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.	DWES, EA-DWES, MO, CO
s32(1)	15. Renewal of Interment Rights 15.2 The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to fix a renewal fee.	DWES, EA-DWES, MO, CO
s33(1)	16. Transfer of Interment Rights 16.1 The power pursuant to Section 33(1) of the Act to transfer an interment right.	DWES, EA-DWES, MO, CO
s38(1)	17. Re-use of Internment Sites 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: 17.1.1 re-use the internment site to which the interment right related; and	DWES, EA-DWES, MO, CO

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	17.1.2 remove any memorial to a deceased person erected on or at the site.	
s39(2)	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.	This power remains with CEO - no further sub-delegation
s40	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.	DWES, EA-DWES, MO, CO
s41(1)	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	DWES, EA-DWES, MO, CO
s41(2)	20. Power to Require Repair, Removal or Reinstatement of Memorial 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.	DWES, EA-DWES, MO, CO
s41(3)	20. Power to Require Repair, Removal or Reinstatement of Memorial 20.3 The power pursuant to Section 41(3) of the Act, subject to Sections 41(4) and (5) of the Act, if: 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,	DWES, EA-DWES, MO, CO

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	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.	
s42(1)	<p>21. Power of Relevant Authority to Dispose of Unclaimed Memorial</p> <p>21.1 The power pursuant to Section 42(1) of the Act, if:</p> <p>21.1.1 2 years or more have elapsed:</p> <p>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</p> <p>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</p> <p>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</p> <p>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:</p> <p>21.1.3.1 by public advertisement in a newspaper circulating throughout the State; and</p> <p>21.1.3.2 by written notice affixed to the memorial; and</p> <p>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</p> <p>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,</p> <p>to remove the memorial from the cemetery or natural burial ground and dispose of it as the delegate thinks fit.</p>	This power remains with CEO - no further sub-delegation

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s43	<p>22. General Powers of Relevant Authority</p> <p>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:</p> <p>22.1.1 enlarge the cemetery, natural burial ground or crematorium; and</p> <p>22.1.2 improve or embellish the cemetery, natural burial ground or crematorium; and</p> <p>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</p> <p>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.</p>	DWES, EA-DWES, MO, CO
s45(1), s45(2)	<p>23. Power to Restrict Interments in any Part of Cemetery or Natural Burial Ground</p> <p>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.</p>	This power remains with CEO - no further sub-delegation
s46(1),s46(2)	<p>24. Neglected Cemeteries and Natural Burial Grounds</p> <p>24.1 The power pursuant to Section 46(1) of the Act, subject to Section 46(2) of the Act, if:</p> <p>24.1.1 the delegate is of the opinion that a cemetery or natural burial ground within its area:</p> <p>24.1.1.1 is in a neglected condition; or</p> <p>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.</p>	DWES, EA-DWES, MO, CO

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s46(3)	<p>24. Neglected Cemeteries and Natural Burial Grounds</p> <p>24.2 The power pursuant to Section 46(3) of the Act, if:</p> <p>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</p> <p>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.</p>	DWES, EA-DWES, MO, CO
s46(4)	<p>24. Neglected Cemeteries and Natural Burial Grounds</p> <p>24.3 The power pursuant to Section 46(4) of the Act, if:</p> <p>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</p> <p>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.</p>	DWES, EA-DWES, MO, CO
s46(5)	<p>24. Neglected Cemeteries and Natural Burial Grounds</p> <p>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.</p>	DWES, EA-DWES, MO, CO
s47(1)	<p>25. Right of Review</p> <p>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 Section 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.</p>	This power remains with CEO - no further sub-delegation
s48(1)	<p>26. Power of Councils to Accept Conveyance of Cemetery or Natural Burial Ground Land from Trustees</p> <p>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.</p>	This power remains with CEO - no further sub-delegation

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s49	<p>27. Power of Councils to Assume Administration of Cemeteries and Natural Burial Grounds</p> <p>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:</p> <p>27.1.1 there is no existing relevant authority for the cemetery or natural burial ground; or</p> <p>27.1.2 the relevant authority for the cemetery or natural burial ground is unknown and is not reasonably ascertainable; or</p> <p>27.1.3 the relevant authority for the cemetery or natural burial ground agrees to transfer it to the Council.</p>	This power remains with CEO - no further sub-delegation
s50(2)	<p>28. Public Access to Cemeteries, Natural Burial Grounds and Crematoria</p> <p>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.</p>	DWES, MO, CO
s51(2)	<p>29. Disposal of Surplus Cemetery Land, etc</p> <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>	DWES
s52(1)	<p>30. Disposal of Land After Closure of Cemetery Etc</p> <p>30.1 The power pursuant to Section 52(1) of the Act, if:</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, to deal with the land comprising that cemetery or natural burial ground in the ordinary course of commerce.</p>	DWES

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s56(1)	<p>31. Power of Public Trustee to Act on Behalf of Holder of Interment Right etc</p> <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, fail, to request the Public Trustee act on behalf of the holder or owner.</p>	DWES
s58(2)	<p>32. Authorised Officers</p> <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>	DWES
s58(3)	<p>32. Authorised Officers</p> <p>32.2 The power pursuant to Section 58(3) of the Act to make an appointment under Section 58 of the Act 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.</p>	DWES
s58(7)	<p>32. Authorised Officers</p> <p>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.</p>	DWES
r16	<p>33. Filling of Sunken Interment Sites</p> <p>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.</p>	DWES, EA-DWES, MO, CO
r19(1)	<p>34. Powers of Relevant Authority in Relation to Mausolea and Vaults</p> <p>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:</p>	DWES

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	<p>34.1.1 a mausoleum or vault in the cemetery does not comply with the Regulations; or</p> <p>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.</p>	
r19(2)	<p>34. Powers of Relevant Authority in Relation to Mausolea and Vaults</p> <p>34.2 The power pursuant to Regulation 19(2) of the Regulations, if, after inspecting a mausoleum or vault, the delegate is satisfied that:</p> <p>34.2.1 the mausoleum or vault does not comply with the Regulations; or</p> <p>34.2.2 offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault, 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.</p>	DWES
r19(3)	<p>34. Powers of Relevant Authority in Relation to Mausolea and Vaults</p> <p>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.</p>	DWES
r21(2)	<p>35. Removal and Disposal of Name Plate etc from Coffin Before Cremation</p> <p>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:</p> <p>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</p> <p>35.1.2 any other thing that comes into the possession of the Council as a result of a cremation.</p>	DWES, EA-DWES, MO, CO

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r26	<p>36. Power of Relevant Authority in Relation to Things on Interment Sites</p> <p>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:</p> <p>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</p> <p>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.</p>	DWES, EA-DWES, MO, CO
s27(1)	<p>37. Power of Relevant Authority to Require Persons to Leave Cemetery or Natural Burial Ground.</p> <p>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.</p>	DWES, MO, CO, GI, MRS

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Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DDES: Director, Development and Environmental Services
 - GI: General Inspector
 - MDS: Manager, Development Services
 - MRS: Manager, Regulatory Services

Provision	Item Delegated to CEO	Sub-Delegate
s3(11)	<p>1. Interpretation</p> <p>1.1 The duty pursuant to Section 3(11) of the Community Titles Act 1996 ("the Act") where the Act requires the scheme description lodged with the Registrar-General to be endorsed by the relevant development authority, and:</p> <p>1.1.1 all the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the plan of community division have been granted; or</p> <p>1.1.2 no consent or approval is required under that Act in relation to the division of the land (or a change in the use of the land),</p> <p>to, as the relevant development authority, endorse a scheme description to the effect of either subsection 3(11)(b)(i) or (ii) of the Act.</p>	DDES, MDS

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s14(1)	<p>2. Application</p> <p>2.1 The power pursuant to Section 14(1) of the Act, where the Council is the registered proprietor of an estate in fee simple in:</p> <p>2.1.1 land comprising an allotment or allotments;</p> <p>2.1.2 land comprising a primary lot or a secondary lot, to apply to the Registrar-General for the division of the land by a plan of community division.</p>	This power remains with CEO - no further sub-delegation
s15A(b)(i)	<p>3. Application May Deal With Statutory Encumbrances</p> <p>3.1 The power pursuant to Section 15A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.</p>	This power remains with CEO - no further sub-delegation
s16(1)(a)	<p>4. Consents to Application</p> <p>4.1 The power pursuant to Section 16(1)(a) of the Act,</p> <p>4.1.1 where the Council is the holder of a registered encumbrance over the land to be divided; or</p> <p>4.1.2 where deposit of the plan in the Lands Titles Registration Office will affect the estate or interest of the Council in land outside the community parcel; or</p> <p>4.1.3 where deposit of the plan in the Lands Titles Registration Office will operate to vest an estate or interest in land (whether within or outside the community parcel) in the Council to consent to the application.</p>	This power remains with CEO - no further sub-delegation
s21(4)(a)	<p>5. Application to Amend Schedule of Lot Entitlements</p> <p>5.1 The power pursuant to Section 21(4)(a) of the Act, where the Council is</p> <p>5.1.1 the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution</p>	This power remains with CEO - no

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	<p>of the corporation authorising the proposed amendment because the Council was not a member of the corporation when the vote was taken; or</p> <p>5.1.2 a prospective owner at the relevant time of a community lot; or</p> <p>5.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot; or</p> <p>5.1.4 where the Council is a person referred to in Section 21(5) of the Act, to consent to the proposed amendment.</p>	further sub-delegation
s21(5)	<p>5. Application to Amend Schedule of Lot Entitlements</p> <p>5.2 The power pursuant to Section 21(5) of the Act:</p> <p>5.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan, and where the Council is:</p> <p>5.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amendment because the Council was not a member of the secondary corporation when the vote was taken; or</p> <p>5.2.1.2 a prospective owner at the relevant time of a secondary lot; or</p> <p>5.2.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot; or</p> <p>5.2.2 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan, and where the Council is:</p> <p>5.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment because the Council was not a member of the tertiary corporation when the vote was taken; or</p>	This power remains with CEO - no further sub-delegation

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	<p>5.2.2.2 a prospective owner at the relevant time of a tertiary lot; or</p> <p>5.2.2.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot, to grant consent.</p>	
s27(1)(b)(i)	<p>6. Encroachments</p> <p>6.1 The power pursuant to Section 27(1)(b)(i) of the Act to consent to the encroachment of a building over land not included in a community parcel where the encroachment is over land vested in, or under the control or management of the Council.</p>	This power remains with CEO - no further sub-delegation
s30(4)	<p>7. Scheme Description</p> <p>7.1 The power pursuant to Section 30(4) of the Act as the relevant development authority to require modifications to a scheme description before endorsing the scheme description to:</p> <p>7.1.1 add any information that is necessary or desirable; or</p> <p>7.1.2 clarify any part of the description; or</p> <p>7.1.3 remove any unnecessary detail.</p>	DDES, MDS
s31(3)	<p>8. Scheme Description</p> <p>8.1 The power pursuant to Section 31(3) of the Act as the relevant development authority to endorse a certified copy of an amended scheme description.</p>	DDES, MDS
s32(1)	<p>9. Persons Whose Consents are Required</p> <p>9.1 The power pursuant to Section 32(1) of the Act, where the Council is:</p> <p>9.1.1 a person who is the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation amending the scheme description because the Council was not then a member</p>	This power remains with CEO - no

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	<p>of the corporation; or</p> <p>9.1.2 the prospective owner at the relevant time of a community lot;</p> <p>9.1.3 the owner or prospective owner at the relevant time of a development lot;</p> <p>9.1.4 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a community lot or development lot; or</p> <p>9.1.5 the owner or prospective owner at the relevant time of a development lot in a secondary or tertiary scheme that comprises part of the community scheme to which the scheme description relates; or</p> <p>9.1.6 a person referred to Section 32(2) of the Act, to grant consent.</p>	further sub-delegation
s32(2)	<p>9. Persons Whose Consents are Required</p> <p>9.2 The power pursuant to Section 32(2) of the Act:</p> <p>9.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and the Council is:</p> <p>9.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amendment to the scheme description because the Council was not then a member of the secondary corporation; or</p> <p>9.2.1.2 the prospective owner at the relevant time of a secondary lot; or</p> <p>9.2.1.3 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a secondary lot or development lot; or</p> <p>9.2.2 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a</p>	This power remains with CEO - no further sub-delegation

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	<p>secondary lot is divided by a tertiary plan and the Council is:</p> <p>9.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment to the scheme description because the Council was not then a member of the tertiary corporation; or</p> <p>9.2.2.2 the prospective owner at the relevant time of a tertiary lot; or</p> <p>9.2.2.3 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a tertiary lot or development lot, to grant consent.</p>	
s34(6)(e)	<p>9A. By-laws</p> <p>9A.1 The power pursuant to Section 34(6)(e) of the Act, to, within 60 days after service of the notice, apply to the Magistrates Court for revocation of the notice.</p>	DDES, MDS, GI, MRS
s34(6)(g)	<p>9A. By-laws</p> <p>9A.2 The power pursuant to Section 34(6)(g) of the Act to withdraw or otherwise discontinue the application for revocation.</p>	DDES, MDS, GI, MRS
s36(5)	<p>9B. By-law as to the Exclusive Use of Part of the Common Property</p> <p>9B.1 The power pursuant to Section 36(5) of the Act to provide written consent to the community corporation to make a by-law under Section 36 of the Act.</p>	DDES, MDS, GI, MRS
s49(1)	<p>9C. Enforcement of Development Contract</p> <p>9C.1 The power pursuant to Section 49(2) of the Act, where the Council is an owner or occupier of a lot, who is, by virtue of Section 49(1) of the Act, a party to a development contract, to take proceedings for its enforcement (including damages for breach of the contract) in the Magistrates Court against:</p> <p>9C.1.1 the developer; and</p> <p>9C.1.2 if the contract is for the development of a development lot or a community lot – the subsequent owner or owners</p>	DDES, MDS

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	(if any) of the lot, even though no obligations attach to the corporation, owner and occupier under the contract.	
s49(2a)	9C. Enforcement of Development Contract 9C.2 The power pursuant to Section 49(2a) of the Act to make application to the Magistrates Court to transfer the proceedings to the District Court.	DDES, MDS
s49(2b)	9C. Enforcement of Development Contract 9C.3 The power pursuant to Section 49(2b) of the Act to make application to a court to: 9C.3.1 transfer an application under Section 49 of the Act to the Supreme Court on the ground that the application raises a matter of general importance; or 9C.3.2 state a question of law for the opinion of the Supreme Court.	DDES, MDS
s52(1)(a)(ii)	10. Application for Amendment 10.1 The power pursuant to Section 52(1)(a)(ii) of the Act to make an application for the amendment of a deposited community plan, where the Council is the owner of a community lot that will be affected by the amendment.	This power remains with CEO - no further sub-delegation
s52(2)(b)	10. Application for Amendment 10.2 The power pursuant to Section 52(2)(b) of the Act, if the boundaries of a community lot or a development lot are affected by the amendment or if a community lot or a development lot is extinguished by the amendment, and the Council is: 10.2.1 the owner of the lot (not being an applicant in accordance with Section 52(1)(a)(ii) of the Act; or 10.2.2 a person who holds a registered encumbrance over the lot, consent to the amendment.	This power remains with CEO - no further sub-delegation

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s52(2)(c)	10. Application for Amendment 10.3 The power pursuant to Section 52(2)(c) of the Act, where amendment of the plan will operate to vest an estate or interest in land in the Council, to consent to the application.	This power remains with CEO - no further sub-delegation
s53(2)	11. Status of Application for Amendment of Plan 11.1 The power pursuant to Section 53(2) of the Act, where the Council has consented to an application, to consent to an application being withdrawn or amended.	DDES, MDS
s53(3)	11. Status of Application for Amendment of Plan 11.2 The power pursuant to Section 53(3) of the Act to amend the application in order to comply with the Act or the Real Property Act 1886 or with a requirement of the Registrar-General under the Act or the Real Property Act 1886.	DDES, MDS
s53A(b)(i)	12. Application May Deal With Statutory Encumbrances 12.1 The power pursuant to Section 53A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.	This power remains with CEO - no further sub-delegation
s57(2)(b)	13. Alteration of Boundaries of Primary Community Parcel 13.1 The power pursuant to Section 57(2)(b) of the Act, if part of an allotment is to be included in the primary parcel and the Council is the registered proprietor of the allotment to be divided from outside the parcel, to make the application jointly with the community corporation.	This power remains with CEO - no further sub-delegation
s58(1)	14. Amendment of Plan Pursuant to Development Contract 14.1 The power pursuant to Section 58(1) of the Act and in accordance with Sections 58(2), (3) and (4) of the Act, where the Council is the registered proprietor of an estate in fee simple in a development lot, to apply to the Registrar-	This power remains with CEO - no

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	General for the division of the development lot in pursuant of the development contract and for the consequential amendment of the community plan.	further sub-delegation
s59(1), 59(2) and (3)	15. Amendment by Order of District Court 15.1 The power pursuant to Section 59(1) of the Act and in accordance with Sections 59(2) and (3) of the Act to apply to the ERD Court to amend a community plan.	DDES, MDS
s59(3a)	15. Amendment by Order of ERD Court 15.2 The power pursuant to Section 59(3a) of the Act to make submissions to the court in relation to the matter.	DDES, MDS
s61(1)	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.	This power remains with CEO - no further sub-delegation
s61(2)	16. Persons Whose Consents are Required 16.2 The power pursuant to Section 61(2) of the Act, 16.2.1 where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan where	This power remains with CEO - no

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	<p>the Council is:</p> <p>16.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amalgamation because the Council was not then a member of the secondary corporation; or</p> <p>16.2.1.2 the prospective owner at the relevant time of a secondary lot; or</p> <p>16.2.1.3 the owner or prospective owner at the relevant time of a development lot in the secondary scheme; or</p> <p>16.2.1.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot or development lot; or</p> <p>16.2.2 where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the plans to be amalgamated are secondary plans a secondary lot is divided by a tertiary plan where the Council is:</p> <p>16.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amalgamation because the Council was not then a member of the tertiary corporation; or</p> <p>16.2.2.2 the prospective owner at the relevant time of a tertiary lot; or</p> <p>16.2.2.3 the owner or prospective owner at the relevant time of a development lot in the tertiary scheme; or</p> <p>16.2.2.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot or development lot, to consent.</p>	further sub-delegation
s62(3)	<p>17. Deposit of Amalgamated Plan</p> <p>17.1 The power pursuant to Section 62(3) of the Act, where the Council is:</p> <p>17.1.1 the owner of the servient land; or</p>	This power remains with CEO - no

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	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.	further sub-delegation
s66(1)	<p>18. Persons Whose Consent is Required</p> <p>18.1 The power pursuant to Section 66(1) of the Act, to, where the Council is:</p> <p>18.1.1 an owner at the relevant time of a community lot and a development lot (if any); or</p> <p>18.1.2 the prospective owner at the relevant time of a community lot or a development lot; or</p> <p>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.</p>	This power remains with CEO - no further sub-delegation
s67(1)	<p>18A. Application to ERD Court</p> <p>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.</p>	DDES
s67(1a)	<p>18A. Application to ERD Court</p> <p>18A.2 The power pursuant to Section 67(1a) of the Act to make submissions to the Court in relation to the matter.</p>	DDES
s69(2)(e)	<p>19. Cancellation</p> <p>19.1 The power pursuant to Section 69(2)(e) of the Act to consent to the cancellation of a community plan where the Council is the owner of the servient land or holds a registered encumbrance over the servient land (other than an easement that will not be affected).</p>	This power remains with CEO - no further sub-delegation

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s69(6)	19. Cancellation 19.2 The power pursuant to Section 69(6) of the Act to where the Council is the registered proprietor of the servient land or the dominant land (if any) request an easement be reinstated on cancellation of a plan.	This power remains with CEO - no further sub-delegation
s70(2)	20. Division of Primary Parcel Under Part 19AB 20.1 The power pursuant to Section 70(2) of the Act, where the Council is: 20.1.1 an owner of a primary lot or an owner of a development lot (if any) comprising the primary parcel; 20.1.2 if a primary lot is divided by a secondary plan - an owner of the secondary lot and an owner of the development lot (if any) comprising the secondary parcel; or 20.1.3 if a secondary lot is divided by a tertiary plan - an owner of a tertiary lot and the owner of a development lot (if any) comprising the tertiary parcel, to endorse a plan of division lodged with the application with the Council's consent.	This power remains with CEO - no further sub-delegation
s84(3), 84(5), (5a) and (6)	21. Voting at General Meetings 21.1 The power pursuant to Section 84(3) of the Act, subject to Section 84(8) of the Act and in accordance with Sections 84(5), (5a) and (6) of the Act, to nominate another person to attend and vote at meetings on the Council's behalf.	DDES, MDS
s84(11)	21. Voting at General Meetings 21.2 The power pursuant to Section 84(11) of the Act, to exercise an absentee vote on a proposed resolution by giving the secretary written notice of the proposed vote at least six hours before the time of the meeting.	DDES, MDS
s100(1)	22. Administrator of Community Corporation's Affairs 22.1 The power pursuant to Section 100(1) of the Act to make application to the District Court or the Magistrates Court to appoint an administrator of the community corporation, or remove or replace an administrator previously appointed.	DDES, MDS

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s101(1), 101(5), 101(6)	23. Power to Enforce Duties of Maintenance and Repair etc 23.1 The power pursuant to Section 101(6) of the Act, where: 23.1.1 - 23.1.1.1 the Council incurs costs in complying with a notice under Section 101(1) of the Act; or 23.1.1.2 the corporation recovers costs from the Council under Section 101(5) of the Act; and 23.1.2 the circumstances out of which the work was required are attributable to the act or default of another person, to recover those costs from that other person as a debt.	DDES, MDS
s108(1)	24. Right to Inspect Policies of Insurance 24.1 The power pursuant to Section 108(1) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the community corporation.	DDES, MDS
s108(2)	24. Right to Inspect Policies of Insurance 24.2 The power pursuant to Section 108(2) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the primary community corporation.	DDES, MDS
s108(3)	24. Right to Inspect Policies of Insurance 24.3 The power pursuant to Section 108(3) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the primary or secondary corporation.	DDES, MDS
s139(1)	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 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	DDES, MDS

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	<p>such period, not exceeding two years, specified in the application; and</p> <p>25.1.2.2 the statement of accounts of the corporation last prepared by the corporation; and</p> <p>25.1.2.3 current policies of insurance taken out by the corporation; and</p> <p>25.1.3 make available for inspection such information as is required to establish the current financial position of the corporation including:</p> <p>25.1.3.1 a copy of the accounting records of the corporation; and</p> <p>25.1.3.2 the minute books of the corporation; and</p> <p>25.1.3.3 any other documentary material prescribed by regulation; and</p> <p>25.1.4 if the community corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract; and</p> <p>25.1.5 make available for inspection the register maintained under Section 135 of the Act.</p>	
s139(1a), 139(2) and (4)	<p>25. Information to be Provided by Corporation</p> <p>25.2 The power pursuant to Section 139(1a) of the Act to, subject to Sections 139(2) and (4) of the Act, make application to a community corporation to provide, on a quarterly basis, ADI statements for all accounts maintained by the corporation.</p>	DDES, MDS
s140(1)	<p>26. Information as to Higher Tier of Community Scheme</p> <p>26.1 The power pursuant to Section 140(1) of the Act to apply to the primary corporation for information under Section 139 of the Act.</p>	DDES
s140(2)	<p>26. Information as to Higher Tier of Community Scheme</p> <p>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.</p>	DDES
s141(1)	<p>27. Persons Who May Apply for Relief</p> <p>27.1 The power pursuant to Section 141(1) of the Act to apply for relief under Part 14 of the Act.</p>	DDES

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s142(2), 142(1)	28. Resolution of Disputes, etc 28.1 The power pursuant to Section 142(2) of the Act, subject to Section 142(1) of the Act, to make an application to the Magistrates Court.	DDES
s142(3), 142	28. Resolution of Disputes, etc 28.2 The power pursuant to Section 142(3) of the Act to apply for the permission of the District Court, to bring an application under Section 142 of the Act in the District Court.	DDES
s142(3), 142	28. Resolution of Disputes, etc 28.3 The power pursuant to Section 142(3) of the Act to, with the permission of the District Court, bring an application under Section 142 in the District Court.	DDES
s142(4)	28. Resolution of Disputes, etc. 28.4 The power pursuant to Section 142(4) of the Act to make an application to the District Court that proceedings that have been commenced in the Magistrates Court be transferred to the District Court.	DDES
s142(6), 142	28. Resolution of Disputes, etc. 28.5 The power pursuant to Section 142(6) of the Act to make an application to a court to: 28.5.1 transfer an application under Section 142 of the Act to the Supreme Court on the ground that the application raises a matter of general importance; or 28.5.2 state a question of law for the opinion of the Supreme Court.	DDES
s142A(3), 142A(1)	29. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold 29.1 The power pursuant to Section 142A(3) of the Act, in the event of a contravention of Section 142A(1) of the Act, to, by notice in writing given at any time before the plan of community division is deposited in the Lands Titles Registration Office, avoid the contract of sale.	DDES
s142A(4)(a)	29. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold 29.2.2 if the contract does not specify a period in accordance with Section 142A(4)(a) of the Act, within 6 months after	DDES

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	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.	
s146(1), 146(2) - (9)	30. Entry onto Lot or Common Property 30.1 The power pursuant to Section 146(1) of the Act, subject to Sections 146(2) - (9) of the Act, where the Council needs to enter another lot or the common property, in order to exercise rights under an easement for the establishment, maintenance and repair of part of the service infrastructure, to: 30.1.1 give notice to the owner of the lot to be entered; or 30.1.2 where it is necessary to enter the common property, to give notice to the corporation.	DDES, MDS
s146(4)	30. Entry onto Lot or Common Property 30.2 The power pursuant to Section 146(4) of the Act, if notice is not given (in an emergency) or the period of the notice has expired and it is not possible to gain entry without using force, to use such force as is reasonable in the circumstances.	DDES, MDS
s146(6)	30. Entry onto Lot or Common Property 30.3 The power pursuant to Section 146(6) of the Act, in an emergency to enter another lot or the common property to assist a person on the lot or common property or to prevent or reduce damage to the lot or another lot or to the common property.	DDES, MDS

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**INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE DEVELOPMENT ACT
1993, DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006 AND DEVELOPMENT
REGULATIONS 2008**

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - A-SMPS: Assistant to Senior Manager, Planning Services
 - AO-B: Assessment Officer, Building
 - AO-P: Assessment Officer, Planning
 - ATSO: Administration and Technical Support Officer
 - BS: Building Surveyor
 - CO-BP: Compliance Officer, Building and Planning
 - DDES: Director, Development and Environmental Services
 - DWES: Director, Works and Engineering Services
 - EA-DDES: Executive Assistant to the Director, Development and Environmental Services
 - MDS: Manager, Development Services
 - MES: Manager, Engineering Services
 - PP: Principal Planner
 - SAO-B: Senior Assessment Officer, Building
 - SAO-P: Senior Assessment Officer, Planning

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1993, DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006 AND DEVELOPMENT
REGULATIONS 2008**

Development Act 1993				
Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Sub-Delegate	
s101(2)	52. Professional Advice to be Obtained in Relation to Certain Matters 52.2 The duty pursuant to Section 101(2) of the Act to seek and consider the advice of a person with prescribed qualifications or person approved by the Minister in relation to a matter prescribed by the Regulations.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
s101(1)	52. Professional Advice to be Obtained in Relation to Certain Matters 52.1 The power pursuant to Section 101(1) of the Act, in the exercise of a prescribed function, to rely on a certificate of a person with prescribed qualifications.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
s94	51. Referrals 51.1 The power pursuant to and in accordance with Section 94 of the Act to consent to the referral by a private certifier to the Council or Delegate of any function under the Act.		AO-B, BS, CO-BP, MDS, SAO-B	

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Development Act 1993				
s93(1)(b)(iii)	50. Authority to be Advised of Certain Matters 50.1 The power pursuant to Section 93(1)(b)(iii) of the Act to require from a private certifier who is making a decision of a prescribed kind in relation to any aspect of building work such other information or documentation as the Delegate or the Council may require.		AO-B, BS, CO-BP, MDS, SAO-B	
s86(1)(e)	49. General Right to Apply to Court 49.1 Where the Council is a party to a dispute referred to in Section 86(1)(e) of the Act, the power pursuant to Section 86(1)(e) of the Act to apply to the Court for determination of the dispute.		This power remains with CEO - no further sub-delegation	
s85(6)(d)	48. Applications to Court 48.2 Where the Court has made an order under Section 85(6)(d) of the Act and a person has failed to comply with the order, the power pursuant to and in accordance with Section 85(12) and Section 85(13) of the Act, to cause any work contemplated by the order to be carried out and to recover the costs of doing so as a debt from the person.		This power remains with CEO - no further sub-delegation	
s85(1)	48. Applications to Court 48.1 The power pursuant to Section 85(1) of the Act to apply to the Court for an order to remedy or restrain a breach of the Act, or a repealed Act.		This power remains with CEO - no further sub-delegation	

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Development Act 1993				
s84(2)(b)	<p>47. Enforcement Notices</p> <p>47.3 Where a person has failed to comply with a direction contained in a notice issued pursuant to Section 84(2)(b) of the Act:</p> <p>47.3.1 the power pursuant to Section 84(6) of the Act to cause the necessary action to be undertaken; and</p> <p>47.3.2 pursuant to and in accordance with Sections 84(7) and 84(8) of the Act to recover the costs of doing so as a debt from the person whose failure gave rise to the action.</p>		This power remains with CEO - no further sub-delegation	
s84(3)	<p>47. Enforcement Notices</p> <p>47.2 The power pursuant to Section 84(3) of the Act to determine that a direction under Section 84(2) of the Act is urgently required and can be orally given by an authorised officer.</p>		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
s84(2)	<p>47. Enforcement Notices</p> <p>47.1 The power pursuant to and in accordance with Section 84(2) of the Act to issue an enforcement notice where the Delegate has reason to believe on reasonable grounds that a person has breached the Act or a repealed Act.</p>		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
s74(3)	<p>46. Advertisements</p> <p>46.2 The power pursuant to Section 74(3) of the Act where a person has failed to comply with a notice under</p>		DDES, MDS	

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Development Act 1993				
	Section 74(1) of the Act, to enter on land, carry out the terms of the notice and recover the costs of doing so as a debt from the person on whom the notice was served.			
s74(1)	<p>46. Advertisements</p> <p>46.1 The power pursuant to and in accordance with Section 74(1) of the Act to:</p> <p>46.1.1 form the opinion that an advertisement or advertising hoarding disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality or is contrary to a character desired for a locality under the relevant Development Plan; and</p> <p>46.1.2 serve notice in writing requiring the removal or obliteration of the advertisement or the removal of the advertising hoarding (or both).</p>		DDES, MDS	
s71A	<p>45. Building Inspection Policies</p> <p>45.1 The duty pursuant to and in accordance with Section 71A of the Act to prepare and from time to time alter a building inspection policy.</p>		This power remains with CEO - no further sub-delegation	
s71(19)(e)	<p>44A Fire Safety</p> <p>44A.8 The power pursuant to Section 71(19)(e) of the Act to determine the procedures of an appropriate authority.</p>		This power remains with CEO - no further	

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Development Act 1993				
			sub-delegation	
s71(19)(d)	44A Fire Safety 44A.7 The power pursuant to Section 71(19)(d) of the Act to appoint deputy members to the appropriate authority.		This power remains with CEO - no further sub-delegation	
s71(19)(b)	44A Fire Safety 44A.6 The power pursuant to Section 71(19)(b) of the Act to determine the term of the office not exceeding three years of a member of the appropriate authority.		This power remains with CEO - no further sub-delegation	
s71(19)(a)(iv)	44A Fire Safety 44A.5 The power pursuant to Section 71(19)(a)(iv) of the Act to determine and select a person to be appointed to the appropriate authority.		This power remains with CEO - no further sub-delegation	

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Development Act 1993				
s71(19)(a)(iii)	44A Fire Safety 44A.4 The power pursuant to Section 71(19)(a)(iii) of the Act to appoint a person with expertise in the area of fire safety to the appropriate authority.		This power remains with CEO - no further sub-delegation	
s71(19)(a)(ii)	44A Fire Safety 44A.3 The power pursuant to Section 71(19)(a)(ii) of the Act to determine if a person is to be nominated to the appropriate authority by the Chief Officer of the South Australian Metropolitan Fire Service or the Chief Officer of the South Australian Country Fire Service (after taking into account the nature of the Council or Council's area(s)).		This power remains with CEO - no further sub-delegation	
s71(19)(a)(i)	44A Fire Safety 44A.2 The power pursuant to Section 71(19)(a)(i) of the Act to appoint a person who holds prescribed qualifications in building surveying to the appropriate authority.		This power remains with CEO - no further sub-delegation	
s71(18), (19)	44A Fire Safety 44A.1 The power pursuant to Sections 71(18) and (19) of the Act to establish and designate a body as an appropriate authority.		This power remains with CEO - no further	

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Development Act 1993				
			sub-delegation	
s69(1)	<p>44. Emergency Orders</p> <p>44.1 Where an owner of land fails to comply with the requirements of an emergency order issued under Section 69(1) of the Act:</p> <p>44.1.1 the power pursuant to Section 69(4) of the Act to cause the required work to be carried out; and</p> <p>44.1.2 the power pursuant to and in accordance with Sections 69(5) and 69(6) of the Act to recover the reasonable costs and expense of that work from the owner as a debt.</p>		AO-B, BS, CO-BP, DDES, MDS, SAO-B	
s68(3)	<p>43. Temporary Occupation</p> <p>43.2 The duty pursuant to and in accordance with Section 68(3) of the Act to give written notice to an applicant of the refusal of approval for temporary occupation of a building.</p>		AO-B, BS, CO-BP, DDES, MDS, SAO-B	
s68(1),(2)	<p>43. Temporary Occupation</p> <p>43.1 The power pursuant to Sections 68(1) and (2) of the Act to approve the occupation of a building on a temporary basis without a certificate of occupancy and subject to such conditions as the Delegate thinks fit to impose.</p>		AO-B, BS, CO-BP, DDES, MDS, SAO-B	

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Development Act 1993				
s67(13)	42. Certificates of Occupancy 42.4 The power pursuant to Section 67(13) of the Act to revoke a certificate of occupancy in prescribed circumstances.		DDES, MDS	
s67(10)	42. Certificates of Occupancy 42.3 The duty pursuant to Section 67(10) of the Act to give written notice to an applicant of the refusal of the certificate of occupancy.		AO-B, BS, CO-BP, DDES, MDS, SAO-B	
s67(3)(a)	42. Certificates of Occupancy 42.2 The power pursuant to Section 67(3)(a) of the Act to require information from an applicant for a certificate of occupancy.		AO-B, BS, CO-BP, DDES, MDS, SAO-B	
s67(2), (3), (4), (5) (6)	42. Certificates of Occupancy 42.1 The duty pursuant to and in accordance with the requirements of Sections 67(2), (3), (4), (5) and (6) of the Act to give a certificate of occupancy.		AO-B, BS, CO-BP, DDES, MDS, SAO-B	
s66(2)	41. Classification of Buildings 41.1 The power pursuant to Section 66(2) of the Act to assign to any building a classification that conforms with		AO-B, BS, CO-BP, DDES,	

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Development Act 1993				
	the Regulations and the duty pursuant to Section 66(4) of the Act to give notice in writing to the owner of the building to which the classification has been assigned.		MDS, SAO-B	
s59(3)	40. Notification During Building 40.1 The power pursuant to Section 59(3) of the Act to direct that building work stop when a mandatory notification stage has been reached.		AO-B, BS, CO-BP, DDES, MDS, SAO-B	
s57A(18)	39. Land Management Agreements - Development Applications 39.9 The power pursuant to Section 57A (18) of the Act where an agreement under Section 57A does not have effect under Section 57A within the prescribed period, to, by notice given in accordance with the regulations, lapse the relevant development approval (and the agreement will then be rescinded by force of Section 57A(18) of the Act).		DDES, MDS	
s57A(16)	39. Land Management Agreements - Development Applications 39.8 The power pursuant to Section 57A(16) of the Act to apply to the Registrar-General where an agreement under Section 57A has been rescinded or amended to enter a note of the rescission or amendment against the instrument of title, or against the land.		DDES, MDS	
s57A(14)	39. Land Management Agreements - Development Applications 39.7 The power pursuant to Section 57A(14) of the Act to apply to the Registrar-General to note the agreement against the relevant instrument of title, or in the case of land not under the provisions of the Real Property Act 1886, against the land.		DDES, MDS	

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Development Act 1993			
s57A(8)	39. Land Management Agreements - Development Applications 39.6 The duty, pursuant to Section 57A(8) of the Act, where an agreement is entered into under Section 57A of the Act, in connection with an application for a development authorisation with respect to a Category 2A, Category 2 or Category 3 development, to include a note of the existence of the agreement on the notice of the relevant authority's decision under the Act.		DDES, MDS
s57A(7)	39. Land Management Agreements - Development Applications 39.5 The power pursuant to Section 57A(7) of the Act to provide a person, on payment of the prescribed fee, a copy of an agreement registered under Section 57A(5) of the Act.		DDES, MDS
s57A(6)	39. Land Management Agreements - Development Applications 39.4 The duty pursuant to Section 57A(6) of the Act to keep a register available for public inspection (without charge) in accordance with the Regulations.		DDES, MDS
s57A(5)	39. Land Management Agreements - Development Applications 39.3 The duty pursuant to Section 57A(5) of the Act to register agreements entered into under Section 57A in accordance with the Regulations.		DDES, MDS
s57A(3)	39. Land Management Agreements - Development Applications 39.2 The duty pursuant to Section 57A(3) of the Act to have regard to: 39.2.1 the provisions of the appropriate Development Plan. 39.2.2 the principle that the entering into of an agreement under Section 57A by the Council should not be used as a substitute to proceeding with an amendment to a Development Plan under the Act.		DDES, MDS

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Development Act 1993				
s57A(1)	39. Land Management Agreements - Development Applications 39.1 The power pursuant to and subject to Section 57A(1) of the Act to enter into an agreement under Section 57A of the Act with a person who is applying for a development authorisation under the Act.		DDES, MDS	
s57(11)	38. Land Management Agreements 38.7 The power pursuant to Section 57(11) of the Act to consent to the remission of rates payable to the Council provided for in an agreement entered into by the Minister.		This power remains with CEO - no further sub-delegation	
s57(8)	38. Land Management Agreements 38.6 The power pursuant to Section 57(8) of the Act to apply to the Registrar-General where an agreement in relation to which a note has been made under Section 57 of the Act has been rescinded or amended, to enter a note of the rescission or amendment made against the instrument of title or against the land.		DDES, MDS	
s57(5)	38. Land Management Agreements 38.5 The power pursuant to Section 57(5) of the Act, to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.		DDES, MDS	
s57(3)	38. Land Management Agreements 38.4 The power pursuant to Section 57(3) of the Act to carry out on private land any work for which provision is made by agreement under Section 57 of the Act.		DDES, MDS	

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Development Act 1993				
s57(2e)	38. Land Management Agreements 38.3 The duty pursuant to Section 57(2e) of the Act, in relation to the granting of development plan consent with respect to a Category 2A, Category 2 or Category 3 development, to note the existence of the agreement (or the proposal to enter the agreement), and the availability of copies of the agreement for public inspection on the notice of the relevant authority's decision.		DDES, MDS	
s57(2c)	38. Land Management Agreements 38.2 The duty pursuant to and in accordance with Section 57(2c) of the Act and Regulation 98A of the Regulations to establish and keep a register available for public inspection (without charge).		DDES, MDS	
s57(2) and 57(2a)	38. Land Management Agreements 38.1 The power pursuant to Sections 57(2) and 57(2a) of the Act to enter into an agreement relating to the development, management, preservation or conservation of land within the area of the Council with the owner of the land.		DDES, MDS	
s56C(15)	37A. Development Plan Assessment Audits 37A.4 The power pursuant to Section 56C(15) of the Act to, if 37A.4.2 the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, consult with the Minister.		DDES, MDS	
s56C(15) 56C(12)(a)	37A. Development Plan Assessment Audits 37A.4 The power pursuant to Section 56C(15) of the Act to, if 37A.4.1 the Minister makes a recommendation to the Council under Section 56C(12)(a) of the Act; and		DDES, MDS	

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Development Act 1993				
s56C(14)	37A. Development Plan Assessment Audits 37A.3 The power pursuant to Section 56C(14) of the Act to make submissions in relation to the matter to the Minister.		DDES, MDS	
s56C(10)	37A. Development Plan Assessment Audits 37A.2 The power pursuant to Section 56C(10) of the Act to provide a response to an auditor with a view to correcting any error or fact.		DDES, MDS	
s56C(2)	37A. Development Plan Assessment Audits 37A.1 The power and duty pursuant to Section 56C(2) of the Act to have the Council's activities in relation to Development Plan assessments audited by a development assessment auditor in accordance with the requirements of Section 56C of the Act.		DDES, MDS	
s56B(16)	37. Building Rules Assessment Audits 37.5 The duty pursuant to Section 56B(16) to comply with a direction given to the Council under Sections 56B(12) or 56B(15).		DDES, MDS	
s56B(14)	37. Building Rules Assessment Audits 37.4 The power pursuant to Section 56B(14) to make submissions to the Minister in relation to a matter concerning the possible exercise of the Minister's powers under Section 56B(12).		DDES, MDS	
s56B(10)	37. Building Rules Assessment Audits 37.3 The power pursuant to Section 56B(10) to respond to a report prepared by a building assessment auditor prepared in relation to the Council under Section 56B.		DDES, MDS	

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Development Act 1993				
s56B(5)	37. Building Rules Assessment Audits 37.2 The duty pursuant to Section 56B(5) to ensure that after the expiration of the periods prescribed in Section 56B(4) an audit under Section 56B is completed at least once in every prescribed period.		DDES, MDS	
s56B(2)	37. Building Rules Assessment Audits 37.1 The duty pursuant to Section 56B(2) to have its building assessment auditor audit the Council's activities in relation to the undertaking of assessments of proposed developments against the provisions of the Building Rules in accordance with the requirements of Section 56B.		DDES, MDS	
s56A(28)	36. Council to Establish Development Assessment Panels 36.13 The power pursuant to Section 56A(28) of the Act to consult with the Minister in relation to revoking an exemption under Section 56A(27) of the Act.		This power remains with CEO - no further sub-delegation	
s56A(27)	36. Council to Establish Development Assessment Panels 36.12 The power pursuant to Section 56A(27) of the Act to make an application to the Minister to exempt the Council from the requirement to establish a council development assessment panel under Section 56A of the Act.		This power remains with CEO - no further sub-delegation	

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Development Act 1993				
s56A(23)	36. Council to Establish Development Assessment Panels 36.11 The duty pursuant to Section 56A(23) of the Act to ensure that notice of the appointment of a public officer (including the public officer's name and contact details) is published in the Gazette.		DDES, MDS	
s56A(22)	36. Council to Establish Development Assessment Panels 36.10 The duty pursuant to Section 56A(22) of the Act to appoint a public officer (who must not be a member of the council development assessment panel).		This power remains with CEO - no further sub-delegation	
s56A(20)	36. Council to Establish Development Assessment Panels 36.9 The duty pursuant to and in accordance with Section 56A(20) of the Act to provide information to the Minister where requested by the Minister.		DDES, MDS	
s56A(15)(b)	36. Council to Establish Development Assessment Panels 36.8 The duty pursuant to Section 56A(15)(b) of the Act and in accordance with Section 56A(17) of the Act to make minutes of meetings of a council development assessment available for reasonable access by members of the public.		DDES, MDS	
s56A(5)	36. Council to Establish Development Assessment Panels 36.7 The duty pursuant to and in accordance with Section 56A(5) of the Act to give notice of an appointment.		DDES, MDS	
s56A(3)(g)	36. Council to Establish Development Assessment Panels 36.6 The power pursuant to Section 56A(3)(g) of the Act to remove a member of the council development assessment panel from office for:		This power remains with CEO -	

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Development Act 1993				
	36.6.1 breach of, or failure to comply with, the conditions of appointment; or 36.6.2 misconduct; or 36.6.3 neglect of duty; or 36.6.4 incapacity to carry out satisfactorily the duty of his or her office; or 36.6.5 failure to carry out satisfactorily the duty of his or her office; or 36.6.6 failure to comply with a requirement under Section 34(6) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.		no further sub-delegation	
s56A(3)(f)	36. Council to Establish Development Assessment Panels 36.5 The duty pursuant to Section 56A(3)(f) of the Act to determine any other conditions of appointment of the members of the council development assessment panel.		This power remains with CEO - no further sub-delegation	
s56A(3)(e)	36. Council to Establish Development Assessment Panels 36.4 The duty pursuant to Section 56A(3)(e) to determine the term of office for a member of the council development assessment panel, which period cannot exceed 2 years.		This power remains with CEO - no further	

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Development Act 1993				
			sub-delegation	
s56A(3)(d)	36. Council to Establish Development Assessment Panels 36.3 The duty pursuant to section 56A(3)(d) of the Act to ensure that, unless granted an exemption by the Minister, at least 1 member of the panel is a woman and at least 1 is a man and to ensure that insofar as is reasonably practicable, the panel consists of equal numbers of men and women.		This power remains with CEO - no further sub-delegation	
s56A(3)	36. Council to Establish Development Assessment Panels 36.2 The duty pursuant to Section 56A(3) of the Act to appoint the remaining members of the council development assessment panel in accordance with the requirements set out in Section 56A(3)(c) of the Act.		This power remains with CEO - no further sub-delegation	
s56A(3)	36. Council to Establish Development Assessment Panels 36.1 The duty pursuant to Section 56A(3) of the Act to appoint a presiding member to the council development assessment panel in accordance with the requirements set out in Section 56A(3)(b) of the Act.		This power remains with CEO - no further sub-delegation	
s56(4)	35. Completion of Work 35.4 The power pursuant to Section 56(4) of the Act to, by notice in writing to the person, fix a period being not		This power remains	

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Development Act 1993				
	less than 28 days from the date of the notice, within which the amount must be paid by the person where an amount is recoverable from the person under Section 56(3) of the Act.		with CEO - no further sub- delegation	
s56(3)	35. Completion of Work 35.3 The power pursuant to Section 56(3) of the Act to recover the reasonable costs and expenses incurred by the Council or any person acting on behalf of the Council under Section 56 of the Act as a debt due from the owner.		This power remains with CEO - no further sub- delegation	
s56(2)	35. Completion of Work 35.2 The power pursuant to the Section 56(2) of the Act to cause the necessary work to be carried out where an owner has failed to carry out work as required by a notice under Section 56(1) of the Act.		This power remains with CEO - no further sub- delegation	
s56(1)	35. Completion of Work 35.1 The power pursuant to Section 56(1) of the Act to issue a notice in writing requiring an owner of land to complete a development on the land within a period specified in the notice.		DDES, MDS	
s55(6)	34. Action if Development Not Substantially Completed 34.3 The power pursuant to Section 55(6) of the Act where an amount is recoverable from a person under		This power remains with CEO -	

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Development Act 1993				
	Section 55(5) of the Act, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice within which the amount must be paid.		no further sub-delegation	
s55(5)	34. Action if Development Not Substantially Completed 34.2 The power pursuant to Section 55(5) of the Act where the Court makes an order under Section 55(3)(a), (b) or (ca) of the Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out and to recover the cost of that work as a debt from the person.		This power remains with CEO - no further sub-delegation	
s55(1)	34. Action if Development Not Substantially Completed 34.1 The power pursuant to Section 55(1) of the Act to apply to the Court for an order under Section 55(3) of the Act where the development to which an approval relates has been commenced but not substantially completed within the period prescribed by the Regulations for the lapse of the approval.		This power remains with CEO - no further sub-delegation	
s54(2)(d)	33. Urgent Building Work 33.1 The power pursuant to Section 54(2)(d) of the Act to issue any directions and specify a period of time with respect to building work performed as a matter of urgency.		AO-B, BS, CO-BP, DDES, MDS, SAO-B	

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Development Act 1993				
s53A(2)	32. Requirement to Upgrade Building in Certain Cases 32.2 Where an application is made for building rules consent for building work in the nature of an alteration of a kind prescribed by the Regulations to a building constructed before 1 January 1980 the power pursuant to Section 53A(2) to form the opinion that the facilities for access to or within the building for people with disabilities are inadequate and therefore require as a condition of consent that building work or other measures be carried out to the extent reasonably necessary to ensure that the facilities for such access will be adequate.		AO-B, BS, CO-BP, SAO-B	
s53A(1)	32. Requirement to Upgrade Building in Certain Cases 32.1 Where an application is made for building rules consent for building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of subsection 53A(1) of the Act, the power pursuant to Section 53A(1) of the Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition and therefore require as a condition of consent that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.		AO-B, BS, CO-BP, SAO-B	
s52A(6)(b)	31. Avoidance of Duplication of Procedures Etc 31.5 Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act: 31.5.2 the power pursuant to Section 52A(6)(b) of the Act to attach a condition to the development authorisation that requires compliance with all or some of the conditions attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.		DDES, MDS	
s52A(6)(a)	31. Avoidance of Duplication of Procedures Etc 31.5 Where a controlled action under the Commonwealth Environment Protection and Biodiversity		DDES, MDS	

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Development Act 1993				
	<p>Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act:</p> <p>31.5.1 in circumstances where:</p> <p>31.5.1.1 the Commonwealth Minister has given his or her approval to the controlled action; and</p> <p>31.5.1.2 the applicant for the development authorisation or the Commonwealth Minister has informed the relevant authority of that fact;</p> <p>the duty pursuant to Section 52A(6)(a) of the Act to consider whether the conditions (if any) to be attached to the development authorisation should be consistent with the conditions (if any) attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999; and</p>			
s52A(5)	<p>31. Avoidance of Duplication of Procedures Etc</p> <p>31.4 The power pursuant to Section 52A(5) of the Act where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity or includes an activity for which a development authorisation is required under the Act to, when considering an application for a development authorisation or for the variation of a development authorisation, for the activity, use information and other material provided to the Commonwealth Minister under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.</p>		DDES, MDS	

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Development Act 1993				
s52A(2)(c)	31. Avoidance of Duplication of Procedures Etc 31.3 The power pursuant to Section 52A(2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement, assessment or other document of the same kind or not) used or to be used for the purposes of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of the Act.		DDES, MDS	
s52A(2)(b)	31. Avoidance of Duplication of Procedures Etc 31.2 The power pursuant to Section 52A(2)(b) of the Act where a document has been accepted for the purposes of the Act, to direct that a procedure taken under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 in relation to the said document will be taken to have fulfilled the requirements for a procedure in relation to the relevant document under the Act, if the requirements of the Act in relation to the procedure have been complied with under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.		DDES, MDS	
s52A(2)(a)	31. Avoidance of Duplication of Procedures Etc 31.1 The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (and defined in Section 52A(9) of the Act, as a 'Commonwealth Act document') as an application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act.		DDES, MDS	
s52(4)	30. Saving Provisions 30.1 The power pursuant to Section 52(4) of the Act to extend the limitation period referred to in Section 52(2) of the Act in order to avoid or reduce hardship.		DDES, MDS	

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Development Act 1993				
s51(2)	29. Certificate in Respect of the Division of Land 29.1 The duty pursuant to Section 51(2) of the Act to provide appropriate information to the Development Assessment Commission (upon request by the Development Assessment Commission) before it issues a certificate in respect of the division of land.		AO-P, DDES, MDS, PP, SAO-P	
s50B(7)	28. Urban Trees Fund 28.6 The duty, pursuant to Section 50B(7) of the Act, if the Council subsequently sells land purchased under Section 50B(6)(b) of the Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 50B of the Act subject to the following qualifications as prescribed by Sections 50B(7)(a) and (b) of the Act: 28.6.1 if an urban trees fund is no longer maintained by the Council, the proceeds must be applied for a purpose or purpose consistent with Section 50B(6)(a) or (b) of the Act; 28.6.2 if money from an urban trees fund only constituted a proportion of the purchase price of the land (the designated proportion), the money that is subject to these requirements is the designated proportion of the proceeds of sale.		This power remains with CEO - no further sub-delegation	
s50B(6)	28. Urban Trees Fund 28.5 The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to: 28.5.2 purchase land within the designated area in order to maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act.		This power remains with CEO - no further sub-delegation	

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Development Act 1993				
s50B(6)	28. Urban Trees Fund 28.5 The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to: 28.5.1 maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act; or		This power remains with CEO - no further sub-delegation	
s50B(5)	28. Urban Trees Fund 28.4 The power, pursuant to Section 50B(5) of the Act, to invest any money in an urban trees fund that is not for the time being required for the purpose of the fund and the duty to pay any resultant income into the fund.		This power remains with CEO - no further sub-delegation	
s50B(3)	28. Urban Trees Fund 28.3 The duty, pursuant to Section 50B(3) of the Act, to define a designated area by reference to an area established by the relevant Development Plan.		This power remains with CEO - no further sub-delegation	
s50B(2)	28. Urban Trees Fund 28.2 The duty, pursuant to Section 50B(2) of the Act, to effect establishment of the fund by notice in the Gazette.		This power remains with CEO - no further	

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Development Act 1993				
			sub-delegation	
s50B(1)	28. Urban Trees Fund 28.1 The power, pursuant to Section 50B(1) of the Act, with the approval of the Minister, to establish an urban trees fund for an area designated by the Delegate (a designated area).		This power remains with CEO - no further sub-delegation	
s50A(8)	27. Carparking Fund 27.8 The power pursuant to and in accordance with Section 50A(8) of the Act to apply money standing to the credit of the car parking fund.		DDES, MDS	
s50A(7)	27. Carparking Fund 27.7 The power pursuant to and in accordance with Section 50A(7) of the Act to invest any money in a carparking fund and to pay any resultant income into the fund.		DDES, MDS	
s50A(6)	27. Carparking Fund 27.6 The duty pursuant to and in accordance with Section 50A(6) of the Act to publish a determination for the purpose of calculating amounts to be paid into a carparking fund and any variations from time to time in the Gazette.		DDES, MDS	
s50A(5)	27. Carparking Fund 27.5 The power pursuant to Section 50A(5) of the Act to make a determination for the purpose of calculating amounts to be paid into a carparking fund.		DDES, MDS	

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Development Act 1993				
s50A(5)(d)	27. Carparking Fund 27.4 The power pursuant to Section 50A(5)(d) of the Act to agree with an applicant that a contribution calculated in accordance with a determination of the Council or the Delegate can be made by the applicant to a car parking fund in lieu of providing a certain number of spaces for the parking of cars at the site of a development.		DDES, MDS	
s50A(5)(c)	27. Carparking Fund 27.3 The power pursuant to Section 50A(5)(c) of the Act to determine that a proposal does not provide for sufficient spaces for the parking of cars at the site of a development.		DDES, MDS	
s50A(1)	27. Carparking Fund 27.2 The duty pursuant to Section 50A(1) of the Act to publish a notice in the Gazette in accordance with Section 50A(2) of the Act where the approval of the Minister has been obtained.		DDES, MDS	
s50A(1)	27. Carparking Fund 27.1 The power pursuant to Section 50A(1) of the Act to establish a car parking fund.		This power remains with CEO - no further sub-delegation	
s50(11)	26. Open Space Contribution System 26.6 The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the	Refer to conditions and limitations in	AO-P, DDES, DWES,	

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Development Act 1993			
	extent that an earlier application in respect of the same development has addressed the requirements of Section 50 of the Act in respect of the area of land as a whole.	the "Development Act 1993 and Development Regulations 2008 - Appendix - Conditions of Sub-Delegations made by the CEO".	MDS, MES, PP, SAO-P
s50(10)	26. Open Space Contribution System 26.5 The power pursuant to Section 50(10) of the Act to receive payment of monies from an applicant under Section 50(1) of the Act and the duty to immediately pay that money into a special fund established for the purposes of Section 50 and to apply that money for the purpose of acquiring or developing land as open space.	Refer to conditions and limitations in the "Development Act 1993 and Development Regulations 2008 - Appendix - Conditions of	AO-P, DDES, DWES, MDS, MES, PP, SAO-P

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Development Act 1993				
		Sub-Delegations made by the CEO".		
s50(3a)	26. Open Space Contribution System 26.4 The power pursuant to Section 50(3a) of the Act to concur on behalf of the Council to the vesting of land in the Council pursuant to a requirement of the Development Assessment Commission that an area of the site of the development be kept as open space or in some other form that allows for active or passive recreation under Section 50(3a)(a) of the Act.	Refer to conditions and limitations in the "Development Act 1993 and Development Regulations 2008 - Appendix - Conditions of Sub-Delegations made by the CEO".	AO-P, DDES, DWES, MDS, MES, PP, SAO-P	
s50(3)	26. Open Space Contribution System 26.3 The power pursuant to Section 50(3) and 50(2)(d) of the Act to enter into an agreement on behalf of the	Refer to conditions and	AO-P, DDES, DWES,	

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Development Act 1993				
	Council with the Development Assessment Commission and the applicant under which certain land described by the relevant plan of division will be vested in the Council.	limitations in the "Development Act 1993 and Development Regulations 2008 - Appendix - Conditions of Sub-Delegations made by the CEO".	MDS, MES, PP, SAO-P	
s50(1)	26. Open Space Contribution System 26.2 The power pursuant to Section 50(1) of the Act, when proposing to take any action that is at variance with the Council's Development Plan to seek the concurrence of the Development Assessment Commission.	Refer to conditions and limitations in the "Development Act 1993 and Development Regulations 2008 - Appendix -	AO-P, DDES, DWES, MDS, MES, PP, SAO-P	

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Development Act 1993				
		Conditions of Sub-Delegations made by the CEO".		
s50(1)	<p>26. Open Space Contribution System</p> <p>26.1 The power pursuant to Section 50(1) of the Act, with respect to an application for the division of land into more than 20 allotments where one or more allotments is less than one hectare in area, to require:</p> <p>26.1.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or</p> <p>26.1.2 that the applicant make the contribution prescribed by the regulations in accordance with the requirements of by Section 50 of the Act; or</p> <p>26.1.3 that the land be vested in the Council and that the applicant make a contribution determined in accordance with Section 50(7) of the Act, according to the determination and specification of the Council or Delegate.</p>	<p>Refer to conditions and limitations in the "Development Act 1993 and Development Regulations 2008 - Appendix - Conditions of Sub-Delegations made by the CEO".</p>	AO-P, DDES, DWES, MDS, MES, PP, SAO-P	
s49A(9)	<p>25. Electricity Infrastructure Development</p> <p>25.3 The power pursuant to Section 49A(9) of the Act, in circumstances where the Council's report to the</p>		DDES, MDS	

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Development Act 1993				
	Development Assessment Commission under Section 49A(5) of the Act expressed opposition to the proposed development, to withdraw that opposition.			
s49A(5)	25. Electricity Infrastructure Development 25.2 The power pursuant to Section 49A(5) of the Act, where notice of a proposal to undertake development for the purposes of the provision of electricity infrastructure has been given to the Council pursuant to Section 49A(4a) of the Act, to report to the Development Assessment Commission on any matters contained in the said notice.		DDES, MDS	
s49A(4a)	25. Electricity Infrastructure Development 25.1 The power pursuant to Section 49A(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
s49(9)	24. Crown Development and Public Infrastructure 24.3 The power pursuant to Section 49(9) of the Act to withdraw opposition to a State agency proposed development.		DDES, MDS	
s49(5)	24. Crown Development and Public Infrastructure 24.2 The power pursuant to Section 49(5) of the Act to report to the Development Assessment Commission on any matters contained in a notice from the Development Assessment Commission under Section 49(4a) of the Act.		DDES, MDS	

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Development Act 1993				
s49(4a)	24. Crown Development and Public Infrastructure 24.1 The power pursuant to Section 49(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
s45A(12) 45A(11)	23. Investigation of Development Assessment Performance 23.3 The power pursuant to Section 45A(12) of the Act to make submissions to the Minister on the report on which the action under Section 45A(11) of the Act is based within a period (being at least 28 days) specified by the Minister.		DDES, MDS	
s45A(14)	23. Investigation of Development Assessment Performance 23.2 The duty pursuant to Section 45A(14) of the Act to comply with a direction under Section 45A(11) or (13) of the Act.		DDES, MDS	
s45A(2)	23. Investigation of Development Assessment Performance 23.1 The power pursuant to Section 45A(2) of the Act to explain the Council's actions and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action) to the Minister within a period (being at least 28 days) specified by the Minister.		DDES, MDS	
s43	22. Cancellation by a Relevant Authority 22.1 The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate.		DDES, MDS	

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Development Act 1993				
s42(8)(b)	21. Conditions 21.4 The power, pursuant to Section 42(8)(b) of the Act, after taking into account any criteria prescribed by the Regulations and if the Minister concurs, to determine that it is appropriate to grant an exemption under Section 42 of the Act in a particular case.		This power remains with CEO - no further sub-delegation	
s42(6) s42(4)	21. Conditions 21.3 The power, pursuant to Section 42(6) of the Act, on the application of the applicant, to determine that a payment of an amount calculated in accordance with the Regulations be made into the relevant fund in lieu of planting one or more replacement trees under Section 42(4) of the Act.		This power remains with CEO - no further sub-delegation	
s42(4)	21. Conditions 21.2 The duty, pursuant to Section 42(4) of the Act, in accordance with Section 42(5) of the Act and subject to Sections 42(6) and (8) of the Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the Delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).		This power remains with CEO - no further sub-delegation	

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Development Act 1993				
s42(1)	<p>21. Conditions</p> <p>21.1 The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.</p>	Refer to conditions and limitations in the "Development Act 1993 and Development Regulations 2008 - Appendix - Conditions of Sub-Delegations made by the CEO".	AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
s41(1)	<p>20. Time Within Which Decision Must be Made</p> <p>20.2 If:</p> <p>20.2.1 the relevant authority does not decide an application that relates to development that is a complying development within the time prescribed under Section 41(1) of the Act; and</p> <p>20.2.2 the applicant gives the relevant authority a notice in accordance with the Regulations on the basis that the decision on the application has not been made,</p>		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	

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Development Act 1993				
	the duty pursuant to Section 41(5)(d) of the Act, subject to any exclusion or qualification prescribed by the Regulations, to refund the fee received by the relevant authority under Section 39(1)(d) in relation to the application.			
s41(1)	20. Time Within Which Decision Must be Made 20.1 The duty, pursuant to Section 41(1) of the Act to deal with an application as expeditiously as possible and within the time prescribed by the Regulations.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
s40(3)	19. Determination of Application 19.2 The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
s40(1)	19. Determination of Application 19.1 The duty pursuant to Section 40(1) of the Act to give notice of a decision in accordance with the Regulations (and in the case of a refusal, the duty to include the reasons for the refusal and any appeal rights that exist under the Act.)		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	

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Development Act 1993				
s39(9)	18. Application and Provision of Information 18.17 The power pursuant to Section 39(9) of the Act to determine that the applicant is entitled to a refund of the application fee in the event that an application is withdrawn.		AO-P, DDES, MDS, PP, SAO-P	
s39(8)	18. Application and Provision of Information 18.16 The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
s39(7a)	18. Application and Provision of Information 18.15 Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7a), to make specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
s39(7)(d)	18. Application and Provision of Information 18.14 The power, pursuant to section 39(7)(d) of the Act, to approve the seeking of a variation to extend the period for which the relevant authorisation remains operative.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	

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Development Act 1993				
s39(7)(c)	18. Application and Provision of Information 18.13 The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development.		AO-P, DDES, MDS, PP, SAO-P	
s39(7)	18. Application and Provision of Information 18.12 The power pursuant to Section 39(7) of the Act to approve an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
s39(4)(e)	18. Application and Provision of Information 18.11 The power pursuant to Section 39(4)(e) of the Act, if there is an inconsistency between any documents lodged with the Council for the purposes of Division 1 of Part 4 of the Act, or between any such document and a development authorisation that has already been given that is relevant in the circumstances, to return or forward any document to the applicant or to any other person and to determine not to finalise the matter until any specified matter is resolved, rectified or addressed.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
s39(4)(d)	18. Application and Provision of Information 18.10 The power pursuant to Section 39(4)(d) of the Act and Regulation 17(3)(a) of the regulations to refuse an application that relates to a development of the kind that is described as a non-complying development under the Development Plan without proceeding to make an assessment of the application.		This power remains with CEO - no further sub-delegation	

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Development Act 1993				
s39(4)(c) s39(5)	18. Application and Provision of Information 18.9 The power pursuant to Section 39(4)(c) and Section 39(5) of the Act to waive payment of whole or part of the application fee or refund an application fee (to the extent that such fees are payable to the Council).		DDES, MDS	
s39(4)(b) s39(5)	18. Application and Provision of Information 18.8 The power pursuant to Section 39(4)(b) and Section 39(5) of the Act to permit an applicant to lodge an application without the provision of any information or document required by the Regulations.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
s39(4)(a) s39(5)	18. Application and Provision of Information 18.7 The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
s39(3b)	18. Application and Provision of Information 18.6 The duty, pursuant to Section 39(3b) of the Act, in dealing with an application that relates to a regulated tree that is not a significant tree, to seek to assess the application without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.		This power remains with CEO - no further sub-delegation	

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Development Act 1993				
39(3a)	18. Application and Provision of Information 18.5 The duty, pursuant to Section 39(3a) of the Act, in dealing with an application that relates to a regulated tree, to seek to make any assessment as to whether the tree is a significant tree without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.		This power remains with CEO - no further sub-delegation	
s39(3)	18. Application and Provision of Information 18.4 Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power pursuant to Section 39(3)(b) of the Act to: 18.4.1 subject to Section 39(3)(b)(ii) of the Act, refuse the application; and 18.4.2 refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
s39(2b)	18. Application and Provision of Information 18.3 If: 18.3.1 a development falls within a class of development prescribed by the Regulations for the purposes of Section 39(2b)(b) of the Act; and 18.3.2 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act, the power and duty pursuant to Section 39(2b)(c) of the Act, to;		AO-P, DDES, MDS, PP, SAO-P	

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Development Act 1993				
	18.3.3 in making an assessment as to development plan consent, request the applicant to provide additional documents or information in relation to the application on 1 occasion only; and the duty pursuant to Section 39(2b)(d) of the Act, to;			
	18.3.4 make that request within a period prescribed by the Regulations.			
s39(2a)	<p>18. Application and Provision of Information</p> <p>18.2 If:</p> <p>18.2.1 a development is of a kind that is complying development; and</p> <p>18.2.2 the development falls within a class of development prescribed by the Regulations for the purpose of Section 39(2a)(b) of the Act; and</p> <p>18.2.3 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d), the duty, pursuant to Section 39(2a) of the Act, to, in making an assessment as to development plan consent, assess the application without requesting the applicant to provide additional documents or information.</p>		AO-P, DDES, MDS, PP, SAO-P	
s39(2)	<p>18. Application and Provision of Information</p> <p>18.1 The power pursuant to Section 39(2) of the Act to request an applicant to:</p> <p>18.1.1 provide such additional documents or information to enable assessment of the application;</p> <p>18.1.2 remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;</p>		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	

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Development Act 1993				
	18.1.3 consult with an authority or body prescribed by the Regulations; 18.1.4 (where required by the Regulations) prepare a statement of effect in relation to non-complying development; and 18.1.5 comply with any other requirement prescribed by the Regulations.			
s38(18)	17. Public Notice and Consultation 17.11 The power, pursuant to subsection 38(18) of the Act, to not take into account under Section 38 of the Act, a representation that is not made in accordance with any requirement prescribed by the Regulations for the purposes of Section 38.		AO-P, DDES, MDS, PP, SAO-P	
s38(17)	17. Public Notice and Consultation 17.10 The power, pursuant to subsection 38(17) of the Act, where a relevant authority is acting under Section 38 of the Act in relation to a Category 2A or Category 2 development, to not take into account under Section 38 of the Act a representation made by a person who is not entitled to be given notice of the relevant application under Section 38 of the Act.		AO-P, DDES, MDS, PP, SAO-P	
s38(12)	17. Public Notice and Consultation 17.9 The duty pursuant to Section 38(12) of the Act, where representations have been made under Section 38 of the Act, to give notice of the decision on the application to each person who made a representation and in respect of a Category 3 development of the person's appeal rights under the Act, and give notice to the Court.		AO-P, DDES, MDS, PP, SAO-P	

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Development Act 1993			
s38(11)	<p>17. Public Notice and Consultation</p> <p>17.8 The duty pursuant to Section 38(11) of the Act to allow an applicant to appear personally or by representative before the Delegate or the Council in order to respond to any relevant matter.</p>	<p>For officers: Refer to conditions and limitations in the "Development Act 1993 and Development Regulations 2008 - Appendix - Conditions of Sub-Delegations made by the CEO".</p>	DDES, MDS
s38(10)(b)	<p>17. Public Notice and Consultation</p> <p>17.7 The duty pursuant to Section 38(10)(b) of the Act, in respect of a Category 3 development, to allow a person who made a representation and who as part of that representation indicated an interest in appearing before the Delegate, a reasonable opportunity to appear personally or by representative to be heard in support of the representation.</p>	<p>For officers: Refer to conditions and limitations in the "Development</p>	DDES, MDS

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Development Act 1993				
			Act 1993 and Development Regulations 2008 - Appendix - Conditions of Sub-Delegations made by the CEO".	
s38(10)(a)	<p>17. Public Notice and Consultation</p> <p>17.6 The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate.</p>		<p>For officers: Refer to conditions and limitations in the "Development Act 1993 and Development Regulations 2008 - Appendix - Conditions of Sub-</p>	DDES, MDS

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Development Act 1993				
		Delegations made by the CEO".		
s38(8)	17. Public Notice and Consultation 17.5 The duty pursuant to Section 38(8) of the Act to forward to an applicant a copy of any representation made regarding the proposed development, and to allow the applicant to respond in writing to those representations.		AO-P, DDES, MDS, PP, SAO-P	
s38(5)	17. Public Notice and Consultation 17.4 The duty pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development.		AO-P, DDES, MDS, PP, SAO-P	
s38(4)	17. Public Notice and Consultation 17.3 The duty pursuant to Section 38(4) of the Act to give notice of a proposal for a Category 2 development.		AO-P, DDES, MDS, PP, SAO-P	
s38(3a)(a)	17. Public Notice and Consultation 17.2 Where a person applies for a consent in respect of the Development Plan for a Category 2A development, - 17.2.1 the duty pursuant to Section 38(3a)(a) of the Act to: 17.2.1.1 subject to any exclusion or qualification prescribed by the Regulations - give an owner or occupier of		AO-P, DDES, MDS, PP, SAO-P	

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Development Act 1993				
	<p>each piece of adjoining land; and</p> <p>17.2.1.2 give any other person of a prescribed class, notice of the application; and</p> <p>17.2.2 the duty pursuant to Section 38(3a)(b) of the Act, to:</p> <p>17.2.2.1 give consideration to any representations in writing made in accordance with the Regulations by a person who is entitled to be given notice under paragraph (a) of Section 38(3a) of the Act; and</p> <p>17.2.2.2 forward to the applicant a copy of any representations that the relevant authority must consider under subparagraph (i) of Section 38(3a)(b) of the Act and allow the applicant an opportunity to respond in writing, to those representations within the period prescribed by the Regulations; and</p> <p>17.2.3 if a representation is received under paragraph (b) of Section 38(3a) of the Act within the prescribed number of days, the power pursuant to Section 38(3a)(c) of the Act to, in the Delegate's absolute discretion, allow the person who made the representation to appear personally or by representative before it to be heard in support of the representation.</p>			
s38(3)	<p>17. Public Notice and Consultation</p> <p>17.1 The duty, pursuant to Section 38(3) of the Act, where a person applies for a consent in respect of the Development Plan for a Category 1 development, to not on the Delegate's own initiative seek the views of the owners or occupiers of adjacent or other land in relation to the granting or refusal of development plan consent.</p>		AO-P, DDES, MDS, PP, SAO-P	
s37A(6)	<p>16. Proposed Development Involving Creation of Fortifications</p> <p>16.4 The duty pursuant to Section 37A(6) of the Act, if the Delegate acting on the basis of a determination of the Commissioner under subsection 37A(2) refuses an application or imposes conditions in respect of a</p>		AO-P, DDES,	

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Development Act 1993				
	development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 37A of the Act.		MDS, PP, SAO-P	
s37A(5)	<p>16. Proposed Development Involving Creation of Fortifications</p> <p>16.3 The duty pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development involves the creation of fortifications to:</p> <p>16.3.1 if the proposed development consists only of the creation of fortifications - refuse the application; or</p> <p>16.3.2 in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications.</p>		AO-P, DDES, MDS, PP, SAO-P	
s37A(2)(b)	<p>16. Proposed Development Involving Creation of Fortifications</p> <p>16.2 The power pursuant to Section 37A(2)(b) of the Act to receive the Commissioner's written determination under Section 37A(2)(a) of the Act.</p>		AO-P, DDES, MDS, PP, SAO-P	
s37A(1)	<p>16. Proposed Development Involving Creation of Fortifications</p> <p>16.1 The duty pursuant to Section 37A(1) of the Act where the Delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police ('the Commissioner').</p>		AO-P, DDES, MDS, PP, SAO-P	
s37AA(4)	<p>15. Preliminary Advice and Agreement</p> <p>15.2 The power pursuant to and in accordance with Section 37AA(4) of the Act to determine that an agreement under Section 37AA of the Act is no longer appropriate due to the operation of Section 53 of the Act.</p>		AO-P, DDES,	

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Development Act 1993				
			MDS, PP, SAO-P	
37AA(2)(e) 37AA(2)(c)	15. Preliminary Advice and Agreement 15.1 The power pursuant to and in accordance with Section 37AA(2)(e) of the Act to be satisfied that an application accords with an agreement indicated by a prescribed body in accordance with Section 37AA(2)(c) of the Act.		AO-P, DDES, MDS, PP, SAO-P	
s37(6)	14. Consultation With Other Authorities or Agencies 14.3 If a relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the Act, the power, pursuant to Section 37(6) of the Act to make application for the relevant authority to be joined as a party to the proceedings.		DDES, MDS	
s37(5)(a)	14. Consultation With Other Authorities or Agencies 14.2 The duty pursuant to Section 37(5)(a) of the Act where an application has been refused or conditions imposed in respect of a development authorisation by direction of a prescribed body, to notify the applicant that the application was refused, or the conditions imposed, by direction under Section 37 of the Act.		AO-P, DDES, MDS, PP, SAO-P	
37(1)(a) 37(1)(b)	14. Consultation With Other Authorities or Agencies 14.1 Subject to Section 37AA of the Act, the duty pursuant to Section 37(1)(a) and (b) of the Act where an assessment is required of an application for the consent or approval of a proposed development of a prescribed class to: 14.1.1 refer the application, together with a copy of any relevant information provided by the applicant to a body prescribed by the Regulations and including the Development Assessment Commission, and		AO-P, DDES, MDS, PP, SAO-P	

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Development Act 1993				
	14.1.2 not make a decision until a response has been received from the prescribed body in relation to the matter or matters for which the referral was made or the presumption is made that the body does not desire to make a response or concur (as the case requires).			
s36(6)	13. Special Provisions Relating to Assessment Against the Building Rules 13.6 The power pursuant to Section 36(6) of the Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification.		AO-B, BS, CO-BP, SAO-B	
s36(4)(a) 36(4)(b)	13. Special Provisions Relating to Assessment Against the Building Rules 13.5 The duty pursuant to Section 36(4)(a) and (b) of the Act to accept that proposed building work complies with the Building Rules to the extent that: 13.5.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the Regulations; or 13.5.2 such compliance is certified by a private certifier.		AO-B, BS, CO-BP, MDS, SAO-B	
s36(3a) 36(3)	13. Special Provisions Relating to Assessment Against the Building Rules 13.4 The duty pursuant to Section 36(3a) of the Act to seek and consider the advice of the Building Rules Assessment Commission before imposing or agreeing to a requirement under Section 36(3) of the Act that would be at variance with the performance requirements of the Building Code.		BS, MDS	
s36(3)	13. Special Provisions Relating to Assessment Against the Building Rules 13.3 The duty pursuant to Section 36(3) of the Act to modify the application of the Building Rules to avoid an		AO-B, BS, CO-BP,	

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Development Act 1993				
	inconsistency between the Building Rules and the Development Plan in relation to a State heritage place or a local heritage place.		MDS, SAO-B	
s36(2)	<p>13. Special Provisions Relating to Assessment Against the Building Rules</p> <p>13.2 The power pursuant to and in accordance with Section 36(2) of the Act:</p> <p>13.2.1 to assess whether a development is at variance with the Building Rules;</p> <p>13.2.2 to determine whether to grant building rules consent where the variance is with the performance requirements of the Building Code and the Building Rules Assessment Commission concurs in the granting of consent;</p> <p>13.2.3 to determine whether to grant building rules consent where the variance is with a part of the Building Rules other than the Building Code and to determine that it is appropriate to grant the consent despite the variance on the basis that the Delegate is satisfied that:</p> <p>13.2.3.1 the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building fails to conform with the Building Rules only in minor respects and the variance is justifiable having regard to the objects of the Development Plan or the performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than if the variance were not to be allowed; or</p> <p>13.2.3.2 in circumstances where the development has already occurred the variance is justifiable in the circumstances of the particular case.</p>		AO-B, BS, CO-BP, SAO-B	

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Development Act 1993				
s36(1)	13. Special Provisions Relating to Assessment Against the Building Rules 13.1 The duty pursuant to Section 36(1) of the Act to grant a building rules consent if the Regulations provide that any proposed building work complies with the Building Rules.		AO-B, BS, CO-BP, SAO-B	
35(6)	12. Special Provisions Relating to Assessment Against Development Plans 12.6 Subject to the Act, the power and duty pursuant to Section 35(6) of the Act, to accept that a proposed development complies with the provisions of the appropriate development plan to the extent that such compliance is certified by a private certifier.	Refer to conditions and limitations in the "Development Act 1993 and Development Regulations 2008 - Appendix - Conditions of Sub-Delegations made by the CEO".	AO-P, DDES, MDS, PP, SAO-P	
s35(3)(a)	12. Special Provisions Relating to Assessment Against Development Plans 12.5 The power pursuant to Section 35(3)(a) of the Act in appropriate cases, to concur in the granting of consent to a development described as a non-complying development.	Refer to conditions and limitations in	AO-P, DDES, MDS, PP, SAO-P	

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Development Act 1993				
			the "Development Act 1993 and Development Regulations 2008 - Appendix - Conditions of Sub-Delegations made by the CEO".	
s35(2)	12. Special Provisions Relating to Assessment Against Development Plans 12.4 The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan.		Refer to conditions and limitations in the "Development Act 1993 and Development Regulations 2008 - Appendix - Conditions of	AO-P, DDES, MDS, PP, SAO-P

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Development Act 1993				
		Sub-Delegations made by the CEO".		
s35(1d)	12. Special Provisions Relating to Assessment Against Development Plans 12.3 Subject to Sections 35 (1d) and (1e) of the Act, if a proposed development meets all but 1 criteria necessary for the development to be complying development, the duty, pursuant to Section 35(1c) of the Act to regard the aspect or aspects of the development that are consistent with the development being complying development accordingly and to assess the balance of the development as merit development.		AO-P, DDES, MDS, PP, SAO-P	
s35(1b)	12. Special Provisions Relating to Assessment Against Development Plans 12.2 The power pursuant to Section 35(1b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development.		AO-P, DDES, MDS, PP, SAO-P	
s35(1)	12. Special Provisions Relating to Assessment Against Development Plans 12.1 The duty pursuant to Section 35(1) of the Act to grant a development plan consent if the Regulations or the relevant Development Plan describes any proposed development as a complying development (subject to such conditions or exceptions as may be prescribed by the Regulations or the relevant Development Plan and subject to any other provision made by the Act or applying under the Regulations).		AO-P, DDES, MDS, PP, SAO-P	
34(27)(b) 34(27)(a)	11. Determination of Relevant Authority 11.6 The duty pursuant to Section 34(27)(b) of the Act to ensure that a copy of the policy established by the		AO-P, DDES,	

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Development Act 1993				
	Council under Section 34(27)(a) of the Act is available for inspection at the principal office of the council during ordinary office hours and for inspection on the internet.		MDS, PP, SAO-P	
34(27)(a) 34(23)	11. Determination of Relevant Authority 11.5 The duty pursuant to Section 34(27)(a) of the Act to establish a policy relating to the basis upon which the Council will make the various delegations required by Section 34(23) of the Act.		This power remains with CEO - no further sub-delegation	
s34(21)	11. Determination of Relevant Authority 11.4 The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel		This power remains with CEO - no further sub-delegation	
s34(8a)	11. Determination of Relevant Authority 11.3 The power pursuant to Section 34(8a) of the Act to, in conjunction with the Councils for the areas in relation to which a regional development assessment panel has been constituted, remove a member from the panel for a failure to comply with the requirements of Section 34(6a) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.		This power remains with CEO - no further sub-delegation	
s34(1a)	11. Determination of Relevant Authority 11.2 The power pursuant to Section 34(1a) of the Act, where the Minister has made a declaration under Section		AO-P, DDES,	

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Development Act 1993				
	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.		MDS, PP, SAO-P	
s34(1)(b)(iii)	11. Determination of Relevant Authority 11.1 The power pursuant to Section 34(1)(b)(iii) of the Act to request the Minister to declare the Development Assessment Commission to be the relevant authority for a proposed development.		AO-P, DDES, MDS, PP, SAO-P	
s33(1)	10. Matters Against Which Development Must be Assessed 10.3 If: 10.3.1 a development only requires an assessment under paragraph (b) of Section 33(1) of the Act; and 10.3.2 the Council: 10.3.2.1 is the relevant authority; and 10.3.2.2 is to make the assessment under that paragraph; and 10.3.3 the Council determines to grant consent under that paragraph, the duty, pursuant to Section 33(4b) of the Act as the relevant authority, to issue the relevant development approval with the consent.		AO-B, BS, CO-BP, SAO-B	

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Development Act 1993				
s33(3)	10.Matters Against Which Development Must be Assessed 10.2 The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.		AO-P, DDES, MDS, PP, SAO-P	
s33(1)(f)	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.6 such other matters as may be prescribed.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
s33(1)(e)	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.5 the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner; and		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
s33(1)(d)	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.4 in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;	Refer to conditions and limitations in the "Development	AO-P, DDES, MDS, PP, SAO-P	

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Development Act 1993				
			Act 1993 and Development Regulations 2008 - Appendix - Conditions of Sub-Delegations made by the CEO".	
s33(1)(c)	<p>10.Matters Against Which Development Must be Assessed</p> <p>10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):</p> <p>10.1.3 in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;</p>		<p>Refer to conditions and limitations in the "Development Act 1993 and Development Regulations 2008 - Appendix - Conditions of Sub-Delegations</p>	AO-P, DDES, MDS, PP, SAO-B, SAO-P

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Development Act 1993				
		made by the CEO".		
s33(1)(b)	<p>10.Matters Against Which Development Must be Assessed</p> <p>10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):</p> <p>10.1.2 the provisions of the Building Rules;</p>	<p>Refer to conditions and limitations in the "Development Act 1993 and Development Regulations 2008 - Appendix - Conditions of Sub-Delegations made by the CEO".</p>	AO-B, BS, CO-BP, SAO-B	
s33(1)(a)	<p>10.Matters Against Which Development Must be Assessed</p> <p>10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):</p> <p>10.1.1 the provisions of the appropriate Development Plan;</p>	<p>Refer to conditions and limitations in the</p>	AO-P, DDES, MDS, PP, SAO-P	

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Development Act 1993				
			"Development Act 1993 and Development Regulations 2008 - Appendix - Conditions of Sub-Delegations made by the CEO".	
s31(3)	9. Copies of Plans to be Made Available to the Public 9.1 The duty pursuant to Section 31(3) of the Act to make copies of a Development Plan published under Section 31(1) of the Act that applies in relation to the area of the Council available for inspection (without charge) and purchase by the public at an office of the Council.		A-SMPS, AO-P, ATSO, DDES, EA-DDES, MDS, PP, SAO-P	
s30(15)	8. Strategic Directions Reports 8.13 The power pursuant to Section 30(15) of the Act to act jointly with two or more councils under Section 30 of the Act and to act on behalf of, and with the agreement of, the other council or councils in undertaking any process or procedure under Section 30 of the Act.		DDES, MDS, PP	

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Development Act 1993				
s30(14)	8. Strategic Directions Reports 8.12 The power pursuant to Section 30(14) of the Act, to request in accordance with the regulations a Minister identified by the regulations for the purposes of this provision to furnish to the Council within the prescribed period a statement of the nature and extent of any infrastructure that, according to the Minister's assessment, should be taken into account in connection with the preparation of a report under Section 30 of the Act.		DDES, MDS, PP	
s30(13)	8. Strategic Directions Reports 8.11 The duty pursuant to Section 30(13) of the Act, if a report proposes amendments to a Development Plan that applies within the area of the Council, to ensure that it releases a DPA for public consultation under Section 25 within the period prescribed by the regulations.		DDES, MDS, PP	
s30(12)	8. Strategic Directions Reports 8.10 The duty pursuant to Section 30(12) of the Act to make copies of a report prepared under Section 30 of the Act available for inspection (without charge) by the public at the principal office of the Council.		DDES, MDS, PP	
s30(9)	8. Strategic Directions Reports 8.9 The power pursuant to Section 30(9) of the Act to request the Minister to exempt the Council: 8.9.1 from a requirement to prepare a particular report under Section 30 of the Act; or 8.9.2 from a particular requirement with respect to a report under Section 30 of the Act.		DDES, MDS, PP	
s30(8)	8. Strategic Directions Reports 8.8 The duty pursuant to Section 30(8) of the Act to, then, in accordance with any reasonable request of the Minister, enter into an agreement with the Minister on the steps that the Council will take as a result of the		DDES, MDS, PP	

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Development Act 1993				
	matters contained in the report (and the report will not be taken to have been completed unless or until such an agreement is reached with the Minister).			
s30(7)	8. Strategic Directions Reports 8.7 The duty pursuant to Section 30(7) of the Act to furnish a report under Section 30 of the Act to the Minister.		DDES, MDS, PP	
s30(6)	8. Strategic Directions Reports 8.6 The duty pursuant to Section 30(6) of the Act, in preparing a report under Section 30 of the Act, to: 8.6.1 reach agreement with the Minister on a Statement of Intent with respect to any proposed amendments to a Development Plan that applies within the area of the Council; and 8.6.2 if relevant, prepare a DPA that is suitable for consideration under Section 25(3) of the Act.		DDES, MDS, PP	
s30(5)	8. Strategic Directions Reports 8.5 The duty pursuant to Section 30(5) of the Act to give a person who makes a written response to an invitation under Section 30(3)(a) of the Act an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions.		DDES, MDS, PP	
s30(4)	8. Strategic Directions Reports 8.4 The duty, pursuant to Section 30(4) of the Act, in connection with the operation of Section 30(3) of the Act, to prepare and make available the documentation prescribed by the regulations.		DDES, MDS, PP	
s30(3)	8. Strategic Directions Reports 8.3 The duty, pursuant to Section 30(3) of the Act, in connection with the preparation of a report under Section 30 of the Act, to:		DDES, MDS, PP	

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Development Act 1993				
	<p>8.3.1 by public advertisement, invite interested persons to make written submissions to the Council within 2 months of the date of the advertisement or such longer period as may be allowed by the advertisement; and</p> <p>8.3.2 consult with any prescribed authority or body in the manner specified by the regulations.</p>			
s30(2)	<p>8. Strategic Directions Reports</p> <p>8.2 The duty pursuant to Section 30(2) of the Act to prepare and complete a report under Section 30 of the Act:</p> <p>8.2.1 within 12 months after an alteration is made to the Planning Strategy, or within such longer period as the Minister may allow, if:</p> <p>8.2.1.1 the Minister declares, by notice in the Gazette, that the alteration is considered to be a significant alteration that should trigger a review of Development Plans, or specified Development Plans, under Section 30 of the Act in relation to issues specified by the Minister; and</p> <p>8.2.1.2 the Development Plan that applies in relation to the Council's area (or a part of its area) falls within the ambit of the declaration; and</p> <p>8.2.2 in any event, within 5 years after the completion of the last report under Section 30 of the Act.</p>		DDES, MDS, PP	
s30(1)	<p>8. Strategic Directions Reports</p> <p>8.1 The duty pursuant to Section 30(1) of the Act, to, from time to time, in accordance with the requirements of Section 30 of the Act, prepare a report under Section 30 of the Act (a Strategic Directions Report) that:</p> <p>8.1.1 addresses the strategic planning issues within the area of the Council, with particular reference to:</p>		DDES, MDS, PP	

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Development Act 1993				
	<p>8.1.1.1 the Planning Strategy; and</p> <p>8.1.1.2 any other policy or document prescribed by the regulations; and</p> <p>8.1.2 addresses appropriate amendments to any Development Plan that applies within the area of the Council; and</p> <p>8.1.3 sets out the Council's priorities for:</p> <p>8.1.3.1 achieving orderly and efficient development through the implementation of planning policies; and</p> <p>8.1.3.2 the integration of transport and land-use planning within its area; and</p> <p>8.1.3.3 implementing any relevant targets set out in the Planning Strategy; and</p> <p>8.1.3.4 implementing affordable housing policies set out in the Planning Strategy within its area; and</p> <p>8.1.3.5 infrastructure planning (with respect to both physical and social infrastructure), taking into account any advice provided by a Minister, or any other relevant government agency, in accordance with a scheme set out in the regulations, and any of the Council's proposals with respect to infrastructure; and</p> <p>8.1.3.6 other projects or initiatives considered to be relevant by the Council; and</p> <p>8.1.4 contains such other material as may be:</p>			

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Development Act 1993				
	8.1.4.1 prescribed by the regulations; or 8.1.4.2 required by the Minister.			
s27(6)	7. Parliamentary Scrutiny 7.1 The power pursuant to Section 27(6) of the Act to consult with the Minister.		DDES, MDS, PP	
s26(12)	6. Amendments by the Minister 6.5 The power pursuant to, Section 26(12) of the Act to, by notice in writing, object to the Minister's proposed action.		DDES, MDS, PP	
s26(12)	6. Amendments by the Minister 6.4 The power pursuant to Section 26(12) of the Act, to make comment to the Minister within a period determined by the Minister in relation to a proposal to act under Section 26(11) of the Act.		DDES, MDS, PP	
s26(5b)(a)	6. Amendments by the Minister 6.3 The power pursuant to Section 26(5b)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 4 weeks.		DDES, MDS, PP	
s26(5a)(a)	6. Amendments by the Minister 6.2 The power pursuant to Section 26(5a)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.		DDES, MDS, PP	
s26(5)(d)(i)	6. Amendments by the Minister 6.1 The power pursuant to Section 26(5)(d)(i) of the Act, in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.		DDES, MDS, PP	

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Development Act 1993				
s25(23)	5. Amendments by a Council 5.21 The power pursuant to Section 25(23) of the Act to consult with the Minister.		DDES, MDS, PP	
s25(21)	5. Amendments by a Council 5.20 The power pursuant to and in accordance with Section 25(21) of the Act to consult with, and make submissions to the Minister.		DDES, MDS, PP	
s25(15)(d) and 25(15)(f)	5. Amendments by a Council 5.19 The power pursuant to Sections 25(15)(d) and 25(15)(f) of the Act to consult with the Minister.		DDES, MDS, PP	
s25(13)(a);	5. Amendments by a Council 5.18 The duty to send to the Minister: 5.18.1 a copy of a report under Section 25(13)(a); and 5.18.2 a certificate from the Chief Executive Officer; pursuant to and in accordance with Section 25(14) of the Act and the Regulations.		DDES, MDS, PP	
s25(13)(b)	5. Amendments by a Council 5.17 The power pursuant to Section 25(13)(b) of the Act, if the Delegate thinks fit, by notice in writing to the Minister, to decline to proceed any further with an amendment.		DDES, MDS, PP	
s25(13)(a)	5. Amendments by a Council 5.16 The duty pursuant to Section 25(13)(a) of the Act, after complying with the requirements of Sections 25(1)-(12a) of the Act, to, in accordance with the Regulations prepare a report on the matters raised during the		DDES, MDS, PP	

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Development Act 1993				
	consultation period, on the reasons for any failure to comply with any time set for any step under Sections 25(1)-(12a) of the Act, and on any recommended alterations to the proposed amendment.			
s25(12a)	<p>5. Amendments by a Council</p> <p>5.15 If a proposed amendment declares a tree to be a significant tree or a stand of trees to be significant trees, the duty pursuant to Section 25(12a) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land where the tree or trees are located a written notice:</p> <p>5.15.1 informing the owner of the proposed amendment; and</p> <p>5.15.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.</p>		This power remains with CEO - no further sub-delegation	
s25(12)	<p>5. Amendments by a Council</p> <p>5.14 If a proposed amendment designates a place as a place of local heritage value, the duty pursuant to Section 25(12) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land constituting a place proposed as a place of local heritage value a written notice:</p> <p>5.14.1 informing the owner of the proposed amendment, and</p> <p>5.14.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.</p>		DDES, MDS, PP	
s25(11)	<p>5. Amendments by a Council</p> <p>5.13 In addition to any requirement prescribed by the Regulations, the duty pursuant to Section 25(11) of the Act for the purposes of undertaking the public consultation, to:</p>		DDES, MDS, PP	

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Development Act 1993				
	<p>5.13.1 allow interested persons to make representations in writing in relation to the matter over the period that applies for the purposes of the public consultation; and</p> <p>5.13.2 subject to Section 25(11)(b) of the Act and in accordance with the Regulations, hold within the area of the Council at least 1 meeting where members of the public may attend and make representations in relation to the matter,</p> <p>5.13.3 appoint a committee (which may, but need not, include members of the Council) to consider any representations made under Sections 25(11)(a) or 25(11)(b) of the Act and to provide advice in relation to those representations.</p>			
s25(10)	<p>5. Amendments by a Council</p> <p>5.12 The duty pursuant to Section 25(10) of the Act to not release a DPA for public consultation unless or until the Chief Executive Officer of the Council has, on behalf of the Council, issued a certificate in the prescribed form relating to the extent to which the proposed amendment:</p> <p>5.12.1 accords with the Planning Strategy; and</p> <p>5.12.2 accords with the Statement of Intent; and</p> <p>5.12.3 accords with other parts of the Development Plan; and</p> <p>5.12.4 complements the policies in the Development Plans for adjoining areas; and</p>		DDES, MDS, PP	

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Development Act 1993				
	5.12.5 satisfies the matters prescribed in the Regulations.			
s25(9)(a)	<p>5. Amendments by a Council</p> <p>5.11 Process C</p> <p>5.11.1 The duty and power pursuant to Section 25(9)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 4 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.</p> <p>5.11.2 Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(9)(b) of the Act to release the DPA for public consultation in accordance with the Regulations, over a period that is at least concurrent with the period that applies under Section 25(9)(a) of the Act.</p> <p>5.11.3 The duty pursuant to Section 25(9)(c) of the Act, at the time that the DPA is released for public consultation, to give:</p> <p>5.11.3.1 an owner or occupier of any land that is directly subject to the operation of the proposed amendment; and</p> <p>5.11.3.2 an owner or occupier of each piece of adjacent land to land that is directly subject to the operation of the proposed amendment,</p> <p>a written notice in accordance with the Regulations.</p>		DDES, MDS, PP	

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Development Act 1993				
s25(8)(a)	<p>5. Amendments by a Council</p> <p>5.10 Process B</p> <p>5.10.1 The duty pursuant to Section 25(8)(a) of the Act, if required by the Minister, to first refer the DPA to the Minister for consideration.</p> <p>5.10.2 The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister.</p> <p>5.10.3 The duty pursuant to Section 25(8)(a)(i) of the Act to comply with a requirement of the Minister to make an alteration to the DPA.</p> <p>5.10.4 Subject to complying with Section 25(8)(a) of the Act, (if relevant) the duty and power pursuant to Section 25(8)(b)(i) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 8 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.</p> <p>5.10.5 Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act the duty pursuant to Section 25(8)(b)(ii) of the Act to release the DPA for public consultation in accordance with the Regulations over a period that is at least concurrent with the period that applies under Section 25(8)(b)(i) of the Act.</p>		DDES, MDS, PP	
s25(10), 25(11), 25(12) and 25(12a)	<p>5. Amendments by a Council</p> <p>5.9 Process A</p> <p>5.9.5 Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(7)(d) of</p>		DDES, MDS, PP	

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Development Act 1993				
	the Act to release the DPA for public consultation in accordance with the Regulations), over a period of at least 8 weeks.			
s25(7)(c)(i)	<p>5. Amendments by a Council 5.9 Process A</p> <p>5.9.4 The duty pursuant to Section 25(7)(c)(i) of the Act to comply with the requirement of the Minister to make an alteration to the DPA.</p>		DDES, MDS, PP	
s 25(7)(c)	<p>5. Amendments by a Council 5.9 Process A</p> <p>5.9.3 The power pursuant to Section 25(7)(c) of the Act to consult with the Minister.</p>		DDES, MDS, PP	
s25(7)(b)	<p>5. Amendments by a Council 5.9 Process A</p> <p>5.9.2 The power pursuant to Section 25(7)(b) of the Act, if a response is not received within the period that applies under Section 25(7)(a) of the Act, to assume that the particular Department, agency or other body does not desire to provide any comment.</p>		DDES, MDS, PP	
s25(7)(a)	<p>5. Amendments by a Council 5.9 Process A</p> <p>5.9.1 The duty pursuant to Section 25(7)(a) of the Act to refer the DPA to any government Department or</p>		DDES, MDS, PP	

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Development Act 1993				
	agency that has a direct interest in the matter, and any other body specified in the Statement of Intent, for comment within the period prescribed by the Regulations.			
s25(6)	5. Amendments by a Council 5.8 The power pursuant to Section 25(6) of the Act to reach an agreement with the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.		DDES, MDS, PP	
s25(6)	5. Amendments by a Council 5.7 The duty pursuant to Section 25(6) of the Act to deal with a DPA in accordance with process A, B or C as described by the Act, depending on an agreement reached between the Council or the Delegate and the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.		DDES, MDS, PP	
s25(5)	5. Amendments by a Council 5.6 The power pursuant to Section 25(5) of the Act to not, except as authorised by the Minister, propose an amendment to a part of a Development Plan that has been declared by the Minister by notice in the Gazette as being part of a set of standard policy modules for the purposes of the Act.		DDES, MDS, PP	
s25(4)	5. Amendments by a Council 5.5 The duty, pursuant to Section 25(4) of the Act to prepare a DPA only after the Delegate has considered the advice of a person with prescribed qualifications.		DDES, MDS, PP	
s25(3)(a)	5. Amendments by a Council 5.4 The power pursuant to Section 25(3)(a) of the Act to initiate investigations in accordance with the terms of the Statement of Intent and such other investigations as the Delegate thinks fit.		DDES, MDS, PP	

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Development Act 1993				
s25(4) and 25(5)	<p>5. Amendments by a Council</p> <p>5.3 Subject to Sections 25(4) and 25(5) of the Act the power pursuant to Section 25(3) of the Act to prepare a proposal, to be called a 'Development Plan Amendment' (or DPA) that complies with the following requirements:</p> <p>5.3.1 the DPA must be based on the outcome of investigations initiated by the Council or the Delegate in accordance with the terms of the Statement of Intent and such other investigations (if any) as the Council or the Delegate thinks fit;</p> <p>5.3.2 the DPA must include an assessment of the extent to which the proposed amendment:</p> <p>5.3.2.1 accords with the Planning Strategy; and</p> <p>5.3.2.2 accords with the Statement of Intent; and</p> <p>5.3.2.3 accords with other parts of the Development Plan; and</p> <p>5.3.2.4 complements the policies in the Development Plans for adjoining areas; and</p> <p>5.3.2.5 satisfies the matters prescribed in the Regulations;</p> <p>5.3.3 the DPA must include:</p> <p>5.3.3.1 an explanation of the intent of the proposed amendments, the relationship between that intent and the policy of the Statement of Intent, and a summary of the major policy changes (if any) that are proposed; and</p> <p>5.3.3.2 a summary of the conclusions drawn from the investigations and assessments referred to above; and</p>		DDES, MDS, PP	

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Development Act 1993				
	<p>5.3.3.3 a draft of the amendment, or a draft of the relevant section of the Development Plan as amended (with the amendments shown in a distinctive manner);</p> <p>5.3.4 the DPA must include an assessment of the extent to which the proposed amendment accords with relevant infrastructure planning (with respect to both physical and social infrastructure) identified by the Council through strategic planning or other processes undertaken by the Council under the Act or the Local Government Act 1999 or identified by a Minister, or any other relevant government agency, in accordance with any scheme set out in the Regulations, in connection with the preparation of the DPA under the Act;</p> <p>5.3.5 the DPA must include any other matter prescribed by the Regulations.</p>			
s25(1)	<p>5. Amendments by a Council</p> <p>5.2 The power pursuant to Section 25(1) of the Act to reach agreement with the Minister on a 'Statement of Intent' prepared by the Council.</p>		DDES, MDS, PP	
s 25(1)	<p>5. Amendments by a Council</p> <p>5.1 The power pursuant to Section 25(1) of the Act to prepare a 'Statement of Intent' in accordance with the Regulations.</p>		DDES, MDS, PP	
s24(2a)	<p>4. Council or Minister May Amend a Development Plan</p> <p>4.7 The power pursuant to Section 24(2a) of the Act to make submissions (within a period specified in the notice) in relation to a matter.</p>		DDES, MDS, PP	

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Development Act 1993				
s 24(1b)	4. Council or Minister May Amend a Development Plan 4.6 The power pursuant to Section 24(1b) of the Act to make submissions in relation to the matter within the period specified by the Minister.		DDES, MDS, PP	
s24(1)(a)(iva)	4. Council or Minister May Amend a Development Plan 4.5 The power pursuant to section 24(1)(a)(iva) of the Act, where the Council or the Delegate has, after commencing the processes associated with making an amendment as set out in Section 25 of the Act, to subsequently decide not to proceed with the amendment after all.		DDES, MDS, PP	
s24(1a)	4. Council or Minister May Amend a Development Plan 4.4 The power pursuant to Section 24(1a) of the Act and in accordance with subdivision 2 of Division 2 Part 3 of the Act to act jointly with one or more councils in preparing amendments to 1 or more Development Plans under sub Section (1)(a)(i) or (1)(b)(ii) of the Act.		DDES, MDS, PP	
s24(1)(b)(ii)	4. Council or Minister May Amend a Development Plan 4.3 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(ii) of the Act to prepare an amendment to a Development Plan at the request or with the approval of the Minister.		DDES, MDS, PP	
s24(1)(b)(i)	4. Council or Minister May Amend a Development Plan 4.2 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(i) to consult with the Minister.		DDES, MDS, PP	
s24(1)(a)(i)	4. Council or Minister May Amend a Development Plan 4.1 Where an amendment relates to the area, or part of the area, of a council, the power pursuant to Section 24(1)(a)(i) of the Act to prepare an amendment to a Development Plan.		DDES, MDS, PP	

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Development Act 1993				
s20(8)	3. Delegations 3.1 The duty pursuant to Section 20(8) of the Act to ensure that notice of a delegation under Section 20 of the Act is, in prescribed circumstances, given in the Gazette.		DDES	
s18(5)	2. Appointment of Authorised Officers 2.4 The power pursuant to Section 18(5) of the Act to at any time, revoke an appointment which the Delegate or the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.		This power remains with CEO - no further sub-delegation	
s18(3)	2. Appointment of Authorised Officers 2.3 The duty, pursuant to Section 18(3) of the Act to issue an authorised officer with an identity card.		This power remains with CEO - no further sub-delegation	
s18(2)	2. Appointment of Authorised Officers 2.2 The power pursuant to Section 18(2) of the Act to impose conditions on the appointment of an authorised officer.		This power remains with CEO - no further sub-delegation	

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Development Act 1993				
s18(1)	<p>2. Appointment of Authorised Officers</p> <p>2.1 The power pursuant to Section 18(1) of the Act to appoint a person to be an authorised officer for the purposes of the Development Act 1993.</p>		This power remains with CEO - no further sub-delegation	
s6(3)	<p>1. Concept of Change in the Use of Land</p> <p>1.1 The power pursuant to Section 6(3) of the Development Act 1993 ('the Act') and in circumstances where a particular use of land has been discontinued for a period of six months or more:</p> <p>1.1.2 to serve written notice on the owner and occupier of the land declaring that a revival of the use will be treated for the purposes of the Act as a change in the use of land.</p>		DDES, MDS	
s6(3)	<p>1. Concept of Change in the Use of Land</p> <p>1.1 The power pursuant to Section 6(3) of the Development Act 1993 ('the Act') and in circumstances where a particular use of land has been discontinued for a period of six months or more:</p> <p>1.1.1 to form the opinion that the revival of that use would be inconsistent with the Development Plan and have an adverse effect on the locality in which the land is situated; and</p>		DDES, MDS	

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Development (Development Plans) Amendment Act 2006				
Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Sub-Delegate	
Schedule 1	53. Transitional Provisions 53.2 The power pursuant to Clause 5(2) of Schedule 1 to the DPA Act to agree on a Statement of Intent that is to supersede a Statement of Intent agreed between the Council or the Delegate and the Minister before commencement of Clause 5 of Schedule 1 to the DPA Act.		DDES, MDS, PP	
Schedule 1	53. Transitional Provisions 53.1 The power pursuant to and in accordance with Clause 5(1) of Schedule 1 to the Development (Development Plans) Amendment Act 2006 ('the DPA Act'), if the Council or the Delegate has, before the commencement of Clause 5 of Schedule 1 to the DPA Act reached an agreement with the Minister on a Statement of Intent with respect to an amendment to a Development Plan, or taken steps to prepare a Plan Amendment Report on the basis of such a Statement of Intent subject to Clause 5(2) of Schedule 1 to the DPA Act, to continue with the process as set out in Section 25 of the Act (as in force immediately before the commencement of Clause 5 of Schedule 1 to the DPA Act) as if the DPA Act had not been enacted until the relevant amendment is approved (with or without alteration) or otherwise dealt with by the Minister under Section 25(15) of the Act, subject to the qualification that the relevant Plan Amendment Report may be referred to as a Development Plan Amendment.		DDES, MDS, PP	

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Development Regulations 2008				
Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Delegate	
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.7 The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion: 118.7.2 whether the proposed division will change the nature or function of an existing road.		AO-P, DDES, MDS, PP, SAO-P	
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.7 The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion: 118.7.1 that in respect of a proposed division of land that the applicant's proposed use of the land, is for a purpose which is consistent with the zone or area under the Development Plan; and		AO-P, DDES, MDS, PP, SAO-P	
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only: 118.6.3 the power to conclude, if relevant, that the development is of a minor nature only despite the fact that it satisfies some, but not all, of the criteria set out in item 2(d) of Part 1 of Schedule 9 to the Regulations.		AO-P, DDES, MDS, PP, SAO-P	

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Development Regulations 2008				
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only: 118.6.2 the power to take into account the size of the site of the development, the location of the development within that site, and the manner in which the development relates to the locality of the site; and		AO-P, DDES, MDS, PP, SAO-P	
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only: 118.6.1 the duty to not take into account what is included within Schedule 3 of the Regulations; and		AO-P, DDES, MDS, PP, SAO-P	
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.5 The power pursuant to Clause 11 of Part 1 to Schedule 9 of the Regulations, in circumstances where development comprises a special event and the special event will not be held over more than 3 consecutive days, to form the opinion that an event of a similar or greater size or of a similar or greater impact on surrounding areas, has not been held on the same site (or substantially the same site) within 6 months immediately preceding the day or days on which the special event is proposed to occur.		AO-P, DDES, MDS, PP, SAO-P	
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion: 118.4.2 whether the division will change the nature or function of an existing road.		AO-P, DDES, MDS, PP, SAO-P	

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Development Regulations 2008				
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion: 118.4.1 that the division of land (including for the construction of a road or thoroughfare) is for a proposed use which is consistent with the objective of the zone or area under the Development Plan; and		AO-P, DDES, MDS, PP, SAO-P	
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.3 The power pursuant to the following designated sub-paragraphs of Clause 3 of Part 1 to Schedule 9 of the Regulations, where a development is classified as non complying under the relevant Development Plan, to form the opinion that: 118.3.1 the alteration of, or addition to, a building is of a minor nature only, pursuant to sub-paragraph (a); 118.3.2 the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used constitutes development of a minor nature only pursuant to sub-paragraph (b).		AO-P, DDES, MDS, PP, SAO-P	
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.2 The power pursuant to Clause 2(1)(g) of Part 1 to Schedule 9 of the Regulations to form the opinion that a development is of a kind which is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.		AO-P, DDES, MDS, PP, SAO-P	
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.1 The power pursuant to Clause 1 of Part 1 to Schedule 9 of the Regulations in circumstances where a development would be a complying development under the Regulations or the relevant Development Plan but		AO-P, DDES,	

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Development Regulations 2008				
	for the fact that it fails to meet the conditions associated with the classification, to form the opinion that the failure to meet those conditions is of a minor nature only.		MDS, PP, SAO-P	
Schedule 8	117. Schedule 8 - Development Within the River Murray Tributaries Area 117.1 The power pursuant to and in accordance with Item 20(a) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.		AO-P, DDES, MDS, PP, SAO-P	
Schedule 8	116. Schedule 8 - Development Within the River Murray Floodplain Area 116.1 The power pursuant to and in accordance with Item 19(b) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.		This power remains with CEO - no further sub-delegation	
Schedule 8	115. Schedule 8 - Aquaculture Development 115.1 The power pursuant to and in accordance with Item 15 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development involves a minor alteration to an existing or approved development.		AO-P, DDES, MDS, PP, SAO-P	
Schedule 8	114. Schedule 8 - Activity of Environmental Significance 114.1 The power pursuant to Item 10(b) of Clause 2 of Schedule 8 of the Regulations, where development involves, or is for the purposes of an activity specified in Schedule 21 of the Regulations (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the		AO-P, DDES, MDS, PP, SAO-P	

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Development Regulations 2008				
	relevant threshold level), other than development which comprises the alteration of, or addition to, an existing building, to form the opinion that the development does not change the use of the building, and is of a minor nature only, and does not have any adverse effect on the environment.			
Schedule 8	113. Schedule 8 - Mining - General 113.1 The power pursuant to and in accordance with Item 7 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is of a minor nature only.		AO-P, DDES, MDS, PP, SAO-P	
Schedule 8	112. Schedule 8 - State Heritage Places 112.1 The power pursuant to Item 5(1) of Clause 2 of Schedule 8 of the Regulations to form the opinion that a development materially affects the context within which a State Heritage place is situated		AO-P, DDES, MDS, PP, SAO-P	
Schedule 8	111. Schedule 8 - Development Adjacent To Main Roads 111.1 The power pursuant to Item 3 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is likely to: 111.1.1 alter an existing access; or 111.1.2 change the nature of movement through an existing access; or 111.1.3 create a new access; or 111.1.4 encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972,		AO-P, DDES, DWES, MDS, MES, PP, SAO-P	

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Development Regulations 2008				
	in relation to an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, or within 25 metres of a junction with an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan).			
Schedule 8	110. Schedule 8 - Development Near The Coast 110.1 The power pursuant to Item 1(b) of Clause 2 of Schedule 8 of the Regulations, where development is on coastal land, to form the opinion that the development is of a minor nature only, and comprises the alteration of an existing building or the construction of a building to facilitate the use of an existing building.		This power remains with CEO - no further sub-delegation	
Schedule 6	109. Schedule 6 - Fees 109.1 The power pursuant to Clause 1(7) of Schedule 6 to the Regulations to determine the amount of the fee to be charged to an applicant to cover the Council's reasonable costs in giving public notice of the application under Section 38(5) of the Act.		This power remains with CEO - no further sub-delegation	
cl 2B(4)(b)Schedule 4	108. Schedule 4 - New Dwellings 108.1 The power pursuant to Clause 2B(4)(b) of Schedule 4 of the Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land other than a previous use or activity for residential purposes.		DDES, MDS	

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Development Regulations 2008				
Schedule 1A	107. Schedule 1A - Demolition 107.2 The power pursuant to Clause 12(9) of Schedule 1A of the Regulations, before the Minister takes action to vary or revoke a declaration under Clause 12(3) of Schedule 1A of the Regulations or a condition under Clause 12(7) of Schedule 1A of the Regulations, to in response to a notice in writing from the Minister, show, within the specified time, why the proposed course of action should not be taken.		DDES, MDS	
Schedule 1A	107. Schedule 1A - Demolition 107.1 The power, pursuant to Clause 12(3) of Schedule 1A of the Regulations, to make an application to the Minister for an area to be declared by the Minister to be a designated area.		DDES, MDS	
r115(2)	106. System Indicators 106.3 The power pursuant to Regulation 115(2) of the Regulations to apply to the Minister to exempt the Council from a requirement in the system indicators document.		DDES	
115(1)(b)	106. System Indicators 106.2 The duty pursuant to Section 115(1)(b) of the Regulations to provide the information for each quarter to the Minister in a manner and form determined by the Minister, within 21 days after the end of the quarter.		DDES, MDS	
Section 115(1)(a)	106. System Indicators 106.1 The duty pursuant to Section 115(1)(a) of the Regulations to keep and collate the information specified in the system indicators document on a quarterly basis.		DDES, MDS	
r104	105. Transfer of Development Potential 105.1 The duty pursuant to Regulation 104 of the Regulations, wherever the provisions of the Development Plan provide for the transfer of development potential, to maintain a register of development rights containing		AO-P, DDES, MDS, PP, SAO-P	

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Development Regulations 2008				
	the information prescribed in Regulation 104(1) and to make the said register available for public inspection on payment of the appropriate fee.			
r102(2)	104A Documents to be Provided by Private Certifier 104A.1 The power pursuant to Regulation 102(2) of the Regulations to request a private certifier to produce to the Council within a reasonable period, a copy of any document that has been submitted to the private certifier for the purposes of an application for development plan consent (and that it is not already held by the Council under the Regulations) so that the Council can respond to a request from a member of the public for access to such document.		AO-P, DDES, MDS, PP, SAO-P	
r101(5)	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.2.3 constitute a breach of any other law.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
r101(5)	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.2.2 involve an infringement of copyright in matter contained in a document; or		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
r101(5)	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:		AO-B, AO-P, BS, CO-	

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Development Regulations 2008				
	104.5.2.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or		BP, DDES, MDS, PP, SAO-B, SAO-P	
r101(5)	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.2 for copying under Regulation 101(4)(b) if to do so would:		AO-B, AO- P, BS, CO- BP, DDES, MDS, PP, SAO-B, SAO-P	
r101(5)	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.1.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or		AO-B, AO- P, BS, CO- BP, DDES, MDS, PP, SAO-B, SAO-P	
r101(5)	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.1 for inspection under Regulation 101(4)(a) if to do so would:		AO-B, AO- P, BS, CO- BP, DDES, MDS, PP, SAO-B, SAO-P	

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Development Regulations 2008				
r101(4)	104. Documents to be Preserved by a Council 104.4 The power pursuant to and in accordance with Regulation 101(4) of the Regulations to make available for inspection at the offices of the Council during normal office hours any document retained by the Council under Regulation 101(a1) or (1) of the Regulations (without charge) and to fix a reasonable fee for a copy of any document retained by the Council under Regulation 101(a1) or (1) of the Regulations.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
r101(3)	104. Documents to be Preserved by a Council 104.3 The power pursuant to and in accordance with Regulation 101(3) of the Regulations to offer to give plans and specifications in the Council's possession to a building owner and if the building owner declines the offer, the power to destroy the documents.		AO-B, BS, CO-BP, DDES, SAO-B	
r101(2)	104. Documents to be Preserved by a Council 104.2 The duty pursuant to Regulation 101(2) of the Regulations to preserve any document referred to in Regulation 101(1) of the Regulations until the building to which the document relates is demolished or removed.		A-SMPS, AO-B, AO-P, ATSO, BS, CO-BP, DDES, EA-DDES, MDS, PP, SAO-B, SAO-P	
r101(1a)	104. Documents to be Preserved by a Council 104.1A The power and duty pursuant to Regulation 101(1a) of the Regulations to preserve any document referred to in Regulation 101(a1) for a period of at least 10 years.		AO-P, DDES,	

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Development Regulations 2008				
			MDS, PP, SAO-P	
r101(1)	104. Documents to be Preserved by a Council 104.1 The duty pursuant to Regulation 101(1) of the Regulations to retain a copy of the documents listed in Regulation 101 of the Regulations in relation to any building work approved under the Act.		AO-P, DDES, MDS, PP, SAO-P	
r101(a1)	104. Documents to be Preserved by a Council 104.0 The power and duty pursuant to Regulation 101(a1) of the Regulations to retain a copy of each document provided to the Council by a private certifier in relation to any application for a development plan consent assessed by the private certifier.		AO-P, DDES, MDS, PP, SAO-P	
r100(9)	103. Land Management Agreements - Development Applications 103.5 The duty pursuant to Regulation 100(9) to give a copy of a notice under Regulation 100(8) to any owner of the land who is not a party to the agreement.		DDES, MDS	
r100(6)	103. Land Management Agreements - Development Applications 103.4 The duty pursuant to Regulation 100(6) of the Regulations to keep the register available for public inspection during normal office hours for the office where the register is situated.		DDES, MDS	
r100(5)	103. Land Management Agreements - Development Applications 103.3 The duty pursuant to Regulation 100(5) of the Regulations to keep the register at the principal office of the Council.		DDES, MDS	

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Development Regulations 2008				
r100(3)	103. Land Management Agreements - Development Applications 103.2 The duty pursuant to Regulation 100(3) of the Regulations to include in the register a copy of each agreement entered into by the Council under Section 57A of the Act and other information the Delegate considers appropriate.		DDES, MDS	
r100(2)	103. Land Management Agreements - Development Applications 103.1 The duty pursuant to Regulation 100(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57A of the Act.		DDES, MDS	
r99(3)	102. Registration of Land Management Agreements 102.2 The power pursuant to Regulation 99(3) of the Regulations to determine what other information may be contained in the Register.		DDES, MDS	
r99(2)	102. Registration of Land Management Agreements 102.1 The duty pursuant to and in accordance with Regulation 99(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57(2) of the Act.		DDES, MDS	
r98(3)	101. Register Of Applications 101.2 The power pursuant to Regulation 98(3) to fix a fee and upon payment of that fee, make available to a member of the public a copy of any part of a register or document kept for the purposes of Regulation 98(1).		A-SMPS, AO-B, AO- P, ATSO, BS, CO- BP, DDES, EA-DDES, MDS, PP,	

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Development Regulations 2008				
			SAO-B, SAO-P	
r98	<p>101. Register Of Applications</p> <p>101.1 The duty pursuant to Regulation 98 of the Regulations to keep available for public inspection a register of applications for consent, approval, or the assignment of building classifications under the Act.</p>		A-SMPS, AO-B, AO-P, ATSO, BS, CO-BP, DDES, EA-DDES, MDS, PP, SAO-B, SAO-P	
r95(5)	<p>100. Fees</p> <p>100.4 The duty pursuant to Regulation 95(5) of the Regulations, on a reassessment under Regulation 95(4) of the Regulations:</p> <p>100.4.1 if it appears that an overpayment has occurred, to refund any amount due in accordance with the reassessment; and</p> <p>100.4.2 if it appears that an underpayment has occurred, to charge any further amount payable in accordance with the reassessment.</p>		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	

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Development Regulations 2008				
r95(4)	100. Fees 100.3 The power pursuant to Regulation 95(4) of the Regulations to, at any time, and despite any earlier acceptance of an amount in respect of the fee, reassess a fee payable under the Regulations.		DDES	
r95(3)	100. Fees 100.2 The power pursuant to the provisions of Regulation 95(3) of the Regulations to calculate any fee on the basis of estimates made by the Delegate where the Delegate believes that any information provided by an applicant is incomplete or inaccurate.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
r95(2)	100. Fees 100.1 The power pursuant to Regulation 95(2) of the Regulations to require an applicant to provide such information as the Delegate may reasonably require to calculate any fee payable under Schedule 6 and the power to make any other determination for the purposes of Schedule 6.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
r88(3)	99. Certificate of Independent Technical Expert in Certain Case 99.1 The power pursuant to Regulation 88(3) of the Regulations, in circumstances where Regulation 88 of the Regulations applies, to rely on the certificate of an independent technical expert.		AO-B, BS, CO-BP, SAO-B	
r83(9)	98. Certificates of Occupancy 98.7 The power pursuant to Regulation 83(9) of the Regulations to revoke a certificate of occupancy.		AO-B, BS, CO-BP, SAO-B	

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Development Regulations 2008				
r83(6)	98. Certificates of Occupancy 98.6 The duty pursuant to Regulation 83(6) of the Regulations to have regard to any report received from a fire authority under Regulation 83(4) before issuing a certificate of occupancy.		AO-B, BS, CO-BP, MDS, SAO-B	
r83(5)	98. Certificates of Occupancy 98.5 The power pursuant to Regulation 83(5) of the Regulations, when a report from the fire authority pursuant to Regulation 83(4) is not received within 15 business days, to presume that the fire authority does not desire to make a report.		AO-B, BS, CO-BP, MDS, SAO-B	
r83(4)	98. Certificates of Occupancy 98.4 Where: 98.4.1 a building is required by the Building Rules: 98.4.1.1 to be equipped with a booster assembly for use by a fire authority; or 98.4.1.2 to have installed a fire alarm that transmits a signal to a fire station; and 98.4.2 facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act, the duty pursuant to Regulation 83(4) of the Regulations to not grant a certificate of occupancy unless or until a report has been sought from the fire authority as to whether those facilities have been installed and operate satisfactorily.		AO-B, BS, CO-BP, MDS, SAO-B	

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Development Regulations 2008				
r83(3)	<p>98. Certificates of Occupancy</p> <p>98.3 The power pursuant to Regulation 83(3) of the Regulations to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after the commencement of the Development (Building Cladding) Variation Regulations 2018, dispense with the requirement to provide a Statement of Compliance under Regulation 83(2)(a) if the Delegate is satisfied that a person required to complete 1 or both parts of the Statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification(s) and it appears to the Delegate that the relevant building is suitable for occupation.</p>		AO-B, BS, CO-BP, MDS, SAO-B	
r83(2)(d)	<p>98. Certificates of Occupancy</p> <p>98.2 The power pursuant to Regulation 83(2)(d) of the Regulations where an application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, to require from an applicant for a certificate of occupancy reasonable evidence that in the case of a building of more than 1 storey, the requirements of Minister's Specification SA 83 have been complied with, or in any other case the building is suitable for occupation.</p>		AO-B, BS, CO-BP, MDS, SAO-B	
r83(2)(c)	<p>98. Certificates of Occupancy</p> <p>98.1 The power pursuant to Regulation 83(2)(c) of the Regulations to require from an applicant for a certificate of occupancy reasonable evidence that conditions attached to a development approval have been satisfied.</p>		AO-B, BS, CO-BP, MDS, SAO-B	
r82(5)	<p>97. Classification of Buildings</p> <p>97.3 The power pursuant to Regulation 82(5) of the Regulations, on assigning a classification to a building (or part of a building), to, if relevant, determine and specify in the notice to the owner under Section 66(4) of the Act –</p>		AO-B, BS, CO-BP, SAO-B	

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Development Regulations 2008				
	<p>97.3.1 the maximum number of persons who may occupy the building (or part of the building); and</p> <p>97.3.2 If the building has more than one classification – the part or parts of the building to which each classification relates and the classification currently assigned to the other parts of the building.</p>			
r82(4a)	<p>97. Classification of Buildings</p> <p>97.2A The power pursuant to Regulation 82(4a) of the Regulations, if an application under Regulation 82 of the Regulations is made in respect of an existing class 2 to class 9 building, to require the applicant to satisfy the delegate that Minister's Specification SA: Upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).</p>		AO-B, BS, CO-BP, SAO-B	
r82(4)	<p>97. Classification of Buildings</p> <p>97.2 The power pursuant to Regulation 82(4) of the Regulations and subject to Regulation 82(4a) of the Regulations, to assign the appropriate classification under the Building Code to a building upon being satisfied on the basis of the owner's application and accompanying documents that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.</p>		AO-B, BS, CO-BP, SAO-B	
r82(3)(b)(i)	<p>97. Classification of Buildings</p> <p>97.1 The power pursuant to Regulation 82(3)(b)(i) of the Regulations to require such details, particulars, plans, drawings, specifications, certificates and other documents as may reasonably be required to determine a building's classification upon application by an owner of a building under Regulation 82(1) or (2) of the Regulations.</p>		AO-B, BS, CO-BP, MDS, SAO-B	

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Development Regulations 2008				
r80(1a)	<p>96A Requirement to Up-grade Building in Certain Cases</p> <p>96A.1 The power pursuant to Regulation 80(1a) of the Regulations, if an application for a building rules consent relates to building work in the nature of an alteration to a class 2 to class 9 building constructed before 1 January 2002, to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition, and to require, as a condition of consent:</p> <p>96A.1.1 that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards; or</p> <p>96A.1.2 that the building work comply with Minister's Specification SA: Upgrading health and safety in existing buildings (to the extent reasonably applicable to the building and its condition).</p>		AO-B, BS, CO-BP, SAO-B	
r79(5)(b)	<p>96. Construction Industry Training Fund</p> <p>96.3 The power pursuant to and in accordance with Regulation 79(5)(b) of the Regulations to determine that the application has lapsed.</p>		AO-B, BS, CO-BP, MDS, SAO-B	
r79(4)	<p>96. Construction Industry Training Fund</p> <p>96.2 The power pursuant to Regulation 79(4) of the Regulations to form an opinion whether the appropriate levy under the Construction Industry Training Fund Act 1993 has or has not been paid, or is or is not payable, and notify the applicant that a building rules consent cannot be issued until the Delegate is satisfied that the levy has been paid or is not payable.</p>		AO-B, BS, CO-BP, MDS, SAO-B	

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r79(2)	96. Construction Industry Training Fund 96.1 The duty pursuant to Regulation 79(2) of the Regulations to withhold issuing a building rules consent until satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or that no such levy is payable.		AO-B, BS, CO-BP, MDS, SAO-B	
r78(1)	95. Building Rules: Bushfire Prone Areas 95.1 Where: 95.1.1 application is made for building rules consent for building work in the nature of an alteration to a class 1, 2 or 3 building under the Building Code; and 95.1.2 the building is in a bushfire prone area under Regulation 78(1) of the Regulations; and 95.1.3 the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction), the power, pursuant to Regulation 78(2) of the Regulations, to require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of the Building Rules for bushfire protection.		AO-B, BS, CO-BP, SAO-B	
r76D(4a)	94A Swimming Pool Safety 94A.1 The power pursuant to Regulation 76D(4a) of the Regulations to, for the purposes of Section 71AA(7) of the Act, subject to Regulation 76(D)(4b) of the Regulations, establish a swimming pool inspection policy.		DDES	

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r76(10)	94. Essential Safety Provisions 94.2 The power pursuant to Regulation 76(10) of the Regulations to require compliance with Regulation 76(7) despite Regulation 76(9) of the Regulations if the essential safety provisions were installed under a modification of the Building Rules under Section 36(2) of the Act or the building has been the subject of a notice under Section 71 of the Act.		AO-B, BS, CO-BP, SAO-B	
r76(4)	94. Essential Safety Provisions 94.1 The duty pursuant to Regulation 76(4) of the Regulations, on either the granting of a building rules consent or on application by the owner of a building, to issue a schedule in the form set out in Schedule 16 specifying the essential safety provisions for buildings and the standards and requirements for maintenance and testing in respect of those provisions.		AO-B, BS, CO-BP, SAO-B	
r74(4)	93. Notifications During Building Work 93.3 The duty pursuant to Regulation 74(4) of the Regulations to make a note on the relevant building file of any notice given in accordance with Regulation 74(3)(d) by a person by telephone.		AO-B, BS, CO-BP, DDES, MDS, SAO-B	
r74(1)(c)	93. Notifications During Building Work 93.2 The power pursuant to Regulation 74(1)(c) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.		AO-B, BS, CO-BP, DDES, MDS, SAO-B	
r74(1)(b)	93. Notifications During Building Work 93.1 The power pursuant to Regulation 74(1)(b) to specify by notice in writing to the building owner, on or		AO-B, BS, CO-BP,	

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Development Regulations 2008				
	before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.		DDES, MDS, SAO-B	
r64(3)(a)	92. Referral of Assessment of Building Work 92.3 Where the Council issues a certificate in the form set out in Schedule 12A of the Regulations as required by Regulation 64(3)(a) of the Regulations, the duty pursuant to Regulation 64(4) of the Regulations to furnish to the Minister a copy of the certificate together with a copy of any schedule of essential safety provisions.		DDES, MDS, SAO-B	
r64(1)	92. Referral of Assessment of Building Work 92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to: 92.2.2.3 ensure that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993.		DDES, MDS, SAO-B	
r64(1)	92. Referral of Assessment of Building Work 92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to: 92.2.2.2 assign a classification to the building under the Regulations; and		DDES, MDS, SAO-B	

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Development Regulations 2008				
r64(1)	<p>92. Referral of Assessment of Building Work</p> <p>92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:</p> <p>92.2.2.1 issue a schedule of essential safety provisions under Division 4 of Part 12 of the Act; and</p>		DDES, MDS, SAO-B	
r64(1)	<p>92. Referral of Assessment of Building Work</p> <p>92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:</p> <p>92.2.2 to the extent that may be relevant and appropriate:</p>		DDES, MDS, SAO-B	
r64(1)	<p>92. Referral of Assessment of Building Work</p> <p>92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:</p> <p>92.2.1 provide the certification in the form set out in Schedule 12A; and</p>		DDES, MDS, SAO-B	

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Development Regulations 2008				
r64(1)	92. Referral of Assessment of Building Work 92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:		DDES, MDS, SAO-B	
s48	92. Referral of Assessment of Building Work 92.1 Where a development application which is subject to the operation of Section 48 of the Act is referred to the Council for assessment in respect of the Building Rules the duty pursuant to and in accordance with Regulation 64(2) of the Regulations, to ensure that the assessment is consistent with any development plan consent previously given under Section 48 of the Act.		DDES, MDS, SAO-B	
s46	91. Declaration by The Minister - Section 46 91.3 Where an application lodged with the Minister under Section 46 of the Act requires an assessment against the Building Rules and the assessment against the Building Rules is to be referred to the Council, the power pursuant to Regulation 61(5)(d) of the Regulations, to require from the applicant additional copies of the plans, drawings, specifications and other documents and information required by Regulation 61(4) of the Regulations.		DDES, MDS, SAO-B	
s46	91. Declaration by The Minister - Section 46 91.2 At the same time that documents are transmitted to the Minister under Regulation 61(2) of the Regulations, the duty pursuant to Regulation 61(3) of the Regulations to also transmit to the Minister any fees that have been paid by the proponent under Schedule 6 (less any amount that the Minister determines should be retained by the Council).		DDES, MDS, SAO-B	

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Development Regulations 2008				
s46	91. Declaration by The Minister - Section 46 91.1 The duty pursuant to and in accordance with Regulation 61(2) of the Regulations, to transmit to the Minister any relevant documentation (including the application and any accompanying documentation or information lodged by the proponent with the Council under Division 1 of Part 4 of the Act) within 10 business days after the receipt of a copy of a notice required by Regulation 61(1) of the Regulations.		DDES, MDS, SAO-B	
r60(9)	90. General Provisions 90.3 The power pursuant to Regulation 60(9) of the Regulations to consult with the Development Assessment Commission before it grants an extension of the period prescribed by Regulation 60(8) of the Regulations.		AO-P, DDES, MDS, PP, SAO-P	
r60(7)	90. General Provisions 90.2 The power pursuant to Regulation 60(7) of the Regulations, for the purposes of Section 51(4) of the Act, to request (in such a manner as may be determined by the Development Assessment Commission) that a copy of a certificate or plan (or certificates and plans) referred to in Regulation 60(4) of the Regulations be furnished to the Council by sending a written copy to the Council.		AO-P, DDES, MDS, PP, SAO-P	
r60(1)	90. General Provisions 90.1 The power pursuant to and in accordance with Regulation 60(1) of the Regulations to enter into a form of arrangement with an applicant to the satisfaction of the Development Assessment Commission for the purposes of Section 51(1) of the Act.		AO-P, DDES, MDS, PP, SAO-P	
r59(1)	89. Division of Land by Strata Title 89.1 The power pursuant to Regulation 59(1) of the Regulations to advise the Development Assessment		AO-P, DDES, DWES, MDS,	

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Development Regulations 2008				
	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.		MES, PP, SAO-P	
r58(2)	88. General Land Division 88.2 The power pursuant to and in accordance with Regulation 58(2) of the Regulations to advise the Development Assessment Commission that an applicant has entered into appropriate binding arrangements pursuant to Section 51(1) of the Act.		AO-P, DDES, DWES, MDS, MES, PP, SAO-P	
r58(1)	88. General Land Division 88.1 The power pursuant to and in accordance with Regulation 58(1) of the Regulations to enter into a binding arrangement with an applicant for land division for the satisfaction of outstanding requirements.		AO-P, DDES, DWES, MDS, MES, PP, SAO-P	
r55(4)	87. Supplementary Provisions 87.3 The duty pursuant to Regulation 55(4) of the Regulations to consider, and if appropriate accept, that all connections for water supply and sewerage services to any allotment delineated on a plan of division have been laid under the surface of a proposed road before the roadway is sealed.		AO-P, DDES, DWES, MDS, MES, PP, SAO-P	
r55(2)	87. Supplementary Provisions 87.2 The duty pursuant to Regulation 55(2) of the Regulations to consider, and if appropriate approve,		AO-P, DDES,	

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Development Regulations 2008				
	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.		DWES, MDS, MES, PP, SAO-P	
r55(1)	87. Supplementary Provisions 87.1 The duty pursuant to Regulation 55(1) of the Regulations to consider and if appropriate approve a road location and grading plan for the forming of any proposed road, including every footpath, water-table, kerbing, culvert and drain.		AO-P, DDES, DWES, MDS, MES, PP, SAO-P	
r54(1)	86. Construction of Roads, Bridges, Drains and Services 86.1 The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.		AO-P, DDES, DWES, MDS, MES, PP, SAO-P	
r53(6)	85. Requirement as to Forming of Roads 85.3 The power pursuant to Regulation 53(6) of the Regulations to dispense with the requirements of Regulation 53(5) dealing with the forming of footpaths, water-tables, kerbing, culverts and drains on proposed roads.		AO-P, DDES, DWES, MDS, MES, PP, SAO-P	

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Development Regulations 2008				
r53(4)	85. Requirement as to Forming of Roads 85.2 The power pursuant to Regulation 53(4) of the Regulations to dispense with the requirements of Regulation 53(3) of the Regulations that adequate provision be made for the turning of vehicles at the head of a cul-de-sac where the Delegate is of the opinion that the cul-de-sac is likely to become a through road.		AO-P, DDES, DWES, MDS, MES, PP, SAO-P	
r53(1), (2)	85. Requirement as to Forming of Roads 85.1 The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.		AO-P, DDES, DWES, MDS, MES, PP, SAO-P	
r52(1)	84. Road Widening 84.1 The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road.		AO-P, DDES, DWES, MDS, MES, PP, SAO-P	
r51(6)	83. Width of Roads and Thoroughfares 83.2 The power pursuant to Regulation 51(6) of the Regulations to dispense with the requirements of Regulation 51(5) dealing with the width of a road at the head of every cul-de-sac where it appears that the cul-de-sac is likely to become a through road.		AO-P, DDES, DWES, MDS,	

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Development Regulations 2008				
			MES, PP, SAO-P	
r51(4)	83. Width of Roads and Thoroughfares 83.1 The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulation 51(1) and (3) dealing with the width of any proposed road or thoroughfare where the Delegate is of the opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services.		AO-P, DDES, DWES, MDS, MES, PP, SAO-P	
r48(2)	82. Lapse of Consent or Approval 82.1 The power pursuant to Regulation 48(2) of the Regulations to extend the time when any consent or approval under Part 4 of the Act will lapse.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
r47A	81A. Minor Variation of Development Authorisation 81A.1 The power pursuant to Regulation 47A(1) of the Regulations, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion that the variation is minor in nature and, if the delegate is satisfied that the variation is minor in nature, to approve the variation.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
r47	81. Endorsed Plans 81.1 The duty pursuant to Regulation 47 of the Regulations to return to a successful applicant, a copy of the		AO-B, AO-P, BS, CO-	

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Development Regulations 2008				
	plans, drawings, specifications and other documents and information lodged by the applicant duly endorsed with the building rules consent.		BP, DDES, MDS, PP, SAO-B, SAO-P	
r46(1)	80. Special Provisions Relating to Staged Consents 80.1 The duty pursuant to and in accordance with Regulation 46(1) of the Regulations, and in a case where the development is within the ambit of Schedule 1A, subject to, in accordance with Regulations 46(4) and (5) of the Regulations, any step that the Delegate, as the relevant authority considers it needs to take under Section 42 of the Act, to issue a Notice of Approval in the circumstances prescribed by Regulation 46 of the Regulations.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
r45(2)	79. Scheme Description - Community Titles 79.2 The power pursuant to Regulation 45(2) of the Regulations to include in an endorsement of a scheme description under Section 3 of the Community Titles Act 1996, notes concerning conditions on any consent or approval, and notes concerning additional approvals that may be required in the future and to sign and date the endorsement.		AO-P, DDES, MDS, PP, SAO-P	
r45(2)	79. Scheme Description - Community Titles 79.1 The duty pursuant to Regulation 45(2) of the Regulations to endorse a scheme description under Section 3 of the Community Titles Act 1996 in the following terms: 79.1.1 All the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the relevant plan of community division under the Community Titles Act 1996 have been granted. OR		AO-P, DDES, MDS, PP, SAO-P	

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Development Regulations 2008				
	<p>No consent or approval is required under the Development Act 1993 in relation to the division of land (or a change in the use of the land) in accordance with this scheme description.</p> <p>This endorsement does not limit a relevant authority's right to refuse, or to place conditions on, development authorisation under the Development Act 1993 in relation to any other development envisaged by this scheme description.</p> <p>Signed:</p> <p>Dated:</p>			
r44	<p>78. Notification of Decision to Owner of Land</p> <p>78.1 The duty pursuant to and in accordance with Regulation 44 of the Regulations to send a copy of any notice issued under Regulation 42 of the Regulations to the owner of land to which a decision on the application relates where the owner is not a party to the application.</p>		<p>A-SMPS, AO-B, AO-P, ATSO, BS, CO-BP, DDES, EA-DDES, MDS, PP, SAO-B, SAO-P</p>	
r43(3)	<p>77. Notification of Decision to a Prescribed Body</p> <p>77.2 The duty pursuant to and in accordance with Regulation 43(3) of the Regulations to send a copy of a notice of a decision on an application, if or when a development authorisation is issued in relation to a proposed division of land, to the Development Assessment Commission.</p>		<p>AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P</p>	

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Development Regulations 2008				
r43	77. Notification of Decision to a Prescribed Body 77.1 The duty pursuant to and in accordance with Regulation 43 of the Development Regulations, to send a copy of the notice of decision issued under Regulation 42 of the Regulations to any prescribed body to which the application had been referred.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
r42	76. Notification of Decision to Applicant (Including Conditions) 76.1 The duty pursuant to and in accordance with Regulation 42 of the Regulations to give notice of a decision on an application under Division 1 of Part 4 of the Act including, but not limited to, the power to endorse approved plans and documentation under Regulation 42(4).		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
r39	75. Assessment in Respect of Building Rules Referred to the Council 75.1 The duty pursuant to and in accordance with Regulation 39 of the Regulations, where the Council is the relevant authority pursuant to Section 34(2) of the Act, not to give any decision in respect of the assessment against the Building Rules until the Development Assessment Commission or the regional development assessment panel (as the case may be) has made its decision.		AO-B, BS, CO-BP, SAO-B	
s34(1)(b)(iv)	74. Determination of Commission as Relevant Authority 74.2 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b)(iv) of the Act and the proposed development is to be undertaken within one kilometre of a boundary with the Council, the power, pursuant to Regulation 38(4) of the Regulations, to provide the Development Assessment Commission with comments on the proposed development.		AO-P, DDES, MDS, PP, SAO-P	

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Development Regulations 2008				
s34(1)(b)	<p>74. Determination of Commission as Relevant Authority</p> <p>74.1 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:</p> <p>74.1.2 in any case, the power pursuant to and in accordance with Regulation 38(2)(b) to provide a report on matters under Section 33(1) (as relevant).</p>		AO-P, DDES, MDS, PP, SAO-P	
s34(1)(b)	<p>74. Determination of Commission as Relevant Authority</p> <p>74.1 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:</p> <p>74.1.1 in a case where the Minister has made a declaration under Section 34(1)(b)(iii) or 34(1)(b)(vi) of the Act, the duty pursuant to and in accordance with Regulation 38(2)(a)(i) of the Regulations to forward to the Development Assessment Commission any application received by the Council under the Act and the Regulations in relation to the matter together with accompanying documentation or information and, as appropriate, fees; and</p>		AO-P, DDES, MDS, PP, SAO-P	
r36	<p>73. Response by Applicant</p> <p>73.1 The power pursuant to Regulation 36 of the Regulations to extend the time within which an applicant may respond to any representation</p>		AO-P, DDES, MDS, PP, SAO-P	
r34(4)	<p>72. Public Inspection of Certain Applications</p> <p>72.4 The power pursuant to Regulation 34(4) of the Regulations to form the opinion that the present or future security of a building would be jeopardised if plans, drawings, specifications or other documents or information</p>		AO-P, DDES,	

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Development Regulations 2008				
	relating to the assessment of a proposed development against the Building Rules were to be made available for inspection.		MDS, PP, SAO-P	
r34(3)	72. Public Inspection of Certain Applications 72.3 The power pursuant to Regulation 34(3) of the Regulations to require that a person who has made a request under Regulation 34(2) of the Regulations verify his or her name, address and contact details in such manner as the Delegate thinks fit.		AO-P, DDES, MDS, PP, SAO-P	
r34(2)	72. Public Inspection of Certain Applications 72.2 The duty pursuant to Regulation 34(2) of the Regulations, subject to Regulation 34(4) of the Regulations, where a request is made within the time period that applies under Regulation 34(1) of the Regulations and on payment of a fee fixed by Council to provide to a member of the public a copy of any document of information available for inspection under Regulation 34(1) of the Regulations.		AO-P, DDES, MDS, PP, SAO-P	
r34(1)	72. Public Inspection of Certain Applications 72.1 The duty pursuant to and in accordance with Regulation 34(1) of the Regulations, subject to Regulation 34(4) of the Regulations to ensure that copies of documents referred to in Regulation 34(1) concerning an application are reasonably available for inspection by the public (without charge).		AO-P, DDES, MDS, PP, SAO-P	
r32(5)	71A. Public Notice Categories 71A.1 The power pursuant to Regulation 32(5) of the Regulations to determine that a form of development comprises 2 or more elements.		AO-P, DDES, MDS, PP, SAO-P	
r31A(9)	71. Preliminary Advice and Agreement - Section 37AA 71.5 The power pursuant to Regulation 31A(9) of the Regulations if:		AO-P, DDES,	

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Development Regulations 2008				
	<p>71.5.1 an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and</p> <p>71.5.2 a notice of decision is issued by the relevant authority under Regulation 42 of the Regulations, to send a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 42 of the Regulations.</p>		MDS, PP, SAO-P	
r31A(8)	<p>71. Preliminary Advice and Agreement - Section 37AA</p> <p>71.4 The power pursuant to Regulation 31A(8) of the Regulations if:</p> <p>71.4.1 an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and</p> <p>71.4.2 the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application, to notify the relevant prescribed body of the lapsing of an application.</p>		AO-P, DDES, MDS, PP, SAO-P	
s37AA	<p>71. Preliminary Advice and Agreement - Section 37AA</p> <p>71.3 The power pursuant to Regulation 31A(7) of the Regulations if:</p> <p>71.3.1 an application is withdrawn by the Applicant; and</p> <p>71.3.2 the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application, to notify the relevant prescribed body of the withdrawal of an application.</p>		AO-P, DDES, MDS, PP, SAO-P	

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Development Regulations 2008				
s37AA	<p>71. Preliminary Advice and Agreement - Section 37AA</p> <p>71.2 The power pursuant to Regulation 31A(6) of the Regulations if:</p> <p>71.2.1 a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and</p> <p>71.2.2 the relevant authority determines that the application no longer accords with the agreement indicated by the prescribed body, to refer the application (unless withdrawn) to the prescribed body:</p> <p>71.2.3 to obtain a variation to the agreement under Section 37AA of the Act; or</p> <p>71.2.4 to obtain a response from the prescribed body for the purposes of Section 37 of the Act.</p>		AO-P, DDES, MDS, PP, SAO-P	
s37AA	<p>71. Preliminary Advice and Agreement - Section 37AA</p> <p>71.1 The power pursuant to Regulation 31A(6)(b) of the Regulations to determine that an application no longer accords with an agreement indicated by the prescribed body.</p>		AO-P, DDES, MDS, PP, SAO-P	
r30(4)	<p>70. Underground Mains Area</p> <p>70.3 The power pursuant to Regulation 30(4) of the Regulations, where a development includes the division of land within or partly within an underground mains area, to require, as a condition of the decision, that any electricity mains be placed underground.</p>		AO-P, DDES, MDS, PP, SAO-P	

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Development Regulations 2008				
r30(2)	70. Underground Mains Area 70.2 The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.		DDES, MDS	
r30(1)	70. Underground Mains Area 70.1 The power pursuant to Regulation 30(1) of the Regulations to seek a report from the relevant electricity authority where the Delegate considers that an area should be declared an underground mains area.		AO-P, DDES, MDS, PP, SAO-P	
r29(1)	69. Land Division Applications 69.2 The power pursuant to Regulation 29(2) of the Regulations, when a report from the Development Assessment Commission pursuant to Regulation 29(1) of the Regulations is not received by the Council within eight weeks or within such longer period as the Development Assessment Commission may require by notice in writing to the Council, to presume that the Development Assessment Commission does not desire to make a report.		AO-P, DDES, MDS, PP, SAO-P	
r29(1)	69. Land Division Applications 69.1 The duty pursuant to Regulation 29(1) of the Regulations, subject to the provisions in Regulation 29(2) of the Regulations, to withhold making a decision on an application which relates to a proposed development that involves the division of land until a report has been received from the Development Assessment Commission.		AO-P, DDES, MDS, PP, SAO-P	
r28(7)	68. Special Provisions - Referrals 68.5 The duty pursuant to Regulation 28(7) of the Regulations, where building work comprises or includes the		AO-B, BS, CO-BP, SAO-B	

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Development Regulations 2008				
	construction or installation of a private bushfire shelter, not to grant a building rules consent unless the Building Rules Assessment Commission concurs in the granting of the consent.			
r28(6)	68. Special Provisions - Referrals 68.4 The duty pursuant to Regulation 28(6) of the Regulations to provide to the Building Rules Assessment Commission a copy of any report received from a fire authority under Regulation 28(1) that relates to an application referred to the Building Rules Assessment Commission under the Act.		AO-B, BS, CO-BP, SAO-B	
r28	68. Special Provisions - Referrals 68.3 If, in respect of an application referred to a fire authority under Regulation 28, the fire authority: 68.3.1 recommends against the granting of building rules consent; or 68.3.2 concurs in the granting of consent on conditions specified in its report, but the Delegate: 68.3.3 proposes to grant building rules consent despite a recommendation referred to in Regulation 28(5a)(a) of the Regulations; or 68.3.4 does not propose to impose the conditions referred to in Regulation 28(5a)(b) of the Regulations, or proposes to impose the conditions in varied form, on the grant of consent, the duty pursuant to Regulation 28(5a) of the Regulations to: 68.3.5 refer the application to the Building Rules Assessment Commission; and		AO-B, BS, CO-BP, SAO-B	

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Development Regulations 2008				
	68.3.6 not grant consent unless the Building Rules Assessment Commission concurs in the granting of consent.			
r28(4)	68. Special Provisions - Referrals 68.2 The power pursuant to Regulation 28(4) of the Regulations, when a report from a fire authority pursuant to Regulation 28(3) is not received by the Council within 20 business days, to presume that the fire authority does not desire to make a report.		AO-B, BS, CO-BP, SAO-B	
r28(3)	68. Special Provisions - Referrals 68.1 The duty pursuant to and in accordance with Regulation 28(3) of the Regulations to refer an application for building rules consent to the relevant fire authority for comment and report where the Delegate considers that: 68.1.1 a proposed alternative solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or 68.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or 68.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code, and the duty pursuant to Regulation 28(5) of the Regulations to have regard to any report received from the fire authority under Regulation 28.		AO-B, BS, CO-BP, SAO-B	

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Development Regulations 2008				
r27(1)	67. Additional Information or Amended Plans 67.1 The duty pursuant to Regulation 27(1) of the Regulations, where an application has been referred to a prescribed body under Part 5 of the Regulations and additional information is received which is materially relevant to the referral, to repeat the referral process where the Delegate is of the opinion that the additional information or amendment is significant and the power to repeat the referral process in all other instances.		AO-P, DDES, MDS, PP, SAO-P	
r25	66. Procedure Where Concurrence Required 66.1 The duty pursuant to Regulation 25 of the Regulations, if concurrence must be sought from another body prior to issuing a consent or approval to forward to the other body whose concurrence must be sought that information required by Regulation 25(b) of the Regulations.		AO-P, DDES, MDS, PP, SAO-P	
r24(1)	65. Referrals 65.1 The duty pursuant to Regulation 24(1) of the Regulations to refer an application of a prescribed kind together with a copy of any relevant information provided by the applicant to the relevant body prescribed by Schedule 8 of the Regulations and to not make a decision on the application until a response has been received from the referral body or the time period for receipt of a response has lapsed.		AO-P, DDES, MDS, PP, SAO-P	
r23(2)	64. Contravening Development 64.1 The power pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline to proceed with an application until proceedings under the Act have been concluded.		This power remains with CEO - no further sub-delegation	
r22(2)	63. Withdrawing/Lapsing Application 63.3 Before taking action to lapse a development application under Regulation 22(2) of the Regulations the		AO-B, AO-P, BS, CO-	

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Development Regulations 2008				
	<p>duty, pursuant to and in accordance with Regulation 22(3) of the Regulations to:</p> <p>63.3.1 take reasonable steps to notify the applicant of the action under consideration; and</p> <p>63.3.2 allow the applicant a reasonable opportunity to make submissions to the Council or the Delegate about the proposed course of action, and the power to determine the manner and form of those submissions.</p>		BP, DDES, MDS, PP, SAO-B, SAO-P	
r22(2)	<p>63. Withdrawing/Lapsing Application</p> <p>63.2 Where at least two years have passed since the date on which an application for development authorisation under Part 4 of the Act was lodged with the Council the power, pursuant to Regulation 22(2) of the Regulations to lapse the said application.</p>		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
r22(1)	<p>63. Withdrawing/Lapsing Application</p> <p>63.1 The duty pursuant to Regulation 22(1) of the Regulations, where an applicant withdraws an application, to notify any agency to which an application was referred under Part 5 of the Regulations and any person who made a representation in relation to the application under Part 6 of the Regulations of the withdrawal.</p>		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
r20(5)	<p>62. Amended Applications</p> <p>62.2 The power pursuant to Regulation 20(5) of the Regulations, where a variation to an application changes the essential nature of a proposed development to (by agreement with the applicant) proceed with the variation on the basis that the application will be treated as a new application.</p>		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP,	

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Development Regulations 2008				
			SAO-B, SAO-P	
r20(4)	62. Amended Applications 62.1 The power pursuant to Regulation 20(4) of the Regulations to form the opinion that variations to an application are not substantial and that repeating of the referral process under Part 5 of the Regulations, or the giving of notice under Part 6 of the Regulations is not required.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
r18	61. Notification of Application for Tree-Damaging Activity to Owner of Land 61.1 Where the owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, the duty pursuant to and in accordance with Regulation 18 of the Regulations: 61.1.1 to give the owner of land notice of the application; and 61.1.2 to give due consideration, in the assessment of the application, to any submission made by the owner within a reasonable time after the giving of notice of the application.		This power remains with CEO - no further sub-delegation	
r17	60. Non-Complying Development 60.3 The power pursuant to Regulation 17(6) of the Regulations to determine that a proposed development is of a minor nature for the purposes of exemption from the requirements to provide a statement of effect.	Refer to conditions and limitations in	AO-P, DDES, MDS, PP, SAO-P	

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Development Regulations 2008				
			the "Development Act 1993 and Development Regulations 2008 - Appendix - Conditions of Sub-Delegations made by the CEO".	
r17(4)	60. Non-Complying Development 60.2 The duty pursuant to Regulation 17(4) of the Regulations, in situations where the Delegate has resolved to proceed with the assessment of an application for non-complying development, to require the applicant to provide a statement of effect.		Refer to conditions and limitations in the "Development Act 1993 and Development Regulations 2008 - Appendix -	AO-P, DDES, MDS, PP, SAO-P

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Development Regulations 2008				
		Conditions of Sub-Delegations made by the CEO".		
r17(3)	60. Non-Complying Development 60.1.2 resolve to proceed with an assessment of the application.	Refer to conditions and limitations in the "Development Act 1993 and Development Regulations 2008 - Appendix - Conditions of Sub-Delegations made by the CEO".	AO-P, DDES, MDS, PP, SAO-P	

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Development Regulations 2008				
r17(3)	<p>60. Non-Complying Development</p> <p>60.1 The power pursuant to Regulation 17(3) of the Regulations, after receipt of an application which relates to a kind of development that is described as non-complying development to:</p> <p>60.1.1 refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or</p>	<p>Refer to conditions and limitations in the "Development Act 1993 and Development Regulations 2008 - Appendix - Conditions of Sub-Delegations made by the CEO".</p>	AO-P, DDES, MDS, PP, SAO-P	
r16(4)	<p>59. Nature of Development</p> <p>59.4 The power pursuant to Regulation 16(4) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development, form the opinion that the development is not residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact and the reasons for the Delegate's opinion.</p>		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	

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Development Regulations 2008				
r16(3)	59. Nature of Development 59.3 The power pursuant to Regulation 16(3) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development, form the opinion that the development is residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
r16(2)	59. Nature of Development 59.2 The power pursuant to Regulation 16(2) of the Regulations to form the opinion that a development is non-complying, and the duty if the Delegate is of the opinion that an application relates to a kind of development that is non-complying and the applicant has not identified the development as such, by notice in writing to inform the applicant of that fact.		AO-P, DDES, MDS, PP, SAO-P	
r16(1)	59. Nature of Development 59.1 The duty pursuant to Regulation 16(1) of the Regulations, where an application requires the assessment of a proposed development against the provisions of the Development Plan, to determine the nature of the development applied for.		AO-P, DDES, MDS, PP, SAO-P	
r15(12)	58. Application to Relevant Authority 58.8 The duty pursuant to Regulation 15(12) of the Regulations to, in exercising the discretion under Section 39(4)(b) of the Act, dispense with the requirements of Schedule 5 in relation to a particular application.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	

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Development Regulations 2008				
r15(11)	<p>58. Application to Relevant Authority</p> <p>58.7 The power pursuant to Regulation 15(11) of the Regulations, to modify the requirements of Schedule 5 in relation to a particular application, subject to the following qualifications:</p> <p>58.7.1 in the case of an application that is lodged with the Council for assessment as residential code development – the requirements of Schedule 5 may not be modified in any way by the delegate assessing the application (whether so as to require more or less information), except on authority of the Minister under Section 39(1)(a) of the Act;</p> <p>58.7.2 in any other case, the delegate must not, when requiring plans, drawings, specifications and other documents in relation to the application, require the applicant to provide more information than that specified under Schedule 5 (subject to Section 39 of the Act).</p>		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
r15(8)	<p>58. Application to Relevant Authority</p> <p>58.5 The power pursuant to Regulation 15(8) of the Regulations to extend the period prescribed in Regulation 15(8) for the lodging of an application for the appropriate development authorisation as required by Section 54(2)(c).</p>		AO-B, BS, CO-BP, DDES, SAO-B	
r15(7b)	<p>58.4A The power pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application under Regulation 15(7a) of the Regulations, furnish to the private certifier:</p> <p>58.4A.2 if the private certifier, at the time of forwarding a copy of an application under Regulation 15(7a) of the Regulations, requests advice on the matters set out in subparagraphs (i) and (ii), and if such advice is relevant:</p> <p>58.4A.2.1 advice about any site contamination that is believed to exist at the site where the development</p>		AO-P, DDES, MDS, PP, SAO-P	

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Development Regulations 2008				
	would be undertaken; and 58.4A.2.2 advice about the likely need for approval to alter a public road under section 221 of the Local Government Act 1999 in order to establish a new access point. 58.4A.2.3 advice about whether the relevant development plan specifies any requirements relating to finished floor levels (expressed by reference to AHD or ARI) in relation to the site where the development would be undertaken.			
15(7b)	58.4A The power pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application under Regulation 15(7a) of the Regulations, furnish to the private certifier: 58.4A.1 the Development Assessment number assigned to the development proposed under the application; and		AO-P, DDES, MDS, PP, SAO-P	
r15(7)(b)	58. Application to Relevant Authority 58.4 The power pursuant to Regulation 15(7)(b) of the Regulations to indicate, in such manner as may be determined by the Development Assessment Commission, that the Delegate wishes to receive written documentation instead of electronic access to the relevant documents and information via the Internet.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
r15(5)	58. Application to Relevant Authority 58.3 The duty pursuant to and in accordance with Regulation 15(5) of the Regulations, when an application is lodged with the Council but the Development Assessment Commission is the relevant authority, to forward all but one copy of the application and the accompanying information, as well as a written acknowledgment that		AO-P, DDES,	

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Development Regulations 2008				
	the appropriate fees have been paid, including details of each fee component paid, to the Development Assessment Commission.		MDS, PP, SAO-P	
r15(4)	58. Application to Relevant Authority 58.2 The duty pursuant to and in accordance with Regulation 15(4) of the Regulations, if an application is lodged with the Council but a regional development assessment panel is the relevant authority, to retain a copy of the application and other accompanying information and to forward the application on to the appropriate person acting on behalf of the regional development assessment panel.		AO-P, DDES, MDS, PP, SAO-P	
r15(1)(c)	58. Application to Relevant Authority 58.1 The power pursuant to Regulation 15(1)(c) of the Regulations to require an additional or lesser number of copies of plans, drawings, specifications and other documents and information relating to a proposed development than the number prescribed in Regulation 15(1)(c) of the Regulations.		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP, SAO-B, SAO-P	
r12(4)	57. Public Meeting 57.2 The power pursuant to Regulation 12(4) of the Regulations to adjourn a public meeting from time to time, and place to place if necessary or appropriate.		DDES, MDS, PP	
r12	57. Public Meeting 57.1 The duty pursuant to and in accordance with Regulation 12 of the Regulations to hold a public meeting if an amendment has been prepared by the Council or the Delegate.		DDES, MDS, PP	
s25,26	56. Public Consultation - Section 25 & 26 56.4 The duty pursuant to Regulation 11A(5) of the Regulations, to ensure that a copy of any DPA released		DDES, MDS, PP	

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Development Regulations 2008				
	for public consultation under Section 25 of the Act is provided to the Minister within 2 business days after that release.			
s25,26	56. Public Consultation - Section 25 & 26 56.3 For the purposes of Sections 25(9)(c) and 26(5b)(c) of the Act, the duty pursuant to Regulation 11A(4) of the Regulations to include in the written notice the same information as required for a notice under Regulation 11A(1) of the Regulations.		DDES, MDS, PP	
s25,26	56. Public Consultation - Section 25 & 26 56.2 If one or more written submissions are made in response to a notice published under Regulation 11A(1) of the Regulations, the duty pursuant to Regulation 11A(3) of the Regulations to make a copy of each submission available for inspection in accordance with the statement included under Regulation 11A(1)(c).		DDES, MDS, PP	
s25,26	56. Public Consultation - Section 25 & 26 56.1 Subject to Regulations 11A(3) and 11A(6) of the Regulations, for the purposes of Sections 25 and 26 of the Act, the duty pursuant to Regulation 11A(1) of the Regulations to give public notice of a DPA by publication in the designated manner of a notice: 56.1.1 advising the time and places at which the DPA is available for inspection (without charge) and purchase by the public; and 56.1.2 inviting any interested person to make written submissions on the amendment to the council within the relevant period specified in the notice; and 56.1.3 stating that the submissions will be available for inspection by any interested person at a place specified in the notice from the expiration of the period specified under Regulation 11A(1)(b) of the		DDES, MDS, PP	

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Development Regulations 2008				
	Regulations until the conclusion of any public meeting held for the purposes of Section 25(11)(b) or 26(5c)(b) of the Act (or, if no such meeting is to be held, until the decision is made not to hold the meeting); and 56.1.4 providing information about when and where any public meeting is proposed to be held for the purposes of Sections 25(11)(b) or 26(5c)(b) of the Act (subject to a decision being made under the relevant section not to hold a meeting).			
r10A(1)	55. Consultation with Government Departments or Agencies 55.1 The duty pursuant to Regulation 10A(1) of the Regulations if the Council is subject to a requirement under Section 25(7)(a) of the Act to ensure that a copy of any written report received from a Department or agency is furnished to the Minister for the purposes of considering the matter under Section 25(7)(b) of the Act.		DDES, MDS, PP	
r9A(1)	54. Infrastructure Planning 54.1 The power pursuant to Regulation 9A(1) to, in preparing the DPA, to the extent (if any) required by the Statement of Intent, seek, in accordance with Regulation 9A(2), the advice of a Minister and any other government agency, specified by the Minister as part of the agreement on the Statement of Intent.		DDES, MDS, PP	
r8B(1)	53B. Complying Building Work – Building Rules 53B.1 The power pursuant to Regulation 8B(1) of the Regulations, for the purposes of Section 36(1) of the Act to, subject to Regulation 8B(2) of the Regulations, assess building work as being in a form specified in Schedule 4 Part 2 (including a form specified or provided for in the Building Code referred to in Schedule 4 Part 2).		AO-B, BS, CO-BP, SAO-B	
r8A(1)(b)	53A. Complying Development – Development Plan Consent 53A.2 The power pursuant to Regulation 8A(1)(b) of the Regulations, for the purposes of Section 35(1b) of the		AO-P, DDES,	

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Development Regulations 2008				
	<p>Act, to:</p> <p>53A.2.1 form the opinion that a variation from complying development (including complying development as declared under Regulation 8A(1)(a) of the Regulations) is minor; and</p> <p>53A.2.2 determine that 2 or more minor variations, when taken together, constitute a 'minor variation from complying development'.</p>		MDS, PP, SAO-P	
r8A(1)(a)	<p>53A. Complying Development – Development Plan Consent</p> <p>53A.1 The power pursuant to Regulation 8A(1)(a) of the Development Regulations 2008 ('the Regulations'), for the purposes of Sections 33(1) and 35 of the Act (subject to Regulation 8A(2)) of the Regulations to:</p> <p>53A.1.1 in the case of a proposed development lodged for assessment as residential code development – assess the development as being in a form described in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C); and</p> <p>53A.1.2 in any other case – to assess the development as being in a form described in Schedule 4 Part 1 (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 Part 1).</p>		AO-P, DDES, MDS, PP, SAO-P	
r101(5)	<p>104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:</p> <p>104.5.1.2 constitute a breach of any other law; or</p>		AO-B, AO-P, BS, CO-BP, DDES, MDS, PP,	

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Development Regulations 2008				
			SAO-B, SAO-P	

Development Act 1993 and Development Regulations 2008 - Appendix - Conditions of Sub-delegations from the Chief Executive Officer

Provision	Item Sub-Delegated	Conditions and Limitations	Sub-Delegate
s33; s35(2); s35(3)(a); s35(6); s38(10)(a); s38(10)(b); s38(11); s42(1) and 93); s50(1); s50(1)(2d)(3)(3a)(7)(10)(11);	The sub-delegate must exercise the powers and functions in accordance with the Development Act 1993 and Development Regulations 2008 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	<p>(A) The sub-delegate must not make a decision on the following types of proposals and in the following circumstances - which must instead be referred to the Barossa Assessment Panel for decision:</p> <p>(1) To refuse development plan consent, with respect to a merit application, other than where:</p> <ul style="list-style-type: none"> - requested information has not been provided within legislative time frames. - no representations have been received as a result of category 2 or 3 public notification. <p>(2) With respect to a non-complying application:</p> <ul style="list-style-type: none"> - to refuse consent. - to seek concurrence from the Development Assessment Commission to grant consent other than which in the opinion of the sub-delegate is of a minor nature. - to grant consent other than which in the opinion of the sub-delegate is of a minor nature. 	AO-B, AO-P, BS, CO-BP, DDES, DWES, MDS, MES, PP, SAO-B, SAO-P

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Regulation 17(3)(4)(6)	Development Act 1993 and the Development Regulations 2008 unless the sub-delegate holds the prescribed qualifications specified in Division 1 Part 15 of the Development Regulations 2008.	<p>(3) To consider whether to grant concurrence to a decision by the Development Assessment Commission to approve a non-complying development proposal.</p> <p>(4) Where representations opposing a proposal have been received as a result of category 2 or 3 public notification and the representor has indicated a desire to be heard in support of a representation.</p> <p>(5) Where a referral agency has recommended refusal.</p> <p>(6) Where a land division application involves more than 20 allotments.</p> <p>(7) Where an application is related to an enforcement notice pursuant to section 84, an application to a Court pursuant to section 85 (by either the Council or another party) or other form of legal action.</p> <p>(8) Where an applicant has requested to pay a car parking contribution in lieu of providing the required car parking spaces.</p> <p>(9) To consider whether to agree with an appeal conference settlement where:</p> <ul style="list-style-type: none"> - the decision was by the Barossa Assessment Panel, or - where a settlement proposal involves a non-planning matter in which case the non-planning matter shall be referred to Council for determination. <p>(10) Where in the opinion of the sub-delegate, it is appropriate to refer the application to the Barossa Assessment Panel.</p> <p>(B) The Senior Assessment Officer, Building shall only make a decision in relation to an application for a complying form of development.</p>	
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REGULATIONS 2008**

		(C) Any recommendation by the sub-delegate to refuse an application under item (A)(1) must be counter-signed by either the Director, Development and Environmental Services or the Manager, Development Services prior to a decision being issued.	
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**INSTRUMENT OF DELEGATION TO THE STRATEGIC PLANNING AND DEVELOPMENT POLICY COMMITTEE UNDER THE
DEVELOPMENT ACT 1993, DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006
AND DEVELOPMENT REGULATIONS 2008**

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.

#	Item Delegated
10934	4. Council or Minister May Amend a Development Plan 4.1 Where an amendment relates to the area, or part of the area, of a council, the power pursuant to Section 24(1)(a)(i) of the Act to prepare an amendment to a Development Plan.
10935	4. Council or Minister May Amend a Development Plan 4.2 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(i) to consult with the Minister.
10936	4. Council or Minister May Amend a Development Plan 4.3 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(ii) of the Act to prepare an amendment to a Development Plan at the request or with the approval of the Minister.
10937	4. Council or Minister May Amend a Development Plan 4.4 The power pursuant to Section 24(1a) of the Act and in accordance with subdivision 2 of Division 2 Part 3 of the Act to act jointly with one or more councils in preparing amendments to 1 or more Development Plans under sub Section (1)(a)(i) or (1)(b)(ii) of the Act.
10938	4. Council or Minister May Amend a Development Plan 4.5 The power pursuant to section 24(1)(a)(iva) of the Act, where the Council or the Delegate has, after commencing the processes associated with making an amendment as set out in Section 25 of the Act, to subsequently decide not to proceed with the amendment after all.

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019

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10939	4. Council or Minister May Amend a Development Plan 4.6 The power pursuant to Section 24(1b) of the Act to make submissions in relation to the matter within the period specified by the Minister.
10940	4. Council or Minister May Amend a Development Plan 4.7 The power pursuant to Section 24(2a) of the Act to make submissions (within a period specified in the notice) in relation to a matter.
10941	5. Amendments by a Council 5.1 The power pursuant to Section 25(1) of the Act to prepare a 'Statement of Intent' in accordance with the Regulations.
10942	5. Amendments by a Council 5.2 The power pursuant to Section 25(1) of the Act to reach agreement with the Minister on a 'Statement of Intent' prepared by the Council.
10943	5. Amendments by a Council 5.3 Subject to Sections 25(4) and 25(5) of the Act the power pursuant to Section 25(3) of the Act to prepare a proposal, to be called a 'Development Plan Amendment' (or DPA) that complies with the following requirements: 5.3.1 the DPA must be based on the outcome of investigations initiated by the Council or the Delegate in accordance with the terms of the Statement of Intent and such other investigations (if any) as the Council or the Delegate thinks fit; 5.3.2 the DPA must include an assessment of the extent to which the proposed amendment: 5.3.2.1 accords with the Planning Strategy; and 5.3.2.2 accords with the Statement of Intent; and 5.3.2.3 accords with other parts of the Development Plan; and 5.3.2.4 complements the policies in the Development Plans for adjoining areas; and

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	<p>5.3.2.5 satisfies the matters prescribed in the Regulations;</p> <p>5.3.3 the DPA must include:</p> <p>5.3.3.1 an explanation of the intent of the proposed amendments, the relationship between that intent and the policy of the Statement of Intent, and a summary of the major policy changes (if any) that are proposed; and</p> <p>5.3.3.2 a summary of the conclusions drawn from the investigations and assessments referred to above; and</p> <p>5.3.3.3 a draft of the amendment, or a draft of the relevant section of the Development Plan as amended (with the amendments shown in a distinctive manner);</p> <p>5.3.4 the DPA must include an assessment of the extent to which the proposed amendment accords with relevant infrastructure planning (with respect to both physical and social infrastructure) identified by the Council through strategic planning or other processes undertaken by the Council under the Act or the Local Government Act 1999 or identified by a Minister, or any other relevant government agency, in accordance with any scheme set out in the Regulations, in connection with the preparation of the DPA under the Act;</p> <p>5.3.5 the DPA must include any other matter prescribed by the Regulations.</p>
10944	<p>5. Amendments by a Council</p> <p>5.4 The power pursuant to Section 25(3)(a) of the Act to initiate investigations in accordance with the terms of the Statement of Intent and such other investigations as the Delegate thinks fit.</p>
10945	<p>5. Amendments by a Council</p> <p>5.5 The duty, pursuant to Section 25(4) of the Act to prepare a DPA only after the Delegate has considered the advice of a person with prescribed qualifications.</p>

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10946	5. Amendments by a Council 5.6 The power pursuant to Section 25(5) of the Act to not, except as authorised by the Minister, propose an amendment to a part of a Development Plan that has been declared by the Minister by notice in the Gazette as being part of a set of standard policy modules for the purposes of the Act.
10947	5. Amendments by a Council 5.7 The duty pursuant to Section 25(6) of the Act to deal with a DPA in accordance with process A, B or C as described by the Act, depending on an agreement reached between the Council or the Delegate and the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.
10948	5. Amendments by a Council 5.8 The power pursuant to Section 25(6) of the Act to reach an agreement with the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.
10949	5. Amendments by a Council 5.9 Process A 5.9.1 The duty pursuant to Section 25(7)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent, for comment within the period prescribed by the Regulations.
10950	5. Amendments by a Council 5.10 Process B 5.10.1 The duty pursuant to Section 25(8)(a) of the Act, if required by the Minister, to first refer the DPA to the Minister for consideration. 5.10.2 The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister. 5.10.3 The duty pursuant to Section 25(8)(a)(i) of the Act to comply with a requirement of the Minister to make an alteration to the DPA.

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	<p>5.10.4 Subject to complying with Section 25(8)(a) of the Act, (if relevant) the duty and power pursuant to Section 25(8)(b)(i) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 8 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.</p> <p>5.10.5 Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act the duty pursuant to Section 25(8)(b)(ii) of the Act to release the DPA for public consultation in accordance with the Regulations over a period that is at least concurrent with the period that applies under Section 25(8)(b)(i) of the Act.</p>
10951	<p>5. Amendments by a Council</p> <p>5.11 Process C</p> <p>5.11.1 The duty and power pursuant to Section 25(9)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 4 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.</p> <p>5.11.2 Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(9)(b) of the Act to release the DPA for public consultation in accordance with the Regulations, over a period that is at least concurrent with the period that applies under Section 25(9)(a) of the Act.</p> <p>5.11.3 The duty pursuant to Section 25(9)(c) of the Act, at the time that the DPA is released for public consultation, to give:</p> <p>5.11.3.1 an owner or occupier of any land that is directly subject to the operation of the proposed amendment; and</p> <p>5.11.3.2 an owner or occupier of each piece of adjacent land to land that is directly subject to the operation of the proposed amendment, a written notice in accordance with the Regulations.</p>
10952	<p>5. Amendments by a Council</p> <p>5.12 The duty pursuant to Section 25(10) of the Act to not release a DPA for public consultation unless or until the Chief Executive Officer of the</p>

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	<p>Council has, on behalf of the Council, issued a certificate in the prescribed form relating to the extent to which the proposed amendment:</p> <p>5.12.1 accords with the Planning Strategy; and</p> <p>5.12.2 accords with the Statement of Intent; and</p> <p>5.12.3 accords with other parts of the Development Plan; and</p> <p>5.12.4 complements the policies in the Development Plans for adjoining areas; and</p> <p>5.12.5 satisfies the matters prescribed in the Regulations.</p>
10953	<p>5. Amendments by a Council</p> <p>5.13 In addition to any requirement prescribed by the Regulations, the duty pursuant to Section 25(11) of the Act for the purposes of undertaking the public consultation, to:</p> <p>5.13.1 allow interested persons to make representations in writing in relation to the matter over the period that applies for the purposes of the public consultation; and</p> <p>5.13.2 subject to Section 25(11)(b) of the Act and in accordance with the Regulations, hold within the area of the Council at least 1 meeting where members of the public may attend and make representations in relation to the matter,</p> <p>5.13.3 appoint a committee (which may, but need not, include members of the Council) to consider any representations made under Sections 25(11)(a) or 25(11)(b) of the Act and to provide advice in relation to those representations.</p>
10954	<p>5. Amendments by a Council</p> <p>5.14 If a proposed amendment designates a place as a place of local heritage value, the duty pursuant to Section 25(12) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land constituting a place proposed as a place of local heritage value a</p>

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	<p>written notice:</p> <p>5.14.1 informing the owner of the proposed amendment, and</p> <p>5.14.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.</p>
10956	<p>5. Amendments by a Council</p> <p>5.16 The duty pursuant to Section 25(13)(a) of the Act, after complying with the requirements of Sections 25(1)-(12a) of the Act, to, in accordance with the Regulations prepare a report on the matters raised during the consultation period, on the reasons for any failure to comply with any time set for any step under Sections 25(1)-(12a) of the Act, and on any recommended alterations to the proposed amendment.</p>
10957	<p>5. Amendments by a Council</p> <p>5.17 The power pursuant to Section 25(13)(b) of the Act, if the Delegate thinks fit, by notice in writing to the Minister, to decline to proceed any further with an amendment.</p>
10958	<p>5. Amendments by a Council</p> <p>5.18 The duty to send to the Minister:</p> <p>5.18.1 a copy of a report under Section 25(13)(a); and</p> <p>5.18.2 a certificate from the Chief Executive Officer; pursuant to and in accordance with Section 25(14) of the Act and the Regulations.</p>
10959	<p>5. Amendments by a Council</p> <p>5.19 The power pursuant to Sections 25(15)(d) and 25(15)(f) of the Act to consult with the Minister.</p>
10960	<p>5. Amendments by a Council</p> <p>5.20 The power pursuant to and in accordance with Section 25(21) of the Act to consult with, and make submissions to the Minister.</p>

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10961	5. Amendments by a Council 5.21 The power pursuant to Section 25(23) of the Act to consult with the Minister.
10962	6. Amendments by the Minister 6.1 The power pursuant to Section 26(5)(d)(i) of the Act, in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.
10963	6. Amendments by the Minister 6.2 The power pursuant to Section 26(5a)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.
10964	6. Amendments by the Minister 6.3 The power pursuant to Section 26(5b)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 4 weeks.
10965	6. Amendments by the Minister 6.4 The power pursuant to Section 26(12) of the Act, to make comment to the Minister within a period determined by the Minister in relation to a proposal to act under Section 26(11) of the Act.
10966	6. Amendments by the Minister 6.5 The power pursuant to, Section 26(12) of the Act to, by notice in writing, object to the Minister's proposed action.
10967	7. Parliamentary Scrutiny 7.1 The power pursuant to Section 27(6) of the Act to consult with the Minister.
11158	53. Transitional Provisions 53.1 The power pursuant to and in accordance with Clause 5(1) of Schedule 1 to the Development (Development Plans) Amendment Act 2006 ('the DPA Act'), if the Council or the Delegate has, before the commencement of Clause 5 of Schedule 1 to the DPA Act reached an agreement with the Minister on a Statement of Intent with respect to an amendment to a Development Plan, or taken steps to prepare a Plan Amendment Report on the

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	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.
11159	53. Transitional Provisions 53.2 The power pursuant to Clause 5(2) of Schedule 1 to the DPA Act to agree on a Statement of Intent that is to supersede a Statement of Intent agreed between the Council or the Delegate and the Minister before commencement of Clause 5 of Schedule 1 to the DPA Act.
11160	54. Infrastructure Planning 54.1 The power pursuant to Regulation 9A(1) to, in preparing the DPA, to the extent (if any) required by the Statement of Intent, seek, in accordance with Regulation 9A(2), the advice of a Minister and any other government agency, specified by the Minister as part of the agreement on the Statement of Intent.
11161	55. Consultation with Government Departments or Agencies 55.1 The duty pursuant to Regulation 10A(1) of the Regulations if the Council is subject to a requirement under Section 25(7)(a) of the Act to ensure that a copy of any written report received from a Department or agency is furnished to the Minister for the purposes of considering the matter under Section 25(7)(b) of the Act.
11162	56. Public Consultation - Section 25 & 26 56.1 Subject to Regulations 11A(3) and 11A(6) of the Regulations, for the purposes of Sections 25 and 26 of the Act, the duty pursuant to Regulation 11A(1) of the Regulations to give public notice of a DPA by publication in the designated manner of a notice: 56.1.1 advising the time and places at which the DPA is available for inspection (without charge) and purchase by the public; and 56.1.2 inviting any interested person to make written submissions on the amendment to the council within the relevant period specified in the notice; and 56.1.3 stating that the submissions will be available for inspection by any interested person at a place specified in the notice from the expiration of the period specified under Regulation 11A(1)(b) of the Regulations until the conclusion of any public meeting held for the purposes of Section 25(11)(b) or 26(5c)(b) of the Act (or, if no such meeting is to be held, until the decision is made not to hold the meeting); and

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	56.1.4 providing information about when and where any public meeting is proposed to be held for the purposes of Sections 25(11)(b) or 26(5c)(b) of the Act (subject to a decision being made under the relevant section not to hold a meeting).
11163	56. Public Consultation - Section 25 & 26 56.2 If one or more written submissions are made in response to a notice published under Regulation 11A(1) of the Regulations, the duty pursuant to Regulation 11A(3) of the Regulations to make a copy of each submission available for inspection in accordance with the statement included under Regulation 11A(1)(c).
11164	56. Public Consultation - Section 25 & 26 56.3 For the purposes of Sections 25(9)(c) and 26(5b)(c) of the Act, the duty pursuant to Regulation 11A(4) of the Regulations to include in the written notice the same information as required for a notice under Regulation 11A(1) of the Regulations.
11165	56. Public Consultation - Section 25 & 26 56.4 The duty pursuant to Regulation 11A(5) of the Regulations, to ensure that a copy of any DPA released for public consultation under Section 25 of the Act is provided to the Minister within 2 business days after that release.
11166	57. Public Meeting 57.1 The duty pursuant to and in accordance with Regulation 12 of the Regulations to hold a public meeting if an amendment has been prepared by the Council or the Delegate.
11167	57. Public Meeting 57.2 The power pursuant to Regulation 12(4) of the Regulations to adjourn a public meeting from time to time, and place to place if necessary or appropriate.

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Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.

#	Item Delegated by Council to Barossa Assessment Panel
10982	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.1 the provisions of the appropriate Development Plan;
11310	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.3 in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;
11311	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.4 in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;
11312	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.5 the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner; and

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11313	10. Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.6 such other matters as may be prescribed.
10983	10. Matters Against Which Development Must be Assessed 10.2 The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.
10986	11. Determination of Relevant Authority 11.2 The power pursuant to Section 34(1a) of the Act, where the Minister has made a declaration under Section 34(1)(b)(vi) of the Act, to provide the Development Assessment Commission with a report, relating to the application for development authorisation, within the time prescribed by the Regulations.
10994	12. Special Provisions Relating to Assessment Against Development Plans 12.4 The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan.
10995	12. Special Provisions Relating to Assessment Against Development Plans 12.5 The power pursuant to Section 35(3)(a) of the Act in appropriate cases, to concur in the granting of consent to a development described as a non-complying development.
11002	14. Consultation With Other Authorities or Agencies 14.1 Subject to Section 37AA of the Act, the duty pursuant to Section 37(1)(a) and (b) of the Act where an assessment is required of an application for the consent or approval of a proposed development of a prescribed class to: 14.1.1 refer the application, together with a copy of any relevant information provided by the applicant to a body prescribed by the Regulations and including the Development Assessment Commission, and

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	14.1.2 not make a decision until a response has been received from the prescribed body in relation to the matter or matters for which the referral was made or the presumption is made that the body does not desire to make a response or concur (as the case requires).
11005	15. Preliminary Advice and Agreement 15.1 The power pursuant to and in accordance with Section 37AA(2)(e) of the Act to be satisfied that an application accords with an agreement indicated by a prescribed body in accordance with Section 37AA(2)(c) of the Act.
11006	15. Preliminary Advice and Agreement 15.2 The power pursuant to and in accordance with Section 37AA(4) of the Act to determine that an agreement under Section 37AA of the Act is no longer appropriate due to the operation of Section 53 of the Act.
11007	16. Proposed Development Involving Creation of Fortifications 16.1 The duty pursuant to Section 37A(1) of the Act where the Delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police ('the Commissioner').
11008	16. Proposed Development Involving Creation of Fortifications 16.2 The power pursuant to Section 37A(2)(b) of the Act to receive the Commissioner's written determination under Section 37A(2)(a) of the Act.
11009	16. Proposed Development Involving Creation of Fortifications 16.3 The duty pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development involves the creation of fortifications to: 16.3.1 if the proposed development consists only of the creation of fortifications - refuse the application; or 16.3.2 in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications.

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11016	17. Public Notice and Consultation 17.6 The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate.
11017	17. Public Notice and Consultation 17.7 The duty pursuant to Section 38(10)(b) of the Act, in respect of a Category 3 development, to allow a person who made a representation and who as part of that representation indicated an interest in appearing before the Delegate, a reasonable opportunity to appear personally or by representative to be heard in support of the representation.
11018	17. Public Notice and Consultation 17.8 The duty pursuant to Section 38(11) of the Act to allow an applicant to appear personally or by representative before the Delegate or the Council in order to respond to any relevant matter.
11020	17. Public Notice and Consultation 17.10 The power, pursuant to subsection 38(17) of the Act, where a relevant authority is acting under Section 38 of the Act in relation to a Category 2A or Category 2 development, to not take into account under Section 38 of the Act a representation made by a person who is not entitled to be given notice of the relevant application under Section 38 of the Act.
11021	17. Public Notice and Consultation 17.11 The power, pursuant to subsection 38(18) of the Act, to not take into account under Section 38 of the Act, a representation that is not made in accordance with any requirement prescribed by the Regulations for the purposes of Section 38.
11022	18. Application and Provision of Information 18.1 The power pursuant to Section 39(2) of the Act to request an applicant to: 18.1.1 provide such additional documents or information to enable assessment of the application; 18.1.2 remedy any defect or deficiency in any application or accompanying document or information required by or under the Act; 18.1.3 consult with an authority or body prescribed by the Regulations;

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	<p>18.1.4 (where required by the Regulations) prepare a statement of effect in relation to non-complying development; and</p> <p>18.1.5 comply with any other requirement prescribed by the Regulations.</p>
11025	<p>18. Application and Provision of Information</p> <p>18.4 Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power pursuant to Section 39(3)(b) of the Act to:</p> <p>18.4.1 subject to Section 39(3)(b)(ii) of the Act, refuse the application; and</p> <p>18.4.2 refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).</p>
11028	<p>18. Application and Provision of Information</p> <p>18.7 The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application.</p>
11031	<p>18. Application and Provision of Information</p> <p>18.10 The power pursuant to Section 39(4)(d) of the Act and Regulation 17(3)(a) of the regulations to refuse an application that relates to a development of the kind that is described as a non-complying development under the Development Plan without proceeding to make an assessment of the application.</p>
11033	<p>18. Application and Provision of Information</p> <p>18.12 The power pursuant to Section 39(7) of the Act to approve an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative.</p>
11034	<p>18. Application and Provision of Information</p> <p>18.13 The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on</p>

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	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.
11035	18. Application and Provision of Information 18.14 The power, pursuant to section 39(7)(d) of the Act, to approve the seeking of a variation to extend the period for which the relevant authorisation remains operative.
11036	18. Application and Provision of Information 18.15 Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7a), to make specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation.
11037	18. Application and Provision of Information 18.16 The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages.
11040	19. Determination of Application 19.2 The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative.
11041	20. Time Within Which Decision Must be Made 20.1 The duty, pursuant to Section 41(1) of the Act to deal with an application as expeditiously as possible and within the time prescribed by the Regulations.
11043	21. Conditions 21.1 The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.
11047	22. Cancellation by a Relevant Authority 22.1 The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate.

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11051	24. Crown Development and Public Infrastructure 24.1 The power pursuant to Section 49(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.
11052	24. Crown Development and Public Infrastructure 24.2 The power pursuant to Section 49(5) of the Act to report to the Development Assessment Commission on any matters contained in a notice from the Development Assessment Commission under Section 49(4a) of the Act.
11053	24. Crown Development and Public Infrastructure 24.3 The power pursuant to Section 49(9) of the Act to withdraw opposition to a State agency proposed development.
11054	25. Electricity Infrastructure Development 25.1 The power pursuant to Section 49A(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.
11055	25. Electricity Infrastructure Development 25.2 The power pursuant to Section 49A(5) of the Act, where notice of a proposal to undertake development for the purposes of the provision of electricity infrastructure has been given to the Council pursuant to Section 49A(4a) of the Act, to report to the Development Assessment Commission on any matters contained in the said notice.
11056	25. Electricity Infrastructure Development 25.3 The power pursuant to Section 49A(9) of the Act, in circumstances where the Council's report to the Development Assessment Commission under Section 49A(5) of the Act expressed opposition to the proposed development, to withdraw that opposition.
11057	26. Open Space Contribution System 26.1 The power pursuant to Section 50(1) of the Act, with respect to an application for the division of land into more than 20 allotments where one or more allotments is less than one hectare in area, to require: 26.1.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or

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	26.1.2 that the applicant make the contribution prescribed by the regulations in accordance with the requirements of by Section 50 of the Act; or 26.1.3 that the land be vested in the Council and that the applicant make a contribution determined in accordance with Section 50(7) of the Act, according to the determination and specification of the Council or Delegate.
11058	26. Open Space Contribution System 26.2 The power pursuant to Section 50(1) of the Act, when proposing to take any action that is at variance with the Council's Development Plan to seek the concurrence of the Development Assessment Commission.
11062	26. Open Space Contribution System 26.6 The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the extent that an earlier application in respect of the same development has addressed the requirements of Section 50 of the Act in respect of the area of land as a whole.
11079	31. Avoidance of Duplication of Procedures Etc 31.1 The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (and defined in Section 52A(9) of the Act, as a 'Commonwealth Act document') as an application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act.
11080	31. Avoidance of Duplication of Procedures Etc 31.2 The power pursuant to Section 52A(2)(b) of the Act where a document has been accepted for the purposes of the Act, to direct that a procedure taken under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 in relation to the said document will be taken to have fulfilled the requirements for a procedure in relation to the relevant document under the Act, if the requirements of the Act in relation to the procedure have been complied with under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.
11081	31. Avoidance of Duplication of Procedures Etc 31.3 The power pursuant to Section 52A(2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement, assessment or other document of the same kind or not) used or to be used for the purposes of the Commonwealth Environment Protection and

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	Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of the Act.
11082	<p>31. Avoidance of Duplication of Procedures Etc</p> <p>31.4 The power pursuant to Section 52A(5) of the Act where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity or includes an activity for which a development authorisation is required under the Act to, when considering an application for a development authorisation or for the variation of a development authorisation, for the activity, use information and other material provided to the Commonwealth Minister under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.</p>
11083	<p>31. Avoidance of Duplication of Procedures Etc</p> <p>31.5 Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act:</p> <p>31.5.1 in circumstances where:</p> <p>31.5.1.1 the Commonwealth Minister has given his or her approval to the controlled action; and</p> <p>31.5.1.2 the applicant for the development authorisation or the Commonwealth Minister has informed the relevant authority of that fact;</p> <p>the duty pursuant to Section 52A(6)(a) of the Act to consider whether the conditions (if any) to be attached to the development authorisation should be consistent with the conditions (if any) attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999; and</p>
11176	<p>59. Nature of Development</p> <p>59.1 The duty pursuant to Regulation 16(1) of the Regulations, where an application requires the assessment of a proposed development against the provisions of the Development Plan, to determine the nature of the development applied for.</p>

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11177	59. Nature of Development 59.2 The power pursuant to Regulation 16(2) of the Regulations to form the opinion that a development is non-complying, and the duty if the Delegate is of the opinion that an application relates to a kind of development that is non-complying and the applicant has not identified the development as such, by notice in writing to inform the applicant of that fact.
11180	60. Non-Complying Development 60.1 The power pursuant to Regulation 17(3) of the Regulations, after receipt of an application which relates to a kind of development that is described as non-complying development to: 60.1.1 refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or 60.1.2 resolve to proceed with an assessment of the application.
11181	60. Non-Complying Development 60.2 The duty pursuant to Regulation 17(4) of the Regulations, in situations where the Delegate has resolved to proceed with the assessment of an application for non-complying development, to require the applicant to provide a statement of effect.
11182	60. Non-Complying Development 60.3 The power pursuant to Regulation 17(6) of the Regulations to determine that a proposed development is of a minor nature for the purposes of exemption from the requirements to provide a statement of effect.
11184	62. Amended Applications 62.1 The power pursuant to Regulation 20(4) of the Regulations to form the opinion that variations to an application are not substantial and that repeating of the referral process under Part 5 of the Regulations, or the giving of notice under Part 6 of the Regulations is not required.
11185	62. Amended Applications 62.2 The power pursuant to Regulation 20(5) of the Regulations, where a variation to an application changes the essential nature of a proposed development to (by agreement with the applicant) proceed with the variation on the basis that the application will be treated as a new application.

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11189	64. Contravening Development 64.1 The power pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline to proceed with an application until proceedings under the Act have been concluded.
11192	67. Additional Information or Amended Plans 67.1 The duty pursuant to Regulation 27(1) of the Regulations, where an application has been referred to a prescribed body under Part 5 of the Regulations and additional information is received which is materially relevant to the referral, to repeat the referral process where the Delegate is of the opinion that the additional information or amendment is significant and the power to repeat the referral process in all other instances.
11198	69. Land Division Applications 69.1 The duty pursuant to Regulation 29(1) of the Regulations, subject to the provisions in Regulation 29(2) of the Regulations, to withhold making a decision on an application which relates to a proposed development that involves the division of land until a report has been received from the Development Assessment Commission.
11199	69. Land Division Applications 69.2 The power pursuant to Regulation 29(2) of the Regulations, when a report from the Development Assessment Commission pursuant to Regulation 29(1) of the Regulations is not received by the Council within eight weeks or within such longer period as the Development Assessment Commission may require by notice in writing to the Council, to presume that the Development Assessment Commission does not desire to make a report.
11200	70. Underground Mains Area 70.1 The power pursuant to Regulation 30(1) of the Regulations to seek a report from the relevant electricity authority where the Delegate considers that an area should be declared an underground mains area.
11202	70. Underground Mains Area 70.3 The power pursuant to Regulation 30(4) of the Regulations, where a development includes the division of land within or partly within an underground mains area, to require, as a condition of the decision, that any electricity mains be placed underground.
11315	74. Determination of Commission as Relevant Authority 74.1 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:

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	74.1.2 in any case, the power pursuant to and in accordance with Regulation 38(2)(b) to provide a report on matters under Section 33(1) (as relevant).
11214	74. Determination of Commission as Relevant Authority 74.2 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b)(iv) of the Act and the proposed development is to be undertaken within one kilometre of a boundary with the Council, the power, pursuant to Regulation 38(4) of the Regulations, to provide the Development Assessment Commission with comments on the proposed development.
11224	82. Lapse of Consent or Approval 82.1 The power pursuant to Regulation 48(2) of the Regulations to extend the time when any consent or approval under Part 4 of the Act will lapse.
11225	83. Width of Roads and Thoroughfares 83.1 The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulation 51(1) and (3) dealing with the width of any proposed road or thoroughfare where the Delegate is of the opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services.
11226	83. Width of Roads and Thoroughfares 83.2 The power pursuant to Regulation 51(6) of the Regulations to dispense with the requirements of Regulation 51(5) dealing with the width of a road at the head of every cul-de-sac where it appears that the cul-de-sac is likely to become a through road.
11227	84. Road Widening 84.1 The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road.
11228	85. Requirement as to Forming of Roads 85.1 The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.
11229	85. Requirement as to Forming of Roads 85.2 The power pursuant to Regulation 53(4) of the Regulations to dispense with the requirements of Regulation 53(3) of the Regulations that

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	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.
11230	85. Requirement as to Forming of Roads 85.3 The power pursuant to Regulation 53(6) of the Regulations to dispense with the requirements of Regulation 53(5) dealing with the forming of footpaths, water-tables, kerbing, culverts and drains on proposed roads.
11232	87. Supplementary Provisions 87.1 The duty pursuant to Regulation 55(1) of the Regulations to consider and if appropriate approve a road location and grading plan for the forming of any proposed road, including every footpath, water-table, kerbing, culvert and drain.
11233	87. Supplementary Provisions 87.2 The duty pursuant to Regulation 55(2) of the Regulations to consider, and if appropriate approve, detailed construction plans and specifications signed by a professional engineer or licensed surveyor for all work referred to in Regulations 53 and 54 of the Regulations.
11234	87. Supplementary Provisions 87.3 The duty pursuant to Regulation 55(4) of the Regulations to consider, and if appropriate accept, that all connections for water supply and sewerage services to any allotment delineated on a plan of division have been laid under the surface of a proposed road before the roadway is sealed.

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Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DDES: Director, Development and Environmental Services
 - CCS: Co-ordinator, Customer Support
 - GI: General Inspector
 - MFS: Manager, Financial Services
 - MRS: Manager, Regulatory Services

Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Sub-Delegate
s 25A(1)	<p>1. Appointment of Authorised Persons</p> <p>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.</p>		This power remains with CEO - no further sub-delegation
s 25A(2)	1. Appointment of Authorised Persons		This power remains with CEO

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	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.		- no further sub-delegation
s 25A(3)	1. Appointment of Authorised Persons 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.		This power remains with CEO - no further sub-delegation
s25B(1)	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.		This power remains with CEO - no further sub-delegation
s25B(2)	2. Identification of Authorised Persons 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.		This power remains with CEO - no further sub-delegation
s25C(c)	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.		This power remains with CEO - no further sub-delegation
s26	4. Council Responsibility for Management of Dogs and Cats 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:		DDES, MRS
s 26	4. Council Responsibility for Management of Dogs and Cats		DDES, MRS

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	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		
s 26	4. Council Responsibility for Management of Dogs and Cats 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		DDES, MRS
s 26	4. Council Responsibility for Management of Dogs and Cats 4.1.3 maintain such other registers as may be required by the Board; and		DDES, MRS
s 26	4. Council Responsibility for Management of Dogs and Cats 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		DDES, MRS, <u>CCS</u>
s 26	4. Council Responsibility for Management of Dogs and Cats 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		DDES, MRS
s 26	4. Council Responsibility for Management of Dogs and Cats 4.1.6 appoint a suitable person to be Registrar; and		This power remains with CEO - no further sub-delegation
s 26	4. Council Responsibility for Management of Dogs and Cats		DDES, MRS

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	4.1.7 make satisfactory arrangements for issuing and replacing certificates of registration and registration discs; and		
s 26	4. Council Responsibility for Management of Dogs and Cats 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		DDES, MRS
s 26	4. Council Responsibility for Management of Dogs and Cats 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		DDES, MRS
s 26	4. Council Responsibility for Management of Dogs and Cats 4.1.10 make satisfactory arrangements for fulfilling other obligations under the Act.		DDES, MRS
s26(1a)	4. Council Responsibility for Management of Dogs and Cats 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.		DDES, MRS
s26(4)	4. Council Responsibility for Management of Dogs and Cats 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.		DDES, MFS, MRS
s26(5)	4. Council Responsibility for Management of Dogs and Cats		DDES, MFS, MRS

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	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.		
s26(6)	<p>4. Council Responsibility for Management of Dogs and Cats</p> <p>4.5 The power pursuant to Section 26(6) of the Act to charge:</p> <p>4.5.1 fees for the provision of extracts from registers kept under the Act; and</p> <p>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</p> <p>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:</p> <p>4.5.3.1 for the registration of dogs or businesses under Part 4 of the Act; and</p> <p>4.5.3.2 for the late payment of registration fees; and</p> <p>4.5.3.3 for meeting any other requirement imposed on the Council under the Act.</p>		DDES, MRS
s26(7)	<p>4. Council Responsibility for Management of Dogs and Cats</p> <p>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.</p>		DDES, MRS
s26A(1)	5. Plans of Management Relating to Dogs and Cats		DDES, MRS

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	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.		
s26A(5)	<p>5. Plans of Management Relating to Dogs and Cats</p> <p>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.</p>		DDES, MRS
s39	<p>6. Rectification of Register</p> <p>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>		DDES, GI, MRS
s50(1)	<p>7. Destruction and Control Orders</p> <p>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:</p> <p>7.1.1 a Destruction Order;</p> <p>7.1.2 a Control (Dangerous Dog) Order;</p> <p>7.1.3 a Control (Menacing Dog) Order;</p> <p>7.1.4 a Control (Nuisance Dog) Order;</p> <p>7.1.5 a Control (Barking Dog) Order.</p>		DDES, MRS
s50(2)(b)	7. Destruction and Control Orders		DDES, MRS

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	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.		
s51	<p>8. Grounds on Which Orders May be Made</p> <p>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:</p> <p>8.1.1 in the case of a Destruction Order:</p> <p>8.1.1.1 the dog is unduly dangerous; and</p> <p>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</p>		DDES, GI, MRS
s51	<p>8. Grounds on Which Orders May be Made</p> <p>8.1.2 in the case of a Control (Dangerous Dog) Order:</p> <p>8.1.2.1 the dog:</p> <p>(a) is dangerous; and</p> <p>(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</p> <p>8.1.2.2 the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Dangerous Dog) Order; or</p>		DDES, GI, MRS
s51	<p>8. Grounds on Which Orders May be Made</p> <p>8.1.3 in the case of a Control (Menacing Dog) Order:</p>		DDES, GI, MRS

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	<p>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</p> <p>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</p>		
s51	<p>8. Grounds on Which Orders May be Made</p> <p>8.1.4 in the case of a Control (Nuisance Dog) Order:</p> <p>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</p> <p>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</p>		DDES, GI, MRS
s51	<p>8. Grounds on Which Orders May be Made</p> <p>8.1.5 in the case of a Control (Barking Dog) Order:</p> <p>8.1.5.1 the dog is a nuisance; and</p> <p>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.</p>		DDES, GI, MRS

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s52(1)	<p>9. Procedure for Making and Revoking Orders</p> <p>9.1 The power pursuant to Section 52(1) of the Act to:</p> <p>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</p> <p>9.1.2 to determine the manner and form of an application for an order under Division 3 of Part 5 of the Act.</p>		DDES, GI, MRS
s52(1)	<p>9. Procedure for Making and Revoking Orders</p> <p>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:</p> <p>9.2.1 to ascertain all persons who own or are responsible for the control of the dog; and</p> <p>9.2.2 to give each of the persons so ascertained at least 7 days written notice:</p> <p>9.2.2.1 identifying the dog in relation to which it is proposed that the order be made;</p> <p>9.2.2.2 setting out the terms of the proposed order; and</p> <p>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.</p>		DDES, GI, MRS
s52(2)	<p>9. Procedure for Making and Revoking Orders</p> <p>9.3 The power pursuant to Section 52(2) of the Act to:</p> <p>9.3.1 make an order in the manner and form required by the Board; and</p>		DDES, GI, MRS

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INSTRUMENT OF DELEGATION UNDER THE DOG AND CAT MANAGEMENT ACT 1995

	9.3.2 note an order in the register kept by the Council under the Act.		
s52(3)	9. Procedure for Making and Revoking Orders 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.		DDES, GI, MRS
s52(4)	9. Procedure for Making and Revoking Orders 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.		DDES, GI, MRS
s52(5)	9. Procedure for Making and Revoking Orders 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.		DDES, GI, MRS
s52(6)	9. Procedure for Making and Revoking Orders 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.		DDES, GI, MRS
s53(1)	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.		DDES, GI, MRS
s59	11. Power of Court to Order Destruction or Control of Dog on Application		DDES, GI, MRS

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	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.		
s59A(1)	<p>12. Prohibition Orders</p> <p>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.</p>		DDES, MRS
s59A(2)(b)(ii)	<p>12. Prohibition Orders</p> <p>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.</p>		DDES, MRS
s59A(3)	<p>12. Prohibition Orders</p> <p>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:</p> <p>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</p> <p>12.3.2 –</p> <p>12.3.2.1 the dog was already subject to a Destruction Order or a Control (Dangerous Dog) Order; or</p> <p>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.</p>		DDES, MRS

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s59A(3a)	<p>12. Prohibition Orders</p> <p>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 Criminal Law Consolidation Act 1935.</p>		DDES, MRS
s59A(5)	<p>12. Prohibition Orders</p> <p>12.5 The power pursuant to Section 59A(5) of the Act to:</p> <p>12.5.1 make an order in the manner and form required by the Board; and</p> <p>12.5.2 record the order in a manner and form approved by the Board, and keep the record readily available for public inspection.</p>		DDES, MRS
s59A(6)	<p>12. Prohibition Orders</p> <p>12.6 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.</p>		DDES, MRS
s59A(7)	<p>12. Prohibition Orders</p> <p>12.7 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.</p>		DDES, MRS
s61(4)	<p>13. Procedure Following Seizure of Dog</p> <p>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</p>		DDES, GI, MRS

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	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.		
s61(6)	<p>13. Procedure Following Seizure of Dog</p> <p>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.</p>		DDES, GI, MRS
s64(2)(c)	<p>14. Power to Seize and Detain Cats</p> <p>14.1 The power pursuant to Section 64(2)(c) of the Act to nominate a facility at which cats may be detained.</p>		DDES, GI, MRS
s64B(1)	<p>15. Certain Bodies May Microchip and Desex Detained Dogs and Cats</p> <p>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 Section 64B of the Act, do 1 or more of the following:</p> <p>15.1.1 microchip the dog or cat;</p> <p>15.1.2 desex the dog or cat;</p> <p>15.1.3 cause the dog or cat to be microchipped or desexed or both.</p>		DDES, GI, MRS
s64B(2)	<p>15. Certain Bodies May Microchip and Desex Detained Dogs and Cats</p> <p>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.</p>		DDES, GI, MRS

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INSTRUMENT OF DELEGATION UNDER THE ELECTRICITY ACT 1996 AND ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.

Electricity Act 1996			
Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Sub-Delegate
S47(3)(b)	1. Power to Carry Out Work on Public Land 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.		<u>This power remains with CEO – no further sub-delegation</u>
S47(4)	1. Power to Carry Out Work on Public Land 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.		<u>This power remains with CEO – no further sub-delegation</u>
S47(7)	1. Power to Carry Out Work on Public Land 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.		<u>This power remains with CEO – no further sub-delegation</u>

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INSTRUMENT OF DELEGATION UNDER THE ELECTRICITY ACT 1996 AND ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010

S47(9)	1. Power to Carry Out Work on Public Land 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.		<u>This power remains with CEO – no further sub-delegation</u>
S55(3)	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 duty under Part 5 of the Act, to keep vegetation clear of the powerline, to remove the vegetation and recover the cost of so doing as a debt from the person by whom the vegetation was planted or nurtured.		<u>This power remains with CEO – no further sub-delegation</u>
S55A(1)	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 are and a prescribed area.		<u>This power remains with CEO – no further sub-delegation</u>
S55A(2)	3. Vegetation Clearance Schemes 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: 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 duty 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 duty to keep vegetation of all kinds clear of specified public		<u>This power remains with CEO – no further sub-delegation</u>

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	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.		
S55A(4)(b)	3. Vegetation Clearance Schemes 3.3 The power pursuant to Section 55A(4)(b) of the Act, to modify a vegetation clearance scheme by written agreement.		This power remains with CEO – no further sub-delegation
S55B(2)	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.		This power remains with CEO – no further sub-delegation
S55C(2)(c)	4. Vegetation Clearance Scheme Dispute 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.		This power remains with CEO – no further sub-delegation
S55D	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 duty to keep vegetation clear of public powerlines.		This power remains with CEO – no further sub-delegation

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S56(1)	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.		This power remains with CEO – no further sub-delegation
S56(2)	6. Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas 6.2 The power pursuant to Section 56(2) of the Act to include in an arrangement: 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.		This power remains with CEO – no further sub-delegation
S58A	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.		This power remains with CEO – no further sub-delegation
S58A(5)	7. Program for Undergrounding of Powerlines 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.		This power remains with CEO – no further sub-delegation
S58A(8)	7. Program for Undergrounding of Powerlines 7.3 The power pursuant to Section 58A(8) of the Act, to make submissions to the Minister in relation to varying a program.		This power remains with CEO – no further sub-delegation
Electricity (Principles of Vegetation Clearance) Regulations 2010			

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INSTRUMENT OF DELEGATION UNDER THE ELECTRICITY ACT 1996 AND ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010

R4(4)	8. Duty 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.		<u>This power remains with CEO – no further sub-delegation</u>
R7(3)	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.		<u>This power remains with CEO – no further sub-delegation</u>
R8(2)	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 duty to clear vegetation in the area of the Council or part of that area.		<u>This power remains with CEO – no further sub-delegation</u>
R8(5)(b)	10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity 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.		<u>This power remains with CEO – no further sub-delegation</u>
R10(5)	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.		<u>This power remains with CEO – no further sub-delegation</u>

Head delegations adopted by Council at its Annual Review on XX May 2019
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INSTRUMENT OF DELEGATION UNDER THE ELECTRICITY ACT 1996 AND ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010

R10(6)(b)	11. Objections Relating to Vegetation Clearance 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.		<u>This power remains with CEO – no further sub-delegation</u>
R10(8)	11. Objections Relating to Vegetation Clearance 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.		<u>This power remains with CEO – no further sub-delegation</u>

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Sub-delegations reviewed by the Chief Executive Officer on XX XX 2019

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APPENDIX 6 – ANNUAL DELEGATIONS REVIEW
THE BAROSSA COUNCIL DELEGATIONS REGISTER

**INSTRUMENT OF DELEGATION UNDER THE ELECTRONIC CONVEYANCING NATIONAL LAW
(SOUTH AUSTRALIA) ACT 2013**

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DCCS: Director, Corporate and Community Services
 - DWES: Director, Works and Engineering Services

Provision	Item Delegated by Council to the Chief Executive Officer	Sub-Delegate
s10(1)	<p>1. Client Authorisation</p> <p>1.1 The power pursuant to Section 10(1) of the Electronic Conveyancing National Law (South Australia) Act 2013 (the Act) to:</p> <p>1.1.1 complete a client authorisation:</p> <p>1.1.1.1 that is in the form required by the participation rules; and</p> <p>1.1.1.2 by which the Delegate authorises a subscriber to do one or more things on the Council's behalf in connection with a conveyancing transaction so that the transaction, or part of the transaction, can be completed electronically.</p>	DCCS, <u>DWES</u>

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
Sub-delegations updated by the Chief Executive Officer on XX May 2019

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DELEGATIONS BY THE BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY TO EMPLOYEES OF COUNCILS

Pursuant to section 115 of the *Environment Protection Act 1993* (SA) (hereafter referred to as “the Act”), the Environment Protection Authority (hereafter referred to as “the Authority”) hereby:

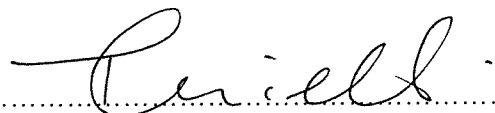
1. revokes all previous delegations of its powers and functions made under the Act to employees of councils (as defined in s3 of the Act) and;
2. delegates such of its powers and functions under the Act, or under Environment Protection Policies made under the Act, as are described in column 1 of the attached Schedule, to the persons for the time being holding or assigned to the positions within the councils as described in column 2 of the attached Schedule, and where more than one such person is specified, each person is intended to be able to exercise the powers or functions singly.

These delegations are subject to the following conditions:

- the delegate may only exercise the delegated powers or functions within the area of the council that employs him or her;
- the delegate may not exercise the delegated powers or functions with respect to prescribed activities of environmental significance (as set out in Schedule 1 to the Act and amended from time to time by regulation) or activities undertaken at the same place as a prescribed activity of environmental significance;
- the delegate may not exercise the delegated powers or functions with respect to activities undertaken by the Crown, the council or another public authority or a person or body prescribed by regulation for the purposes of section 18B(1)(b) of the Act;
- the delegate may not exercise the delegated powers or functions with respect to any other activities prescribed by regulation for the purposes of section 18B(1)(c) of the Act.

Column 3 of the attached Schedule contains an informal description of the power or function appearing opposite Column 1 for the assistance of employees of councils only and does not constitute a formal part of this instrument and in no way limits or expands its operation. It may contain examples or descriptions.

This Delegation Instrument was made by the Board.



Mr Tony Circelli
CHIEF EXECUTIVE
ENVIRONMENT PROTECTION AUTHORITY

Date: 4/4/18

A person authorised by the Board to execute documents on behalf of the Authority, pursuant to sections 117(3) and (4) of the *Environment Protection Act 1993*

SCHEDULE

DELEGATIONS BY THE BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY

UNDER SECTION 115 OF THE ENVIRONMENT PROTECTION ACT 1993

COLUMN 1 SECTIONS OF THE ACT	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
S.93(1), 93(2)(c), s.93(2a), s.93 (6) and s.93(7) of the Act	<p>Adelaide Hills Council Team Leader Regulatory Services Team Leader Environmental Health Manager Waste Health and Regulatory Services Chief Executive Officer Environmental Health Officer</p> <p>City of Adelaide Associate Director Customer Team Leader Community Safety and Health</p> <p>City of Campbelltown Manager Planning Services</p> <p>City of Charles Sturt Manager Public Health and Safety Environmental Health Team Leader</p> <p>City of Holdfast Bay Chief Executive Officer General Manager of Engineering and Environment</p> <p>City of Marion General Manager City Development Unit Manager Community Health and Safety</p> <p>City of Mitcham Director Engineering and Environmental Services Manager Environmental Services</p>	<p>93(1) Power to issue an environment protection order.</p> <p>93(2)(c) Power to impose any requirement reasonably required for the purpose for which the order is issued.</p> <p>93(2a) Where a proposed environment protection order or a proposed variation to an environment protection order would require the undertaking of an activity for which a permit would, but for S.12 of the <i>Water Resources Act 1997</i>, be required under that Act, Board function, before issuing or varying an order, of giving notice to the authority under the <i>Water Resources Act 1997</i> to whom an application for a permit for the activity would otherwise have to be made inviting the authority to make written submission in relation to the proposal within a period specified in the notice.</p> <p>93(6) Power, if of the opinion that it is reasonably necessary to do so in the circumstances, include in an environment protection order a requirement for an act or omission that might otherwise constitute a contravention of the Act.</p> <p>93(7) Power, by written notice served on a person to whom an environment protection order has been issued, to vary or revoke an environment protection order.</p>

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COLUMN 1 SECTIONS OF THE ACT	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
S.93(1), 93(2)(c), s.93(2a), s.93 (6) and s.93(7) of the Act	<p>City of Playford General Manager City Services Senior Manager Health, Environment and Regulatory Services</p> <p>City of Port Adelaide Enfield Chief Executive Officer Director Community Development Manager Community & Environmental Health Environmental Health Leader</p> <p>City of Prospect General Manager Environment and Community Services Manager Development and Environment</p> <p>City of Salisbury Chief Executive Officer General Manager City Development Manager Environmental Health and Safety Senior Environmental Health Officer</p> <p>City of Unley General Manager Community Manager Community Services Senior Environmental Health Officer Environmental Health Officer</p> <p>City of West Torrens Chief Executive Officer Manager Regulatory Services Team Leader Environmental Health</p>	<p>93(1) Power to issue an environment protection order.</p> <p>93(2)(c) Power to impose any requirement reasonably required for the purpose for which the order is issued.</p> <p>93(2a) Where a proposed environment protection order or a proposed variation to an environment protection order would require the undertaking of an activity for which a permit would, but for S.12 of the <i>Water Resources Act 1997</i>, be required under that Act, Board function, before issuing or varying an order, of giving notice to the authority under the <i>Water Resources Act 1997</i> to whom an application for a permit for the activity would otherwise have to be made inviting the authority to make written submission in relation to the proposal within a period specified in the notice.</p> <p>93(6) Power, if of the opinion that it is reasonably necessary to do so in the circumstances, include in an environment protection order a requirement for an act or omission that might otherwise constitute a contravention of the Act.</p> <p>93(7) Power, by written notice served on a person to whom an environment protection order has been issued, to vary or revoke an environment protection order.</p>

COLUMN 1 SECTIONS OF THE ACT	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
S.93(1), 93(2)(c), s.93(2a), s.93 (6) and s.93(7) of the Act	<p>District Council of Barunga West Deputy Chief Executive Officer Manager Infrastructure Services</p> <p>District Council of Peterborough Chief Executive Officer</p> <p>Eastern Health Authority (EHA) Chief Executive Officer Senior Environmental Health Officer</p> <p>Kangaroo Island Council Chief Executive Officer</p> <p>Naracoorte Lucindale Council Chief Executive Officer Manager Planning and Compliance Planning Officer</p> <p>Northern Areas Council Chief Executive Officer</p> <p>Mount Barker District Council Chief Executive Officer General Manager Council Services Manager Health and Public Safety</p> <p>Port Augusta City Council Chief Executive Officer Director Infrastructure Manager Environmental Health Services</p>	<p>93(1) Power to issue an environment protection order.</p> <p>93(2)(c) Power to impose any requirement reasonably required for the purpose for which the order is issued.</p> <p>93(2a) Where a proposed environment protection order or a proposed variation to an environment protection order would require the undertaking of an activity for which a permit would, but for S.12 of the <i>Water Resources Act 1997</i>, be required under that Act, Board function, before issuing or varying an order, of giving notice to the authority under the <i>Water Resources Act 1997</i> to whom an application for a permit for the activity would otherwise have to be made inviting the authority to make written submission in relation to the proposal within a period specified in the notice.</p> <p>93(6) Power, if of the opinion that it is reasonably necessary to do so in the circumstances, include in an environment protection order a requirement for an act or omission that might otherwise constitute a contravention of the Act.</p> <p>93(7) Power, by written notice served on a person to whom an environment protection order has been issued, to vary or revoke an environment protection order</p>

COLUMN 1 SECTIONS OF THE ACT	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
S.93(1), 93(2)(c), s.93(2a), s.93 (6) and s.93(7) of the Act	<p>Renmark Paringa Council Chief Executive Officer Director Infrastructure and Environmental Services</p> <p>Wattle Range Council Chief Executive Officer Director Development Services Manager Development, Health & Compliance</p> <p>Whyalla City Council Chief Executive Officer Group Manager Engineering and Infrastructure Group Manager City Development and Delivery</p>	<p>93(1) Power to issue an environment protection order.</p> <p>93(2)(c) Power to impose any requirement reasonably required for the purpose for which the order is issued.</p> <p>93(2a) Where a proposed environment protection order or a proposed variation to an environment protection order would require the undertaking of an activity for which a permit would, but for S.12 of the <i>Water Resources Act 1997</i>, be required under that Act, Board function, before issuing or varying an order, of giving notice to the authority under the <i>Water Resources Act 1997</i> to whom an application for a permit for the activity would otherwise have to be made inviting the authority to make written submission in relation to the proposal within a period specified in the notice.</p> <p>93(6) Power, if of the opinion that it is reasonably necessary to do so in the circumstances, include in an environment protection order a requirement for an act or omission that might otherwise constitute a contravention of the Act.</p> <p>93(7) Power, by written notice served on a person to whom an environment protection order has been issued, to vary or revoke an environment protection order</p>

COLUMN 1 SECTIONS OF THE ACT,	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
S.95(1), s.95(4) and s.95(5)(a) of the Act	<p>Adelaide Hills Council Chief Executive Officer Manager Waste Health and Regulatory Services Team Leader Regulatory Services Team Leader Environmental Health</p> <p>City of Adelaide Associate Director Customer Team Leader Community Safety and Health</p> <p>City of Campbelltown Team Leader Development Assessment and Compliance Compliance Officer General Inspector</p> <p>City of Charles Sturt Manager Public Health and Safety Environmental Health Team Leader</p> <p>City of Holdfast Bay Chief Executive Officer General Manager of Engineering and Environment</p> <p>City of Playford General Manager City Services Senior Manager Health, Environment and Regulatory Services Manager Regulatory Services</p> <p>City of Port Adelaide Enfield Chief Executive Officer Director Community Development Manager Community and Environmental Health</p>	<p>95(1) Where the requirements of an environment protection order are not complied with, the power to take any action required by the order.</p> <p>95(4) The power to recover the reasonable costs and expenses incurred by the council as a debt from the person who failed to comply with the requirements of the environment protection order.</p> <p>95(5)(a) Where an amount is recoverable from a person under this section, the power 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 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.</p>

COLUMN 1 SECTIONS OF THE ACT,	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
S.95(1), s.95(4) and s.95(5)(a) of the Act	<p>City of Prospect General Manager Environment and Community Services Manager Development and Environment</p> <p>City of Marion General Manager City Development Unit Manager Community Health and Safety</p> <p>City of Mitcham Director Engineering and Environmental Services Manager Environmental Services</p> <p>City of Salisbury Chief Executive Officer General Manager City Development Manager Environmental Health and Safety Senior Environmental Health Officer</p> <p>City of Unley General Manager Community Senior Environmental Health Officer Environmental Health Officer</p> <p>City of West Torrens Chief Executive Officer General Manager Corporate and Regulatory Manager Regulatory Services Team Leader Compliance Team Leader Environmental Health</p> <p>District Council of Barunga West Deputy Chief Executive Officer Manager Infrastructure Services</p>	<p>95(1) Where the requirements of an environment protection order are not complied with, the power to take any action required by the order.</p> <p>95(4) The power to recover the reasonable costs and expenses incurred by the council as a debt from the person who failed to comply with the requirements of the environment protection order.</p> <p>95(5)(a) Where an amount is recoverable from a person under this section, the power 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 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.</p>

COLUMN 1	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
S.95(1), s.95(4) and s.95(5)(a) of the Act	<p>District Council of Peterborough Chief Executive Officer</p> <p>Eastern Health Authority (EHA) Chief Executive Officer Senior Environmental Health Officer</p> <p>Kangaroo Island Council Chief Executive Officer</p> <p>Mount Barker District Council Chief Executive Officer General Manager Council Services Manager Health and Public Safety</p> <p>Naracoorte Lucindale Council Chief Executive Officer Director Corporate Services Manager Planning and Compliance</p> <p>Northern Areas Council Chief Executive Officer</p> <p>Port Augusta City Council Chief Executive Officer Director Infrastructure Manager Environmental Health Services</p> <p>Renmark Paringa Council Chief Executive Officer Director Infrastructure and Environmental Services</p> <p>Wattle Range Council Chief Executive Officer Director Development Services Manager Development, Health & Compliance</p>	<p>95(1) Where the requirements of an environment protection order are not complied with, the power to take any action required by the order.</p> <p>95(4) The power to recover the reasonable costs and expenses incurred by the council as a debt from the person who failed to comply with the requirements of the environment protection order.</p> <p>95(5)(a) Where an amount is recoverable from a person under this section, the power 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 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.</p>

COLUMN 1	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
S.95(1), s.95(4) and s.95(5)(a) of the Act	Whyalla City Council Chief Executive Officer Group Manager Engineering and Infrastructure Group Manager City Development and Delivery	<p>95(1) Where the requirements of an environment protection order are not complied with, the power to take any action required by the order.</p> <p>95(4) The power to recover the reasonable costs and expenses incurred by the council as a debt from the person who failed to comply with the requirements of the environment protection order.</p> <p>95(5)(a) Where an amount is recoverable from a person under this section, the power 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 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.</p>

COLUMN 1 CLAUSES OF ENVIRONMENT PROTECTION POLICIES	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
<p><i>Clause 6(1), Clause 6(2), Clause 6(3)(a)(i), Clause 6(3)(a)(ii), Clause 6(3)(b), Clause 6(3)(g) and Clause 6(4) of the Environment Protection (Air Quality) Policy 2016</i></p>	<p>Chief Executive Officers or City Managers, District and Municipal Councils Fire Prevention Officers, District and Municipal Councils</p> <p>Adelaide Hills Council Environmental Health Officer Team Leader Regulatory Services Team Leader Environmental Health Manager Waste Health and Regulatory Services Director Strategy and Development</p> <p>Alexandrina Council Community Safety Officer Community Safety Support Officer Team Leader Community Safety Manager Health, Environment and Community Safety Environmental Health Officer Senior Environmental Health Officer Environmental Health Support Officer</p> <p>City of Adelaide Associate Director Customer Team Leader Community Safety and Health Senior Environmental Health Officer Environmental Health Officer</p>	<p>Authority's power to issue a burning permit for one or more of the burning activities listed in 6(1)(a),(b) and (c).</p> <p>Authority's power to determine the written manner and form of an application for a burning permit.</p> <p>Authority's power to issue a burning permit by notice in writing to the person to whom the permit applies.</p> <p>Authority's power to issue a burning permit by notice published on the relevant council's website and in a newspaper circulating in the council area.</p> <p>Authority's power to specify the conditions to which a burning permit is subject including: the period when the burning can take place, or the specified matter or specified class of matter that can be burned, or any other conditions considered necessary or desirable to control or minimise air pollution from the burning activity.</p> <p>Authority's power to vary or revoke a burning permit at any time by further notice given in the same manner as for its issuing (under paragraph 6(3)(a)).</p> <p>Authority's power to refuse an application for a burning permit on the grounds that the applicant is not a suitable person to be issued with such a permit.</p>

COLUMN 1 CLAUSES OF ENVIRONMENT PROTECTION POLICIES	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
<p><i>Clause 6(1), Clause 6(2), Clause 6(3)(a)(i), Clause 6(3)(a)(ii), Clause 6(3)(b), Clause 6(3)(g) and Clause 6(4) of the Environment Protection (Air Quality) Policy 2016</i></p>	<p>City of Burnside General Manager Community and Development Services Manager City Development and Safety Team Leader Rangers Services Senior Ranger General Manager Urban Services Manager Open Space, Recreation and Property Coordinator Open Space Recreation and Environment Technical Officer Conservation and Land Management General Manager Corporate Services</p> <p>City of Campbelltown Team Leader Development Assessment and Compliance Compliance Officer General Inspector</p> <p>City of Marion Unit Manager Community Health and Safety Team Leader Community Safety Inspectorate Community Safety Inspector Community Safety Support Officer Environmental Health Officer</p> <p>City of Mitcham Director Development and Compliance Manager Environmental Services and Compliance Team Leader Compliance Compliance Officer</p>	<p>Authority's power to issue a burning permit for one or more of the burning activities listed in 6(1)(a),(b) and (c).</p> <p>Authority's power to determine the written manner and form of an application for a burning permit.</p> <p>Authority's power to issue a burning permit by notice in writing to the person to whom the permit applies.</p> <p>Authority's power to issue a burning permit by notice published on the relevant council's website and in a newspaper circulating in the council area.</p> <p>Authority's power to specify the conditions to which a burning permit is subject including: the period when the burning can take place, or the specified matter or specified class of matter that can be burned, or any other conditions considered necessary or desirable to control or minimise air pollution from the burning activity.</p> <p>Authority's power to vary or revoke a burning permit at any time by further notice given in the same manner as for its issuing (under paragraph 6(3)(a)).</p> <p>Authority's power to refuse an application for a burning permit on the grounds that the applicant is not a suitable person to be issued with such a permit.</p>

COLUMN 1 CLAUSES OF ENVIRONMENT PROTECTION POLICIES	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
<p><i>Clause 6(1), Clause 6(2), Clause 6(3)(a)(i), Clause 6(3)(a)(ii), Clause 6(3)(b), Clause 6(3)(g) and Clause 6(4) of the Environment Protection (Air Quality) Policy 2016</i></p>	<p>City of Onkaparinga Director Corporate and City Services Manager Community Safety Team Leader Community Rangers Team Leader Emergency Management Community Safety – Fire Prevention Fire Prevention Assistant</p> <p>City of Port Adelaide Enfield Director Community Development Manager Community and Environmental Health Community Safety Leader Senior Community Safety Officer Environmental Health Leader</p> <p>City of Playford General Manager City Services Senior Manager Health, Environment and Regulatory Services Manager Regulatory Services Quality Coordinator Regulatory Services Community Inspector</p> <p>City of Salisbury Technical Officer</p> <p>City of Tea Tree Gully Assets Technical Officer Team Leader Inspections</p>	<p>Authority's power to issue a burning permit for one or more of the burning activities listed in 6(1)(a),(b) and (c).</p> <p>Authority's power to determine the written manner and form of an application for a burning permit.</p> <p>Authority's power to issue a burning permit by notice in writing to the person to whom the permit applies.</p> <p>Authority's power to issue a burning permit by notice published on the relevant council's website and in a newspaper circulating in the council area.</p> <p>Authority's power to specify the conditions to which a burning permit is subject including: the period when the burning can take place, or the specified matter or specified class of matter that can be burned, or any other conditions considered necessary or desirable to control or minimise air pollution from the burning activity.</p> <p>Authority's power to vary or revoke a burning permit at any time by further notice given in the same manner as for its issuing (under paragraph 6(3)(a)).</p> <p>Authority's power to refuse an application for a burning permit on the grounds that the applicant is not a suitable person to be issued with such a permit.</p>



COLUMN 1 CLAUSES OF ENVIRONMENT PROTECTION POLICIES	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
<p><i>Clause 6(1), Clause 6(2), Clause 6(3)(a)(i), Clause 6(3)(a)(ii), Clause 6(3)(b), Clause 6(3)(g) and Clause 6(4) of the Environment Protection (Air Quality) Policy 2016</i></p>	<p>City of Unley General Manager Community Manager Community Services Team Leader Regulatory Services Senior General Inspector General Inspector Senior Environmental Health Officer Environmental Health Officer</p> <p>City of West Torrens General Manager Corporate and Regulatory Manager Regulatory Services Team Leader Compliance Team Leader Environmental Health</p> <p>Coorong District Council Manager Development and Environmental Services General Inspector</p> <p>District Council of Barunga West Deputy Chief Executive Officer Manager Infrastructure Services Works Supervisor</p> <p>District Council of Ceduna Manager Governance Compliance Officer</p> <p>District Council of the Copper Coast Director Development Services General Inspector Enforcement Officer</p>	<p>Authority's power to issue a burning permit for one or more of the burning activities listed in 6(1)(a),(b) and (c).</p> <p>Authority's power to determine the written manner and form of an application for a burning permit.</p> <p>Authority's power to issue a burning permit by notice in writing to the person to whom the permit applies.</p> <p>Authority's power to issue a burning permit by notice published on the relevant council's website and in a newspaper circulating in the council area.</p> <p>Authority's power to specify the conditions to which a burning permit is subject including: the period when the burning can take place, or the specified matter or specified class of matter that can be burned, or any other conditions considered necessary or desirable to control or minimise air pollution from the burning activity.</p> <p>Authority's power to vary or revoke a burning permit at any time by further notice given in the same manner as for its issuing (under paragraph 6(3)(a)).</p> <p>Authority's power to refuse an application for a burning permit on the grounds that the applicant is not a suitable person to be issued with such a permit.</p>

COLUMN 1 CLAUSES OF ENVIRONMENT PROTECTION POLICIES	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
<p><i>Clause 6(1), Clause 6(2), Clause 6(3)(a)(i), Clause 6(3)(a)(ii), Clause 6(3)(b), Clause 6(3)(g) and Clause 6(4) of the Environment Protection (Air Quality) Policy 2016</i></p>	<p>District Council of Franklin Harbour Works Manager Ranger</p> <p>District Council of Mount Remarkable Environmental Health Officer Manager Works and Technical Services Deputy Manager Works and Technical Services</p> <p>District Council of Peterborough Development and Regulatory Services Officer Works Manager</p> <p>District Council of Robe Deputy Chief Executive Officer General Inspector</p> <p>District Council of Streaky Bay Manager Regulatory Services General Inspector Regulatory Administration Assistant</p> <p>District Council of Yankalilla General Manager Customer and Community Services Senior Compliance and Projects Officer General Inspector</p>	<p>Authority's power to issue a burning permit for one or more of the burning activities listed in 6(1)(a),(b) and (c).</p> <p>Authority's power to determine the written manner and form of an application for a burning permit.</p> <p>Authority's power to issue a burning permit by notice in writing to the person to whom the permit applies.</p> <p>Authority's power to issue a burning permit by notice published on the relevant council's website and in a newspaper circulating in the council area.</p> <p>Authority's power to specify the conditions to which a burning permit is subject including: the period when the burning can take place, or the specified matter or specified class of matter that can be burned, or any other conditions considered necessary or desirable to control or minimise air pollution from the burning activity.</p> <p>Authority's power to vary or revoke a burning permit at any time by further notice given in the same manner as for its issuing (under paragraph 6(3)(a)).</p> <p>Authority's power to refuse an application for a burning permit on the grounds that the applicant is not a suitable person to be issued with such a permit.</p>



COLUMN 1 CLAUSES OF ENVIRONMENT PROTECTION POLICIES	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
<p><i>Clause 6(1), Clause 6(2), Clause 6(3)(a)(i), Clause 6(3)(a)(ii), Clause 6(3)(b), Clause 6(3)(g) and Clause 6(4) of the Environment Protection (Air Quality) Policy 2016</i></p>	<p>Naracoorte Lucindale Council Manager Planning and Compliance General Inspector Environmental Health Officer Building Maintenance Officer</p> <p>Port Pirie Regional Council General Inspector Environmental Health Officer</p> <p>Roxby Council Water and Electrical Manager Municipal Works Manager Deputy Fire Prevention Officer</p> <p>Rural City of Murray Bridge General Manager Sustainable Communities Manager Development and Regulation Team Leader Regulation Senior Environmental Health Officer Environmental Health Officer Compliance Officer</p> <p>Tatiara District Council Manager Development and Inspectorial Services General Inspector Manager Technical Services</p>	<p>Authority's power to issue a burning permit for one or more of the burning activities listed in 6(1)(a),(b) and (c) outside of the fire danger season.</p> <p>Authority's power to determine the written manner and form of an application for a burning permit.</p> <p>Authority's power to issue a burning permit by notice in writing to the person to whom the permit applies.</p> <p>Authority's power to issue a burning permit by notice published on the relevant council's website and in a newspaper circulating in the council area.</p> <p>Authority's power to specify the conditions to which a burning permit is subject including: the period when the burning can take place, or the specified matter or specified class of matter that can be burned, or any other conditions considered necessary or desirable to control or minimise air pollution from the burning activity.</p> <p>Authority's power to vary or revoke a burning permit at any time by further notice given in the same manner as for its issuing (under paragraph 6(3)(a)).</p> <p>Authority's power to refuse an application for a burning permit on the grounds that the applicant is not a suitable person to be issued with such a permit.</p>



COLUMN 1 CLAUSES OF ENVIRONMENT PROTECTION POLICIES	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
<p><i>Clause 6(1), Clause 6(2), Clause 6(3)(a)(i), Clause 6(3)(a)(ii), Clause 6(3)(b), Clause 6(3)(g) and Clause 6(4) of the Environment Protection (Air Quality) Policy 2016</i></p>	<p>The Barossa Council Director Development and Environmental Services Manager Development Services Manager Health Services Manager Regulatory Services Environmental Health Officer General Inspector</p> <p>Town of Walkerville Council Inspector</p> <p>Wakefield Regional Council General Inspector Community and Development Services Manager</p> <p>Whyalla City Council Group Manager Engineering and Infrastructure Group Manager City Development and Delivery Manager Environmental Health and Regulatory Services Team Leader Regulatory Services Compliance Officer</p>	<p>Authority's power to issue a burning permit for one or more of the burning activities listed in 6(1)(a),(b) and (c) outside of the fire danger season.</p> <p>Authority's power to determine the written manner and form of an application for a burning permit.</p> <p>Authority's power to issue a burning permit by notice in writing to the person to whom the permit applies.</p> <p>Authority's power to issue a burning permit by notice published on the relevant council's website and in a newspaper circulating in the council area.</p> <p>Authority's power to specify the conditions to which a burning permit is subject including: the period when the burning can take place, or the specified matter or specified class of matter that can be burned, or any other conditions considered necessary or desirable to control or minimise air pollution from the burning activity.</p> <p>Authority's power to vary or revoke a burning permit at any time by further notice given in the same manner as for its issuing (under paragraph 6(3)(a)).</p> <p>Authority's power to refuse an application for a burning permit on the grounds that the applicant is not a suitable person to be issued with such a permit.</p>



COLUMN 1 CLAUSES OF ENVIRONMENT PROTECTION POLICIES	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
Clause 3(1): <i>characteristic, extraneous noise</i> (b) <i>Environment Protection (Noise) Policy 2007</i>	<p>Authorised officers appointed under s.85(3) by the following councils:</p> <p>Adelaide Hills Council Corporation of the City of Adelaide Corporation of the City of Whyalla Mount Barker District Council Naracoorte Lucindale Council City of West Torrens</p>	<p><i>characteristic</i>: Authority's power to determine in relation to noise from a noise source, that a tonal, impulsive, low frequency or modulating characteristic of the noise that is fundamental to the nature and impact of the noise.</p> <p><i>-extraneous noise</i>: (b) Authority's power to determine that noise is extraneous because it is of a significant level and the result of an organised activity that might be discontinued, reduced or relocated.</p>
Clauses 4(2), 4(3) <i>Environment Protection (Noise) Policy 2007</i>	<p>Authorised officers appointed under s.85(3) by the following councils:</p> <p>Adelaide Hills Council Corporation of the City of Adelaide Corporation of the City of Whyalla Mount Barker District Council Naracoorte Lucindale Council City of West Torrens</p>	<p>Cl.4(2): Authority's power to determine, if there is uncertainty as to what land uses are principally promoted by relevant Development Plan provisions for the purposes of the Policy, in consultation with the council for the area concerned, what land uses are principally promoted by the relevant Development Plan provisions.</p> <p>Cl.4(3): Authority's power to determine, in accordance with the Guidelines for the use of the Environment Protection (Noise) Policy 2007 published by the Authority as in force from time to time, what land use category (specified in the tables at Cl.5(9) of the Policy) a land use principally promoted by the relevant Development Plan provisions, fall within.</p>
Clause 5(8) <i>Environment Protection (Noise) Policy 2007</i>	<p>Authorised officers appointed under s.85(3) by the following councils:</p> <p>Adelaide Hills Council Corporation of the City of Adelaide Corporation of the City of Whyalla Mount Barker District Council Naracoorte Lucindale Council City of West Torrens</p>	<p>Authority's power to determine the relevant level set out in AS/NZS 2107:2000 as the indicative noise level for the noise source.</p>

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COLUMN 1 CLAUSES OF ENVIRONMENT PROTECTION POLICIES	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
Clause 12(3) <i>Environment Protection (Noise) Policy 2007</i>	Authorised officers appointed under s.85(3) by the following councils: Adelaide Hills Council Corporation of the City of Adelaide Corporation of the City of Whyalla Mount Barker District Council Naracoorte Lucindale Council City of West Torrens	Authority's power to determine, the measurement place when it is not practicable to be located outside a building.
Clauses 13(a)(vi), 13(b)(vi), 13(c), 13(c)(vi) <i>Environment Protection (Noise) Policy 2007</i>	Authorised officers appointed under s.85(3) by the following councils: Adelaide Hills Council Corporation of the City of Adelaide Corporation of the City of Whyalla Mount Barker District Council Naracoorte Lucindale Council City of West Torrens	Cl.13(a)(vi): Authority's power to determine, if steps must be taken, and if steps are taken, what those steps should be, to take account of any significantly varying meteorological patterns in the locality when measuring noise in accordance with Cl.13(a). Cl.13(b)(vi): Authority's power to determine, if steps must be taken, and if steps are taken, what those steps should be, to take account of any significantly varying meteorological patterns in the locality when measuring noise pursuant to Cl.13(b). Cl.13(c): Authority's power to determine the measurement place other than in a room. Cl.13(c)(vi): Authority's power to determine, if steps must be taken, and if steps are taken, what those steps should be, to take account of any significantly varying meteorological patterns in the locality when measuring noise in accordance with Cl.13(c).

COLUMN 1 CLAUSES OF ENVIRONMENT PROTECTION POLICIES	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
Clauses 14(1)(b)(ii), 14(2) <i>Environment Protection (Noise) Policy 2007</i>	<p>Authorised officers appointed under s.85(3) by the following councils:</p> <p>Adelaide Hills Council Corporation of the City of Adelaide Corporation of the City of Whyalla Mount Barker District Council Naracoorte Lucindale Council City of West Torrens</p>	<p>Cl.14(1)(b)(ii): Authority's power to determine, that a measurement time, other than 15 minutes required by Cl.14(1)(b)(i), is more or equally representative of the impact of the noise from the noise source.</p> <p>Cl.14(2): Authority's power to determine, in what manner the source noise level (continuous), when measured in accordance with Part 3 of the Policy, must be adjusted to remove the influence of the ambient noise level (continuous).</p>
Clauses 15(1)(b), 15(2), 15(2)(c) <i>Environment Protection (Noise) Policy 2007</i>	<p>Authorised officers appointed under s.85(3) by the following councils:</p> <p>Adelaide Hills Council Corporation of the City of Adelaide Corporation of the City of Whyalla Mount Barker District Council Naracoorte Lucindale Council City of West Torrens</p>	<p>Cl.15(1)(b): Authority's power to determine, over what period a measurement of ambient noise level (continuous), or background noise level, made for the purposes of this policy, must be made so that noise from the noise source is absent from the measurement place and is adequately representative of the nature of the ambient noise.</p> <p>Cl.15(2): Authority's power to determine, where a noise measurement must be taken if it is not reasonably practicable to measure the ambient noise level (continuous) or background noise level at the noise-affected premises because of difficulty in eliminating noise from the noise source or eliminating the effect of extraneous noise on the measurement.</p> <p>Cl.15(2)(c): Authority's power to determine, the noise to adequately match the ambient noise at the noise-affected premises, when measuring in accordance with Cl.15(2).</p>

APPENDIX 8 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993 AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DDES: Director, Development and Environmental Services
 - EHO: Environmental Health Officer
 - MHS: Manager, Health Services

Provision	Item Delegated by Council to the Chief Executive Officer	Sub-Delegate
s85(3)	1. The power pursuant to Section 85(3) of the Environment Protection Act 1993 ("the Act"), to appoint authorised officers for the purposes of the Act.	DDES
s85(4)	2. The power pursuant to Section 85(4) of the Act to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment, and subject to conditions prescribed by regulation.	DDES
s85(5)	3. The power pursuant to Section 85(5) of the Act to revoke an appointment or to vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition.	DDES
s103H(4)	4. Site Contamination Assessment Orders 4.1 The power pursuant to Section 103H(4) of the Act, where a proposed site contamination assessment order or a proposed variation of such an order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural	DDES

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
Sub-delegations updated by the Chief Executive Officer on 2 April 2019

APPENDIX 8 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993 AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010

	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.	
s103J(4)	<p>5. Site Remediation Orders</p> <p>5.1 The power pursuant to Section 103J(4) of the Act, where a proposed site remediation order (except an emergency site remediation order) or a proposed variation of a site remediation order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural Resources Management Act 2004 to whom an application for a permit for the activity would otherwise have to be made, to make written submission in relation to the proposal within a period specified in the notice from the Authority.</p>	DDES
Provision	Item Delegated by Council to the Chief Executive Officer	Sub-Delegate
Clause 17(2)	<p>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010</p> <p>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(a) if any other waste is mixed with medical waste, the other waste is to be dealt with under this clause in the same way as is required in relation to medical waste;</p>	DDES, MHS, EHO
Clause 17(2)	<p>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010</p> <p>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(b) all medical waste must be stored in containers that are weatherproof, shatterproof, insect and vermin proof, and leak proof or, in the case of containers storing only medical sharps or any other sharp articles, leak resistant;</p>	DDES, MHS, EHO

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
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APPENDIX 8 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993 AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010

Clause 17(2)	<p>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010</p> <p>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(c) all containers for medical waste that are kept for further use must be thoroughly cleaned and disinfected as soon as reasonably practicable after emptying;</p>	DDES, MHS, EHO
Clause 17(2)	<p>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010</p> <p>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(d) all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;</p>	DDES, MHS, EHO
Clause 17(2)	<p>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010</p> <p>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(e) all containers of medical waste must be stored in a secure location;</p>	DDES, MHS, EHO
Clause 17(2)	<p>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010</p> <p>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(f) all necessary equipment required to clean and disinfect the area in case of accidental spillage of medical waste must be readily available and accessible;</p>	DDES, MHS, EHO
Clause 17(2)	<p>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010</p> <p>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(g) discarded medical sharps or any other sharp articles must be contained for disposal in containers that comply with the</p>	DDES, MHS, EHO

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019

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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993 AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010

	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;	
Clause 17(2)	<p>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010</p> <p>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(h) medical waste must be disposed of as soon as reasonably practicable;</p>	DDES, MHS, EHO
Clause 17(2)	<p>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010</p> <p>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(i) all medical waste must be:</p> <p>(i) disposed of by incineration; or</p> <p>(ii) disposed of by such other method of treatment or disposal as is approved by the Authority and subject to such conditions as the Authority thinks fit;</p> <p>(iii) collected for disposal by -</p> <p>(A) a licensed waste transporter authorised to collect and transport medical waste; or</p> <p>(B) a council;</p>	DDES, MHS, EHO
Clause 17(2)	<p>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010</p> <p>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(j) before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards</p>	DDES, MHS, EHO

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
Sub-delegations updated by the Chief Executive Officer on 2 April 2019

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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993 AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010

	associated with the waste and any precautions that need to be taken during the collection, transport or disposal of the medical waste;	
Clause 17(2)	<p>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010</p> <p>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:</p> <p>(k) the transporter must be given such assistance as is required to ensure that loading operations are carried out in such a way as to prevent spillage of any medical waste.</p>	DDES, MHS, EHO

APPENDIX 9 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - AO-B: Assessment Officer, Building
 - AO-P: Assessment Officer, Planning
 - BS: Building Surveyor
 - CO-BP: Compliance Officer, Building and Planning
 - DDES: Director, Development and Environmental Services
 - EHO: Environmental Health Officer
 - GI: General Inspector
 - Grad EHO: Graduate Environmental Health Officer
 - MDS: Manager, Development Services
 - MHS: Manager, Health Services
 - MRS: Manager, Regulatory Services
 - PP: Principal Planner
 - SAO-B: Senior Assessment Officer, Building
 - SAO-P: Senior Assessment Officer, Planning

Provision	Item Delegated by Council to Chief Executive Officer	Sub- Delegate
s5(1)	1. Certain Offences may be Expiated 1.1 The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under an Act, regulation or by-law, and the alleged offence may accordingly be expiated in accordance with the Act.	AO-B, AO-P, BS, CO-BP, DDES, EHO, GI, Grad EHO, MDS, MHS, MRS, PP, SAO-B, SAO-P

Head delegations reviewed by Council at its Annual Review on XX May 2019
Sub-delegations amended by the Chief Executive Officer on 21 March 2019

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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

s6(3)(b)(ii)	<p>2. Expiation Notices</p> <p>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.</p>	AO-B, AO-P, BS, CO-BP, DDES, EHO, GI, Grad EHO, MDS, MHS, MRS, PP, SAO-B, SAO-P
s8A(2) and (3)	<p>3. Review of Notices on Ground that Offence is Trifling</p> <p>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:</p> <p>3.1.1 to provide further information; and</p> <p>3.1.2 to provide a statutory declaration verifying the information contained in, or supporting, an application for review.</p>	AO-B, AO-P, BS, CO-BP, DDES, EHO, GI, Grad EHO, MDS, MHS, MRS, PP, SAO-B, SAO-P
s8A(4)	<p>3. Review of Notices on Ground that Offence is Trifling</p> <p>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.</p>	AO-B, AO-P, BS, CO-BP, DDES, EHO, GI, Grad EHO, MDS, MHS, MRS, PP, SAO-B, SAO-P
s8A(5) and (6)	<p>3. Review of Notices on Ground that Offence is Trifling</p> <p>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.</p>	AO-B, AO-P, BS, CO-BP, DDES, EHO, GI, Grad EHO, MDS, MHS, MRS, PP, SAO-B, SAO-P
8A(6)a	<p>3. Review of Notices on Ground that Offence is Trifling</p> <p>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</p>	AO-B, AO-P, BS, CO-BP, DDES, EHO, GI, Grad EHO, MDS, MHS, MRS, PP, SAO-B, SAO-P

Head delegations reviewed by Council at its Annual Review on XX May 2019
Sub-delegations amended by the Chief Executive Officer on 21 March 2019

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INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

	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.	
s 11(1)	<p>4. Expiation Reminder Notices</p> <p>4.1 The duty pursuant to Section 11(1) 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.</p>	AO-B, AO-P, BS, CO-BP, DDES, EHO, GI, Grad EHO, MDS, MHS, MRS, PP, SAO-B, SAO-P
11A(1)	<p>5. Expiation Enforcement Warning Notices</p> <p>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 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.</p>	AO-B, AO-P, BS, CO-BP, DDES, EHO, GI, Grad EHO, MDS, MHS, MRS, PP, SAO-P
s12	<p>6. Late Payment</p> <p>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 22 of the Fines Enforcement and Debt Recovery Act 2017.</p>	DDES, GI, MDS, MHS, MRS
s16(1)	<p>8. Withdrawal of Expiation Notices</p> <p>8.1 The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:</p> <p>8.1.1 in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice</p>	DDES, MDS, MHS, MRS

Head delegations reviewed by Council at its Annual Review on XX May 2019
Sub-delegations amended by the Chief Executive Officer on 21 March 2019

APPENDIX 9 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

	<p>should not have been given with respect to the offence or offences;</p> <p>8.1.2 the Council as issuing authority receives a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or</p> <p>8.1.3 the notice is defective; or</p> <p>8.1.3A in the opinion of the Delegate the alleged offender is suffering from a cognitive impairment that excuses the alleged offending; or</p> <p>8.1.4 the Delegate decides that the alleged offender should be prosecuted for the offence or offences.</p>	
s16(5)	<p>8. Withdrawal of Expiation Notices</p> <p>8.2 The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.</p>	DDES, MDS, MHS, MRS
s 16(6)	<p>8. Withdrawal of Expiation Notices</p> <p>8.3 The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council as issuing authority or failure of the postal system or failure in the transmission of an email.</p>	DDES, MDS, MHS, MRS
s16(11)	<p>8. Withdrawal of Expiation Notices</p> <p>8.4 The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 22 of the Fines Enforcement and Debt Recovery Act 2017, to inform the Chief Recovery Officer of the withdrawal of the notice.</p>	DDES, MDS, MHS, MRS

APPENDIX 9 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

s18	<p>9. Provision of Information</p> <p>9.1 The power pursuant to Section 18 of the Act to enter into an agreement with the Fines Enforcement and Recovery Officer in relation to:</p> <p>9.1.1 the manner in which the 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>AO-B, AO-P, BS, CO-BP, DDES, EHO, GI, Grad EHO, MDS, MHS, MRS, PP, SAO-B, SAO-P</p>
s18	<p>9. Provision of Information</p> <p>9.1 The power pursuant to Section 18 of the Act to enter into an agreement with the Fines Enforcement and Recovery Officer in relation to:</p> <p>9.1.2 the manner in which the Council is to provide information to the 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>	<p>AO-B, AO-P, BS, CO-BP, DDES, EHO, GI, Grad EHO, MDS, MHS, MRS, PP, SAO-B, SAO-P</p>

APPENDIX 10 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE FENCES ACT 1975

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DCCS : Director, Corporate and Community Services
 - DDES: Director, Development and Environmental Services
 - DWES: Director, Works and Engineering Services
 - GI: General Inspector
 - MCP: Manager, Community Projects
 - MES: Manager, Engineering Services
 - MO: Manager, Operations
 - MRS: Manager, Regulatory Services

Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Sub-delegate
s5(1)	1. Notice of Intention to Perform Fencing Work 1.1 The power pursuant to Section 5(1) of the Fences Act 1975 ("the Act") to serve notice, in accordance with Section 5(2) of the Act, on an adjoining land owner of a proposal to erect a fence to divide the Council's land (being land of less than one hectare) from the land of the adjoining land owner.		DCCS , DDES, DWES, GI, MCP, MES, MO, MRS
s 5(3)	1. Notice of Intention to Perform Fencing Work 1.2 The power pursuant to Section 5(3) of the Act to serve notice in accordance with Section 5(4) of the Act on		DCCS , DDES, DWES, GI,

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
Sub-delegations updated by the Chief Executive Officer on 11 July 2018

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APPENDIX 10 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE FENCES ACT 1975

	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.		MCP, MES, MO, MRS
s6(1)	2. Cross-notice 2.1 The power pursuant to Section 6(1) of the Act to serve in the prescribed form and to determine the criteria under Section 6(2) of the Act, a cross-notice on an adjoining land owner, objecting to and/or putting forward counter-proposals in relation to fencing work to divide the Council's land (being land of less than one hectare) from the land of the adjoining land owner.		DCCS , DDES, DWES, GI, MCP, MES, MO, MRS
s6(3)	2. Cross-notice 2.2 The power pursuant to Section 6(3) of the Act to object and serve notice on the adjoining owner to any counter-proposal contained in any cross-notice under Section 6(2) of the Act.		DCCS , DDES, DWES, GI, MCP, MES, MO, MRS
s 7	3. Agreement upon Basis of Proposals and Counter proposals 3.1 The power pursuant to Section 7 of the Act to authorise payment of part or all of the cost of constructing or maintaining a fence adjacent to Council land, (being land which is less than one hectare in area).		DCCS , DDES, DWES, GI, MCP, MES, MO, MRS
s8	4. Performance of Fencing Work 4.1 The power pursuant to Section 8 of the Act to authorise the commencement and completion of fencing work to divide the Council's land (being land of less than one hectare) from the land of the adjoining land-owner.		DCCS , DDES, DWES, GI, MCP, MES, MO, MRS

The Barossa Council

APPENDIX 11 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE FINES ENFORCEMENT AND DEBT RECOVERY ACT 2017

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
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 - DDES: Director, Development and Environmental Services
 - EHO: Environmental Health Officer
 - GI: General Inspector
 - Grad EHO: Graduate Environmental Health Officer
 - MDS: Manager, Development Services
 - MHS: Manager, Health Services
 - MRS: Manager, Regulatory Services
 - PP: Principal Planner
 - SAO-B: Senior Assessment Officer, Building
 - SAO-P: Senior Assessment Officer, Planning

APPENDIX 11 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE FINES ENFORCEMENT AND DEBT RECOVERY ACT 2017

Provision	Item Delegated by Council to the Chief Executive Officer	Sub-Delegate
S9(2)	<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>	AO-B, AO-P, BS, CO-BP, DDES, EHO, GI, Grad EHO, MDS, MHS, MRS, PP, SAO-B, SAO-P
S20(4)	<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 Council notice of an arrangement entered into under Section 20 of the Act.</p>	AO-B, AO-P, BS, CO-BP, DDES, EHO, GI, Grad EHO, MDS, MHS, MRS, PP, SAO-B, SAO-P
S20(18)	<p>2. Arrangements as to Manner and Time of Payment</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 Council notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service to be performed).</p>	AO-B, AO-P, BS, CO-BP, DDES, EHO, GI, Grad EHO, MDS, MHS, MRS, PP, SAO-B, SAO-P
S22(1)	<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</p>	AO-B, AO-P, BS, CO-BP, DDES, EHO, GI,

Head delegations reviewed by Council at its Annual Review on XX May 2019

Sub-delegations amended by the Chief Executive Officer on 21 March 2019

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APPENDIX 11 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE FINES ENFORCEMENT AND DEBT RECOVERY ACT 2017

	Chief Recovery Officer the particulars determined by the Chief Recovery officer relating to: (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.	Grad EHO, MDS, MHS, MRS, PP, SAO- B, SAO-P
S22(2)	3. Enforcement Determination 3.2 The power pursuant to Section 22(2) of the Act to pay the prescribed fee.	AO-B, AO-P, BS, CO-BP, DDES, EHO, GI, Grad EHO, MDS, MHS, MRS, PP, SAO- B, SAO-P

APPENDIX 12A – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE FIRE AND EMERGENCY SERVICES ACT AND REGULATIONS 2005

Preamble

1. This Instrument of Delegation is for use in respect of Chief Executive Officers (or equivalent) of councils.
2. Some powers and functions are only relevant to:
 - 2.1 councils with areas within a 'fire district'; or
 - 2.2 'rural' councils; or
 - 2.3 councils wholly or partly within a 'bushfire management area'.
3. Under the Act:
 - 3.1 a 'rural council' means a council whose area lies wholly or partially outside a fire district;
 - 3.2 a 'fire district' is an area declared by the South Australian Fire and Emergency Services Commission for the purposes of the operations of the South Australian Metropolitan Fire Service;
 - 3.3 'country' means any area outside a fire district.
 - 3.4 the Governor may divide the State into 'bushfire management areas'.
4. The instrument contains notes in respect of those powers which only apply to certain councils or to certain areas of certain councils. Care should be taken and the instrument carefully reviewed to ensure only those relevant powers are delegated.
5. Councils should note that some powers under the Act may only be delegated to a fire prevention officer. Therefore, it is necessary for some councils to make delegations under the Act to both the chief executive officer and fire prevention officer. See Appendix 6A for delegations to a fire prevention officer.
6. On the basis of the above, some councils may need one or more of the following delegations:
 - 6.1 Delegations to the chief executive officer (this instrument);
 - 6.2 Delegations to a fire prevention officer.
7. In this instrument the following abbreviations have the following meaning: 'SACFS' means the South Australian Country Fire Service.

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
Sub-delegations reviewed by the Chief Executive Officer on 11 July 2018

APPENDIX 12A – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE FIRE AND EMERGENCY SERVICES ACT AND REGULATIONS 2005

8. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
9. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.

10. Sub-delegates by Title:

- DCCS : Director, Corporate and Community Services
- DDES: Director, Development and Environmental Services
- DWES: Director, Works and Engineering Services
- GA: Governance Advisor
- GI: General Inspector
- MCP: Manager, Community Projects
- MDS: Manager, Development Services
- MO: Manager, Operations
- MRS: Manager, Regulatory Services

Fire and Emergency Services Act 2005			
Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Sub-delegate
s4A(3)	1. Areas of Urban Bushfire Risk 1.1 The power pursuant to Section 4A(3) of the Fire and Emergency Services Act 2005 ('the Act'), to consult with		DDES, MDS

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Fire and Emergency Services Act 2005				
	and make submissions to the Commission before the Commission publishes a notice in the Gazette designating pursuant to Section 4A(1) of the Act an area within a fire district as an area of urban bushfire risk, varies an area designated under Section 4A(1) of the Act or revokes the designation of an area under Section 4A(1) of the Act. (Note: only applies to Councils with areas within a 'fire district')			
s71C	2. Use of Facilities - State Bushfire Coordination Committee 2.1 The power pursuant to Section 71C of the Act to make arrangements with the State Bushfire Coordination Committee for the State Bushfire Coordination Committee to make use of the services of the staff, equipment or facilities of the Council.		DCCS , DDES, DWES, MCP, MO	
s72D	3. Use of Facilities - Bushfire Management Committees 3.1 The power pursuant to Section 72D of the Act to make arrangements with a Bushfire Management Committee for the Bushfire Management Committee to make use of the services of the staff, equipment or facilities of the Council.		DCCS , DDES, DWES, MO	
s73A(7)	4. Bushfire Management Area Plans 4.1 The power pursuant to Section 73A(7) of the Act, in relation to a proposal of a bushfire management committee to create or amend a Bushfire Management Area Plan for its area, to consult with and make submissions to the bushfire management committee where the Council's area is wholly or partly within the relevant bushfire management area. (Note: only relevant where Council's area is wholly or partly within a 'bushfire management area')		DCCS , DDES, DWES, MO	
s103(1)	5. Fire Control Officers 5.1 The power pursuant to Section 103(1) of the Act to request that the Chief Officer of the SACFS appoint a person as fire control officer for a designated area of the State (whether inside or outside a council area).		DDES, GI, MRS	

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INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE FIRE AND EMERGENCY SERVICES ACT AND REGULATIONS 2005

Fire and Emergency Services Act 2005				
s103(2)	5. Fire Control Officers 5.2 The power pursuant to Section 103(2) of the Act to consult with and make submissions to the Chief Officer of the SACFS before the Chief Officer of the SACFS of his or her own initiative appoints a person as a fire control officer for a designated area of the State (whether inside or outside a council area) in relation to the proposed appointment.		DDES, GI, MRS	
s104	6. Giving of Expiation Notices 6.1 The duty pursuant to Section 104 of the Act to not authorise a person (under Section 6(3)(b) of the Expiation of Offences Act 1996) to give expiation notices for alleged offences under Part 4 of the Act unless the person is a fire prevention officer.		DDES, GI, MRS	
s105	7. Appropriation of Penalties 7.1 The duty pursuant to Section 105 of the Act if a summary offence against Part 4 of the Act is committed in the area of the Council and the complaint is laid by the Council (or an officer of the Council), to pay any fine recovered from the defendant into the general revenue of the Council (rather than into the Consolidated Account).		DDES, GI, MRS	
s105A	8. Interpretation 8.1 The power pursuant to Section 105A of the Act to authorise for the purposes of Part 4A of the Act an authorised person appointed by the Council under the Local Government Act 1999.		GI, MRS	
s105B(1)	9. Fire Prevention Officers 9.1 The power and duty pursuant to Section 105B(1) of the Act and subject to Sections 105B(2) and 105B(3) of the Act, to appoint at least one person as a fire prevention officer for the Council's area.		DDES	
s105B(3)	9. Fire Prevention Officers 9.2 The duty pursuant to Section 105B(3) of the Act to -		GI, MRS	

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Fire and Emergency Services Act 2005				
	9.2.1 in determining the number of fire prevention officers to appoint under Section 105B(1) of the Act; and take into account any policy developed by SACFS for the purposes of Section 105B of the Act.			
s105B(3)	9. Fire Prevention Officers 9.2 The duty pursuant to Section 105B(3) of the Act to - 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.		GI, MRS	
s105B(3)	9.3 The power pursuant to Section 105B(3) of the Act to apply to the Chief Officer of the SACFS for an exemption for the Council from the requirement to appoint a fire prevention officer under Section 105B of the Act. (Note: paragraphs 9.1 - 9.3 only relevant to 'rural councils' or councils that have a 'designated urban bushfire risk area' within their area)		GI, MRS	
s105E	10. Reports 10.1 The duty pursuant to Section 105E of the Act to, where required by written notice from the Commission, the State Bushfire Safety Coordination Committee or a bushfire management committee in whose bushfire management area the Council's area is wholly or partly located, provide to the Commission, the State Bushfire Coordination Committee or the bushfire management committee (within a period stated in the notice or at stated intervals) any report, or reports relating to the performance, exercise or discharge of the functions, powers or responsibilities of the fire prevention officer or officers (if any) for the Council's area, as the Commission, the State Bushfire Coordination Committee or the bushfire management committee (as the case may be) thinks fit.		GI, MRS	

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Fire and Emergency Services Act 2005			
s105F(2)	<p>11. Private Land</p> <p>11.1 The duty pursuant to Section 105F(2) of the Act, in determining the standard required to comply with Section 105F(1) of the Act (but subject to Section 105F(4) of the Act), to take into account the following matters (insofar as may be relevant and without limiting any other relevant matter):</p> <p>11.1.1 the nature of the land;</p> <p>11.1.2 whether the land is in a country, metropolitan, township or other setting;</p> <p>11.1.3 the activities carried out on the land (including whether flammable or combustible materials or substances are used or stored on the land);</p> <p>11.1.4 other statutory standards or requirements that apply to or in relation to the land.</p>		GI, MRS
s105F(5)	<p>11. Private Land</p> <p>11.2 The power pursuant to Section 105F(5) of the Act, if the Delegate believes on reasonable grounds -</p> <p>11.2.1 that an owner of private land has failed to comply with Section 105F(1) of the Act; or</p> <p>11.2.2 that measures should be taken in respect of particular private land for the purpose of -</p> <p>11.2.2.1 preventing or inhibiting the outbreak of fire on the land; or</p> <p>11.2.2.2 preventing or inhibiting the spread of fire through the land; or</p> <p>11.2.2.3 protecting property on the land from fire,</p> <p>to, by notice in writing that complies with any requirements set out in the regulations, require the owner of the</p>		DDES, GI, MRS

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INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE FIRE AND EMERGENCY SERVICES ACT AND REGULATIONS 2005

Fire and Emergency Services Act 2005				
	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.			
s105F(6)	<p>11. Private Land</p> <p>11.3 The power pursuant to Section 105F(6) of the Act and without limiting the operation of Section 105F(5) of the Act, to include in a notice under Section 105F(5) of the Act directions -</p> <p>11.3.1 to trim or remove vegetation on the land; or</p> <p>11.3.2 to remove flammable or combustible materials or substances, or to store flammable or combustible materials or substances in a specified manner; or</p> <p>11.3.3 to eliminate a potential ignition source; or</p> <p>11.3.4 to create, establish or maintain fire breaks or fuel breaks.</p>		GI, MRS	
s105F(7)	<p>11. Private Land</p> <p>11.4 The duty pursuant to Section 105F(7) of the Act, in acting under Section 105F(5) of the Act, to apply any guidelines prepared or adopted by the Minister for the purposes of Section 105F(5) of the Act and published by the Minister in the Gazette.</p>		GI, MRS	
s105F(9)	<p>11. Private Land</p> <p>11.5 The power pursuant to Section 105F(9) of the Act to give a notice under Section 105(5) of the Act -</p> <p>11.5.1 personally; or</p>		GI, MRS	

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INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE FIRE AND EMERGENCY SERVICES ACT AND REGULATIONS 2005

Fire and Emergency Services Act 2005				
	<p>11.5.2 by post; or</p> <p>11.5.3 if the delegate cannot, after making reasonable inquiries, ascertain the name and address of the person to whom the notice is to be given -</p> <p>11.5.3.1 by publishing the notice in a newspaper circulating in the locality of the land; and</p> <p>11.5.3.2 by leaving a copy of the notice in a conspicuous place on the land.</p>			
s105F(10)	<p>11. Private Land</p> <p>11.6 The power pursuant to Section 105F(10) of the Act to, by further notice in writing, vary or revoke a notice under Section 105(5) of the Act.</p>		GI, MRS	
s105F(11)	<p>11. Private Land</p> <p>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.</p>		GI, MRS	
s105G(5)	<p>12. Council Land</p> <p>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.</p>		GI, MRS	
s105G(7)	<p>12. Council Land</p> <p>12.2 The duty pursuant to Section 105G(7) of the Act, to comply with a notice under Section 105G(6) of the Act.</p>		GI, MRS	
s105J(1)	<p>13. Additional Provision in Relation to Powers of Authorised Officers</p> <p>13.1 The power pursuant to Section 105J(1) of the Act, for a purpose related to the administration, operation or enforcement of Part 4A of the Act, to -</p>		GI, MRS	

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Fire and Emergency Services Act 2005				
	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.			
s105J(3)	13. Additional Provision in Relation to Powers of Authorised Officers 13.2 The power and duty pursuant to Section 105J(3) of the Act to apply for a warrant - 13.2.1 either personally or by telephone; and 13.2.2 in accordance with any procedures prescribed by the regulations.		GI, MRS	
s105J(4)	13. Additional Provision in Relation to Powers of Authorised Officers 13.3 The power pursuant to Section 105J(4) of the Act, in exercising a power under Part 4A of the Act, to - 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.		GI, MRS	

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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE FIRE AND EMERGENCY SERVICES ACT AND REGULATIONS 2005

Fire and Emergency Services Act 2005				
s105J(5)	13. Additional Provision in Relation to Powers of Authorised Officers 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.		GI, MRS	
s105J(6)	13. Additional Provision in Relation to Powers of Authorised Officers 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.		GI, MRS	
s105J(7)	13. Additional Provision in Relation to Powers of Authorised Officers 13.6 The power pursuant to Section 105J(7) of the Act to authorise a person for the purposes of Section 105J(6) of the Act, to take action under Section 105J(6) of the Act on the Council's behalf.		GI, MRS	
s105J(8)	13. Additional Provision in Relation to Powers of Authorised Officers 13.7 The power pursuant to Section 105J(8) of the Act, to recover the reasonable costs and expenses incurred by an authorised person in taking action under Section 105J(6) of the Act as a debt from the person who failed to comply with the requirements of the relevant notice, if the relevant notice was given by the Council or a fire prevention officer or an authorised person appointed by the Council and authorised for the purposes of Part 4A of the Act.		GI, MRS	
s105J(9)	13. Additional Provision in Relation to Powers of Authorised Officers 13.8 The power pursuant to Section 105J(9) of the Act, if an amount is recoverable from a person by the Council under Section 105J(8) of the Act, to recover the amount as if it were rates in arrears.		GI, MRS	
s129	14. Power to Provide Sirens The power pursuant to Section 129 of the Act to erect a siren in a suitable place for the purpose of giving		GI, MRS	

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INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE FIRE AND EMERGENCY SERVICES ACT AND REGULATIONS 2005

Fire and Emergency Services Act 2005				
	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.			
Fire and Emergency Services Regulations 2005				
Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Sub-delegate	
Reg19(2)(e)(i)	15 SACFS Group Committee 15.1 The power pursuant to Regulation 19(2)(e)(i) of the Fire and Emergency Services Regulations 2005 ('the Regulations') to nominate a representative from the Council to be a member of a SACFS group committee, where the Council's area lies wholly or partially within the area of the group.		DDES, GI, MRS	
Reg 32A(4)	16. Fires Permitted under Section 79(2) of Act 16.1 The power pursuant to Regulation 32A(4) of the Regulations to consult with and make submissions to the Chief Officer before the Chief Officer makes a notice under Regulation 32A of the Regulations.		DDES, GI, MRS	
Reg 34(3)	17. Special Provision relating to Gas and Electric Cooking Appliances 17.1 The power pursuant to Regulation 34(3) of the Regulations, in addition to Regulation 34(1) and Regulation 34(2) of the Regulations, by notice in the Gazette, to declare part of the Council area to be an area where a person may, in accordance with the terms of the notice, operate a gas fire or electric element for cooking purposes in the open air contrary to the terms of a total fire ban in accordance with Regulation 34(4) of the Regulations, and such notice: 17.1.1 shall be in the form set out in Schedule 11; and		DDES, GI, MRS	

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INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE FIRE AND EMERGENCY SERVICES ACT AND REGULATIONS 2005

Fire and Emergency Services Regulations 2005				
	<p>17.1.2 may be limited in its operation to particular times of the day, and to particular days of the year; and</p> <p>17.1.3 will operate subject to the following conditions:</p> <p>17.1.3.1 that the space immediately around and above the gas fire or electric element must be clear of all flammable material to a distance of at least 4 metres;</p> <p>17.1.3.2 that a person who is able to control the gas fire or electric element must be present at all times while it is lighted or charged; and</p> <p>17.1.3.3 that an appropriate agent adequate to extinguish a fire must be at hand;</p> <p>17.1.4 will operate subject to such other conditions (if any) as may be specified by the Council or the Chief Officer of the SACFS (as the case may be); and</p> <p>17.1.4 may be varied or revoked by further notice in the Gazette.</p>			
Reg 34(5)	<p>17. Special Provision relating to Gas and Electric Cooking Appliances</p> <p>17.2 The duty pursuant to Regulation 34(5) of the Regulations, if a notice is published in accordance with Regulation 34 of the Regulations, to immediately send a copy of the notice to the Chief Officer of the SACFS.</p>		DDES, GI, MRS	
Reg 52(2)	<p>18. Identity cards</p> <p>18.1 The duty pursuant to Regulation 52(2) of the Regulations issue to each fire prevention officer or assistant fire prevention officer appointed by the Council a certificate of identity in a form approved by the Chief Officer of the SACFS.</p>		DCCS, DDES, GA	

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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE FIRE AND EMERGENCY SERVICES ACT AND REGULATIONS 2005

Fire and Emergency Services Regulations 2005				
Reg 54(2)	19. Roadside Fire Protection 19.1 The power pursuant to Regulation 54(2) of the Regulations, where the Council has the care, control and management of a road in the country, or roadside vegetation in the country, for the purpose of providing fire protection on a road, or the verge of a road, to - 19.1.1 light a fire on the road, or on the verge of the road; and 19.1.2 while the fire is burning, prohibit, direct or regulate the movement of persons, vehicles or animals along the road; subject to Regulation 54(3) of the Regulations.		DDES, GI, MRS	
Reg 54(3)	19. Roadside Fire Protection 19.2 The duty pursuant to Regulation 54(3) of the Regulations to obtain a permit to light and maintain a fire under Regulation 54 of the Regulations during the fire danger season. (Note: only relevant to Councils with roads in the 'country').		DDES, GI, MRS	
Reg 56(2)	20. Special Fire Areas 20.1 The duty pursuant to Regulation 56(2) of the Regulations to consult with and make submissions to the Chief Officer of the SACFS regarding the inclusion of the area or part of the area of the Council within a special fire area.		DDES, GI, MRS	
Reg 56(4)(a)	20. Special Fire Areas 20.2 The power pursuant to Regulation 56(4)(a) of the Regulations to nominate one or more representatives of the Council to a committee of management established under Regulation 56(3) of the Regulations.		DDES, GI, MRS	

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Fire and Emergency Services Regulations 2005			
Reg 65(b)	21. Coronial Inquests The power pursuant to Regulation 65(b) of the Regulations to make representations to the South Australian Fire and Emergency Services Commission or an emergency services organisation that a coronial inquest should be held in relation to a fire or other emergency.		DDES, GI, MRS



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APPENDIX 12B – ANNUAL DELEGATIONS REVIEW

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INSTRUMENT OF DELEGATION TO THE FIRE PREVENTION OFFICERS UNDER THE FIRE AND EMERGENCY SERVICES ACT AND REGULATIONS 2005

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Fire Prevention Officer Delegates by Title:
 - GI: General Inspector
 - MRS: Manager, Regulatory Services

Provision	Item Delegated by Council to the Fire Prevention Officers	Delegate
s81(14)	1. Permit to Light and Maintain Fire The power pursuant to Section 81(14) of the Act, with the approval of the Chief Officer of the SACFS, to authorise a person to issue permits under Section 81 of the Act.	GI, MRS
s87(1)	2. Removal of Debris from Roads 2.1 The power pursuant to Section 87(1) of the Act, to require a person that has carried out work where flammable debris is left on or in vicinity of the road in the country, to remove the debris from the road.	GI, MRS
s87(2)	2. Removal of Debris from Roads 2.2 The power pursuant to Section 87(2) of the Act where a person has failed to comply with Section 87(1) of the Act to - 2.2.1 burn or remove the flammable debris; and 2.2.2 recover the cost of doing so as a debt due to the Council from the person in default.	GI, MRS

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INSTRUMENT OF DELEGATION TO THE FIRE PREVENTION OFFICERS UNDER THE FIRE AND EMERGENCY SERVICES ACT AND REGULATIONS 2005

	(Note: only applies in relation to a road in the 'country')	
s94(3)	3. Failure by a Council to Exercise Statutory Powers 3.1 The power pursuant to Section 94(3) of the Act to consult with and make submissions to the Chief Officer of the SACFS in relation to him or her making a recommendation to the Minister pursuant to Section 94(2) of the Act that the powers and functions of the Council under Part 4 of the Act be withdrawn.	GI, MRS
s 94(4)	3. Failure by a Council to Exercise Statutory Powers 3.2 The power pursuant to Section 94(4) of the Act if the Chief Officer of the SACFS makes a recommendation to the Minister under Section 94(2) of the Act to: 3.2.1 make written submissions to the Minister in relation to the matter; and 3.2.2 request at the time that the Delegate makes such written submissions that the Minister discuss the matter with a delegation representing the Council.	GI, MRS
s94(5)	3. Failure by a Council to Exercise Statutory Powers 3.3 The duty pursuant to Section 94(6) of the Act, if the Minister has published a notice under Section 94(5) of the Act, to receive written reasons from the Minister for his or her decision to withdraw Council's powers and functions under Part 4 of the Act within 14 days of the notice being published.	GI, MRS

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THE BAROSSA COUNCIL DELEGATIONS REGISTER
INSTRUMENT OF DELEGATION UNDER THE FOOD ACT 2001

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DDES: Director, Development and Environmental Services
 - EHO: Environmental Health Officer
 - GRAD EHO: Graduate Environmental Health Officer
 - MHS: Manager, Health Services

Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Sub-Delegate
s42(2)	1. Seizure 1.1 The power pursuant to Section 42(2) of the Food Act 2001 ("the Act") to approve the removal or interference with the thing to which a seizure order under Part 4 of the Act relates before an order is made under Section 42(3)(b) or the order is discharged under Section 42(3)(c) of the Act.		DDES, MHS, EHO, GRAD EHO
s42(3)(a)	1. Seizure 1.2 The power pursuant to Section 42(3)(a) of the Act to authorise - 1.2.1 upon application, the release of anything seized under Part 4 of the Act to the person from whom it was seized or to any person who had a right to possession of it at the time of its seizure, subject to such conditions as the Delegate thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 42(3)(b)(i)(B) of the Act; or		MHS, EHO, GRAD EHO

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INSTRUMENT OF DELEGATION UNDER THE FOOD ACT 2001

	1.2.2 in the case of food or any other perishable thing, order that it be forfeited to the Council.		
s42(3)(d)	<p>1. Seizure</p> <p>1.3 The duty pursuant to Section 42(3)(d) of the Act where any food or other perishable thing is seized under Part 4 of the Act in relation to an expiable offence and the offence is expiated -</p> <p>1.3.1 if the food or other perishable thing has not already been forfeited by order of the Delegate under Section 42(3)(a)(ii) of the Act, to deal with it in accordance with any determination of the Minister; and</p> <p>1.3.2 not make payment of any compensation in respect of the food or other perishable thing.</p>		MHS, EHO, GRAD EHO
s42(3)(e)	<p>1. Seizure</p> <p>1.4 The power pursuant to Section 42(3)(e) of the Act to dispose of anything seized under Part 4 of the Act and forfeited under Section 42 of the Act, by sale, destruction or otherwise as the Delegate directs.</p>		MHS, EHO, GRAD EHO
s51(1)	<p>2. Review of Decision to Refuse Certificate of Clearance</p> <p>2.1 The power pursuant to Section 51(1) of the Act where a person aggrieved by a decision to refuse to give a certificate of clearance under Part 5 of the Act makes application to the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 for a review of the decision, to respond to the review body on behalf of the Council.</p>		DDES, MHS
s52(2)	<p>3. Review of Order</p> <p>3.1 The duty pursuant to Section 52(2) of the Act where there were no grounds for the making of a prohibition order, to pay such compensation to the applicant for compensation as is just and reasonable.</p>		This power remains with Council - delegation does not apply.

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s52(3)	<p>3. Review of Order</p> <p>3.2 The duty pursuant to Section 52(3) of the Act to send written notification of the determination as to the payment of compensation under Section 52 of the Act, to each applicant for the payment of such compensation.</p>		This power remains with Council - delegation does not apply.
s 52(4)	<p>3. Review of Order</p> <p>3.3 The power pursuant to Section 52(4) of the Act where an applicant for the payment of compensation under Section 52 of the Act is dissatisfied with a determination under Section 52(3) of the Act, as to the refusal to pay compensation or the amount of compensation and has applied to the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 for a review of the determination, to respond to that review body on behalf of the Council.</p>		This power remains with Council - delegation does not apply.
s 79(1)	<p>4. Auditing and Reporting</p> <p>4.1 The duty pursuant to Section 79(1) of the Act to determine:</p> <p>4.1.1 the priority classification of individual food businesses for the purposes of the application of any requirements of the Regulations relating to food safety programs; and</p> <p>4.1.2 the frequency of auditing of any food safety programs required to be prepared by the Regulations in relation to the food business</p> <p>In accordance with Section 79(2) of the Act.</p>		MHS, EHO, GRAD EHO
s79(3)	<p>4. Auditing and Reporting</p> <p>4.2 The duty pursuant to Section 79(3) of the Act to provide written notification to the proprietor of a food business of -</p> <p>4.2.1 the priority classification it has determined for the food business; and</p>		DDES, MHS, EHO,

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	<p>4.2.2 the frequency of auditing of any food safety programs required to be prepared by the Regulations in relation to the food business; and</p> <p>4.2.3 the date by which the food business must have implemented any food safety program required to be prepared by the Regulations in relation to the food business.</p>		GRAD EHO
s79(4)	<p>4. Auditing and Reporting</p> <p>4.3 The power pursuant to Section 79(4) of the Act to change the priority classification of an individual food business if the Delegate believes that the classification is inappropriate for any reason, including as a result of changes made to the conduct of a food business.</p>		MHS, EHO, GRAD EHO
s79(5)	<p>4. Auditing and Reporting</p> <p>4.4 The duty pursuant to Section 79(5) of the Act to provide written notification to the proprietor of food business of any change in priority classification of the food business under Section 79(4) of the Act.</p>		MHS, EHO, GRAD EHO
s81(1)	<p>5. Reporting Requirements</p> <p>5.1 The duty pursuant to Section 81(1) of the Act to receive a report from a food safety auditor in relation to an order or assessment carried out by the food safety auditor for the purposes of this Act.</p>		MHS, EHO, GRAD EHO
s81(7)	<p>5. Reporting Requirements</p> <p>5.2 The duty pursuant to Section 81(7) of the Act to provide a copy of a report in relation to an audit or assessment to the proprietor of the food business concerned.</p>		DDES, MHS, EHO, GRAD EHO
s86(1)	<p>6. Notification of Food Businesses</p> <p>6.1 The duty pursuant to Section 86(1) of the Act to receive written notice, in the approved form, from the proprietor of a</p>		MHS, EHO,

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	food business of the information specified in the Food Safety Standards that the proprietor is required to notify to the Council before the business is conducted.		GRAD EHO
s86(2)	6. Notification of Food Businesses 6.2 The duty pursuant to Section 86(2) of the Act to receive written notice, in the approved form, from the proprietor of a food business that is being conducted when the notification requirements of the Food Safety Standards commence, of the information specified in the Food Safety Standard that is to be notified to the Council.		MHS, EHO, GRAD EHO
s86(3)	6. Notification of Food Businesses 6.3 The duty pursuant to Section 86(3) of the Act where a food business is transferred to another person or where there is a change in the name or address of a food business to receive written notice, in the approved form, from the proprietor of the food business (being, in the case where a food business is transferred to another person, the new proprietor) of the transfer or change (as the case may be) that would be required to be given to the Council if the notification were an initial notification under Section 86(1) or (2) of the Act.		MHS, EHO, GRAD EHO
s94(1)	7. Appointment of Authorised Officers 7.1 The power pursuant to Section 94(1) of the Act to appoint a person to be an authorised officer for the purposes of the Act, subject to the duty upon the Delegate to be satisfied that the person has appropriate qualifications or experience to exercise the functions of an authorised officer.		DDES
s94(2)	7. Appointment of Authorised Officers 7.2 The duty pursuant to Section 94(2) of the Act to prepare and maintain a list of authorised officers appointed for the purposes of Section 94(1) of the Act.		DDES
s95(1)	7. Appointment of Authorised Officers 7.3 The duty pursuant to Section 95(1) of the Act to provide each authorised officer with a certificate of authority as an authorised officer.		DDES
s95(2)	7. Appointment of Authorised Officers 7.4 The power pursuant to Section 95(2) of the Act to limit the powers of an authorised officer through the certificate of authority which is provided pursuant to Section 95(1) of the Act.		DDES

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s29(2)	<p>8. Offences</p> <p>8.1 The power pursuant to Section 29(2) of the Act where the Delegate forms the opinion that an offence has been committed under the Act to take proceedings by way of prosecution (or, at the discretion of the Delegate, by the issuing of an expiation notice or notices where the offence is expiable) in respect of the following offences -</p> <p>Section Offence</p> <p>Section 13(1) Handling food intended for sale in a manner that the person knows will render, or is likely to render, the food unsafe.</p> <p>Section 13(2) Handling food intended for sale in a manner that the person ought reasonably to know is likely to render the food unsafe.</p> <p>Section 14(1) Selling food that the person knows is unsafe.</p> <p>Section 14(2) Selling food that the person ought reasonably to know is unsafe</p> <p>Section 16(1) Handling food intended for sale in a manner that will render, or is likely to render, the food unsafe.</p> <p>Section 16(2) Selling food that is unsafe.</p> <p>Section 17(1) Handling food intended for sale in a manner that will render or is likely to render the food unsuitable.</p> <p>Section 17(2) Selling food that is unsuitable.</p> <p>Section 21(1) Failing to comply with any requirement imposed by a provision of the Foods Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale.</p> <p>Section 21(2) Selling food that does not comply with any requirement of the Food Standards Code that relates to the food.</p> <p>Section 39 Failure, without reasonable excuse, to comply with a requirement of an authorised officer.</p>		MHS, EHO, GRAD EHO
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	<p>Section 40 Providing information or producing any document that the person knows is false or misleading in a material particular.</p> <p>Section 41(1) Resisting, obstructing, or attempting to obstruct, without reasonable excuse, an authorised officer in the exercise of his/her functions under the Act.</p> <p>Section 41(2) Impersonating an authorised officer.</p> <p>Section 42(2) Removing or interfering with a thing seized under Part 4 of the Food Act 2001 without the approval of the Council.</p> <p>Section 50 Contravening or failing, without reasonable excuse, to comply with an improvement notice or a prohibition order.</p> <p>Section 86(1) Failure to notify of a food business before the business is conducted.</p> <p>Section 86(2) Failure to notify of a food business that is being conducted.</p> <p>Section 86(3) Failure to notify of a food business that is transferred or which has changed its name or address.</p>		
Div 2, Part 2	<p>8. Offences</p> <p>8.2 The power to elect to charge a person who is alleged to have committed an offence against Division 2, Part 2 of the Act, with a summary offence.</p>		This power remains with Council - delegation does not apply.
29(4)	<p>8. Offences</p> <p>8.3 The duty pursuant to Section 29(4) of the Act where a person who is alleged to have committed an offence against</p>		This power remains

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	Division 2, Part 2 of the Act has been given an expiation notice in respect of the offence and does not exiate the offence, to bring proceedings for prosecution of the offence as a summary offence.		with Council - delegation does not apply.
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Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DCCS : Director, Corporate and Community Services
 - DDES: Director, Development and Environmental Services
 - DWES: Director, Works and Engineering Services
 - EA-DCCS: Executive Assistant to the Director, Corporate and Community Services
 - GA: Governance Advisor

Provision	Item Delegated by Council to the Chief Executive Officer	Sub-Delegate
s9(1a)	1. Publication of Information Concerning Councils 1.1 The duty pursuant to Section 9(1a) of the Freedom of Information Act 1991 ("the Act") and in accordance with Section 9(2), (3) and (4) to cause, at intervals of not more than 12 months, an up to date information statement to be published in the manner prescribed by regulation.	GA, DCCS, EA-DCCS
s10(1)	2. Availability of Certain Documents 2.1 The duty pursuant to Section 10(1) of the Act to cause copies of the Council's most recent information statement and each of its policy documents to be made available for inspection and purchase by members of the public.	GA, DCCS, EA-DCCS
s10(2)	2. Availability of Certain Documents 2.2 The power pursuant to Section 10(2) of the Act to delete information from the copies of a policy document if its	GA

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	inclusion would result in the document being an exempt document otherwise then by virtue of Clause 9 or 10 of Schedule 1 to the Act.	
s10(3)	<p>2. Availability of Certain Documents</p> <p>2.3 The duty pursuant to Section 10(3) of the Act not to enforce a particular policy to the detriment of a person:</p> <p>2.3.1 if the relevant policy document should have been, but was not, made available for inspection and purchase in accordance with Section 10 at the time the person became liable to the detriment; and</p> <p>2.3.2 the person could, by knowledge of the policy, have avoided liability to the detriment.</p>	GA
s14(1)	<p>3. Persons by Whom Applications to be Dealt With and Time Within Which Applications Must be Dealt With</p> <p>3.1 The duty, pursuant to Section 14(1) of the Act to ensure that an accredited FOI officer deals with an application for access to Council's documents.</p>	DCCS
s14(2)	<p>3. Persons by Whom Applications to be Dealt With and Time Within Which Applications Must be Dealt With</p> <p>3.2 The duty pursuant to Section 14(2) of the Act to deal with an application for access to the Council's documents as soon as practicable (and, in any case, within 30 days) after it is received.</p>	GA, DCCS,EA- DCCS
s15	<p>4. Incomplete and Wrongly Directed Applications</p> <p>4.1 The duty pursuant to Section 15 of the Act not to refuse to accept an application merely because it does not contain sufficient information to enable the document to which it relates to be identified without first taking such steps as are reasonably practicable to assist the applicant to provide such information.</p>	GA, DCCS,EA- DCCS
s16(1)	<p>5. Transfer of Application</p> <p>5.1 The power pursuant to Section 16(1) of the Act to transfer an application for access to Council's documents to another agency if the document to which it relates:</p> <p>5.1.1 is not held by the Council but is, to the knowledge of the Council, held by the other agency; or</p>	GA, DCCS

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	5.1.2 is held by the Council but is more closely related to the functions of the other agency.	
s16(2)	5. Transfer of Application 5.2 The duty pursuant to Section 16(2) of the Act, where an application is transferred to another agency and the Council holds a copy of the document to which the application relates, to forward a copy of the document to the other agency together with the application.	GA, DCCS,EA- DCCS
s16(3)	5. Transfer of Application 5.3 The duty pursuant to Section 16(3) of the Act to cause notice of the transfer to be given to the applicant where the application has been transferred to another agency.	GA, DCCS,EA- DCCS
s16(4)	5. Transfer of Application 5.4 The duty pursuant to Section 16(4) of the Act to specify in a notice under Section 16(3), the day on which, and the agency to which, the application was transferred.	GA, DCCS,EA- DCCS
s16(5)	5. Transfer of Application 5.5 The power pursuant to Section 16(5) of the Act not to include in a notice under Section 16(3) any matter which by its inclusion would result in the notice being an exempt document.	GA, DCCS,EA- DCCS
s17(1)	6. Council May Require Advance Deposits 6.1 The power pursuant to Section 17(1) of the Act to form the opinion that the cost of dealing with an application is likely to exceed the application fee, and to request the applicant to pay such reasonable amount, by way of advance deposit, as the Delegate may determine.	GA, DCCS
s17(2)	6. Council May Require Advance Deposits 6.2 The power pursuant to Section 17(2) of the Act to form the opinion that the cost of dealing with an application is likely to exceed the sum of the application fee and of any advance deposits paid in respect of the application and, to request the applicant to pay such reasonable amount, by way of further advance deposit as the Delegate may determine.	GA, DCCS

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17(3)	6. Council May Require Advance Deposits 6.3 The duty pursuant to Section 17(3) of the Act to ensure that the aggregate of the application fee and the advance deposit(s) do not exceed the Delegate's estimate of the cost of dealing with the application.	GA, DCCS
s17(4)	6. Council May Require Advance Deposits 6.4 The duty pursuant to Section 17(4) of the Act, where a request for an advance deposit is made, to ensure that the request is accompanied by a notice that sets out the basis upon which the amount of the deposit has been calculated.	GA, DCCS,EA- DCCS
s18(1)	7. Council May Refuse to Deal with Certain Applications 7.1 The power pursuant to Section 18(1) of the Act to refuse to deal with an application if it appears to the Delegate that the nature of the application is such that the work involved in dealing with it (within the period allowed under Section 14 of the Act or, within any reasonable extension of that period under Section 14A of the Act) would, if carried out, substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions.	GA, DCCS
s18(2)	7. Council May Refuse to Deal with Certain Applications 7.2 The duty pursuant to Section 18(2) of the Act not to refuse to deal with such an application without first endeavouring to assist the applicant to amend the application so that the work involved in dealing with it would, if carried out, no longer substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions.	GA, DCCS,EA- DCCS
s18(2a)	7. Council May Refuse to Deal with Certain Applications 7.3 The power pursuant to Section 18(2a) of the Act to refuse to deal with an application if, the Delegate forms the opinion, that the application is part of a pattern of conduct that amounts to an abuse of the right of access or is made for a purpose other than to obtain access to information.	GA, DCCS
s18(3)	7. Council May Refuse to Deal with Certain Applications 7.4 The power pursuant to Section 18(3) of the Act to refuse to continue dealing with an application if: 7.4.1 the delegate has requested payment of an advance deposit in relation to the application; and	GA, EA- DCCS

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	7.4.2 payment of the deposit has not been made within the period specified in the request.	
s18(4)	7. Council May Refuse to Deal with Certain Applications 7.5 The duty pursuant to Section 18(4) of the Act where the Delegate refuses in accordance with Section 18(3) of the Act to continue to deal with an application to refund to the applicant such part of the advance deposits paid in respect of the application as exceeds the costs incurred by the Council in dealing with the application and the power to retain the remainder of those deposits.	GA, DCCS
s18(5)	7. Council May Refuse to Deal with Certain Applications 7.6 The duty pursuant to Section 18(5) of the Act to cause written notice of a refusal to deal with an application in accordance with Section 18(3) of the Act to be given to the applicant.	GA, DCCS,EA- DCCS
s18(6)	7. Council May Refuse to Deal with Certain Applications 7.7 The duty pursuant to Section 18(6) of the Act to include in a notice under Section 18(5) of the Act the reasons for the refusal and the findings on any material questions of fact underlying those reasons, together with a reference to the sources of information on which those findings are based.	GA, DCCS,EA- DCCS
s18(7)	7. Council May Refuse to Deal with Certain Applications 7.8 The power pursuant to Section 18(7) of the Act not to include in a notice under Section 18(5) of the Act any matter which by its inclusion would result in the notice being an exempt document.	GA, DCCS,EA- DCCS
s19(1)	8. Determination of Applications 8.1 The duty pursuant to Section 19(1) of the Act, after considering an application for access to the Council's documents, to determine: 8.1.1 whether access to the document is to be given (either immediately or subject to deferral) or refused; and 8.1.2 if access to the document is to be given, any charge payable in respect of the giving of access; and	GA

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	8.1.3 any charge payable for dealing with the application.	
19(2a)	8. Determination of Applications 8.2 The power pursuant to Section 19(2a) of the Act to make a determination to give access to a document on an application after the period within which the Delegate was required to deal with the application.	GA
s20(1)	9. Refusal of Access 9.1 The power pursuant to Section 20(1) of the Act to refuse access to a document: 9.1.1 if it is an exempt document; 9.1.2 if it is a document that is available for inspection at the Council or some other agency (whether as a part of a public register or otherwise) in accordance with Part 2 of the Act, or in accordance with a legislative instrument other than the Act, whether or not inspection of the document is subject to a fee or charge; 9.1.3 if it is a document that is usually and currently available for purchase; 9.1.4 if it is a document that: 9.1.4.1 was not created or collated by the Council itself; and 9.1.4.2 genuinely forms part of library material held by the Council; or 9.1.5 subject to the exceptions listed at Section 20(2) of the Act if it is a document that came into existence before 1 January 1987.	GA
s20(4)	9. Refusal of Access 9.2 The duty pursuant to Section 20(4) not to refuse access to a document if:	GA

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	<p>9.2.1 it is practicable to give access to a copy of a document from which the exempt matter has been deleted; and</p> <p>9.2.2 it appears to the Delegate (either from the terms of the application or after consultation with the applicant) that the applicant would wish to be given access to such a copy to that limited extent.</p>	
s21(1)	<p>10. Deferral of Access</p> <p>10.1 The power pursuant to Section 21(1) of the Act to defer access to a document:</p> <p>10.1.1 if it is a document that is required by law to be published but is yet to be published;</p> <p>10.1.2 if it is a document that has been prepared for presentation to Parliament, but is yet to be presented; or</p> <p>10.1.3 if it is a document that has been prepared for submission to a particular person or body, but is yet to be submitted.</p>	GA
s21(2)	<p>10. Deferral of Access</p> <p>10.2 The duty pursuant to Section 21(2) of the Act not to defer access to a document to which Section 21(1)(a) of the Act applies beyond the time the document is required by law to be published.</p>	GA
s21(3)	<p>10. Deferral of Access</p> <p>10.3 The duty pursuant to Section 21(3) of the Act not to defer access to a document to which Section 21(1)(b) or (c) of the Act applies for more than a reasonable time after the date of its preparation.</p>	GA
s22(1)	<p>11. Forms of Access</p> <p>11.1 The power pursuant to Section 22(1) of the Act to give a person access to a document by -</p> <p>(a) giving the person a reasonable opportunity to inspect the document; or</p>	GA

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	<p>(b) giving the person a copy of the document; or</p> <p>(c) in the case of a document from which sounds or visual images are capable of being reproduced, whether or not with the aid of some other device by making arrangements for the person to hear or view those sounds or visual images; or</p> <p>(d) in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of sound by giving the person a written transcript of the words recorded in the document; or</p> <p>(e) in the case of a document in which words are contained in the form of shorthand writing or in encoded form-by giving the person a written transcript of the words contained in the document; or</p> <p>(f) in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of a written document-by giving the person a written document so reproduced.</p>	
s22(2)	<p>11. Forms of Access</p> <p>11.2 The duty pursuant to Section 22(2) of the Act to give an applicant access to a document in a particular way requested by the applicant unless giving access as requested:</p> <p>11.2.1 would unreasonably divert the resources of the Council (or, if the document is in the custody of State Records, the resources of State Records) from their use for other official purposes; or</p> <p>11.2.2 would be detrimental to the preservation of the document or (having regard to the physical nature of the document) would otherwise not be appropriate; or</p> <p>11.2.3 would involve an infringement of copyright in matter contained in a document, in which case access may be given in some other way.</p>	GA

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s22(2a)	11. Forms of Access 11.3 The duty pursuant to Section 22(2a) of the Act where a document is in the custody of State Records, to determine that the way in which access is given to the document will be made by or jointly with the Manager of State Records.	GA
s22(3)	11. Forms of Access 11.4 The duty pursuant to Section 22(3) of the Act where an applicant has requested that access to a document be given in a particular way and access is given in some other way, not to require the applicant to pay a charge in respect of the giving of access that is greater than the charge that the applicant would have been required to pay had access been given as requested.	GA
s22(4)	11. Forms of Access 11.5 The power pursuant to Section 22(4) of the Act but subject to Section 22(2a) of the Act to agree with the applicant the particular way access to a document is to be given.	GA
s22(5)	11. Forms of Access 11.6 The power pursuant to Section 22(5) of the Act to refuse to give access to a document if a charge payable in respect of the application, or giving access to the document, has not been paid.	GA
s23(1)	12. Notices of Determination 12.1 The duty pursuant to Section 23(1) of the Act to give written notice to an applicant of the determination of his/her application or, if the application relates to a document that is not held by the Council, of the fact that the Council does not hold such a document.	GA, DCCS,EA- DCCS
s23(2)	12. Notices of Determination 12.2 The duty pursuant to Section 23(2) of the Act to specify in a notice given under Section 23(1) of the Act those matters set out at Section 23(2)(a) - (g) of the Act.	GA, DCCS,EA- DCCS

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s23(3)	12. Notices of Determination 12.3 The power pursuant to Section 23(3) of the Act where an applicant applies for access to a document that is an exempt document for reasons related to criminal investigation or law enforcement, to give notice to the applicant in the form that neither admits or denies the existence of the document and, if disclosure of the existence of the document could prejudice the safety of a person, the duty to ensure that notice is given in that form.	GA, DCCS,EA- DCCS
s23(4)	12. Notices of Determination 12.4 The power pursuant to Section 23(4) of the Act not to include in a notice under this Section any matter which by its inclusion would result in the notice being an exempt document.	GA
s25(2)	13. Documents Affecting Inter-Governmental or Local Governmental Relations 13.1 The duty pursuant to Section 25(2) of the Act not to give access under the Act to a document which contains matter concerning the affairs of the Government of the Commonwealth or of another State or a council (including a council constituted under a law of another State) unless the Council has taken such steps as are reasonably practicable to obtain the views of the Government or council concerned as to whether or not the document is an exempt document by virtue of Clause 5 of Schedule 1 to the Act.	GA, DCCS,EA- DCCS
s25(3)	13. Documents Affecting Inter-Governmental or Local Governmental Relations 13.2 The duty pursuant to Section 25(3) of the Act, if: 13.2.1 the Delegate determines, after having sought the views of the Government or council concerned, that access to a document to which Section 25(2) of the Act applies is to be given; and 13.2.2 the views of the Government or council concerned are that the document is an exempt document by virtue of Clause 5 of Schedule 1 to the Act, to forthwith give written notice to the Government or council concerned: 13.2.3 that the Council has determined that access to the document is to be given; and	GA

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	<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 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>	
s26(2)	<p>14. Documents Affecting Personal Affairs</p> <p>14.1 The duty pursuant to Section 26(2) of the Act not to give access under the Act to a document which contains information concerning the personal affairs of any person (whether living or dead) except to the person concerned, unless the Council has taken such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 6 of Schedule 1 to the Act.</p>	GA
s26(3)	<p>14. Documents Affecting Personal Affairs</p> <p>14.2 The duty pursuant to Section 26(3) of the Act, if:</p> <p>14.2.1 the Delegate determines, after having sought the views of the person concerned, that access to a document to which Section 26(2) of the Act applies is to be given; and</p> <p>14.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 6 of Schedule 1 to the Act; or</p> <p>14.2.3 after having taking reasonable steps to obtain the views of the person concerned, the Delegate is unable to obtain the views of the person and determines that access to the documents should be given, to forthwith give written notice to the person concerned:</p> <p>14.2.4 that the Delegate has determined that access to the document is to be given; and</p> <p>14.2.5 of the rights of review conferred by the Act in relation to the determination; and</p>	GA

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	14.2.6 of the procedures to be followed for the purpose of exercising those rights; and defer giving access to the document until after the expiration of the period within which an application for review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.	
s26(4)	<p>14. Documents Affecting Personal Affairs</p> <p>14.3 The power pursuant to Section 26(4) of the Act where:-</p> <p>14.3.1 an application is made to the Council for access to a document to which Section 26 of the Act applies; and</p> <p>14.3.2 the document contains information of a medical or psychiatric nature concerning the applicant; and</p> <p>14.3.3 the Delegate is of the opinion that disclosure of the information to the applicant may have an adverse effect on the physical or mental health or emotional state, of the applicant; and</p> <p>14.3.4 the Delegate decides that access to the document is to be given, to give access to the document to a registered medical practitioner nominated by the applicant.</p>	GA
s27(2)	<p>15. Documents Affecting Business Affairs</p> <p>15.1 The duty pursuant to Section 27(2) of the Act not to give access under the Act to a document which contains:</p> <p>15.1.1 information concerning the trade secrets of any person; or</p> <p>15.1.2 information (other than trade secrets) that has a commercial value to any person; or</p> <p>15.1.3 any other information concerning the business, professional, commercial or financial affairs of any person; except to the person concerned, unless the Council has taken such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 7 of Schedule 1 to the Act.</p>	GA

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s27(3)	<p>15. Documents Affecting Business Affairs</p> <p>15.2 The duty pursuant to Section 27(3) of the Act, if:</p> <p>15.2.1 the Delegate determines, after seeking the views of the person concerned, that access to a document to which Section 27(2) of the Act applies is to be given; and</p> <p>15.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 7 of Schedule 1 to the Act, to forthwith give written notice to the person concerned:</p> <p>15.2.3 that the Council has determined that access to the document is to be given; and</p> <p>15.2.4 of the rights of review conferred by the Act in relation to the determination; and</p> <p>15.2.5 of the procedures to be followed for the purpose of exercising those rights; and 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>	GA
s28(2)	<p>16. Documents Affecting the Conduct of Research</p> <p>16.1 The duty pursuant to Section 28(2) of the Act not to give access under the Act to a document which contains information concerning research that is being, or is intended to be, carried out by or on behalf of any person except to the person concerned, unless such steps have been taken as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 8 of Schedule 1 to the Act.</p>	GA
s28(3)	<p>16. Documents Affecting the Conduct of Research</p> <p>16.2 The duty pursuant to Section 28(3) of the Act, if:</p> <p>16.2.1 the Delegate determines, after seeking the views of the person concerned, that access to a document to which Section 28(2) of the Act applies is to be given; and</p>	GA

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	<p>16.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 8 of Schedule 1 to the Act, to forthwith give written notice to the person concerned:</p> <p>16.2.3 that the Council has determined that access to the document is to be given; and</p> <p>16.2.4 of the rights of review conferred by the Act in relation to the determination; and</p> <p>16.2.5 of the procedures to be followed for the purpose of exercising those rights; and 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>	
s29(3)	<p>17. Internal Review</p> <p>17.1 The power pursuant to Section 29(3) of the Act, where an application for review of a determination is made under Part 3 of the Act and in accordance with Section 29(2) of the Act, to confirm, vary or reverse the determination under review.</p>	This power remains with CEO - no further sub-delegation
29(4)	<p>17. Internal Review</p> <p>17.2 The duty pursuant to Section 29(4) of the Act to refund any application fee paid in respect of the review where the delegate varies or reverses a determination so that access to a document is to be given either immediately or subject to deferral.</p>	GA
s32(1)	<p>18. Persons by Whom Applications for Amendment of Records May be Dealt With and Time Within Which Applications Must be Dealt With</p> <p>18.1 The duty pursuant to Section 32(1) of the Act to ensure that an accredited FOI officer deals with an application for amendment of the Council's records.</p>	DCCS

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s32(2)	18. Persons by Whom Applications for Amendment of Records May be Dealt With and Time Within Which Applications Must be Dealt With 18.2 The duty pursuant to Section 32(2) of the Act to deal with an application for amendment of the Council's records as soon as practicable (and, in any case, within 30 days) after it is received.	GA, DCCS,EA- DCCS
s33	19. Incomplete Applications for Amendment of Records 19.1 The duty pursuant to Section 33 of the Act not to refuse to accept an application merely because the application does not contain sufficient information to enable the Council's document to which the applicant has been given access to be identified without first taking such steps as are reasonably practicable to assist the applicant to provide such information.	GA, DCCS,EA- DCCS
s34	20. Determination of Applications 20.1 The duty pursuant to Section 34 of the Act to determine within thirty (30) days of its receipt an application for amendment of the Council's records by amending the Council's records in accordance with the application or, by refusing to amend the Council's records.	GA
s35	21. Refusal to Amend Records 21.1 The power pursuant to Section 35 of the Act to refuse to amend the Council's records in accordance with an application: (a) if the Delegate is satisfied that the Council's records are not incomplete, incorrect, out of date or misleading in a material respect; or (b) if the Delegate is satisfied that the application contains a matter that is incorrect or misleading in a material respect; or (c) if the procedures for amending the Council's records are prescribed by or under the provisions of a legislative instrument other than the Act, whether or not amendment of those records is subject to a fee or charge.	GA

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s36(1)	22. Notices of Determination 22.1 The duty pursuant to Section 36(1) of the Act to give written notice to an applicant of the Council's determination of his/her application or, if the application relates to records that are not held by the Council, of the fact that the Council does not hold such records.	GA, DCCS,EA- DCCS
s36(2)	22. Notices of Determination 22.2 The duty pursuant to Section 36(2) of the Act when giving a written notice in accordance with Section 36(1) to specify - 22.2.1 the day on which the determination was made; and 22.2.2 if the determination is to the effect that amendment of the Council's records is refused - (i) the name and designation of the officer by whom the determination was made; and (ii) the reasons for that refusal; and (iii) the findings on any material questions of fact underlying those reasons, together with a reference to the sources of information on which those findings are based; and (iv) the rights of review conferred by the Act in relation to the determination; and (v) the procedures to be followed for the purpose of exercising those rights.	GA
s36(3)	22. Notices of Determination 22.3 The power pursuant to Section 36(3) of the Act not to include in a notice given under Section 36(1) of the Act any matter which by its inclusion would result in the notice being an exempted document.	GA, DCCS,EA- DCCS
s37(2)	23. Notations to be Added to Records 23.1 The duty pursuant to Section 37(2) of the Act where the Delegate has refused to amend the Council's records and the applicant has, by notice in writing lodged at the Council offices, requiring the Council to add to those records a notation - 23.1.1 specifying the respects in which the applicants claims the records to be incomplete, incorrect, out of date or	GA, DCCS,EA- DCCS

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	<p>misleading; and</p> <p>23.1.2 if the applicant claims the records to be incomplete or out of date, setting out such information as the applicant claims is necessary to complete the records or to bring them up to date, to cause written notice of the nature of the notation to be given to the applicant.</p>	
s37(3)	<p>23. Notations to be Added to Records</p> <p>23.2 The duty pursuant to Section 37(3) of the Act, if the Council discloses to any person (including any other agency) any information contained in the part of its records to which a notice under Section 37 relates, to:</p> <p>23.2.1 ensure that, when the information is disclosed, a statement is given to that person:</p> <p>23.2.1.1 stating that the person to whom the information relates claims that the information is incomplete, incorrect, out of date or misleading; and</p> <p>23.2.1.2 setting out particulars of the notation added to its records under Section 37; and</p> <p>the power pursuant to Section 37(3)(b) of the Act to include in the statement the reason for the Council's refusal to amend its records in accordance with the notation.</p>	GA, DCCS,EA- DCCS
s38(3)	<p>24. Internal Review</p> <p>24.1 The power pursuant to Section 38(3) of the Act, where an application for review of a determination is made under Part 4 of the Act and in accordance with Section 38(2) of the Act to, confirm, vary or reverse the determination under review.</p>	This power remains with CEO - no further sub-delegation
s39(5)(b)(i)	<p>25. Review by Ombudsman or Police Ombudsman</p> <p>25.1 The duty and power pursuant to Section 39(5)(b)(i) of the Act to sort or compile documents relevant to a review under Section 39 of the Act or to undertake consultation.</p>	GA, DCCS,EA- DCCS

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s39(5)(b)(ii)	25. Review by Ombudsman or Police Ombudsman 25.2 The duty and power pursuant to Section 39(5)(b)(ii) of the Act to attend at a time and place specified by the relevant review authority (as defined by the Act) for the purposes of sorting or compiling documents relevant to a review under Section 39 of the Act or to undertake consultation.	GA, DCCS,EA- DCCS
s39(5)(c)(i)	25. Review by Ombudsman or Police Ombudsman 25.3 The power: 25.3.1 to participate in and effect a settlement conducted under Section 39(5)(c)(i) of the Act; and 25.3.2 to request a suspension of proceedings under Section 39 at any time to allow an opportunity for a settlement to be negotiated.	GA, DCCS
s39(7)	25. Review by Ombudsman or Police Ombudsman 25.4 The duty and power pursuant to Section 39(7) to cooperate in a process proposed by the relevant review authority (as defined by the Act) for the purposes of the conduct of a review under Section 39 of the Act (including any attempt of the relevant review authority to effect a settlement between the participants) and to do all such things as are reasonably required to expedite the process.	GA, DCCS
s40(1)	26. Reviews by SACAT 26.1 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.	This power remains with CEO - no further sub-delegation
s41(1)	27. Consideration of Restricted Documents 27.1 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 review and, the other party's representative.	This power remains with CEO - no

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		further sub-delegation
-	28. Deliberately left blank 28.1 Deliberately left blank	This power remains with Council - delegation does not apply.
s53(2a)	29. Fees & Charges 29.1 The power pursuant to Section 53(2a) of the Act, as the Delegate thinks fit, to waive, reduce or remit a fee or charge in circumstances other than those in which such action is provided for under the regulations.	GA, DCCS
s53(3)	29. Fees & Charges 29.2 The duty pursuant to Section 53(3) of the Act, where the Delegate determines a fee or charge, to review the fee or charge on request of the person required to pay the same, and if the Delegate thinks fit, reduce it.	GA, DCCS
s53(5)	29. Fees & Charges 29.3 The power pursuant to Section 53(5) of the Act to recover a fee or charge as a debt due and owing to the Council.	GA, DCCS
s54AA	30. Provision of Information to Minister 30.1 The duty pursuant to Section 54AA of the Act- 30.1.1 to furnish to the Minister administering the Act, such information as the Minister requires by notice in the Gazette - 30.1.1.1 for the purpose of monitoring compliance with the Act; and 30.1.1.2 for the purpose of preparing a report under Section 54 of the Act; and	GA, EA-DCCS

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	30.1.2 to comply with any requirements notified by the Minister in the Gazette concerning the furnishing of that information and the keeping of records for the purposes of Section 54AA of the Act.	
13(2)(b)(iii) of Schedule 1	31. Documents Containing Confidential Material 31.1 The power pursuant to clause 13(2)(b)(iii) of Schedule 1 of the Act to approve a term for inclusion in a contract that the disclosure of the matter in the contract would constitute a breach of the contract or found an action for breach of confidence.	DCCS, DDES, DWES
clause 13(6) of Schedule 1	31. Documents Containing Confidential Material 31.2 The duty pursuant to clause 13(6) of Schedule 1 of the Act to notify the Minister administering the Act, in writing, and as soon as practicable, if the Delegate approves a term of a contract in accordance with clause 13(2)(b)(iii) of Schedule 1 of the Act.	GA, DCCS

Freedom of Information (Fees and Charges) Regulations 2003		
Provision	Item Delegated to the Chief Executive Officer	Sub-Delegate
r5	32. Fees & Charges 32.1 The duty pursuant to Regulation 5 of the Freedom of Information (Fees and Charges) Regulations 2003 to waive or remit the fee or charge where a person, liable to pay a fee or charge to the Council under the Act, satisfies the delegate that: (a) he or she is a concession cardholder; or (b) payment of the fee would cause financial hardship to the person.	GA, DCCS , EA-DCCS

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Freedom of Information (Fees and Charges) Regulations 2003		
r6	<p>32. Fees & Charges</p> <p>32.2 The duty pursuant to Regulation 6 of the Freedom of Information (Fees and Charges) Regulations 2003 to provide a Member of Parliament, who applies for access to Council documents under the Act, access to the documents without charge unless the work generated by the application involves fees and charges (calculated in accordance with Schedule 1 of the Act) totalling more than \$1,000.</p>	GA, DCCS , EA-DCCS

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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE GAS ACT 1997

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.

Provision	Item Delegated by Council to the Chief Executive Officer	Sub-Delegate
S47(3)(b)	1. Power to Carry Out Work on Public Land 1.1 The power pursuant to Section 47(3)(b) of the Gas Act 1997 (the Act) to agree with a gas entity to the entity carrying out work on public land that the Council is responsible for the management of.	<u>This power remains with CEO – no further sub-delegation</u>
S47(4)	1. Power to Carry Out Work on Public Land 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.	<u>This power remains with CEO – no further sub-delegation</u>
S47(7)	1. Power to Carry Out Work on Public Land 1.3 The power pursuant to Section 47(7) of the Act, if a dispute arises between a gas entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the condition on which work should be permitted on public land, to refer the dispute to the Minister.	<u>This power remains with CEO – no further sub-delegation</u>
S47(9)	1. Power to Carry Out Work on Public Land 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:	<u>This power remains with CEO – no further sub-delegation</u>

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	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.	
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INSTRUMENT OF DELEGATION UNDER THE HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DWES: Director, Works and Engineering Services
 - MES: Manager, Engineering Services
 - MO: Manager, Operations
 - PC: Project Co-ordinator

Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Sub-Delegate
s156(2), (3) (4) and (6)	<p>1. Deciding Request for Consent Generally</p> <p>1.1 The power pursuant to Section 156(1) of the Heavy Vehicle National Law (South Australia) Act 2013 (the Act), to, subject to Sections 156(2), (3) (4) and (6) of the Act, if the Regulator asks for the Council's consent to the grant of a mass or dimension authority, decide to give or not to give the consent:</p> <p>1.1.1 within:</p> <p>1.1.1.1 28 days after the request is made, unless Section 156(1)(a)(ii) of the Act applies; or</p> <p>1.1.1.2 if Section 156 of the Act applies because the Council gave the Regulator a notice of objection to the grant under Section 167 of the Act - 14 days after giving the notice of objection; or</p> <p>1.1.2 within a longer period, of not more than 6 months after the request is made, agreed to by the Regulator.</p>		DWES, MES, MO, PC

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S156(2)	<p>1. Deciding Request for Consent Generally</p> <p>1.2 The power pursuant to Section 156(2) of the Act, to ask for a longer period under Section 156(1)(b) of the Act only if:</p> <p>1.2.1 consultation is required under a law with another entity (including, for example, for the purpose of obtaining that entity's approval to give the consent); or</p> <p>1.2.2 the delegate considers a route assessment is necessary for deciding whether to give or not to give the consent; or</p> <p>1.2.3 the Council is the road authority for the participating jurisdiction and the delegate considers that a local government authority that is not required under a law to be consulted should nevertheless be consulted before deciding whether to give or not to give the consent.</p>		DWES, MES, MO, PC
S156(2)(c)	<p>1. Deciding Request for Consent Generally</p> <p>1.3 The power pursuant to Section 156(2)(c) of the Act to, in relation to the Regulator obtaining the consent of the road manager for a road for the purpose of granting a mass or dimension authority make submissions where the road manager is the road authority for the participating jurisdiction and considers that the Council, whilst not required under a law to be consulted should nevertheless be consulted before the road manager decides whether to give or not to give consent.</p>		DWES, MES, MO, PC
S156A(1)	<p>1. Deciding Request for Consent Generally</p> <p>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:</p> <p>1.4.1 the mass or dimension authority will, or is likely to:</p> <p>1.4.1.1 cause damage to road infrastructure; or</p> <p>1.4.1.2 impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or</p> <p>1.4.1.3 pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and</p> <p>1.4.2 it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or</p>		DWES, MES, MO, PC

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	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.		
S156A(2)	1. Deciding Request for Consent Generally 1.4A 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.		DWES, MES, MO, PC
s156A(3)	1. Deciding Request for Consent Generally 1.5 The power pursuant to Section 156A(3) of the Act, in deciding whether or not to give the consent, to have regard to: 1.5.1 for a mass or dimension exemption - the approved guidelines for granting mass or dimension exemptions; or 1.5.2 for a class 2 heavy vehicle authorisation - the approved guidelines for granting class 2 heavy vehicle authorisations.		DWES, MES, MO, PC
s156A(4)	1. Deciding Request for Consent Generally 1.6 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.		DWES, MES, MO, PC
s158(2)	2. Action Pending Consultation with Third Party 2.1 The power pursuant to Section 158(2) of the Act, if the consultation with the other entity is not yet completed, to, as far as practicable, deal with the request for consent and decide to give or not to give the consent (even though the consultation with the other entity is not completed).		DWES, MES, MO, PC

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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

s158(4)	<p>2. Action Pending Consultation with Third Party</p> <p>2.2 The power pursuant to Section 158(4) of the Act, if:</p> <p>2.2.1 the consultation with the other entity is completed and the other entity's approval is required; and</p> <p>2.2.2 the delegate has not yet decided to give or not to give the consent,</p> <p>To -</p> <p>2.2.3 decide not to give the consent, on the ground that the consent would be inoperative; or</p> <p>2.2.4 decide to give the consent.</p>		DWES, MES, MO, PC
s159(1) and (2)	<p>3. Deciding Request for Consent if Route Assessment Required</p> <p>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:</p> <p>3.1.1 that a route assessment is required for deciding whether to give or not to give the consent;</p> <p>3.1.2 the fee payable (if any) for the route assessment under a law of the jurisdiction in which the road is situated.</p>		DWES, MES, MO, PC
s159(4)	<p>3. Deciding Request for Consent if Route Assessment Required</p> <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>		DWES, MES, MO, PC
s160(1)	<p>4. Imposition of Road Conditions</p> <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>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>		DWES, MES, MO, PC

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s160(2)	4. Imposition of Road Conditions 4.2 The power pursuant to Section 160(2) of the Act to, if the delegate consents to the grant of the authority subject to a condition as mentioned in Section 160(1)(a) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.		DWES, MES, MO, PC
s161(1)	5. Imposition of Travel Conditions 5.1 The power pursuant to Section 161(1) of the Act, to, consent to the grant of the authority subject to the condition that a stated travel condition is imposed on the authority.		DWES, MES, MO, PC
s161(2)	5. Imposition of Travel Conditions 5.2 The power pursuant to Section 161(2) of the Act, if the delegate consents to the grant of the authority as mentioned in Section 161(1) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act		DWES, MES, MO, PC
s162(1)	6. Imposition of Vehicle Conditions 6.1 The power pursuant to Section 162(1) of the Act, where the delegate gives consent to the grant of the authority to ask the Regulator to impose a stated vehicle condition on the authority.		DWES, MES, MO, PC
s167(2)	7. Expedited Procedure for Road Manager's Consent for Renewal of Mass or Dimension Authority 7.1 The power pursuant to Section 167(2)(b) of the Act, to give the Regulator a notice of objection to the application of Section 167 of the Act to the proposed replacement authority within the period of: 7.1.1 14 days after the request for consent is made; or 7.1.2 28 days after the request for consent is made if the delegate seeks the extension of time within the initial 14 days.		DWES, MES, MO, PC
s169(1)	8. Granting Limited Consent for Trial Purposes 8.1 The power pursuant to Section 169(1) of the Act to give consent to the grant of a mass or dimension authority for a trial period of no more than 3 months specified by the delegate.		DWES, MES, MO, PC

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s170(3)	9 Renewal of Limited Consent for Trial Purposes 9.1 The power pursuant to Section 170(3) of the Act to give the Regulator a written objection within the current trial period to the renewal of a mass or dimension authority for a further trial period of no more than 3 months.		DWES, MES, MO, PC
s173(3)(d)	10. Amendment or Cancellation on Regulator's Initiative 10.1 The power pursuant to Section 173(3)(d) of the Act to make written representations about why the proposed action should not be taken.		DWES, MES, MO, PC
s174(1)	11. Amendment or Cancellation on Request by Relevant Road Manager 11.1 The power pursuant to Section 174(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority: 11.1.1 has caused, or is likely to cause, damage to road infrastructure; or 11.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or 11.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.		DWES, MES, MO, PC
s174(2)	11. Amendment or Cancellation on Request by Relevant Road Manager 11.2 The power pursuant to Section 174(2) of the Act to ask the Regulator to: 11.2.1 amend the mass or dimension authority by: 11.2.1.1 amending the 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 11.2.1.3 amending the areas or routes to which the authority applies; or 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.		DWES, MES, MO, PC

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s176(4)(c)	12. Amendment or Cancellation on Application by Permit Holder 12.1 The power pursuant to Section 176(4)(c) of the Act to consent to the amendment of a mass or dimension authority.		DWES, MES, MO, PC
S178(1)	13. Amendment or Cancellation on Request by Relevant Road Manager 13.1 The power pursuant to Section 178(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority: 13.1.1 has caused, or is likely to cause, damage to road infrastructure; or 13.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or 13.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.		DWES, MES, MO, PC
s178(2)	13. Amendment or Cancellation on Request by Relevant Road Manager 13.2 The power pursuant to Section 178(2) of the Act to ask the Regulator to: 13.2.1 amend the mass or dimension authority, including, for example, by: 13.2.1.1 amending the areas or routes to which the authority applies; or 13.2.1.2 amending the days or hours to which the authority applies; or 13.2.1.3 imposing or amending road conditions or travel conditions on the authority; or 13.2.2 cancel the authority.		DWES, MES, MO, PC

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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE LAND AND BUSINESS (SALE AND CONVEYANCING) ACT 1994

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - CCS: Co-ordinator, Customer Support
 - DCCS : Director, Corporate and Community Services
 - ~~MCLH: Manager, Customer, Library and Heritage Services~~

Provision	Item Delegated by Council to the Chief Executive Officer	Sub-delegate
s12(1)	<p>1. The duty pursuant to Section 12(1) of the Land and Business (Sale and Conveyancing) Act 1994 ("the Act") within eight clear business days after receiving a request for information under this Section, to provide the applicant with information reasonably required as to -</p> <p>1.1 any charge or prescribed encumbrance over land within the Council's area of which the Council has the benefit; or</p> <p>1.2 insurance under Division 3 of Part 5 of the Building Work Contractors Act 1995, in relation to a building on land within the Council's area.</p>	CCS, DCCS , MCLH

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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE LIQUOR LICENSING ACT 1997

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - AO-P: Assessment Officer, Planning
 - DDES: Director, Development and Environmental Services
 - GI: General Inspector
 - MDS: Manager, Development Services
 - MHS: Manager, Health Services
 - MRS: Manager, Regulatory Services
 - PP: Principal Planner
 - SAO-P: Senior Assessment Officer, Planning

Provision	Item Delegated by Council to the Chief Executive Officer	Delegate
s22(1), 22(2) and (3)	0. Application for Review of Commissioner's Decision The power pursuant to Section 22(1) and subject to Sections 22(2) and (3) of the Liquor Licensing Act 1997 (the Act), to apply to the Court for a review of the Commissioner's decision.	DDES
s69(3)(e)	1. Extension of Trading Area 1.1 The power pursuant to Section 69(3)(e) of the Act, on application by a licensee who holds a licence authorising the sale of liquor for consumption on the licensed premises to the extent the authority conferred by the licence so that the licensee is authorised to sell liquor in a place adjacent to the licensed premises for consumption in that place, to approve or not approve the application for extension where the relevant place is under the control of the Council.	DDES

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s76(2)	2. Rights of Intervention 2.1 The power pursuant to Section 76(2) of the Act where licensed premises exist or premises propose to be licensed are situated in the Council area, to introduce evidence or make representations on any question before the licensing authority where proceedings are on foot or underway.	AO-P, DDES, GI, MDS, MHS, MRS, PP, SAO-P
s106(2)(b)	3. Noise 3.1 The power pursuant to Section 106(2)(b) of the Act to lodge a complaint about an activity on, or the noise emanating from licensed premises, or the behaviour of persons making their way to or from licensed premises in the Council area with the Commissioner under Section 106(1).	DDES, MDS, MRS
s106(4)	3. Noise 3.2 The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner.	DDES, MDS, MHS, MRS
s106(5)	3. Noise 3.3 The power pursuant to Section 106(5) of the Act to request the Commissioner to determine the matter where the complaint is not to be conciliated, or is not resolved by conciliation under Section 106(4).	DDES, MDS, MHS, MRS
s120(1) and (2)	4. Disciplinary Action Before the Court 4.1 The power pursuant to Section 120(1) and (2) of the Act to lodge a complaint, provided the subject matter of the complaint is relevant to the responsibilities of the Council and within whose area the licensed premises are situated, with the Court alleging that proper grounds for disciplinary action exists on those grounds stated in the complaint, against a specified person.	DDES, MDS, MRS
s120A(3)	5. Commissioner's Power to Suspend or Impose Conditions Pending Disciplinary Action 5.1 The power pursuant to Section 120A(3) of the Act to apply to the Court for a review of the Commissioner's decision as if the Council were a party to proceedings before the Commissioner.	This power remains with CEO - no further sub-delegation
S128E(1)	5A. Preparation of Draft Local Liquor Accords	

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INSTRUMENT OF DELEGATION UNDER THE LIQUOR LICENSING ACT 1997

	<u>5A.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.</u>	
<u>S128E(2)</u>	<u>5A. Preparation of Draft Local Liquor Accords</u> <u>5A.2 The power pursuant to Section 128E(2) of the Act to include in a draft local liquor accord the following details:</u> <u>5A.2.1 the name of each party to the draft;</u> <u>5A.2.2 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);</u> <u>5A.2.3 the proposed accord area;</u> <u>5A.2.4 any other details prescribed by the regulations.</u>	
<u>S128F</u>	<u>5B. Terms of Local Liquor Accords</u> <u>5B.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:</u> <u>5b.1.1 to cease or restrict either or both of the following on their licensed premises:</u> <u>5B.1.1.1 the sale of liquor on those premises (including the sale of liquor for consumption off premises);</u> <u>5B.1.1.2 allowing the consumption of liquor on those premises;</u> <u>5B.1.2 to restrict the public's access to the licensed premises in the manner and to the extent provided by the local liquor accord;</u> <u>5B.1.3 to take any other measure prescribed by the regulations as a measure that may be taken to prevent or reduce alcohol-related violence.</u>	
<u>S128H(3)</u>	<u>5C Approval of Local Liquor Accords</u>	

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	<u>5C.1 The power pursuant to Section 128H(3) of the Act to apply to the Commissioner to vary the accord (including the accord area).</u>	
<u>S128H(5)</u>	<u>5C Approval of Local Liquor Accords</u> <u>5C.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.</u>	
<u>S128H(6)</u>	<u>5C Approval of Local Liquor Accords</u> <u>5C.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.</u>	
<u>S128H(7)</u>	<u>5C Approval of Local Liquor Accords</u> <u>5C.4 The power pursuant to Section 128H(7) of the Act to:</u> <u>5C.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</u> <u>5C.4.2 consent as a party to a local liquor accord to the coordinator making an application under Section 128H(6) of the Act.</u>	
s131(1ab)	6. Control of consumption etc of liquor in public places 6.1 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.	DDES, MDS, MHS, MRS
s131(1ad)	6. Control of consumption etc of liquor in public places 6.2 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.	DDES, MDS, MHS, MRS

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INSTRUMENT OF DELEGATION UNDER THE LIQUOR LICENSING ACT 1997

s131(1c)	6. Control of consumption etc of liquor in public places 6.3 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.	DDES, MDS, MHS, MRS
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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - A-SMPS: Assistant to Senior Manager, Planning Services
 - AA-CCS: Administrative Assistant, Corporate and Community Services
 - AA-CTHA: Administrative Assistant, Community Transport and Home Assist
 - AA-Depot: Administrative Assistant, Tanunda Depot
 - AA-WES: Administration Assistant, Works and Engineering Services
 - AO-B: Assessment Officer, Building
 - AO-P: Assessment Officer, Planning
 - ATSO: Administration and Technical Support Officer
 - BRG-PO: Barossa Regional Gallery Project Officer
 - BS: Building Surveyor
 - C&EO: Communications and Engagement Officer
 - CAM: Co-ordinator, Asset Management
 - CBushgardens: Barossa Bushgardens Co-ordinator / NRC
 - CCS: Co-ordinator, Customer Support
 - CCTHA: Co-ordinator, Community Transport and Home Assist
 - CCWMS: Co-ordinator, Community Wastewater Management Scheme
 - CFM: Co-ordinator, Facilities Management
 - CIC: Co-ordinator, Internal Control
 - CLBS: Co-ordinator, Library Branch Services
 - CLCS: Co-ordinator, Library Collection Services
 - CLECE: Co-ordinator, Library Events and Community Engagement
 - CO: Co-ordinator, Operations

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- CO-BP: Compliance Officer, Building and Planning
- CPO: Collaborative Project Officer
- CVS: Co-ordinator, Volunteering Services
- CYP: Co-ordinator, Youth Projects
- DCCS : Director, Corporate and Community Services
- DDES: Director, Development and Environmental Services
- DWES: Director, Works and Engineering Services
- EA-CEO and Mayor: Executive Assistant to the CEO and Mayor
- EA-DCCS: Executive Assistant to the Director, Corporate and Community Services
- EA-DDES: Executive Assistant to the Director, Development and Environmental Services
- EA-DWES: Executive Assistant to the Director, Works and Engineering Services
- EHO: Environmental Health Officer
- FO: Finance Officer
- GA: Governance Advisor
- GI: General Inspector
- Grad EHO: Graduate Environmental Health Officer
- GraderOp: Grader Operator
- HRA: Human Resources Advisor
- ICT-SysAd: ICT Systems Administrator
- LW-Maint: Leading Worker, Maintenance
- LW-ParksGardens: Leading Worker, Parks and Gardens
- LW-RecParks: Leading Worker, Recreational Parks
- LW-Streetscape: Leading Worker, Streetscape
- LW-Trees: Leading Worker, Trees
- MCC: Manager, Community and Culture
- MCLH: Manager, Customer, Library and Heritage Services
- MCP: Manager, Community Projects
- MDS: Manager, Development Services
- MES: Manager, Engineering Services
- MFS: Manager, Financial Services
- MHS: Manager, Health Services
- MKTS: Manager, Knowledge and Technology Services

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- MO: Manager, Operations
- MODR: Manager, Organisational Development and Risk
- MRS: Manager, Regulatory Services
- MSP: Manager, Strategic Projects
- MTS: Manager, Tourism Services
- NetOp-CWMS: Network Operator, Community Wastewater Management Systems
- NM-Bushgardens: Nursery Manager, Barossa Bushgardens
- PC: Project Co-ordinator
- PO-UTLMP: Project Officer, Upper Torrens Land Management Project
- POHA: Program Officer, Home Assist
- PP: Principal Planner
- ProOff: Project Officer
- RA: Risk Advisor
- RAARO: Rates Administration and Accounts Receivable Officer
- RO-TC: Rates Officer, Technical and Collections
- SAO-B: Senior Assessment Officer, Building
- SAO-P: Senior Assessment Officer, Planning
- SNR-ACCT: Senior Accountant
- SNR-RO: Senior Rates Officer
- TL-ES: Team Leader Environmental Services
- TL-T: Team Leader, Tanunda
- TL-W: Team Leader, Williamstown
- TM-Ops: Team Member, Operations
- TM-ParksGard: Team Member, Parks and Gardens
- TS-AO: Tourism Services Administration Officer
- TSO-BVC: Tourism Services Officer, Barossa Visitor Centre
- WMO: Waste Management Officer

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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Sub-Delegate
s12(1)	<p>1. Composition and Wards</p> <p>1.1 The power pursuant to Section 12(1) of the Local Government Act 1999 ('the Act') to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,</p> <p>1.1.1 alter the composition of the Council;</p> <p>1.1.2 divide, or redivide, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards.</p>		This power remains with Council - delegation does not apply.
s12(2)	<p>1. Composition and Wards</p> <p>1.2 The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to</p> <p>1.2.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;</p> <p>1.2.2 alter the name of:</p> <p>1.2.2.1 the Council;</p> <p>1.2.2.2 the area of the Council;</p>		This power remains with Council - delegation does not apply.

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	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).		
s12(3)	1. Composition and Wards 1.3 The duty pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act for the purpose of determining whether the Council's community would benefit from an alteration to the Council's composition or ward structure.		DCCS , GA
s12(4)	1. Composition and Wards 1.4 The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the duty to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in each relevant period that is prescribed by the regulations.		DCCS
-	1. Composition and Wards 1.5 Deliberately left blank.		This power remains with Council - delegation does not apply.
-	1. Composition and Wards 1.6 Deliberately left blank.		This power remains with Council - delegation does not apply.
s12(5)	1. Composition and Wards 1.7 The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person		DCCS

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	who, in the opinion of the Delegate, is qualified to address the representation and governance issues that may arise with respect to the matters under review.		
s12(7)	1. Composition and Wards 1.8 The duty pursuant to Section 12(7) of the Act to give public notice of the preparation of a representation options paper and notice in a newspaper circulating within the Council's area, and to ensure that the notice contains an invitation to interested persons to make written submissions to the Council or the Delegate on the subject of the review within a period specified by the Council or the Delegate, being a period of at least six weeks.		DCCS , GA
s12(8)	1. Composition and Wards 1.9 The duty pursuant to Section 12(8) of the Act to make copies of the representation options paper available for public inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period that applies under Section 7(a)(ii).		CCS, DCCS , MCLH
s12(7)(a)	1. Composition and Wards 1.10 At the conclusion of public consultation under Section 12(7)(a), the duty pursuant to Section 12(8a) of the Act to prepare a report that: 1.10.1 provides information on the public consultation process undertaken by the Council and the Council's or the Delegate's response to the issues arising from the submissions made as part of that process; and 1.10.2 sets out: 1.10.2.1 any proposals that the Council or the Delegate considers should be carried into effect under Section 12 of the Act; and 1.10.2.2 in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 26(1)(c) of the Act and the matters referred to in Section 33 of the Act (to the extent that may be relevant); and 1.10.3 sets out the reasons for the Council's or the Delegate's decision insofar as a decision of the Council or the Delegate		DCCS , GA

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	is not to adopt any change under consideration as part of the representation options paper or the public consultation process.		
s12(9)	1. Composition and Wards 1.11 The duty pursuant to Section 12(9) of the Act to make copies of the report available for public inspection at the principal office of the Council and to give public notice, by way of a notice in a newspaper circulating in its area, informing the public of its preparation of the report and its availability and inviting interested persons to make written submissions on the report to the Council or the Delegate within a period specified by the Council or the Delegate, being not less than three weeks.		DCCS , GA
s12(10)	1. Composition and Wards 1.12 The duty pursuant to Section 12(10) of the Act to give any person who makes written submissions in response to an invitation under Section 12(9), an opportunity to appear personally or by representative before the Council or a Council committee or the Delegate and to be heard on those submissions.		DCCS , GA
s12(11)	1. Composition and Wards 1.13 The duty pursuant to Section 12(11) of the Act to finalise the report including recommendations with respect to such related or ancillary matters as it sees fit.		DCCS , GA
s12(11a)	1. Composition and Wards 1.14 With respect to a proposal within the ambit of Section 12(11a), the power pursuant to Section 12(11b) of the Act: 1.14.1 insofar as may be relevant in the particular circumstances, to separate a proposal (and any related proposal), from any other proposal contained in the report; and 1.14.2 to determine to conduct the relevant poll in conjunction with the next general election for the Council or at some other time.		DCCS
s12(11a)	1. Composition and Wards 1.15 Where a poll is required under Section 12(11a) of the Act the duty pursuant to Section 12(11c)(b) of the Act to: 1.15.1 prepare a summary of issues surrounding the proposal to assist persons who may vote at the poll; and		DCCS

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	<p>1.15.2 obtain a certificate from the Electoral Commissioner that he or she is satisfied that the Council or the Delegate has taken reasonable steps to ensure the summary is a fair and comprehensive overview of the arguments for and against the proposal; and</p> <p>1.15.3 after obtaining the certificate of the Electoral Commissioner, ensure that copies of the summary are made available for public inspection at the principle office of the Council, and on the internet and distributed in any other manner as may be directed by the Electoral Commissioner.</p>		
s12(12)	<p>1. Composition and Wards</p> <p>1.16 The duty pursuant Section 12(12) of the Act having then taken into account the operation of Section 12(11d) of the Act to refer the report to the Electoral Commissioner.</p>		DCCS
s12(12a)	<p>1. Composition and Wards</p> <p>1.17 The duty pursuant to Section 12(12a) of the Act to send with the report copies of any written submissions received by the Council or the Delegate under Section 12(9) of the Act that relate to the subject matter of the proposal.</p>		DCCS , GA
s12(15)(b)	<p>1. Composition and Wards</p> <p>1.18 The power pursuant to Section 12(15)(b) of the Act to provide by notice in the Gazette, for the operation of any proposal that is recommended in the report, where a certificate is given by the Electoral Commissioner.</p>		DCCS , GA
s12(16)	<p>1. Composition and Wards</p> <p>1.19 The power and duty pursuant to Section 12(16) of the Act to take such action as is appropriate in circumstances (including the power, as the Delegate thinks fit, to alter the report) where the matter is referred back to the Council by the Electoral Commissioner and the power to then refer the report back to the Electoral Commissioner.</p>		DCCS
s12(16)(a)	<p>1. Composition and Wards</p> <p>1.20 Where the Council or the Delegate makes an alteration to the report under Section 12(16)(a) of the Act, the duty pursuant to Section 12(17) of the Act to comply with the requirements of Sections 12(9) and (10) of the Act as if the report, as altered, constituted a new report, unless the Council or the Delegate determines the alteration is of a minor nature only.</p>		DCCS

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s12(24)	<p>1. Composition and Wards</p> <p>1.21 The duty pursuant to Section 12(24) of the Act to undertake a review of ward representation within a period specified by the Electoral Commissioner, where the Electoral Commissioner notifies the Council in writing that the number of electors represented by a councillor for a ward varies from the ward quota by more than 20%.</p>		This power remains with CEO - no further sub-delegation
s13(1)	<p>2. Status of a Council or Change of Various Names</p> <p>2.1 The power pursuant to Section 13(1) of the Act, to, by notice in the Gazette, after complying with the requirements of Section 13 of the Act:</p> <p>2.1.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;</p> <p>2.1.2 alter the name of:</p> <p>2.1.2.1 the Council;</p> <p>2.1.2.2 the area of the Council;</p> <p>2.1.3 alter the name of a ward.</p>		This power remains with Council - delegation does not apply.
s13(2)	<p>2. Status of a Council or Change of Various Names</p> <p>2.2 The duty, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements:</p> <p>2.2.1 to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks;</p> <p>2.2.2 publish the notice in a newspaper circulating within the area; and</p>		DCCS , GA

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	2.2.3 give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council, Council committee or the Delegate and be heard on those submissions.		
	3. Deliberately left blank		DCCS, MCP
	4. Deliberately left blank		This power remains with Council - delegation does not apply.
	5. Council Initiated Proposal 5.1 Deliberately left blank		Head Delegation repealed - deliberately left blank.
s27(2)	5. Council Initiated Proposal 5.2 Deliberately left blank 5.2.1 Deliberately left blank 5.2.2 Deliberately left blank 5.2.3 Deliberately left blank 5.2.4 Deliberately left blank		Head Delegation repealed - deliberately left blank.
s27(7)	5. Council Initiated Proposal 5.3 Deliberately left blank		This power remains with

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	5.3.1 Deliberately left blank 5.3.2 Deliberately left blank		CEO - no further sub-delegation
s28(6)	6. Public Initiated Submissions 6.1 The power pursuant to Section 28(6) of the Act, on the receipt of a submission under Section 28(2) of the Act, to consider the issues determined by the Council or the Delegate to be relevant to the matter and to then decide whether or not it is willing to: 6.1.1 conduct a review in relation to the matter under Division 2 of Part 1 of the Act; or 6.1.2 formulate (or participate in the formulation of) a proposal in relation to the matter under Division 4 of Part 2 of the Act.		DCCS This power remains with CEO – no further sub-delegation
S28(1)	6. Commission to Receive Proposals 6.1 The power pursuant to Section 28(1) of the Act to, 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.		Formatted: Font: Not Bold
S28(3)	6. Commission to Receive Proposals 6.2 The power pursuant to Section 28(3) of the Act, to in relation to a proposal under Section 28 of the Act: 6.2.1 set out in general terms the nature of the proposal; and 6.2.2 comply with any requirements of the proposal guidelines.		Formatted: Font: Not Bold Formatted: Font: Not Bold Formatted: Font: 10 pt, Not Bold, Not Italic, Not Highlight
31(2)	6A. Inquiries – General Proposals 6A.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.		Formatted: Font: 10 pt, Not Bold, Not Italic, Not Highlight Formatted: Font: 10 pt, Not Bold, Not Italic
31(10)	6A. Inquiries – General Proposals		Formatted: Font: 10 pt, Not Bold, Not Italic, Not Highlight Formatted: Font: Not Bold

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	6A.2 The power pursuant to Section 31(10) of the Act to request the Minister consult with the relevant councils about the matter.		
s28(23)(f) s28(23)(g)	6. Public Initiated Submissions 6.2 Where the Council is affected by a public initiated proposal under Chapter 3 of the Act, the duty to ensure that copies of the summary prepared by the Panel are made available for public inspection at the principal office of the Council and distributed to electors in accordance with the directions of the Panel, pursuant to Section 28(23)(f) and (g).		DCCS
s36(1)(a)(i)	7. General Powers and Capacities 7.1 The power pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement where the common seal of the Council is not required.	Director s, MHS, MES, MO, MDS are limited to entering into contract s that do not exceed expendit ure levels as delegat ed under delegati on 47. MODR and Risk	DCCS , DDES, DWES, MCP, MDS, MES, MFS, MHS, MO, MODR, MTS, RA

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		Advisor are limited to entering into contracts that are with respect to the settlement of insurance claims on behalf of Council and which such amounts do not exceed levels as delegated under Delegation 47 herein. MTS is	
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		limited to entering into contracts with respect to operator agreements which amounts do not exceed levels as delegated under Delegated 47 herein. MCP is limited to entering into leases and licenses which amounts	
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		do not exceed levels as delegated under Delegation 47 herein. MFS is limited to entering into contractual arrangements, licenses and leases which amounts do not exceed levels as delegated under Delegation 47 herein.	
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s36(1)	<p>7. General Powers and Capacities</p> <p>7.2 The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental but within any policy or budgetary constraints set by the Council to perform or discharge the Council's functions or duties or to achieve the Council's objectives.</p>	Limited to entering into contracts that do not exceed expenditure levels as delegated under Delegation 47 herein.	DCCS , DDES, DWES
s36(2)	<p>7. General Powers and Capacities</p> <p>7.3 The power pursuant to Section 36(2) of the Act to act outside the Council's area:</p> <p>7.3.1 to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions; or</p> <p>7.3.2 in order to provide services to an unincorporated area of the State.</p>	Limited to entering into contracts that do not exceed expenditure levels as delegated under Delegation 47 herein.	DCCS , DDES, DWES

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		on 47 herein.	
s36(3)	7. General Powers and Capacities 7.4 The duty pursuant to Section 36(3) of the Act to take reasonable steps to separate the Council's regulatory activities from its other activities in the arrangement of its affairs.	Limited to entering into contracts that do not exceed expenditure levels as delegated under Delegation 47 herein.	DCCS , DDES, DWES
s37(b)	8. Provision Relating to Contract and Transactions 8.1 The power pursuant to Section 37(b) of the Act to authorise another officer, employee or agent of the Council to enter into a contract, on behalf of the Council, where the common seal of the Council is not required.		DCCS , DDES, DWES
s41(1) s41(2)	9. Committees 9.1 The power pursuant to Section 41(1) and (2) of the Act to establish committees.		This power remains with CEO - no further sub-delegation

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s41(3)	9. Committees 9.2 The power pursuant to Section 41(3) of the Act to determine the membership of a committee.		This power remains with Council - delegation does not apply.
s41(4)	9. Committees 9.3 The power pursuant to Section 41(4) of the Act to appoint a person as a presiding member of a committee, or to make provision for the appointment of a presiding member.		This power remains with Council - delegation does not apply.
s41(6)	9. Committees 9.4 The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee.		This power remains with Council - delegation does not apply.
s41(8)	9. Committees 9.5 The power and duty pursuant to Section 41(8) of the Act, to, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee.		This power remains with Council - delegation does not apply.
s44(6)	10. Delegations 10.1 The duty pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act.		GA

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s44(7)	10. Delegations 10.2 The duty pursuant to Section 44(7) of the Act to make available the record of delegations for inspection (without charge) by the public at the principal office of the Council during ordinary office hours.		DCCS , GA, MCLH. CCS
s45(1)	11. Principal Office 11.1 The duty pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act.		This power remains with CEO - no further sub-delegation
s45(2)	11. Principal Office 11.2 The power and duty pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the duty to keep the principal office of Council open to the public for the transaction of business during hours determined by the Delegate or the Council.		This power remains with Council - delegation does not apply.
s45(3)	11. Principal Office 11.3 The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with Council's public consultation policy about the manner, places and times at which the Council's offices will be open to the public for the transaction of business and about any significant changes to those arrangements.		This power remains with CEO - no further sub-delegation
s46(1)	12. Commercial Activities 12.1 Subject to the Act, the power pursuant to Section 46(1) of the Act to, in the performance of the Council's functions, engage in a commercial activity or enterprise ('a commercial project').		This power remains with CEO - no further sub-delegation
s46(2)	12. Commercial Activities 12.2 The power pursuant to Section 46 (2) of the Act, to, in connection with a commercial project:		This power remains with

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	12.2.1 establish a business; 12.2.2 participate in a joint venture, trust, partnership or other similar body.		CEO - no further sub-delegation
s47(2)(b)	13. Interests in Companies 13.1 The power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.		This power remains with CEO - no further sub-delegation
s48(aa1)	14. Prudential Requirements for Certain Activities 14.00 The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council - 14.00.1 acts with due care, diligence and foresight; and 14.00.2 identifies and manages risks associated with a project; and 14.00.3 makes informed decisions; and 14.00.4 is accountable for the use of Council and other public resources.		DCCS , DDES, DWES, MFS
s48(a1)	14. Prudential Requirements for Certain Activities 14.0 The duty pursuant to Section 48(a1) of the Act to ensure the prudential management policies, practices and procedures developed by the Council for the purposes of Section 48(aa1) of the Act, are consistent with any regulations made for the purposes of Section 48(a1) of the Act.		DCCS , DDES, DWES, MFS

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s48(aa1)	<p>14. Prudential Requirements for Certain Activities</p> <p>14.1 Without limiting Section 48(aa1) of the Act, the power and duty pursuant to Section 48(1) of the Act to obtain and consider a report, that addresses the prudential issues set out at Section 48(2) of the Act, before the Council:</p> <p>14.1.1 Deliberately left blank.</p> <p>14.1.2 engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) -</p> <p>14.1.2.1 where the expected operating expenses calculated on an accrual basis of the Council over the ensuing five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or</p> <p>14.1.2.2 where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 (indexed); or</p> <p>14.1.2.3 where the Council or Delegate considers that it is necessary or appropriate.</p>		DCCS , DDES, DWES
-	<p>14. Prudential Requirements for Certain Activities</p> <p>14.2 Deliberately left blank.</p>		This power remains with Council - delegation does not apply.
s48(5)	<p>14. Prudential Requirements for Certain Activities</p> <p>14.3 The power and duty pursuant to Section 48(5) of the Act to make a report under Section 48(1) of the Act available for public inspection at the principal office of the Council once the Council has made a decision on the relevant project (and the power to make the report available at an earlier time unless the Council orders that the report be kept confidential until that time).</p>		DCCS , DDES, DWES

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s49(a1)	<p>15. Contracts and Tenders Policies</p> <p>15.0 The power and duty pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:</p> <p>15.0.1 obtaining value in the expenditure of public money; and</p> <p>15.0.2 providing for ethical and fair treatment of participants; and</p> <p>15.0.3 ensuring probity, accountability and transparency in procurement operations.</p>		DCCS , DDES, DWES, MFS, MSP
s49(a1)	<p>15. Contracts and Tenders Policies</p> <p>15.1 Without limiting Section 49(a1) of the Act, the power and duty pursuant to Section 49(1) of the Act to prepare and adopt policies on contracts and tenders including policies on the following:</p> <p>15.1.1 the contracting out of services; and</p> <p>15.1.2 competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and</p> <p>15.1.3 the use of local goods and services; and</p> <p>15.1.4 the sale or disposal of land or other assets.</p>		DCCS , DDES, DWES, MFS, MSP
s49(2)	<p>15. Contracts and Tenders Policies</p> <p>15.2 The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:</p> <p>15.2.1 identify circumstances where the Council will call for tenders for the supply of goods, the provision of services or the carrying out of works, or the sale or disposal of land or other assets; and</p> <p>15.2.2 provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and</p> <p>15.2.3 provide for the recording of reasons for entering into contracts other than those resulting from the tender process;</p>		DCCS , DDES, DWES, MFS, MSP

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	and 15.2.4 are consistent with any requirement prescribed by the regulations.		
s49(3)	15. Contracts and Tenders Policies 15.3 The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced).		This power remains with Council - delegation does not apply.
s49(4)	15. Contracts and Tenders Policies 15.4 The duty pursuant to Section 49(4) of the Act to make available for inspection (without charge) a policy adopted under this Section at the principal office of Council during office hours.		DCCS , DDES, DWES, MFS, MSP, CCS
s50(1)	16. Public Consultation Policies 16.1 The power and duty pursuant to Section 50(1) and (2) of the Act to prepare and adopt a public consultation policy which sets out the steps the Council will follow: 16.1.1 in cases where the Act requires the Council to follow its public consultation policy; and 16.1.2 in other cases involving Council decision making, if relevant.		This power remains with Council - delegation does not apply.
s50(3)	16. Public Consultation Policies 16.2 The duty pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Act requires the Council to follow its public consultation policy and to make other arrangements appropriate to other classes of decisions, within the scope of the policy.		This power remains with CEO - no further sub-delegation

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s50(4)	<p>16. Public Consultation Policies</p> <p>16.3 The duty pursuant to Section 50(4) of the Act to ensure that the public consultation policy, in cases where the Act requires the policy to be followed, provides for:</p> <p>16.3.1 the publication of a notice:</p> <p>16.3.1.1 in a newspaper circulating within the area of the Council; and</p> <p>16.3.1.2 on a website determined by the Chief Executive Officer,</p> <p>describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and</p> <p>16.3.2 the consideration of any submissions made in response to that invitation.</p>		This power remains with CEO - no further sub-delegation
s50(5)	<p>16. Public Consultation Policies</p> <p>16.4 The power pursuant to Section 50(5) of the Act, to, from time to time, alter the Council's public consultation policy, or substitute a new policy.</p>		This power remains with Council - delegation does not apply.
s50(6)	<p>16. Public Consultation Policies</p> <p>16.5 Before the Council or the Delegate adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to:</p> <p>16.5.1 prepare a document that sets out its proposal in relation to the matter; and</p> <p>16.5.2 publish in a newspaper circulating within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the notice, which must be at least one month;</p>		This power remains with CEO - no further sub-delegation

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	16.5.3 consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.		
s50(7)	16. Public Consultation Policies 16.6 The power pursuant to Section 50(7) of the Act to determine if the alteration of a public consultation policy is of minor significance that would attract little or no community interest.		This power remains with CEO - no further sub-delegation
s50(8)	16. Public Consultation Policies 16.7 The duty pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for inspection (without charge) at the principal office of Council during ordinary office hours.		CCS, DCCS , MCLH
17.1	17. Deliberately left blank 17.1 Deliberately left blank		This power remains with Council - delegation does not apply.
17.2	17. Deliberately left blank 17.2 Deliberately left blank		This power remains with Council - delegation does not apply.
17.3	17. Deliberately left blank 17.3 Deliberately left blank		This power remains with Council - delegation

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			does not apply.
17.4	17. Deliberately left blank 17.4 Deliberately left blank		This power remains with Council - delegation does not apply.
17.5	17. Deliberately left blank 17.5 Deliberately left blank		This power remains with Council - delegation does not apply.
s70(1)	18. Inspection of Register 18.1 The duty pursuant to Section 70(1) of the Act to make available for inspection (without charge) the Register of Interests at the principal office of the Council during ordinary office hours.		CCS, DCCS , EA-DCCS, GA, MCLH
s77(1)(b)	19. Reimbursement of Expenses 19.1 The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses of a kind prescribed for the purposes of Section 77(1)(b) of the Act and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties.		MFS
s77(3)	19. Reimbursement of Expenses 19.2 The duty pursuant to Section 77(3) of the Act to make available for inspection (without charge) any policy of Council concerning these reimbursements at the principal office of the Council during ordinary office hours.		CCS, DCCS , MCLH, MFS

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s79(3)	20. Register of Allowances and Benefits 20.1 The duty pursuant to Section 79(3) of the Act to make available for inspection (without charge) the Register of Allowances and Benefits, at the principal office of the Council during ordinary office hours.		CCS, DCCS , MCLH, MFS
s80	21. Insurance of members 21.1 The duty pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Council and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members.		MODR, RA
s80A(1)	22. Training and Development 22.1 The power and duty pursuant to Section 80A(1) of the Act to prepare and adopt a training and development policy in accordance with Section 80A(2) of the Act for the Council's members.		This power remains with CEO - no further sub-delegation
s80A(2)	22. Training and Development 22.2 The duty pursuant to Section 80A(2) of the Act to ensure that the Council's training and development policy is aimed at assisting the Council's members in the performance and discharge of their functions and duties.		This power remains with CEO - no further sub-delegation
s80A(3)	22. Training and Development 22.3 The power pursuant to Section 80A(3) of the Act to, from time to time, alter the Council's training and development policy or substitute a new policy.		This power remains with Council - delegation does not apply.
s80A(4)	22. Training and Development 22.4 The duty pursuant to Section 80A(4) and (5) of the Act to make available the training and development policy for		GA, DCCS , CCS

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	inspection (without charge) at the principal office of the Council during ordinary office hours and for purchase (on payment of a fee fixed by the Council).		
s87(1)	23. Committee Meetings 23.1 The power pursuant to Section 87(1) of the Act and in accordance with Section 87(2) of the Act to determine the times and places of ordinary meetings of Council committees.		DCCS , DDES, DWES, MCC, MCP, MFS.
s87(2)	23. Committee Meetings 23.2 The duty pursuant to Section 87(2) of the Act in appointing a time for the holding of an ordinary meeting of a Council committee to take into account: 23.2.1 the availability and convenience of members of the committee; and 23.2.2 the nature and purpose of the committee.		DCCS , DDES, DWES, MCC, MCP, MFS.
s90(7)	24. Meetings To Be Held in Public Except in Special Circumstances 24.1 The duty pursuant to Section 90(7) of the Act to make a note in the minutes of the making of an order under Section 90(2) of the Act and the grounds on which it was made.		DCCS , DDES, DWES, MCC, MCP, MFS
s90(8a)(a)	24. Meetings To Be Held in Public Except in Special Circumstances 24.2 The power pursuant to Section 90(8a)(a) of the Act to adopt a policy on the holding of informal gatherings or discussions subject to Section 90(8b) of the Act.		This power remains with Council - delegation does not apply.

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s90(8c)	24. Meetings To Be Held in Public Except in Special Circumstances 24.3 The power pursuant to Section 90(8c) of the Act, to, from time to time, alter the Council's policy or substitute a new policy.		This power remains with Council - delegation does not apply.
s91(3)	25. Minutes and Release of Documents 25.1 The duty pursuant to Section 91(3) to supply each member of the Council with a copy of all minutes of the proceedings of the Council or Council committee meeting, within 5 days after that meeting.		DCCS , DDES, DWES, EA- CEO and Mayor, EA- DCCS, EA- DDES, EA- DWES, MCC, MCLH, MCP, MFS
s91(7)	25. Minutes and Release of Documents 25.2 Subject to Section 91(7), the duty pursuant to Section 91(4) of the Act to place a copy of the minutes of a meeting of the Council on public display in the principal office of the Council within 5 days after the meeting and to keep those minutes on display for a period of 1 month.		DCCS , DDES, DWES, EA- CEO and Mayor, EA- DCCS, EA- DDES, EA- DWES, MCC, MCLH, MCP, MFS
s91(7)	25. Minutes and Release of Documents 25.3 Subject to Section 91(7) of the Act, the duty pursuant to Section 91(5) of the Act to make available for inspection,		CCS, DCCS , DDES,

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	without payment of a fee, at the principal office of the Council:		DWES, EA-CEO and Mayor, EA-DCCS, EA-DDES, EA-DWES, MCC, MCLH, MCP, MFS
s91(7)	25. Minutes and Release of Documents 25.3.1 minutes of the Council and Council committee meetings; and		CCS, DCCS , DDES, DWES, EA-CEO and Mayor, EA-DCCS, EA-DDES, EA-DWES, MCC, MCLH, MCP, MFS
s91(7)	25. Minutes and Release of Documents 25.3.2 reports to the Council or to a Council committee received at a meeting of the Council or Council committee; and		CCS, DCCS , DDES, DWES, EA-CEO and Mayor, EA-DCCS, EA-DDES, EA-DWES, MCC, MCLH, MCP, MFS

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s91(7)	25. Minutes and Release of Documents 25.3.3 recommendations presented to the Council in writing and adopted by resolution of the Council; and	CCS, DCCS , DDES, DWES, EA- CEO and Mayor, EA- DCCS, EA- DDES, EA- DWES, MCC, MCLH, MCP, MFS
s91(7)	25. Minutes and Release of Documents 25.3.4 budgetary or other financial statements adopted by the Council.	CCS, DCCS , DDES, DWES, EA- CEO and Mayor, EA- DCCS, EA- DDES, EA- DWES, MCC, MCLH, MCP, MFS
s92(1)	26. Access to Meetings and Documents - Code of Practice 26.1 The power and duty pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare and adopt a Code of Practice relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operation of Parts 3 and 4 of Chapter 6 of the Act.	This power remains with Council - delegation does not apply.

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s92(2)	26. Access to Meetings and Documents - Code of Practice 26.2 The power and duty pursuant to Section 92(2) of the Act to review the operation of the Council's Code of Practice within 12 months after the conclusion of each periodic election.		This power remains with Council - delegation does not apply.
s92(3)	26. Access to Meetings and Documents - Code of Practice 26.3 The power pursuant to Section 92(3) of the Act, to, at any time, alter the Council's code of practice or substitute a new code of practice.		This power remains with Council - delegation does not apply.
s92(5)	26. Access to Meetings and Documents - Code of Practice 26.4 The duty pursuant to Section 92(5) of the Act to ensure that before the Council or the Delegate adopts, alters or substitutes a code of practice that: 26.4.1 copies of the proposed code, alterations or substitute code (as the case may be) are made available for inspection or purchase at the Council's principal office and available for inspection on a website determined by the Chief Executive Officer; and 26.4.2 the relevant steps set out in the Council's Public Consultation Policy are followed.		DCCS , GA
s92(6)	26. Access to Meetings and Documents - Code of Practice 26.5 The duty pursuant to Section 92(6) and (7) of the Act to ensure that the Code of Practice is available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of Council during ordinary office hours.		CCS, DCCS , GA, MCLH

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s93(1)	27. Meetings of Electors 27.1 The power pursuant to Section 93(1) of the Act to convene a meeting of electors of the area or part of the area of the Council.		DCCS , DDES, DWES
s93(11)	27. Meetings of Electors 27.2 The duty pursuant to Section 93(11) of the Act to provide each member of the Council with a copy of the minutes of any meeting of electors within 5 days of that meeting.		DCCS , DDES, DWES
s93(14)	27. Meetings of Electors 27.3 The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii).		DCCS , DDES, DWES
s95	28. Obstructing of Meetings 28.1 The power pursuant to Section 95 of the Act to take proceedings under the Act against a person who intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors.		DCCS , DDES, DWES
s105(3)	29. Register of Remuneration Salaries and Benefits 29.1 The duty pursuant to Section 105(3) of the Act to make available the Register of Salaries of employees of the Council for inspection by the public at the principal office of the Council during ordinary office hours.		CCS, DCCS , HRA, MCLH, MFS, MODR
s106(2) s106(2a)	30. Certain Periods Of Service To Be Regarded As Continuous 30.1 The duty pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee's service benefits.		HRA, MODR
s106(4)	30. Certain Periods Of Service To Be Regarded As Continuous 30.2 The duty pursuant to Section 106(4) of the Act to supply to any other council, at its request, details of the service of an employee or former employee of the Council.		HRA, MODR

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s106(5)	30. Certain Periods Of Service To Be Regarded As Continuous 30.3 The duty pursuant to Section 106(5) of the Act to hold and apply a payment or contribution received by the Council under Section 106 in accordance with the Regulations.		HRA, MODR
31.1	31. Deliberately left blank 31.1 Deliberately left blank		This power remains with Council - delegation does not apply.
31.2	31. Deliberately left blank 31.2 Deliberately left blank		This power remains with Council - delegation does not apply.
31.3	31. Deliberately left blank 31.3 Deliberately left blank		This power remains with Council - delegation does not apply.
31.4	31. Deliberately left blank 31.4 Deliberately left blank		This power remains with Council - delegation

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			does not apply.
31.5	31. Deliberately left blank 31.5 Deliberately left blank		This power remains with Council - delegation does not apply.
31.6	31. Deliberately left blank 31.6 Deliberately left blank		This power remains with Council - delegation does not apply.
s111(b)	32. Application of Division 32.1 The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of Chapter 7, Part 4, Division 1 of the Act.		This power remains with CEO - no further sub-delegation
s122(6)	33. Certain Aspects of Strategic Management Plans 33.1 The duty pursuant to Section 122(6) of the Act to develop a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the Council's development and review of its strategic management plans.		CAM, DCCS, DDES, DWES, MDS, MFS, MHS, MODR
s122(7)	33. Certain Aspects of Strategic Management Plans 33.2 The duty pursuant to Section 122(7) of the Act to ensure that copies of the Council's strategic management plans are		CAM, CCS, MCLH, MDS,

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	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.		MFS, MHS, MODR, DCCS
s123(3)	<p>34. Annual Business Plans and Budgets</p> <p>34.1 Before the Council adopts an annual business plan, the duty pursuant to Section 123(3) of the Act to, -</p> <p>34.1.1 prepare a draft annual business plan; and</p> <p>34.1.2 follow the relevant steps set out in the Council's public consultation policy, taking into account and complying with the requirements of Section 123(4) of the Act.</p>		DCCS , MFS
s123(5)	<p>34. Annual Business Plans and Budgets</p> <p>34.2 The duty pursuant to Section 123(5) of the Act to ensure that copies of the draft annual business plan are available at the meeting arranged pursuant to and in accordance with Section 123(4)(a)(i) and (4)(b) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council and on the website at least 21 days before the date of that meeting.</p>		CCS, DCCS, MCLH, MFS, MODR
s123(5a)	<p>34. Annual Business Plans and Budgets</p> <p>34.3 The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for:</p> <p>34.3.1 a facility for asking and answering questions; and</p> <p>34.3.2 the receipt of submissions, on the Council's website during the public consultation period.</p>		DCCS , MFS
s123(9)	<p>34. Annual Business Plans and Budgets</p> <p>34.4 After the Council has adopted an annual business plan and a budget, the duty, pursuant to Section 123(9) of the Act, to:</p> <p>34.4.1 ensure:</p>		CCS, DCCS, MCLH, MFS, SNR-RO

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	<p>34.4.1.1 that a summary of the annual business plan is prepared in accordance with the requirements set out at Sections 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of the Council's services and the Council's rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and</p> <p>34.4.1.2 that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of the Council's rates for the financial year; and</p> <p>34.4.2 ensure:</p> <p>34.4.2.1 that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the Council); and</p> <p>34.4.2.2 that copies of the summary of the annual business plan are available for inspection and to take (without charge), at the principal office of the Council.</p>		
s123(9)	<p>34. Annual Business Plans and Budgets</p> <p>34.4.3 ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a website determined by the Chief Executive Officer.</p>		DGCS , MFS
s124(1)	<p>35. Accounting Records to be Kept</p> <p>35.1 The duty pursuant to Section 124(1) of the Act to:</p> <p>35.1.1 keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;</p> <p>35.1.2 keep the Councils accounting records in such manner as will enable:</p> <p>35.1.2.1 the preparation and provision of statements that fairly present financial and other information; and</p>		DGCS , MFS, SNR-ACCT

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	35.1.2.2 the financial statements of the Council to be conveniently and properly audited.		
s124(2)	35. Accounting Records to be Kept 35.2 The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Council.		DGCS , MFS, SNR-ACCT
s125	36. Internal Control Policies 36.1 The duty pursuant to Section 125 of the Act to ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner, to achieve its objectives, to ensure adherence to management policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of the Council's records.		CIC, DGCS , MFS, MODR, MSP, RA
s126(1)	37. Audit Committee 37.1 The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.		This power remains with CEO - no further sub-delegation
s126(2)	37. Audit Committee 37.2 If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act.		This power remains with CEO - no further sub-delegation
s127(1)	38. Financial Statements 38.1 The duty pursuant to Section 127(1) of the Act to prepare for each financial year: 38.1.1 financial statements and notes in accordance with standards prescribed by the regulations; and		DGCS , MFS, SNR-ACCT

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	38.1.2 other statements and documentation referring to the financial affairs of the Council required by the Regulations.		
s127(2)	<p>38. Financial Statements</p> <p>38.2 The duty pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Council pursuant to Section 127(1) of the Act:</p> <p>38.2.1 are prepared as soon as is reasonably practicable after the end of the relevant financial year and in any event before the day prescribed by the Regulations; and</p> <p>38.2.2 comply with standards and principles prescribed by the Regulations; and</p> <p>38.2.3 include the information required by the Regulations.</p>		DCCS , MFS, SNR-ACCT
s127(3)	<p>38. Financial Statements</p> <p>38.3 The duty pursuant to Section 127(3) of the Act to submit for auditing by the Council's auditor the statements prepared for each financial year.</p>		DCCS , MFS, SNR-ACCT
s127(4)	<p>38. Financial Statements</p> <p>38.4 The duty pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.</p>		DCCS , MFS, SNR-ACCT
s127(5)	<p>38. Financial Statements</p> <p>38.5 The duty pursuant to Section 127(5) of the Act to ensure that copies of the Council's audited statements are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.</p>		DCCS , MFS, SNR-ACCT
s128(2), (3), (4), (4a), (5), (6), (7), (8)	<p>39. The Auditor</p> <p>39.1 The power and duty pursuant to and in accordance with Section 128(2), (3), (4), (4a), (5), (6), (7) and (8) of the Act to appoint an auditor on the recommendation of the Council's audit committee.</p>		DCCS , MFS

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s128(8)	39. The Auditor 39.2 The duty pursuant to Section 128(8) of the Act to comply with any requirements prescribed by the Regulations with respect to providing for the independence of the auditor.		DCCS , MFS
s128(9)	39. The Auditor 39.3 The duty pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report: 39.3.1 information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between: 39.3.1.1 remuneration payable for the annual audit of the Council's financial statements; and 39.3.1.2 other remuneration; 39.3.2 if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the Council's auditor came to an end.		DCCS , MFS
s129(9), s129(3)	40. Conduct of Audit 40.1 The duty pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act provided to Council under Section 129 of the Act accompany the financial statements of the Council.		DCCS , MFS
s130A(1), s130A(2)	41. Other Investigations 41.1 The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section.		DCCS , DDES, DWES, MFS, MODR, MSP

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s130A(7)	<p>41. Other Investigations</p> <p>41.2 Unless Section 130A(7) of the Act applies, the duty pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:</p> <p>41.2.1 unless Section 130A(6)(b) of the Act applies - at the next ordinary meeting of the Council in accordance with Section 130A(6)(a), of the Act;</p> <p>41.2.2 if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the Council - at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act.</p>		DCCS , DDES, DWES, MFS, MODR, MSP
s131(1)	<p>42. Annual Report to be Prepared and Adopted</p> <p>42.1 The duty pursuant to Section 131(1) of the Act and in accordance with Sections 131(2) and (3) of the Act, to prepare and adopt on or before 30 November each year, an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June.</p>		This power remains with Council - delegation does not apply.
s131(2) s131(3)	<p>42. Annual Report to be Prepared and Adopted</p> <p>42.2 The duty pursuant to Section 131(2) and (3) of the Act to include in that report the material, and include specific reports on the matters, specified in Schedule 4 as amended from time to time by regulation.</p>		C&EO
s131(4)	<p>42. Annual Report to be Prepared and Adopted</p> <p>42.3 The duty pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council.</p>		C&EO
s131(5)	<p>42. Annual Report to be Prepared and Adopted</p> <p>42.4 The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:</p> <p>42.4.1 the Presiding Member of both Houses of Parliament; and</p>		This power remains with CEO - no

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	42.4.2 to the persons or body prescribed by the Regulations, on or before the date determined under the Regulations.		further sub-delegation
s131(7)	42. Annual Report to be Prepared and Adopted 42.5 The power pursuant to Section 131(7) of the Act to provide to the electors for the area an abridged or summary version of the annual report.		C&EO
s131(8)	42. Annual Report to be Prepared and Adopted 42.6 The duty pursuant to Section 131(8) of the Act to ensure that copies of Council's annual report are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.		C&EO, CCS, DCCS, MCLH
s132(1)	43. Access to Documents 43.1 The duty pursuant to Section 132(1) of the Act to ensure a member of the public is able: 43.1.1 to inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and 43.1.2 to purchase a document referred to in Schedule 5 to the Act at the principal office of the Council during ordinary office hours for a fee fixed by the Council.		C&EO, CIC, DCCS, DDES, DWES, EA-CEO and Mayor, EA-DCCS, EA-DDES, EA-DWES, MCC, MCLH, MCP, MDS, MFS, MHS, MKTS, MRS, PP, RAARO, RO-TC, SNR-ACCT, CCS

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s132(2)	<p>43. Access to Documents</p> <p>43.2 The power pursuant to Section 132(2) of the Act to make a document available in electronic form for the purposes of Section 132(1)(a).</p>		<p>C&EO, CIC, DCCS , DDES, DWES, EA-CEO and Mayor, EA-DCCS, EA-DDES, EA-DWES, MCP, MDS, MFS, MKTS, PP, RAARO, RO-TC, SNR-ACCT, CCS</p>
s132(3)	<p>43. Access to Documents</p> <p>43.3 The power and duty, pursuant to and in accordance with Section 132 (3) of the Act, to make the following documents available for inspection on a website determined by the Chief Executive Officer within a reasonable time after they are available at the principal office of the Council:</p> <p>43.3.1 agendas for meetings of the Council or Council committees;</p> <p>43.3.2 minutes of meetings of the Council or Council committees;</p> <p>43.3.3 codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999;</p> <p>43.3.4 the Council's contract and tenders policies, public consultation policy and order-making policies;</p> <p>43.3.5 the Council's draft annual business plan, annual business plan (as adopted by the council) and the summary of the annual business plan required under Part 2 of this Chapter;</p>		<p>C&EO, CIC, DCCS , DDES, DWES, EA-CEO and Mayor, EA-DCCS, EA-DDES, EA-DWES, MCP, MDS, MFS, MKTS, PP, RO-TC, SNR-ACCT</p>

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	<p>43.3.6 the Council's budget (as adopted by the Council for a particular year);</p> <p>43.3.7 a list of fees and charges imposed by the Council under this Act;</p> <p>43.3.8 by-laws made by the Council and any determination in respect of a by-law made under Section 246(3)(e) of the Act;</p> <p>43.3.9 procedures for the review of decisions established by the Council under Part 2 of Chapter 13;</p> <p>43.3.10 the audited financial statements of the Council;</p> <p>43.3.11 the annual report of the Council;</p> <p>43.3.12 the Council's most recent information statement under the Freedom of Information Act 1991, unless the Council provides it as part of the annual report of the Council.</p>		
s132A	<p>44. Related Administrative Standards</p> <p>44.1 The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order:</p> <p>44.1.2 to ensure compliance with any statutory requirements; and</p> <p>44.1.2 to achieve and maintain standards of good public administration.</p>		<p>DCCS , DDES, DWES, MCC, MCP, MDS, MES, MFS, MHS, MODR, MRS, MSP, MTS, PP</p>
s133	<p>45. Sources of Funds</p> <p>45.1 Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be appropriate in order to carry out the Council's functions under the Act or another Act.</p>		<p>DCCS , DDES, DWES, MCC, MCP, MFS, MKTS,</p>

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			MTS, SNR-ACCT
s135(1)	<p>46. Ability of a Council to Give Security</p> <p>46.1 The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including:</p> <p>46.1.1 guarantees (including guarantees relating to the liability of a subsidiary of the Council);</p> <p>46.1.2 debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act);</p> <p>46.1.3 bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act.</p>		This power remains with Council - delegation does not apply.
s135(2)	<p>46. Ability of a Council to Give Security</p> <p>46.2 The power and duty pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to:</p> <p>46.2.1 assign a distinguishing classification to the debentures to be included in the issue so as to distinguish them from those included or to be included in previous or subsequent issues; and</p> <p>46.2.2 if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.</p>		This power remains with Council - delegation does not apply.
s137	<p>47. Expenditure of Funds</p> <p>47.1 Subject to the Act or another Act, the power pursuant to Section 137 of the Act to expend the Council's approved budgeted funds in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts.</p>	Refer to Limitations in "Local Government	A-SMPS, AA-CCS, AA-CTHA, AA-Depot, AA-WES, ATSO, BRG-PO,

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		Act 1999 - Appendi x for Delegati on 47 - Expendit ure of Funds".	CAM, CBushgarde ns, CCS, CCTHA, CCWMS, CFM, CLBS, CLCS, CLECE, CO, CPO, CVS, CYP, DCCS , DDES, DWES, EA- CEO and Mayor, EA- DCCS, EA- DDES, EA- DWES, GA, GraderOp, ICT-SysAd, LW-Maint, LW- ParksGarden s, LW- RecParks, LW- Streetscape, LW-Trees, MCC, MCLH, MCP, MDS, MES, MFS, MKTS, MO,
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			MODR, MRS, MSP, MTS, NetOp- CWMS, NM- Bushgardens , PC, PO- UTLMP, POHA, ProOff, RA, SNR-ACCT, SNR-RO, TL- ES, TL-T, TL- W, TM-Ops, TM- ParksGard, TS-AO, TSO- BVC, WMO
s139(1)	48. Investment Powers 48.1 The power pursuant to Section 139(1) of the Act to invest money under the Council's control.		DCCS , MFS, SNR-ACCT
s139(2)	48. Investment Powers 48.2 The duty pursuant to Section 139(2) of the Act in exercising the power of investment, to: 48.2.1 exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and 48.2.2 avoid investments that are speculative or hazardous in nature.		DCCS , MFS, SNR-ACCT

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s139(3)	<p>48. Investment Powers</p> <p>48.3 The duty pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters:</p> <p>48.3.1 the purposes of the investment;</p> <p>48.3.2 the desirability of diversifying Council investments;</p> <p>48.3.3 the nature of and risk associated with existing Council investments;</p> <p>48.3.4 the desirability of maintaining the real value of the capital and income of the investment;</p> <p>48.3.5 the risk of capital or income loss or depreciation;</p> <p>48.3.6 the potential for capital appreciation;</p> <p>48.3.7 the likely income return and the timing of income return;</p> <p>48.3.8 the length of the term of a proposed investment;</p> <p>48.3.9 the period for which the investment is likely to be required;</p> <p>48.3.10 the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment;</p> <p>48.3.11 the aggregate value of the assets of the Council;</p> <p>48.3.12 the likelihood of inflation affecting the value of a proposed investment;</p> <p>48.3.13 the costs of making a proposed investment;</p>		DCCS, MFS, SNR-ACCT
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	48.3.14 the results of any review of existing Council investments.		
s139(3)	<p>48. Investment Powers</p> <p>48.4 Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to:</p> <p>48.4.1 the anticipated community benefit from an investment; and</p> <p>48.4.2 the desirability of attracting additional resources into the local community.</p>		DCCS , MFS, SNR-ACCT
s139(5)	<p>48. Investment Powers</p> <p>48.5 The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Council's investments from the person whom the Delegate reasonably believes to be competent to give the advice.</p>		DCCS , MFS, SNR-ACCT
s140	<p>49. Review of Investment</p> <p>49.1 The duty pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year.</p>		DCCS , MFS, SNR-ACCT
s141	<p>50. Gifts to a Council</p> <p>50.1 Within the confines of Section 44(3) of the Act:</p> <p>50.1.1 the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;</p> <p>50.1.2 the power pursuant to Section 141(2) of the Act to carry out the terms of any trust (if any) that affects a gift to Council;</p> <p>50.1.3 the power pursuant to Section 141(3) of the Act to apply to the Supreme Court for an order varying the terms of a trust for which the Council has been constituted a trustee;</p>		DCCS , DDES, DWES

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	<p>50.1.4 where a variation is sought in the terms of a trust, the duty pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other such manner as may be directed by the Supreme Court; and</p> <p>50.1.5 the duty pursuant to Section 141(6) of the Act to publish a copy of any order of the Supreme Court to vary the terms of the trust, in the Gazette, within 28 days after that order is made.</p>		
s142	<p>51. Duty to Insure Against Liability</p> <p>51.1 The duty pursuant to Section 142 of the Act to take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations.</p>		MODR, RA
s143(1)	<p>52. Writing off Bad Debts</p> <p>52.1 The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council:</p> <p>52.1.1 if the Council has no reasonable prospect of recovering the debts; or</p> <p>52.1.2 if the costs of recovery are likely to equal or exceed the amount to be recovered, up to and including an amount of \$5,000.00 in respect of any one debt.</p>		DCCS , DDES, DWES, MFS
s143(2)	<p>52. Writing off Bad Debts</p> <p>52.2 The duty pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified:</p> <p>52.2.1 reasonable attempts have been made to recover the debt; or</p> <p>52.2.2 the costs of recovery are likely to equal or exceed the amount to be recovered.</p>		DCCS , DDES, DWES, MFS
s144(1)	<p>53. Recovery of Amounts due to Council</p> <p>53.1 The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under this or another Act.</p>		DCCS , MFS, MRS, RAARO, RO- TC, SNR-

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			ACCT, SNR-RO
s144(2)	<p>53. Recovery of Amounts due to Council</p> <p>53.2 The power pursuant to Section 144(2), (3) and (4) of the Act to recover any fee, charge, expense or other amount as if it were a rate declared on the property, after giving at least 14 days notice requiring payment, where the fee, charge, expense or other amount payable to the Council relates to something done in respect of rateable or other property.</p>		DCCS, MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
s148(2)	<p>54. Land Against Which Rates May be Assessed</p> <p>54.1 The power and duty pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the purposes of Section 148(1) of the Act fairly and in accordance with principles and practices that apply on a uniform basis across the area of the Council.</p>		DCCS, MFS, SNR-ACCT, SNR-RO
s151	<p>55. Basis of Rating</p> <p>55.1 Before the Council:</p> <p>55.1.1 changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or</p> <p>55.1.2 changes the basis on which land is valued for the purposes of rating; or</p> <p>55.1.3 changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land;</p> <p>the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:</p> <p>55.1.4 prepare a report on the proposed change in accordance with Section 151(6) of the Act; and</p> <p>55.1.5 follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.</p>		DCCS, MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO

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s151(8) s151(5)(d) s151(7)(a)(i)	55. Basis of Rating 55.2 The duty pursuant to Section 151(8) of the Act to ensure that copies of the report required under Section 151(5)(d) of the Act are available at the meeting held under Section 151(7)(a)(i) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.		DCCS, MFS, RAARO, RO- TC, SNR- ACCT, SNR- RO
s152(2)(d) s152(3)	56. General Rates 56.1 The power pursuant to Section 152(2)(d) and (3) of the Act to determine, on application, if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise.		DCCS, MFS, SNR-ACCT, SNR-RO
s155(6)	57. Service Rates and Service Charges 57.1 The duty pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with improving or replacing Council assets for the purposes of the relevant prescribed service.		This power remains with CEO - no further sub- delegation
s155(7)	57. Service Rates and Service Charges 57.2 The power pursuant to Section 155(7) of the Act, if a prescribed service under Section 155(6) of the Act is, or is to be, discontinued, to apply any excess funds held by the Council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) for another purpose specifically identified in the Council's annual business plan as being the purpose for which the funds will now be applied.		This power remains with CEO - no further sub- delegation
s156(3), s156(9), s156(10), s156(11)	58. Basis of Differential Rates 58.1 The power pursuant to Section 156(3), (9), (10), (11) of the Act to attribute the use of the land for any basis for a differential rate and to decide objections to any of those attributions.		DCCS, MFS, SNR-ACCT, SNR-RO
s156(14a)	58. Basis of Differential Rates 58.2 The power and duty pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to -		DCCS, MFS, SNR-ACCT

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	58.2.1 prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and 58.2.2 follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.		
s156(14e), 156(14a)(a)	58. Basis of Differential Rates 58.3 The duty pursuant to Section 156(14e) of the Act to ensure that copies of the report required under Section 156(14a)(a) of the Act are available at the meeting held under Section 156(14d)(a)(i); and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.		DGCS, MFS, SNR-ACCT, SNR-RO
s157	59. Notice of Differentiating Factors 59.1 If the Council declares differential rates, the duty pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or combination of factors that governs the calculation of rates on the land to which the account relates.		DGCS, MFS, SNR-ACCT, SNR-RO
s159(1)	60. Preliminary 60.1 The power pursuant to Section 159(1) of the Act to determine the manner and form and such information as the Delegate may reasonably require, for a person or body to apply to the Council to determine if grounds exist for the person or body to receive a rebate of rates.		DGCS, MFS, SNR-ACCT, SNR-RO
s159(3)	60. Preliminary 60.2 The power pursuant to Section 159(3) to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or on the Delegate's own initiative).		DGCS, MFS, SNR-ACCT, SNR-RO
s159(4)	60. Preliminary 60.3 The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100%.		DGCS, MFS, RAARO, RO- TC, SNR- ACCT, SNR- RO

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s159(10)	60. Preliminary 60.4 The power pursuant to Section 159(10) of the Act to determine, for proper cause, that an entitlement to a rebate of rates in pursuance of Division 5 no longer applies.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
s161(1) s161(3)	61. Rebate of Rates - Community Services 61.1 The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation: 61.1.1 is incorporated on a not-for-profit basis for the benefit of the public; and 61.1.2 provides community services without charge or for charge that is below the cost to the body of providing their services; and 61.1.3 does not restrict its services to persons who are members of the body.	DCCS , MFS to a maximum rebate of \$5000. SNR-ACCT, SNR-RO and RA-AR-Off and RO-TechCol l to a maximum rebate of \$500.	DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
s165(1), s165(2)	62. Rebate of Rates - Educational Purposes 62.1 The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land:	DCCS and MFS to	DCCS , MFS, RAARO, RO-TC, SNR-

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	<p>62.1.1 occupied by a Government school under a lease or license and being used for educational purposes; or</p> <p>62.1.2 occupied by non-Government school registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or</p> <p>62.1.3 land being used by University or University College to provide accommodation and other forms of support for students on a not-for-profit basis.</p>	a maximum rebate of \$5000. SNR-ACCT, SNR-RO and RA-AR-Off and RO-TechCol l to a maximum rebate of \$500.	ACCT, SNR-RO
s166(1a)	<p>63. Discretionary Rebates of Rates</p> <p>63.1 The duty pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j):</p> <p>63.1.1 the nature and extent of the Council's services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and</p> <p>63.1.2 the community need that is being met by activities being carried out on the land for which the rebate is sought; and</p> <p>63.1.3 the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged</p>	DCCS and MFS to a maximum rebate of \$5000. SNR-ACCT,	DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO

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	<p>persons;</p> <p>63.1.4 any other matter considered relevant by the Council or the Delegate.</p>	SNR-RO and RA-AR-Off and RO-TechCol l to a maximum rebate of \$500.	
s166(1), s166(2), s166(4)	<p>63. Discretionary Rebates of Rates</p> <p>63.2 The power pursuant to Section 166(1), (2) and (4) of the Act and taking into account Section 166(1a) of the Act and in accordance with Section 166(3b) of the Act to grant a rebate of rates or service charges on such conditions as the Delegate sees fit and such rebate may be up to and including 100% of the relevant rates or service charge, in the following cases:</p> <p>63.2.1 where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;</p> <p>63.2.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area;</p> <p>63.2.3 where the rebate will be conducive to the preservation of buildings or places of historic significance;</p> <p>63.2.4 where the land is being used for educational purposes;</p> <p>63.2.5 where the land is being used for agricultural, horticultural or floricultural exhibitions;</p> <p>63.2.6 where the land is being used for a hospital or health centre;</p> <p>63.2.7 where the land is being used to provide facilities or services for children or young persons;</p>		DCCS, MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO

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63.2.8 where the land is being used to provide accommodation for the aged or disabled;		
63.2.9 where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre;		
63.2.10 where the land is being used by an organisation which, in the opinion of the Delegate, provides a benefit or a service to the local community;		
63.2.11 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;		
63.2.12 where the rebate is considered by the Delegate to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to:		
63.2.12.1 redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or		
63.2.12.2 change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.		
63.2.13 where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:		
63.2.13.1 liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Council in its annual business plan; or		
63.2.13.2 liability that is unfair or unreasonable;		
63.2.14 where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or		

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	63.2.15 where the rebate is contemplated under another provision of the Act.		
s166(3)	<p>63. Discretionary Rebates of Rates</p> <p>63.3 The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not exceeding 10 years in the following cases:</p> <p>63.3.1 where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or</p> <p>63.3.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area; or</p> <p>63.3.3 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment.</p>	<p>DCCS and MFS to a maximum rebate of \$5000. SNR-ACCT, and SNR-RO to a maximum rebate of \$500.</p>	<p>DCCS, MFS, SNR-ACCT, SNR-RO</p>
s166(3a)	<p>63. Discretionary Rebates of Rates</p> <p>63.4 The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(l) of the Act for a period exceeding 1 year but not exceeding 3 years.</p>	<p>DCCS and MFS to a maximum rebate of \$5000.</p>	<p>DCCS, MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO</p>

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		SNR-ACCT, SNR-RO and RA-AR-Off and RO-TechCol I to a maximum rebate of \$500.	
s167(1)	64. Valuation of Land for the Purposes of Rating 64.1 The power pursuant to Section 167(1) of the Act to adopt valuations that are to apply to land within the Council's area, for rating purposes for a particular financial year.		DCCS , MFS, SNR-ACCT, SNR-RO
s167(2)	64. Valuation of Land for the Purposes of Rating 64.2 For the purpose of adopting a valuation of land for rating, the duty pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt: 64.2.1 valuations made, or caused to be made, by the Valuer-General; or 64.2.2 valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council; or a combination of both.		DCCS , MFS, SNR-ACCT, SNR-RO

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s167(6)	64. Valuation of Land for the Purposes of Rating 64.3 The duty pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the Gazette, within 21 days after the date of the adoption.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
s168(1)	65. Valuation of Land 65.1 The power pursuant to Section 168(1) of the Act to request the Valuer-General to value any land within the Council's area (being land that is capable of being separately rated).		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
s168(2)	65. Valuation of Land 65.2 The duty pursuant to Section 168(2) of the Act to furnish to the Valuer-General any information requested by the Valuer General for the purposes of valuing land within the area of the Council.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
s168(3)(b)	65. Valuation of Land 65.3 The power and duty pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations.		This power remains with CEO - no further sub-delegation
s169(1), s169(2), s169(3), s169(4), s169(5)	66. Objections to Valuations Made by Council 66.1 The duty pursuant to Section 169(1), (2), (3), (4) and (5) of the Act to refer an objection to a valuation of land to the valuer who made the valuation and to request the valuer to reconsider the valuation, where: 66.1.1 the objection does not involve a question of law; and 66.1.2 the objection is made in writing (setting out a full and detailed statement of the grounds on which the objection is		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO

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	based); and 66.1.3 is made within 60 days after the date of service of the notice of the valuation to which the objection relates (unless the Delegate, in his/her discretion, allows an extension of time for making the objection).		
s169(3)(b)	66. Objections to Valuations Made by Council 66.2 The power pursuant to Section 169(3)(b) of the Act to grant an extension of time for making an objection to a valuation of land.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
s169(7)	66. Objections to Valuations Made by Council 66.3 The duty pursuant to Section 169(7) of the Act to give the objector written notice of the outcome of the reconsideration of the objection.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
s169(8)	66. Objections to Valuations Made by Council 66.4 The duty pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is: 66.4.1 in the prescribed manner and form; 66.4.2 made within 21 days after the objector receives notice of the outcome of his or her initial objection; and 66.4.3 accompanied by the prescribed fee.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO

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s169(15)	66. Objections to Valuations Made by Council 66.5 The power pursuant to Section 169(15)(b) of the Act to apply to SACAT for a review of the decision of a valuer after a further review on a request under Section 169(8) of the Act, in accordance with Section 169(15a) of the Act.		DCCS , MFS, SNR-RO
s170	67. Notice of Declaration of Rates 67.1 The duty pursuant to Section 170 of the Act to ensure the notice of declaration of a rate or service charge is published in the Gazette and in a newspaper circulating in the area within 21 days after the date of the declaration.		DCCS , MFS, RAARO, RO- TC, SNR- ACCT, SNR- RO
s173(3), s173(5)	68. Alterations to Assessment Record 68.1 The power pursuant to Section 173(3) and (5) of the Act to determine the procedure for a review of a decision by the Chief Executive Officer on an application for alteration of the assessment record.		DCCS , MFS, SNR-ACCT, SNR-RO
s173(6)	68. Alterations to Assessment Record 68.2 The duty pursuant to Section 173(6) of the Act to give a person written notice of Council's decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record.		DCCS , MFS, SNR-ACCT, SNR-RO
s174(1), s174(2)	69. Inspection of Assessment Record 69.1 The duty pursuant to Section 174(1) and (2) of the Act to ensure that the assessment record is available for inspection and purchase of an entry (on payment of a fee fixed by the Council), by the public at the principal office of the Council during ordinary office hours.		DCCS , MFS, RAARO, RO- TC, SNR- ACCT, SNR- RO
s178(3), s178(9)	70. Liability for Rates 70.1 The power pursuant to Section 178(3) of the Act and subject to Section 178(9) of the Act to recover rates as a debt from: 70.1.1 the principal ratepayer; or 70.1.2 any other person (not being a principal ratepayer) who is an owner or occupier of the land; or		DCCS , FO, MFS, RAARO, RO- TC, SNR- ACCT, SNR- RO

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	70.1.3 any other person who was at the time of the declaration of the rates an owner or occupier of the land.		
s178(4)	70. Liability for Rates 70.2 The power pursuant to Section 178(4) of the Act by written notice to a lessee or a licensee of land in respect of which rates have fallen due, to require him or her to pay to the Council rent or other consideration payable under the lease or a licence in satisfaction of any liability for rates.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
s178(4)	70. Liability for Rates 70.3 Where a notice under Section 178(4) of the Act is given to a lessee or a licensee of land, the power pursuant to Section 178(5) of the Act to make and give notice of an additional charge of 5% of the amount in arrears, as payable and recoverable as part of the debt for unpaid rates.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
s178(6)	70. Liability for Rates 70.4 The power pursuant to Section 178(6) of the Act to remit the charge of 5% of the amount in arrears payable under the Act in whole or in part.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
s179(2)	71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year 71.1 The power pursuant to Section 179(2) of the Act to adopt a valuation of land that has become rateable after the adoption of valuations by the Council for the relevant financial year.		DCCS , MFS, SNR-ACCT, SNR-RO
s179(5)	71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year 71.2 The duty pursuant to Section 179(5) of the Act to refund to the principal ratepayer an amount proportionate to the remaining part of the financial year, if land ceases to be rateable during the course of a financial year and the rates have been paid.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO

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s180(1), s180(2)	<p>72. Service of Rate Notice</p> <p>72.1 The duty pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after:</p> <p>72.1.1 the declaration of a rate; or</p> <p>72.1.2 the imposition of a service charge; or</p> <p>72.1.3 a change in the rates liability of land.</p>		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
s181(2)	<p>73. Payment of Rates - General Principles</p> <p>73.1 The power pursuant to Section 181(2) of the Act to determine the day on which each instalment of rates falls due in the months of September, December, March and June of the financial year for which the rates are declared.</p>		This power remains with CEO - no further sub-delegation
s181(3)	<p>73. Payment of Rates - General Principles</p> <p>73.2 If the Council declares a general rate for a particular financial year after 31 August in that financial year, the power, pursuant to Section 181(3) of the Act, to adjust the months in which instalments would otherwise be payable under Section 181(1) (taking into account what is reasonable in the circumstances).</p>		This power remains with CEO - no further sub-delegation
s181(4)(b)	<p>73. Payment of Rates - General Principles</p> <p>73.3 The power pursuant to Section 181(4)(b) of the Act to agree with the principal ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event, the ratepayer's rates will then be payable accordingly.</p>		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO

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s181(5)	<p>73. Payment of Rates - General Principles</p> <p>73.4 The duty pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Sections 181(6) and (7) of the Act:</p> <p>73.4.1 the amount of the instalment; and</p> <p>73.4.2 the date on which the instalment falls due, or in the case where payment is to be postponed under another provision of the Act, the information prescribed by the Regulations.</p>		DCCS , MFS, SNR-ACCT, SNR-RO
s181(7a)	<p>73. Payment of Rates - General Principles</p> <p>73.5 The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal rate payer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act.</p>		DCCS , MFS, SNR-ACCT, SNR-RO
s181(9)	<p>73. Payment of Rates - General Principles</p> <p>73.6 The power pursuant to Section 181(9) of the Act to remit any amount payable under Section 181(8) of the Act in whole or in part.</p>		DCCS , MFS, SNR-ACCT, SNR-RO
s181(11)	<p>73. Payment of Rates - General Principles</p> <p>73.7 The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage:</p> <p>73.7.1 the payment of instalments of rates in advance; or</p> <p>73.7.2 prompt payment of rates.</p>		This power remains with CEO - no further sub-delegation
s181(12)(b)	<p>73. Payment of Rates - General Principles</p> <p>73.8 The power pursuant to Section 181(12)(b) of the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act.</p>		This power remains with CEO - no

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s181(13)	<p>73. Payment of Rates - General Principles</p> <p>73.9 The power pursuant to Section 181(13) and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the address shown in the assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.</p>		DCCS , MFS, SNR-ACCT, SNR-RO
s181(15)	<p>73. Payment of Rates - General Principles</p> <p>73.10 The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case:</p> <p>73.10.1 the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and</p> <p>73.10.2 the Delegate must give at least 30 days notice before an instalment falls due.</p>		This power remains with CEO - no further sub-delegation
s182(1)	<p>74. Remission and Postponement of Payment</p> <p>74.1 The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to:</p> <p>74.1.1 postpone payment in whole or in part for such period as the Delegate thinks fit; or</p> <p>74.1.2 remit the rates in whole or in part.</p>		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
s182(2)	<p>74. Remission and Postponement of Payment</p> <p>74.2 The power pursuant to Section 182(2) of the Act on a postponement of rates:</p> <p>74.2.1 to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement</p>		DCCS , FO, MFS, RAARO, RO-TC, SNR-

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	<p>at a rate fixed by the Delegate (but not exceeding the cash advance debenture rate);</p> <p>74.2.2 to grant the postponement on other conditions determined by the Delegate; and</p> <p>74.2.3 to revoke the postponement, at the Delegate's discretion (in which case the Delegate must give the ratepayer at least 30 days written notice of the revocation before taking action to recover rates affected by the postponement).</p>		ACCT, SNR-RO
s182(3)	<p>74. Remission and Postponement of Payment</p> <p>74.3 The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates:</p> <p>74.3.1 to assist or support a business in the Council's area; or</p> <p>74.3.2 to alleviate the affects of anomalies that have occurred in valuations under the Act.</p>		This power remains with CEO - no further sub-delegation
s182(4)	<p>74. Remission and Postponement of Payment</p> <p>74.4 The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission Act 1986, (such remissions will be in addition to the remissions that are available under that Act).</p>		This power remains with CEO - no further sub-delegation
s182(5)	<p>74. Remission and Postponement of Payment</p> <p>74.5 The power pursuant to Section 182(5) of the Act to require a ratepayer who claims to be entitled to a remission of rates by virtue of a determination under Section 182(4) of the Act to provide evidence to the satisfaction of the Delegate verifying that entitlement.</p>		This power remains with CEO - no further sub-delegation
s182(6)	<p>74. Remission and Postponement of Payment</p> <p>74.6 The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not affect an entitlement to remission in relation to rates declared before the revocation takes effect).</p>		This power remains with CEO - no

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			further sub-delegation
s182A(2)	75. Postponement of Rates - Seniors 75.1 The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied by such information as the Delegate may reasonably require.		DCCS , MFS
s182A(3)	75. Postponement of Rates - Seniors 75.2 The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1) and (2) of the Act to: 75.2.1 reject an application for the postponement of rates; or 75.2.2 impose conditions on the postponement of rates but only in accordance with the Regulations.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
s183	76. Application of money in respect of rates 76.1 The power and the duty to apply monies received or recovered in respect of rates pursuant to and in accordance with Section 183 of the Act.		DCCS , FO, MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
s184(1)	77. Sale of Land for Non-Payment of Rates 77.1 The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more.	CEO must report such decision	This power remains with CEO - no further sub-delegation

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		s to Council.	
s184(2)	<p>77. Sale of Land for Non-Payment of Rates</p> <p>77.2 The duty pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record:</p> <p>77.2.1 stating the period for which the rates have been in arrears; and</p> <p>77.2.2 stating the amount of the total liability for rates presently outstanding in relation to the land; and</p> <p>77.2.3 stating that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the Delegate may allow), the Council intends to sell the land for non-payment of rates.</p>		DCCS , MFS, SNR-RO
s184(3)	<p>77. Sale of Land for Non-Payment of Rates</p> <p>77.3 The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act:</p> <p>77.3.1 to any owner of the land who is not the principal ratepayer; and</p> <p>77.3.2 to any registered mortgagee of the land; and</p> <p>77.3.3 if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929.</p>		DCCS , MFS, SNR-RO
s184(2), s184(3)	<p>77. Sale of Land for Non-Payment of Rates</p> <p>77.4 If:</p> <p>77.4.1 the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or</p>		DCCS , MFS, SNR-RO

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	<p>77.4.2 the Delegate considers that it is unlikely that a notice sent under Section 184(2) or (3) of the Act would come to the attention of the person to whom it is to be sent,</p> <p>the power pursuant to Section 184(4) of the Act to effect service of the notice by:</p> <p>77.4.3 placing a copy of the notice in a newspaper circulating throughout the State; and</p> <p>77.4.4 leaving a copy of the notice in a conspicuous place on the land.</p>		
s184(5)	<p>77. Sale of Land for Non-Payment of Rates</p> <p>77.5 The power pursuant to Section 184(5) of the Act to proceed to have the land sold, if the outstanding amount of rates is not paid in full within the time allowed in the notice given to the ratepayer under Section 184(2) of the Act.</p>	Council is to be advised in advance of any properties designated for sale.	DCCS , MFS, SNR-RO
s184(6)	<p>77. Sale of Land for Non-Payment of Rates</p> <p>77.6 The duty pursuant to Section 184(6) and (7) of the Act to conduct the sale of land for non-payment of rates by public auction and the power to set the reserve price for the purposes of the auction, except in the case of land held from the Crown under a lease, licence or agreement to purchase, unless the Minister responsible for the administration of the Crown Lands Act 1929 grants consent to sale by public auction.</p>	Council is to be advised in advance of any properties designat	DCCS , MFS, SNR-RO

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		ed for sale.	
s184(8)	77. Sale of Land for Non-Payment of Rates 77.7 The duty pursuant to Section 184(8) of the Act to advertise the auction of land under Section 184 of the Act on at least 2 separate occasions in a newspaper circulating throughout the State.	Council is to be advised in advance of any properties designated for sale.	DCCS , MFS, SNR-RO
s184(9)	77. Sale of Land for Non-Payment of Rates 77.8 The duty pursuant to Section 184(9) of the Act to call off the auction, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council.		DCCS , MFS, SNR-RO
s184(10)	77. Sale of Land for Non-Payment of Rates 77.9 The power pursuant to Section 184(10) of the Act to sell the land by private contract for the best price that can be reasonably obtained, if an auction fails or an auction is not held because the land is held from the Crown under a lease, licence or agreement to purchase.		DCCS -This power remains with the CEO – no further sub-delegation
s184(11)	77. Sale of Land for Non-Payment of Rates 77.10 The power and duty to apply monies received by the Council in respect of the sale of land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act.		DCCS , MFS, SNR-RO

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s184(12)	77. Sale of Land for Non-Payment of Rates 77.11 The duty pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of land to be sold for non-payment of rates and where the owner cannot be found, the power to deal with the amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1981.		DCCS , MFS
s186(3), s186(4), s186(5)	78. Objection, Review or Appeal 78.1 If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act: 78.1.1 to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or 78.1.2 to recover an additional amount payable on account of an alteration of the value as arrears after at least 30 days have expired from the date on which notification of the alteration is given to the person who initiated the objection, review or appeal.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
s187(1)	79. Certificate of Liabilities 79.1 The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that: 79.1.1 the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 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 79.1.2 any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
s187B(6)	80. Investigation by Ombudsman 80.1 The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that		DCCS This power remains with

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	report, provide a written response to: 80.1.1 the Ombudsman; and 80.1.2 if relevant, the person who made the complaint.		<u>the CEO – no further sub-delegation</u>
s187B(7)	80. Investigation by Ombudsman 80.2 The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.	Limitations as per Delegation 47 herein.	DCCS , MFS, SNR-ACCT
s188(1), s188(2)	81. Fees and Charges 81.1 The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges: 81.1.1 for the use of any property or facility owned, controlled, managed or maintained by the Council; 81.1.2 for services supplied to a person at his or her request; 81.1.3 for carrying out work at a person's request;		CAM, DCCS, DWES, MCP, MFS, MO, SNR-ACCT
s188(3)	81. Fees and Charges 81.2 The power pursuant to Section 188(3) of the Act to provide for: 81.2.1 specific fees and charges; 81.2.2 maximum fees and charges and minimum fees and charges; 81.2.3 annual fees and charges;	Power subject to following fees and charges limits: DCCS, DDES	AA-CTHA, CCS, CCTHA, DCCS, DDES, DWES, MCLH, MCP, MFS, MO, POHA, SNR-

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	81.2.4 the imposition of fees or charges according to specified factors;	and DWES - unlimited; MCP, MCLH, MCC ; MVS ; MFS, MO, SNR- ACCT, CCTHA - \$500; CCS - \$200; AA- CTHA, POHA - \$100	ACCT; MCC ; MVS
s188(3)	<p>81. Fees and Charges</p> <p>81.2 The power pursuant to Section 188(3) of the Act to provide for:</p> <p>81.2.5 the variation of fees or charges according to specified factors in respect of fees and charges set under Section 188(1)(a) - (c) of the Act inclusive; and</p>	Power subject to following fees and charges limits: DCCS, DDES and DWES -	AA-CTHA, CCS, CCTHA, DCCS , DDES, DWES, MCLH, MCP, MFS, MO, POHA, SNR-

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		unlimited; MCP, MCLH, MFS, MO, SNR-ACCT, CCTHA , CCTHA , MCC , MVS - \$500; CCS - \$200; AA-CTHA, POHA - \$100	ACCT, MCC , MVS
s188(3)	<p>81. Fees and Charges</p> <p>81.2.6 the reduction, waiver or refund, in whole or in part, of any fees and charges.</p>	Power subject to following fees and charges limits: DCCS, DDES and DWES - unlimited	AA-CTHA, CCS, CCTHA, DCCS, DDES, DWES, MCC, MCLH, MCP, MFS, MO, MTS, POHA, SNR-ACCT, MVS

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		d; MTS - \$1,000; MCC, MCP, MCLH, MFS, MO, SNR-ACCT, CCTHA, MVS - \$500; CCS - \$200; AA-CTHA, POHA - \$100	
s188(5)	81. Fees and Charges 81.3 The power pursuant to Section 188(5) of the Act to fix, vary or revoke those fees and charges set under Section 188(1)(a), (b) and (c) of the Act.	Power subject to following fees and charges limits: DCCS, DDES and DWES - unlimite	AA-CTHA, CCS, CCTHA, DCCS, DDES, DWES, MCLH, MCP, MFS, MO, POHA, SNR-ACCT, MCC , MVC

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		d; MCP, MCLH, MFS, MO, SNR- ACCT, CCTHA, MCC , MVC - \$500; CCS - \$200; AA- CTHA, POHA - \$100	
s188(6)	81. Fees and Charges 81.4 The duty pursuant to Section 188(6) of the Act to keep a list of fees and charges imposed under this Section on public display during ordinary office hours at the principal office of the Council.		CCS, DCCS , MCLH, MCP, MFS, SNR- ACCT
s188(7)	81. Fees and Charges 81.5 The duty pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, 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.		DCCS , MCP, MFS, SNR-ACCT
s190	82. Acquisition of Land by Agreement 82.1 The power pursuant to Section 190 of the Act to acquire land by agreement.		This power remains with CEO - no

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			further sub-delegation
s191(1)	83. Compulsory Acquisition of Land 83.1 The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval.		DCCS , DDES, DWES
s191(2)	83. Compulsory Acquisition of Land 83.2 The power pursuant to Section 191(2) of the Act to acquire land compulsorily for a purpose classified by the Regulations as an approved purpose.		DCCS , DDES, DWES
s192(1)	84. Assumption of Care, Control and Management of Land 84.1 The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in the Council area that has been set aside for the use or enjoyment of the public or a section of the public under the circumstances specified in Section 192(1)(a) and (b) of the Act.		DCCS , DDES, DWES
s192(4)	84. Assumption of Care, Control and Management of Land 84.2 The duty pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the Gazette.		DCCS , DDES, DWES
s193(6)	85. Classification 85.1 The duty pursuant to Section 193(6) of the Act to give notice in the Gazette of a resolution: 85.1.1 to exclude land from classification as community land under Section 193(4) of the Act; or 85.1.2 to classify as community land, land that had previously been excluded from classification as such under Section 193(5) of the Act.		DCCS , DDES, DWES, GA, MFS, TL-ES
s194(2)	86. Revocation of Classification of Land as Community Land 86.1 The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to:		DCCS , GA

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	<p>86.1.1 prepare and make publicly available a report on the proposal containing:</p> <p>86.1.1.1 a summary of reasons for the proposal; and</p> <p>86.1.1.2 a statement of any dedication, reservation or trust to which the land is subject; and</p> <p>86.1.1.3 a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and the statement of how the Council proposes to use the proceeds; and</p> <p>86.1.1.4 an assessment of how implementation of the proposal would affect the area and the local community; and</p> <p>86.1.1.5 if the Council is not the owner of the land, a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and</p> <p>86.1.2 follow the relevant steps set out in the Council's public consultation policy.</p>		
s194(2)	<p>86. Revocation of Classification of Land as Community Land</p> <p>86.2 After complying with the requirements of Section 194(2) of the Act, the duty pursuant to Section 194(3) of the Act to prepare a report on all submissions made on it as part of the public consultation process.</p>		DCCS , GA
s194(4)	<p>86. Revocation of Classification of Land as Community Land</p> <p>86.3 The power pursuant to Section 194(4) of the Act to consult with the Minister in relation to a regulation made under Section 194(1) over a specific piece of land.</p>		DCCS , GA
s195(2)	<p>87. Effect of Revocation of Classification</p> <p>87.1 If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the duty pursuant to Section 195(2) of the Act immediately after the</p>		DCCS , GA

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	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.		
s196(1), s196(2), s196(3), s196(7),	<p>88. Management Plans</p> <p>88.1 The power and duty pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare and adopt management plan or management plans for the Council's community land, for which a management plan must be prepared, that:</p> <p>88.1.1 identifies the land to which it applies; and</p> <p>88.1.2 states the purpose for which the land is held by the Council; and</p> <p>88.1.3 states the Council's objectives, policies (if any) and proposals for the management of the land; and</p> <p>88.1.4 states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.</p>		This power remains with Council - delegation does not apply.
s196(4)	<p>88. Management Plans</p> <p>88.2 If a management plan relates to land that is not in the Council's ownership, the power and duty pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must:</p> <p>88.2.1 identify the owner of the land; and</p> <p>88.2.2 state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and</p> <p>88.2.3 contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.</p>		DCCS , DDES, GA

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s196(5)	88. Management Plans 88.3 The duty pursuant to Section 196(5) of the Act to ensure (as far as practicable) that the management plan is consistent with other relevant official plans and policies about conservation, development and use of the land and contains any special provisions required under the Regulations.		DCCS , DDES, GA
s197(1)	89. Public Consultation on Proposed Management Plan 89.1 Before the Council adopts a management plan for community land, the duty to pursuant to Section 197(1) of the Act and subject to Section 197(2) of the Act: 89.1.1 make copies of the proposed plan available for inspection or purchase at the Council's principal office; and 89.1.2 follow the relevant steps set out in Council's public consultation policy.		DCCS , DDES, GA
s197(3)	89. Public Consultation on Proposed Management Plan 89.2 The duty pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.		DCCS , DDES, GA
s198(1)	90. Amendment or Revocation of Management Plan 90.1 The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or revocation.	The CEO may exercise this power where public consulta tion is not required (i.e. if the amendm	Where public consultation is required - this power remains with Council - delegation does not apply. Where consult is not required - this power

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s198(2), s198(3)	90. Amendment or Revocation of Management Plan 90.2 The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council or the Delegate adopting a proposal for amendment to or revocation of a management plan, unless in the opinion of the Delegate the amendment has no impact or no significant impact on the interests of the community.		DCCS , DDES, GA
s198(4)	90. Amendment or Revocation of Management Plan 90.3 The duty pursuant to Section 198(4) of the Act to give public notice of Council's or the Delegate's adoption of a proposal for the amendment or revocation of a management plan.		DCCS , DDES, GA
s199	91. Effect of Management Plan 91.1 The duty pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land.		CO, DCCS , DDES, DWES, MCP, MO, TL-ES, MCC; MVC
s200(1), s200(2), s200(3)	92. Use of Community Land for Business Purposes 92.1 The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person's use of community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate.		CO, DCCS , DDES, DWES, GI, MRS; MCP ; MCC; MVS
s201(1)	93. Sale or Disposal of Local Government Land 93.1 The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land: 93.1.1 vested in the Council in fee simple; or 93.1.2 vested in the Council as lessee.		DCCS , DDES, DWES

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s201(2)	<p>93. Sale or Disposal of Local Government Land</p> <p>93.2 The power pursuant to Section 201(2) of the Act to:</p> <p>93.2.1 grant an easement (including a right of way) over community land; and</p> <p>93.2.2 grant an easement (excluding a right of way) over a road or part of a road.</p>		DCCS , DDES, DWES
s202(1)	<p>94. Alienation of Community Land by Lease or Licence</p> <p>94.1 The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), and to make provision in a lease or licence for:</p> <p>94.1.1 the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;</p> <p>94.1.2 the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);</p> <p>94.1.3 any other matter relevant to the use or maintenance of the land.</p>		DCCS , DDES, DWES, MCP
s202(2)	<p>94. Alienation of Community Land by Lease or Licence</p> <p>94.2 The duty pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council's public consultation policy, unless:</p> <p>94.2.1 the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the proposed lease or licence is 5 years or less; or</p> <p>94.2.2 the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.</p>		DCCS , DDES, DWES, MCP

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s202(4)	94. Alienation of Community Land by Lease or Licence 94.3 The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 42 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 42 years.		DCCS , DDES, DWES, MCP
s202(6)	94. Alienation of Community Land by Lease or Licence 94.4 The duty pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.		DCCS , DDES, DWES, MCP
s207(1)	95. Register 95.1 The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area.		DCCS , GA
s207(2)(a), s207(2)(b)	95. Register 95.2 The duty pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register: 95.2.1 contains the information required by the Regulations; and 95.2.2 contains copies of current management plans.		DCCS , GA
s207(2)(c)	95. Register 95.3 The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant information.		DCCS , GA
s207(3), s207(4)	95. Register 95.4 The duty pursuant to Section 207(3) and (4) of the Act to make available the register of all community land in the Council's area for inspection (without charge) or purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.		CCS, DCCS , MCLH, GA ; DDES

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s208(4)	96. Ownership of Public Roads 96.1 The duty pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the Gazette.		AA-WES, DWES, EA- DWES, GI, MRS
s209(3)	97. Ownership of Fixtures and Equipment Installed on Public Roads 97.1 The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of property in fixtures and equipment in the Council.		CO, DWES, EA-DWES, GI, MES, MO, MRS, PC
s210(1)(b)	98. Conversion of Private Road to Public Road 98.1 The duty pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.		CO, DWES, EA-DWES, GI, MES, MO, MRS, PC
s210(2)	98. Conversion of Private Road to Public Road 98.2 The duty pursuant to Section 210(2) of the Act at least 3 months before the Council makes a declaration under Section 210 of the Act to: 98.2.1 if the identity and whereabouts of the owner of the road are known to the Council, give written notice to the owner of land subject to the proposed declaration; and 98.2.2 if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council - give written notice to the person of the proposed declaration; and 98.2.3 give public notice of the proposed declaration.		CO, DWES, EA-DWES, GI, MES, MO, MRS, PC

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s210(5)	98. Conversion of Private Road to Public Road 98.3 The duty pursuant to Section 210(5) to publish in the Gazette a declaration of the Council made in accordance with Section 210(1) of the Act.		CO, DWES, EA-DWES, GI, MES, MO, MRS, PC
s210(7)	98. Conversion of Private Road to Public Road 98.4 The duty pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made.		CO, DWES, EA-DWES, GI, MES, MO, MRS, PC
s211(1)(a)	99. Highways 99.1 The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.		DWES, MES, MO
s212(1)	100. Power to Carry Out Roadwork 100.1 The power pursuant to Section 212(1) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.		CFM, CO, DWES, GI, MES, MO, MRS, PC
s212(3)	100. Power to Carry Out Roadwork 100.2 The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that: 100.2.1 the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and 100.2.2 before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and 100.2.3 the roadwork in relation to a private road is only carried out if:		CFM, CO, DWES, GI, MES, MO, MRS, PC

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	<p>100.2.3.1 the owner agrees; or</p> <p>100.2.3.2 the Council has given the owner reasonable notice of the proposed roadwork and a reasonable opportunity to make representations and has considered any representations made in response to the notice; or</p> <p>100.2.3.3 the identity or whereabouts of the owner is unknown; and</p> <p>100.2.4 the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).</p>		
s213(1)	<p>101. Recovery of Cost of Roadwork</p> <p>101.1 Where roadwork has been carried by agreement, the power pursuant to Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of the agreement.</p> <p>101.2 Where roadwork has been carried out to repair damage to a road, the power pursuant to Section 213(2) of the Act to recover the cost of carrying out the work, as a debt, from:</p> <p>101.2.1 the person who caused the damage; or</p> <p>101.2.2 in the case of damage caused by the bursting, explosion or fusion of any pipe, wire, cable, fitting or other object - the person who is the owner, or who has control of that infrastructure.</p> <p>101.3 If the Council carries out roadwork on a private road, the power pursuant to Section 213(3) of the Act to recover the cost of the work or a contribution towards the cost of the work determined by the Delegate as a debt from the owner of the private road.</p>		DCCS , DDES, DWES

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s214	102. Contribution Between Councils where Road is on Boundary Between Council Areas 102.1 Where roadwork is carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is brought.		DCCS , DDES, DWES, MO
s215(1)	103. Special Provisions for Certain Kinds of Roadwork 103.1 If the Council changes the level of a road, the duty pursuant to Section 215(1) of the Act to: 103.1.1 ensure that adjoining properties have adequate access to the road; and 103.1.2 construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.		CO, DWES, MES, MO, PC
s215(2)	103. Special Provisions for Certain Kinds of Roadwork 103.2 The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion: 103.2.1 there is no significant risk of damage to the adjoining property; or 103.2.2 the road work does not significantly increase the risk of damage to adjoining property.		CO, DWES, MES, MO, PC
s215(4)	103. Special Provisions for Certain Kinds of Roadwork 103.3 The duty pursuant to Section 215(4) of the Act to give reasonable notice of proposed action to drain water into land under Section 215(2) of the Act to the owner of the land, except in a case of urgency.		CO, DWES, MES, MO, PC
s216(1)	104. Power to Order Owner of Private Road to Carry out Specific Roadwork 104.1 The power pursuant to Section 216(1) of the Act to, by order in writing in accordance with Section 216(2) of the Act to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.		CO, DWES, GI, MES, MO, MRS, PC

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s216(2)	<p>104. Power to Order Owner of Private Road to Carry out Specific Roadwork</p> <p>104.2 The duty pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:</p> <p>104.2.1 any proposal to make an order; and</p> <p>104.2.2 if an order is made, any order, under Section 216(1) of the Act.</p>		CO, DWES, GI, MES, MO, MRS, PC
s217(1)	<p>105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.</p> <p>105.1 The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner:</p> <p>105.1.1 to carry out specified work by way of maintenance or repair; or</p> <p>105.1.2 to move the structure or equipment in order to allow the Council to carry out roadwork.</p>		CO, DWES, GI, MES, MO, MRS, PC
s217(1)	<p>105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.</p> <p>105.2 Where the order made pursuant to Section 217(1) of the Act is not complied with within a reasonable time fixed in the order, the power pursuant to Section 217(2)(a) of the Act to take action required by the order and to recover the cost of doing so as a debt from the owner.</p>		CO, DWES, GI, MES, MO, MRS, PC
s218(1)	<p>106. Power to Require Owner of Adjoining Land to Carry Out Specific Work</p> <p>106.1 The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.</p>		DWES, GI, MES, MO, MRS, PC
s218(2)	<p>106. Power to Require Owner of Adjoining Land to Carry Out Specific Work</p> <p>106.2 The duty pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:</p>		DWES, MES, MO, MRS, PC

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	106.2.1 any proposal to make an order; and 106.2.2 if an order is made, any order under Section 218(1) of the Act.		
s219(1)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.1 The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or private road, or of a public place.		This power remains with CEO - no further sub-delegation
s219(1a)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.2 The duty pursuant to Section 219(1a) of the Act to assign a name to a public road created after the commencement of Section 219(1a) of the Act by land division.		This power remains with CEO - no further sub-delegation
s219(2)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.3 Where it is proposed to change the name of a public road that runs into the area of an adjoining council, the duty pursuant to Section 219(2) of the Act to: 107.3.1 give the adjoining council at least 2 months notice of the proposed change; and 107.3.2 consider any representations made by the adjoining council in response to that notice.		AA-WES, CO, DDES, DWES, EA- DWES, GI, MES, MO, MRS, PC
s219(3)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.4 The duty pursuant to Section 219(3) of the Act to: 107.4.1 immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and		AA-WES, DWES, EA- DWES, MES, MO

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	107.4.2 on request by the Registrar-General, the Surveyor-General or the Valuer-General, provide information about the names of roads or public places in the Council's area.		
s219(4)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.5 The duty pursuant to Section 219(4) of the Act to give public notice of the assigning or changing of a name under Section 219(1) of the Act.		DWES, MES, MO
s219(5)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.6 The power pursuant to Section 219(5) of the Act to prepare and adopt a policy relating to the assigning of names under Section 219 of the Act.		This power remains with Council - delegation does not apply.
s219(6)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.7 The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.		This power remains with Council - delegation does not apply.
s219(7)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.8 The duty pursuant to Section 219(7) of the Act to publish notice of the adopting or altering of a policy under Section 219 of the Act: 107.8.1 in the Gazette; and 107.8.2 in a newspaper circulating in the area of the council; and 107.8.3 on a website determined by the Chief Executive Officer.		This power remains with CEO - no further sub-delegation

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s220(1)	108. Numbering of Premises and Allotments 108.1 The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.		This power remains with CEO - no further sub-delegation
s220(1a)	108. Numbering of Premises and Allotments 108.2 The duty pursuant to Section 220(1a) of the Act to assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of Section 220(1a) of the Act by land division.		This power remains with CEO - no further sub-delegation
s220(1b)	108. Numbering of Premises and Allotments 108.3 The duty pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act.		This power remains with CEO - no further sub-delegation
s220(2)	108. Numbering of Premises and Allotments 108.4 The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act.		This power remains with Council - delegation does not apply.
s220(3)	108. Numbering of Premises and Allotments 108.5 The duty pursuant to Section 220(3) of the Act to give public notice of the adopting, altering or substituting of a numbering system for a particular road.		DWES, MES, MO, SNR-RO

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s220(4)	108. Numbering of Premises and Allotments 108.6 The duty pursuant to Section 220(4) of the Act to notify the Valuer-General of the decision to adopt, alter or substitute a numbering system.		DWES, MES, MO, SNR- RO
s220(6)	108. Numbering of Premises and Allotments 108.7 The power pursuant to Section 220(6) of the Act to request an owner of land to ensure that the appropriate number for the owner's building or allotment is displayed in a form directed or approved by the Delegate.		DWES, MES, MO, SNR- RO
s221(1)	109. Alteration of Road 109.1 The power pursuant to Section 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as: 109.1.1 altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or 109.1.2 erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or 109.1.3 changing or interfering with the construction, arrangement or materials of the road; or 109.1.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or 109.1.5 planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.		CFM, CO, DWES, GI, MES, MO, MRS, PC, ProOff, TL-T, TL-W
s221(2)(b)	109. Alteration of Road 109.2 Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will: 109.2.1 unduly obstruct the use of the road; or		CFM, CO, DWES, GI, MES, MO, MRS, PC,

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	109.2.2 unduly interfere with the construction of the road; or 109.2.3 have an adverse effect on road safety.		ProOff, TL-T, TL-W
s221(6)	109. Alteration of Road 109.3 The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act: 109.3.1 for a particular act or occasion; or 109.3.2 for a term which is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal.		CFM, CO, DWES, GI, MES, MO, MRS, PC, ProOff, TL-T, TL-W
s222(1)	110. Permits for Business Purposes 110.1 The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for business purposes and to give a permit to do so.		CO, DCCS , DWES, GI, MCP, MRS
s222(2)	110. Permits for Business Purposes 110.2 Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road.		DCCS , DWES, GI, MCP, MRS
s222(3)	110. Permits for Business Purposes 110.3 The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for a particular occasion or for a term stated in the permit.		DCCS , DWES, GI, MCP, MRS
s223(1)	111. Public Consultation 111.1 The duty pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to follow the relevant steps set out in Council's public consultation policy, if the Delegate proposes to grant an authorisation or permit: 111.1.1 that confers a right of exclusive occupation; or		DCCS , DWES, GI, MCP, MRS

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	111.1.2 that would have the effect of restricting access to a road; or 111.1.3 in relation to a use or activity for which public consultation is required under the Regulations.		
s223(2)	111. Public Consultation 111.2 The duty pursuant to Section 223(2) of the Act to give written notice of the proposal to agencies that are, under the Regulations, to be notified of the proposal to grant an authorisation to alter a public road or to permit the use of a public road for business purposes.		DCCS , DWES, GI, MRS
s224	112. Conditions of Authorisation or Permit 112.1 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.		CO, DWES, GI, MES, MO, MRS, PC
s225(1)	113. Cancellation of Authorisation or Permit 113.1 The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit: 113.1.1. 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 113.1.2 in the any other case - cancel the authorisation or permit for breach of a condition.		CO, DCCS , DDES, DWES, GI, MES, MHS, MO, MRS, PC, MCP
s225(2)	113. Cancellation of Authorisation or Permit 113.2 The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to: 113.2.1 give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and		CO, DCCS , DDES, DWES, GI, MES, MHS, MO, MRS, PC, MCP

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	113.2.2 consider any representations made in response to the notice.		
s225(3)	<p>113. Cancellation of Authorisation or Permit</p> <p>113.3 The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.</p>		DCCS , DDES, DWES, MO, MCP
s225(4)	<p>113. Cancellation of Authorisation or Permit</p> <p>113.4 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>		DDES, MHS, MRS
s225A(1)	<p>113A Location Rules – General</p> <p>113A.1 The power pursuant to Section 225A(1) of the Act and subject to Section 225A(2) of the Act, to prepare and adopt rules (location rules) that set out locations within the Council area in which mobile food vending businesses may operate.</p>		DDES, MHS, MRS
s225A(4)	<p>113A Location Rules – General</p> <p>113A.2 The power pursuant to Section 225A(4) of the Act to:</p> <p>113A.2.1 from time to time amend the Council's location rules;</p> <p>113A.2.2 amend its location rules in order that the rules comply with:</p> <p>113A.2.2.1 any requirement specified by the Minister under Section 225A(2)(b) of the Act; or</p>		DDES, MHS, MRS

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	113A.2.2.2 any direction given by the Small Business Commissioner under Section 225A(7) of the Act.		
s231(1)	<p>114. Register</p> <p>114.1 The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which:</p> <p>114.1.1 includes the information required by regulation; and</p> <p>114.1.2 may consist (if the Delegate so decides) of a computer record of the relevant information.</p>		CAM, DWES
s231(3)	<p>114. Register</p> <p>114.2 The duty pursuant to Section 231(3) and (4) of the Act to make the register available for public inspection (without charge) and purchase of extracts (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.</p>		CAM, DDES, DWES, MO
s232	<p>115. Trees</p> <p>The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement):</p> <p>115.1 giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account -</p> <p>115.1.1 environmental and aesthetic issues; and</p> <p>115.1.2 the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road); and</p> <p>115.1.3 road safety matters; and</p> <p>115.1.4 other matters (if any) considered relevant by the Delegate; and</p>		CO, DWES, GI, MES, MO, MRS, PC

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	115.2 where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy.		
s233(1), s233(2)	116. Damage 116.1 The power pursuant to Section 233(1) and (2) of the Act to recover damages, in the same way as damages for a tort, where a person, without the Council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road.		CO, DWES, GI, MES, MO, MRS, PC
s234(1)	117. Council's Power to Remove Objects etc from Roads 117.1 The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if: 117.1.1 it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter 11 of the Act; or 117.1.2 an authorisation or permit has been granted but has later expired or been cancelled.		CO, DWES, GI, MES, MO, MRS, PC, TL-T, TL-W
s234(2)	117. Council's Power to Remove Objects etc from Roads 117.2 The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.		DWES, GI, MES, MO, MRS
s234(3)	117. Council's Power to Remove Objects etc from Roads 117.3 Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles.		DWES, GI, MES, MO, MRS
s236(2)	119. Abandonment of Vehicles and Farm Implements 119.1 The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle abandoned on a public road or public place.		CO, DWES, GI, MES, MO, MRS

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s237(4)	<p>120. Removal of Vehicles</p> <p>120.1 The duty pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle:</p> <p>120.1.1 by written notice in the prescribed form:</p> <p>120.1.1.1 served on the owner personally; or</p> <p>120.1.1.2 served on the owner by the use of person-to-person registered post, as soon as practicable after the removal of the vehicle; or</p> <p>120.1.2 if the owner is unknown or cannot be found - by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.</p>		CO, DDES, DWES, GI, MES, MO, MRS
s237(5)	<p>120. Removal of Vehicles</p> <p>120.2 If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.</p>		DDES, DWES, MES, MO, MRS
s237(6)	<p>120. Removal of Vehicles</p> <p>120.3 The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:</p> <p>120.3.1 the vehicle is offered for sale but not sold; or</p> <p>120.3.2 the Delegate reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle or the costs incidental to removing or holding the vehicle, or those costs combined.</p>		DDES, DWES, MES, MO, MRS
s237(7)	<p>120. Removal of Vehicles</p> <p>120.4 The duty pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale as follows:</p> <p>120.4.1 firstly, in payment of the costs of and incidental to the sale;</p>		DDES, DWES, MES, MO, MRS

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	120.4.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under Section 237 of the Act; 120.4.3 thirdly, in payment of the balance to the owner of the vehicle.		
s237(8)	120. Removal of Vehicles 120.5 The duty pursuant to Section 237(8) of the Act to make reasonable inquiry to find the owner of the vehicle following sale and, if after that reasonable inquiry, the owner cannot be found, the duty to pay the balance of the proceeds of sale to the Council.		DDES, DWES, MES, MO, MRS
s237(9)	120. Removal of Vehicles 120.6 The duty pursuant to Section 237(9) of the Act to take reasonable steps to return property found in the vehicle, and where the property cannot be returned, the duty to deal with the property as unclaimed goods under the Unclaimed Goods Act 1987 as if the Council were the bailee of those goods.		DDES, DWES, MES, MO, MRS
s242(1), s242(2)	121. Time Limits for Dealing with Certain Applications 121.1 Where the power to decide upon certain applications to which the Section applies has been delegated, the duty pursuant to Section 242(1) and (2) of the Act within two months after the relevant date, to make a decision in respect of the application and, if not so decided, it is taken to have been refused.		DCCS , MCP
s242(3)	121. Time Limits for Dealing with Certain Applications 121.2 The duty pursuant to Section 242(3) of the Act to notify the applicant in writing as soon as practicable of a decision or presumptive decision on an application to which Section 242 of the Act applies.		DCCS , MCP
s243(1)	122. Registrar-General to Issue Certificate of Title 122.1 The duty pursuant to Section 243(1) of the Act to apply to the Registrar-General for the issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act.		DCCS , MCP
s243(2)	122. Registrar-General to Issue Certificate of Title 122.2 The duty pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows:		DCCS , MCP

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	<p>122.2.1 in a manner and form approved by the Registrar-General; and</p> <p>122.2.2 accompanied by:</p> <p>122.2.2.1 Deliberately left blank.</p> <p>122.2.2.2 any surveys of the land and other materials that the Registrar-General may reasonably require; and</p> <p>122.2.2.3 a fee fixed by the Registrar-General.</p>		
s245	<p>123. Liability for Injury, Damage or Loss Caused by Certain Trees</p> <p>123.1 The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).</p>		CO, DWES, GI, MES, MO, MRS
s245A	<p>124. Council May Require Bond or Other Security in Certain Circumstances</p> <p>124.1 Subject to Section 245A of the Act, if,</p> <p>124.1.1 a person has approval to carry out development under the Development Act 1993; and</p> <p>124.1.2 the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development, the power, pursuant to Section 245A of the Act, to, by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.</p>		DDES, DWES, GI, MDS, MES, MO, MRS, PP
s37(b)	<p>124. Council May Require Bond or Other Security in Certain Circumstances</p> <p>124.2 The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the Development Act 1993 and a notice in writing has been served pursuant to Section 245A of the Act on the person</p>		DDES, DWES, MDS, MES, MRS, PP

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	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.		
s246(4a)	<p>125. Power to Make By-Laws</p> <p>125.1 The duty pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section 246(3)(e) of the Act, to ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the Council.</p>		This power remains with CEO - no further sub-delegation
s249(1)	<p>126. Passing By-Laws</p> <p>126.1 If it is proposed that the Council make a by-law, then at least 21 days before the Council resolves to make the by-law, the duty pursuant to Section 249(1) of the Act to:</p> <p>126.1.1 make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the Council, and so far as is reasonable practicable on the Internet; and</p> <p>126.1.2 by notice in a newspaper circulating in the area of the Council:</p> <p>126.1.2.1 inform the public of the availability of the proposed by law; and</p> <p>126.1.2.2 set out the terms of the by-law, or describe in general terms the by-law's nature and effect.</p>		DCCS , DDES, DWES
s249(4)	<p>126. Passing By-Laws</p> <p>126.2 Before the Council makes a by-law, the duty pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner:</p> <p>126.2.1 the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and</p> <p>126.2.2 the by-law is not in conflict with the Act.</p>		DCCS , DDES, DWES

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s249(5)	126. Passing By-Laws 126.3 The duty pursuant to Section 249(5) of the Act to publish a by-law in the Gazette.		DCCS , DDES, DWES
s249(7)	126. Passing By-Laws 126.4 The duty pursuant to Section 249(7) of the Act to publish a notice of the making of a by-law under Section 249 of the Act in a newspaper circulating in the area of the Council.		DCCS , DDES, DWES
s250(5)	127. Model By-Laws 127.1 The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the Gazette.		DCCS , DDES, DWES
s250(7)	127. Model By-Laws 127.2 The duty pursuant to Section 250(7) of the Act to publish a notice of the adoption of a model by-law or alteration made under Section 250 of the Act in a newspaper circulating in the area of the Council.		DCCS , DDES, DWES
s252(1)	128. Register of By-Laws and Certified Copies 128.1 The duty pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council; such register to include a copy of any code, standard or other document referred to or incorporated in a by-law.		DCCS , DDES, DWES
s252(3)	128. Register of By-Laws and Certified Copies 128.2 The duty pursuant to Section 252(3) and (4) of the Act to make available the register of by-laws for inspection or purchase an extract from the register (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.		DCCS , DDES, DWES
s252(5)	128. Register of By-Laws and Certified Copies 128.4 The duty pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time.		DCCS , DDES, DWES
s254	129. Power to Make Orders 129.1 The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in		AO-B, AO-P, BS, CO-BP,

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	Column 1 of the Table in Part 2 of Chapter 12, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.		DCCS , DDES, DWES, EHO, GI, Grad EHO, MDS, MES, MHS, MRS, PP, SAO-B, SAO-P
s255(1)	<p>130. Procedures to be Followed</p> <p>130.1 The duty pursuant to Section 255(1) of the Act before taking action to make an order under Part 2 of Chapter 12 (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing:</p> <p>130.1.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and</p> <p>130.1.2 stating the reasons for the proposed action; and</p> <p>130.1.3 inviting the person to show, within a specified time (being a reasonable period), why the proposed action should not be taken (by making representations to the Delegate).</p>		AO-B, AO-P, BS, CO-BP, DCCS , DDES, DWES, EHO, Grad EHO, MDS, MES, MHS, MRS, PP, SAO-B, SAO-P
s255(2)	<p>130. Procedures to be Followed</p> <p>130.2 If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.</p>		AO-B, AO-P, BS, CO-BP, DCCS , DDES, DWES, EHO, GI, Grad EHO, MDS, MES, MHS, MRS, PP,

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			SAO-B, SAO-P
s255(3)	<p>130. Procedures to be Followed</p> <p>130.3 The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act:</p> <p>130.3.1 to make an order in accordance with the terms of the original proposal; or</p> <p>130.3.2 to make an order with modifications from the terms of the original proposal; or</p> <p>130.3.3 to determine not to proceed with an order.</p>		DCCS , DDES, DWES
s255(5)	<p>130. Procedures to be Followed</p> <p>130.4 The power pursuant to Section 255(5) of the Act to:</p> <p>130.4.1 include two or more orders in the same instrument;</p> <p>130.4.2 direct two or more persons to do something specified in the order jointly.</p>		AO-B, AO-P, BS, CO-BP, DCCS , DDES, DWES, EHO, GI, Grad EHO, MDS, MES, MHS, MRS, PP, SAO-B, SAO-P
s255(6)	<p>130. Procedures to be Followed</p> <p>130.5 The duty pursuant to Section 255(6) of the Act to ensure that the order:</p> <p>130.5.1 subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and</p>		AO-B, AO-P, BS, CO-BP, DCCS , DDES, DWES, EHO, GI, Grad

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	130.5.2 states the reasons for the order.		EHO, MDS, MES, MHS, MRS, PP, SAO-B, SAO-P
s255(7)	130. Procedures to be Followed 130.6 The duty pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed.		AO-B, AO-P, BS, CO-BP, DCCS , DDES, DWES, EHO, GI, Grad EHO, MDS, MES, MHS, MRS, PP, SAO-B, SAO-P
s255(8)	130. Procedures to be Followed 130.7 If an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner.		AO-B, AO-P, BS, CO-BP, DCCS , DDES, DWES, EHO, GI, Grad EHO, MDS, MES, MHS, MRS, PP, SAO-B, SAO-P

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s255(11)	<p>130. Procedures to be Followed</p> <p>130.8 The power pursuant to Section 255(11) of the Act at the request or with the agreement of the person to whom an order is directed, to vary the order on the Delegate's own initiative, or to revoke an order if satisfied that it is appropriate to do so.</p>		DCCS , DDES, DWES, GI, MDS, MES, MHS, MRS, PP
s255(12)	<p>130. Procedures to be Followed</p> <p>130.9 If the Delegate, in the circumstances of a particular case, considers:</p> <p>130.9.1 that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or</p> <p>130.9.2 that an emergency situation otherwise exists, the Delegate has the power pursuant to Section 255(12) of the Act to:</p> <p>130.9.3 Proceed immediately to make an order under this Section without giving notice under Section 255(1); and</p> <p>130.9.4 require immediate compliance with an order despite Section 255(6)(a).</p>		DCCS , DDES, DWES, GI, MDS, MES, MHS, MRS, PP
s256(1) and (2)	<p>131. Rights of Review</p> <p>131.1 The duty pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to seek review of the order under the Act, and to include the information specified by the Regulations to the Act.</p>		AO-B, AO-P, BS, CO-BP, DCCS , DDES, DWES, EHO, GI, Grad EHO, MDS, MHS, MRS, PP, SAO-B, SAO-P

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s257(1)	132. Action on Non-Compliance 132.1 The power pursuant to Section 257(1) of the Act, where the requirements of an order are not complied with within the time fixed for compliance, or if there is an application for review, within 14 days after the determination of the review, to (subject to the outcome of any review) take the action required by the order.	CO, DCCS , DDES, DWES, GI, MES, MRS, PC
s257(2)	132. Action on Non-Compliance 132.2 The power pursuant to Section 257(2) of the Act to authorise an employee or another person to take action under Section 257(1) of the Act.	DCCS , DDES, DWES
s257(3)	132. Action on Non-Compliance 132.3 The power pursuant to Section 257(3) of the Act to take action to recover the reasonable costs and expenses incurred by the Council in taking action for the non-compliance with an order, as a debt from the person who failed to comply with the requirements of the order.	DCCS , DDES, DWES
s257(5)	132. Action on Non-Compliance 132.4 The power pursuant to Section 257(5) of the Act where an amount is recoverable from a person by the Council for action of non-compliance with an order, by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period: 132.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and 132.4.2 if the person is the owner of the land to which the order relates - the power, in accordance with Schedule 6, to impose a charge over the land for the unpaid amount, together with interest.	DCCS , DDES, DWES
s259(1)	133. Councils to Develop Policies 133.1 The power and duty pursuant to Section 259(1) of the Act to take reasonable steps to prepare and adopt policies concerning the operation of Part 2 of Chapter 12 of the Act.	This power remains with Council - delegation

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			does not apply.
s259(2)	<p>133. Councils to Develop Policies</p> <p>133.2 The power and duty pursuant to Section 259(2) of the Act to:</p> <p>132.2.1 prepare a draft of a Policy; and</p> <p>133.2.2 by notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council or the Delegate (being at least four weeks).</p>		DCCS , DDES, DWES
s259(3)	<p>133. Councils to Develop Policies</p> <p>133.3 The duty pursuant to Section 259(3) of the Act to consider any submission made on a proposed policy in response to an invitation under Section 259(2) of the Act.</p>		DCCS , DDES, DWES
s259(4)	<p>133. Councils to Develop Policies</p> <p>133.4 The power pursuant to Section 259(4) of the Act to amend a policy at any time.</p>		DCCS , DDES, DWES
s259(5)	<p>133. Councils to Develop Policies</p> <p>133.5 The duty pursuant to Section 259(5) of the Act before adopting an amendment to a policy, to take the steps specified in Section 259(2) and (3) (as if the amendment were a new policy), unless the Council or the Delegate determines the amendment is only of minor significance.</p>		DCCS , DDES, DWES
s259(6), s259(7)	<p>133. Councils to Develop Policies</p> <p>133.6 The duty pursuant to Sections 259(6) and (7) of the Act to make a policy available for inspection (without charge) and purchase (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.</p>		DCCS , DDES, DWES

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s259(8)	133. Councils to Develop Policies 133.7 The duty pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2 of Chapter 12 of the Act, to deal with the particular case on its merits and the duty to take into account any relevant policy under Division 3 of Part 2, Chapter 12 of the Act.		DCCS , DDES, DWES
s260(1)	134. Appointment of Authorised Persons 134.1 The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person.		This power remains with CEO - no further sub-delegation
s260(2)	134. Appointment of Authorised Persons 134.2 The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and specified in the instrument of appointment.		This power remains with CEO - no further sub-delegation
s260(3)	134. Appointment of Authorised Persons 134.3 The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card: 134.3.1 containing a photograph of the authorised person; and 134.3.2 identifying any conditions or limitations imposed under Section 260(2) of the Act.		This power remains with CEO - no further sub-delegation
s260(5)	134. Appointment of Authorised Persons 134.4 The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment.		This power remains with CEO - no further sub-delegation

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s270(a1)	<p>135. Procedures for Review of Decisions and Requests for Services</p> <p>135.00 The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with:</p> <p>135.00.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and</p> <p>135.00.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.</p>		DCCS , DDES, DWES, GA, MCLH, MCP, MFS
s270(a2)	<p>135. Procedures for Review of Decisions and Requests for Services</p> <p>135.0 The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:</p> <p>135.0.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and</p> <p>135.0.2 using information gained from the Council's community to improve its services and operations.</p>		DCCS , DDES, DWES, GA, MCLH, MCP, MFS
s270(a1) s270(a2)	<p>135. Procedures for Review of Decisions and Requests for Services</p> <p>135.1 Without limiting Sections 270(a1) and (a2) of the Act, the power and duty pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions of:</p> <p>135.1.1 the Council;</p> <p>135.1.2 employees of the Council;</p> <p>135.1.3 other persons acting on behalf of the Council,</p>		DCCS , DDES, DWES, GA, MCLH, MCP, MFS
s270(2)	<p>135. Procedures for Review of Decisions and Requests for Services</p> <p>135.2 The duty pursuant to Section 270(2) of the Act to ensure that the procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate or the Council determines to be relevant):</p>		This power remains with CEO - no

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	<p>135.2.1 the manner in which an application for review may be made;</p> <p>135.2.2 the assignment of a suitable person to reconsider a decision under review;</p> <p>135.2.3 the matters that must be referred to the Council itself for consideration or further consideration;</p> <p>135.2.3A in the case of applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers - the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the Act;</p> <p>135.2.4 the notification of the progress and outcome of an application for review;</p> <p>135.2.5 the timeframes within which notifications will be made and procedures on a review will be completed.</p>		further sub-delegation
s270(4)	<p>135. Procedures for Review of Decisions and Requests for Services</p> <p>135.3 The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if:</p> <p>135.3.1 the application was made by an employee of the Council and relates to an issue concerning his or her employment; or</p> <p>135.3.2 it appears that the application is frivolous or vexatious; or</p> <p>135.3.3 the applicant does not have a sufficient interest in the matter.</p>		DCCS , DDES, DWES, GA
s270(5)	<p>135. Procedures for Review of Decisions and Requests for Services</p> <p>135.4 The power and duty pursuant to Section 270(5) of the Act to ensure that copies of a document concerning the policies, practices and procedures that apply under Section 270 of the Act are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.</p>		CCS, DCCS , MODR, <u>GA</u>

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s270(6)	135. Procedures for Review of Decisions and Requests for Services 135.5 The power pursuant to Section 270(6) of the Act to, from time to time, amend the policies, practices and procedures established under Section 270 of the Act.		This power remains with CEO - no further sub-delegation
s270(8)	135. Procedures for Review of Decisions and Requests for Services 135.6 The power and duty pursuant to Section 270(8) of the Act to, on an annual basis, initiate and consider a report that relates to: 135.6.1 the number of applications for review made under Section 270; and 135.6.2 the kinds of matters to which the applications relate; and 135.6.3 the outcome of applications under this Section; and 135.6.4 such other matters as may be prescribed by the Regulations.		DCCS-GA
s270(9)	135. Procedures for Review of Decisions and Requests for Services 135.7 The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid.		DCCS-MFS
s271(1)	136. Mediation, Conciliation and Neutral Evaluation 136.1 The power pursuant to Section 271(1) of the Act as part of, or in addition to, the procedures established under Section 270 of the Act, to make provision for disputes between a person and the Council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation.		DCCS , DDES, DWES
s271(2)	136. Mediation, Conciliation and Neutral Evaluation 136.2 The duty pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons who are available to		This power remains with CEO - no

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	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.		further sub-delegation
s271A	136A. Provision of Information to Minister 136A.1 The power and duty, pursuant to Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council.		DCCS , DDES, DWES
s271A(3)	136A. Provision of Information to Minister 136A.2 The power pursuant to Section 271A(3) of the Act to, provide information in accordance with a request under Section 271A(1) of the Act, even if: 136AA.2.1 the information was given to the Council in confidence; or 136AA.2.2 is held on a confidential basis under Chapter 6 Part 4.		This power remains with CEO - no further sub-delegation
s272(3)	136B. Minister May Refer Investigation of Council to Ombudsman 136B.1 The power pursuant to Section 272(3) of the Act, to, before the Minister refers a matter, explain the Council's actions and make submissions to the Minister.		DCCS , DDES, DWES
s272(5)	136B. Minister May Refer Investigation of Council to Ombudsman 136B.2 The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.		This power remains with CEO - no further sub-delegation
s273(3)	136C. Action on a Report 136C.1 The power pursuant to Section 273(3) of the Act to make submissions to the Minister on the report on which the action is based.		DCCS , DDES, DWES
136D.	136D. Deliberately left blank 136D. Deliberately left blank		This power remains with Council - delegation

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			does not apply.
s275(2)	136E. Action on a Report 136E.1 The power pursuant to Section 275(2) of the Act to make submissions to the Minister.		DCCS , DDES, DWES
s276(1), s276(2)	137. Special Jurisdiction 137.1 The power pursuant to Section 276(1) and (2) of the Act to commence, defend or participate in the following proceedings before the District Court, on behalf of the Council: 137.1.1 proceedings to try the title of a member to an office; 137.1.2 proceedings to try the right of a person to be admitted or restored to an office; 137.1.3 proceedings to compel restoration or admission; 137.1.4 proceedings to compel the Council to proceed to an election, poll or appointment; 137.1.5 proceedings to try the validity of a rate or service charge; 137.1.6 proceedings to try the validity of a by-law; 137.1.7 proceedings to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession of which the Council or person is entitled under this Act.		DCCS , DDES, DWES
s279	138. Service of Documents by Councils etc 138.1 Where a document is required or authorised to be served on or given to a person by the Council, the power and duty to effect service in accordance with and pursuant to Section 279 of the Act.		DCCS , DDES, DWES, GI, MCP, MDS, MES, MHS,

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			MO, MRS, PP, WMO
s280(1)	139. Service of Documents on Councils 139.1 The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for service of documents on the Council and the power to accept or authorise a person to accept documents on Council's behalf.		DCCS , DDES, DWES, MDS, MHS, MODR, MRS, PP, RA
s281(1)	140. Recovery of Amounts from Lessees or Licensees 140.1 Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.		CO, DCCS , DDES, DWES, GI, MCP, MES, MFS, MO, MRS
s282(1)	141. Ability of Occupiers to Carry out Works 141.1 Where an owner of land fails to carry out work that the Council has required the owner to carry out under an Act, the power pursuant to Section 282(1) of the Act to give approval to the occupier of the land to cause the work to be carried out.		CO, DWES, GI, MES, MO, MRS
s294(1a)	142. Power to Enter and Occupy Land in Connection with an Activity 142.1 The duty pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.		This power remains with CEO - no further sub- delegation
s294(3)	142. Power to Enter and Occupy Land in Connection with an Activity 142.2 The duty pursuant to Section 294(3) of the Act: 142.2.1 to pay to the owner or occupier of the land rent on a quarterly or half-yearly basis, at a rate to be determined by		DDES, DWES, MO

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	<p>agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and</p> <p>142.2.2 to pay to the owner or occupier of the land within 1 month after occupying the land - reasonable compensation for damage caused to any crops on the land; and</p> <p>142.2.3 within 6 months of ceasing to occupy the land:</p> <p>142.2.3.1 remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and</p> <p>142.2.3.2 to pay to the owner or occupier of the land reasonable compensation for any other loss or damage caused by the Council, including the full value of any earth, minerals or resources taken from the land;</p>		
s294(5)	<p>142. Power to Enter and Occupy Land in Connection with an Activity</p> <p>142.3 The duty pursuant to Section 294(5) of the Act, at the request of an owner or occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining land.</p>		DDES, DWES, GI, MO, MRS, PC, TL-T, TL-W
s296(1)	<p>143. Reclamation of Land</p> <p>143.1 Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work has added to the land.</p>		CO, DCCS , DDES, DWES, GI, MES, MFS, MO, MRS
s296(2)	<p>143. Reclamation of Land</p> <p>143.2 The power pursuant to Section 296 (2) of the Act to appoint a valuer to determine the additional value added to the land by Council's activities, under Section 296(1) of the Act.</p>		DCCS , DDES, DWES, MES, MFS, MO

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s296(3)	143. Reclamation of Land 143.3 The duty pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act.		DCCS , DDES, DWES, MES, MFS, MO
s296(5)	143. Reclamation of Land 143.4 The duty pursuant to Section 296(5) of the Act to conduct an objection or review in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act.		DCCS , DDES, DWES, MES, MFS, MO
s297	144. Property in Rubbish 144.1 The power pursuant to Section 297 of the Act to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate.		CO, DWES, GI, MES, MO, MRS, WMO
s298(1)	145. Power of Council to Act in Emergency 145.1 Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger.		DCCS , DDES, DWES, MES, MO
146	146. Deliberately left blank 146.1 Deliberately left blank.		Head Delegation repealed - deliberately left blank.
146.	146. Deliberately left blank 146.2 Deliberately left blank.		Head Delegation repealed -

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			deliberately left blank.
s300(1)	147. Costs of Advertisements 147.1 The duty pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that immediately necessitates the advertisement.		DCCS , DDES, DWES
s302B	148. Whistleblowing 148.1 The duty pursuant to Section 302B of the Act to ensure that a member of staff of the Council who has the qualifications prescribed by the Local Government (General) Regulations 2013 is designated as the responsible officer for the Council for the purposes of the Whistleblowers Protection Act 1993.		This power remains with CEO - no further sub-delegation
c13, Schedule 1A	148A Use of Facilities 148A.1 The power pursuant to Clause 13 of Schedule 1A of the Act to arrange with the Authority for the Authority to make use of the services of the staff, equipment or facilities of the Council.		DCCS , DDES, DWES, MCP, MES, MO
c13(4), Schedule 1A	149. Deliberately left blank		Head Delegation repealed - deliberately left blank.
c14, Schedule 1A	150. Deliberately left blank		Head Delegation repealed - deliberately left blank.

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c16(4), Schedule 1A	151. Deliberately left blank 151.1 Deliberately left blank		Head Delegation repealed - deliberately left blank.
c16(5), Schedule 1A	151. Deliberately left blank 151.2 Deliberately left blank		Head Delegation repealed - deliberately left blank.
c16(6), Schedule 1A	151. Deliberately left blank 151.3 Deliberately left blank		Head Delegation repealed - deliberately left blank.
C17(1), Schedule 1A	151A Preparation of Stormwater Management Plans by Councils 151A.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which: (a) complies with the guidelines issued by the Authority; and (b) is prepared in consultation with the relevant regional NRM board or boards; and (c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations.		DWES, MES
c20(5), Schedule 1A	151B Authority May Issue Order 151B.1 The power pursuant to Clause 20(5) of Schedule 1A of the Act, before the Authority takes any action under Clause 20(4) of Schedule 1A of the Act, to make submissions to the Authority in relation to the matter.		DWES, MES

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c20(6), Schedule 1A	151B.2 The power pursuant to Clause 20(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement with the Authority for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (and the power to agree the rate with the Authority).		DWES
c21(1), Schedule 1A	152.1 Deliberately left blank		Head Delegation repealed - deliberately left blank.
c21(2), Schedule 1A	152. Deliberately left blank 152.2 Deliberately left blank		Head Delegation repealed - deliberately left blank.
c22(2), Schedule 1A	153.1 Deliberately left blank		Head Delegation repealed - deliberately left blank.
c22(3), Schedule 1A	153. Deliberately left blank 153.2 Deliberately left blank		Head Delegation repealed - deliberately left blank.
c22(4), Schedule 1A	153. Deliberately left blank 153.3 Deliberately left blank		Head Delegation repealed -

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			deliberately left blank.
c24(1), Schedule 1A	<p>154. Special Powers in Relation to Land</p> <p>154.1 The power pursuant to Clause 24(1) of Schedule 1A of the Act and in accordance with Clause 24(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or a condition imposed on approval of a stormwater management plan or action required by an order under Clause 20 of Schedule 1 of the Act, to:</p> <p>(a) enter and occupy any land; and</p> <p>(b) construct, maintain or remove any infrastructure; and</p> <p>(c) excavate any land; and</p> <p>(d) inspect, examine or survey any land and for that purpose:</p> <p>(i) fix posts, stakes or other markers on the land; and</p> <p>(ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and</p> <p>(iii) remove samples for analysis.</p> <p>(e) 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>(f) hold any water in a watercourse or lake or by any other means; and</p> <p>(g) 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>(h) deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and</p> <p>(i) undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and</p> <p>(j) undertake any testing, monitoring or evaluation; and</p> <p>(k) undertake any other activity of a prescribed kind.</p>		DDES, DWES, MDS, MES, MO, MRS
c24(2)(b) and 25, Schedule 1A	<p>154.2 The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.</p>		DWES

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c25(2), Schedule 1A	155. Entry and Occupation of Land Other Than Council Land 155.1 The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A of the Act, to give reasonable notice of an intention to enter, or to enter and occupy, land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land.		DWES, MES, MO
c25(3)(b), Schedule 1A	155.2 The power pursuant to Clause 25(3)(b) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the delegate considers is reasonable in the circumstances.		DCCS , DDES, DWES, MES, MO
c26(3), Schedule 1A	156. Vesting of Infrastructure, etc 156.1 The power pursuant to Clause 26(3) of Schedule 1A of the Act to, before the Minister publishes a notice vesting the care, control and management of infrastructure or land in the Council under Clauses 26(1) or (2) of Schedule 1A of the Act make submissions to the Minister in relation to the proposed notice.		DWES
c2(1), Schedule 1B	157. Building Upgrade Agreement (May only be delegated to CEO) 157.1 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 building upgrade agreement) under which: 157.1.1 the building owner agrees to undertake upgrade works in respect of the building; and 157.1.2 a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and 157.1.3 the Council agrees: 157.1.3.1 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 157.1.3.2 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).	The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not,	This power remains with CEO - no further sub-delegation

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		despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.	
c2(3), Schedule 1B	157. Building Upgrade Agreement (May only be delegated to CEO) 157.2 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.	The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the	This power remains with CEO - no further sub-delegation

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		Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.	
c2(4), Schedule 1B	157. Building Upgrade Agreement (May only be delegated to CEO) 157.3 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.	The power to enter into, or to vary or terminate, a building upgrade agreement on	This power remains with CEO - no further sub-delegation

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		behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.	
c4, Schedule 1B	158. Variation or Termination of Agreement (May only be delegated to CEO) 158.1 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.	The power to enter into, or to vary or terminate, a building upgrade	This power remains with CEO - no further sub-delegation

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		agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.	
c5(1), Schedule 1B	<p>159. Contents of Agreement (May only be delegated to CEO)</p> <p>159.1 The power pursuant to Clause 5(1) of Schedule 1B of the Act to make a building upgrade agreement in writing and specify:</p> <p>159.1.1 the upgrade works to be undertaken by or on behalf of the building owner under the agreement; and</p> <p>159.1.2 the amount of money to be advanced by the finance provider under the agreement; and</p> <p>159.1.3 the amount of the building upgrade charge to be levied by the Council under the agreement; and</p> <p>159.1.4 the schedule for the payment, by the building owner, of a building upgrade charge to the Council; and</p> <p>159.1.5 the amount of, or a method for calculating the amount of, any service fee or late payment fee that the Council may</p>	The power to enter into, or to vary or terminate, a	This power remains with CEO - no further sub-delegation

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	deduct and retain; and 159.1.6 any prescribed matters.	building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.	
c5(2), Schedule 1B	159. Contents of Agreement (May only be delegated to CEO) 159.2 The power pursuant to Clause 5(2) of Schedule 1B of the Act to, in a building upgrade agreement: 159.2.1 provide for the early repayment of any amount payable under the agreement; and 159.2.2 include and agree to other provisions.	The power to enter into, or to vary or	This power remains with CEO - no further sub-delegation

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		terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.	
c6(1), Schedule 1B	160. Declaration of Building Upgrade Charge (May only be delegated to CEO) 160.1 The power pursuant to Clause 6(1) of Schedule 1B of the Act, after the Council enters into a building upgrade	The power to declare and levy	This power remains with CEO - no

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	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).	a building upgrade charge under a building upgrade agreement may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.	further sub-delegation
c6(2), Schedule 1B	160. Declaration of Building Upgrade Charge (May only be delegated to CEO) 160.2 The 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:	The power to declare and levy	This power remains with CEO - no

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	<p>160.2.1 the name and address of the building owner; and</p> <p>160.2.2 a description of the relevant land in respect of which the building upgrade charge is being levied; and</p> <p>160.2.3 the building upgrade agreement under which the building upgrade charge is being levied; and</p> <p>160.2.4 the amount for which the building owner is liable; and</p> <p>160.2.5 the manner of payment of the amount; and</p> <p>160.2.6 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</p> <p>160.2.7 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</p> <p>160.2.8 any prescribed matters.</p>	a building upgrade charge under a building upgrade agreement may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.	further sub-delegation
c6(4), Schedule 1B	<p>160. Declaration of Building Upgrade Charge (May only be delegated to CEO)</p> <p>160.3 The power pursuant to Clause 6(4) of Schedule 1B of the Act, to, in relation to each payment in respect of a building</p>	The power to declare and levy	This power remains with CEO - no

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	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.	a building upgrade charge under a building upgrade agreement may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.	further sub-delegation
c7(2), Schedule 1B	161. Payment of Building Upgrade Charge 161.1 The power pursuant to Clause 7(2) of Schedule 1B of the Act, on payment of money in respect of a building upgrade		DCCS , MFS, RAARO, RO-TC, SNR-

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	charge to the Council, to deduct and retain any service fee and late payment fee authorised by the building upgrade agreement.		ACCT, SNR-RO
c7(3), Schedule 1B	161. Payment of Building Upgrade Charge 161.2 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, 161.2.1 hold that money on behalf of the finance provider pending payment to the finance provider; and 161.2.2 pay that money to the finance provider in accordance with the terms of the building upgrade agreement under which the charge was levied.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
c9(1), Schedule 1B	162. Sale of Land for Non-payment of Building Upgrade Charge 162.1 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.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
c9(2), Schedule 1B	162. Sale of Land for Non-payment of Building Upgrade Charge 162.2 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: 162.2.1 firstly – in paying the costs of the sale and any other costs incurred in proceeding under Clause 9 of Schedule 1B of the Act; 162.2.2 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); 162.2.3 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; 162.2.4 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; 162.2.5 fifthly – in discharging any liabilities secured by registered mortgages, encumbrances or charges; 162.2.6 sixthly – in discharging any other mortgages, encumbrances or charges of which the Council has notice; 162.2.7 seventhly – in payment to the owner of the land.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO

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c9(3), Schedule 1B	162. Sale of Land for Non-payment of Building Upgrade Charge 162.3 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.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
c10(2), Schedule 1B	163. Repayment of Advances to Finance Provider 163.1 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: 163.1.1 adjust the building upgrade charge to reflect the lower amount advanced to the building owner; and 163.1.2 give the building owner written notice of the adjustment.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
c10(3), Schedule 1B	163. Repayment of Advances to Finance Provider 163.2 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: 163.2.1 the building owner has made payment in respect of the charge in excess of the adjusted amount; and 163.2.2 the excess amount has been paid by the Council to the finance provider, to refund the building owner the excess amount paid.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
c13(1), Schedule 1B	164. Register of Building Upgrade Agreements 164.1 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.		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO
c13(3), Schedule 1B	164. Register of Building Upgrade Agreements 164.2 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).		DCCS , MFS, RAARO, RO-TC, SNR-ACCT, SNR-RO

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APPENDIX: LOCAL GOVERNMENT ACT 1999 SECTION 137: SUB-DELEGATED EXPENDITURE OF FUNDS

47.1 Subject to the Act or another Act, the power pursuant to Section 137 of the Act to expend the Council's approved budgeted funds in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts

The sub-delegate may expend adopted budget funds from the specified limit and budget allocation below, in accordance with the Procurement Policy and supporting processes. GST is excluded unless otherwise indicated.		
SUB-DELEGATE	\$ LIMIT	BUDGET ALLOCATION
EXECUTIVE SERVICES		
Executive Assistant to the Chief Executive Officer and the Mayor	\$5,000	Executive Services Directorate Budget Corporate Community Services Directorate Budget Development and Environmental Services Directorate Budget Works and Engineering Directorate Budget
Community Project Director	Adopted budget funds	From all capital and operating budgets across all Directorates which are relevant to the "Big Project" ie the Generational Investment in the Barossa Project, and also the Corporate and Community Services Training Budget.
Governance Advisor	\$2,000	Executive Services Directorate Budget Administration Services Budget
Manager, Organisational Development and Risk	\$5,000	Executive Services Directorate Budget
Manager, Strategic Projects	\$10,000	Executive Services Directorate Budget
Risk Advisor and Risk Coordinator	\$5,000	Risk Management and WHS Budget; organisational budgets as required on Council operations relevant to Risk Management, Work Health and Safety including First Aid Kit replenishment, Insurance Premiums and Claims

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CORPORATE AND COMMUNITY SERVICES		
Director, Corporate and Community Services	Adopted budget funds	Corporate Community Services Directorate Budget and Executive Services departmental budget allocation and to approve budget expenditure as required relevant for all Council operations for: Utilities Services, Telephone and Communication Services and Postal Services Authorised to approve relevant human resource and expenditure requests submitted by the Chief Executive Officer and may expend budgeted funds on the Executive Services budget for this purpose.
Manager, Community Projects	\$10,000 15,000	Administration Budget and Community Programs and Development Budget
	\$50,000	Offices and Community Facilities Budget
	\$50,000 ex. GST and \$55,000 incl. GST	Big Project budget lines: O900 / O901 / O902 and Q003
Manager, Community and Culture	\$10,000 15,000	Community and Culture Budget and Barossa Gallery Budget
Manager, Customer, Library and Heritage Services	\$10,000 15,000	Administration Services Budget, Customer Services Budget and Library Services Budget
Manager, Financial Services	\$10,000	Financial Services and Executive Services Budgets
Manager, Knowledge and Technology Services	\$50,000 ex. GST and \$55,000 incl. GST	Information Technology Budget and to approve budget expenditure as required relevant for all Council operations for: Telephone and Communication Services
Manager, Tourism Services	\$10,000 15,000	Barossa Visitor Centre Budget

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Coordinator, Community Transport and Home Assist	\$5,000	Community Transport Budget and Home Assist Budget
Coordinator, Customer Support	\$2,000	Administration Services Budget and Customer Services Budget
Coordinator, Facilities Management	\$10,000	Offices and Community Facilities Budget; and up to \$10,000 for any one order subject to departmental budget allocation as required relevant to additional Council facilities including: Cleaning Services, Fire Equipment Servicing, Electrical Tagging and Testing, Building Maintenance Repairs and Servicing
Coordinator, Library Branch Services	\$1,000 2,000	Library Services Budget
Coordinator, Library Collection Services	\$500 2,000	Library Services Budget
Coordinator, Library Events and Community Engagement	\$500 2,000	Library Services Budget
Coordinator, Volunteering Services	\$1,000 2,000	Volunteer Resource Centre Budget
Coordinator, Youth Projects	\$2,000	Youth Services Budget
Executive Assistant to the Director Corporate and Community Services	\$3,000	Administration Services Budget
Administrative Assistant, Corporate and Community Services	\$500 1,500	Administration Services Budget and Barossa Regional Gallery Budget
Administrative Assistant, Community and Culture	\$1,200	Leisure Options Budget and Barossa Regional Gallery Budget
Administrative Assistant, Community Transport and Home Assist	\$1,000	Community Transport Budget and Home Assist Budget
Barossa Regional Gallery Project Officer	\$1,500	Barossa Regional Gallery Budget
Collaborative Project Officer	\$1,500	Collaborative Projects Budget
ICT Systems Administrator	\$54,000	IT Services Budget
Program Officer, Home Assist	\$1,000	Community Transport Budget and Home Assist Budget
Senior Accountant	\$1,000	Finance Department Budget
Senior Rates Officer	\$2,000	Rates Budget
Tourism Services and Administration Officer	\$5,000	Barossa Visitor Centre Budget
Tourism Services Officer, Barossa Visitor Centre	\$5,000	Barossa Visitor Centre Budget
DEVELOPMENT AND ENVIRONMENTAL SERVICES		
Director, Development and Environmental Services	Adopted budget funds	Development and Environmental Services Directorate Budget
Manager, Development Services	\$10,000	Building Budget and Planning Control Budget

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Manager, Health Services	\$5,000	Health Services Budget
Manager, Regulatory Services	\$5,000	General Inspectors Budget
Executive Assistant to the Director, Development and Environmental Services	\$3,000	Building, Health, Other Environmental Services, Planning, General Inspectors and Waste Services Budgets
Assistant to the Senior Manager, Planning Services	\$2,000	Building Budget and Planning Control Budget
Administration and Technical Support Officer	\$2,000	Building Budget and Planning Control Budget
Team Leader Environmental Services	\$5,000	Bushgardens Budget, Natural Resource Centre Budget, NRM Education Budget, Other Environmental Services Budget, Waste Services Budget and Upper Torrens Land Management Budget
Coordinator, Barossa Bushgardens	\$2,000	Bushgardens Budget
Nursery Manager, Barossa Bushgardens	\$2,000	Bushgardens Budget
Project Officer, Upper Torrens Land Management Project	\$1,000	Upper Torrens Land Management Project Budget
WORKS AND ENGINEERING SERVICES		
Director, Works and Engineering Services	Adopted budget funds	Works and Engineering Services Directorate Budget, Offices and Community Facilities Budget, to approve budget expenditure as required relevant for all vehicle purchase and operational costs, and as required relevant to the Council facilities including all buildings: Cleaning Services, Fire Equipment Servicing, Electrical Tagging and Testing, Building Maintenance Repairs and Servicing
Manager, Engineering Services	\$75,000	Capital Works Budget; Works Operations Budget; and CWMS Operations and Capital Budgets
Manager, Operations	\$100,000	Capital Works Budget and Works Operations Budget
Co-ordinator, Asset Management	\$10,000	Works Operations Budget
	\$50,000	To approve budget expenditure as required relevant for all vehicle purchase and legislative or corporate vehicle operational costs
Coordinator, Community Wastewater Management System	\$10,000	CWMS Operations and Capital Budgets
Coordinator, Operations	\$10,000	Capital Works Budget and Works Operations Budget
Executive Assistant to the Director Works and Engineering Services	\$3,000	Cemetery and Public Conveniences Recurrent Operations Budget and Capital Works Budget; Works CWMS Budget; Works and Engineering Budget; Works Operations Budget

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Project Coordinator	\$5,000	Works Operation Budget
Project Officer	\$5,000	Capital Works Budget and Works Operation Budget
Team Leaders (Tanunda and Williamstown)	\$5,000	Capital Works Budget and Works Operation Budget
Administrative Assistant, Works and Engineering Services	\$2,000	Capital Works Budget; Works CWMS Budget; Works and Engineering Budget; Works Operations Budget; and Tour Down Under Budget
Administrative Assistant, Tanunda Depot	\$2,000	Capital Works Budget; Works CWMS Budget; Works and Engineering Budget; and Works Operations Budget
Network Operator, Community Wastewater Management Systems	\$1,000	CWMS Operations and Capital Budgets
Grader Operator Leading Worker, Maintenance Leading Worker, Parks and Gardens Leading Worker, Recreational Parks Leading Worker, Streetscape Leading Worker, Trees Team Member, Operations Team Member, Parks and Gardens	\$500	Where the sub-delegate has been issued a corporate card in their own name, the sub-delegate may only expend funds up to \$500 per month from the adopted Works – Operation Budget and the Works – Ovals and Open Space Budget
Waste Management Officer	\$2,000	Waste Services Budget
SECTION 41 COMMITTEES		
Section 41 Committees	\$5,000 ex. GST	Specific Committee budget allocation and subject to Council policies. As per delegation made by Council in the individual Committees' Terms of Reference adopted by Council and as amended

AUTHORITY TO APPROVE TIMESHEETS:

The following sub-delegates may approve timesheets for those positions which report to them in accordance with their current Position Description.

Chief Executive Officer
All Directors*
All Managers
All Co-ordinators (except for Co-ordinators: Asset Management, Internal Control and Youth Projects)

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Executive Assistant to the Director, Corporate and Community Services
ICT Systems Administrator
Knowledge Management Officer
Senior Accountant
Senior Rates Officer
Team Leaders

*in the event that the Chief Executive Officer is unavailable to sign a timesheet of a directly reporting officer by Payroll's Tuesday morning deadline, that officer may refer his/her timesheet for approval by another Director.

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Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DDES: Director, Development and Environmental Services
 - DWES: Director, Works and Engineering Services
 - EHO: Environmental Health Officer
 - GI: General Inspector
 - Grad EHO: Graduate Environmental Health Officer
 - MDS: Manager, Development Services
 - MHS: Manager, Health Services
 - MO: Manager, Operations
 - MRS: Manager, Regulatory Services
 - SAO-B: Senior Assessment Officer, Building
 - TL-ES: Team Leader Environmental Services
 - WMO: Waste Management Officer

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016				
Provision	Item Delegated by Council to Chief Executive Officer	Conditions and Limitations	Sub-Delegate	
s12(3)	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.		This power remains with CEO - no further sub-delegation	
s12(4)	1. Authorised Officers 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.		This power remains with CEO - no further sub-delegation	
s12(6)	1. Authorised Officers 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.		This power remains with CEO - no further sub-delegation	
s13(2)	2. Identity Cards 2.1 The duty pursuant to Section 13(2) of the Act where the Minister has not designated a card issued by the		This power remains with	

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016				
	<p>Council to an authorised officer appointed by the Council as an identity card for the purposes of the Act, to issue an authorised officer appointed under the Act, with an identity card in a form approved by the Minister:</p> <p>2.1.1 containing the person's name and a recent photograph of the person; and</p> <p>2.1.2 stating that the person is an authorised officer for the purposes of the Act; and</p> <p>2.1.3 specifying the name of the Council.</p>		CEO - no further sub-delegation	
s13(3)	<p>2. Identity Cards</p> <p>2.2 The duty pursuant to Section 13(3) of the Act to issue an identity card as soon as is reasonably practicable after the appointment is made.</p>		This power remains with CEO - no further sub-delegation	
s15(a)	<p>3. Limit of Area of Authorised Officers Appointed by Councils</p> <p>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.</p>		This power remains with CEO - no further sub-delegation	
s16(1)(a)	<p>4. Provisions Relating to Seizure</p> <p>4.1 The duty pursuant to Section 16(1)(a) of the Act if a substance, material or thing has been seized under Division 3 of the Act, to hold the substance, material or thing seized pending proceedings for an offence against the Act.</p>		DDES, DWES, GI, MDS, MHS, MO, MRS, SAO-B	

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016				
s16(1)(a)	4. Provisions Relating to Seizure 4.2 The power pursuant to Section 16(1)(a) of the Act, on application, authorise the release of the substance, material or thing seized to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure, subject to such conditions as the delegate thinks fit.		DDES, DWES, GI, MDS, MHS, MO, MRS, SAO-B	
s16(1)(e)	4. Provisions Relating to Seizure 4.3 The power pursuant to Section 16(1)(e) of the Act if a person is, under section 16 of the Act, entitled to recover any substance, material or thing, to request the person do so.		DDES, DWES, GI, MDS, MHS, MO, MRS, SAO-B	
s16(1)(f)	4. Provisions Relating to Seizure 4.4 The power pursuant to Section 16(1)(f) of the Act to direct that any substance, material or thing forfeited under Section 16 of the Act be disposed of.		DDES, DWES, GI, MDS, MHS, MO, MRS, SAO-B	
s19(1)	5. Exemptions from Application of Section 18 5.1 The power pursuant to Section 19(1) of the Act to declare by notice in writing in accordance with Section 19 of the Act that a person is exempt from the application of Section 18 of the Act in respect of a specified activity to be carried on in the Council's area.		DDES, GI, MDS, MHS, MRS, SAO-B	
s19(2)	5. Exemptions from Application of Section 18 5.2 The power pursuant to Section 19(2) of the Act to require an application for a declaration under Section 19		DDES, GI, MDS, MHS, MRS, SAO-B	

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016				
	of the Act made to the Council to be accompanied by any other information in connection with the application that the delegate may require.			
s19(3)	<p>5. Exemptions from Application of Section 18</p> <p>5.3 The duty pursuant to Section 19(3) of the Act to not make a declaration under Section 19 of the Act unless the delegate is satisfied that:</p> <p>5.3.1 there are exceptional circumstances that justify the making of the declaration; and</p>		DDES, GI, MDS, MHS, MRS, SAO-B	
s19(3)	<p>5. Exemptions from Application of Section 18</p> <p>5.3 The duty pursuant to Section 19(3) of the Act to not make a declaration under Section 19 of the Act unless the delegate is satisfied that:</p> <p>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.</p>		DDES, GI, MDS, MHS, MRS, SAO-B	
s19(4)	<p>5. Exemptions from Application of Section 18</p> <p>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:</p> <p>5.4.1 the permitted times or periods of time for carrying on the activity; or</p> <p>5.4.2 the manner of carrying on the activity.</p>		DDES, GI, MDS, MHS, MRS, SAO-B	

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016				
s19(5)	5. Exemptions from Application of Section 18 5.5 The power pursuant to Section 19(5) of the Act to, by further notice in writing, vary or revoke a declaration under Section 19 of the Act.		DDES, GI, MDS, MHS, MRS, SAO-B	
s19(7)	5.6 The: 5.6.1 power pursuant to Section 19(7) of the Act to determine the website for publishing a declaration made under Section 19 of the Act and any variations of the declaration; and		DDES, GI, MDS, MHS, MRS	
s19(7)	5.6 The: 5.6.2 duty pursuant to Section 19(7) of the Act to publish a declaration made under Section 19 of the Act and any variations of the declaration, on a website determined by the Council or the delegate.		DDES, GI, MDS, MHS, MRS	
s22(3)(a)(i)	6. Disposing of Litter 6.1 The power pursuant to Section 22(3)(a)(i) of the Act to provide a bin or other receptacle in the Council's area for the disposal of litter.		DDES, DWES, MHS, MO, TL-ES, WMO	
s22(3)(a)(ii)	6. Disposing of Litter 6.2 The power pursuant to Section 22(3)(a)(ii) of the Act to approve or authorise the manner of the disposal of litter in the Council's area.		DDES, DWES, MHS, MO, TL-ES, WMO	
s26(3)	7. Liability of Vehicle Owners 7.1 The duty pursuant to Section 26(3) of the Act, to accompany an expiation notice or expiation reminder notice given under the Expiation of Offences Act 1996 to the owner of a vehicle for an alleged offence against Section		DDES, GI, MRS	

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016				
	<p>26 of the Act involving the vehicle with a notice inviting the owner, if he or she was not the alleged principal offender, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:</p> <p>7.1.1 setting out the name and address of the person who the owner believes to have been the alleged principal offender; or</p> <p>7.1.2 if he or she had transferred ownership of the vehicle to another prior to the time of the alleged principal offence and has complied with the Motor Vehicles Act 1959 or the 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).</p>			
s26(4)	<p>7. Liability of Vehicle Owners</p> <p>7.2 The power pursuant to Section 26(4) of the Act, to bring a prosecution for an offence against Section 26 of the Act against one of the owners or against some or all of the owners jointly as co-defendants.</p>		DDES, MRS	
s26(5)	<p>7. Liability of Vehicle Owners</p> <p>7.3 The duty pursuant to Section 26(5) of the Act, before proceedings are commenced against the owner of a vehicle for an offence against Section 26 of the Act to send the owner a notice:</p> <p>7.3.1 setting out particulars of the alleged principal offence; and</p> <p>7.3.2 inviting the owner, if he or she was not the alleged principal offender or the owner of the vehicle at the time of the alleged principal offence, to provide the Council, within 21 days of the date of the notice, with a statutory declaration setting out any matters referred to in subsection 3(a) and (b).</p>		DDES, GI, MRS	

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016				
s26(9)	<p>7. Liability of Vehicle Owners</p> <p>7.4 The duty pursuant to Section 26(9) of the Act, if:</p> <p>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</p> <p>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.</p>		DDES, GI, MRS	
s26(10)	<p>7. Liability of Vehicle Owners</p> <p>7.5 The duty pursuant to Section 26(10) of the Act to not include in the particulars of the statutory declaration provided to the alleged principal offender the address of the person who provided the statutory declaration.</p>		DDES, GI, MRS	
s29	<p>8. Notification of EPA of Serious or Material Environmental Harm</p> <p>8.1 The duty pursuant to Section 29 of the Act, if the delegate has reason to believe that an offence committed under Sections 18 or 22 of the Act has, or may have, resulted in material environmental harm, or serious environmental harm, within the meaning of the Environment Protection Act 1993, to, as soon as practicable, notify the Environment Protection Authority of that belief.</p>		DDES, EHO, GI, Grad EHO, MHS, MRS	
s30(1)(a)	<p>9. Nuisance and Litter Abatement Notices</p> <p>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.</p>		DDES, EHO, GI, Grad EHO, MDS, MHS, MRS	

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
s30(1)(b)	9. Nuisance and Litter Abatement Notices 9.2 The power pursuant to Section 30(1)(b) of the Act to issue a litter abatement notice for or in connection with securing compliance with Part 4 Division 2 of the Act.		DDES, EHO, GI, Grad EHO, MDS, MHS, MRS
s30(2)	9. Nuisance and Litter Abatement Notices 9.3 The 9.3.1 duty pursuant to Section 30(2) of the Act in relation to a notice under Section 30 of the Act to ensure it: 9.3.1.1 is in the form of a written notice served on the person to whom it is issued; and 9.3.1.2 specifies the person to whom it is issued (by name or by a description sufficient to identify the person); and specifies the purpose for which it is issued; and 9.3.2 power pursuant to Section 30(2) of the Act, in relation to a notice under Section 30 of the Act, to: 9.3.2.1 direct two or more persons to do something specified in the notice jointly; and 9.3.2.2 impose a requirement that the person do one or more of the following:		DDES, EHO, GI, Grad EHO, MDS, MHS, MRS
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (a) discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice;		DDES, EHO, GI, Grad EHO, MDS, MHS, MRS

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (b) not carry on a specified activity except at specified times or subject to specified conditions;		DDES, EHO, GI, Grad EHO, MDS, MHS, MRS
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (c) take specified samples or conduct specified tests, examinations, monitoring or analyses at specified times or intervals or for a specified period or until further notice;		DDES, EHO, GI, Grad EHO, MDS, MHS, MRS
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (d) furnish to the Council specified results or reports within a specified period;		DDES, EHO, GI, MDS, MHS, MRS
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (e) clean up litter that the Council or delegate considers to have been caused by a contravention of this Act;		DDES, EHO, GI, Grad EHO, MDS, MHS, MRS
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (f) make good any damage to property that the Council or delegate considers to have been caused by a contravention of this Act;		DDES, EHO, GI, Grad EHO, MDS, MHS, MRS
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (g) prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate,		DDES, EHO, GI, Grad

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016				
	a plan of action for the purposes of securing compliance with any requirement of the Act or preventing any future contravention of the Act;		EHO, MDS, MHS, MRS	
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (h) take such other specified action in a specified way, and within a specified period or at specified times or in specified circumstances; and		DDES, EHO, GI, Grad EHO, MDS, MHS, MRS	
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (i) in the case of a litter abatement notice, impose a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of: A. preventing the escape of litter from business premises; or B. keeping a specified area (not exceeding 100 metres) around business premises free from litter; and		DDES, EHO, GI, Grad EHO, MDS, MHS, MRS	
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (j) impose any other requirement prescribed by regulation; and		DDES, EHO, GI, Grad EHO, MDS, MHS, MRS	
s30(2)	9. Nuisance and Litter Abatement Notices 9.3.2.2 (k) ensure it states that the person may, within 14 days, appeal against the notice to the Environment Resources and Development Court.		DDES, EHO, GI, Grad EHO, MDS, MHS, MRS	

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016				
s30(3)	9. Nuisance and Litter Abatement Notices 9.4 The power pursuant to Section 30(3) of the Act to issue a notice under Section 30 of the Act jointly with one or more other councils to prevent the person contravening a provision of the Act in those council areas.		DDES, MDS, MHS, MRS	
s30(4)	9. Nuisance and Litter Abatement Notices 9.5 The power pursuant to Section 30(4) of the Act to issue a notice under Section 30 of the Act that relates to an activity or conditions on premises to: 9.5.1 the owner or occupier of the premises; or 9.5.2 a person who has the management or control of the premises; or 9.5.3 a person who is the trustee of a person referred to in paragraph (a) or (b) or Section 30(4) of the Act, or is managing the affairs of such a person on some other basis.		DDES, MDS, MHS, MRS	
s30(6)	9. Nuisance and Litter Abatement Notices 9.6 The duty pursuant to Section 30(6) of the Act, if an emergency notice issued orally, to advise forthwith the person to whom the notice is issued of the person's right to appeal against the notice to the Environment, Resources and Development court.		DDES, MDS, MHS, MRS	
s30(8)	9. Nuisance and Litter Abatement Notices 9.7 The power pursuant to Section 30(8) of the Act, to, by written notice served on a person to whom a notice under section 30 of the Act has been issued by the Council, vary or revoke the notice.		DDES, MDS, MHS, MRS	

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016				
s31	10. Action on Non-compliance with Notice 10.1 The power pursuant to Section 31 of the Act, if the requirements of a nuisance abatement notice or litter abatement notice issued by Council are not complied with, to take any action required by the notice.		DDES, EHO, GI, Grad EHO, MDS, MHS, MRS	
s31(2)	10. Action on Non-compliance with Notice 10.2 The power pursuant to Section 31(2) of the Act to authorise a person to take action under section 31(1) of the Act on behalf of the Council.		DDES, EHO, GI, Grad EHO, MDS, MHS, MRS	
s30(3)	10. Action on Non-compliance with Notice 10.3 The duty pursuant to Section 30(3) of the Act, if the delegate authorises a person to take action under section 31(2) of the Act to issue the person with an instrument of authority.		DDES, EHO, GI, Grad EHO, MDS, MHS, MRS	
s31(5)	10. Action on Non-compliance with Notice 10.4 The power pursuant to Section 31(5) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 31 of the Act as a debt from the person who failed to comply with the requirements of the notice.		DDES, EHO, GI, Grad EHO, MDS, MHS, MRS	
s31(6)	10. Action on Non-compliance with Notice 10.5 The power pursuant to Section 31(6) of the Act, if an amount is recoverable from a person under Section 31 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid.		DDES, EHO, GI, Grad EHO, MDS, MHS, MRS	

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
s33(1)(6)	<p>11. Civil Remedies</p> <p>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:</p> <p>11.1.1 if a person has engaged, is engaging or is proposing to engage in conduct in contravention of the Act – an order restraining the person from engaging in the conduct and, if the court considers it appropriate to do so, requiring the person to take any specified action;</p> <p>11.1.2 if a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by the Act – an order requiring the person to take that action;</p> <p>11.1.3 if a person has caused damage to property by a contravention of the Act – an order requiring the person to take specified action to make good the damage and, if appropriate, to take specified action to prevent or mitigate further damage;</p> <p>11.1.4 if the Council has incurred costs or expenses in taking action to prevent or mitigate damage caused by a contravention of the Act, or to make good resulting damage – an order against the person who committed the contravention for payment of the reasonable costs and expenses incurred in taking that action;</p> <p>11.1.5 if the Council has suffered injury or loss or damage to property as a result of a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage – an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action;</p> <p>11.1.6 if the court considers it appropriate to do so, an order against a person who has contravened the Act for payment to the Council.</p>		DDES, MDS, MHS, MRS

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016				
s33(6)	11. Civil Remedies 11.2 The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act.		DDES, MDS, MHS, MRS	
s33(8)	11. Civil Remedies 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.		This power remains with CEO - no further sub-delegation	
s33(9)	11. Civil Remedies 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.		DDES, MDS, MHS, MRS	
s33(10)	11. Civil Remedies 11.5 The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained).		DDES, MDS, MHS, MRS	
s33(11)	11. Civil Remedies 11.6 The power pursuant to Section 33(11) of the Act to make an application without notice to any person.		DDES, MDS, MHS, MRS	
s33(14)	11. Civil Remedies 11.7 The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person.		DDES, MDS, MHS, MRS	

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016				
s33(19)	11. Civil Remedies 11.8 The power pursuant to Section 33(19) of the Act to apply to the court to vary or revoke an order previously made under Section 33 of the Act.		DDES, MDS, MHS, MRS	
s34(1)	12. Minister or Council May Recover Civil Penalty in Respect of Contravention 12.1 The power pursuant to Section 34(1) of the Act, subject to Section 34 of the Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Environment, Resources and Development court an amount as a civil penalty in respect of the contravention.		DDES, MDS, MHS, MRS	
s34(2)	12. Minister or Council May Recover Civil Penalty in Respect of Contravention 12.2 The duty pursuant to Section 34(2) of the Act to not recover an amount under Section 34 of the Act, in respect of a contravention if the relevant offence requires proof of intention or some other state of mind, and to, in respect of any other contravention, determine whether to initiate proceedings for an offence or take action under Section 34 of the Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.		DDES, MDS, MHS, MRS	
s34(3)	12. Minister or Council May Recover Civil Penalty in Respect of Contravention 12.3 The duty pursuant to Section 34(3) of the Act to not make an application to the court under Section 34 of the Act to recover an amount from a person as a civil penalty in respect of a contravention: 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		DDES, MDS, MHS, MRS	

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016				
	12.3.2 if the person serves written notice on the Council, before the making of such an application, that the person elects to be prosecuted for the contravention.			
s34(4)	12. Minister or Council May Recover Civil Penalty in Respect of Contravention 12.4 The power pursuant to Section 34(4) of the Act to recover by negotiation as a civil penalty in respect of a contravention a maximum amount being the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.		DDES, MDS, MHS, MRS	
s34(5)	12. Minister or Council May Recover Civil Penalty in Respect of Contravention 12.5 The power pursuant to Section 34(5) of the Act to apply to the Environment, Resources and Development court for an order the person pay to the Council an amount as a civil penalty (but not exceeding the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention).		DDES, MDS, MHS, MRS	
s34(8)	12. Minister or Council May Recover Civil Penalty in Respect of Contravention 12.6 The power pursuant to Section 34(8) of the Act, if conduct of a person constitutes a contravention of two or more provisions of the Act, to recover an amount from the person under Section 34 of the Act in relation to the contravention of one or more of those provisions (provided that the person is not liable to pay more than one amount as a civil penalty in respect of the same conduct).		DDES, MDS, MHS, MRS	
s34(13)	12. Minister or Council May Recover Civil Penalty in Respect of Contravention 12.7 The power pursuant to Section 34(13) of the Act to apply to the Attorney General for authorisation to commence proceedings for an order under Section 34 of the Act more than three years and within 10 years after the date of the alleged contravention.		DDES, MDS, MHS, MRS	

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
s40	<p>13. Statutory Declaration</p> <p>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.</p>		DDES, MDS, MHS, MRS
s45(1)	<p>14. Orders in Respect of Contraventions</p> <p>14.1 The power pursuant to Section 45(1) of the Act, if, in proceedings under the Act, the court finds that the defendant contravened the Act and the contravention has resulted in injury to the Council or loss or damage to property, to apply to the court, in addition to any penalty it may impose, one or more of the following:</p> <p>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;</p> <p>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;</p> <p>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.</p>		DDES, MDS, MHS, MRS
s45(2)	<p>14. Orders in Respect of Contraventions</p> <p>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</p>		DDES, MDS, MHS, MRS

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016				
	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.			
s45(5)	<p>14. Orders in Respect of Contraventions</p> <p>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.</p>		DDES, MDS, MHS, MRS	
s48(1)	<p>15. Recovery of Administrative and Technical Costs Associated with Contraventions</p> <p>15.1 The power pursuant to Section 48(1) of the Act, if a person has contravened this Act and the Council:</p> <p>15.1.1 has taken action to</p> <p>15.1.1.1 investigate the contravention; or</p> <p>15.1.1.2 issue a nuisance abatement notice or litter abatement notice in respect of the contravention; or</p> <p>15.1.1.3 ensure that the person has complied with requirements imposed in relation to the contravention by a nuisance abatement notice or litter abatement notice or by an order of a court under the Act; or</p> <p>15.1.2 has, in taking such action, incurred costs and expenses in taking samples or in conducting tests, examinations, monitoring or analyses,</p> <p>to, by notice in writing served on the person, require the person to pay to the Council the reasonable costs and expenses incurred by the Council in taking such action.</p>		DDES, MDS, MHS, MRS	

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016				
s48(2)	15. Recovery of Administrative and Technical Costs Associated with Contraventions 15.2 The power pursuant to Section 48(2) of the Act to specify in the notice the period within which an amount payable to the Council in accordance with a notice under Section 48 of the Act must be paid.		DDES, MDS, MHS, MRS	
s48(3)	15. Recovery of Administrative and Technical Costs Associated with Contraventions 15.3 The power pursuant to Section 48(3) of the Act, on application by a person who has been served a notice under Section 48 of the Act to, by notice in writing: 15.3.1 extend the time for payment of an amount payable in accordance with the notice; or		DDES, MDS, MHS, MRS	
s48(3)	15. Recovery of Administrative and Technical Costs Associated with Contraventions 15.3 The power pursuant to Section 48(3) of the Act, on application by a person who has been served a notice under Section 48 of the Act to, by notice in writing: 15.3.2 waive payment of such an amount or reduce the amount payable.		DDES, MDS, MHS, MRS	
s48(6)	15. Recovery of Administrative and Technical Costs Associated with Contraventions 15.4 The power pursuant to Section 48(6) of the Act, if an amount payable to the Council is not paid in accordance with Section 48 of the Act to recover the amount as a debt.		DDES, MDS, MHS, MRS	
s49	16. Assessment of Reasonable Costs and Expenses 16.1 The duty pursuant to Section 49 of the Act, to for the purposes of the Act, assess the reasonable costs and expenses that have been or would be incurred by the Council or some other person or body in taking any action by reference to the reasonable costs and expenses that would have been or would be incurred in having the action taken by independent contractors engaged for that purpose.		This power remains with CEO - no further sub-delegation	

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LOCAL NUISANCE AND LITTER CONTROL ACT 2016				
s50(4)	<p>17. Evidentiary Provisions</p> <p>17.1 The power pursuant to Section 50(4) of the Act to execute a certificate certifying as to the matter relating to:</p> <p>17.1.1 the appointment or non-appointment of a person as an authorised officer under the Act; or</p> <p>17.1.2 a delegation or authority under the Act; or</p> <p>17.1.3 a notice, requirement or direction of the Council or an authorised officer under the Act; or</p> <p>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.</p>		This power remains with CEO - no further sub-delegation	
s50(5)	<p>17. Evidentiary Provisions</p> <p>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.</p>		This power remains with CEO - no further sub-delegation	
LOCAL NUISANCE AND LITTER CONTROL REGULATIONS 2017				
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LOCAL NUISANCE AND LITTER CONTROL REGULATIONS 2017			
Regulation 5	<p>18. Annual Reports by Councils</p> <p>18.1 The duty pursuant to Regulation 5 of the Local Nuisance and Litter Control Regulations 2017 (the Regulations), to, for the purposes of Section 8 of the Act, include in the Council's annual report details of:</p> <p>18.1.1 the number of complaints of local nuisance or littering received by the Council; and</p> <p>18.1.2 the number and nature of:</p> <p>18.1.2.1 offences under the Act that were expiated; and</p> <p>18.1.2.2 offences under the Act that were prosecuted; and</p> <p>18.1.2.3 nuisance abatement notices or litter abatement notices issued; and</p> <p>18.1.2.4 civil penalties negotiated under Section 34 of the Act; and</p> <p>18.1.2.5 applications by the Council to the Court for orders for civil penalties under Section 34 of the Act and the number of orders made by the Court on those applications; and</p> <p>18.1.3 any other functions performed by the Council under the Act.</p>		DDES, MDS, MHS, MRS, TL-ES
Regulation 6(1)(a)(ii)	<p>19. Exemptions from Application of Section 18</p> <p>19.1 The power pursuant to Regulation 6(1)(a)(ii) of the Regulations:</p> <p>19.1.1 to fix a lodgement period for an application in relation to an activity that is to take place over a period not exceeding 24 hours; and</p>		DDES, MDS, MHS, MRS

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	19.1.2 to fix a lodgement period for an application in relation to an activity that is to take place over a period of 24 hours or longer.			
Regulation 6(2)	19. Exemptions from Application of Section 18 19.2 The power pursuant to Regulation 6(2) of the Regulations, if an application for a declaration in relation to an activity is not lodged with the Council as required by Regulation 6(1)(a)(ii) of the Act, to refuse to consider the application.		DDES, MDS, MHS, MRS	
Regulation 6(3)	19. Exemptions from Application of Section 18 19.3 The power pursuant to Regulation 6(3) of the Regulations to require the following prescribed details to be contained in a site nuisance management plan to the extent relevant to the activity: 19.3.1 an assessment of the potential for local nuisance and the number of residential and commercial premises occupied by persons likely to be affected by the local nuisance (potentially affected persons);		DDES, MDS, MHS, MRS	
Regulation 6(3)	19. Exemptions from Application of Section 18 19.3.2 a map showing: 19.3.2.1 the proposed location of the activity and the likely fixed sources of local nuisance (for example, in the case of a concert, the location and orientation of stages and speakers); and 19.3.2.2 the location of premises occupied by potentially affected persons and the distance of the premises from those sources;		DDES, MDS, MHS, MRS	
Regulation 6(3)	19. Exemptions from Application of Section 18 19.3.3 the name and contact details of the responsible person in relation to the activity;		DDES, MDS, MHS, MRS	

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LOCAL NUISANCE AND LITTER CONTROL REGULATIONS 2017				
Regulation 6(3)	19. Exemptions from Application of Section 18 19.3.4 the proposed strategy for minimising, managing and monitoring the effects of the local nuisance on potentially affected persons;		DDES, MDS, MHS, MRS	
Regulation 6(3)	19. Exemptions from Application of Section 18 19.3.5 a copy of the notice (forming part of the communication strategy) proposed to be given to those persons to notify them of the activity, which must include the following details: 19.3.5.1 the nature of the proposed activity; 19.3.5.2 the start and finish dates for the activity; 19.3.5.3 the daily start and finish times for the activity; 19.3.5.4 the anticipated sources of local nuisance generated by the activity; 19.3.5.5 the proposed measures to be implemented to minimise the local nuisance; 19.3.5.6 the name and contact details of the person who may be contacted by potentially affected persons regarding concerns or complaints in relation to the activity; 19.3.5.7 such other details as the delegate may require;		DDES, MDS, MHS, MRS	
Regulation 6(3)	19. Exemptions from Application of Section 18 19.3.6 the proposed communication strategy with the Council, including reporting by the exempt person on progress of the activity and the site nuisance management plan and any unforeseen incidents;		DDES, MDS, MHS, MRS	

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LOCAL NUISANCE AND LITTER CONTROL REGULATIONS 2017			
Regulation 6(3)	<p>19. Exemptions from Application of Section 18</p> <p>19.3.7 the proposed process for recording details about complaints, including:</p> <p>19.3.7.1 contact details for each complainant; and</p> <p>19.3.7.2 the date and time of the complaint; and</p> <p>19.3.7.3 a description of the complaint; and</p> <p>19.3.7.4 the nature of the activity giving rise to the complaint; and</p> <p>19.3.7.5 any action taken to address the complaint.</p>		DDES, MDS, MHS, MRS
Regulation 12	<p>20. Notification to EPA of Serious or Material Environmental Harm</p> <p>20.1 The duty pursuant to Regulation 12 of the Regulations, to, for the purposes of Section 29 of the Act, include in notifications to the Environment Protection Authority:</p> <p>20.1.1 as many of the following details as may be in the possession of the Council:</p> <p>20.1.1.1 any investigation statements from authorised officers, witnesses or suspects;</p> <p>20.1.1.2 copies of relevant evidence (for example, images, photographs, video or audio recordings or transcripts, maps, reports of analyses, tests or samples, file notes, exhibit management records and any certificates under Section 50 of the Act or other relevant documents, orders, notes or information); and</p> <p>20.1.2 details as to any limitation of time for prosecution or expiation of offences under the Act; and</p>		DDES, MDS, MHS, MRS

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LOCAL NUISANCE AND LITTER CONTROL REGULATIONS 2017				
	20.1.3 details of the application of any relevant prescribed period within the meaning of Section 16 of the Act in relation to a substance, material or thing seized under Part 3 Division 3 of the Act.			
Regulation 13(2)(a)	<p>21. Action on Non-compliance with Notice</p> <p>21.1 The power pursuant to Regulation 13(2)(a) of the Regulations, to:</p> <p>21.1.1 for the purposes of creating the charge on land, give the Registrar General a notice, in a form determined by the delegate or the Council on the recommendation or with the approval of the Registrar-General,</p> <p>21.1.1.1 setting out the amount recoverable under Section 31 of the Act; and</p> <p>21.1.1.2 setting out the land in relation to which the relevant action was taken; and</p> <p>21.1.1.3 requesting the Registrar-General to make a notation under Regulation 13(2) of the Regulations in relation to the relevant land.</p>		DDES, MDS, MHS, MRS	
Regulation 13(2)(f)	<p>21. Action on Non-compliance with Notice</p> <p>21.2 The power pursuant to Regulation 13(2)(f) of the Regulations to, in a case where Regulation 13(2)(d)(i)(B) of the Regulations applies, recover the amount as if it were a rate constituting a charge on land under Section 144(2) of the Act.</p>		DDES, MDS, MHS, MRS	
Regulation 13(2)(g)	<p>21. Action on Non-compliance with Notice</p> <p>21.3 The duty pursuant to Regulation 13(2)(g) of the Regulations, if the amount to which the charge relates is paid, to, by further notice to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General), cancel the charge.</p>		DDES, MDS, MHS, MRS	

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LOCAL NUISANCE AND LITTER CONTROL REGULATIONS 2017				
Regulation 13(3)	21. Action on Non-compliance with Notice 21.4 The power pursuant to Regulation 13(3) of the Regulations to recover any costs or expenses incurred by the Council in relation to creating a charge over land or cancelling such a charge under Regulation 13 of the Regulations from the owner of the land in accordance with Section 144 of the Local Government Act 1999.		DDES, MDS, MHS, MRS	
Regulation 15(1)	22. Payment of Fees by Instalments 22.1 The power pursuant to Regulation 15(1) of the Regulations to, in allowing the payment of a fee under the Act or the Regulations by instalments, add to each amount payable as an instalment a charge by way of interest, or an administrative fee, determined by the delegate or the Council (as the case may be).		DDES, MDS, MHS, MRS	
Regulation 16	23. Waiver or Refund of Fees 23.1 The power pursuant to Regulation 16 of the Regulations to waive or refund a fee or other amount (or part of a fee or other amount) payable under the Act or the Regulations if the delegate is satisfied that it is appropriate to do so in a particular case.		DDES, MDS, MHS, MRS	
Regulation 17	24. Recovery of Fees 24.1 The power pursuant to Regulation 17 of the Regulations to recover a fee or other amount payable by a person under the Act or Regulations as a debt by action in a court of competent jurisdiction.		DDES, MDS, MHS, MRS	

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Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. In this Instrument of Delegation:
'Council' means the Council.
'constituent council' has the meaning given in Section 3 of the Act, namely:-
(a) in relation to a regional Natural Resources Management board ("NRM board"), or the region of a regional NRM board, a Council whose area, or part of whose area, comprises or is included in the region of the regional NRM board;
(b) in relation to a Natural Resources Management group ("NRM group"), or the area of an NRM group, a Council whose area, or part of whose area, comprises or is included in the area of the NRM group
4. Sub-delegates by Title:
 - AO-P: Assessment Officer, Planning
 - DDES: Director, Development and Environmental Services
 - MDS: Manager, Development Services
 - MRS: Manager, Regulatory Services
 - PP: Principal Planner
 - SAO-P: Senior Assessment Officer, Planning
 - TL-ES: Team Leader Environmental Services

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NATURAL RESOURCES MANAGEMENT ACT 2004				
Provision	Item Delegated by Council to Chief Executive Officer	Conditions and Limitations	Sub-Delegate	
s29(4)(d)	1. Collaboration with NRM board 1.1 The power pursuant to Section 29(4)(d) of the Natural Resources Management Act 2004 ("the Act") to work collaboratively with a regional NRM board in the performance of its functions.		DDES	
s30	2. The power pursuant to Section 30 of the Act to act in conjunction with a regional NRM board in relation to the NRM board doing anything necessary, expedient or incidental to - a) performing the functions of the NRM group under the Act or any other Act; or b) assisting in the administration of the Act; or c) furthering the objects of the Act		DDES	
s33(7)	3. Special Vesting of Infrastructure 3.1 The power pursuant to Section 33(7) of the Act to give consent on behalf of the Council in respect of making, varying or revoking a proclamation under Section 33(1), 33(2) or 33(6) of the Act.		This power remains with Council - delegation does not apply.	
s36(1)(c)	4. Approval of Delegation by NRM board to Council Officers 4.1 The power pursuant to Section 36(1)(c) of the Act to give approval to a regional NRM board to delegate a function or a power of the board under the Act or any other Act to the Council or a Council officer.		This power remains with Council - delegation	

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NATURAL RESOURCES MANAGEMENT ACT 2004				
			does not apply.	
s41	5. Use of Facilities 5.1 The power pursuant to Section 41 of the Act to enter into arrangements with a regional NRM board for the board to make use of the services of the staff, equipment or facilities of the Council.		DDES	
s42(2), s42(1)	6. Boards Power to Provide Financial Assistance etc 6.1 The power pursuant to Section 42(2) of the Act where a Council wishes to obtain financial or any other form of assistance from a regional NRM board under Section 42(1) of the Act, to make a written submission to the board setting out - 6.1.1 the nature of the assistance requested (and, in the case of financial assistance, the amount requested); and 6.1.2 the purpose or purposes for which and the manner in which the assistance will be used; and 6.1.3 the reasons why, in the Delegate's opinion, the granting of the assistance by the regional NRM board is justified.		DDES	
s43(2)	7. Assignment of Responsibility for Infrastructure 7.1 The power pursuant to Section 43(2) of the Act to make a submission to a regional NRM board in response to notice given by the board under Section 43(2) of the Act of the proposed assignment of the responsibility for the care, control or management of infrastructure to the Council as a third party pursuant to Section 43(1) of the Act.		This power remains with Council - delegation	

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NATURAL RESOURCES MANAGEMENT ACT 2004				
			does not apply.	
s43(3)	7. Assignment of Responsibility for Infrastructure 7.2 The power pursuant to Section 43(3) of the Act to enter into an agreement in accordance with the Regulations with a regional NRM board as contemplated in Section 43(1) for the assignment of the responsibility for the care, control or management of infrastructure to the Council as a third party pursuant to Section 43(1) of the Act.		This power remains with Council - delegation does not apply.	
s44(4)(c)	8. Appointment of Body to act as a Board 8.1 The power pursuant to Section 44(4)(c) of the Act to agree that by way of a regulation revoking a regulation made under Section 44(1) of the Act, the assets, rights and liabilities of a body appointed by such regulation to be a regional NRM board under the Act, will vest in or attach to the Council.		This power remains with Council - delegation does not apply.	
s45(5)	9. Establishment of Areas 9.1 The power pursuant to Section 45(5) of the Act to receive notice as a constituent council from a regional NRM board and to make a submission to the regional NRM board within a period (being at least 21 days) specified in the notice.		DDES	
s46(5)	9. Establishment of Areas 9.2 The power pursuant to Section 46(5) of the Act to enter into an agreement pursuant to which the property,		This power remains with CEO - no	

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NATURAL RESOURCES MANAGEMENT ACT 2004				
	assets, rights or liabilities of the local NRM group will vest in the Council pursuant to a notice under Section 46(4) of the Act.		further sub-delegation	
s48(2)(b)(i)	10. Composition of NRM groups 10.1 The power pursuant to Section 48(2)(b)(i) of the Act to consult with the relevant regional NRM board or boards, if the Council is also a constituent council for the area of the NRM group to which that board belongs, before an appointment is made by the board under Section 48(1) of the Act.		This power remains with Council - delegation does not apply.	
s52(2)(c)	11. Functions of Groups 11.1 The power pursuant to Section 52(2)(c) of the Act, to work collaboratively with an NRM group in the performance of its functions under Section 52(1) of the Act.		DDES	
s53(2)(g)	12. Acting in Conjunction with NRM Group 12.1 The power pursuant to Section 53(2)(g) of the Act to act in conjunction with an NRM group in relation to the NRM group doing anything necessary expedient or incidental to: a) performing its functions under the Act or any other Act b) assisting in the administration of the Act or c) furthering the objects of the Act pursuant to Section 53(1) of the Act.		DDES	

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NATURAL RESOURCES MANAGEMENT ACT 2004				
s55(2)	13. Power of Delegation 13.1 The power pursuant to Section 55(2) of the Act, to approve a delegation made by an NRM group in accordance with Section 55(1) of the Act to the Council or a Council subsidiary, or to an officer of the Council or a Council subsidiary (as the case requires), of a function or power of the NRM group under the Act or any other Act.		This power remains with CEO - no further sub-delegation	
s60	14. Use of Facilities 14.1 The power pursuant to Section 60 of the Act to enter into an arrangement with an NRM group for the NRM group to use the services of the staff, equipment or facilities of the Council.		DDES	
s61(4)(c)	15. Appointment of Body to Act as Group 15.1 The power pursuant to Section 61(4)(c) of the Act to agree that by way of a regulation revoking a regulation made under Section 61 of the Act, the assets, rights and liabilities of a body appointed by such regulation, to be a regional NRM group under the Act, will vest in or attach to the Council.		This power remains with Council - delegation does not apply.	
s67(10)	16. Regional Authorised Officers 16.1 The power pursuant to Section 67(10) of the Act to agree to the appointment of an officer of the Council as an authorised officer by a regional NRM board		This power remains with CEO - no further sub-delegation	
s74(8)	17. State NRM Plan 17.1 The power pursuant to Section 74(8) of the Act to consult with the NRM Council in relation to any proposal		DDES	

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NATURAL RESOURCES MANAGEMENT ACT 2004				
	to create or amend the State NRM Plan as defined in Section 74 of the Act, where the Local Government Association has nominated the Council pursuant to Section 74(14)(b) of the Act.			
s75(9)	18. Regional NRM Plans 18.1 The duty pursuant to Section 75(9) of the Act, when performing functions or exercising powers under the Local Government Act 1999 or any other Act, to have regard to any regional NRM plan that applies within the relevant area and in particular to give consideration to the question of whether changes should be implemented to the manner in which, or the means by which, the Council performs a function or exercises a power or undertakes any other activity that has been identified in the regional NRM plan as requiring change.		AO-P, DDES, MDS, MRS, PP, SAO-P, TL-ES	
19.1	19. Deliberately left blank 19.1 Deliberately left blank		This power remains with Council - delegation does not apply.	
s79(6)(a)(vii)	20. Preparation of Plans and Consultation 20.1 The power pursuant to Section 79(6)(a)(vii) of the Act where a draft plan has been prepared by a regional NRM board, to receive a copy of the draft plan.		DDES, MDS, MRS, PP, TL-ES	
s79(8)	20. Preparation of Plans and Consultation 20.2 The power pursuant to Section 79(8) of the Act to prepare and furnish a response to the regional NRM board within the period prescribed by the Regulations to a draft plan provided to the Council as a constituent council in accordance with Section 79(6)(a)(vii) of the Act.		DDES, MDS, PP, TL-ES	

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NATURAL RESOURCES MANAGEMENT ACT 2004				
s80(5)	21. Submission of Plan to Minister 21.1 The power pursuant to Section 80(5) of the Act to receive a copy of a draft plan as amended by the Minister, or if it appears to the Minister that the part or parts of the plan that have been amended can conveniently be substituted in the draft plan - a copy of that part or those parts as amended.		DDES, MDS, PP, TL-ES	
s81(7)(a)(ii)	22. Review and Amendment of Plans 22.1 The power pursuant to Section 81(7)(a)(ii) of the Act, to consult with a regional NRM board within the prescribed period (being a period of at least 21 days), in respect of amendments to a regional NRM plan which are within the ambit of Section 81(8) of the Act.		DDES, MDS, MRS, PP, TL-ES	
s82(2)	23. Time for Implementation of Plans 23.1 The power pursuant to Section 82(2) of the Act to give consent to the implementation by a regional NRM board of a draft plan or amendments to a plan that have not been adopted by the Minister.		This power remains with Council - delegation does not apply.	
s92(1)	24. Contributions by Constituent Councils 24.1 The duty pursuant to Section 92(1) of the Act if a regional NRM plan for a regional NRM board specifies an amount (the base contribution amount) to be contributed by the constituent councils for the region towards the costs of the board performing its functions under the Act in a particular financial year, to make a contribution based on that amount in accordance with the requirements of Part 1 of Chapter 5 of the Act in respect of that financial year.		This power remains with CEO - no further sub-delegation	

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NATURAL RESOURCES MANAGEMENT ACT 2004				
s92(7)	24. Contributions by Constituent Councils 24.2 The power pursuant to Section 92(7) of the Act to receive notice from the Minister of the Minister's determination.		DDES	
s93(1)	25. Payment of Contributions by Councils 25.1 The duty pursuant to Section 93(1) of the Act, subject to Section 93(2) of the Act, to pay the Council's share of the amount to be contributed by the constituent councils in approximately equal instalments on 30 September, 31 December, 31 March and 30 June in the year to which the contribution relates, including any interest which accrues on any amount unpaid at the rate and in the manner prescribed by regulation.		This power remains with CEO - no further sub-delegation	
s93(2)	25. Payment of Contributions by Councils 25.2 The duty pursuant to Section 93(2) of the Act, if notice of a regional NRM levy imposed by a Council in respect of a financial year could not be included in the notice of general rates for that year because the share to be contributed was not approved by the Governor on or before 1 June preceding that year, to pay the Council's share of the amount to be contributed by constituent councils in approximately equal instalments on 31 December, 31 March and 30 June in that year.		This power remains with CEO - no further sub-delegation	
-	26. Deliberately left blank 26.1 Deliberately left blank 26.2 Deliberately left blank 26.3 Deliberately left blank 26.4 Deliberately left blank		This power remains with Council - delegation does not apply.	

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NATURAL RESOURCES MANAGEMENT ACT 2004				
s96(1)	27. Cost of Councils 27.1 The power pursuant to Section 96(1) of the Act, subject to Section 96(2) and 96(3) of the Act, to receive an amount from a regional NRM board determined in accordance with the regulations on account of the costs of the Council as a constituent council in complying with the requirements of Part 1 of Chapter 5 of the Act.		DDES	
s125(5)(b)	28. Declaration of Prescribed Water Resources 28.1 The duty pursuant to Section 125(5)(b) of the Act, to receive a copy of a notice from the Minister outlining a proposed recommendation to the Governor declaring that part of the State is a surface water prescribed area.		This power remains with CEO - no further sub-delegation	
s136(3)	29. Requirement for notice of certain applications 29.1 The power pursuant to Section 136(3) of the Act, where the Council is a person specified in the plan to whom notice of an application must be given pursuant to Section 136(2) of the Act to make representations in writing to the relevant authority in relation to the granting or refusal of a permit.		DDES	
s136(6)	29. Requirement for notice of certain applications 29.2 The duty pursuant to Section 136(6) of the Act, if the Council has made a representation under Section 136(3) of the Act, as part of that representation indicated an interest in appearing before the authority, to appear personally or by representative before the authority to be heard in support of the representation.		DDES	
s136(11)	29. Requirement for notice of certain applications 29.3 The power pursuant to Section 136(11) of the Act to lodge an appeal with the ERD Court.		DDES	

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NATURAL RESOURCES MANAGEMENT ACT 2004				
s171(7)(a)	30. By-Laws 30.1 The power pursuant to Section 171(7)(a) of the Act to consult with a regional NRM board before a by-law is made by the NRM board under Section 171 of the Act that directly affects the area of the Council.		DDES, MDS, MRS, PP, TL-ES	
s171(7)(c)	30. By-Laws 30.2 The power pursuant to Section 171(7)(c) of the Act to submit to the regional NRM board the Council's views on a by-law proposed to be made under Section 171 of the Act.		DDES, MDS, MRS, PP, TL-ES	
s201(5)	31. Orders made by ERD Court 31.1 The power pursuant to Section 201(5) of the Act, where the Council's interests are affected by the subject matter of the application to make an application to the ERD Court for Orders under Section 201 of the Act.		DDES	
s201(7)	31. Orders made by ERD Court 31.2 The duty pursuant to Section 201(7) of the Act where an application is made to the ERD Court to serve a copy of the application on the Minister within 3 days after filing the application with the ERD Court.		DDES, MDS, MRS, PP, TL-ES	
s205(3)	32. Management Agreements 32.1 The power pursuant to Section 205(3) of the Act to receive notice from the Minister of a proposal to provide for the remission of any Council rate under Section 205(2)(j) of the Act by way of a management agreement.		DDES	
s208(1), s208(2)	33. Service of notices or other documents 33.1 The duty pursuant to Section 208(1) of the Act, subject to Section 208(2) of the Act, where required or authorised by the Act to serve a notice or other document on a person, to effect service of the notice or other document by -		DDES	

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NATURAL RESOURCES MANAGEMENT ACT 2004				
	<p>33.1.1 giving the notice or document to the person or an agent of the person; or</p> <p>33.1.2 leaving the notice or other document for the person at his or her place of residence or business with someone apparently over the age of 16 years; or</p> <p>33.1.3 if the notice or document is to be served on the owner of the land and the land is unoccupied, and the Delegate has taken reasonable steps to effect service under the other paragraphs of Section 208(1) of the Act, to serve the notice or document by fixing it to some conspicuous part of the land; or</p> <p>33.1.4 if the notice or document is to be served on the occupier of the land, be sent by post to the occupier of the land; or</p> <p>33.1.5 be served on the person by fixing it to, or leaving it on, a vessel or craft that the person is apparently in charge of, or expected to board at some stage, if the Delegate has reasonable grounds to believe that service in this manner will bring the notice or document to the attention of the person to be served; or</p> <p>33.1.6 send the notice or document to the person by facsimile transmission; or</p> <p>33.1.7 serve or give the notice or document to a person in a manner prescribed by the Regulations.</p>			
s208(3)	<p>33. Service of notices or other documents</p> <p>33.2 The power pursuant to Section 208(3) of the Act, subject to the Regulations, if a notice or document is required or authorised to be given to an owner of land, if it is to be served personally, to serve the notice on the owner, one of any joint owners, or the agent of the owner.</p>		DDES	

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NATURAL RESOURCES MANAGEMENT ACT 2004				
Clause 46(1)(d) of Schedule 4	34. Vesting of Property 34.1 The power pursuant to Clause 46(1)(d) of Schedule 4 of the Act to consent to the vesting in the Council by proclamation of the Governor any asset, right or liability of a statutory body or of a related body nominated by the proclamation.		This power remains with Council - delegation does not apply.	
Clause 54(17) of Schedule 4	35. Special Provisions relating to the repeal of the Water Resources Act 1997 35.1 The duty pursuant to Clause 54(17) of Schedule 4 of the Act, subject to Clause 55 of the Act, to pay any amount payable by the Council under Part 8, Division 2 of the Water Resources Act 1997 under a scheme established by the Minister for the purposes of Clause 54 of Schedule 4 of the Act (and such a scheme may provide that an amount be paid to a regional NRM board rather than a catchment water management board).		This power remains with CEO - no further sub-delegation	
-	35. Special Provisions relating to the repeal of the Water Resources Act 1997 35.2 Deliberately left blank		This power remains with Council - delegation does not apply.	
-	36. Special Provisions related to levies 36.1 Deliberately left blank 36.2 Deliberately left blank 36.3 Deliberately left blank		This power remains with Council - delegation	

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NATURAL RESOURCES MANAGEMENT ACT 2004				
			does not apply.	
NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2005				
Provision	Item Delegated by Council to Chief Executive Officer	Conditions and Limitations	Sub-Delegate	
r35(2)	DELEGATIONS UNDER THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2005 37. The power pursuant to Regulation 35(2) of the Natural Resources Management (General) Regulations ("the Regulations"), when making an agreement under Section 43 of the Act, to include provisions terms or conditions other than those identified in Regulation 35(1) of the Regulations.		This power remains with Council - delegation does not apply.	
NATURAL RESOURCES MANAGEMENT (TRANSITIONAL PROVISIONS LEVIES) REGULATIONS 2004				
Provision	Item Delegated by Council to Chief Executive Officer	Conditions and Limitations	Sub-Delegate	
-	38. Contributions by Councils 38.1 Deliberately left blank		This power remains with Council -	

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NATURAL RESOURCES MANAGEMENT (TRANSITIONAL PROVISIONS LEVIES) REGULATIONS 2004				
			delegation does not apply.	

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INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DDES: Director, Development and Environmental Services
 - DWES: Director, Works and Engineering Services
 - MDS: Manager, Development Services
 - MES: Manager, Engineering Services
 - PP: Principal Planner

Provision	Item Delegated by Council to the Chief Executive Officer	Sub-Delegate
s5(5)(b)	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 Act) to make submissions to the Minister on a proposed proclamation under Section 5 of the Act.	DDES
s6(3)(b)	2. Subregions 2.1 The power pursuant to Section 6(3)(b) of the Act to make submissions to the Minister on the Minister's proposed course of action.	DDES
s7(5)	3. Environment and Food Production Areas – Greater Adelaide	This power remains with

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	<p>3.1 The power pursuant to Section 7(5) of the Act, in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments:</p> <p>3.1.1 to seek the concurrence of the Commission in the granting of the authorisation;</p> <p>3.1.2 to concur in the granting of the development authorisation to the development;</p> <p>3.1.3 to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.</p>	CEO - no further sub-delegation
s35(1)(a)	<p>4. Planning Agreements</p> <p>4.1 The power pursuant to Section 35(1)(a) of the Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State in accordance with Section 35 of the Act.</p>	DDES
s35(3)	<p>4. Planning Agreements</p> <p>4.2 The power pursuant to Section 35(3) of the Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>4.2.1 the setting of objectives, priorities and targets for the area covered by the agreement; and</p>	DDES
s35(4)	<p>4. Planning Agreements</p> <p>4.2.2 the constitution of a joint planning board including, in relation to such a board:</p> <p>4.2.2.1 the membership of the board, being between 3 and 7 members (inclusive); and</p> <p>4.2.2.2 subject to Section 35(4) of the Act, the criteria for membership; and</p> <p>4.2.2.3 the procedures to be followed with respect to the appointment of members; and</p>	DDES

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	<p>4.2.2.4 the terms of office of members; and</p> <p>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</p> <p>4.2.2.6 the appointment of deputy members; and</p> <p>4.2.2.7 the procedures of the board; and</p>	
s35(4)	<p>4. Planning Agreements</p> <p>4.2.3 the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and</p>	DDES
s35(4)	<p>4. Planning Agreements</p> <p>4.2.4 the staffing and other support issues associated with the operations of the joint planning board; and</p>	DDES
s35(4)	<p>4. Planning Agreements</p> <p>4.2.5 financial and resource issues associated with the operations of the joint planning board, including:</p> <p>4.2.5.1 the formulation and implementation of budgets; and</p> <p>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</p>	DDES
s35(4)	<p>4. Planning Agreements</p> <p>4.2.6 such other matters as the Delegate thinks fit.</p>	DDES

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s35(5)(a)	<p>4. Planning Agreements</p> <p>4.3 The power pursuant to Section 35(5)(a) of the Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).</p>	DDES
s35(5)(b)	<p>4. Planning Agreements</p> <p>4.4 The power pursuant to Section 35(5)(b) of the Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.</p>	DDES
s44(6)(a)	<p>5. Community Engagement Charter</p> <p>5.1 The power pursuant to Section 44(6)(a) of the Act, to, in accordance with the Charter, make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 (unless the proposal has been initiated by the Council).</p>	DDES, MDS, PP
s45(2)(c)	<p>6. Preparation and Amendment of Charter</p> <p>6.1 The power pursuant to Section 45(2)(c) of the Act to make representations (in writing or via the SA planning portal) on a proposal to prepare or amend the Charter.</p>	DDES, MDS, PP
s73(2)(b)(iv)	<p>6A. Preparation and Amendment</p> <p>6A.1 The power pursuant to Section 73(2)(b)(iv) of the Act to initiate a proposal to amend a designated instrument with the approval of the Minister, acting on the advice of the Commissioner.</p>	DDES, MDS, PP
s73(6)	<p>6A. Preparation and Amendment</p> <p>6A.2 The power pursuant to Section 73(6) of the Act where the Council is authorised or approved under Section 73 of the Act, and after all of the requirements of Section 73 have been satisfied:</p> <p>6A.2.1 to prepare a draft of the relevant proposal; and</p> <p>6A.2.3 to the extent that paragraph (b) of Section 73(6) of the 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</p>	DDES, MDS, PP

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	<p>planning board – to consult with the joint planning board; and</p> <p>6A.2.4 to the extent that paragraph (b) of Section 73(6) of the Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:</p> <p>6A.2.4.1 an owner or occupier of the land; and</p> <p>6A.2.4.2 an owner or occupier of each piece of adjacent land,</p> <p>a notice in accordance with the regulations; and</p> <p>6A.2.5 to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and</p> <p>6A.2.6 to carry out such investigations and obtain such information specified by the Commission; and</p> <p>6A.2.7 to comply with any requirement prescribed by the regulations.</p>	
s73(8)	<p>6A. Preparation and Amendment</p> <p>6A.3 The power pursuant to Section 73(8) of the Act to, after the Council has furnished a report to the Minister under Section 73(7) of the Act, 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 Act.</p>	DDES, MDS, PP
s73(9)	<p>6A. Preparation and Amendment</p> <p>6A.4 The power pursuant to Section 73(9) of the 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 Act (subject to the requirement to charge costs under Section 73(4)(b) of the Act (if relevant)).</p>	DDES, MDS, PP
s74(8)	<p>6B. Parliamentary Scrutiny</p> <p>6B.1 The power pursuant to Section 74(8) of the Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks.</p>	DDES, MDS, PP
s82(d)	<p>6C. Entities Constituting Relevant Authorities</p> <p>6C.1 The power pursuant to Section 82(d) of the Act, subject to the Act, to appoint an assessment panel.</p>	This power remains with CEO - no

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		further sub-delegation
s83(1)	<p>6D. Panels Established by Joint Planning Boards or Councils</p> <p>6D.1 The power pursuant to Section 83(1) of the Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the Act, to:</p> <p>6D.1.1 appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess;</p> <p>6D.1.2 determine:</p> <p>6D.1.2.1 the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and</p> <p>6D.1.2.2 the procedures to be followed with respect to the appointment of members; and</p> <p>6D.1.2.3 the terms of office of members; and</p> <p>6D.1.2.4 conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and</p> <p>6D.1.2.5 the appointment of deputy members; and</p> <p>6D.1.2.6 who will act as the presiding member of the panel and the process for appointing an acting presiding member.</p>	This power remains with CEO - no further sub-delegation
s83(1)(h)	<p>6D. Panels Established by Joint Planning Boards or Councils</p> <p>6D.2 The power pursuant to Section 83(1)(h) of the Act to arrange the staffing and support required for the purposes of the operations of the panel.</p>	This power remains with CEO - no further sub-delegation
s83(1)(i)	<p>6D. Panels Established by Joint Planning Boards or Councils</p> <p>6D.3 The power pursuant to Section 83(1)(i) of the 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 Act.</p>	This power remains with CEO - no further sub-delegation

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s83(2)	6D. Panels Established by Joint Planning Boards or Councils 6D.4 The power pursuant to Section 83(2) of the 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.	This power remains with CEO - no further sub-delegation
s84(1)(c)(ii)(B)	6E. Panels Established by Minister 6E.1 The power pursuant to Section 84(1)(c)(ii)(B) of the Act to make submissions to the Minister about the constitution of a regional assessment panel in relation to the area of the Council (or part of the area).	This power remains with CEO - no further sub-delegation
s86(2)(a)	6F. Substitution of Local Panels 6F.1 The power pursuant to Section 86(2)(a) of the Act to make submissions to the Commission in relation to an inquiry.	This power remains with CEO - no further sub-delegation
s163(3)(b)	7. Initiation of Scheme 7.1 The power pursuant to Section 163(3)(b) of the Act to request the Minister initiate a proposal to proceed under Section 163 of the Act.	DDES, MDS, DWES, MES
s163(10)	7. Initiation of Scheme 7.2 The power pursuant to Section 163(10) of the Act to consult with the Minister in relation to the draft outline.	DDES, MDS, DWES, MES
s166(1)(c)	8. Consideration of Proposed Scheme 8.1 The power pursuant to Section 166(1)(c) of the Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.	DDES, MDS, DWES, MES

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s167(7)	9. Adoption of Scheme 9.1 The power pursuant to Section 167(7) of the Act to consult with the Minister in relation to a variation to a scheme.	DDES, MDS, DWES, MES
s169(2)(b)	10. Funding Arrangements 10.1 The power pursuant to Section 169(2)(b) of the Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the Act to apply for a periodic review of the levels and amounts of those contributions and as part of such review for any matter to be considered or determined by ESCOSA.	DDES, MDS, DWES, MES
s169(8)	10. Funding Arrangements 10.2 The power pursuant to Section 169(8) of the Act to approve a funding arrangement that provides for or includes the collection of contributions under subdivision 8 in relation to prescribed infrastructure.	DDES, MDS, DWES, MES
s169(9)	10. Funding Arrangements 10.3 The power pursuant to Section 169(9) of the Act to consult with the Commission in relation to a funding arrangement that is specifically relevant to the Council.	DDES, MDS, DWES, MES
s177(4)	11. Contributions by Constituent Councils 11.1 The power pursuant to Section 177(4) of the Act to consult with the Minister in relation to the Council's share.	DDES, MDS, DWES, MES
s177(5)	11. Contributions by Constituent Councils 11.2 The power pursuant to Section 177(5) of the Act to, at the request of the Minister, supply the Minister with information in the possession of the Council to enable the Minister to determine shares under Sections 177(2) and (3) of the Act.	DDES, MDS, DWES, MES
s180(7)	12. Imposition of Charge by Councils	DDES, MDS, DWES, MES

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	12.1 The power pursuant to Section 180(7) of the 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.	
s187(1)	<p>13. Authorised Works</p> <p>13.1 The power pursuant to Section 187(1) of the Act, subject to Section 187(3) of the Act, to carry out any infrastructure works if the Council is authorised to so do by or under the Act or any other Act.</p>	DDES, MDS, DWES, MES
s187(5)	<p>13. Authorised Works</p> <p>13.2 The power pursuant to Section 187(5) of the Act, subject to Section 187(6) of the Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:</p> <p>13.2.1 inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and</p> <p>13.2.2 give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and</p> <p>13.2.3 ensure that proper consideration is given to the views of the road maintenance authority.</p>	DDES, MDS, DWES, MES
s187(5)(b)	<p>13. Authorised Works</p> <p>13.3 The power pursuant to Section 187(5)(b) of the Act to consult with the relevant road maintenance authority in relation to the matter.</p>	DDES, MDS, DWES, MES
s187(b)	<p>13. Authorised Works</p> <p>13.4 The power pursuant to Section 187(5)(b) of the Act, in a case of emergency, to only comply with Section 187(5) of the Act to such extent as is practicable in the circumstances.</p>	DDES, MDS, DWES, MES

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s188(1)	<p>14. Entry onto Land</p> <p>14.1 The power pursuant to Section 188(1) of the Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the Act to:</p> <p>14.1.1 enter and pass over any land; and</p> <p>14.1.2 bring onto any land any vehicles, plant or equipment; and</p> <p>14.1.3 temporarily occupy land; and</p> <p>14.1.4 do anything else reasonably required in connection with the exercise of the power.</p>	DDES, MDS, DWES, MES
s188(4)	<p>14. Entry onto Land</p> <p>14.2 The power pursuant to Section 188(4) of the 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 Act.</p>	DDES, MDS, DWES, MES
s189(1)	<p>15. Acquisition of Land</p> <p>15.1 The power pursuant to Section 189(1) of the Act, to with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with the Land Acquisition Act 1969.</p>	DDES, MDS, DWES
Schedule 4 Clause 3(3)	<p>16. Review of Performance</p> <p>16.1 The power pursuant to Clause 3(3) of Schedule 4 of the Act to explain the Council's actions, and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action), to the Minister.</p>	DDES
Schedule 4 Clause 3(14)	<p>16. Review of Performance</p>	DDES

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	16.2 The power pursuant to Clause 3(14) of Schedule 4 of the Act to make submissions to the Minister on the report on which the action to be taken by the Minister under Clause 3(13) of Schedule 4 of the Act is based.	
Schedule 4 Clause 3(15)	<p>16. Review of Performance</p> <p>16.3 The power pursuant to Clause 3(15) of Schedule 4 of the Act, if the Minister makes a recommendation to the Council under Clause 3(13)(a) of Schedule 4 of the Act and the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, consult with the Minister in relation to the directions of the Minister.</p>	DDES
Schedule 4 Clause 3(16)	<p>16. Review of Performance</p> <p>16.4 The power pursuant to Clause 3(16) of Schedule 4 of the Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the Act.</p>	DDES
Schedule 8 Clause 30(3)	<p>17. General Schemes</p> <p>17.1 The power pursuant to Clause 30(3) of Schedule 8 of the Act to request the Minister make a declaration under Clause 30(2) of Schedule 8 of the Act in relation to a scheme.</p>	DDES, MDS, DWES, MES

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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE REAL PROPERTY ACT 1886

Preamble

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.

#	Item Delegated by the Council to the Chief Executive Officer with no further sub-delegation	Conditions and Limitations
13821	<p>1. Lands granted prior to the day on which this Act comes into operation may be brought into operation under this Act</p> <p>1.1 The power pursuant to Section 27 of the Real Property Act 1886 (the Act) and in accordance with Sections 27, 28 and 29 of the Act to, as to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts (whether such land shall constitute the entire or only part of the land included in any land grant), to apply to the Registrar-General in the form of Schedule 2 to the Act, or in a form to the like effect, to bring the said land under the provisions of the Act where:</p> <p>1.1.1 the Council claims to be the person in whom the fee simple is vested either at law or in equity;</p> <p>1.1.2 the Council has power to appoint or dispose of the fee simple, at law or in equity and the application is made for the purpose of carrying such power into effect.</p>	
13822	<p>1. Lands granted prior to the day on which this Act comes into operation may be brought into operation under this Act</p> <p>1.2 The power pursuant to Section 27(a) of the Act, where the Council claims or appears to be beneficially entitled to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land included in any land grant, to consent to an application to bring the said land under the provisions of the Act.</p>	
13823	<p>1. Lands granted prior to the day on which this Act comes into operation may be brought into operation under this Act</p> <p>1.3 The power pursuant to Section 27(c) of the Act, where the Council claims or appears to be beneficially entitled in reversion or remainder to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land included in any land grant, to consent to an application to bring the said land under the provisions of the Act.</p>	

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INSTRUMENT OF DELEGATION UNDER THE REAL PROPERTY ACT 1886

13824	<p>2. Undivided shares and mortgaged land may not be brought under Act except upon conditions</p> <p>2.1 The power pursuant to Section 28 of the Act to join in the application with a view to bringing the entirety under the provisions of the Act, where,</p> <p>2.1.1 the Council appears to be entitled to an undivided share of the land; or</p> <p>2.1.2 the Council is the mortgagee of the land.</p>	
13825	<p>3. Caveat against bringing land under Act</p> <p>The power pursuant to and in accordance with Section 39 of the Act, where the Council has or claims an estate or interest in any land sought to be brought under the provisions of the Act, to, within the time by the Registrar-General or under any order of the Court for that purpose limited, lodge a caveat in the Lands Titles Registration Office, in the form of Schedule 3 to the Act, forbidding the bringing of such land under the provisions of the Act.</p>	
13826	<p>4. Applicant may withdraw his application</p> <p>4.1 The power pursuant to Section 41 of the Act, to:</p> <p>4.1.1 withdraw the Council's application at any time prior to the issuing of the certificate;</p> <p>4.1.2 request in writing signed by the Delegate the return to the Council or the person notified in the application as having a lien thereon of all documents of title deposited in support of the application.</p>	
13827	<p>5. Proceedings under Caveat</p> <p>The power pursuant to Section 44 of the Act, whenever a caveat shall have been lodged in the Lands Titles Registration Office forbidding land to be brought under the provisions of the Act, to bring like proceedings as provided for in the Act for the removal of caveats, in the case of land already under the provisions of the Act, for removal of the caveat, and for the recovery of costs and damages from the caveator, in case the caveat shall have been lodged by the caveator wrongfully and without reasonable cause.</p>	
13828	<p>6. Priority of instruments</p> <p>6.1 Deliberately left blank</p>	
13829	<p>6. Priority of instruments</p> <p>6.2 Deliberately left blank</p>	
87639	<p>6A. Priority of instruments</p> <p>6A.1 The power pursuant to Section 56(5) of the Act and in accordance with Section 56(6) of the Act to apply to the Registrar-General, in the appropriate form, to vary the order of priority between 2 or more registered mortgages or encumbrances.</p>	

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87640	6A. Priority of instruments 6A.2 The power pursuant to Section 56(6)(a) of the Act to consent to an application under Section 56(5) of the Act where the Council is the holder of a mortgage or encumbrance that is to have its order of priority varied.	
87641	6A. Priority of instruments 6A.3 The power pursuant to Section 56(6)(b) of the Act, if a registered mortgage or encumbrance is, by virtue of the proposed variation of order of priority, to be postponed to a mortgage or encumbrance over which it has had priority, to consent where the Council is the holder of the mortgage or encumbrance that is to be postponed.	
13830	7. Certificates in lieu of surrendered certificates The power pursuant to Section 78 of the Act where the Council is a registered proprietor holding land under 1 or more certificates, to apply to the Registrar-General for the issue of one certificate for the whole of such land, or several certificates each comprising portion of such land.	
13831	8. Substituted Certificate etc 8.1 Deliberately left blank	
13832	9. Application for Certificate based on possession The power pursuant to Section 80A of the Act and in accordance with Section 80B of the Act, where the Council would have obtained a title by possession to any land which is subject to the Act if that land had not been subject to the Act, to apply to the Registrar-General for the issue to the Council of a certificate of title to that land.	
13833	10. Caveats The power pursuant to and in accordance with Section 80F of the Act, where the Council claims an estate or interest in land to which an application under Part 7A relates, to lodge a caveat with the Registrar-General forbidding the granting of the application.	
13834	11. Variation and Extinguishment of Easements 11.1 The power pursuant to Section 90B(1) of the Act, and subject to Section 90B of the Act, where the Council is the proprietor of the dominant or servient land, to make application (in a form approved by the Registrar-General) to: 11.1.1 vary the position of, or extend or reduce the extent of, an easement over servient land; or 11.1.2 vary an easement by extending the appurtenance of the easement to other land owned by the proprietor of the dominant land; or 11.1.3 extinguish an easement.	
13835	11. Variation and Extinguishment of Easements 11.2 The power pursuant to Section 90B(2) of the Act, where the Council is the proprietor of the dominant land or servient land, or has, or claims to have, an estate or interest in the dominant or servient land, to give written consent to the Registrar-General acting under Section 90B(1) of the Act.	

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13836	12. Easement subject to existing mortgage etc 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.	
13837	13. Person now holding under lease or agreement may surrender 13.1 The power pursuant to Section 92 of the Act, where the Council holds Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown, to, subject to the approval of the Minister of Lands, surrender the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement, upon all the same terms as shall have been applicable to such land prior to the surrender but so that every person having any estate or interest in the surrendered land shall concur in the surrender.	
13838	13. Person now holding under lease or agreement may surrender 13.2 The power pursuant to Section 92 of the Act where a person holding any Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown and the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement is to be surrendered, to as a person having an estate or interest in the surrendered land, concur in the surrender.	
13839	14. Execution and registration of Crown Lease 14.1 The power pursuant to Section 93(1) of the Act, where the Council is party to a Crown lease, to execute two copies of the lease, one of which must be lodged in the Lands Titles Registration Office for inclusion or recording in the Register of Crown Leases and the other of which must be delivered to the lessee.	
68029	14. Execution and registration of Crown Lease 14.2 The power pursuant to Section 93(3a) of the Act to transfer, mortgage and deal with a Crown lease registered under Section 93(3) of the Act as if it were a lease registered in the Register Book (provided that an entry in respect of a lease that would ordinarily be made in the Register Book must instead be made in the Register of Crown Leases).	
13840	15. Transfers 15.1 15.1 The power pursuant to and in accordance with Section 96 of the Act, where the Council is the transferor or transferee of land intended to be transferred or a right of way or other easement intended to be created or transferred, to execute a transfer in the appropriate form to be lodged for registration in the Lands Titles Registration Office.	
13841	15. Transfers 15.2 Deliberately left blank.	
13842	16. Creation of easements by reservation The power pursuant to Section 96AA of the Act, to create an easement on the transfer under the Act of an estate of freehold or the granting of an estate of leasehold under the Act by reservation of the easement to the transferor or lessor in the instrument of transfer or the lease.	
13843	17. Acceptance of transfer 17.1 Deliberately left blank	

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13844	18. New certificate to purchaser and balance certificate to registered proprietor 18.1 Deliberately left blank	
13845	19. Sale under Writ of fieri facias or Decree, Warrant or Order of Court The power pursuant to Section 105 of the Act in relation to a writ or warrant of execution against land, or of a decree or order (other than an order for sale for non-payment of rates) affecting land issued out of or made by the Court, or any Court of insolvency or other Court of competent jurisdiction, to sign a statement to accompany such a writ, warrant, decree or order where the Council is a party interested, specifying the land sought to be affected.	
13846	20. Issue of certificate where land is vested by operation of law 20.1 The power pursuant to Section 115A of the Act, in relation to an estate or interest in land that has become vested in the Council, to make an application to the Registrar-General, to: 20.1.1 in the case of land under the provisions of the Act - register the Council as the proprietor of that estate or interest in the land; or 20.1.2 in the case of land not under the provisions of the Act - bring the land under the provisions of the Act and register the Council as the proprietor of that estate or interest in the land.	
13847	21. Lands, now leased The power pursuant to Section 116 of the Act, when any land is intended to be leased for a life or lives, or for any term of years exceeding one year, to execute a lease in the appropriate form, in accordance with Section 117 of the Act.	
13848	22. Leases not to bind non-consenting mortgagees or encumbrancees The power pursuant to Section 118 of the Act, to consent in writing to a lease of mortgaged or encumbered land prior to the lease being registered where the Council is the mortgagee or encumbrancee of the land.	
13849	23. Standard terms and conditions of lease The power pursuant to Section 119A(1) of the Act to deposit with the Registrar-General for filing in the Lands Titles Registration Office a document containing terms and conditions for incorporation as standard terms and conditions in leases under Section 119A of the Act.	
13850	24. Lease may be surrendered by separate instrument The power pursuant to Section 120 of the Act to surrender a registered lease by instrument in the appropriate form, executed by the lessee and lessor.	
13851	25. Registrar-General may record surrender The power pursuant to Section 121 of the Act, where the lessee has given written notice to the Council as lessor or the Council's agent of his or her intention to give up possession of land comprised in a registered lease, to make application to the Registrar-General in the appropriate form and producing such evidence as the Registrar-General may require that the lessee has abandoned occupation of the land comprised in the lease, to make a record in the Register Book.	

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13852	26. Surrender where lease subject to mortgage or under lease The power pursuant to Section 123 of the Act, where the Council holds a mortgage or encumbrance over a lease or over land, to provide written consent to the surrender of the lease.	
13853	27. Registrar-General to note particulars of re-entry in Register Book The power pursuant to Section 126 of the Act, where the Council is the lessor of land, to provide proof to the Registrar-General of the Council's re-entry of the land.	
13854	28. Mortgage of land 28.1 The power pursuant to Section 128(1) of the Act if land is to be charged or made security in favour of a person to execute a mortgage. 28.1.1 Deliberately left blank. 28.1.2 Deliberately left blank.	Subject to section 44(3)(c) of the Local Government Act 1999 ie the delegate is not delegated the power to borrow money or obtain other forms of financial accommodation.
87642	28. Mortgage of land 28.2 The power pursuant to Section 128(2) of the Act to lodge a mortgage for registration in the Lands Titles Registration Office in the appropriate form.	
87643	28. Mortgage of land 28.3 The power pursuant to Section 128(4) of the Act where the Council is a mortgagee in relation to a mortgage lodged for registration in the Lands Titles Registration Office to provide certification under Section 273(1) of the Act.	
87644	28A Encumbrance of land The power pursuant to Section 128B(1) of the Act if land is to be charged with or made security for the payment of an annuity, rent charge or sum of money in favour of a person, to execute an encumbrance in the appropriate form.	
13855	29. Standard terms and conditions of Mortgage or Encumbrance The power pursuant to Section 129A(1) of the Act to deposit for filing in the Lands Titles Registration Office a document containing terms and conditions for incorporation as standard terms and conditions in mortgages or encumbrances under Section 129A of the Act.	
13856	30. Nature of Mortgage and Encumbrance and procedure in case of default 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	

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	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.	
13857	<p>31. Power of sale The power pursuant to and in accordance with Section 133 of the Act, if such default continues for the further space of one month from the date of such notice or for such period as may in such instrument be for that purpose limited, to sell the land so mortgaged or encumbered, or any part thereof and all the estate and interest therein of the mortgagor or encumbrancer and either altogether or in lots, by public auction or by private contract or by both such modes of sale, and subject to such conditions as the Delegate may think fit, and to buy in and resell the same and to make and execute all such instruments as shall be necessary for carrying the sale thereof into effect.</p>	
13858	<p>32. Power of Mortgagee to enter, take possession, distrain, let or bring action for recovery of land 32.1 The power pursuant to Section 137 of the Act, where the Council is a mortgagee or encumbrancee and there is a default in payment of the principal sum, interest, annuity, or rent charge secured by that mortgage or encumbrance, to:</p> <p>32.1.1 enter into possession of the mortgaged or encumbered land and receive the rents and profits thereof; or</p> <p>32.1.2 distrain upon the occupier or tenant of the land; or</p> <p>32.1.3 from time to time let the said land for any term not exceeding one year; or</p> <p>32.1.4 bring an action for recovery of the land either before or after entering into the receipt of the rent and profits or making any distress.</p>	
13859	<p>33. Power of Mortgagee to distrain on tenant or occupier for arrears not exceeding the amount of rent due The power pursuant to and in accordance with Section 138 of the Act, where the Council is a mortgagee or encumbrancee and the principal sum, interest, annuity, or rent charge has been in arrears for 21 days and a further 7 days have elapsed from the date of application for the payment thereof to the occupier or tenant, to enter upon the mortgaged or encumbered land and distrain upon the goods and chattels of the occupier or tenant for such arrears to an amount not exceeding the rent then due from such occupier or tenant to the Council, and to dispose of the goods and chattels so distrained upon in like manner as landlords may do in ordinary distresses for rent, and out of the proceeds to retain the moneys distrained for, and all costs and expenses occasioned by such distress and sale.</p>	
13860	<p>34. Application to Mortgagee to Registrar-General for foreclosure The power pursuant to Section 140(1) of the Act, and in accordance with Section 140(2) of the Act, when default has been made for six months</p>	

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	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.	
13861	<p>35. Provision for case where Mortgagee or Encumbrancee refuses to join in proceedings on default</p> <p>35.1 The power pursuant to Section 142A(1) of the Act, where the Council and one or more other persons are registered as mortgagees or encumbrances under the same mortgage or encumbrance, and default has been made in payment of any money due under the mortgage or encumbrance or in the performance of any covenant in the said mortgage or encumbrance expressed or implied as entitles the mortgagees or encumbrances to exercise any of their rights or remedies under the Act or under the mortgage or encumbrance, and any such mortgagee or encumbrance fails or refuses to join in giving any notice, making any application or doing any other act or thing for the purpose of enforcing any of the said rights or remedies, to apply to the Court by originating summons to:</p> <p>35.1.1 appoint the Council or any other person to exercise on behalf of the mortgagees or encumbrances such of the said rights or remedies as the Court thinks proper;</p> <p>35.1.2 give any directions as to the mode of exercising the said rights or remedies and as to any other matters incidental thereto.</p>	
13862	<p>36. Discharge of Mortgages and Encumbrances</p> <p>The power pursuant to and in accordance with Section 143(1) of the Act to wholly or partially discharge, by instrument in the appropriate form and executed by the Delegate, a mortgage or encumbrance held by the Council.</p>	
13863	<p>37. Partial discharge of Mortgage or Encumbrance on Grant of Easement</p> <p>The power pursuant to Section 144 of the Act, where an easement is granted over land that is subject to a mortgage or an encumbrance and the Council is the mortgagee or encumbrancee, to endorse the Council's consent to the easement on the instrument granting the easement.</p>	
13864	<p>38. Equitable Mortgage may be created</p> <p>Deliberately left blank.</p>	
62344	<p>39. Transfer of Mortgage Lease and Encumbrance</p> <p>The power pursuant to Section 150 of the Act to transfer a registered mortgage, lease or encumbrance by execution of a transfer in the appropriate form.</p>	
13865	<p>40. Renewal or extension of Mortgage etc</p> <p>The power pursuant to Section 153(1) of the Act and in accordance with Sections 153(1) and (2) of the Act to renew or extend a mortgage, encumbrance or lease by registration of an instrument in the appropriate form.</p>	
87645	<p>40AA Requirements for renewal or extension of mortgage</p> <p>The power pursuant to Section 153A(1) of the Act, in relation to an instrument lodged for registration in the Lands Titles Registration Office renewing or extending a mortgage, to provide certification required under Section 273(1) of the Act.</p>	

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68030	40A Person who intends to lodge instrument may lodge priority notice 40A.1 The power pursuant to Section 154A(1) of the Act to, where the Council intends to lodge an instrument, on payment of the prescribed fee, lodge in the Lands Titles Registration Office a notice (a priority notice), in accordance with Sections 154A(2), (3), (4) and (9) of the Act, for the purpose of giving priority to 1 or more instruments relevant to the same conveyancing transaction.	
68031	40A Person who intends to lodge instrument may lodge priority notice 40A.2 The power pursuant to Section 154A(6) of the Act to, if a priority notice is lodged in the Lands Titles Registration Office in relation to land, lodge a further priority notice in relation to the same land.	
68032	40B Effect of priority notice 40B.1 The power pursuant to Section 154B(2)(b) of the Act to, where a priority notice lodged by the Council is in force in relation to land, provide written consent to the Registrar-General to register, record or give effect to an instrument in relation to the land.	
68033	40B Effect of priority notice 40B.2 The power pursuant to Section 154B(2)(v) of the Act, where a priority notice is in force in relation to land, to make an application under the Act where the Council is a person to whom land has been transmitted for registration as proprietor of the land.	
87646	40B Effect of priority notice 40B.3 The power pursuant to Section 154B(2)(va) of the Act, where a priority notice is in force in relation to land, to make an application under the Act where the Council is a surviving joint proprietor to have the death of a joint proprietor recorded in the Register Book.	
68034	40C Withdrawal of priority notice 40C.1 The power pursuant to Section 154E of the Act to withdraw a priority notice lodged by the Council by lodging in the Lands Titles Registration Office a notice of withdrawal in the appropriate form.	
68035	40D Cancellation of priority notice by Registrar-General 40D.1 The power pursuant to Section 154F(1) of the Act where the Council is a person with an interest in land to which a priority notice is in force, to make application to the Registrar-General to cancel the notice on the basis that the priority notice purports to protect the priority of an instrument that is unlikely to be registered or recorded within 90 days of the day on which the notice was lodged.	
68036	40D Cancellation of priority notice by Registrar-General 40D.2 The power pursuant to Section 154F(2) of the Act, where the Registrar General gives written notice to the Council as the person who lodged a priority notice, of an application under Section 154F(1) to cancel the priority notice, to provide written submissions in response to the application within a specified period.	
68037	40E Cessation of priority notice 40E.1 The power pursuant to Section 154G(6) of the Act, where the Council has lodged a priority notice, to make application to the Registrar General to extend the duration of the notice for 30 days.	

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13866	<p>41. Disclaimers</p> <p>41.1 The power pursuant to Section 169(1) of the Act, where the Council is registered as proprietor of an estate or interest in land, to advise the Registrar-General in writing that the registration occurred without the Council's consent.</p>	
13867	<p>41. Disclaimers</p> <p>41.2 The power pursuant to Section 169(2a) of the Act to lodge with the Registrar-General a notice of objection to the registration of the instrument of disclaimer.</p>	
13868	<p>41. Disclaimers</p> <p>41.3 The power pursuant to Section 169(6) of the Act, where the Council is a disclaimant who has received a notice under Section 169(4)(b) of the Act, to apply to the Court for an order that the Registrar-General take such action as is necessary to give effect to the disclaimer.</p>	
13869	<p>42. Bankruptcy or assignment of lessee</p> <p>42.1 The power pursuant to Section 173(a) of the Act where the registered proprietor of a lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make, a statutory assignment, and if the lease is not mortgaged or encumbered under the Act, to apply to the Registrar General in writing as the lessor being a lessor in possession of a statement signed by the Official Receiver or by the trustee under bankruptcy or the assignment, certifying his or her refusal to accept the lease, to make a record in the Register Book of the refusal.</p>	
13871	<p>42. Bankruptcy or assignment of lessee</p> <p>42.3 The power pursuant to Section 173(c) of the Act, where the Council is the mortgagee or 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.</p>	
13872	<p>42. Bankruptcy or assignment of lessee</p> <p>42.4 The power pursuant to Section 173(c) of the Act where the Council is a subsequent mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make a statutory assignment, to consent in writing to an application to the Registrar-General by a mortgagee or encumbrance to enter in the Register Book a note of the refusal or neglect of the Official Receiver or trustee under bankruptcy or assignment to accept such lease.</p>	
13873	<p>42. Bankruptcy or assignment of lessee</p> <p>42.5 The power pursuant to Section 173(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make, a statutory assignment to:</p> <p>42.5.1 require the Official Receiver or the trustee under the bankruptcy or assignment by notice in writing to become registered as the proprietor of the lease;</p>	

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	42.5.2 require the mortgagees or encumbrancees (if any) of the lease by notice in writing to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained.	
13874	42. Bankruptcy or assignment of lessee 42.6 The power pursuant to Section 173(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make a statutory assignment, and the Official Receiver or the trustee under the bankruptcy or assignment certifies his refusal to accept the lease, or shall neglect or refuse to become registered as proprietor of the lease, within, one month after having been thereunto required by notice in writing given to him by the Council, and the mortgagees or encumbrancees (if any) of the lease shall neglect or refuse to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained within the period of two months after having been thereunto required by notice in writing given to them by the Council, to apply to the Registrar-General in writing to enter in the Register Book a note of such neglect or refusal.	
13875	43. Application to be made in such case The power pursuant to Section 176 of the Act where the Council is an executor before dealing with such estate or interest, make application in writing to the Registrar-General to be registered as the proprietor.	
13876	44. Proceedings when executor etc refuse to transfer The power pursuant to Section 181 of the Act, whenever an executor, or administrator, or the Public Trustee, is registered as proprietor of any land, and refuses, or, after tender of a transfer, unnecessarily delays to transfer such land to the Council where the Council claims to be entitled to the land, to, apply to the Court for an order that the executor, administrator, or Public Trustee shall transfer the said land to the Council.	
13877	45. Registration of survivor of joint proprietors, and of remainder-man entitled to estate in possession The power pursuant to Section 188 of the Act, upon the death of any person registered together with any other person as joint proprietor of any estate or interest in land, or when the life estate in respect of which any certificate has been issued has determined, and the Council has become vested in possession, or the Council has become entitled to the land for an estate in fee-simple in possession, to apply to the Registrar-General to make an entry thereof in the Register Book, that the Council is the registered proprietor of the estate or interest to which the Council is entitled.	
13878	46. Caveats 46.1 The power pursuant to and in accordance with Section 191 of the Act, where the Council is the settlor of land, beneficiary claiming under a will or settlement, or claiming to be interested at law or in equity whether under an agreement, or under an unregistered instrument or otherwise howsoever in any land to, lodge a caveat in the Lands Titles Registration Office.	
13879	46. Caveats 46.2 The power pursuant to Section 191(d) of the Act, where the Council is the registered proprietor or other person claiming estate or interest in the land, to, by summons, call on any caveator, including the Registrar-General, to attend before the Court to show cause why the caveat should not be removed.	

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13880	46. Caveats 46.3 The power pursuant to and in accordance with Section 191(e) of the Act except when the caveat is lodged by a settlor, or by a beneficiary under a will or settlement, to make application in writing to the Registrar-General to remove the caveat.	
13881	46. Caveats 46.4 The power pursuant to Section 191(fa) of the Act, where the Council is a caveator, to bring an action in the Court to establish the validity of the claim on which the caveat is based.	
13882	46. Caveats 46.5 The power pursuant to Section 191(g) of the Act to apply to the court to extend the period of 21 days until an action under Section 191(fa) is determined or for any other period.	
13883	46. Caveats 46.6 The power pursuant to Section 191(h) of the Act, to, by notice in writing to the Registrar-General, withdraw the Council's caveat at any time.	
13884	46. Caveats 46.7 The power pursuant to Section 191(k) of the Act to seek the permission of the Court to lodge a further caveat relating to the same matter.	
13885	47. Ejectment 47.1 The power pursuant to Section 192 of the Act, and in accordance with Section 193 of the Act, where the Council is: 47.1.1 the registered proprietor of a freehold estate in possession; 47.1.2 the registered mortgagee or encumbrancee where the person in possession of land is a mortgagor or encumbrancer in default or a person claiming under such mortgagor or encumbrancer; 47.1.3 the lessor with power to re-enter where rent is in arrears for three months; or 47.1.4 the lessor where a legal notice to quit has been given or the lease has become forfeited or the term of the lease has expired, to cause any person in possession of that land to be summoned to appear before the Court to show cause why the person summoned should not give up possession to the Council.	
13886	48. Persons claiming may, before taking proceedings, apply to the Registrar General for compensation The power pursuant to and in accordance with Section 210 of the Act, where the Council is sustaining loss or damage in any case in which the Council shall be entitled to institute proceedings to recover compensation against the Registrar-General as nominal defendant, to, before commencing such proceedings, make application in writing to the Registrar-General, for compensation, supported by affidavit or declaration.	

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68038	<p>48A Reviews</p> <p>48A.1 The power pursuant to Section 221(1) of the Act, if the Delegate, is dissatisfied with a decision of the Registrar-General in relation to an application by the Council:</p> <p>48A.1.1 to have an instrument registered or recorded; or</p> <p>48A.1.2 to have a foreclosure order issued; or</p> <p>48A.1.3 to have the Registrar-General do or perform an act or duty under the Act, to seek a review of the decision by the Tribunal.</p>	
87647	<p>48A Reviews</p> <p>48A.1A The power pursuant to Section 221(1a) of the Act, if the Delegate is dissatisfied with a decision of the Registrar-General to cancel the registration of a mortgage under Section 147 of the Act, to seek a review of the decision by the Tribunal.</p>	
68039	<p>48A Reviews</p> <p>48A.2 The power pursuant to Section 221(2) of the Act, if the Registrar General decides under Section 154A(12) of the Act that the Council is a vexatious lodger of priority notices, to seek a review of the decision by the Tribunal.</p>	
68040	<p>48A Reviews</p> <p>48A.3 The power pursuant to Section 221(3) of the Act, if the Registrar General rejects a priority notice lodged by the Council where the Council is a person in relation to whom a determination has been made under Section 154A(12) of the Act, to seek a review by the Tribunal of the decision to reject the notice.</p>	
68041	<p>48A Reviews</p> <p>48A.4 The power pursuant to Section 221(4) of the Act, if the Registrar General refuses an application by the Council under Section 154F of the Act for the cancellation of a priority notice, to seek a review by the Tribunal of the decision to refuse to cancel the notice.</p>	
68042	<p>48A Reviews</p> <p>48A.5 The power pursuant to Section 221(5) of the Act, if the Registrar General cancels a priority notice under Section 154F of the Act and the Council is affected by the cancellation to seek a review by the Tribunal of the decision to cancel the notice.</p>	
68043	<p>48A Reviews</p> <p>48A.6 The power pursuant to Section 221(9) of the Act, if the reasons of the Registrar-General are not given in writing at the time the Council receives notice of the decision, to within 21 days of receiving notice of the decision, require the Registrar-General to state the reasons in writing.</p>	
68044	<p>48A Reviews</p> <p>48A.7 The power pursuant to Section 221(10) of the Act, to make an application to the Tribunal for any 1 or more of the following orders:</p> <p>48A.7.1 an order prohibiting a person from lodging a priority notice in the Lands Titles Registration Office;</p> <p>48A.7.2 an interim order extending the duration of a priority notice until the determination of the application or until a date specified by the</p>	

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	<p>Tribunal or until further order;</p> <p>48A.7.3 an interim order preventing the Registrar-General from registering or recording a specified instrument until the determination of the application.</p>	
13887	<p>49. Applications for amendment</p> <p>49.1 The power pursuant to and in accordance with Section 223A(1) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate amended if:</p> <p>49.1.1 the boundaries, area, or position of the land described in the certificate differ from the boundaries, area or position of the land actually and bona fide occupied by it as being the land included in the certificate; or</p> <p>49.1.2 the description of the land in the certificate is erroneous or imperfect on the face of it.</p>	
13888	<p>49. Applications for amendment</p> <p>49.2 The power pursuant to Section 223A(2) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate of any other registered proprietor amended if any of the land described in the Council's certificate, and actually and bona fide occupied by the Council as being the land included in the certificate, is, by reason of any error in survey or in any misdescription, included in the certificate of the other registered proprietor.</p>	
13889	<p>50. Caveats</p> <p>The power pursuant to Section 223D(1) of the Act and in accordance with Section 223D(2) of the Act, where the Council claims any estate or interest in any land in respect of which an application under Part 19A of the Act is made, to at any time before the application is granted lodge a caveat in the Lands Titles Registration Office forbidding the granting of the application.</p>	
13890	<p>51. Rectification by consent</p> <p>The power pursuant to Section 223J of the Act to consent to the Registrar General making any correction or amendment to any certificate of title for the purpose of reconciling the boundaries shown in the certificate with the boundaries of the land occupied.</p>	
13891	<p>52. Application for Division of Land</p> <p>52.1 The power pursuant to Section 223LD of the Act and in accordance with Section 223LD(2), (3) and (11) of the Act, where the Council is the registered proprietor of land, to make application for the division of land to the Registrar General.</p> <p>52.2 The power pursuant to Section 223LD(8) of the Act and subject to Section 223LD(9) of the Act to consent to the withdrawal or amendment of a plan of division or the application to which it relates.</p> <p>52.3 The power pursuant to and subject to Section 223LD(9) of the Act to amend the application or the plan to which it relates in order to comply with the Act or with a requirement of the Registrar-General under the Act.</p>	

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13892	<p>53. Application may deal with statutory encumbrances</p> <p>53.1 The power pursuant to Section 223LDA of the Act to:</p> <p>53.1.1 specify in an application under Part 19AB of the Act or the plan of division that variation or termination of a statutory encumbrance is to be registered or noted; and</p> <p>53.1.2 sign a certificate on behalf of the Council as the holder of the statutory encumbrance certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.</p>	
13893	<p>54. Consent to plans of division</p> <p>54.1 The power pursuant to Section 223LH(1) of the Act:</p> <p>54.1.1 where the deposit of a plan of division in the Lands Titles Registration Office will affect the estate or interest of the Council, in the land - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;</p> <p>54.1.2 where the Council has or claims an estate or interest in the land to be divided - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;</p> <p>54.1.3 where the land to be divided is subject to a statutory encumbrance held by the Council - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.</p>	
13894	<p>54. Consent to plans of division</p> <p>54.2 The power pursuant to Section 223LH(2) of the Act, where the deposit of a plan of division will operate to vest an estate or interest in land in the Council, to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.</p>	
13895	<p>55. Amalgamation</p> <p>55.1 The power pursuant to Section 223LJ(1) of the Act and in accordance with Section 223LJ(2) and (3) of the Act, where the Council is the registered proprietor of two or more contiguous allotments, to apply to the Registrar-General for amalgamation of those allotments into a single allotment.</p>	
13896	<p>55. Amalgamation</p> <p>55.2 The power pursuant to Section 223LJ(3) of the Act to consent to an amalgamation of allotments under Division 2 Part 19AB of the Act, where it appears from the Register Book that the Council has an interest as mortgagee or encumbrance of the land or any part of the land to be amalgamated or where such consent is required either in the opinion of the Registrar-General or by regulation.</p>	

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Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DCCS : Director, Corporate and Community Services
 - MCP: Manager, Community Projects
 - PM-MurrayRecPk: Park Managers, Murray Recreation Park
 - PM-TalungaCaraPk : Park Manager, Talunga Caravan Park
 - PM-WtownQVJPk: Park Managers, Williamstown QVJ Park

Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Sub-delegate
Section 6(1)	Section 6(1): Park Rules. Making rules about the use, enjoyment, control and management of the park.		DCCS , MCP
Section 7(5)	Section 7(5): Residents Committees. Allowing the use of a place within the residential park for the purpose of a meeting of residents called by residents committee.		<u>DCCS, MCP,</u> PM-MurrayRecPk, PM-TalungaCaraPk

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			, PM- WtownQVJPk
Section 8(1)	Section 8(1): Amendment of Park Rules. Amending park rules for a residential park.		DCCS , MCP
Section 8(3)	Section 8(3): Amendment of Park Rules. Consulting with, and considering the views of, the committee in relation to the amendment of park rules.		DCCS , MCP
Section 11	Section 11: Copies of Written Agreements. Inviting or requiring a resident to sign a written residential park agreement or a document recording the terms of the agreement.		DCCS , MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 11	Section 11: Copies of Written Agreements. Providing copy of residential park agreement or a document recording its terms.		<u>DCCS, MCP,</u> PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk

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Section 14(1) and (2)	Section 14(1) and (2): Information to be provided by park owners to residents. Providing specified information to the resident.		<u>DCCS, MCP,</u> PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 18(2)	Section 18(2): Permissible consideration for residential park agreements. Receiving payment of a class that the Council is authorised to require under Part 4, Division 10 of the Act.		DCCS , MCP
Section 20	Section 20: Method of payment of rent. Offering a resident a reasonable alternate method of payment that does not involve personal attendance at the rental property.		DCCS , MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 21(1) and 21(3)	Section 21(1) and 21(3): Variation of Rent Increasing rent payable under a residential park agreement.	Rent cannot be increased beyond that amount which is set in Council's Fees and Charges Register.	DCCS , MCP

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Section 21(4)	Section 21(4): Variation of Rent. Reducing the rent payable by mutual agreement with the resident.		DCCS , MCP
Section 22(4)	Section 22(4): Excessive Rent Applying to the Residential Tenancies Tribunal (Tribunal) to vary or revoke an order that the increased rent is excessive.		DCCS , MCP
Section 23(1)	Section 23(1): Park owner's duty to keep proper record of rent. Ensuring that a proper record is kept of rent received under a residential parks agreement.		<u>DCCS, MCP,</u> PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 24(1)	Section 24(1): Duty to give receipt for rent. Providing a receipt for rent received under a residential park agreement.		<u>DCCS, MCP,</u> PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 25(2)	Section 25(2): Apportionment of rent		DCCS , MCP

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	Refunding of rent paid in advance, where the residential park agreement ends before the end of the period for which rent has been paid or applying that money towards other liabilities of the resident to the Council.		
Section 28(1)	Section 28(1): Receipt of bond and transmission to Commissioner. Providing a receipt for a bond.		<u>DCCS, MCP,</u> PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 28(2)	Section 28(2): Receipt of bond and transmission to Commissioner. Paying a bond received from resident to the Commissioner and lodging with the Commissioner a notice in the form approved by the Commissioner.		<u>DCCS, MCP,</u> PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 29(1)	Section 29(1): Repayment of bond Applying to the Commissioner for the payment of the whole bond or specified amount of the bond to the Council.		DCCS , MCP
Section 29(4)	Section 29(4): Repayment of bond. Lodging a written notice of the dispute in a form approved by the Commissioner in respect of proposed repayment of bond to resident.		DCCS , MCP

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Section 48(8)	Section 48(8): Assignment of residential part agreement. Terminating a residential park agreement on the ground that a resident has assigned his/her interest without the Council's consent.		DCCS , MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 52(a)	Section 52(a): Termination of residential park agreement. Providing notice terminating a residential park agreement to the resident.		DCCS , MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 56(1)	Section 56(1): Termination of residential park tenancy agreement for breach of agreement. Providing resident with notice of breach of a residential park tenancy agreement.		DCCS , MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 57(1)	Section 57(1): Termination where successive breaches of residential park tenancy agreement. Providing notice of termination to the resident for breach of a residential park tenancy agreement.		DCCS , MCP, PM- MurrayRecPk, PM- TalungaCaraPk

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			PM- WtownQVJPk
Section 58(1)	<p>Section 58(1): Termination where serious misconduct by resident.</p> <p>Providing notice to the resident terminating a residential park tenancy agreement on the ground that the resident, or a person permitted on the rented property with the consent of the resident, has intentionally or recklessly caused or permitted, or is likely to cause or permit serious misconduct of a prescribed type.</p>		<p>DCCS , MCP; PM- MurrayRecPk, PM- TalungaCaraPk PM- WtownQVJPk</p>
Section 59(1)	<p>Section 59(1): Termination where periodic tenancy and sale of rented property.</p> <p>Providing notice of termination to the resident, to terminate a residential park tenancy agreement for a periodic tenancy, on the ground that the Council:</p> <p>(a) has entered into a contract for sale of the rented property or the dwelling comprised in the rented property; and (b) is required under the contract to give vacant possession of the rented property or the dwelling.</p>		<p>This power remains with CEO - no further sub-delegation</p>
Section 60(1)	<p>Section 60(1): Termination where periodic tenancy and no specified ground of termination.</p> <p>Providing notice of termination to the resident, to terminate a residential park tenancy agreement for a periodic tenancy, without specifying a ground of termination.</p>		<p>DCCS , MCP</p>
Section 61(1)	<p>Section 61(1): Termination at end of fixed term tenancy.</p> <p>Providing notice of termination to the resident to terminate at the end of the fixed term.</p>		<p>DCCS , MCP</p>

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Section 62(1)	<p>Section 62(1): Termination where residential park tenancy agreement frustrated.</p> <p>Providing notice of termination to the resident to terminate a residential park tenancy agreement on the ground that the rented property, or a substantial portion of the rented property:</p> <p>(a) has been destroyed or rendered uninhabitable; or</p> <p>(b) has ceased to be lawfully usable for residential purposes; or</p> <p>(c) has been acquired by compulsory process.</p>		<p>DCCS , MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk</p>
Section 63(2)	<p>Section 63(2): Termination (by resident) for breach of agreement.</p> <p>Applying to the Tribunal for an order:</p> <p>(a) declaring that the Council is not in breach of the agreement, or has remedied the breach of the agreement, and that the agreement is not liable to be terminated under section 63; or</p> <p>(b) reinstating the agreement.</p>		<p>DCCS , MCP</p>
Section 68(1)	<p>Section 68(1): Termination for breach of residential park site agreement.</p> <p>Providing the resident with a written notice of breach of a residential park site agreement.</p>		<p>DCCS , MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk</p>
Section 69(1)	<p>Section 69(1): Termination where successive breaches of residential site agreement.</p> <p>Providing notice of termination to the resident to terminate a residential park site agreement on the ground that the resident for breach of agreement.</p>		<p>DCCS , MCP, PM- MurrayRecPk, PM- TalungaCaraPk</p>

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			PM- WtownQVJPk
Section 70(1)	<p>Section 70(1): Termination where serious misconduct by resident.</p> <p>Providing notice of termination to the resident to terminate a residential park site agreement on the ground that the resident, or a person permitted on the rented property with the consent of the resident, has intentionally or recklessly caused or permitted, or is likely to cause or permit serious misconduct of a prescribed kind.</p>		<p>DCCS , MCP;</p> <p>PM- MurrayRecPk, PM- TalungaCaraPk PM- WtownQVJPk</p>
Section 71(1)	<p>Section 71(1): Termination where periodic tenancy and no specified ground of termination.</p> <p>Providing notice of termination to the resident to terminate a residential park site agreement for a periodic tenancy without specifying a ground of termination.</p>		DCCS , MCP
Section 72(1)	<p>Section 72(1): Termination at end of fixed term.</p> <p>Providing notice of termination to the resident to terminate a residential park site agreement for a fixed term at the end of the fixed term.</p>		DCCS , MCP
Section 73(1)	<p>Section 73(1): Termination where residential park site agreement frustrated.</p> <p>Providing notice of termination to the resident on the ground that the rented property or a substantial portion of the rented property:</p> <p>(a) has been destroyed or rendered uninhabitable; or</p> <p>(b) has ceased to be lawfully usable for residential purposes; or</p> <p>(c) has been acquired by compulsory process.</p>		DCCS , MCP

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Section 74(2)	Section 74(2): Termination (by resident) for breach of residential part site agreement. Applying to the Tribunal for an order: (a) declaring that the Council is not in breach of the agreement, or has remedied the breach of the agreement, and that the agreement is not liable to be terminated under section 63; or (b) reinstating the agreement.		DCCS , MCP
Section 79	Section 79: Termination (by Tribunal) on application by Council. Applying to the Tribunal to terminate a residential park agreement and make an order for possession of the rental property.		DCCS , MCP
Section 81(1)	Section 81(1): Termination (by Tribunal) based on hardship. Applying to the Tribunal to terminate a residential park agreement if the continuation of the agreement would result in undue hardship to the Council or the resident.		DCCS , MCP
Section 83(1)	Section 83(1): Order for possession. Applying to the Tribunal for an order for possession of the rented property.		DCCS , MCP
Section 83(6)	Section 83(6): Order for possession Applying to the Tribunal for an order for compensation where a resident fails to comply with an order for possession.		DCCS , MCP
Section 84(1)	Section 84(1): Abandonment of rented property. Applying to the Tribunal:		DCCS , MCP

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	(a) to declare that a resident abandoned rented property on a day stated in the declaration, and (b) make an order for immediate possession of the rented property.		
Section 84(6)	Section 84(6): Abandonment of rented property. Applying to the Tribunal for an order for compensation to which the Council is entitled under section 84.		DCCS , MCP
Section 87(1)	Section 87(1): Enforcement of orders for possession. Requesting the registrar or deputy registrar to direct a bailiff of the Tribunal to enforce the order for possession of rented property.		DCCS , MCP
Section 92(2)	Section 92(2): Action to deal with abandoned property other than personal documents. Removing and destroying or disposing of abandoned property consisting of perishable foodstuffs after recovering possession of site.		DCCS , MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 92(4)	Section 92(4): Action to deal with abandoned property other than personal documents. Removing and destroying or disposing of abandoned property, other than perishable foodstuffs, if the value of the property is less than a fair estimate of the cost of removal, storage and sale of the property.		DCCS , MCP; PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk

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Section 92(5)	Section 92(5): Action to deal with abandoned property other than personal documents. Notifying in prescribed manner information regarding intended disposal of abandoned property.		DCCS , MCP
Section 92(7)	Section 92(7): Action to deal with abandoned property other than personal documents. Selling of abandoned property by public auction.		DCCS , MCP
Section 92(8)	Section 92(8): Action to deal with abandoned property other than personal documents. Using reasonable force to gain entry to the property or remove or deal with it as reasonably necessary for the Council's use of the site or the sale of the property.		DCCS , MCP
Section 92(9)	Section 92(9): Action to deal with abandoned property other than personal documents. Attributing proceeds derived from sale of abandoned property in the prescribed manner.		DCCS , MCP
Section 92(11)	Section 92(11): Action to deal with abandoned property other than personal documents. Applying to the Tribunal seeking orders to resolve the matters in dispute regarding the exercise of powers to dispose of abandoned property.		DCCS , MCP

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Section 93(3)	Section 93(3): Action to deal with abandoned personal documents. Notifying in the prescribed manner intention to destroy or dispose of personal documents.		DCCS , MCP
Section 93(4)	Section 93(4): Action to deal with abandoned personal documents. Destroying or disposing of abandoned property consisting of personal documents.		DCCS , MCP
Section 94(3)	Section 94(3): Action to deal with abandoned dwellings or prescribed items. Taking reasonable steps to keep the property safe on the site pending the determination of proceedings before the Tribunal for an order for possession of the site.		DCCS; MCP; PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 95(1)	Section 95(1): Council may give person notice to leave for serious act of violence. Providing a resident with a notice to leave the residential park immediately if the delegate has reasonable grounds to believe that: (a) a serious act of violence by the resident has occurred in the park; or (b) the safety of any person in the park is in danger from the resident.		DCCS , MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 95(2)	Section 95(2): Council may give person notice to leave for serious act of violence. Providing a person permitted on rented property with the consent of the resident a notice to leave the residential park immediately if the delegate has reasonable grounds to believe that:		DCCS , MCP, PM- MurrayRecPk, PM-

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	(a) a serious act of violence by the resident's visitor has occurred in the park; or (b) the safety of any person in the park is in danger from the resident's visitor.		TalungaCaraPk , PM- WtownQVJPk
Section 97(1)	Section 97(1): Council may make urgent application to Tribunal. Applying, where a resident has been given a notice to leave under Part 10 of the Act, to the Tribunal for an order that the residential park agreement be terminated.		DCCS , MCP
Section 109(4)	Section 109(4): Procedure (for mediation). Terminating where the Council is a party to a residential park dispute which is the subject of a mediation.		DCCS , MCP
Section 109(5)	Section 109(5): Procedure (for mediation). Agreeing to the terms of settlement of a dispute at mediation.		DCCS , MCP
Section 109(6)	Section 109(6): Procedure. Signing a written settlement of a residential park dispute.		DCCS , MCP
Section 116(1)	Section 116(1): General powers of Tribunal to resolve disputes. Applying to the Tribunal if the Council is a party to a dispute, to apply for a remedy specified under this provision.		DCCS , MCP
Section 118(1)	Section 118(1): Restraining Orders.		DCCS , MCP

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	Applying to the Tribunal for a restraining order, on the basis that there is a risk that a resident, or a person permitted on rented property by a resident, may cause serious damage to property or personal injury.		
Section 121(1)	Section 121(1): Application to vary or set aside order of the Tribunal. Applying to the Tribunal for an order varying or setting aside an order made in the proceedings before the Tribunal.		DCCS , MCP
Section 123	Section 123: Reasons for Decision. Requesting reasons from the Tribunal for a decision or order under the Act.		DCCS , MCP
Section 125(1)	Section 125(1): Appeals (to the District Court). Commencing an appeal to the Administrative and Disciplinary Division of the District Court against a decision or order of the Tribunal made in the exercise (or purported exercise) of its powers under the Act.		DCCS , MCP
Section 139(1)	Section 139(1): Exemptions. Applying to the Tribunal for an order that a provision of the Act does not apply in relation to an agreement, or prospective agreement, or to a particular rented property, or will apply in a modified manner.		DCCS , MCP

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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961 AND ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014 AND (ROAD RULES – ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - CCWMS: Co-ordinator, Community Wastewater Management Scheme
 - CO: Co-ordinator, Operations
 - DDES: Director, Development and Environmental Services
 - DWES: Director, Works and Engineering Services
 - ENG: Engineer
 - GI: General Inspector
 - GraderOp: Grader Operator
 - LW-Grader: Leader Worker - Grader
 - LW-Maint: Leading Worker, Maintenance
 - LW-ParksGardens: Leading Worker, Parks and Gardens
 - LW-RecParks: Leading Worker, Recreational Parks
 - LW-Streetscape: Leading Worker, Streetscape
 - LW-Trees: Leading Worker, Trees
 - MES: Manager, Engineering Services
 - MO: Manager, Operations
 - MRS: Manager, Regulatory Services
 - NetOp-CWMS: Network Operator, Community Wastewater Management Systems
 - PC: Project Co-ordinator
 - ProOff: Project Officer
 - RA: Risk Advisor

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
Sub-delegations updated by the Chief Executive Officer on 21 September 2018

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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961 AND ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014 AND (ROAD RULES – ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014

- RSO: Risk and Safety Officer
- S-Op: Sweeper Operator
- TL-T: Team Leader, Tanunda
- TL-W: Team Leader, Williamstown
- TM-Ops: Team Member, Operations
- TM-ParksGard: Team Member, Parks and Gardens

Road Traffic Act 1961			
Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Sub-delegate
s17(1)	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.		CCWMS, CO, DWES, ENG, GI, GraderOp, LW-Grader, LW-Maint, LW-ParksGardens, LW-RecParks, LW-Streetscape, LW-Trees, MES, MO, MRS, NetOp-CWMS, PC, ProOff, RA, RSO, S-Op, TL-T, TL-W, TM-Ops, TM-ParksGard

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
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THE BAROSSA COUNCIL DELEGATIONS REGISTER

**INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961 AND
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PROVISIONS) REGULATIONS 2014**

Road Traffic Act 1961			
s17(2)	1. Installation etc of traffic control devices – general provision 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.		CCWMS, CO, DWES, ENG, GI, GraderOp, LW-Grader, LW-Maint, LW-ParksGardens, LW-RecParks, LW-Streetscape, LW-Trees, MES, MO, MRS, NetOp-CWMS, PC, ProOff, RA, RSO, S-Op, TL-T, TL-W, TM-Ops, TM-ParksGard
s17(3)	Installation etc of traffic control devices – general provision 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: 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.		CCWMS, CO, DWES, ENG, GI, GraderOp, LW-Grader, LW-Maint, LW-ParksGardens, LW-RecParks, LW-Streetscape, LW-Trees, MES, MO, MRS, NetOp-CWMS, PC, ProOff, RA, RSO, S-Op, TL-T,

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
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THE BAROSSA COUNCIL DELEGATIONS REGISTER

**INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961 AND
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PROVISIONS) REGULATIONS 2014**

Road Traffic Act 1961			
			TL-W, TM-Ops, TM-ParksGard
s17(5)	1. Installation etc of traffic control devices – general provision 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.		CCWMS, CO, DWES, ENG, GI, GraderOp, LW-Grader, LW-Maint, LW-ParksGardens, LW-RecParks, LW-Streetscape, LW-Trees, MES, MO, MRS, NetOp-CWMS, PC, ProOff, RA, RSO, S-Op, TL-T, TL-W, TM-Ops, TM-ParksGard
s18(5)	2. Direction as to installation etc of traffic control devices 2.1 The duty pursuant to Section 18(5) of the 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.		CO, DWES, GI, MES, MO, MRS, PC
s18(7)	2. Direction as to installation etc of traffic control devices 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		CO, DWES, GI, MES, MO, MRS, PC

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
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THE BAROSSA COUNCIL DELEGATIONS REGISTER

**INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961 AND
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PROVISIONS) REGULATIONS 2014**

Road Traffic Act 1961				
	expenses incurred in carrying out the direction under Section 18(6) of the Act, subject to Section 18(8) of the Act.			
s20(3)	<p>3. Work areas and work sites</p> <p>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.</p>		CCWMS, CO, DWES, ENG, GI, GraderOp, LW-Grader, LW-Maint, LW-ParksGardens, LW-RecParks, LW-Streetscape, LW-Trees, MES, MO, MRS, NetOp-CWMS, PC, ProOff, RA, RSO, S-Op, TL-T, TL-W, TM-Ops, TM-ParksGard	
s20(4)	<p>3. Work areas and work sites</p> <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>		CCWMS, CO, DWES, ENG, GI, GraderOp, LW-Grader, LW-Maint, LW-ParksGardens, LW-RecParks, LW-Streetscape, LW-Trees, MES, MO, MRS, NetOp-CWMS,	

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PROVISIONS) REGULATIONS 2014**

Road Traffic Act 1961			
	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 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 3.2.3 if: 3.2.3.1 the signs will not relate to any prescribed roads; and 3.2.3.2 the signs are placed on the road in accordance with an approval of the Minister under Part 2 of the Act.		PC, ProOff, RA, RSO, S-Op, TL-T, TL-W, TM-Ops, TM-ParksGard
s20(6)	3. Work areas and work sites 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.		CCWMS, CO, DWES, ENG, GI, GraderOp, LW-Grader, LW-Maint, LW-ParksGardens, LW-RecParks, LW-Streetscape, LW-Trees, MES, MO, MRS, NetOp-CWMS, PC, ProOff, RA, RSO, S-Op, TL-T, TL-W, TM-Ops, TM-ParksGard
s20(9)	3. Work areas and work sites 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:		CCWMS, CO, DWES, ENG, GI, GraderOp, LW-

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
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APPENDIX 25A – ANNUAL DELEGATIONS REVIEW

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**INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961 AND
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PROVISIONS) REGULATIONS 2014**

Road Traffic Act 1961			
	3.4.1 by telephone or any other manner prescribed by the regulations; and 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).		Grader, LW-Maint, LW-ParksGardens, LW-RecParks, LW-Streetscape, LW-Trees, MES, MO, MRS, NetOp-CWMS, PC, ProOff, RA, RSO, S-Op, TL-T, TL-W, TM-Ops, TM-ParksGard
s20A(1)	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.		DWES
s31(2)	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.		CO, DWES, GI, MES, MO, MRS, PC
s33(2)	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.		CO, DWES, GI, MES, MO, MRS, PC

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PROVISIONS) REGULATIONS 2014**

Road Traffic Act 1961			
s40P(3)	7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed 7.1 The duty pursuant to Section 40P(3) of the Act and subject to Section 40P(4) to offer a vehicle, which was removed by an officer of the Council under Section 40N of the Act and for which there had been notice given according to Section 40P(2) of the Act and the owner of the vehicle failed to take possession of the vehicle and pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice, within one month after service or publication of the notice in accordance with Section 40P(2) of the Act, for sale by public auction.		CO, DWES, GI, MES, MO, MRS, PC
s40P(4)	7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed 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 the vehicle would be unlikely to exceed the costs incurred in selling the vehicle, to dispose of the vehicle in such manner as the Delegate thinks fit.		CO, DWES, GI, MES, MO, MRS, PC
S40P(5)	7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed 7.3 The duty 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; and 7.3.3 thirdly, in payment of the balance to the owner of the vehicle.		CO, DWES, GI, MES, MO, MRS, PC

APPENDIX 25A – ANNUAL DELEGATIONS REVIEW

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**INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961 AND
ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014 AND (ROAD RULES – ANCILLARY AND MISCELLANEOUS
PROVISIONS) REGULATIONS 2014**

Road Traffic Act 1961				
s40P(6)	7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed 7.4 The power pursuant to Section 40P(6) of the Act, if after reasonable inquiry following sale of the vehicle the owner of the vehicle cannot be found, to pay the balance of the proceeds of the sale to the Council.		CO, DWES, GI, MES, MO, MRS, PC	
s86	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): 8.1.1 determine that a ticket must be obtained for parking in the length of road or the area through the operation of parking ticket-vending machines installed or to be installed in or near the length of road or area without payment of a fee; or 8.1.2 vary or revoke a determination made under Section 86 of the Act.		DDES, DWES, MO, MRS	
s163ZC(2)	9. Compensation Orders for Damage to Road Infrastructure The power, pursuant to Section 163ZC(2) of the Act and in accordance with Section 163ZC(5) of the Act to make an application for a compensation order.		CO, DWES, GI, MES, MO, MRS, PC	
s163ZD(2)	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		CO, DWES, GI, MES, MO, MRS, PC	

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
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PROVISIONS) REGULATIONS 2014**

Road Traffic Act 1961				
	10.1.3 any other certificate of the Council as the road authority, such as a certificate: 10.1.3.1 estimating the monetary value of all or any part of the road infrastructure or of the damage to it; or 10.1.3.2 estimating the cost of remedying the damage; or 10.1.3.3 estimating the extent of the offender's contribution to the damage.			
s163ZE(1)	11. Service of Certificates 11.1 The duty, pursuant to Section 163ZE(1) of the Act, if the Council, as the road authority, proposes to use a certificate referred to in Section 163ZD in proceedings, to serve a copy of the certificate on the defendant at least 28 working days before the day on which the matter is set down for hearing.		CO, DWES, GI, MES, MO, MRS, PC	
s174C(1)	12. Exemptions 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.		CO, DWES, GI, MES, MO, MRS, PC	
Road Traffic (Miscellaneous) Regulations 2014				
Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Sub-Delegate	

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
Sub-delegations updated by the Chief Executive Officer on 21 September 2018

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PROVISIONS) REGULATIONS 2014**

Road Traffic (Miscellaneous) Regulations 2014				
r6(2)	13. Event Management Plan 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.		CO, DWES, GI, MES, MO, MRS, PC	
r6(2)	13. Event Management Plan 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.		CO, DWES, GI, MES, MO, MRS, PC	
Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014				
Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Sub-delegate	
r17(2)	14. Permit Zones 14.1 The power pursuant to Regulation 17(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to determine – 14.1.1 the class of permits required for vehicles to stop in a permit zone established by the Council; 14.1.2 the persons entitled to such permits; 14.1.3 any fees to be paid for such permits;		CO, DWES, GI, MES, MO, MRS, PC	

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
Sub-delegations updated by the Chief Executive Officer on 21 September 2018

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THE BAROSSA COUNCIL DELEGATIONS REGISTER

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Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014				
	14.1.4 the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles). and to vary any such determination.			
r17(3)	14. Permit Zones 14.2 The power pursuant to Regulation 17(3) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to issue permits in respect of permit zones to persons entitled to them, on payment of a fee (if any) and subject to the conditions, determined by the Delegate.		CO, DWES, GI, MES, MO, MRS, PC	
r22(2)	15. Parking and Parking Ticket-Vending Machines or Parking Meters 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 or determined that it will install permissive parking signs to apply to a length of road or an area, to determine fees that will be payable for parking in the length of road or the area by the operation of parking ticket-vending machines or parking meters, installed or to be installed in or near the length of road or area, and the power to vary such fees.		This power remains with CEO - no further sub-delegation	

APPENDIX 25B – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

SUB-DELEGATION 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 duty to observe the Australian Road Rules specified in Clause G.4 of the Instrument, subject to the conditions in Clause G.5 of the Instrument.

CONDITIONS

NIL

On 19 November 2013, Council granted Sub-delegation to the CEO 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 – delegation reviewed and confirmed by Council at its Annual Review on XX May 2019

APPENDIX 26 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE ROADS (OPENING AND CLOSING) ACT 1991

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DDES: Director, Development and Environmental Services
 - DWES: Director, Works and Engineering Services
 - GI: General Inspector
 - MES: Manager, Engineering Services
 - MO: Manager, Operations
 - MRS: Manager, Regulatory Services

Provision	Item Delegated by Council to the Chief Executive Officer	Sub-Delegate
s5	1. Commencement Of Road Process 1.1 The power pursuant to Section 5 of the Roads (Opening and Closing) Act 1991 ("the Act") to commence a road process in relation to a road or proposed road within the area of the Council.	DDES, DWES, MES, MO, GI, MRS
s9(1)	2. Deposit of Preliminary Plan and Statement of Persons Affected 2.1 The duty pursuant to Section 9(1) of the Act where the Council proposes to commence a road process, to cause to be prepared: 2.1.1 a preliminary plan of the land subject to the proposed road process in a form approved by the Surveyor-General; and 2.1.2 a statement in a form approved by the Surveyor-General containing - 2.1.2.1 the names and addresses of those persons affected who can be identified by reasonable enquiry; and	DDES, DWES, MES, MO, GI, MRS

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
Sub-delegations amended by the Chief Executive Officer on 2 April 2019

APPENDIX 26 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE ROADS (OPENING AND CLOSING) ACT 1991

	2.1.2.2 such information in relation to the land subject to the proposed road process as is required by the Surveyor-General.	
s9(2)	2. Deposit of Preliminary Plan and Statement of Persons Affected 2.2 The duty pursuant to Section 9(2) of the Act where the Council has proposed a road process and a preliminary plan and statement has been prepared pursuant to the requirements of Section 9(1) of the Act, to deposit a copy of the said preliminary plan and statement at the Adelaide office of the Surveyor-General together with the prescribed fee.	DDES, DWES, MES, MO, GI, MRS
s10(1)	3. Notification of Proposed Road Process 3.1 The duty pursuant to Section 10(1) of the Act where the Council commences a road process (where the Council is the relevant authority in relation to the road process) to - 3.1.1 after compliance with the requirements of Section 9 of the Act, give public notice, in accordance with the Regulations, of the proposal; and 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.	DDES, DWES, MES, MO, GI, MRS
s10(2)	3. Notification of Proposed Road Process 3.2 The duty pursuant to Section 10(2) of the Act to (where the Council is a relevant authority in relation to a proposed road process) as soon as practicable after giving public notice under Section 10(1) of the Act in relation to the process, deposit a copy of the notice at the Adelaide office of the Surveyor-General.	DDES, DWES, MES, MO, GI, MRS
s11(a)(ii)	4. Dealings in Land after Commencement of Road Process 4.1 The power pursuant to Section 11(a)(ii) of the Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is land which has been brought under the Real Property Act 1886), to lodge a caveat with the Registrar-General forbidding any dealing with the land without the consent of the Council.	DDES, DWES, MES, MO, GI, MRS

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s11(b)(iii)	<p>4. Dealings in Land after Commencement of Road Process</p> <p>4.2 The power pursuant to Section 11(b)(iii) of Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is not land that has been brought under the Real Property Act 1886), to lodge a copy of the notice of the proposed road opening at the General Registry office, and by notice in writing served on any person, require the person to deliver up to the Registrar-General any instrument evidencing the person's interest in the land.</p>	DDES, DWES, MES, MO, GI, MRS
s12(1)	<p>5. Power to make Preliminary Agreements</p> <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.</p>	DDES, DWES, MES, MO, GI, MRS
s12(3)	<p>5. Power to make Preliminary Agreements</p> <p>5.2 The duty pursuant to Section 12(3) of the Act where the Delegate seeks to make an agreement for transfer in relation to land subject to a proposed road closure pursuant to Section 12 of the Act -</p> <p>5.2.1 where adjoining land is owned by a person who owns land subject to a proposed road opening, to first endeavour to secure an agreement for exchange with that person;</p> <p>5.2.2 in any case, to first invite offers from the owners of land adjoining the land subject to the proposed road closure.</p>	DDES, DWES, MES, MO, GI, MRS
s14(1)	<p>6. Meeting to Consider Objection or Application</p> <p>6.1 The duty pursuant to Section 14(1) of the Act in circumstances where the Council is the relevant authority and where the Council has commenced a road process and a person has made an objection or application in relation to the proposed road process, to notify that person in writing of a time and place at which the Council will meet as the relevant authority to consider all such objections and applications.</p>	DDES, DWES, MES, MO, GI, MRS
s15(1)	<p>7. Making of Road Process Order</p> <p>7.1 The duty pursuant to Section 15(1) of the Act to (as the relevant authority) as soon as practicable after the expiration of the time allowed for the making of objections and applications and after considering all objections and applications (if any) made in relation to a proposed road process -</p>	DDES, DWES, MES, MO, GI, MRS

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	<p>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</p> <p>7.1.2 determine that no road process order is to be made.</p>	
s15(3)	<p>7. Making of Road Process Order</p> <p>7.2 The duty pursuant to Section 15(3) of the Act where the Delegate (as the relevant authority) determines that no road process order is to be made, to as soon as practicable give notice in writing of that decision;</p> <p>7.2.1 to the Surveyor General; and</p> <p>7.2.2 to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and</p> <p>7.2.3 in addition, in the case of a proposed road opening, to any person who has an interest in land over which the road was proposed to be opened.</p>	<p>DDES, DWES, MES, MO, GI, MRS</p>
s16	<p>7. Making of Road Process Order</p> <p>7.3 The duty pursuant to Section 16 of the Act when acting as the relevant authority, in determining whether to make a road process order and what order should be made, to have regard to -</p> <p>7.3.1 any objections made by any person pursuant to the Act; and</p> <p>7.3.2 the plans, principles, regulations and other matters to which regard must be had by assessment authorities for determining applications for development authorisation under the Development Act 1993 in relation to developments in the area to which the proposed road process order relates; and</p> <p>7.3.3 whether the land subject to the road process is reasonably required as a road for public use in view of present and likely future needs in the area; and</p> <p>7.3.4 alternative uses of the land subject to the road process that would benefit the public or a section of the public; and</p>	<p>DDES, DWES, MES, MO, GI, MRS</p>

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	7.3.5 any other matter that the Delegate considers relevant.	
s17	<p>7. Making of Road Process Order</p> <p>7.4 The duty pursuant to Section 17 of the Act where, when acting as the relevant authority, a road process order or a road closure has been made, to as part of that order make one or more of the following orders dealing, or together dealing, with all of the land subject to the road closure:</p> <p>7.4.1 if an agreement for exchange or transfer has been made in respect of land subject to the road closure, an order that the land be transferred or added to other land in accordance with the agreement;</p> <p>7.4.2 an order that the land be sold by public auction or tender, if the Delegate considers that land subject to the road closure can conveniently be used separately from other land and the power to so form that opinion;</p> <p>7.4.3 an order that land subject to the road closure be sold, or transferred, for use for some public, charitable or beneficial community purpose;</p> <p>7.4.4 if land subject to the road closure is required by the Council for some purpose - in order that the land be retained by the Council and the Certificate of Title be issued to the Council;</p> <p>7.4.5 an order that land subject to the road closure -</p> <p>7.4.5.1 be added to adjoining land that is dedicated under the Crown Lands Act 1929; or</p> <p>7.4.5.2 be transferred to the proprietor of adjoining land that is alienated in fee simple in trust under the Crown Lands Act 1929; or</p> <p>7.4.5.3 be vested in the Crown.</p>	DDES, DWES, MES, MO, GI, MRS

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s18(1)	<p>7. Making of Road Process Order</p> <p>7.5 The power to pursuant to Section 18(1) of the Act and in accordance with the provisions in Section 18(2) of the Act, when acting as the relevant authority where a road process order for a road closure has been made, to make an order as part of that order for the granting of an easement over land subject to the road closure.</p>	DDES, DWES, MES, MO, GI, MRS
s18(2)(d)	<p>7. Making of Road Process Order</p> <p>7.6 The power pursuant to Section 18(2)(d) of the Act, where an application for an easement has been made pursuant to Division 1 of Part 3 of the Act by a person as the owner of adjoining or nearby land, to form the opinion that the persons use or enjoyment of that adjoining or nearby land would be substantially altered if the easement were not granted and therefore make an order for the granting of the easement in favour of that person.</p>	DDES, DWES, MES, MO, GI, MRS
s19	<p>7. Making of Road Process Order</p> <p>7.7 The duty pursuant to Section 19 of the Act when acting as the relevant authority to as soon as is practicable after a road process order is made;</p> <p>7.7.1 give notice in writing of the order to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and</p> <p>7.7.2 In addition, in the case of an order for a road opening -</p> <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>	DDES, DWES, MES, MO, GI, MRS

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s20	<p>7. Making of Road Process Order</p> <p>7.8 The duty pursuant to Section 20 of the Act, within 3 months after a road process order is made to deposit at the Adelaide office of the Surveyor-General -</p> <p>7.8.1 2 copies of the order; and</p> <p>7.8.2 survey plans as required by the Registrar-General for the purposes of this Section; and</p> <p>7.8.3 in the case of an order for a road closure that includes an order that land be transferred or added to other land in accordance with an agreement for exchange or transfer - a copy of the agreement for exchange or transfer on which is denoted all stamp duty payable in respect of the agreement; and</p> <p>7.8.4 in the case of an order for a road opening or the narrowing of a road - a statement that the order complies with the requirements of Part 8 of the Act as to the minimum width of roads; and</p> <p>7.8.5 any other document required by the Surveyor-General; and</p> <p>7.8.6 any fee prescribed by regulation including any fee required to be paid by a person in whom land or an interest in land would be vested on publication in the Gazette of notice of the order and its confirmation by the Minister.</p>	DDES, DWES, MES, MO, GI, MRS
s20(3)	<p>7. Making of Road Process Order</p> <p>7.9 The duty pursuant to Section 20(3) of the Act in circumstances where a road process lapses by virtue of the provisions of Section 20(2) of the Act to, as soon as practicable, give notice in writing of that fact -</p> <p>7.9.1 to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and</p> <p>7.9.2 in addition, in the case of a proposed road opening - to any person who has an interest in land over which a road is proposed to be opened.</p>	DDES, DWES, MES, MO, GI, MRS

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s22(2)(i)	<p>8. Review and Confirmation of Road Process Order</p> <p>8.1 The duty pursuant to Section 22(2)(i) of the Act as the relevant authority in circumstances where the Surveyor-General has amended a road process order under Section 22(1) of the Act and then provided a written notice of that amendment to the Council, to as soon as practicable give notice in writing of that amendment to any person who was required to be given notice in writing of the road process order under Section 19(a) or (b) of the Act.</p>	DDES, DWES, MES, MO, GI, MRS
s24(2)(b)	<p>8. Review and Confirmation of Road Process Order</p> <p>8.2 The duty pursuant to Section 24(2)(b) of the Act in circumstances where the Minister declines to confirm a road process order under Section 24(1) of the Act and has then provided written notice of that decision to the Council, to as soon as practicable give notice in writing of that decision -</p> <p>8.2.1 to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and</p> <p>8.2.2 in addition, in the case of a proposed road opening - to any person who has an interest in land over which a road was proposed to be opened.</p>	DDES, DWES, MES, MO, GI, MRS
s31(1)(a)	<p>9. Compensation</p> <p>9.1 The duty pursuant to Section 31(1)(a) of the Act where a road is opened pursuant to the Act over land not owned by the Council to -</p> <p>9.1.1 serve notice in writing of the road process order on each person who had an interest in the land immediately before it vested in the Council by virtue of the road opening; and</p> <p>9.1.2 append to the notice an offer in writing stating the total amount of compensation that the Council proposes to pay to the person and dividing that amount, so far as is practicable, into its separable components.</p>	DDES, DWES, MES, MO, GI, MRS
s33(1)	<p>10. Acquisition of Additional Land under Land Acquisition Act</p> <p>10.1 The power pursuant to Section 33(1) of the Act in circumstances where a Council proposes to open a road over any land pursuant to the Act, to -</p>	DDES, DWES, MES, MO, GI, MRS

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	<p>10.1.1 consider that the acquisition of additional land adjoining or near to the land to which the road opening relates is appropriate; and</p> <p>10.1.2 proceed to acquire the land, whether or not the land is required in connection with the proposed road.</p>	
s33(4)	<p>10. Acquisition of Additional Land under Land Acquisition Act</p> <p>10.2 The power pursuant to Section 33(4) of the Act, where additional land is acquired by the Council pursuant to Section 33 of the Act, to sell or otherwise deal with that land in such manner as the Delegate considers appropriate, and to use the proceeds from the sale of any such land toward defraying expenses incurred by the Council in connection with the road opening.</p>	DDES, DWES, MES, MO, GI, MRS
s34G(1)	<p>10A. Roads Associated with Adelaide Park Lands</p> <p>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.</p>	This power remains with Council - delegation does not apply.
s34G(2)	<p>10A. Roads Associated with Adelaide Park Lands</p> <p>10A.2 The duty pursuant to Section 34G(2) of the Act to ensure that an application pursuant to Section 34G of the Act is accompanied by -</p> <p>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</p> <p>10A.2.2 such other information as may be required by the Regulations.</p>	This power remains with Council - delegation does not apply.
s34G(4)	<p>10A. Roads Associated with Adelaide Park Lands</p> <p>10A.3 The duty pursuant to Section 34G(4) of the Act, if the Minister, after consultation under Section 34G(3) of the Act, determines that the application should be considered to, in accordance with Section 34G(5) of the Act, -</p>	This power remains with Council - delegation

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	<p>10A.3.1 give public notice, in accordance with the Regulations, of the proposal; and</p> <p>10A.3.2 give notice of the proposal to any State authority or council specified by the Minister; and</p> <p>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).</p>	does not apply.
s34G(6)	<p>10A. Roads Associated with Adelaide Park Lands</p> <p>10A.4 The duty pursuant to Section 34G(6) of the Act to forward to the Surveyor-General, after the expiration of the period that applies under Section 34G(5) of the Act -</p> <p>10A.4.1 any representation in relation to the proposal made to the Council within the relevant period; and</p> <p>10A.4.2 any response that the Council wishes to make in relation to those representations.</p>	This power remains with Council - delegation does not apply.
s34G(9)	<p>10A. Roads Associated with Adelaide Park Lands</p> <p>10A.5 The power pursuant to Section 34G(9) of the Act, if the Minister is willing to approve the application, to, after consultation with the Surveyor-General, cause survey plans and other documents to be prepared as required by the Registrar-General and submit them to the Minister.</p>	This power remains with Council - delegation does not apply.
s34G(14)	<p>10A. Roads Associated with Adelaide Park Lands</p> <p>10A.6 The power and duty pursuant to Section 34G(14) of the Act, after publication of the order, to provide any documentation required by the Registrar-General to the Registrar-General.</p>	This power remains with Council - delegation does not apply.

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s39	11. Duty to Fence 11.1 The duty pursuant to Section 39 of the Act in any case in which a road is fenced along one or both of its boundaries and the road is altered or diverted, 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.	DDES, DWES, MES, MO, GI, MRS
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APPENDIX 27 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE SAFE DRINKING WATER ACT 2011

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DDES: Director, Development and Environmental Services
 - MHS: Manager, Health Services

Provision	Item Delegated by Council to the Chief Executive Officer	Sub-Delegate
s5(2)(a)(b)	5. Drinking water providers to be registered (2) 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 under the Act to the Minister and in a manner and form determined by the Minister.	This power remains with CEO - no further sub-delegation
s8(3)	8. Conditions of registration (3) 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.	DDES
s9(5)	9. Suspension of registration (5) The power pursuant to Section 9(5) of the Act after the Council has received notice from the Minister, lodge with the Minister a written objection (setting out the grounds of objection). (6) The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter.	DDES

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	(10) 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.	
s10(1)	<p>10. Appeals</p> <p>(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 South Australian Civil and Administrative Tribunal Act 2013 of:</p> <p>(a) a condition imposed by the Minister in relation to a registration under Part 2 of the Act;</p> <p>(b) a variation of a condition of registration made by the Minister on the Minister's own initiative; or</p> <p>(c) a decision of the Minister to refuse to grant an application to vary a condition of registration; or</p> <p>(d) a decision of the Minister to suspend a registration under Part 2 of the Act.</p>	DDES
s12(1)	<p>12. Drinking water providers to prepare, implement and review risk management plans</p> <p>(1) The power pursuant to Section 12(1) of the Act and in accordance with Section 13 of the Act, to:</p> <p>(a) prepare a risk management plan in relation to the supply of drinking water to the public; and</p> <p>(b) keep the plan under continuous review with a view to updating and improving it; and</p> <p>(c) revise any aspect of the plan that is found, on review, to need revision.</p> <p>(3) 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.</p>	DDES

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s14(2)	<p>14. Related matters</p> <p>(2) 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.</p>	DDES
s14(3)	<p>14. Related matters</p> <p>(3) (b) 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.</p>	DDES
s14(4)	<p>14. Related matters</p> <p>(4) 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 South Australian Civil and Administrative Tribunal Act 2013.</p>	DDES
s34(1)	<p>34. Appointment of authorised officers</p> <p>(1) The power pursuant to Section 34(1) of the Act, to appoint a person to be an authorised officer for the purposes of the Act, but only if the Delegate considers the person has appropriate qualifications or experience to exercise the functions of an authorised officer.</p> <p>(2) The power pursuant to Section 34(2) of the Act to prepare and maintain a list of authorised offices appointed by the Council.</p>	DDES, MHS
S35(1)	<p>35. Certificates of authority</p> <p>(1) The power pursuant to Section 35(1) of the Act to provide each authorised officer appointed by the Council with a certificate of authority as an authorised officer.</p> <p>(2) The power pursuant to Section 35(2) of the Act to limit the powers of an authorised officer by the authorised officer's certificate of authority.</p>	DDES, MHS
37(3)(a)(i) and (ii)	<p>37. Seizure orders</p> <p>(3) (a) The power pursuant to Section 37(3)(a)(i) and (ii) of the Act to:</p>	DDES, MHS

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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE SAFE DRINKING WATER ACT 2011

	<p>(i) authorise the release of a thing seized to the person from whom it was seized or any person who had a right to possession of it at the time of its seizure subject to such conditions as the Delegate thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 37(3)(b)(i)(B) of the Act; or</p> <p>(ii) order that the thing seized be forfeited to the Council;</p> <p>(d) The power pursuant to Section 37(3)(d) of the Act if a thing seized is forfeited under Section 37 of the Act to dispose of it by sale, destruction or otherwise as the Delegate directs.</p>	
s38(1)(2)	<p>38. Notices</p> <p>(1) The power pursuant to Section 38(1) of the Act and in accordance with Section 38(2) of the Act to issue a notice under Section 38 for the purpose of:</p> <p>(a) securing compliance with a requirement imposed by or under the Act; or</p> <p>(b) averting, eliminating or minimising a risk, or a perceived risk, to the public in relation to drinking water.</p> <p>(6) 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.</p>	DDES, MHS
s39	<p>39. Action or non-compliance with a notice</p> <p>(1) The power pursuant to Section 39(1) of the Act, if the requirements of a notice under Division 3 of the Act are not complied with, to take any action required by the notice.</p> <p>(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.</p> <p>(4) 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.</p>	DDES, MHS

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	(5) 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.	
s40(5)	40. Action in emergency situations (5) The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction.	DDES, MHS
s41(1)	41. Specific power to require information (1) The power pursuant to Section 41(1) of the Act, to by notice in writing under Section 41 of the Act require a person to furnish such information relating to the quality or supply of drinking water, or any other matter associated with the administration or operation of the Act, as the Delegate thinks fit.	DDES, MHS
s42(3)	42. Appeals (3) 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.	DDES, MHS
s52(1)	52. Annual reports by enforcement agencies (1) 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.	DDES, MHS

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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011, SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013, SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013, SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013 AND SOUTH AUSTRALIAN PUBLIC HEALTH (FEES) REGULATIONS 2018

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DDES: Director, Development and Environmental Services
 - EHO: Environmental Health Officer
 - Grad EHO: Graduate Environmental Health Officer
 - MHS: Manager, Health Services

SOUTH AUSTRALIAN PUBLIC HEALTH (FEES) REGULATIONS 2018				
Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Delegate	
Clause 2(1), Schedule 1	35. Refund and Recovery of Fees 35.1 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.		DDES, MHS	

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SOUTH AUSTRALIAN PUBLIC HEALTH (FEES) REGULATIONS 2018				
Clause 2(2), Schedule 1	35. Refund and Recovery of Fees 35.2 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.		DDES, MHS	
SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Delegate	
s18(2)	1. Power to Require Reports 1.1 The power pursuant to Section 18(2) of the South Australian Public Health Act 2011 (the Act) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.		DDES, MHS	
s18(3)	1. Power to Require Reports 1.2 The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council provide a combined report with 1 or more other councils.		DDES, MHS	
s18(5)	1. Power to Require Reports 1.3 The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.		DDES, MHS	

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SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
s22(2)	<p>2. Risk of Avoidable Mortality or Morbidity</p> <p>2.1 The power pursuant to Section 22(2) of the Act, if the Council receives a request under Section 22(1) of the Act, to consider the request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time.</p>		DDES	
s22(3)	<p>2. Risk of Avoidable Mortality or Morbidity</p> <p>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:</p> <p>2.2.1 any steps already being taken by the Council that may be relevant in the circumstances; and</p> <p>2.2.2 any plans that the Council may have that may be relevant in the circumstances; and</p> <p>2.3 any steps that the Council is willing to take in the circumstances; and</p> <p>2.4 any other matter relating to the Council that appears to be relevant.</p>		DDES	
s39(1)	<p>3. Cooperation Between Councils</p> <p>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</p>		DDES, EHO, Grad EHO, MHS	

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SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
s39(2)	3. Cooperation Between Councils 3.2 The power pursuant to Section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other councils.		DDES, EHO, Grad EHO, MHS	
s39(3)	3. Cooperation Between Councils 3.3 The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request.		DDES, EHO, Grad EHO, MHS	
s40(2)	4. Power of Chief Public Health Officer to Act 4.1 The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer.		DDES	
s41(1)	5. Council Failing to Perform a Function Under Act 5.1 The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister's opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act.		DDES	
s41(6)	5. Council Failing to Perform a Function Under Act 5.2 The power pursuant to Section 41(6) of the Act to: 5.2.1 make written submissions to the Minister in relation to the matter within a period specified by the		DDES	

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SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
	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.			
s42(1)	6. Transfer of Function of Council at Request of Council 6.1 The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer.		DDES	
s42(10)	6. Transfer of Function of Council at Request of Council 6.2 The power pursuant to Section 42(10) of the Act to enter into an agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act.		DDES	
s42(11)	6. Transfer of Function of Council at Request of Council 6.3 The power pursuant to Section 42(11) of the Act to request that the Minister vary or revoke a notice under Section 42 of the Act.		DDES	
s42(11)	6. Transfer of Function of Council at Request of Council 6.4 The power pursuant to Section 42(11) of the Act to consult with the Minister in relation to the Minister varying or revoking a notice under Section 42 of the Act.		DDES	

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SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
s44(1) s45	7. Local Authorised Officers 7.1 The power pursuant to Section 44(1) of the Act, subject to Section 45 of the Act, to, by instrument in writing, appoint a suitably qualified person to be a local authorised officer.		DDES	
s44(2)	7. Local Authorised Officers 7.2 The power pursuant to Section 44(2) of the Act to make an appointment under Section 44 subject to such conditions or limitations as the Delegate thinks fit.		DDES	
s44(4)	7. Local Authorised Officers 7.3 The power pursuant to Section 44(4) of the Act to direct a local authorised officer.		DDES, MHS	
s44(6)	7. Local Authorised Officers 7.4 The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.		DDES	
s44(7)	7. Local Authorised Officers 7.5 The power pursuant to Section 44(7) of the Act to notify the Chief Public Health Officer in accordance with Section 44(8) of the Act, if the Council or the Delegate: 7.5.1 makes an appointment under Section 44 of the Act; or 7.5.2 revokes an appointment under Section 44 of the Act.		DDES	
s44(9)	7. Local Authorised Officers 7.6 The power pursuant to Section 44(9) of the Act to determine the number of local authorised officers who		DDES	

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SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
	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.			
s46(1) s46(2)	<p>8. Identity Cards</p> <p>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:</p> <p>8.1.1 containing the person's name and a photograph of the person; and</p> <p>8.1.2 stating that the person is an authorised officer for the purposes of the Act; and</p> <p>8.1.3 setting out the name or office of the issuing authority.</p>		DDES	
s49(1)	<p>9. Specific Power to Require Information</p> <p>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.</p>		DDES, EHO, Grad EHO, MHS	

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SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
s51(1), (2),(5),(6),(8),(9),(11), (12), (13), (15)	10. Regional Public Health Plans 10.1 The power pursuant to Section 51(1) of the Act to in accordance with Sections 51(2), (5), (6), (8), (9), (11), (12), (13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan).		DDES, MHS	
s51(10), (11)	10. Regional Public Health Plans 10.2 The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time.		This power remains with CEO - no further sub- delegation	
s51(11) s51(12)	10. Regional Public Health Plans 10.3 The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan: 10.3.1 prepare a draft of the proposal; and 10.3.2 when the draft plan is completed, subject to Section 51(12) of the Act: 10.3.2.1 give a copy of it to:		DDES, MHS	

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SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
	<p>(a) the Minister; and</p> <p>(b) any incorporated hospital established under the Health Care Act 2008 that operates a facility within the region; and</p> <p>(c) any relevant public health partner authority under Section 51(23); and</p> <p>(d) any other body or group prescribed by the regulations; and</p> <p>10.3.2.2 take steps to consult with the public.</p>			
s51(12) s51(11)	<p>10. Regional Public Health Plans</p> <p>10.4 The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or the Delegate releases a draft plan under Section 51(11).</p>		DDES, MHS	
s51(13)	<p>10. Regional Public Health Plans</p> <p>10.5 The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation.</p>		DDES, MHS	
s51(15)	<p>10. Regional Public Health Plans</p> <p>10.6 The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief</p>		DDES, MHS	

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SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
	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).			
s51(16)	10. Regional Public Health Plans 10.7 The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration.		This power remains with CEO - no further sub-delegation	
s51(17)	10. Regional Public Health Plans 10.8 The power pursuant to Section 51(17) of the Act to undertake the processes set out in Section 51 of the Act in conjunction with the preparation and adoption of its strategic management plans under Section 122 of the Local Government Act 1999 (and the power if the delegate thinks fit, incorporate a regional public health plan into the Council's strategic management plans under that Act).		This power remains with CEO - no further sub-delegation	
s51(18)	10. Regional Public Health Plans 10.9 The power pursuant to Section 51(18) of the Act to provide in a regional public health plan, by		This power remains	

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SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
	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.		with CEO - no further sub- delegation	
s51(19)	10. Regional Public Health Plans 10.10 The power pursuant to Section 51(19) of the Act to review a regional public health plan at least once in every 5 years.		DDES, MHS	
s51(20)	10. Regional Public Health Plans 10.11 The power pursuant to Section 51(20) of the Act to, in preparing and reviewing the Council's regional public health plan insofar as is reasonably practicable, give due consideration to the plans of other councils insofar as this may be relevant to issues or activities under the Council's plan.		DDES, MHS	
s51(21)	10. Regional Public Health Plans 10.12 The power pursuant to Section 51(21) of the Act to, when performing functions or exercising powers under the Act or any other Act, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or the Delegate should implement changes to the manner in which, or the means by which, the Council or the Delegate performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change.		DDES, MHS	

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SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
s52(1)	<p>11. Reporting on Regional Public Health Plans</p> <p>11.1 The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act.</p>		DDES, MHS	
s66(6)	<p>12. Action to Prevent Spread of Infection</p> <p>12.1 The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section 66(5) of the Act from the person who failed to take the required action.</p>		DDES, MHS	
s66(5)	<p>12. Action to Prevent Spread of Infection</p> <p>12.2 The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease constituting a notifiable condition, take such action as is reasonably open to the Delegate to assist in preventing the spread of the disease.</p>		DDES, EHO, Grad EHO, MHS	
s92(1)	<p>13. Notices</p> <p>13.1 The power pursuant to Section 92(1) of the Act and subject to Sections 92(2), (3), (4), (5) and (12) of the Act to issue a notice for the purpose of:</p> <p>13.1.1 securing compliance with a requirement imposed by or under the Act (including the duty under Part 6 or a requirement imposed under a regulation or a code of practice under the Act); or</p>		DDES, EHO, Grad EHO, MHS	

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SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
	13.1.2 averting, eliminating or minimising a risk, or a perceived risk, to public health.			
13. Notices	<p>13. Notices</p> <p>13.2 The power pursuant to Section 92(2) of the Act and subject to Section 92(12) of the Act, to, before issuing a notice to secure compliance with the general duty under Part 6 of the Act:</p> <p>13.2.1 have regard to:</p> <p>13.2.1.1 the number of people affected, or potentially affected, by the breach of the duty;</p> <p>13.2.1.2 the degree of harm, or potential degree of harm, to public health on account of the breach of the duty;</p> <p>13.2.1.3 any steps that a person in breach of the duty has taken, or proposed to take, to avoid or address the impact of the breach of the duty,</p> <p>and such other matters as the Delegate thinks fit; and</p> <p>13.2.2 subject to Section 92 of the Act, give the person to whom it is proposed that the notice be given a preliminary notice in writing:</p> <p>13.2.2.1 stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and</p>		EHO, Grad EHO, MHS	

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SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
	<p>13.2.2.2 stating the reasons for the proposed action; and</p> <p>13.2.2.3 inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to the Delegate or a person nominated to act on behalf of the Council).</p>			
s92(2)(b)(iii)	<p>13. Notices</p> <p>13.3 The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.</p>		DDES, MHS	
s92(3)	<p>13. Notices</p> <p>13.4 The power pursuant to Section 92(3) of the Act to, in a case where Section 92(2)(b) of the Act applies, after considering representations made within the time specified under Section 92(2)(b) of the Act:</p> <p>13.4.1 issue a notice in accordance with the terms of the original proposal; or</p> <p>13.4.2 issue a notice with modifications from the terms of the original proposal; or</p> <p>13.4.3 determine not to proceed further under Section 92.</p>		DDES, MHS	
s92(4)	<p>13. Notices</p> <p>13.5 The power pursuant to Section 92(4) of the Act to:</p>		DDES, MHS	

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SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
	<p>13.5.1 not give notice under Section 92(2)(b) of the Act if the Delegate considers that urgent or immediate action is required in the circumstances of the particular case; and</p> <p>13.5.2 not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.</p>			
s92(5)	<p>13. Notices</p> <p>13.6 The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:</p> <p>13.6.1 in the form of a written notice served on the person to whom it is issued; and</p> <p>13.6.2 specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and</p> <p>13.6.3 directing 2 or more persons to do something specified in the notice jointly; and</p> <p>13.6.4 without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:</p> <p>13.6.4.1 is the owner or occupier of the premises; or</p> <p>13.6.4.2 has the management or control of the premises; or</p> <p>13.6.4.3 is the trustee of a person referred to in Section 92(5)(i) or (ii) of the Act or is managing the affairs of such a person on some other basis; and</p>		EHO, Grad EHO, MHS	

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SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
	<p>13.6.5 stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and</p> <p>13.6.6 imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following:</p> <p>13.6.6.1 a requirement that the person discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from a relevant authority;</p> <p>13.6.6.2 a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;</p> <p>13.6.6.3 a requirement that the person take specified action in a specified way, and within a specified period or at specified times or in specified circumstances;</p> <p>13.6.6.4 a requirement that the person take action to prevent, eliminate, minimise or control any specified risk to public health, or to control any specified activity;</p> <p>13.6.6.5 a requirement that the person comply with any specified code or standard prepared or published by a body or authority referred to in the notice;</p> <p>13.6.6.6 a requirement that the person undertake specified tests or monitoring;</p>			

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SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
	<p>13.6.6.7 a requirement that the person furnish to a relevant authority specified results or reports;</p> <p>13.6.6.8 a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the relevant authority, a plan of action to secure compliance with a relevant requirement or to prevent, eliminate, minimise or control any specified risk to public health;</p> <p>13.6.6.9 a requirement prescribed under or for the purposes of the regulations; and</p> <p>13.6.7 stating that the person may, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.</p>			
s92(9)	<p>13. Notices</p> <p>13.7 The power pursuant to Section 92(9) of the Act by written notice served on a person to whom a notice under Section 92 of the Act has been issued by the Delegate or the Council, vary or revoke the notice.</p>		MHS	
s95(15)	<p>13. Notices</p> <p>13.8 The power pursuant to Section 92(15) of the Act to, not comply with any other procedure, or hear from any other person, except as provided by Section 92 of the Act before the Delegate issues a notice under Section 92 of the Act.</p>		DDES, MHS	

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SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
s93(1)	14. Action on Non-compliance with Notice 14.1 The power pursuant to Section 93(1) of the Act if the requirements of a notice under Part 12 of the Act are not complied with, to take any action required by the notice.		DDES, MHS	
s93(2)	14. Action on Non-compliance with Notice 14.2 The power pursuant to Section 93(2) of the Act to authorise a person for the purpose of taking action on the Council's behalf under Section 93(1) of the Act.		DDES, MHS	
s93(4)	14. Action on Non-compliance with Notice 14.3 The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 93 of the Act as a debt from the person who failed to comply with the requirements of the notice.		DDES	
s93(5)	14. Action on Non-compliance with Notice 14.4 The power pursuant to Section 93(5) of the Act, if an amount is recoverable from a person by the Council under Section 93, to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.		DDES	
s94(5)	15. Action in Emergency Situations 15.1 The power pursuant to Section 94(5) of the Act to recover the reasonable costs and expenses incurred by a local authorised officer in taking action under Section 94 from any person who caused the risk to which the action relates, as a debt.		DDES	

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SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
s95(13)	16. Reviews - Notices Relating to General Duty 16.1 The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council.		DDES, EHO, Grad EHO, MHS	
s95(15)	16. Reviews - Notices Relating to General Duty 16.2 The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to: 16.2.1 dismiss or determine any proceedings that appear: 16.2.1.1 to be frivolous or vexatious; or 16.2.1.2 to have been instituted for the purpose of delay or obstruction, or for some other improper purpose; 16.2.2 bring any proceedings to an end that appear: 16.2.2.1 to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or 16.2.2.2 to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or		DDES, MHS	

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SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011				
	16.2.3 bring any proceedings to an end for any other reasonable cause.			
s96(3)	17. Appeals 17.1 The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, appeal to the District Court against the outcome of review proceedings under Division 3, Part 12 of the Act.		DDES	
SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013				
Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Delegate	
r5(3)	18. Duty to Register High Risk Manufactured Water System 18.1 The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (the Legionella Regulations) to, on application made in a manner and form approved by the Council or Delegate and payment of the prescribed fee to the Council, register the high risk manufactured water system to which the application relates.		DDES, EHO, Grad EHO, MHS	
r5(6)	18. Duty to Register High Risk Manufactured Water System 18.2 18.2 The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or Delegate and payment of the prescribed fee to the Council, renew the registration of the high risk manufactured water system to which the application relates.		DDES, EHO, Grad EHO, MHS	

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SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013			
r6(2)	<p>19. Register of High Risk Manufactured Water Systems</p> <p>19.1 The power pursuant to Regulation 6(2) of the Legionella Regulations and subject to Regulation 6(3) of the Legionella Regulations to determine the manner and form of a register of high risk manufactured water systems registered by the Council.</p>		DDES, MHS
r6(3)	<p>19. Register of High Risk Manufactured Water Systems</p> <p>19.2 The power pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register:</p> <p>19.2.1 the type of water system; and</p> <p>19.2.2 the address of the premises on which the water system is installed; and</p> <p>19.2.3 the location of the water system on the premises; and</p> <p>19.2.4 the full name and residential and business addresses of the owner of the premises; and</p> <p>19.2.5 the full name, residential and business addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system,</p> <p>and such other information as the Delegate thinks fit.</p>		DDES, EHO, Grad EHO, MHS

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SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013			
r15(2)	<p>19. Register of High Risk Manufactured Water Systems</p> <p>19.3 The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with the Council is installed, written notice:</p> <p>19.3.1 requiring the owner, within the period specified in the notice:</p> <p>19.3.1.1 to cause an inspection of the water system to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance of the system); and</p> <p>19.3.1.2 to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:</p> <p>(a) of at least 1 sample of water taken from a cooling water system; and</p> <p>(b) of at least 2 samples of water taken from a warm water system, to determine the presence and number of colony forming units of Legionella in the water; and</p>		DDES, EHO, Grad EHO, MHS
r15(2)	<p>19. Register of High Risk Manufactured Water Systems</p> <p>19.4 requiring the owner to submit to the Council written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.</p>		DDES, EHO, Grad EHO, MHS
r16(1)	<p>20. Power of Council to Require Microbiological Testing in Other Circumstances</p> <p>20.1 The power pursuant to Regulation 16(1) of the Legionella Regulations, if:</p> <p>20.1.1 the Council is investigating the occurrence of Legionellosis in the near vicinity of premises on which a</p>		DDES, EHO, Grad EHO, MHS

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SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013				
	<p>high risk manufactured water system is installed; or</p> <p>20.1.2 the Council or Delegate has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations, to give the owner of the premises written notice:</p> <p>20.1.3 requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and</p> <p>20.1.4 requiring the owner to submit to the Council a written report setting out the results of the microbiological testing within 24 hours of receiving the report.</p>			
r21(3)	<p>21. Fees</p> <p>21.1 The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to the Council, to give the person written notice requiring the person to pay the fee within the period specified in the notice.</p>		DDES, EHO, Grad EHO, MHS	
r21(4)	<p>21. Fees</p> <p>21.2 Deliberately left blank.</p>		Head Delegation repealed - deliberately left blank.	

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SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013				
r21(5)	21. Fees 21.3 Deliberately left blank.		Head Delegation repealed - deliberately left blank.	
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013				
Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Delegate	
r6(1)	22. Relevant Authority 22.1 The power pursuant to Regulation 6(1)(b) of the South Australian Public Health (Wastewater) Regulations 2013 (the Wastewater Regulations) to, agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area if the system is to be operated by another council or wastewater works related to the system are to be undertaken by another council, or by a person acting in partnership, or in conjunction with that other council.		DDES, EHO, Grad EHO, MHS	

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r8(1)	<p>23. Public Notification of Proposed Community Wastewater Management System</p> <p>23.1 The power pursuant to Regulation 8(1) of the Wastewater Regulations to, if the Council proposes to establish a community wastewater management system for the whole or part of its area in the interests of public and environmental health, to give notice to the owners of land in the area affected by the proposal containing the prescribed details relating to the proposal and inviting submissions in relation to the proposal within a period (which must be at least 21 days) specified in the notice.</p>		DDES, EHO, Grad EHO, MHS	
r9(1)	<p>24. Connection to Community Wastewater Management System</p> <p>24.1 The power pursuant to Regulation 9(1) of the Wastewater Regulations and subject to Regulation 9(2) of the Wastewater Regulations on obtaining a wastewater works approval for a community wastewater management system, to, by written notice, require the operator of an on-site wastewater system:</p> <p>24.1.1 to connect the system to the community wastewater management system; and</p> <p>24.1.2 for that purpose, to complete and submit an application to the Council, within the period specified in the notice, for a wastewater works approval for:</p> <p>24.1.2.1 the connection; and</p> <p>24.1.2.2 if necessary, consequential alterations to the on-site wastewater system.</p>		DDES, EHO, Grad EHO, MHS	
r9(4)	<p>24. Connection to Community Wastewater Management System</p> <p>24.2 The power pursuant to Regulation 9(4) of the Wastewater Regulations, if the operator of an on-site wastewater system does not submit an application within the period specified in a notice under Regulation 9(1) of the Wastewater Regulations, to grant a wastewater works approval for the required wastewater works as if the application had been made.</p>		DDES, EHO, Grad EHO, MHS	

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r9(6)	24. Connection to Community Wastewater Management System 24.3 The power pursuant to Regulation 9(6) of the Wastewater Regulations, if wastewater works are not carried out in accordance with a wastewater works approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9 of the Wastewater Regulations, to cause the requirements to be carried out (and a person authorised to do so by the Council may enter land at any reasonable time for the purposes of carrying out the relevant work).		DDES, EHO, Grad EHO, MHS
r9(6)	24. Connection to Community Wastewater Management System 24.4 The power pursuant to Regulation 9(6) of the Wastewater Regulations to if wastewater works are not carried out in accordance with a wastewater approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9 of the Wastewater Regulations, authorise a person to enter land at any reasonable time for the purpose of carrying out the relevant work.		DDES, MHS
r9(7)	24. Connection to Community Wastewater Management System 24.5 The power pursuant to Regulation 9(7) of the Wastewater Regulations to recover as a debt the costs and expenses reasonably incurred in exercising a power under Regulation 9(6) of the Wastewater Regulations and the prescribed fee that would have been payable had the application been made as required under Regulation 9(1) of the Wastewater Regulations from the person who failed to comply with the notice.		DDES
r10(3)	25. Exemptions 25.1 The power pursuant to Regulation 10(3) of the Wastewater Regulations to give an exemption by written notice and subject to conditions determined by the Delegate and stated in the notice.		DDES, MHS
r10(4)	25. Exemptions 25.2 The power pursuant to Regulation 10(4) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.		DDES, MHS

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r15(3)	26. Exemptions From Prescribed Codes 26.1 The power pursuant to Regulation 15(3) of the Wastewater Regulations to give an exemption by written notice and is subject to conditions determined by the Delegate and stated in the notice.		DDES, MHS
r15(5)	26. Exemptions From Prescribed Codes 26.2 The power pursuant to Regulation 15(5) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.		DDES, MHS
r23(2)	27. Application 27.1 The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide the Council with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.		DDES, EHO, Grad EHO, MHS
r24(1)	28. Determination of Application 28.1 The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval: 28.1.1 if the applicant fails to satisfy the Delegate of either or both of the following: 28.1.1.1 that the technical specifications for the wastewater works comply with the prescribed codes; 28.1.1.2 that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or 28.1.2 for any other sufficient reason.		DDES, EHO, Grad EHO, MHS

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r24(2)	<p>28. Determination of Application</p> <p>28.2 The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made.</p>		DDES, MHS
r25(2)	<p>29. Conditions of Approval</p> <p>29.1 The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:</p> <p>29.1.1 any 1 or more of the following prescribed expiable conditions:</p> <p>29.1.1.1 a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify the Council in a specified manner and stop the work pending an inspection carried out at the person's expense;</p> <p>29.1.1.2 a condition that requires the display of specified notices on the premises on which the wastewater system is located;</p> <p>29.1.1.3 a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person's expense) and to provide the Council with specified information in a specified manner and at specified times;</p> <p>29.1.1.4 a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;</p> <p>29.1.1.5 a condition that requires the wastewater system to be operated, maintained or serviced by a person of a</p>		EHO, Grad EHO, MHS

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<p>specified class;</p> <p>29.1.1.6 a condition that requires records of a specified kind to be created, maintained, and provided to the Council; or</p> <p>29.1.2 any other conditions including any 1 or more of the following:</p> <p>29.1.2.1 a condition that requires decommissioning of the wastewater system:</p> <p>(a) after a specified trial period; or</p> <p>(b) in specified circumstances; or</p> <p>(c) on written notice to the operator of the system;</p> <p>29.1.2.2 a condition that requires a wastewater system to be connected to a community wastewater management system;</p> <p>29.1.2.3 a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;</p> <p>29.1.2.4 a condition that requires a wastewater system to have various access points for maintenance or inspection (raised to or terminating at surface level, or as required by the Council);</p> <p>29.1.2.5 a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the Council supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;</p> <p>29.1.2.6 a condition that otherwise specifies requirements relating to:</p>			
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	(a) the installation of the waste watersystem; 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.			
r25(3)	29. Conditions of Approval 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 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.		EHO, Grad EHO, MHS	
r25(6)	29. Conditions of Approval 29.3 The power pursuant to Regulation 25(6) of the Wastewater Regulations to, on application and payment of the prescribed fee, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.		EHO, Grad EHO, MHS	
r25(7)	29. Conditions of Approval 29.4 The power pursuant to Regulation 25(7) of the Wastewater Regulations to, on the Delegate's own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, provided that the variation, revocation or		EHO, Grad EHO, MHS	

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	<p>imposition does not take effect until at least 6 months after the giving of the notice unless:</p> <p>29.4.1 the operator consents; or</p> <p>29.4.2 the Delegate states in the notice that, in his/her opinion, the variation, revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm.</p>			
r26(2)	<p>30. Expiry of Approval</p> <p>30.1 The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the prescribed fee, postpone the expiry of a wastewater works approval for a specified period.</p>		DDES, EHO, Grad EHO, MHS	
r27(3)	<p>31. Registers of Wastewater Works Approvals</p> <p>31.1 The power pursuant to Regulation 27(3) of the Wastewater Regulations, to extend the registers to include wastewater works approvals granted under the revoked regulations.</p>		DDES, EHO, Grad EHO, MHS	
r27(6)	<p>31. Registers of Wastewater Works Approvals</p> <p>31.2 The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered appropriate by the Delegate.</p>		DDES, EHO, Grad EHO, MHS	
r29(1)	<p>32. Requirement to Obtain Expert Report</p> <p>32.1 The power pursuant to Regulation 29(1) of the Wastewater Regulations, if the Delegate suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator of the system a written notice requiring the operator to obtain and provide to the Council a written report from an independent wastewater engineer within a specified period addressing specified matters.</p>		DDES, EHO, Grad EHO, MHS	

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r29(3)	32. Requirement to Obtain Expert Report 32.2 The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of a notice under Regulation 29 of the Wastewater Regulations are not complied with to obtain the required report and recover the costs and expenses reasonable incurred in doing so from the person who failed to comply with the notice, as a debt.		DDES, EHO, Grad EHO, MHS	
r29(3)	32. Requirement to Obtain Expert Report 32.3 The power pursuant to Regulation 29(3) of the Wastewater Regulations, to authorise a person to enter land at any reasonable time for the purposes of the report.		DDES, MHS	
r33	33. Fees 33.1 Deliberately left blank		Head Delegation repealed - deliberately left blank.	
r33(2)	33. Fees 33.2 The power pursuant to Regulation 33(2) of the Wastewater Regulations, to recover a fee payable to the Council by action in a court of competent jurisdiction as a debt due to the Council.		DDES	
SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013				
Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Delegate	

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INSTRUMENT OF DELEGATION UNDER THE SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011, SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013, SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013, SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013 AND SOUTH AUSTRALIAN PUBLIC HEALTH (FEES) REGULATIONS 2018

SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013				
r5B(2)	<p>34. Non-compliance with Notices (Section 93(6) of Act)</p> <p>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:</p> <p>34.1.1 setting out the amount recoverable under Section 93 of the Act; and</p> <p>34.1.2 setting out the land in relation to which the relevant action was taken; and</p> <p>34.1.3 requesting the Registrar-General to make a notation under Regulation 5B of the General Regulations in relation to the relevant land.</p>		DDES	
r5B(8)	<p>34. Non-compliance with Notices (Section 93(6) of Act)</p> <p>34.2 The power pursuant to Regulation 5B(8) of the General Regulations, if or when the amount to which the charge relates is paid, to by further notice in writing to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar General) cancel the charge.</p>		DDES	

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THE BAROSSA COUNCIL DELEGATIONS REGISTER
INSTRUMENT OF DELEGATION UNDER THE STRATA TITLES ACT 1988

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DDES: Director, Development and Environmental Services
 - MDS: Manager, Development Services

Provision	Item Delegated by Council to the Chief Executive Officer	Sub-Delegate
s12(2)(b)	1. Application for Amendment 1.1 The power pursuant to Section 12(2)(b) of the Strata Titles Act 1988 (the Act), where the Council has an encumbrance registered in relation to units or common property affected by a proposed amendment, to consent to the amendment.	DDES, MDS
s12(2)(c)	1. Application for Amendment 1.2 The power pursuant to Section 12(2)(c) of the Act, where units or common property affected by the proposed amendment are subject to a statutory encumbrance held by the Council, to consent to the amendment.	DDES, MDS
s12(3a)	1. Application for Amendment 1.3 The power pursuant to Section 12(3a) of the Act, where: 1.3.1 the erection or alteration of a building on the site causes an encroachment over public land in the area of the Council not included in the site; and	DDES, MDS

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
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	1.3.2 the application for amendment relates (wholly or in part) to the erection or alteration of that building, to consent to the encroachment.	
s12(8)	1. Application for Amendment 1.4 The power pursuant to Section 12(8) of the Act, where on amendment of a deposited strata plan, part, but not the whole, of an allotment within the meaning of Part 194AB of the Real Property Act 1886 is to be included in the site from outside the site, and the Council is the registered proprietor of the allotment to be divided, to make the application jointly with the strata corporation.	DDES, MDS
s12A	2. Application May Deal with Statutory Encumbrances 2.1 The power pursuant to Section 12A of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.	DDES, MDS
s13(3a)	2A. Amendment by Order of ERD Court 2A.2 The power pursuant to Section 13(3a) of the Act to make submissions to the Court in relation to the matter.	DDES, MDS
s13(1) and (2), 13(3)	2A. Amendment by Order of ERD Court 2A.1 The power pursuant to Sections 13(1) and (2) of the Act and subject to Section 13(3) of the Act to make an application to the ERD Court.	DDES, MDS
s16(2)(c)	3. Amalgamation of Adjacent Sites 3.1 The power pursuant to Section 16(2)(c) of the Act, where the Council has a registered interest in the units, to consent to an application for amalgamation.	DDES, MDS
s16(2)(c)	3. Amalgamation of Adjacent Sites The power pursuant to Section 16(2)(c) of the Act, to endorse an application for amalgamation with the consent of the Council where the Council has a registered interest in the units.	This power remains with CEO - no further sub-delegation

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s17(2)(b)	4. Cancellation 4.1 The power pursuant to Section 17(2)(b) of the Act, where the Council has a registered interest in the unit or the common property to approve an instrument of cancellation.	DDES, MDS
s17(2)(b)	4. Cancellation 4.2 The power pursuant to Section 17(2)(b) of the Act to, endorse an instrument of cancellation with the approval of the Council where the Council has a registered interest in a unit or the common property.	DDES, MDS
s17(4)	4. Cancellation 4.3 The power pursuant to Section 17(4) of the Act to make an application for an order of the ERD Court cancelling a strata plan.	DDES, MDS
s17(4a)	4. Cancellation 4.4 The power pursuant to Section 17(4a) of the Act to make submissions to the Court in relation to the matter.	DDES, MDS
s17AAA(2)	5. Application for Division 5.1 The power pursuant to Section 17AAA(2) of the Act where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886 to consent to a plan of division lodged with the application.	DDES, MDS
s17AAA(2)	5. Application for Division 5.2 The power pursuant to Section 17AAA(2) of the Act to endorse the plan of division lodged with the application with the consent of the Council where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886.	DDES, MDS
s19(3b)(e)	6. Articles of Strata Corporation 6.1 The power pursuant to Section 19(3b)(e) of the Act, to, within 60 days after service of the notice, apply to the Magistrates Court for revocation of the notice.	DDES, MDS
s19A(1) and (2)	7. Certain Articles May be Struck Out by Court 7.1 The power pursuant to Sections 19A(1) and (2) of the Act to make an application to the Magistrates Court or the District Court under Part 3A of the Act.	DDES, MDS

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
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s27D(5)	8. Offences 8.1 The power pursuant to Section 27D(5) of the Act to make an application to the delegate of a strata corporation to be provided with, on a quarterly basis, a statement setting out details of dealings by the delegate with the corporation's money.	DDES, MDS
s27D(7)	8. Offences 8.2 The power pursuant to Section 27D(7) of the Act to request a delegate of a strata corporation who holds records of the corporation to: 8.2.1 make those records available for the Council or the Council's delegate to inspect within 10 business days of the request; and 8.2.2 provide the Council or the Council's delegate with a copy of any of the records on payment of a fee.	DDES, MDS
s28(5), 28(4)	9. Power to Enforce Duties of Maintenance and Repair 9.1 The power pursuant to Section 28(5) of the Act, where: 9.1.1 the strata corporation recovers costs from the Council under Section 28(4) of the Act; and 9.1.2 the circumstances out of which the work was required are attributable to the act or default of another person, to recover those costs from that other person as a debt.	DDES, MDS
s32(1)	10. Right of Unit Holders etc to Satisfy Themselves as to Insurance 10.1 The power pursuant to Section 32(1) of the Act, to request a strata corporation to produce for inspection all current policies of insurance taken out by the corporation.	DDES, MDS
s33(2), 33(3), (3a), (4a) and (4b)	11. Holding of General Meetings 11.1 The power pursuant to and in accordance with Section 33(2) of the Act, subject to Sections 33(3), (3a), (4a) and (4b) of the Act, to convene a meeting.	DDES, MDS
s33(2)(e)	11. Holding of General Meetings. 11.2 The power pursuant to Section 33(2)(e) of the Act to apply to the Magistrates Court for a meeting to be convened.	DDES, MDS
s34(2a), 34(3a), (3b) and (3c)	12. Voting at General Meetings 12.1 The power pursuant to Section 34(2a) of the Act, subject to Sections 34(3a), (3b) and (3c) of the Act, to nominate another person to attend and vote at meetings on the Council's behalf.	DDES, MDS

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s34(4)	12. Voting at General Meetings. 12.2 The power pursuant to Section 34(4) of the Act to exercise an absentee vote on a proposed resolution by giving the secretary written notice of the proposed vote at least six hours before the time of the meeting.	DDES, MDS
s37(1)	13. Administrator of Strata Corporation's Affairs 13.1 The power pursuant to Section 37(1) of the Act to make application to a relevant court to appoint an administrator of the strata corporation, or remove or replace an administrator previously appointed.	DDES, MDS
s41(1), 39A	14. Information to be Furnished 14.1 The power pursuant to Section 41(1) of the Act to make application to a strata corporation to: 14.1.1 furnish: 14.1.1.1 particulars of any contribution payable in relation to the unit (including details of any arrears of contribution related to the unit); 14.1.1.2 particulars of the assets and liabilities of the corporation; 14.1.1.3 particulars of any expenditure that the corporation has incurred, or has resolved to incur, and to which the unit holder of the unit must contribute, or is likely to be required to contribute; 14.1.1.4 particulars in relation to any prescribed matter; 14.1.2 provide copies of: 14.1.2.1 the minutes of general meetings of the corporation and meetings of its management committee for such period, not exceeding two years, specified in the application; 14.1.2.2 the statement of accounts of the corporation last prepared by the corporation; 14.1.2.3 the articles for the time being in force; 14.1.2.4 current policies of insurance taken out by the corporation; 14.1.3 make available for inspection: 14.1.3.1 a copy of the accounting records of the corporation; 14.1.3.2 the minute books of the corporation; 14.1.3.3 any other prescribed documentary material; 14.1.4 if the strata corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract; 14.1.5 make available for inspection the register maintained under Section 39A of the Act.	DDES, MDS

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s41(1a), 41(2) and (3)	14. Information to be Furnished 14.2 The power pursuant to Section 41(1a) of the Act, subject to Sections 41(2) and (3) of the Act, to make application to a strata corporation to provide, on a quarterly basis, ADI statements for all accounts maintained by the corporation.	DDES, MDS
s41AA and 41A, 41A(2)	15. Persons Who May Apply for Relief 15.1 The power pursuant to Sections 41AA and 41A of the Act to, subject to Section 41A(2) of the Act, apply for relief under Part 3 of the Act.	DDES, MDS
s41A(3), 41A	16. Resolution of Disputes, etc 16.1 The power pursuant to Section 41A(3) of the Act to seek the permission of the District Court, to bring an application under Section 41A of the Act in the District Court.	DDES, MDS
s41A(3), 41A	16. Resolution of Disputes, etc 16.2 The power pursuant to Section 41A(3) of the Act bring an application under Section 41A of the Act in the District Court.	DDES, MDS
s 41A(4) , 41A	16. Resolution of Disputes, etc 16.3 The power pursuant to Section 41A(4) of the Act to apply to the District Court for proceedings under Section 41A of the Act that have been commenced in the Magistrates Court, to be transferred to the District Court.	DDES, MDS
s41A(6), 41A	16. Resolution of Disputes, etc 16.4 The power pursuant to Section 41A(6) of the Act to make an application to a court to: 16.4.1 transfer an application under Section 41A to the Supreme Court on the ground that the application raises a matter of general importance; or 16.4.2 state a question of law for the opinion of the Supreme Court.	DDES, MDS
s41A(10)(b)	16. Resolution of Disputes, etc 16.5 The power pursuant to Section 41A(10)(b) of the Act to make submissions to the court in relation to the matter.	DDES, MDS
s42(1) and (2)	17. Unit Holder's Power of Entry 17.1 Where the Council is the unit holder of a unit (Unit A) and: 17.1.1 - 17.1.1.1 the proper supply of hot or cold water, gas, electricity, heating oil or air-conditioned air to Unit A fails; or	DDES, MDS

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	17.1.1.2 the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and 17.1.2 some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs, the power pursuant to Section 42(1) and (2) of the Act to, after giving such notice to the unit holder of Unit B as may be practicable in the circumstances, enter Unit B for that purpose.	
s42(1)	17. Unit Holder's Power of Entry 17.2 Where the Council is the unit holder of a unit (Unit A) and 17.2.1 - 17.2.1.1 the proper supply of hot or cold water, gas, electricity, heating oil or air-conditioned air to Unit A fails; or 17.2.1.2 the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and 17.2.2 some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs, the power pursuant to Sections 42(1) of the Act to authorise a person to, after giving such notice to the unit holder of Unit B as may be practicable in the circumstances, enter Unit B for that purpose.	DDES, MDS
s44(2)	18. Dealing with Part of Unit 18.1 The power pursuant to Section 44(2) of the Act, subject to any other law, to grant a lease or licence over a part of a unit: 18.1.1 if all of the units comprised in the strata scheme consist of non residential premises; or 18.1.2 where Section 44(2)(a) does not apply: 18.1.2.1 if the lease or licence is granted to another unit holder; or 18.1.2.2 if the lease or licence is authorised by unanimous resolution of the strata corporation.	DDES, MDS
S44A(2), 44A(2a), (2b) and (4)	19. Body Corporate May Act as Officer, etc 19.1 The power pursuant to Section 44A(2) of the Act, and subject to Sections 44A(2a), (2b) and (4) of the Act if the Council is appointed as the presiding officer, secretary or treasurer of a strata corporation, or as a member of a management committee, to, by instrument in writing, appoint a person to perform on its behalf any function that is conferred on the Council by virtue of the appointment.	DDES, MDS
s46(1), 46(2)	20. Relief Where Unanimous Resolution Required 20.1 The power pursuant to Section 46(1) of the Act, and in accordance with Section 46(2) of the Act, where a unanimous resolution is necessary under the Act before an act may be done and that resolution is not obtained but the resolution is supported to the	DDES, MDS

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INSTRUMENT OF DELEGATION UNDER THE STRATA TITLES ACT 1988

	extent necessary for a special resolution, and the Council is included in the majority in favour of the resolution to apply to a relevant court to have the resolution declared sufficient to authorise the particular act proposed.	
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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 AND WATER INDUSTRY REGULATIONS 2012

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - CCWMS: Co-ordinator, Community Wastewater Management Scheme
 - DCCS : Director, Corporate and Community Services
 - DWES: Director, Works and Engineering Services
 - GA: Governance Advisor
 - MES: Manager, Engineering Services
 - NetOp-CWMS: Network Operator, Community Wastewater Management Systems

Water Industry Act 2012				
Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Sub-Delegate	
s6(6)	1. Water Planning 1.1 The power pursuant to Section 6(6) of the Water Industry Act 2012 (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,		This power remains with CEO - no further sub-delegation	

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Water Industry Act 2012				
	to make written representations on the proposal to the Minister.			
s19(1), (2), (3), (4)	<p>2. Application for Licence</p> <p>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.</p>		This power remains with CEO - no further sub-delegation	
s24(2)	<p>3. Licence fees and returns</p> <p>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,:</p> <p>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</p> <p>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.</p>		CCWMS, DWES, MES	
s28(2)	<p>4. Variation of Licence</p> <p>4.1 The power pursuant to Section 28(2) of the Act to:</p> <p>4.1.1 make application to the Commission to vary the terms or conditions of the Council's licence;</p> <p>4.1.2 agree to the variation of the terms or conditions of the Council's licence;</p>		CCWMS, DWES, MES	

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Water Industry Act 2012				
	4.1.3 make representations to the Commission about the proposed variation.			
s29(1), (4), (5), (6)	<p>5. Transfer of Licence</p> <p>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.</p> <p>5.2 The power pursuant to Section 29(4) of the Act to consent to the transfer of a licence to the Council.</p>		This power remains with CEO - no further sub-delegation	
s 32(1), (2), (3)	<p>6. Surrender of Licence</p> <p>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.</p> <p>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.</p>		This power remains with CEO - no further sub-delegation	
s33(3)(b)	<p>7. Suspension or cancellation of Licences</p> <p>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.</p>		This power remains with CEO - no further sub-delegation	
s36(1), (4)	<p>8. Standard terms and conditions for retail services</p> <p>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.</p>		This power remains with CEO - no	

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Water Industry Act 2012				
			further sub-delegation	
s36(2)	8. Standard terms and conditions for retail services 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.		This power remains with CEO - no further sub-delegation	
s36(3)	8. Standard terms and conditions for retail services 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.		This power remains with CEO - no further sub-delegation	
s36(5)	8. Standard terms and conditions for retail services 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.		This power remains with CEO - no further sub-delegation	
s37(3)	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		DGGS-MFS	

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Water Industry Act 2012				
	9.1.2 with the written approval of the Commission, adopt such a policy with modifications.			
s38(2)	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.		This power remains with CEO - no further sub-delegation	
s39(3)	11. Appointment of operator The power pursuant to Section 39(3) of the Act to facilitate the take over of the relevant operations by the operator.		This power remains with CEO - no further sub-delegation	
s41(1), (2)	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.		DWES	
s42(1), (2)	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.		DWES	

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Water Industry Act 2012			
s43(1)	<p>14. Identity cards</p> <p>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.</p>		DCCS, GA
s44(1), (3)	<p>15. Power to enter land to conduct investigations</p> <p>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.</p> <p>15.2 The power pursuant to Section 44(3) of the Act, if the Council enters land under the authorisation of the Minister, to:</p> <p>15.2.1 give reasonable notice of the proposed entry on land under Section 44 of the Act to the occupier; and</p> <p>15.2.2 minimise the impact of work carried out by the Council on activities of others on the land; and</p> <p>15.2.3 comply with the conditions of the authorisation.</p>		CCWMS, DWES, MES, NetOp-CWMS
s 45(1), 45(3), (11), (12), (13), (16), (17), (20)	<p>16. Power to carry out work on land</p> <p>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:</p> <p>16.1.1 to construct, install, improve or add to any water/sewerage infrastructure; or</p> <p>16.1.2 to inspect, operate, maintain, test, repair, alter, remove or replace any water/sewerage infrastructure or equipment; or</p>		CCWMS, DWES, MES, NetOp-CWMS

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Water Industry Act 2012				
	<p>16.1.3 to lay pipes and install, operate or inspect pumps and other equipment; or</p> <p>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</p> <p>16.1.5 to obtain or enlarge a supply of water; or</p> <p>16.1.6 to protect, improve or restore the quality of water; or</p> <p>16.1.7 to protect any infrastructure or equipment connected with any water service or sewerage service; or</p> <p>16.1.8 to perform any other function brought within the ambit of Section 45 of the Act by the regulations.</p>			
s45(3)	<p>16. Power to carry out work on land</p> <p>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:</p> <p>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</p> <p>16.2.2 secure the authority's agreement to the carrying out of the work;</p>		CCWMS, DWES, MES, NetOp-CWMS	
s45(3)(b)	16. Power to carry out work on land		CCWMS, DWES, MES,	

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Water Industry Act 2012				
	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.		NetOp-CWMS	
s45(5)	16. Power to carry out work on land 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.		CCWMS, DWES, MES, NetOp-CWMS	
s45(7)	16. Power to carry out work on land 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.		CCWMS, DWES, MES, NetOp-CWMS	
s45(9)	16. Power to carry out work on land 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.		CCWMS, DWES, MES, NetOp-CWMS	
s45(11)	16. Power to carry out work on land 16.7 The power pursuant to Section 45(11) of the Act and subject to Section 45(3) of the Act, if the Council		CCWMS, DWES, MES, NetOp-CWMS	

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Water Industry Act 2012				
	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.			
s45(12)	<p>16. Power to carry out work on land</p> <p>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.</p>		CCWMS, DWES, MES, NetOp-CWMS	
s45(14)	<p>16. Power to carry out work on land</p> <p>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.</p>		CCWMS, DWES, MES, NetOp-CWMS	
s45(16)	<p>16. Power to carry out work on land</p> <p>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.</p>		CCWMS, DWES, MES, NetOp-CWMS	
s45(17)	<p>16. Power to carry out work on land</p> <p>16.11 The power pursuant to Section 45(17) of the Act to make good any damage caused by the exercise of</p>		CCWMS, DWES, MES, NetOp-CWMS	

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Water Industry Act 2012				
	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.			
s45(19)	16. Power to carry out work on land 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.		CCWMS, DWES, MES, NetOp- CWMS	
s46(1), (2)	17. Acquisition of land 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.		This power remains with CEO - no further sub-delegation	
s45(2)	18. Requirement to connect to infrastructure 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). 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.		CCWMS, DWES, MES	
s48(6)	18. Requirement to connect to infrastructure 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).		CCWMS, DWES, MES	

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Water Industry Act 2012				
	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.			
s48(9)	<p>18. Requirement to connect to infrastructure 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).</p> <p>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.</p>		CCWMS, DWES, MES	
s48(10)	<p>18. Requirement to connect to infrastructure 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).</p> <p>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.</p>		CCWMS, DWES, MES	
s48(12)	<p>18. Requirement to connect to infrastructure 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</p>		CCWMS, DWES, MES	

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Water Industry Act 2012				
	services will be referred to as prescribed infrastructure under this section).			
	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.			
s48(13)	<p>18. Requirement to connect to infrastructure 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).</p> <p>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.</p>		CCWMS, DWES, MES	
s49(1)	<p>19. Encroachments 19.1 The power pursuant to Section 49(1) of the Act to consent to a person:</p> <p>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</p> <p>19.1.2 creating any form of encroachment over any easement that exists for the purposes of any water service or sewerage service; or</p> <p>19.1.3 obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or</p>		CCWMS, DWES, MES	

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Water Industry Act 2012				
	19.1.4 excavating or altering any land or structure supporting any water/sewerage infrastructure.			
s49(2)	<p>19. Encroachments</p> <p>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:</p> <p>19.2.1 at any reasonable time, enter land and carry out an inspection of any place; and</p> <p>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.</p>		CCWMS, DWES, MES	
s49(3)	<p>19. Encroachments</p> <p>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.</p>		CCWMS, DWES, MES	
s49(4)	<p>19. Encroachments</p> <p>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.</p>		CCWMS, DWES, MES	
s49(6)	<p>19. Encroachments</p> <p>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.</p>		CCWMS, DWES, MES	

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Water Industry Act 2012				
s49(7)	<p>19. Encroachments</p> <p>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.</p>		CCWMS, DWES, MES	
s50 (1), (2)	<p>20. Protection of infrastructure and equipment</p> <p>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:</p> <p>20.1.1 at any reasonable time, enter any land and carry out an inspection of any place; and</p> <p>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.</p>		CCWMS, DWES, MES	
s50(3)	<p>20. Protection of infrastructure and equipment</p> <p>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.</p>		CCWMS, DWES, MES	
s50(4)	<p>20. Protection of infrastructure and equipment</p> <p>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.</p>		CCWMS, DWES, MES	

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Water Industry Act 2012				
s50(7)	<p>20. Protection of infrastructure and equipment</p> <p>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:</p> <p>20.4.1 on application to a court convicting the person of an offence against Section 50 of the Act; or</p> <p>20.4.2 by action in a court of competent jurisdiction.</p>		CCWMS, DWES, MES	
s51(4)	<p>21. Notice of work that may affect water/sewerage infrastructure</p> <p>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:</p> <p>21.1.1 on application to a court convicting the person of an offence against Section 51 of the Act; or</p> <p>21.1.2 by action in a court of competent jurisdiction.</p>		CCWMS, DWES, MES	
s52(1)	<p>22. Duty to give notice before paving a road etc</p> <p>22.1 The power pursuant to Section 52(1) of the Act, before the Council begins:</p> <p>22.1.1 to first lay the pavement or hard surface in any road; or</p> <p>22.1.2 to relay the pavement or hard surface in any road; or</p> <p>22.1.3 to widen or extend the pavement or hard surface in any road; or</p> <p>22.1.4 to alter the level of any road; or</p>		CCWMS, DWES, MES	

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Water Industry Act 2012				
	<p>22.1.5 to construct or alter any footpaths, gutters, kerbing or water tables in any road; or</p> <p>22.1.6 to construct or alter any drainage work in any road,</p> <p>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).</p>			
s52(2)	<p>22. Duty to give notice before paving a road etc.</p> <p>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.</p>		CCWMS, DWES, MES	
s52(3), 52(3)(b)	<p>22. Duty to give notice before paving a road etc</p> <p>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:</p> <p>22.3.1 unless Section 52(3)(b) applies - half of the actual cost of the alteration or any damage caused by the work;</p> <p>22.3.2 in prescribed circumstances - an amount determined under the regulations.</p>		CCWMS, DWES, MES	

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Water Industry Act 2012				
s52(6)	<p>22. Duty to give notice before paving a road etc</p> <p>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.</p>		CCWMS, DWES, MES	
s53(2), (3)	<p>23. Unlawful abstraction, removal or diversion of water or sewage</p> <p>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.</p> <p>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:</p> <p>23.2.1 on application to a court convicting the person of an offence against this Section; or</p> <p>23.2.2 by action in a court of competent jurisdiction.</p>		CCWMS, DWES, MES	
s54 (1), (3), (9), (10, (11, (12, (13)	<p>24. Water meters</p> <p>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</p> <p>24.1.1 allow a person authorised by the Council to enter land and fix a meter supplied by the Council;</p> <p>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.</p>		CCWMS, DWES, MES, NetOp-CWMS	

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Water Industry Act 2012			
	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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:</p> <p>24.7.1 on application to a court convicting the person of an offence against this section; or</p>		

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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.			
s55 (3)	<p>25. Discharge of unauthorised material into water infrastructure</p> <p>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:</p> <p>25.1.1 on application to a court convicting the person of an offence against this Section; or</p> <p>25.1.2 by action in a court of competent jurisdiction.</p>		CCWMS, DWES, MES	
s56(3)	<p>26. Discharge of unauthorised material into sewerage infrastructure</p> <p>26.1 The power pursuant to Section 56(3) of the Act, to, in relation to any sewerage infrastructure operated by the Council:</p> <p>26.1.1 on application by any person, authorise the person to discharge waste material referred to in the authorisation into the infrastructure; or</p> <p>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.</p>		CCWMS, DWES, MES	
s56(4)	26. Discharge of unauthorised material into sewerage infrastructure		CCWMS, DWES, MES	

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Water Industry Act 2012				
	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.			
s56(5)	26. Discharge of unauthorised material into sewerage infrastructure 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.		CCWMS, DWES, MES	
s56(7)	26. Discharge of unauthorised material into 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.		CCWMS, DWES, MES	
s56(9)	26. Discharge of unauthorised material into sewerage infrastructure 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.		CCWMS, DWES, MES	
s57 (1), (2)	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: 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		CCWMS, DWES, MES	

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Water Industry Act 2012				
	<p>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,</p> <p>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.</p>			
s57(1)	<p>27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure</p> <p>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:</p> <p>27.2.1 install or construct in such locations as are specified in the notice;</p> <p>27.2.2 connect to the infrastructure;</p> <p>27.2.3 alter or replace;</p> <p>27.2.4 maintain, repair or cleanse;</p> <p>27.2.5 remove, block or disconnect,</p>		CCWMS, DWES, MES	

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Water Industry Act 2012				
	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.			
s57(3)	<p>27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure</p> <p>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.</p>		CCWMS, DWES, MES	
s57(5)	<p>27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure</p> <p>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.</p>		CCWMS, DWES, MES	
s57(6)	<p>27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure</p> <p>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.</p>		CCWMS, DWES, MES	
s57(8)	<p>27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure</p> <p>27.6 The power pursuant to Section 57(8) of the Act, to recover the reasonable costs and expenses incurred by</p>		CCWMS, DWES, MES	

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Water Industry Act 2012				
	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.			
s58 (1)	<p>28. Power to disconnect drains to restrict services</p> <p>28.1 The power pursuant to Section 58(1) of the Act, if the Council has grounds to believe that material:</p> <p>28.1.1 is being discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act; or</p> <p>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,</p> <p>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.</p>		This power remains with CEO - no further sub-delegation	
s58(2)	<p>28. Power to disconnect drains to restrict services</p> <p>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.</p>		This power remains with CEO - no further sub-delegation	
s59 (1), (3), (4), (5)	<p>29. Power to restrict or discontinue water supply</p> <p>29.1 The power pursuant to Section 59(1) of the Act, if the delegate believes on reasonable grounds:</p> <p>29.1.1</p>		CCWMS, DWES, MES	

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Water Industry Act 2012			
	<p>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</p> <p>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</p> <p>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</p> <p>29.1.2 that action under Section 59(1) of the Act is justified in the circumstances,</p> <p>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.</p> <p>29.2 The power pursuant to Section 59(1) and (3) of the Act and subject to Section 59(5) of the Act to:</p> <p>29.2.1 lessen the supply of water through any infrastructure (to such extent and in such manner as the delegate thinks fit);</p> <p>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;</p> <p>29.2.3 prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in</p>		

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Water Industry Act 2012				
	<p>which, or the means by which, water may be used;</p> <p>29.2.4 prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used;</p> <p>29.2.5 for such time or times as the delegate thinks proper, discontinue the supply of water.</p> <p>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.</p> <p>29.4 The power pursuant to Section 59(4) of the Act, to:</p> <p>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</p> <p>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.</p>			
S60 (1), (2), (3), (5), (6)	<p>30. Power to require the use of devices to reduce flow</p> <p>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.</p> <p>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:</p>		CCWMS, DWES, MES	

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Water Industry Act 2012				
	<p>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</p> <p>30.2.2 to use the device to reduce flow in those pipes during the periods specified in the notice.</p> <p>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.</p> <p>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.</p>			
S64	<p>31. Disconnection in an emergency</p> <p>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.</p>		CCWMS, DWES, MES	
s68 (1)	<p>32. Responsibilities of water industry entity</p> <p>32.1 The power pursuant to Section 68(1) of the Act, to, where the Technical Regulator so requires of the Council:</p> <p>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;</p>		CCWMS, DWES, MES	

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Water Industry Act 2012				
	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			
s69 (1), (3)	33. Responsibilities of Customers 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.		This power remains with CEO - no further sub-delegation	
s80(2)(h)	34. Enforcement notices 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.		CCWMS, DWES, MES	
s82 (1)(b)(ii), (2)(b)(ii), (3)	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		CCWMS, DWES, MES	

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Water Industry Act 2012				
	assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.			
s83(1), (8)	<p>36. Injunctions</p> <p>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.</p> <p>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.</p>		This power remains with CEO - no further sub-delegation	
s84 (1)	<p>37. Review of decisions by Commission or Technical Regulator</p> <p>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:</p> <p>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</p> <p>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</p> <p>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</p> <p>37.1.4 the Technical Regulator where the Council is a person affected by the decision for review of a decision of</p>		CCWMS, DWES, MES	

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Water Industry Act 2012				
	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.			
s85(1)	<p>38. Appeals</p> <p>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:</p> <p>38.1.1 in relation to a decision as confirmed, amended or substituted by the Commission or the Technical Regulator;</p> <p>38.1.2 in relation to an enforcement notice issued under Part 8 Division 4 of the Act.</p>		CCWMS, DWES, MES	
86F(1)	<p>Third Party Access Regime</p> <p>Sections 86A – 86ZR apply in relation to operators of water infrastructure or sewerage infrastructure, and infrastructure services, to the extent that it is declared by proclamation to apply.</p> <p>38A. Information brochure</p> <p>38A.1 The power pursuant to Section 86F(1) of the Act to determine:</p> <p>38A.1.1 the terms and conditions on which the Council is prepared to make the Council's regulated infrastructure available for use by others; and</p>		The head delegation does not apply to The Barossa Council, This power remains with Council - delegation does not apply.	
86(F)1	<p>38A. Information brochure</p> <p>38A.1 The power pursuant to Section 86F(1) of the Act to determine:</p>		The head delegation	

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Water Industry Act 2012				
	38A.1.2 the procedures that the Council will apply in determining a proposal for access to any regulated infrastructure and infrastructure services; and		does not apply to The Barossa Council	
86F(1)	38A. Information brochure 38A.1 The power pursuant to Section 86F(1) of the Act to determine: 38A.1.3 the prices and costs associated with gaining access to (and using) regulated infrastructure and infrastructure services; and		The head delegation does not apply to The Barossa Council	
86F(1)	38A. Information brochure 38A.1 The power pursuant to Section 86F(1) of the Act to determine: 38A.1.4 the standard access arrangement used by the Council.		The head delegation does not apply to The Barossa Council	
86G(1)(c)	38B. Specific information to assist proponent to formulate proposal 38B.1 The power pursuant to Section 86G(1)(c) of the Act, on the application of a person with a proper interest in making an access proposal to the Council, agree or refuse to provide access to regulated infrastructure and infrastructure services of a specified description and determine the general terms and conditions (including the likely price) on which the Council would be prepared to provide access.		The head delegation does not apply to The Barossa Council	

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Water Industry Act 2012				
86G(2)	38B. Specific information to assist proponent to formulate proposal 38B.2 The power pursuant to Section 86G(2) of the Act to make a reasonable charge (to be determined after taking into account any provision made by the regulations for the purposes of Section 86G(2) of the Act for providing information under Section 86G(2) of the Act.		The head delegation does not apply to The Barossa Council	
86I(3)	38C. Access proposal 38C.1 The power pursuant to Section 86I(3) of the Act to require a proponent to provide further information about the proponent's proposal that the delegate reasonably requires in order to assess and respond to the proposal.		The head delegation does not apply to The Barossa Council	
86I(4)	38C. Access proposal 38C.2 The power pursuant to Section 86I(4)(b) of the Act to, within 1 month after the relevant day determine, and give the proponent a preliminary indication about, 38C.2.1 whether the Council is prepared to provide access to the regulated infrastructure and infrastructure services and, if so, on what terms and conditions; and 38C.2.2 if some alteration of, or addition to, existing infrastructure would be necessary to provide for access, whether the Council would agree to the alteration or addition and, if so, on what terms.		The head delegation does not apply to The Barossa Council	
86I(6)	38C. Access proposal 38C.3 The power pursuant to Section 86I(6) of the Act to give notice of an access proposal to affected third parties by publishing a notice in a newspaper circulating generally in the State stating: 38C.3.1 the name of the proponent and an address at which the proponent may be contacted; and		The head delegation does not apply to The	

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Water Industry Act 2012				
	38C.3.2 the name of the operator and an address at which the regulated operator may be contacted; and 38C.3.3 the general nature of the access proposal.		Barossa Council	
86I(7)	38C. Access proposal 38C.4 The power pursuant to Section 86I(7) of the Act to recover the reasonable costs of giving notice under Section 86I of the Act, as a debt, from the proponent.		The head delegation does not apply to The Barossa Council	
86J(1)	38D. Duty to negotiate in good faith 38D.1 The power pursuant to Section 86J(1) of the Act to negotiate in good faith with the proponent with a view to reaching agreement on whether the proponent's requirements as set out in the access proposal (or some agreed modification of the requirements) could reasonably be met, and, if so, the terms and conditions for the provision of access for the proponent.		The head delegation does not apply to The Barossa Council	
86K(2)	38E. Existence of Dispute 38E.1 The power pursuant to Section 86K(2) of the Act to refer a dispute to the regulator.		The head delegation does not apply to The Barossa Council	

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Water Industry Act 2012				
86N(3)	38F. Power to refer dispute to arbitration 38F.1 The power pursuant to Section 86N(3) of the Act to make submissions to the regulator about the selection of the arbitrator.		The head delegation does not apply to The Barossa Council	
86Z(2)	38G. Confidentiality of information 38G.1 The power pursuant to Section 86Z(2) of the Act to make representations to the arbitrator regarding access to, or disclosure of, information or documentary material.		The head delegation does not apply to The Barossa Council	
86ZD(1)	38H. Formal requirements related to awards 38H.1 The power pursuant to Section 86ZD(1) of the Act to make representations to the arbitrator on the proposed award.		The head delegation does not apply to The Barossa Council	
86ZE	38I. Consent awards 38I.1 The power pursuant to Section 86ZE of the Act to consent to a proposed award.		The head delegation does not apply to The	

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Water Industry Act 2012				
			Barossa Council	
86ZG(1)	38J. Termination of variation of award 38J.1 The power pursuant to Section 86ZG(1) of the Act to agree to terminate or vary an award.		The head delegation does not apply to The Barossa Council	
86ZG(3)	38J. Termination of variation of award 38J.2 The power pursuant to Section 86ZG(3) of the Act, if a material change in circumstances occurs, to propose termination or variation of the award.		The head delegation does not apply to The Barossa Council	
86ZJ	38K. Appeal on question of law 38K.1 The power pursuant to Section 86ZJ of the Act to appeal to the Supreme Court from an award, or a decision not to make an award, on a question of law.		The head delegation does not apply to The Barossa Council	
86ZK(5)	38L. Injunctive remedies 38L.1 The power pursuant to Section 86ZK(5) of the Act to apply for an injunction under Section 38ZK of the Act.		The head delegation does not	

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Water Industry Act 2012				
			apply to The Barossa Council	
86ZK(6)	38L. Injunctive remedies 38L.2 The power pursuant to Section 86ZK(6) of the Act to consent to an injunction.		The head delegation does not apply to The Barossa Council	
86ZK(8)	38L. Injunctive remedies 38L.3 The power pursuant to Section 86ZK(8) of the Act to apply to the Court to discharge or vary an injunction.		The head delegation does not apply to The Barossa Council	
86ZL(1)	38M. Compensation 38M.1 The power pursuant to Section 86ZL(1) of the Act, if a person contravenes an award, to apply to the Supreme Court for compensation for loss or damage suffered as a result of the contravention.		The head delegation does not apply to The Barossa Council	
86ZM(7)	38N. Confidential information 38N.1 The power pursuant to Section 86ZM(7) of the Act to, in connection with the operation of Section 86ZM of		The head delegation	

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Water Industry Act 2012				
	the Act, develop and maintain a policy to ensure that confidential information obtained by the Council is not disclosed or used except as authorised by Section 86ZM of the Act.		does not apply to The Barossa Council	
86ZN	38O. Access by agreement 38O.1 The power pursuant to Section 86ZN of the Act to enter into an access contract with another person on terms and conditions agreed between the parties.		The head delegation does not apply to The Barossa Council	
86ZR(2)	38P. Review of Part 38P.1 The power pursuant to Section 86ZR(2) of the Act to make written submissions to the regulator on the matters under review.		The head delegation does not apply to The Barossa Council	
s92 (2), (5)	39. Water conservation measures 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.		This power remains with CEO - no further sub-delegation	

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Water Industry Regulations 2012				
Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Delegate	
r 11(1), (2), (3)	<p>40. Information as to amounts already paid for retail services etc</p> <p>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.</p> <p>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.</p> <p>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.</p>		DCCS-MFS	
r12(1)	<p>41. Certificate as to encumbrance</p> <p>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.</p>		This power remains with CEO - no further sub-delegation	
r13 (b), (9)	<p>42. Protection of infrastructure - planting of trees etc on public land</p> <p>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.</p>		CCWMS, DWES, MES	

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Water Industry Regulations 2012				
	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.			
r14(1)	<p>43. Protection of infrastructure - action in relation to trees and shrubs</p> <p>43.1 The power pursuant to Regulation 14(1) of the Regulations, if:</p> <p>43.1.1 a tree or shrub has been planted in contravention of Regulation 13; or</p> <p>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,</p> <p>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.</p>		CCWMS, DWES, MES	
r14(2)	<p>43. Protection of infrastructure - action in relation to trees and shrubs</p> <p>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.</p>		CCWMS, DWES, MES	
r14(3)	<p>43. Protection of infrastructure - action in relation to trees and shrubs</p> <p>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.</p>		CCWMS, DWES, MES	

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Water Industry Regulations 2012				
r13, 14, 15	<p>44. Protection of infrastructure - damage caused by trees or shrubs</p> <p>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:</p> <p>44.1.1 the owner for the time being of the land on which the tree or shrub is, or was, situated; or</p> <p>44.1.2 in the case of land under the care, control or management of a Council - that Council.</p>		CCWMS, DWES, MES	
r16 (1), (2)	<p>45. Access to sewerage infrastructure</p> <p>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.</p>		CCWMS, DWES, MES	
r17 (1)	<p>46. Power to restrict or discontinue water supply</p> <p>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:</p> <p>46.1.1 obtain the approval of the prescribed authority before acting; and</p> <p>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):</p> <p>46.1.2.1 if the Council proposes to exercise a power under Section 59(3)(b), (c) or (d) - in the Gazette; and</p> <p>46.1.2.2 in all cases:</p>		This power remains with CEO - no further sub-delegation	

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APPENDIX 30 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 AND WATER INDUSTRY REGULATIONS 2012

Water Industry Regulations 2012				
	<p>(a) on a website determined by the delegate and in accordance with Regulation 17(2) of the Regulations; and</p> <p>(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</p> <p>(c) in any other manner considered appropriate by the delegate for the purpose of notifying the persons affected by the exercise of the power.</p>			
r18 (1)	<p>47. Notices under Section 59 - Permits</p> <p>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.</p>		CCWMS, DWES, MES	
r23 (2)(a) (b), (3)	<p>48. Fittings etc to be flush with road surface</p> <p>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.</p> <p>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.</p> <p>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.</p>		CCWMS, DWES, MES	

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INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 AND WATER INDUSTRY REGULATIONS 2012

Water Industry Regulations 2012				
r34(1)	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.		CCWMS, DWES, MES	
r34(4)	49. Pipes must not lie across allotment boundaries 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.		CCWMS, DWES, MES	
r34(7)	49. Pipes must not lie across allotment boundaries 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.		CCWMS, DWES, MES	
r36	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,		DWES	

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INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 AND WATER INDUSTRY REGULATIONS 2012

Water Industry Regulations 2012				
	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.			
r38, s115 (2)(c)	<p>51. Charge where land not connected or service to land reduced or discontinued</p> <p>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:</p> <p>51.1.1 the land is not connected to infrastructure by which a retail service is provided by the Council; or</p> <p>51.1.2 the provision of a retail service to the land by the Council has been reduced or discontinued.</p>		CCWMS, DCCS , DWES, MES, <u>MFS</u>	

APPENDIX 31 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE WORK HEALTH AND SAFETY ACT 2012

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - CCS: Co-ordinator, Customer Support
 - CCTHA: Co-ordinator, Community Transport and Home Assist
 - CLBS: Co-ordinator, Library Branch Services
 - CLCS: Co-ordinator, Library Collection Services
 - CLECE: Co-ordinator, Library Events and Community Engagement
 - CO: Co-ordinator, Operations
 - DCCS : Director, Corporate and Community Services
 - DDES: Director, Development and Environmental Services
 - DWES: Director, Works and Engineering Services
 - HRA: Human Resources Advisor
 - MCC: Manager, Community and Culture
 - MCLH: Manager, Customer, Library and Heritage Services
 - MCP: Manager, Community Projects
 - MDS: Manager, Development Services
 - MES: Manager, Engineering Services
 - MFS: Manager, Financial Services
 - MHS: Manager, Health Services
 - MKTS: Manager, Knowledge and Technology Services
 - MO: Manager, Operations
 - MODR: Manager, Organisational Development and Risk
 - MRS: Manager, Regulatory Services
 - MSP: Manager, Strategic Projects
 - MTS: Manager, Tourism Services
 - RA: Risk Advisor
 - SNR-ACCT: Senior Accountant

Head delegations reviewed and confirmed by Council at its Annual Review on [XX May 2019](#)
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APPENDIX 31 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE WORK HEALTH AND SAFETY ACT 2012

- TL-T: Team Leader, Tanunda
- TL-W: Team Leader, Williamstown

Provision	Item Delegated by Council to the Chief Executive Officer	Sub-delegate
s51(1)	51. Determination of work groups (1) The power pursuant to Section 51(1) of the Work Health and Safety Act 2012 (the Act), to, if a request is made under Section 50 of the Act, facilitate the determination of one or more work groups of workers.	DCCS , DDES, DWES, MODR, RA
s52(1)	52. Negotiations for agreement for work group (1) The power pursuant to Section 52(1) of the Act, and in accordance with Sections 52(2), (3) and (6) of the Act, to determine a work group by negotiation and agreement with the workers who will form the work group or their representatives.	DCCS , DDES, DWES, MODR, RA
s52(4)	52. Negotiations for agreement for work group (4) The power pursuant to Section 52(4) of the Act to, in relation to an agreement concerning the determination of a work group or groups, at any time, negotiate a variation of the agreement in accordance with Section 52(6) of the Act.	DCCS , DDES, DWES, MODR, RA
s54(1)	54. Failure of negotiations (1) The power pursuant to Section 54(1) of the Act to, if there is a failure of negotiations (including negotiations concerning the variation of an agreement), ask the regulator to appoint an inspector for the purposes of Section 54 of the Act.	DCCS , DDES, DWES, MODR, RA
s55(2)	55. Determination of work groups of multiple businesses (2) The power pursuant to Section 55(2) of the Act to determine the particulars of the work groups by negotiation and agreement, in accordance with Section 56 of the Act, between each of the persons conducting the businesses or undertakings and the workers.	DCCS , DDES, DWES, MODR, RA
s55(3)	55. Determination of work groups of multiple businesses (3) The power pursuant to Section 55(3) of the Act to, in relation to an agreement concerning the determination of a work group or groups, at any time, negotiate a variation of the agreement.	DCCS , DDES, DWES, MODR, RA
s56(3)	56. Negotiation of agreement for work groups of multiple businesses (3) The power pursuant to Section 56(3) of the Act to, if agreement cannot be reached on a matter relating to the determination of a work group (or a variation of an agreement) within a reasonable time after negotiations commence under	DCCS , DDES, DWES, MODR, RA

Head delegations reviewed and confirmed by Council at its Annual Review on [XX May 2019](#)
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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE WORK HEALTH AND SAFETY ACT 2012

	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.	
s58(1)	58. Withdrawal from negotiations or agreement involving multiple businesses (1) The power pursuant to Section 58(1) of the Act to, in relation to a negotiation for an agreement, or an agreement, concerning a work group under Subdivision 3 of Division 3, Part 5 of the Act, withdraw from the negotiation or agreement at any time by giving reasonable notice (in writing) to the other parties.	DCCS , DDES, DWES
s58(2)	58. Withdrawal from negotiations or agreement involving multiple businesses (2) The power pursuant to Section 58(2) of the Act to, if a party withdraws from an agreement concerning a work group under Subdivision 3 of Division 3, Part 5 of the Act, negotiate a variation to the agreement in accordance with Section 56 of the Act.	DCCS , DDES, DWES
s65(1)	65. Disqualification of health and safety representatives (1) The power pursuant to Section 65(1) of the Act, to make an application to SAET 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.	This power remains with CEO - no further sub-delegation
s70(1)	70. General obligations of person conducting business or undertaking (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	DCCS , DDES, DWES, MODR, RA

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INSTRUMENT OF DELEGATION UNDER THE WORK HEALTH AND SAFETY ACT 2012

	<p>(c) allow any health and safety representative for the work group to have access to information that the Council has relating to:</p> <p>(i) hazards (including associated risks) at the workplace affecting workers in the work group; and</p> <p>(ii) the health and safety of the workers in the work group; and</p> <p>(d) with the consent of a worker that the health and safety representative represents, allow the health and safety representative to be present at an interview concerning work health and safety between the worker and:</p> <p>(i) an inspector; or</p> <p>(ii) the Council or the Council's representative; and</p> <p>(e) with the consent of one or more workers that the health and safety representative represents, allow the health and safety representative to be present at an interview concerning work health and safety between a group of workers, which includes the workers who gave the consent, and:</p> <p>(i) an inspector; or</p> <p>(ii) the Council or the Council's representative; and</p> <p>(f) provide any resources, facilities and assistance to a health and safety representative for the work group that are reasonably necessary or prescribed by the regulations to enable the representative to exercise his or her powers or perform his or her functions under the Act.</p> <p>(g) allow a person assisting a health and safety representative for the work group to have access to the workplace if that is necessary to enable the assistance to be provided; and</p> <p>(h) permit a health and safety representative for the work group to accompany an inspector during an inspection of any part of the workplace where a worker in the work group works; and</p>	
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APPENDIX 31 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE WORK HEALTH AND SAFETY ACT 2012

	(i) provide any other assistance to the health and safety representative for the work group that may be required by the regulations.	
s71(5)	71. Exceptions for obligations under Section 70(1) (5) The power pursuant to Section 71(5) of the Act to refuse on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.	DCCS , DDES, DWES
s72(1)	72. Obligation to train health and safety representatives (1) The power pursuant to Section 72(1) of the Act to, consult with a health and safety representative in relation to the health and safety representative attending a course of training in work health and safety that is subject to Section 72(6), chosen by the health and safety representative.	DCCS , DDES, DWES, MODR, RA
s72(3)	72. Obligation to train health and safety representatives (3) The power pursuant to Section 72(3) of the Act to: (a) as soon as practicable within the period of 3 months after the request is made, allow the health and safety representative time off work to attend the course of training; and	DCCS , DDES, DWES, MODR, RA
s72(3)(b)	72. Obligation to train health and safety representatives (3) The power pursuant to Section 72(3) of the Act to: (b) pay the course fees and any other reasonable costs associated with the health and safety representative's attendance at the course of training.	DCCS , DDES, DWES, MODR, RA
s72(6)	72. Obligation to train health and safety representatives (6) The power pursuant to Section 72(6) of the Act to, if agreement cannot be reached between the Council or Council's delegate and the health and safety representative within the time required by Section 72(3) of the Act as to the matters set out in Sections 72(1)(c) and (3) of the Act, ask the regulator to appoint an inspector to decide the matter.	DCCS , DDES, DWES, MODR, RA
s73(1)	73. Obligation to share costs if multiple businesses or undertakings (1) The power pursuant to Section 73(1) of the Act to, if a health and safety representative, or deputy health and safety representative (if any), represents a work group of workers carrying out work for the Council and one or more other person conducting businesses or undertakings, agree that:	DCCS , DDES, DWES, MODR, RA

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INSTRUMENT OF DELEGATION UNDER THE WORK HEALTH AND SAFETY ACT 2012

	<p>(a) the costs of the representative exercising powers and performing functions under the Act; and</p> <p>(b) the costs referred to in Section 72(3)(b) of the Act, for which the Council or any of the other persons conducting those businesses or undertakings are liable, are to be apportioned between each of those persons otherwise than equally.</p> <p>(2) The power pursuant to Section 73(2) of the Act, to vary an agreement to apportion the costs in another way, at any time by negotiation and agreement between each of the persons conducting the businesses or undertakings.</p>	
s75(2)	<p>75. Health and safety committees</p> <p>(2) The power pursuant to Section 75(2) of the Act to, establish a health and safety committee for the workplace or part of the workplace.</p>	This power remains with CEO - no further sub-delegation
s76(1)	<p>76. Constitution of committee</p> <p>(1) The power pursuant to Section 76(1) of the Act and subject to Sections 76(2) to (4) of the Act, to agree the constitution of a health and safety committee with the workers at the workplace.</p> <p>(5) The power pursuant to Section 76(5) of the Act to, if agreement is not reached under Section 76 within a reasonable time, ask the regulator to appoint an inspector to decide the matter.</p>	This power remains with CEO - no further sub-delegation
s82(2)	<p>82. Referral of issue to regulator for resolution by inspector</p> <p>(2) The power pursuant to Section 82(2) of the Act to, ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.</p>	DCCS , DDES, DWES, MODR, RA
s87	<p>87. Alternative work</p> <p>The power pursuant to Section 87 of the Act to, if a worker ceases work under Division 6, Part 5 of the Act, direct the worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties.</p>	CCS, CCTHA, CLBS, CLCS, CLECE, CO, DCCS , DDES, DWES, HRA, MCC, MCLH, MCP, MDS, MES, MFS,

Head delegations reviewed and confirmed by Council at its Annual Review on [XX May 2019](#)
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APPENDIX 31 – ANNUAL DELEGATIONS REVIEW

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INSTRUMENT OF DELEGATION UNDER THE WORK HEALTH AND SAFETY ACT 2012

		MHS, MKTS, MO, MODR, MRS, MSP, MTS, RA, SNR- ACCT, TL-T, TL- W. <u>EA DCCS</u>
s89	89. Request to regulator to appoint inspector to assist The power pursuant to Section 89 of the Act to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue arising in relation to the cessation of work.	DCCS , DDES, DWES, MODR, RA
s100(1)	100. Request for review of provisional improvement notice (1) The power pursuant to Section 100(1) of the Act, to, within 7 days after a provisional improvement notice is issued to the Council or a worker who carries out work at the Council, ask the regulator to appoint an inspector to review the notice.	DCCS , DDES, DWES, MODR, RA
s141	141. Application for assistance of inspector to resolve dispute The power, pursuant to Section 141 of the Act, to, if a dispute arises about the exercise or purported exercise by a WHS entry permit holder of a right of entry under the Act, ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.	DCCS , DDES, DWES, MODR, RA
s142(4)	142. Authorising authority may deal with a dispute about a right of entry under this Act (4) The power pursuant to Section 142(4) of the Act to apply to the authorising authority to deal with a dispute where the dispute relates to the Council.	DCCS , DDES, DWES
s180(1)	180. Return of seized things (1) The power pursuant to Section 180(1) of the Act to, if a seized thing has not been forfeited, and the Council is the person entitled to the thing, apply to the regulator for the return of the thing after the end of 6 months after it was seized.	DCCS , DDES, DWES
s181(1)	181. Access to seized things (1) The power pursuant to Section 181(1) of the Act to, until a seized thing is forfeited or returned, inspect it and, if it is a document, to make copies of it at all reasonable times.	DCCS , DDES, DWES

Head delegations reviewed and confirmed by Council at its Annual Review on [XX May 2019](#)
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INSTRUMENT OF DELEGATION UNDER THE WORK HEALTH AND SAFETY ACT 2012

s224(1)	<p>224. Application for internal review</p> <p>(1) The power pursuant to Section 224(1) of the Act, to, where the Council is an eligible person in relation to a reviewable decision, other than a decision made by the regulator or a delegate of the regulator, apply to the regulator for review (an internal review) in accordance with Section 224(2) of the Act, of the decision within:</p> <p>(a) the prescribed time after the day on which the decision first came to the Council's notice; or</p> <p>(b) such longer period as the regulator allows.</p>	DCCS , DDES, DWES
s229(1)	<p>229. Application for external review</p> <p>(1) The power pursuant to Section 229(1) of the Act, to, where the Council is an eligible person, apply to 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:</p> <p>(a) a reviewable decision made by the regulator; or</p> <p>(b) a decision made, or taken to have been made, on an internal review.</p>	This power remains with CEO - no further sub-delegation

APPENDIX 32 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE BAROSSA COUNCIL CATS BY-LAW 2013

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DDES: Director, Development and Environmental Services
 - GI: General Inspector
 - MRS: Manager, Regulatory Services

Provision	Item Delegated by Council to the Chief Executive Officer	Sub-Delegate
1. Limit on Cat Numbers	1.1 Limit on Cat Numbers The power pursuant to Clause 2.1 of the Cats By-law 2013 ("the By-law") to require that a person obtain Council permission to keep more than two Cats over 6 months in age on any Premises.	DDES, GI, MRS
1. Limit on Cat Numbers	1.2 Limit on Cat Numbers The power pursuant to Clause 2.2.4 of the By-law to require that premises which are subject of an application for permission to keep more Cats over 6 months in age, be inspected by the Cat Management Officer for the purpose of being satisfied that: 2.2.4.1 - no insanitary condition is being caused by Cats being kept on the Premises and 2.2.4.2 - no nuisance is being caused to any neighbour by reason of odour from cat urine or by reason of any of the Cats wandering from the Premises and	DDES, GI, MRS

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
Sub-delegations amended by the Chief Executive Officer on 2 April 2019

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INSTRUMENT OF DELEGATION UNDER THE BAROSSA COUNCIL CATS BY-LAW 2013

	2.2.4.3 - all the Cats over the age of 6 months (or such later age as is considered appropriate and advised in writing by a veterinary surgeon) kept on the Premises are desexed.	
2. Notices	<p>2.1 Notices</p> <p>The power pursuant to Clause 3.1 of the By-law to serve a notice on the occupier of a Premises or the owner of a Cat requiring specific action to be taken to ensure compliance with this By-law.</p>	DDES, GI, MRS
2. Notices	<p>2.2 Notices</p> <p>The power pursuant to Clause 3.3 of the By-law to, if a person does not comply with an order, recover Council's costs of any action taken by an authorised person from the person to whom the order was directed.</p>	DDES, GI, MRS

APPENDIX 33 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE BAROSSA COUNCIL DOGS BY-LAW 2013

Preamble

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3. Sub-delegates by Title:
 - DDES: Director, Development and Environmental Services
 - GI: General Inspector
 - MRS: Manager, Regulatory Services

Provision	Item Delegated by Council to the Chief Executive Officer	Sub-Delegate
1. Limits on Dog Numbers in Private Premises	1. Limits of Dog Numbers in Private Premises 1.1 The power pursuant to Clause 2.4 of the Dogs By-law 2013 ("the By-law") to require that a person obtains written permission to keep any Dog on any Premises where the number of Dogs exceeds the limit, unless the Premises is an Approved Kennel Establishment.	DDES, GI, MRS

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
Sub-delegations amended by the Chief Executive Officer on 2 April 2019

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THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE BAROSSA COUNCIL LOCAL GOVERNMENT LAND BY-LAW 2013

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
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3. Sub-delegates by Title:
 - DCCS : Director, Corporate and Community Services
 - DDES: Director, Development and Environmental Services
 - DWES: Director, Works and Engineering Services
 - GI: General Inspector
 - MCP: Manager, Community Projects
 - MO: Manager, Operations
 - MRS: Manager, Regulatory Services

Provision	Item Delegated by Council to the Chief Executive Officer	Sub-delegate
1. Removal of Animals, Objects and Directions to Persons	<p>1.1 Removal of Animals, Objects and Directions to Persons</p> <p>The power pursuant to Clause 4.1 of the Local Government Land By-law 2013 ("the By-law") to request that a person remove from Local Government Land an animal or object in that person's charge which is in breach of the By-law, or if that person fails to comply with the request or if no person is in charge of the animal or object, the authorised person may remove and dispose of the animal or object from the Land and may recover the cost of doing so from the person in charge of the animal or object if there is such person.</p>	DCCS , DDES, DWES, GI, MCP, MO, MRS
1. Removal of Animals, Objects and Directions to Persons	<p>1.2 Removal of Animals, Objects and Directions to Persons</p> <p>The power pursuant to Clause 4.2 of the Local Government Land By-law 2013 ("the By-law") to direct any person who is</p>	DCCS , DDES, DWES, GI, MCP, MO, MRS

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
Sub-delegations amended by the Chief Executive Officer on 11 July 2018

APPENDIX 34 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE BAROSSA COUNCIL LOCAL GOVERNMENT LAND BY-LAW 2013

	considered to be committing or has committed a breach of this By-law to leave that part of the Local Government Land (with failure to comply with that direction forthwith being a breach of this By-law).	
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The Barossa Council

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
Sub-delegations amended by the Chief Executive Officer on 11 July 2018

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APPENDIX 35 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE BAROSSA COUNCIL MOVEABLE SIGN BY-LAW 2013

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DDES: Director, Development and Environmental Services
 - DWES: Director, Works and Engineering Services
 - GI: General Inspector
 - MDS: Manager, Development Services
 - MO: Manager, Operations
 - MRS: Manager, Regulatory Services

Provision	Item Delegated by Council to the Chief Executive Officer	Sub-Delegate
1. Removal of Non- Complying Moveable Signs	1. Removal of Non-Complying Moveable Signs 1.1 The power pursuant to Clause 7.1 of the Moveable Signs By-law 2013 ("the By-law") to form the opinion that the design, construction, positioning or any other requirement of the By-law is not complied with or that the footpath area is unsafe for a moveable sign to be displayed, and so to prohibit or restrict the display of a moveable sign on such conditions as the authorised person thinks fit.	DDES, MDS, DWES, MO, GI, MRS
1. Removal of Non- complying	1.2 Removal of Non-complying Moveable Signs That pursuant to Clause 7.3 of the Moveable Signs By-law 2013 ("the By-law"), the power to remove and dispose of a non-complying Moveable Sign, where the authorised person cannot find the owner, or the owner fails to comply immediately with the order of the authorised person to remove and dispose of it.	DDES, MDS, DWES, MO, GI, MRS

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
Sub-delegations amended by the Chief Executive Officer on 2 April 2019

APPENDIX 35 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE BAROSSA COUNCIL MOVEABLE SIGN BY-LAW 2013

Moveable Signs		
1. Removal of Non- complying Moveable Signs	<p>1.3 Removal of Non-complying Moveable Signs</p> <p>That pursuant to Clause 7.4 of the Moveable Signs By-law 2013 ("the By-law"), the power to refuse to return a removed Moveable Sign, where the owner or other person entitled to recover the Moveable Sign has not paid to Council any reasonable costs incurred by the Council in removing, storing and attempting to dispose of the Moveable Sign.</p>	DDES, MDS, DWES, MO, GI, MRS

APPENDIX 36 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE BAROSSA COUNCIL NUISANCE CAUSED BY BUILDING SITE BY-LAW 2013

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DCCS : Director, Corporate and Community Services
 - DDES: Director, Development and Environmental Services
 - GI: General Inspector
 - MCP: Manager, Community Projects
 - MHS: Manager, Health Services
 - MRS: Manager, Regulatory Services
 - WMO: Waste Management Officer

Provision	Item Delegated by Council to the Chief Executive Officer	Sub-delegate
1. Removal of Discharge	1.1 Removal of Discharge The power pursuant to Clause 3.1 of the Nuisances Caused By Building Site By-law 2013 ("the By-law"), where paper, plastic or other building materials (not including soil, sand or stones) blows from a building site to adjacent land, to request in writing to the person in charge of the building work that they must remove all such materials from the adjacent land.	DCCS , DDES, GI, MCP, MHS, MRS, WMO
1. Removal of Discharge	1.2 Removal of Discharge The power, pursuant to Clause 3.2 of the Nuisances Caused By Building Sites By-law 2013 ("the By-law") to, if the person in charge of the building work on land fails to comply with Clause 3.1 of the By-law, undertake the work, and recover the cost of doing so from that person.	DCCS , DDES, GI, MCP, MHS, MRS, WMO

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019

Sub-delegations amended by the Chief Executive Officer on 11 September 2018

APPENDIX 37 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE BAROSSA COUNCIL PERMITS AND PENALTIES BY-LAW 2013

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - CCS: Co-ordinator, Customer Support
 - DCCS : Director, Corporate and Community Services
 - DDES: Director, Development and Environmental Services
 - DWES: Director, Works and Engineering Services
 - GI: General Inspector
 - MCLH: Manager, Customer, Library and Heritage Services
 - MCP: Manager, Community Projects
 - MRS: Manager, Regulatory Services

Provision	Item Delegated by Council to Chief Executive Officer	Sub-delegate
1. Construction of By-Laws Generally	1.1 Construction of By-laws Generally The power pursuant to Clause 3 of the Permits and Penalties By-law 2013 ("the By-law") to where a by-law of the Council indicates that the permission of the Council is required, grant permission of the Council, in writing prior to the act, event or activity to which it relates.	CCS, DCCS , DDES, DWES, GI, MCLH, MCP, MRS
2. Permits and Penalties	2.1 Permits and Penalties The power and function pursuant to Clause 3.1 of the By-law to where a By-law requires that permission be obtained to require any person seeking the grant of permission to submit a written application to the Council in the form prescribed	CCS, DCCS , DDES, DWES, GI, MCLH, MCP, MRS

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
Sub-delegations amended by the Chief Executive Officer on 11 July 2018

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APPENDIX 37 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE BAROSSA COUNCIL PERMITS AND PENALTIES BY-LAW 2013

	(if any) and accompanied by the fee (if any) prescribed by the Council and to prepare and approve a prescribed form or forms.	
2. Permits and Penalties	<p>2.2 Permits and Penalties</p> <p>The power pursuant to Clause 3.2 of the By-law to attach such conditions as the delegate thinks fit to a grant of permission, and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.</p>	CCS, DCCS , DDES, DWES, GI, MCLH, MCP, MRS
2. Permits and Penalties	<p>2.3 Permits and Penalties</p> <p>The power pursuant to Clause 3.4 of the By-law to suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.</p>	CCS, DCCS , DDES, DWES, GI, MCLH, MCP, MRS

The Barossa Council

Head delegations reviewed and confirmed by Council at its Annual Review on XX May 2019
Sub-delegations amended by the Chief Executive Officer on 11 July 2018

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APPENDIX 38 – ANNUAL DELEGATIONS REVIEW

THE BAROSSA COUNCIL DELEGATIONS REGISTER

INSTRUMENT OF DELEGATION UNDER THE BAROSSA COUNCIL ROADS BY-LAW 2013

Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at www.barossa.sa.gov.au.
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
 - DDES: Director, Development and Environmental Services
 - DWES: Director, Works and Engineering Services
 - GI: General Inspector
 - MRS: Manager, Regulatory Services
 - MO: Manager, Operations

Provision	Item Delegated by Council to the Chief Executive Officer	Sub-Delegate
51965	<p>1.1 Removal of Animals and Directions to Persons</p> <p>The power pursuant to Clause 4.1 of the Roads By-law 2013 ("the By-law") to require a person in charge of an animal to remove the animal from any part of a Road, or if they fail to comply with the request, or if no person is in charge of the animal, then the delegate may remove the animal.</p>	DDES, DWES, <u>DCCS</u> , MO, GI, MRS
51966	<p>1.2 Removal of Animals and Directions to Persons</p> <p>The power pursuant to Clause 4.2 of the By-law, to direct a person who is committing or who has committed a breach of the By-law to immediately leave that part of the Road.</p>	DDES, DWES, MO, GI, MRS

AUTHORISATIONS

UNDER THE ROAD TRAFFIC ACT 1961

**APPROVED BY THE CHIEF EXECUTIVE OFFICER
OF THE COUNCIL IN ACCORDANCE WITH**

**THE INSTRUMENT OF GENERAL APPROVAL AND
DELEGATION TO COUNCIL 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 to Council (the '**Instrument**') containing:
 - (i) 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
 - (ii) Delegations pursuant to Section 11 of the Act, by the Minister to the Council for the purposes of the Act.

This document contains Authorisations made by the Council to Officers of the Council and approved by the Chief Executive Officer on behalf 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.

AUTHORISATIONS

2. TRAFFIC CONTROL DEVICES

- 2.1 Pursuant to Clause A of the Instrument the Minister granted the Council approval, for the purposes of Sections 17(1) and (2) of the Act, to install, maintain, alter, operate, or remove, or cause to be installed, maintained, altered, operated or removed, any traffic control device, on, above or near a road which is under the Council's care, control and management subject to the conditions specified in the Instrument, other than those specified in Clause A.8 of the Instrument, or those dealt with in other Clauses of the Instrument.
- 2.2 Pursuant to Clause A.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause A of the Instrument, provided that such authorisation is made by instrument in writing and approved by the Chief Executive Officer of the Council.
- 2.3 In accordance with Clause A.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council, the following Officers to be **AUTHORISED** to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause A of the

AUTHORISATIONS UNDER THE ROAD TRAFFIC ACT 1961

Instrument, subject to the conditions specified in the Instrument in relation to Clause A of the Instrument:

Matthew Elding	John Armstrong	Peter Arthur
John Blunsden	Phil Boehm	Michael Clark
Lucas Clarke	Peter Coad	Richard Cocker
Craig Doecke	Matthew Elson	Amir Eskandari
Andrew Evans	Gordon Geerts	Shane George
Donna Gray	Ivan Grieger	Timothy Harral
Rodney Harvey	Paul Healy	Tomas Hennessy
Scott Humberdross	Christopher Hunter	Derek Jones
Steven Kaesler	David Kemble	Steven Main
Simon Marschall	Dwayne Martin	Robert McMurray
Vasilis Mertzaniadis	James Mitchell	Mark Nicholson
Craig North	Peter Parker	Shane Parks
Joshua Pukala	Craig Richards	Steven Rigby
Graham Rope	Kym Schmidt	Matthew Schubert
Albert Spehr	Robert Stevens	Kiara Stockley
Jamie Turley	Benn Van der Zalm	Adam Walton
Darryl White	Dennis White	Craig Williams

3. SPEED LIMITS AT WORKS ON ROADS

- 3.1 Pursuant to Clause B of the Instrument, the Minister granted the Council approval, for the purposes of Section 20(2) of the Act, to place signs for the purpose of indicating the maximum speed to be observed by drivers while driving by or towards a work area or a worksite where workers are engaged or works are in progress at the direction of the Council subject to the conditions specified in the Instrument.
- 3.2 Pursuant to Clause B.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause B of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.
- 3.3 In accordance with Clause B.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council the following Officer(s) to be **AUTHORISED** to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause B of the Instrument, subject to the conditions specified in the Instrument in relation to Clause B of the Instrument:

Matthew Elding	John Armstrong	Peter Arthur
John Blunsden	Phil Boehm	Michael Clark
Lucas Clarke	Peter Coad	Richard Cocker
Craig Doecke	Matthew Elson	Amir Eskandari
Andrew Evans	Gordon Geerts	Shane George
Donna Gray	Ivan Grieger	Timothy Harral
Rodney Harvey	Paul Healy	Tomas Hennessy

Authorisations under the Road Traffic Act 1961 approved by the Chief Executive Officer on 21 January 2019 in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure which was approved by Council on 19 November 2013

AUTHORISATIONS UNDER THE ROAD TRAFFIC ACT 1961

Scott Humberdross	Christopher Hunter	Derek Jones
Steven Kaesler	David Kemble	Steven Main
Simon Marschall	Dwayne Martin	Robert McMurray
Vasilis Mertzaniadis	James Mitchell	Mark Nicholson
Craig North	Peter Parker	Shane Parks
Joshua Pukala	Craig Richards	Steven Rigby
Graham Rope	Kym Schmidt	Matthew Schubert
Albert Spehr	Robert Stevens	Kiara Stockley
Jamie Turley	Benn Van der Zalm	Adam Walton
Darryl White	Dennis White	Craig Williams

4. TRAFFIC CONTROL DEVICES SIGNS AT WORKS ON ROADS

4.1 Pursuant to Clause C of the Instrument, the Minister granted the Council approval for the purposes of Section 17(3) of the Act, to install, display, alter, operate or remove any traffic control device in relation to an area where persons are engaged in work or an area affected by works in progress, or in relation to part of a road temporarily closed to traffic under the Act or any other Act, subject to the conditions specified in the Instrument.

4.2 Pursuant to Clause C.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause C of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.

In accordance with Clause C.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council the following Officer(s) to be **AUTHORISED** to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause C of the Instrument, subject to the conditions specified in the Instrument in relation to Clause C of the Instrument:

Matthew Elding	John Armstrong	Peter Arthur
John Blunsden	Phil Boehm	Michael Clark
Lucas Clarke	Peter Coad	Richard Cocker
Craig Doecke	Matthew Elson	Amir Eskandari
Andrew Evans	Gordon Geerts	Shane George
Donna Gray	Ivan Grieger	Timothy Harral
Rodney Harvey	Paul Healy	Tomas Hennessy
Scott Humberdross	Christopher Hunter	Derek Jones
Steven Kaesler	David Kemble	Steven Main
Simon Marschall	Dwayne Martin	Robert McMurray
Vasilis Mertzaniadis	James Mitchell	Mark Nicholson
Craig North	Peter Parker	Shane Parks
Joshua Pukala	Craig Richards	Steven Rigby
Graham Rope	Kym Schmidt	Matthew Schubert

AUTHORISATIONS UNDER THE ROAD TRAFFIC ACT 1961

Albert Spehr
Jamie Turley
Darryl White

Robert Stevens
Benn Van der Zalm
Dennis White

Kiara Stockley
Adam Walton
Craig Williams

5. TEMPORARY PARKING CONTROLS

- 5.1 Pursuant to Clause D of the Instrument the Minister granted the Council approval for the purposes of Section 17(3) of the Act, to install, display, alter, operate or remove a traffic control device for the purposes of imposing, varying or abolishing a parking control on a temporary basis on a road or road which is under the Council's care, control or management subject to the conditions specified in the Instrument.
- 5.2 Pursuant to Clause D.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council in Clause D of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.
- 5.3 In accordance with Clause D.1 of the Instrument, I, as Chief Executive Officer of the Council approve, on behalf of the Council the following Officers to be **AUTHORISED** to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause D of the Instrument, subject to the conditions specified in the Instrument in relation to Clause D of the Instrument:

Matthew Elding

John Blunsden

Lucas Clarke

Craig Doecke

Andrew Evans

Donna Gray

Rodney Harvey

Scott Humberdross

Steven Kaesler

Simon Marschall

Vasilis Mertzaniadis

Craig North

Joshua Pukala

Graham Rope

Albert Spehr

Jamie Turley

Darryl White

John Armstrong

Phil Boehm

Peter Coad

Matthew Elson

Gordon Geerts

Ivan Grieger

Paul Healy

Christopher Hunter

David Kemble

Dwayne Martin

James Mitchell

Peter Parker

Craig Richards

Kym Schmidt

Robert Stevens

Benn Van der Zalm

Dennis White

Peter Arthur

Michael Clark

Richard Cocker

Amir Eskandari

Shane George

Timothy Harral

Tomas Hennessy

Derek Jones

Steven Main

Robert McMurray

Mark Nicholson

Shane Parks

Steven Rigby

Matthew Schubert

Kiara Stockley

Adam Walton

Craig Williams

6. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY

- 6.1 Pursuant to Clause F of the Instrument the Minister delegated to the Council the power conferred on the Minister pursuant to Section 17 of the Act to specifically approve the installation, maintenance, alteration,

Authorisations under the Road Traffic Act 1961 approved by the Chief Executive Officer on 21 January 2019 in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure which was approved by Council on 19 November 2013

AUTHORISATIONS UNDER THE ROAD TRAFFIC ACT 1961

operation, or removal of a traffic control device in the municipality or district of the Council by a road authority, on, above, or near a road under the care control or management of the Council, subject to the conditions specified in the Instrument.

- 6.2 Pursuant to Clause F.1 of the Instrument, the Council may authorise any Officer(s) to exercise, for and behalf of the Council, the powers conferred on the Council in Clause F of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.
- 6.3 In accordance with Clause F.1 of the Instrument, I, as Chief Executive Officer of the Council, approve on behalf of the Council, the following Officer(s) to be **AUTHORISED** to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause F of the Instrument, subject to the conditions specified in the Instrument in relation to Clause F of the Instrument:

Matthew Elding	John Armstrong	Peter Arthur
John Blunsden	Phil Boehm	Michael Clark
Lucas Clarke	Peter Coad	Richard Cocker
Craig Doecke	Matthew Elson	Amir Eskandari
Andrew Evans	Gordon Geerts	Shane George
Donna Gray	Ivan Grieger	Timothy Harral
Rodney Harvey	Paul Healy	Tomas Hennessy
Scott Humberdross	Christopher Hunter	Derek Jones
Steven Kaesler	David Kemble	Steven Main
Simon Marschall	Dwayne Martin	Robert McMurray
Vasilis Mertzaniadis	James Mitchell	Mark Nicholson
Craig North	Peter Parker	Shane Parks
Joshua Pukala	Craig Richards	Steven Rigby
Graham Rope	Kym Schmidt	Matthew Schubert
Albert Spehr	Robert Stevens	Kiara Stockley
Jamie Turley	Benn Van der Zalm	Adam Walton
Darryl White	Dennis White	Craig Williams


.....
Martin McCarthy
Chief Executive Officer

21 January 2019
Date

LOCAL GOVERNMENT ASSOCIATION
UPDATES OF DELEGATION TEMPLATES ON WEBSITE

(Note: Paragraph references below refer to updated version – As at 31 March 2019)

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Webpage entitled – 'Delegations – Introduction'						
Webpage entitled – 'General Information'						
Instrument of Delegation under the Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014						
Instrument of Delegation under the Community Titles Act						
Instrument of Delegation under the Development Act, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008						
Instrument of Delegation under the Dog & Cat Management Act						
Instrument of Delegation under the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Electronic Conveyancing National Law (South Australia) Act 2013						
Instrument of Delegation under the Environment Protection Act						
Instrument of Delegation under the Expiation of Offences Act						
Instrument of Delegation under the Fences Act						
Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017						
Instrument of Delegation under the Fire & Emergency Services Act						
Instrument of Delegation under the Food Act						
Instrument of Delegation under the Freedom of Information Act						
Instrument of Delegation under the Heavy Vehicle National Law Act						
Instrument of Delegation under the Gas Act 1997						
Instrument of Delegation under the Land & Business (Sale & Conveyancing) Act						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Liquor Licensing Act	5A.1	128E(1)	Addition	Legislative amendment	31 March 2019	Adopt updated instrument as soon as possible
	5A.2	128E(2)	Addition	Legislative amendment	31 March 2019	
	5B.1	128F	Addition	Legislative amendment	31 March 2019	
	5C.1	128H(3)	Addition	Legislative amendment	31 March 2019	
	5C.2	128H(5)	Addition	Legislative amendment	31 March 2019	
	5C.3	128H(6)	Addition	Legislative amendment	31 March 2019	
	5C.4	128H(7)	Addition	Legislative amendment	31 March 2019	
Instrument of Delegation under the Local Government Act 1999	6.1	Previous 28(6) New 28(1)	Addition	Legislative amendment	31 March 2019	Adopt updated instrument as soon as possible
	6.2	Previous 28(23)(f) and (g) New 28(3)	Addition	Legislative amendment	31 March 2019	
	6A.1	31(2)	Addition	Legislative amendment	31 March 2019	
	6A.2	31(10)	Addition	Legislative amendment	31 March 2019	
Instrument of Delegation under the Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Natural Resources Management Act						
Instrument of Delegation under the Planning, Development and Infrastructure Act 2016						
Instrument of Delegation under the Real Property Act						
Instrument of Delegation under the Roads (Opening & Closing) Act						
Instrument of Delegation under the Road Traffic Act 1961, Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014						
Subdelegations to Chief Executive Officer under the Road Traffic Act 1961						
Authorisations under Road Traffic Act 1961						
Instrument of Delegation under the Safe Drinking Water Act 2011						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018						
Instrument of Delegation under the Strata Titles Act 1988						
Instrument of Delegation under the Supported Residential Facilities Act						
Instrument of Delegation under the Water Industry Act 2012 and Water Industry Regulations 2012						
Instrument of Delegation under the Work Health Safety Act 2012						
Instrument of Delegation under the Unclaimed Goods Act 1987						
Webpage entitled – 'Guide for use – Template Resolutions'						
Draft Resolutions for the making of Delegations						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Webpage entitled – 'Documents for Making Subdelegations'						
Template Instrument of Subdelegation						
Notification of Subdelegations for Council Officers						
Notification of delegations to Officers who are 'acting' in a position						
Webpage entitled – 'Legislative Requirements'						
Webpage entitled – 'Best Practice Recommendations'						

COUNCIL
EXECUTIVE SERVICES
CHIEF EXECUTIVE OFFICER REPORT
21 MAY 2019

7.2.1 EXECUTIVE SERVICES – DEBATE

7.2.1.5

**THE BAROSSA COUNCIL QUARTER 3 – 2018/19 PERFORMANCE & ACTIVITY REPORT
19/25962**

Author: Manager Strategic Projects

PURPOSE

To provide Council's Quarter 3 – 2018/19 Performance & Activity Report on measures adopted within the Barossa Council Corporate Plan 2016/17 to 2019/20.

RECOMMENDATION

That Council receives and notes The Barossa Council Quarter 3 – 2018/19 Performance & Activity Report.

REPORT

Background

Since November 2016, Council has been presented with Quarterly Performance Reports on measures adopted within the Corporate Plan.

Introduction

The Barossa Council Quarter 3 – 2018/19 Performance & Activity Report provides performance results against Corporate Plan measures as at 31 March 2019. The report also includes a suite of activity measures, providing a snapshot of activity undertaken over the quarter in the delivery of key internal and external Council services under each Community Plan Theme.

Discussion

With the ongoing implementation of Council's holistic enterprise level strategic planning and reporting software (Magia), officers are continuing to refine counting rules and formulas for the extraction and analysis of data, which may result in the revision of previously reported results where the data has been refined or cleansed. Where this is the case, the report will include a disclaimer regarding the nature of any changes implemented and its impact on the data.

Additionally, where justification exists, performance targets may be amended to reflect a more realistic figure. As above, where this is the case, the report will include an explanation of the nature of and justification for any changes implemented and its impact on the data.

Summary and Conclusion

The Barossa Council Quarter 3 – 2018/19 Performance & Activity Report is presented for Council consideration.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

The Barossa Council Quarter 3 – 2018/19 Performance & Activity Report.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

Corporate Plan

A6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Current resources are sufficient to provide ongoing quarterly reporting.

COMMUNITY CONSULTATION

Community consultation is not required under the Act or Council's Public Consultation Policy.



QUARTERLY PERFORMANCE & ACTIVITY REPORT

Quarter 3 – 2018/2019

Contents



Theme 1 – Natural & Built Heritage..... 5



Building Rules Consent Processing 5

Measure under review due to data limitations.



Planning Consent Processing 5

Measure under review due to data limitations.

Activity Snapshot 6



Theme 2 – Community & Culture 8



Library Visits 8

Target exceeded

Activity Snapshot 9



Theme 3 – Infrastructure..... 11



Asset Sustainability 11

Target not met for 2017/18.



Asset Spending Ratio 13

2017/18 target achieved.

Activity Snapshot 15



Theme 4 – Health & Wellbeing 17



Nuisance and Environmental Request Resolution Rate 17

Target not met for Quarter 3.



Waste Disposal Rate 19

Target of < 60.8% met with a total of 60.27% of waste disposed to landfill during the 3rd Quarter



Recycling Rate 21

Target of > 39.2% surpassed with 39.8% of waste recycled during Quarter 3

Activity Snapshot 23



Theme 5 – Business & Employment 26



Tourism Customer Satisfaction with Visitor Information Services 26

Target met for Quarter 3 with an average rating of very good.



Visitor Information Centre Bookings 27

Quarter 3 revenue collected showed a slight downturn compared to the beginning of 2018/19.



Cycle Hub – Bike Hire Revenue 28

The third quarter saw a reduction in revenue compared to the start of 2018/19.

Activity Snapshot 29



How We Work – Good Governance 30



Operating Surplus/(Deficit) Ratio 30

Result within target range for 2017/18.



Net Financial Liabilities Ratio 31

Result exceeded target for 2017/18.



Customer Request Completion Rate 32

Quarter 3 target exceeded.



Customer Request Resolution Rate 33

Quarter 3 target not met, however a 12% improvement seen compared to June 2018.



Operational Expenditure Against Budget 35

Quarter 3 target range not met.






Capital Expenditure Against Budget 36

Quarter 3 target not met.



Organisational Culture Improvement 38

It is desirable for organisations to have constructive styles, causal factors and outcomes at or above the 49th percentile, and defensive styles in the circumplex at or below the 49th percentile.

	Staff Development - Training	41
	<i>Target met for 2017/18.</i>	
	Staff Development – Performance Partnering	42
	<i>Target met for 2017/18.</i>	
	Staff Retention	43
	<i>Target not met, falling short by 1% with 89% of employees retained during 2017/18.</i>	
	Activity Snapshot	44

Legend



Target not met



Target at risk or not improving



Heading toward target or progress acceptable



Target achieved



Measure under review



Theme 1 – Natural & Built Heritage



Building Rules Consent Processing

The percentage of Building Rules Consent Applications completed within legislative timeframe.

Measure under review due to data limitations.



Planning Consent Processing

The percentage of Planning Consent Applications completed within legislative timeframe.

Measure under review due to data limitations.

EXPLANATION

Due to detailed business rules review and system parameter analysis under the Lodgement to Inspection Change Program Project, further anomalies have been identified in the data, counting rules and analysis presented in previous reports for the above two measure. As a result, it is believed the data is not an accurate representation of the percentage of consents being completed within the legislative timeframe.

It is anticipated that the re-configuration of Pathway in accordance with agreed business rules regarding stop the clock activities and global status and decision parameters will result in reliable, comparable and accurate data to monitor ongoing performance.

Activity Snapshot

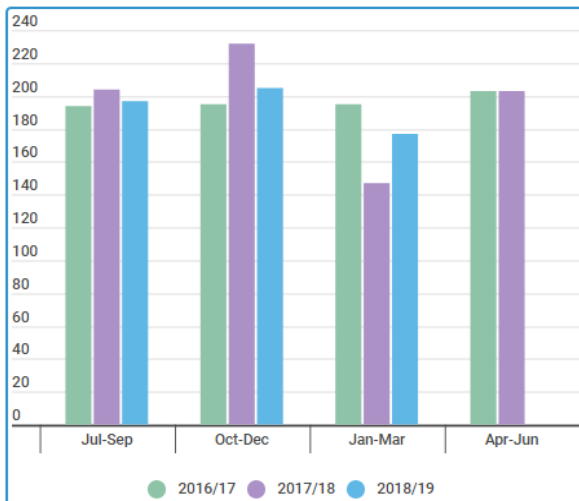


Development Applications

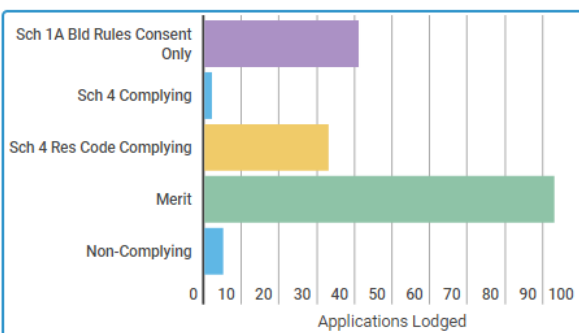
Development Applications Activity - Quarter 3



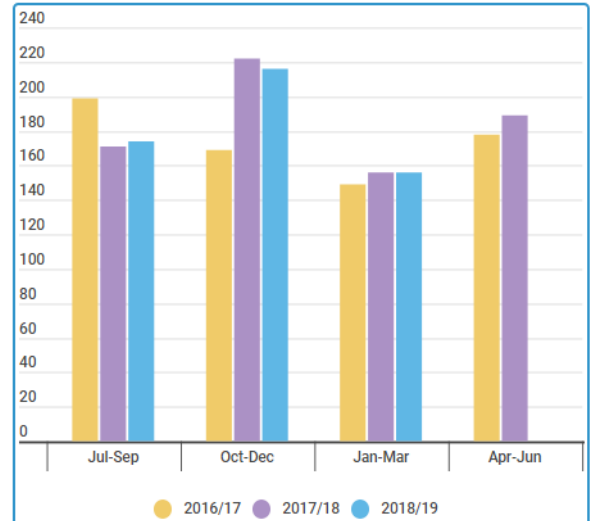
Applications Lodged by Quarter



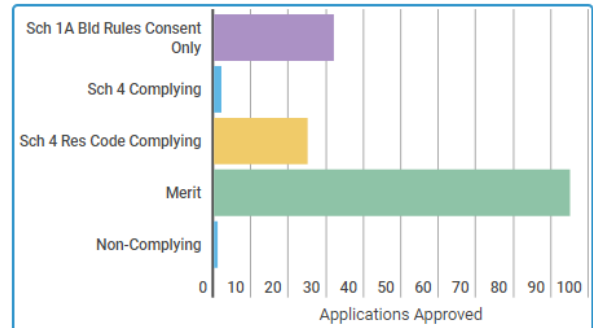
Number of Development Applications Lodged by Category - Quarter 3



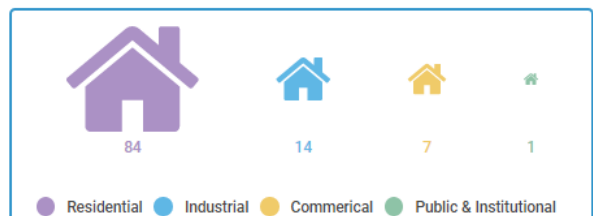
Applications Approved by Quarter



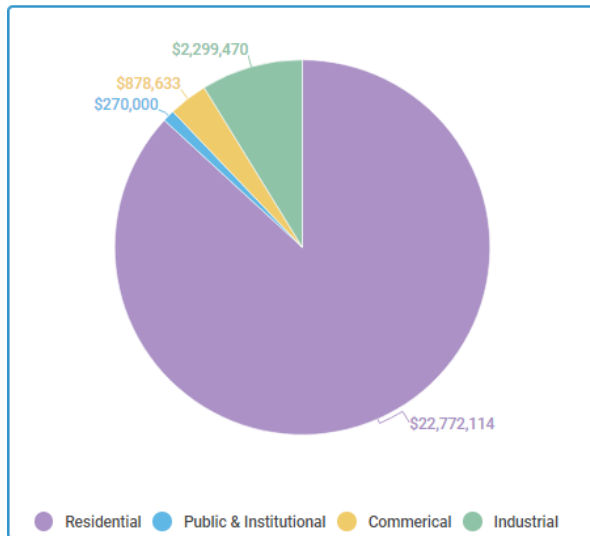
Number of Applications Approved by Category - Quarter 3



Applications Approved Per Development Type - Quarter 3



Est.Value of Applications Approved Per Development Type - Quarter 3



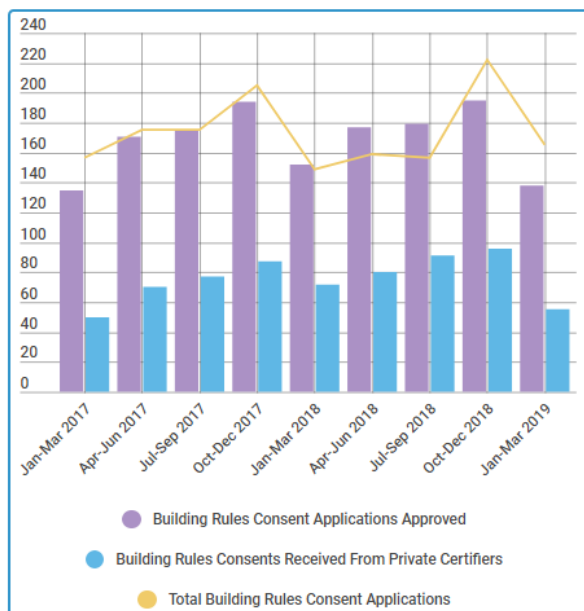
Percentage of Building Rules Consents Granted by Private Certifiers - Quarter 3



Percentage of Development Plan Consents Granted by Private Certifiers - Quarter 3



Building Rules Consent Activity





Theme 2 – Community & Culture



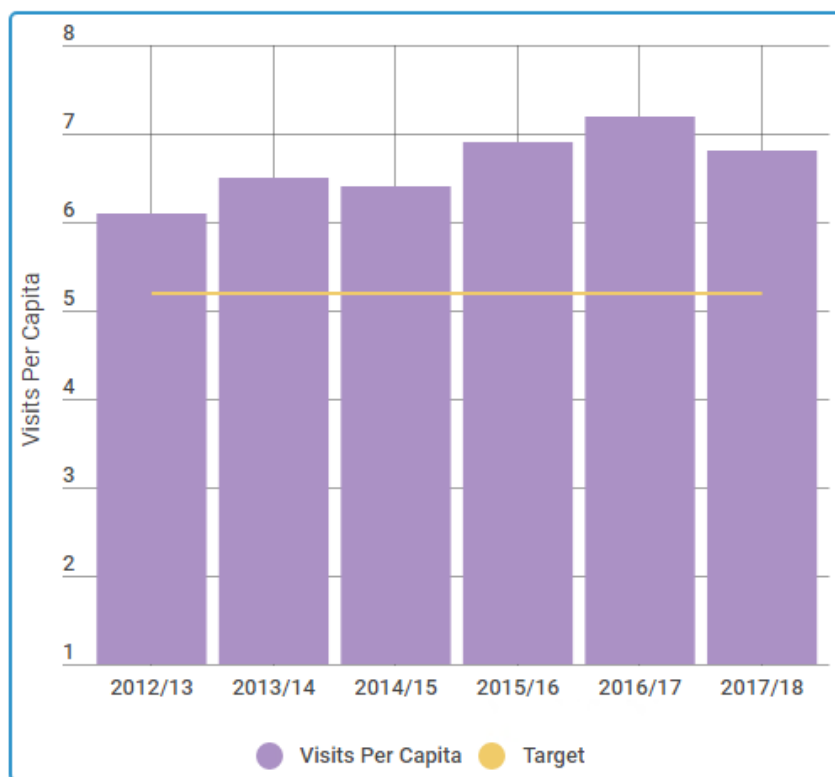
Library Visits

The number of library visits and participation within the Barossa Council Area

Target exceeded

RESULTS

Library Visits Per Capita



INTERPRETATION

Annual Measure - Library visits (159,635 during 2017/18) continue to exceed the target of 5 visits per capita due to the diverse range of activities and uses of the library including regular borrowing (235,042 items), internet and Wifi access for homework, job seekers, printing and family history. Regular events increase library visitor numbers, with 723 library events held during 2017/18 with 9,976 participants. Events included author talks, story times and children's programs, health events, book clubs, book week activities, scrabble, mah-jong, chess, writers groups, craft, art and writing groups.

RESPONSE

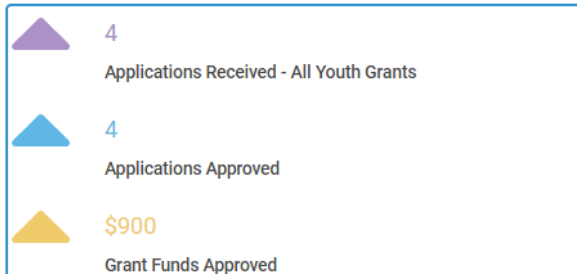
No response required.

Activity Snapshot

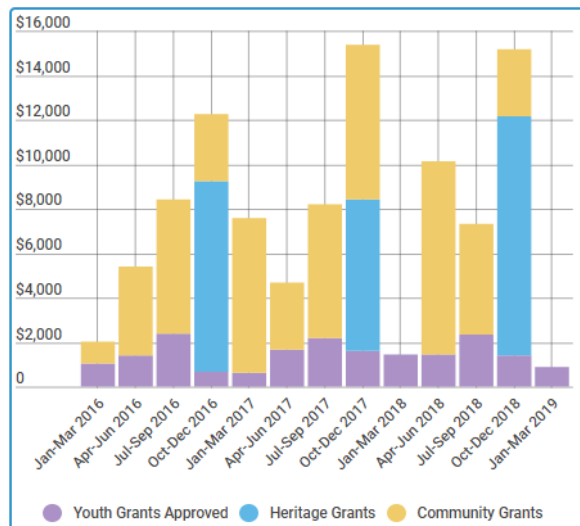


Community Assistance Grants

Grants Activity - Quarter 3 Results



Value of Grant Funds Approved

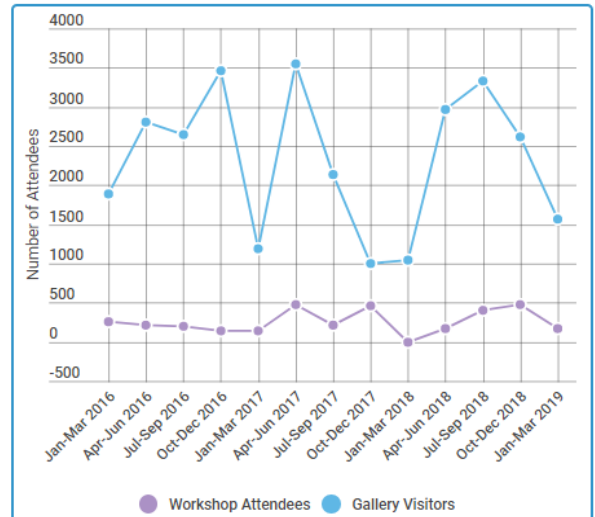


Regional Gallery

Gallery Activity - Quarter 3



Workshop Attendees & Gallery Visitors

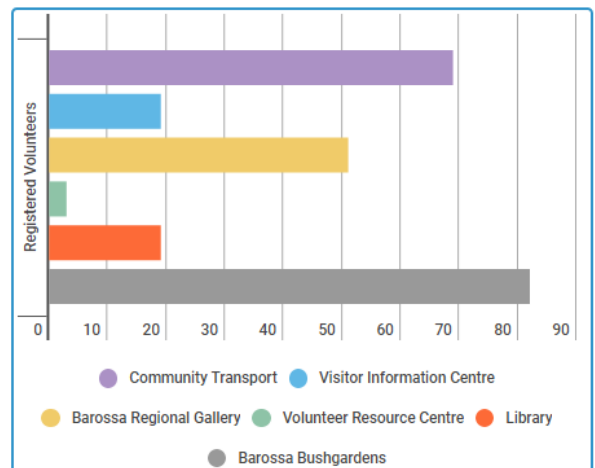


Volunteer Management

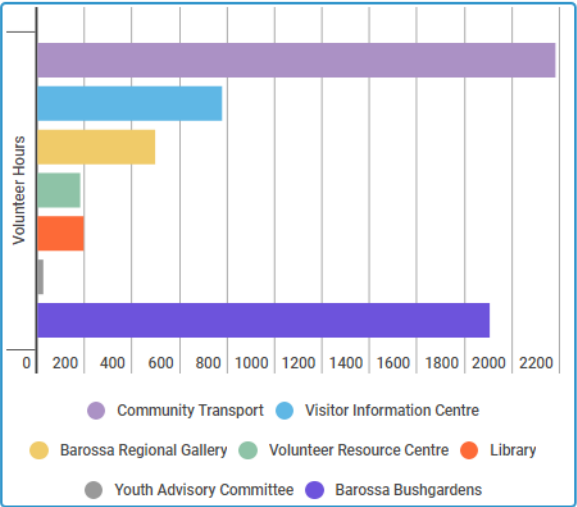
Volunteer Activity - Quarter 3



Registered Volunteers - As At March 2019



Volunteer Hours - Quarter 3



* The above charts do not represent Council's full volunteering profile, with additional volunteers currently contributing to the community committees and other programs which don't currently formally collect volunteer data.



Library Services

Data not supplied for Quarter 3



Youth

Data not supplied for Quarter 3



Theme 3 – Infrastructure



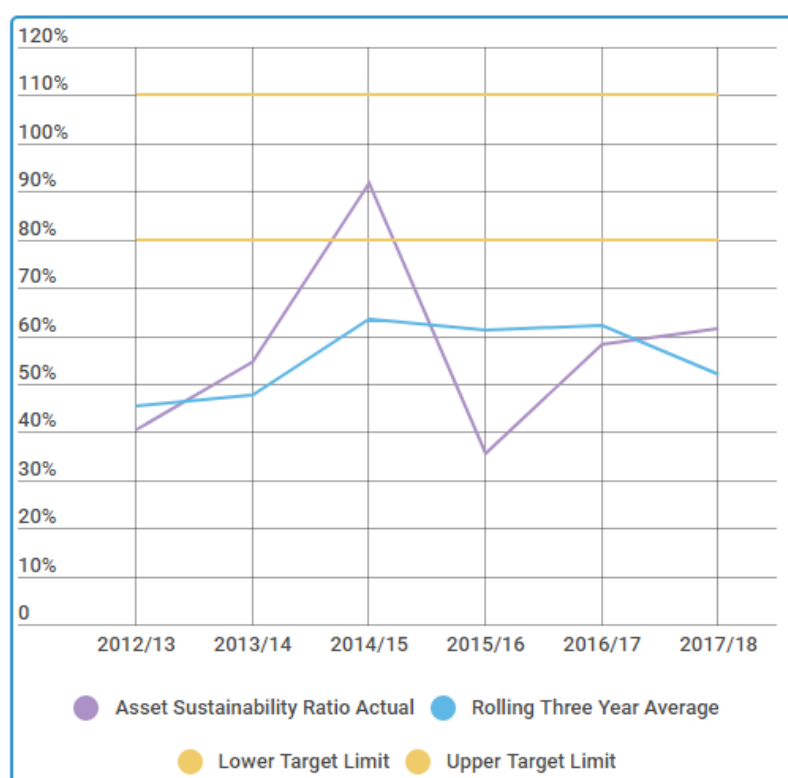
Asset Sustainability

Ratio of Capital expenditure on renewal or replacement of assets for a period compared to depreciation.

Target not met for 2017/18.

RESULTS

Asset Sustainability Ratio



INTERPRETATION

Annual Measure – The Asset Sustainability Ratio uses asset depreciation expense as the denominator and expenditure on replacement and renewal as the numerator.

The Financial data reported as at 30 June 2018 in Quarter 4 – 2017/18 was based on preliminary figures and were subject to change based on the finalisation of Council's end of financial year calculations.

The updated 2017/18 result was \$4,611K/\$7,503K or a ratio of 61% which is outside the target range. The rolling three year average stands at 52%, which is also still well below the target range of 80% to 110%. The unfavorable result for the 2017/18 ratio is the result of the ongoing under delivery of expenditure on renewal/replacement within the capital program.

In addition, a substantial amount of 'Upgraded' asset work completed each year (and for 2017/18 included capital work on Springton roads and district wide footpaths) is partly renewing components of existing assets. For normal work cycles, components of these assets would need to be replaced when the depreciation or consumption of them had reduced their remaining life to zero, but as they are being upgraded to a better service level, they are effectively replacing asset components that would normally need to be replaced as/when due.

The calculation to compile the Asset Sustainability Ratio does not include any upgrade costs as it is not considered to be 'renewal/replacement'. This is then effectively understating the expenditure for asset replacement and the ratio is not then reflecting the true actual net asset renewals.

Further this indicator is under review for its usefulness at sector level, it has inherent flaws as outlined above and is currently not being compared with predicted asset management plan spends which would see Council exceeding its target. It is the CEO's view that this indicator should be replaced with one known as the Asset Consumption Ratio which actually gives a stable long term picture of the "newness" or "utilisation" of the asset pool which indicates a much better representation over time of the state of the assets.

RESPONSE

The 2018/19 capital program includes \$3.259M in carry-overs from the 2017/18 capital program. It is anticipated that the delivery of these carryovers, along with the base 2018/19 capital program, will result in an asset sustainability ratio within the target range for 2018/19, along with improving the rolling three year average.

The 2018/19 capital program is already well advanced in comparison with the prior two years and significant funds have been already expended or committed at the end of quarter 1. Further the asset program will be reduced in quarter 2 as there is significant allowance for phase 1 The Big Project expenditure should the Regional Growth Fund application to the Federal Government being successful.

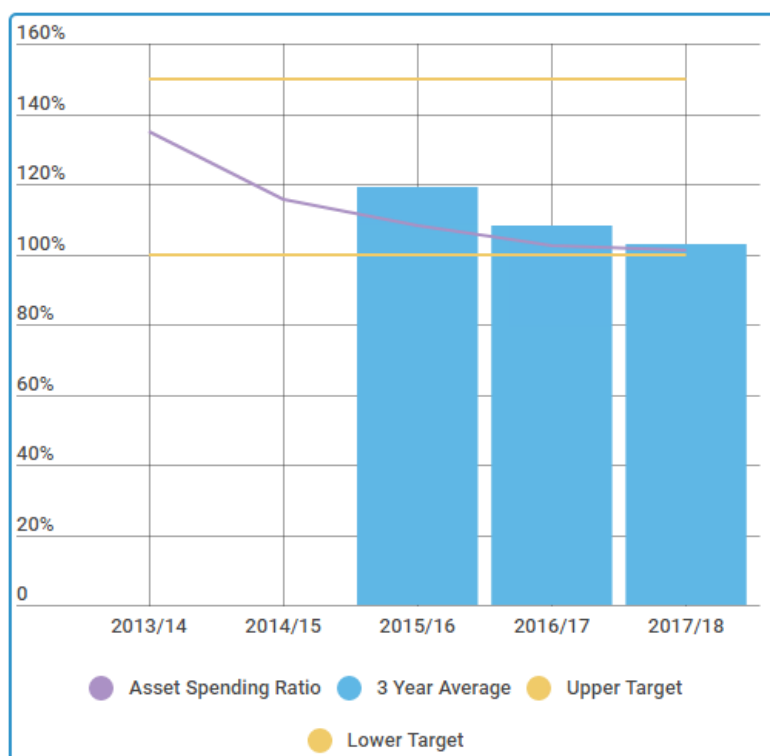
Asset Spending Ratio

Ratio of asset expenditure on renewal, replacement and upgraded assets and maintenance on assets.

2017/18 target achieved.

RESULTS

Asset Spending (Renewal & Upgrade) Compared to Depreciation and Target Maintenance



INTERPRETATION

Annual Measure – As a result of Council's ongoing commitment to refining data analysis methodology and increasing the accuracy and reliability of performance data, the counting rules for this measure have been modified during 2017/18 and applied across the last three financial years to include financial data from Council's caravan parks.

The Financial data reports as at 30 June 2018 was based on preliminary figures and was subject to change based on the finalisation of Council's end of financial year calculations.

The updated 2017/18 result shows the ratio of expenditure on renewal, replacement and upgraded assets plus maintenance expenditure on assets equaled 100.3%, which is within the target range. Analysis of expenditure over a three year period also shows performance within the target range. The asset spending ratio is however on a downward trend, which is directly linked to capital project performance.

RESPONSE

The downward trend in the asset spending ratio is being addressed primarily by the Works and Engineering Services Directorate via better forward planning and it is expected improved performance in the delivery of capital projects will see this trend addressed. It also reflects a low anticipated spend on maintenance activities and this has been accounted for in future budgets, especially as capital expenditure programs deliver renewed and upgraded assets, maintenance expenditure (especially reactive) is expected to be lower than long term trend.

Activity Snapshot

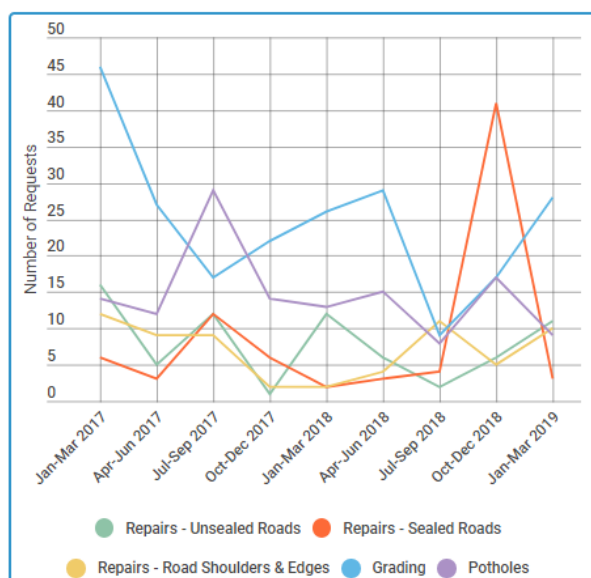


Traffic, Road & Footpath Management

Footpath Maintenance Activity - Quarter 3



Traffic & Road Management - Customer Requests

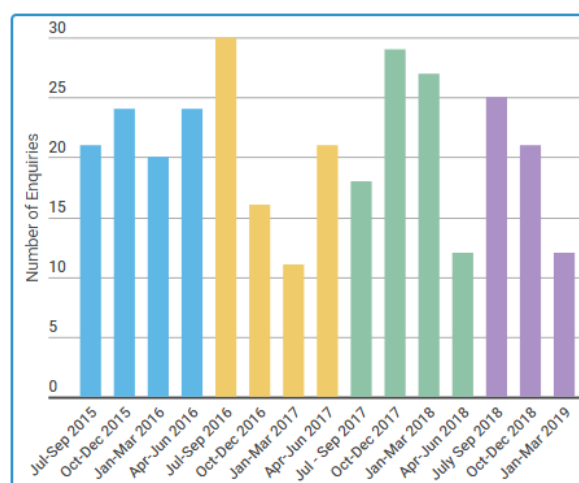


Traffic & Road Activity - Quarter 3



Cemetery Management

Cemetery Enquiries





Parks, Gardens & Reserves Maintenance

Requests for Parks, Gardens & Reserves Maintenance - Quarter 3



38 Requests for Parks, Gardens or Reserves Maintenance

13 more than the same period in 2017/18



13 Requests for Playground Maintenance

8 more than the same period in 2017/18



Community Facility Management

Data not supplied for Quarter 3



Theme 4 – Health & Wellbeing



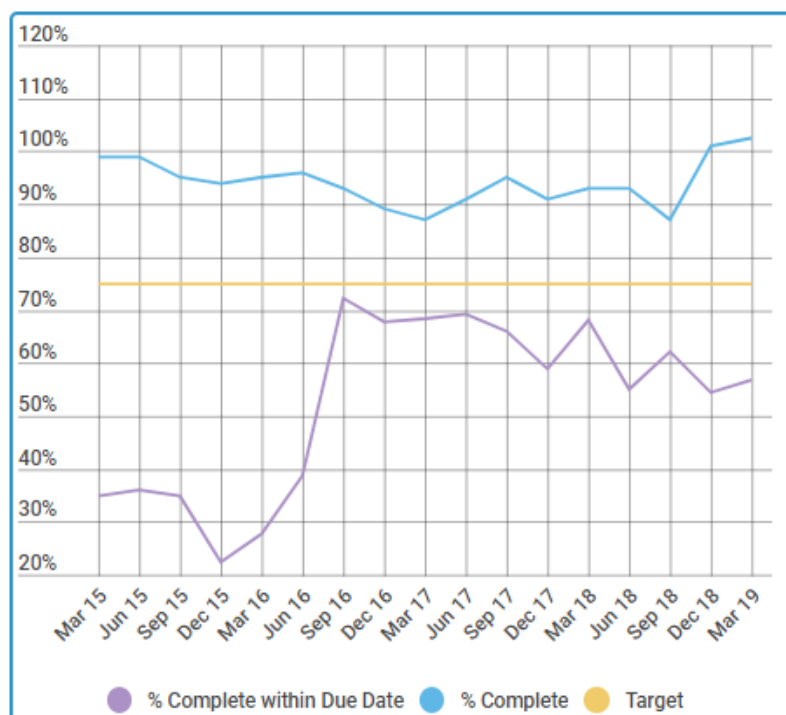
Nuisance and Environmental Request Resolution Rate

Percentage resolved within due date.

Target not met for Quarter 3.

RESULTS

Nuisance & Environmental Complaint Resolution



INTERPRETATION

During quarter 3, 56.79% of nuisance and environmental requests were completed within the nominated due date.

In the Nuisance and Litter Control space, during the third quarter an additional 89 requests were received across the Local Nuisance and Litter Control request types, up from 79 during Quarter 2.

Council's fire prevention program continued throughout quarter 3; active monitoring of fuel load and weather conditions throughout the quarter continued and resulted in CFS extending the Fire Danger Season for the region due to weather conditions.

Overall, no significant fires occurred during the Council area during the 2018/19 Fire Danger Season which is a testament to the CFS and their volunteers, but also Council's Fire Prevention program. A further 11 applications were assessed for various prescribed activities during the fire danger season.

The transition to the State Governments 'Dogs and Cats Online' system continues to be resource intensive at an administrative level.

The operational aspects of dog management have seen an increase this quarter with 241 dog-related requests received; with dog registration compliance being a focus. This compares to 151 in Quarter 2 and 133 in Quarter 1.

The latter part of this quarter (and into Quarter 4) saw an increase in requests for limited liquor licenses for events owing to the Easter, Anzac and Vintage Festival period. A total of 26 limited liquor licenses at various events were reviewed and supported during Quarter 3.

RESPONSE

Over the final quarter of 2018/19 a review of this measure will be undertaken to break down the various components of Nuisance and Environmental Complaint resolution as opposed to other core functions of Council around animal management, waste management and fire safety to ultimately increase the meaningfulness of data reported and align with current legislative arrangements.

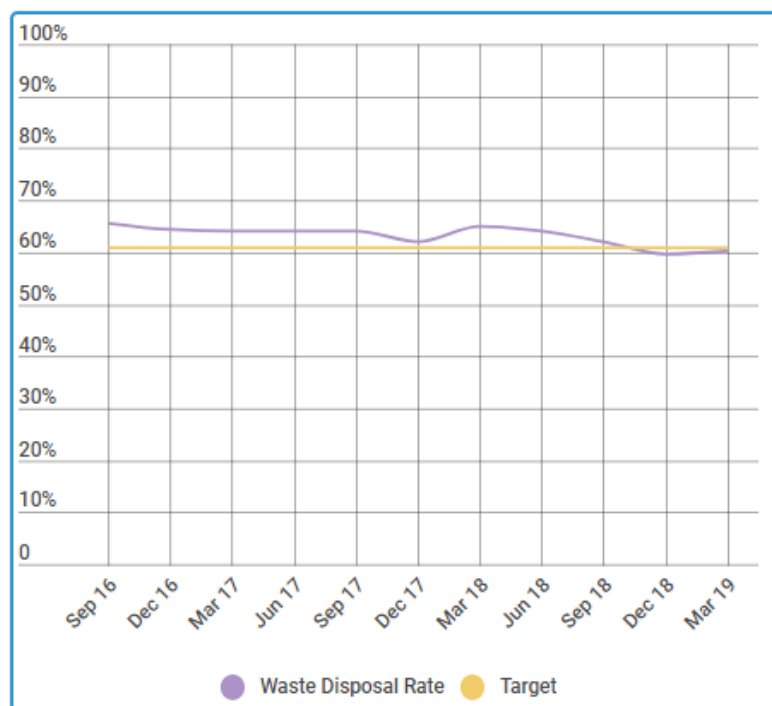
Waste Disposal Rate

Percentage of waste disposed to landfill

Target of < 60.8% met with a total of 60.27% of waste disposed to landfill during the 3rd Quarter

RESULTS

Waste Disposal Rate



INTERPRETATION

During the second quarter for 2018/19, Council recorded a waste to landfill rate of 60.2%, just achieving the target of less than 60.8% waste to landfill.

Year to date, 3,627 tonnes of rubbish (landfill waste) has been collected, representing a reduction of 338 tonnes of rubbish compared to the same period in 2017/18.

RESPONSE

In the first half of 2017/18 Council participated in a regional tender for disposal services via the Barossa Regional Procurement Group and selected Solo Resource Recovery to deliver waste management services from July 2018. Under the new agreement, Council is continuing to offer rubbish, recycling and green waste collection services and to promote the ongoing diversion of waste from landfill to recycling and recovery.

Council has developed a Regional Waste Management Strategy to guide its approach in offering alternative waste management options for other waste streams including e-waste and soft plastic, and for encouraging a reduction of waste disposed to landfill and increase in recycling and organics disposal.

Council endorsed a new Waste Management Services Policy on 26 April 2018, which defines Council's role as a waste and recycling service provider.

As part of the roll out of the new service, Council also commenced a campaign to encourage residents to take the challenge to **Waste Less, Recycle More**. This message was featured strongly in the lead up to the new contract and has continued during 2018/19. The new trucks and bins also display the message. As anticipated, this campaign is contributing to a reduction in the amount of waste put to landfill.

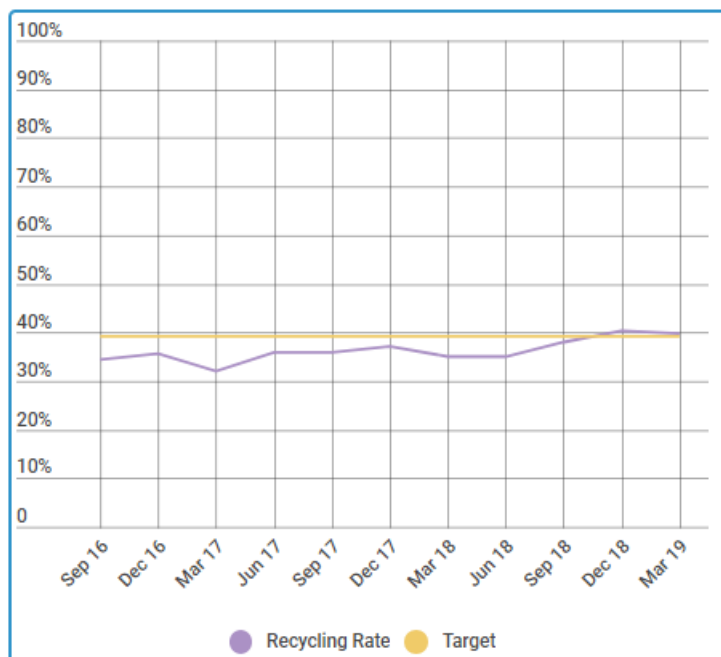
Recycling Rate

Percentage of waste recycled

Target of > 39.2% surpassed with 39.8% of waste recycled during Quarter 3

RESULTS

Recycling Rate



INTERPRETATION

Recycling statistics consist of both co-mingled recycling collected via Council's yellow lidded bins and organic material collected via the currently voluntary green lidded bin green waste collection service.

During the second quarter for 2018/19, Council recorded a recycling rate of 39.8% (24.9% yellow lidded waste and 14.9% green waste), just exceeding the target.

Year to date, 1,431 tonnes of yellow lidded recycling and 922 tonnes of green waste has been collected, which represents a slight decrease in recycling and increase in green waste compared to the same period in 2017/18 (yellow – 1,630 and green – 803). Despite little growth in the tonnes of co-mingled recycling compared to the same period in 2017/18, the overall tonnes of waste across all three streams have reduced by 419 tonnes resulting in a favorable outcome in the percentage of waste recycled.

RESPONSE

Council's waste and recycling collection service contract expired in June 2018. In the first half of 2017/18 Council participated in a regional tender for disposal services via the Barossa Regional Procurement Group and selected Solo Resource Recovery to deliver waste management services from July 2018. Under the new agreement, Council is continuing to offer rubbish, recycling and green waste collection services and to promote the ongoing diversion of waste from landfill to recycling and recovery.

Council is also currently developing a Waste Management Strategy to guide its approach in offering alternative waste management options for other waste streams including e-waste and soft plastic, and for encouraging a reduction of waste disposed to landfill and increase in recycling and organics disposal.

Council endorsed a new Waste Management Services Policy on 26 April 2018, which defines Council's role as a waste and recycling service provider.

As part of the roll out of the new service, Council also commenced a campaign to encourage residents to take the challenge to **Waste Less, Recycle More**. This message was featured strongly in the lead up to the new contract and has continued during 2018/19. The new trucks and bins also display the message. As anticipated, this campaign is contributing to a reduction in the amount of waste put to landfill.

At the beginning of January 2018, China banned foreign waste imports, including waste paper, textiles, plastics and certain types of metals. The ban has forced State Government and waste companies to reevaluate their recycling strategy, where in some instances companies have opted to stockpile recycling waste, or send it to landfill. There are strong calls on both Federal and State Governments to assist in creating new markets for recycled waste in Australia, and provide a 'relief package' for local government to offset potential increases in recycling costs. NAWMA (receiver of our recycling material) are actively pursuing options to have recycled material put back into recycled products.

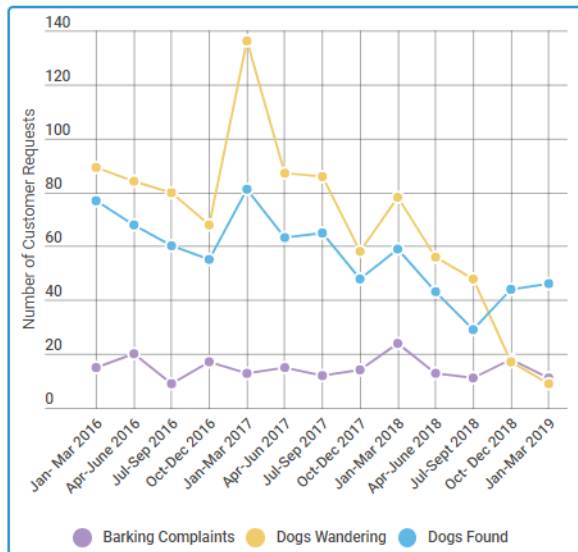
Notwithstanding the China situation, Council will continue to promote recycling, including green organics. The average garbage bin contains 60% organic material waste. The bulk of which is food (40%) and garden waste (20%). The introduction of green organic bins as part of the new waste service will go a long way to achieving our target to reduce waste to landfill in the household sector.

Activity Snapshot



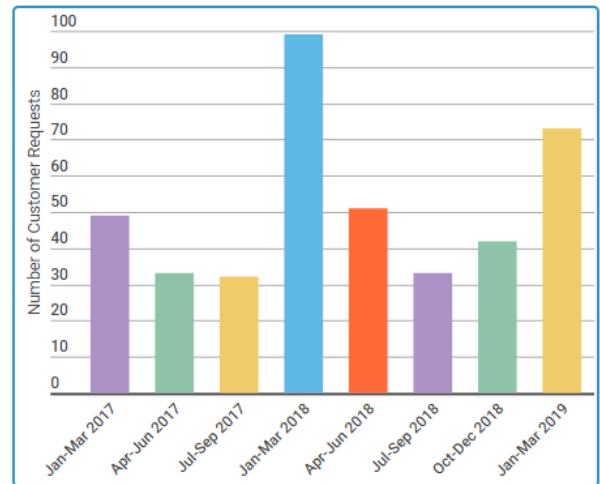
Animal Management

Dog Management Activity



Animal Based Customer Requests

(Excluding Dog Management)



*Note – large increase in Jan-Mar 2018 was due to 66 reports relating to wasps.

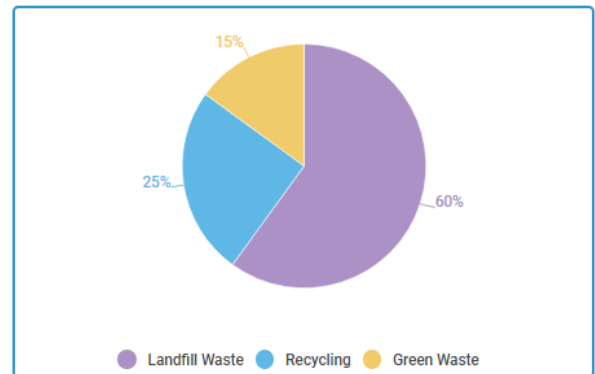


Waste Management

Waste Activity - Quarter 3



% of Waste Per Category

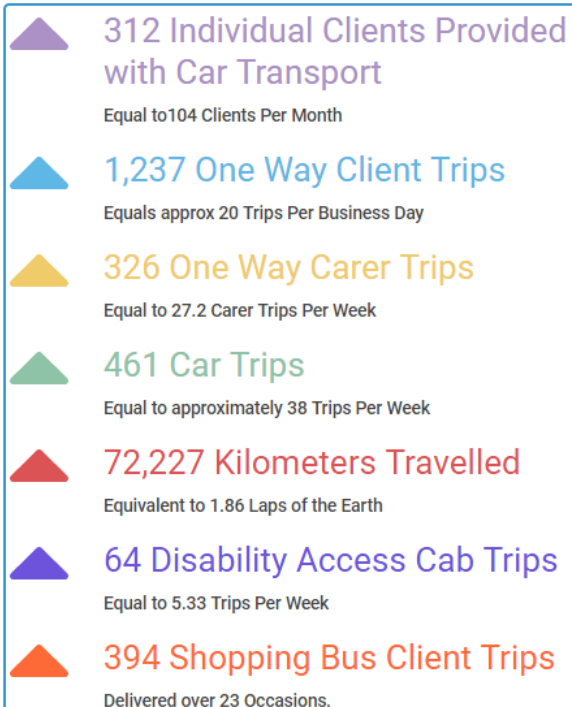


*Note – overall recycling rate reported on page 26 includes both recycling and green waste as recyclable materials diverted from landfill.

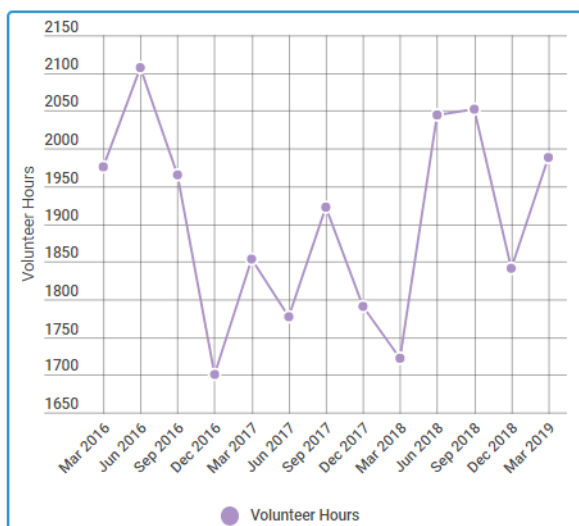


Community Transport

Community Transport Activity - Quarter 3

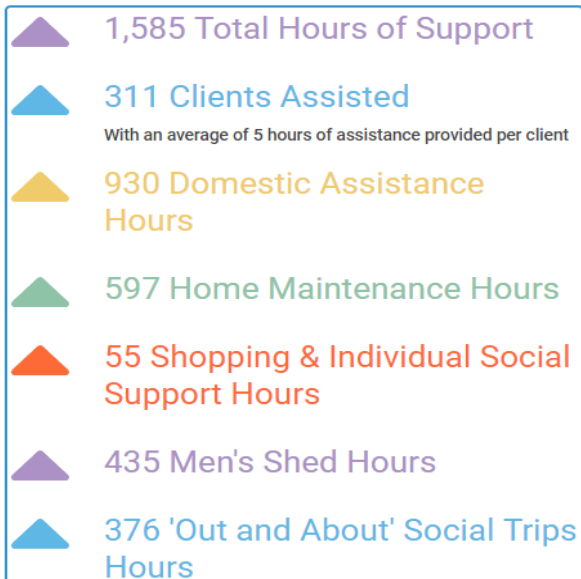


Community Transport Volunteer Hours



Home Assist & Social Support

Quarter 3 Activity

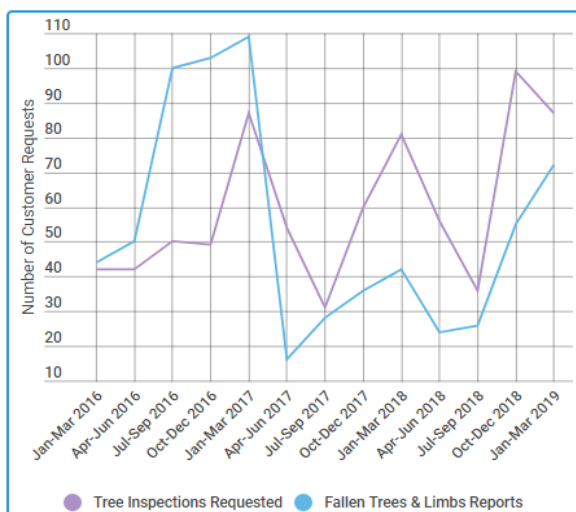


Tree Management

Quarter 3 Results



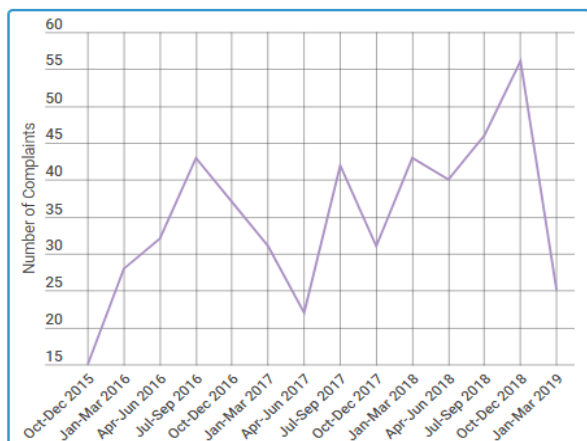
Tree Management Activity





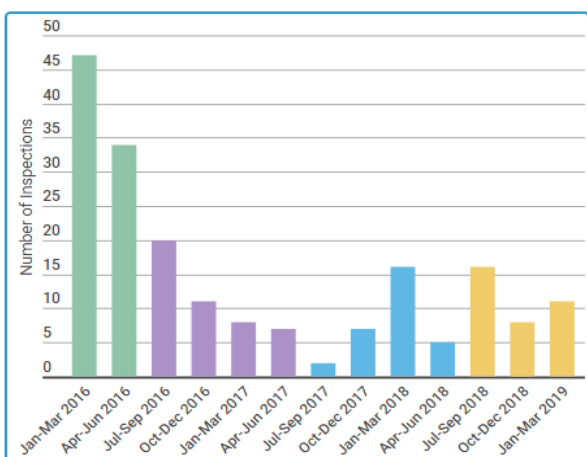
Parking Complaints

Parking Complaints



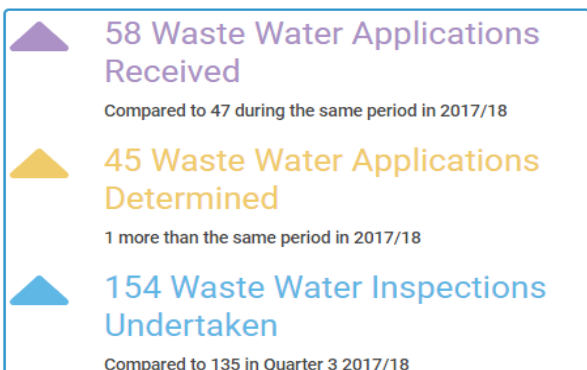
Pool Safety

Private Pool Inspections



Waste Water

Quarter 3 Result



Health Services

Quarter 3 Result

- 24 Health Related Customer Requests received
- 29 Health Related Customer Requests Completed
- 57 Environmental Health Inspections Conducted



Fire Safety

Fire Safety - Quarter 3 Activity

- 102 Rural Inspections
- 491 Township Inspections
- 91 Follow Up Rural Inspections
- 331 Follow Up Township Inspections
- 20 Fire Hazard Inspections
- 30 Fire Hazard Notices
- 12 Fire Permits Issued

Note – the above inspections do not reflect the full number of inspections undertaken – only those property inspections of compliance interest due a previous or current inspection failure are recorded within Council's inspection system.



Theme 5 – Business & Employment



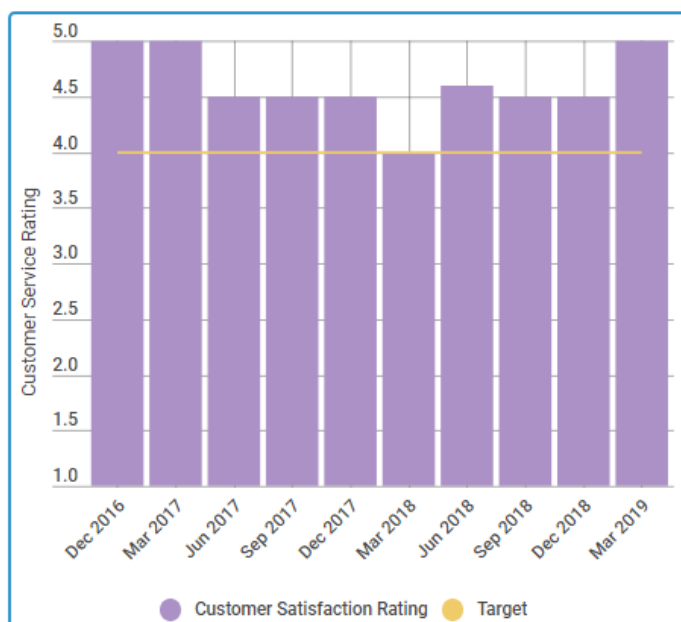
Tourism Customer Satisfaction with Visitor Information Services

Average Customer Satisfaction Rating

Target met for Quarter 3 with an average rating of very good.

RESULTS

Tourism Customer Satisfaction with Visitor Information Services



INTERPRETATION

Whilst the results show that the target rating of 4 continues to be achieved, demonstrating that on average customers rate the customer service at the Visitor Information Centre as very good, it should be noted that these averages are drawn from a relatively low number of ratings (6 in Quarter 3) compared to the total number of customers served – there were 11,995 visitor enquires during the third quarter. On this basis, the data is not considered representative of the customer base and should be interpreted conservatively.

RESPONSE

The Tourism Services team will continue to explore opportunities to encourage customers to provide feedback on their satisfaction with services provided. A range of web-based and social media tools will be utilised to engage customers.



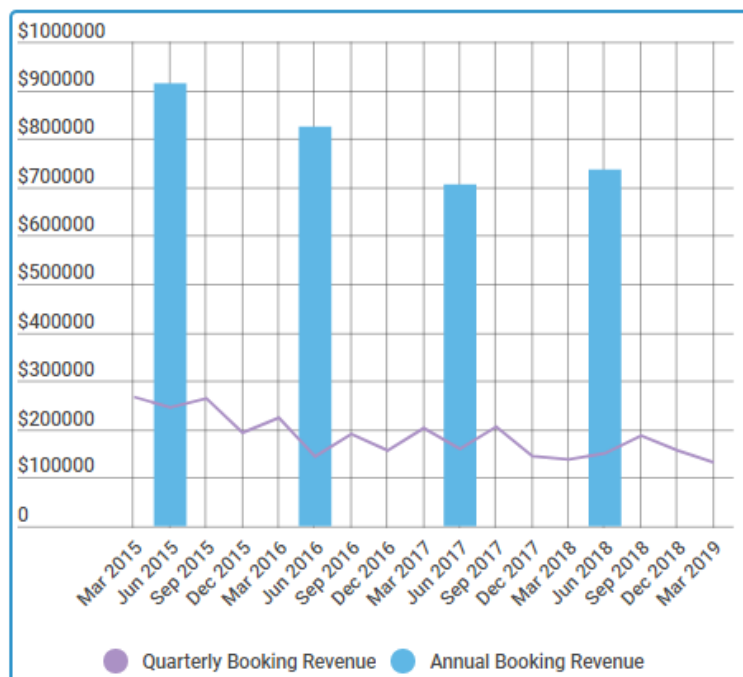
Visitor Information Centre Bookings

Booking Revenue (Accommodation/Tours/Tickets)

Quarter 3 revenue collected showed a slight downturn compared to the beginning of 2018/19.

RESULTS

Visitor Information Centre Booking Revenue for
Accommodation/Tickets & Tours



INTERPRETATION

The Barossa Visitor Centre reported very strong growth following the release of the Barossa Be Consumed Campaign in May 2013 with enquiries and sales growing strongly through 2013-2016. The 'Barossa Be Consumed' campaign was completed by 30 June 2016 and enquiries and sales have slowed down since. Sales remain steady when compared to results prior to the 'Barossa Be Consumed' Campaign (pre-2013). Total booking revenue for the third quarter equaled \$132,953, showing a further reduction than the first and second quarters, however still relatively on par with the same period in 2017/18 (\$137,446).

Overall a number of external factors continue to impact sales performance. These include strong and aggressive competition for our booking site from Air BnB, Bookings.com, wotif, Expedia, stayz, Trip Advisor etc. Many of these international companies spend billions of dollars in google advertising and digital marketing to ensure their websites are within the top 3 search results. Barossa.com has in fact seen an overall decline in visitation as a result. The Tourism Services team are currently working with key regional stakeholders on a redevelopment of the Barossa.com to improve overall website performance, usability and booking functionality – particularly on mobile devices.

RESPONSE

No response required.

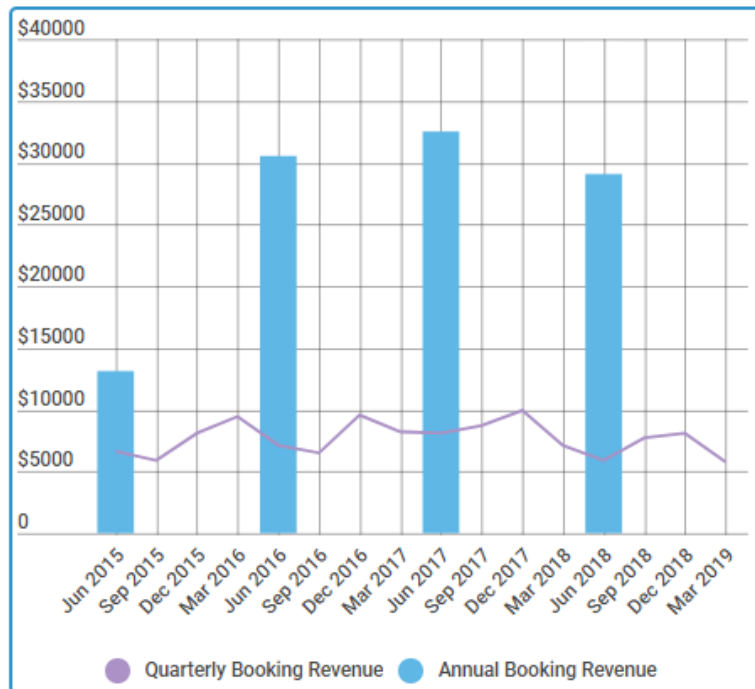
Cycle Hub – Bike Hire Revenue

Sales Revenue

The third quarter saw a reduction in revenue compared to the start of 2018/19.

RESULTS

Cycle Hub - Bike Hire Revenue



INTERPRETATION

During Quarter 3 the Cycle Hub recorded \$5,796 in bike hire revenue, representing a reduction compared to the first half of the 2018/19 financial year.

Over the third quarter, 167 bikes were hired.

In addition to the revenue being generated by this initiative, Council's ongoing investment and service delivery in cycling creates strong destination awareness of the Barossa leading to greater visitor yield and length of stay.

RESPONSE

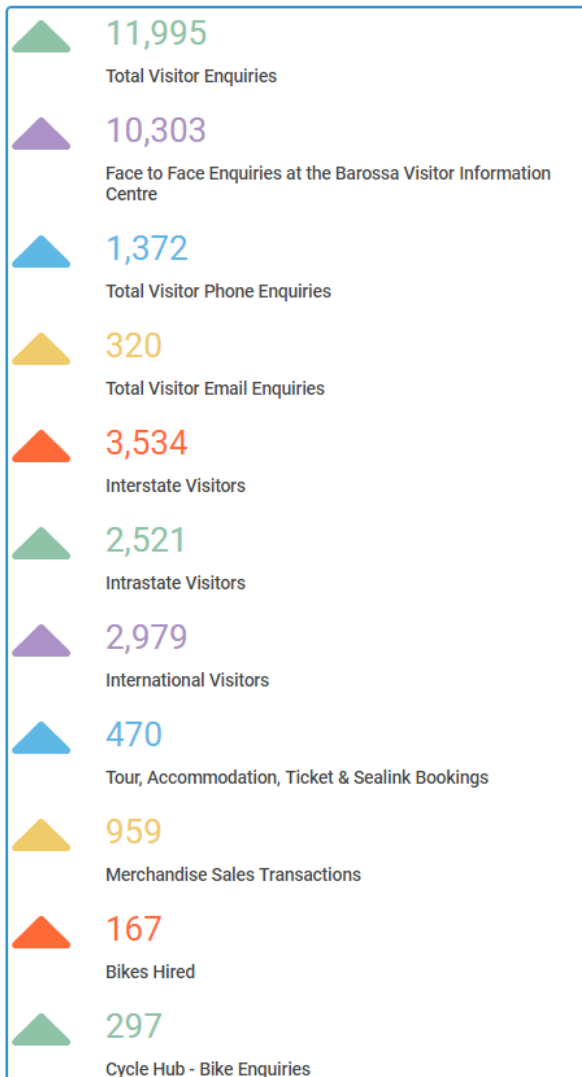
No response required.

Activity Snapshot

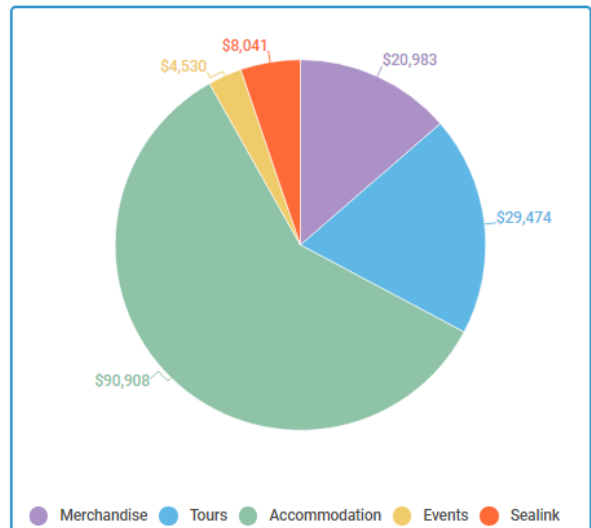


Visitor Information Centre & Cycle Hub

Cycle Hub & Visitor Information Centre Activity - Quarter 3



Value of Visitor Information Centre Sales - Quarter 3





How We Work – Good Governance



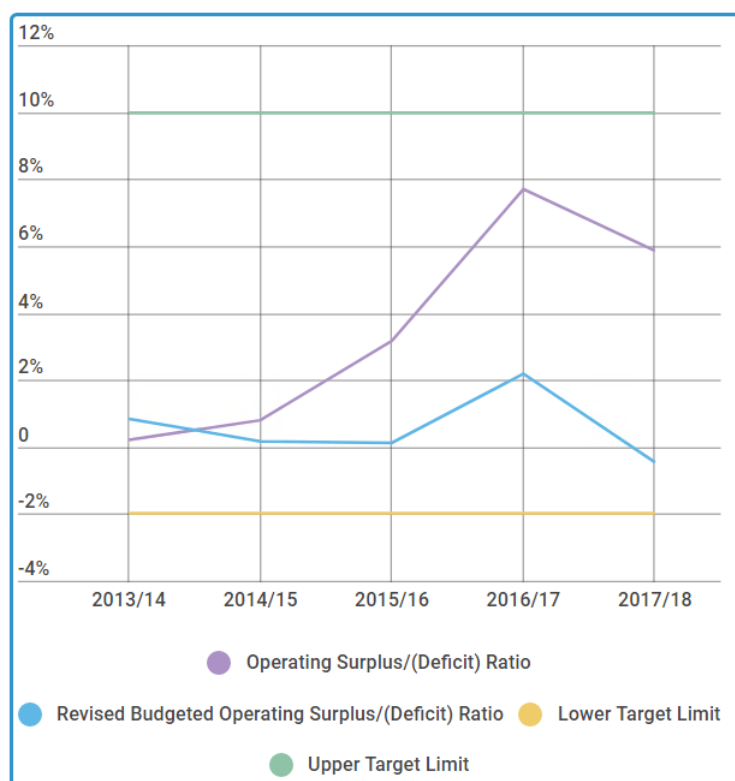
Operating Surplus/(Deficit) Ratio

Operating surplus (deficit) expressed as a percentage of operating income

Result within target range for 2017/18.

RESULTS

Operating Surplus/(Deficit) Ratio



INTERPRETATION

Annual Measure – Updated financial data as at 30 June 2018 shows an operating surplus/(deficit) ratio of 5.87 which is within the target range.

It is anticipated that the improved budget performance, budget estimations and improvements to processes in the organisation are containing expenditure growth to less than budgeted. The actual 2017/18 actual operating surplus was \$2.25M. Coupled with containing expenditure, Council received \$0.6M advance grant payment (from the 2018/19 expected grant allocation) from the Commonwealth the week prior to end of financial year which distorts the operating result for 2017/18 and 2018/19. The 2018/19 budget was based on a zero base calculation and the performance over the past two years is reflected in the operating budget for the 2018/19 financial year.

RESPONSE

No response required.

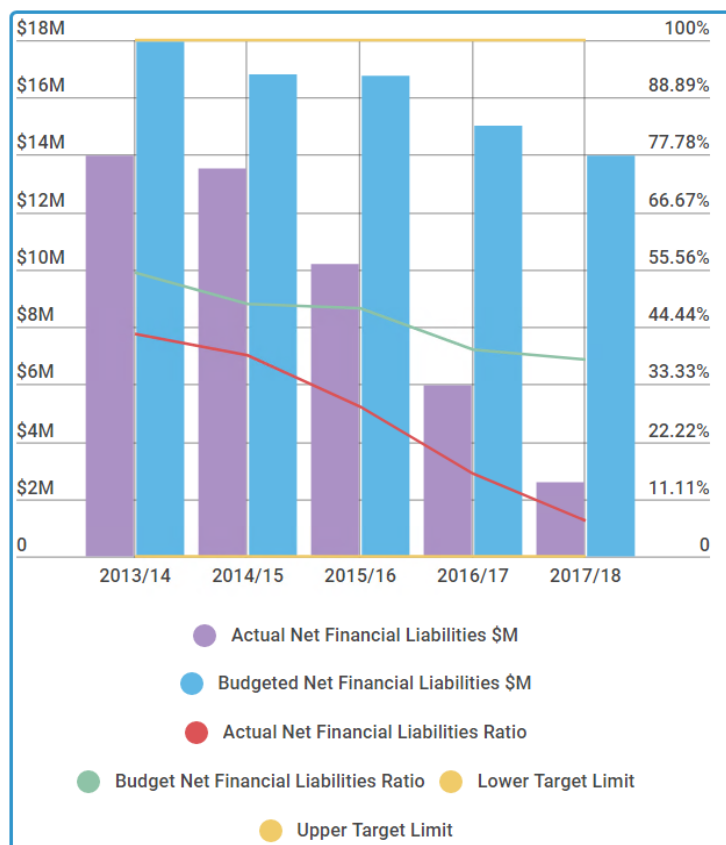
Net Financial Liabilities Ratio

Net financial liabilities at the end of the financial year as a percentage of operating income for the year

Result exceeded target for 2017/18.

RESULTS

Net Financial Liabilities Ratio



INTERPRETATION

Annual Measure – The Actual Net Liabilities for 2017/18 fell within the targeted range but was well below budgeted Net Financial Liabilities due to holding more cash at the end of the financial year than originally expected. This result is largely due to unexpected income including the Financial Assistance Grant for 2018/19 which was paid in June 2018 and numerous decreases to expenditure, including salaries, energy and materials costs together with a decrease to liabilities, additional cash holdings brought forward from the previous year, savings from budget projections and \$3.2m expenditure not spent carried forward to next year.

RESPONSE

No response required.



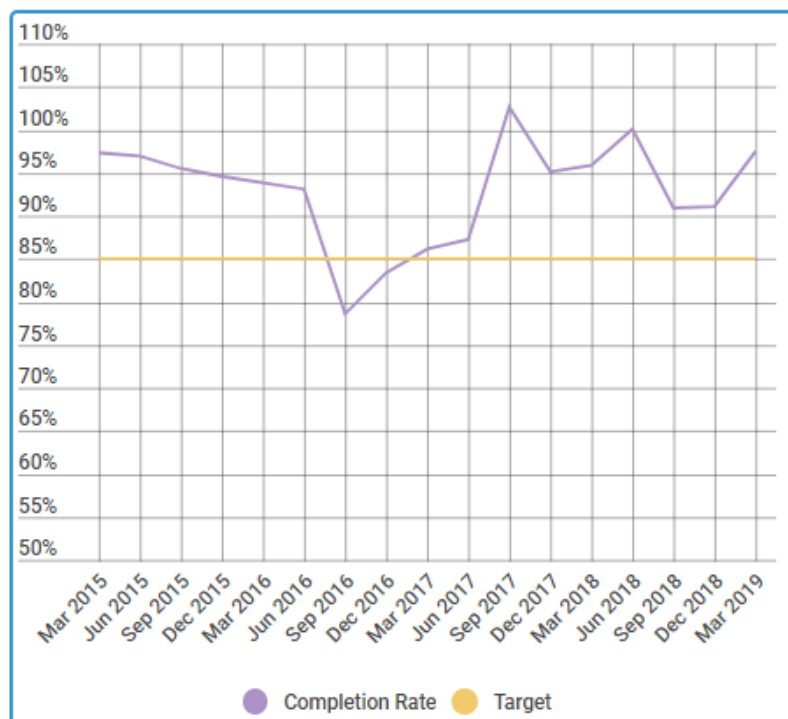
Customer Request Completion Rate

Percentage of Customer Requests Completed (On Time and Overdue)

Quarter 3 target exceeded.

RESULTS

Customer Request Completion Rate



INTERPRETATION

The third Quarter of 2018/19 saw a 97.58% request completion rate, exceeding the target of 85%. This measure is calculated using the number of requests completed year to date (regardless of when they were logged or due) versus the number of requests due for the same period. As a result, it is possible for the number of requests completed during the period to exceed the number logged.

RESPONSE

Council is continuing to focus on the improvement of customer request response times, particularly in relation to analysing duplication of effort both within and across directorates and focusing on administrative process optimisation within the customer service supply chain. The implementation of Pathway Smart Mobile applications under Council's Change Program will be a key strategy in improving the customer request completion rate by introducing greater mobility to Council's customer request management system and allowing officers to complete requests in real time out in the field.



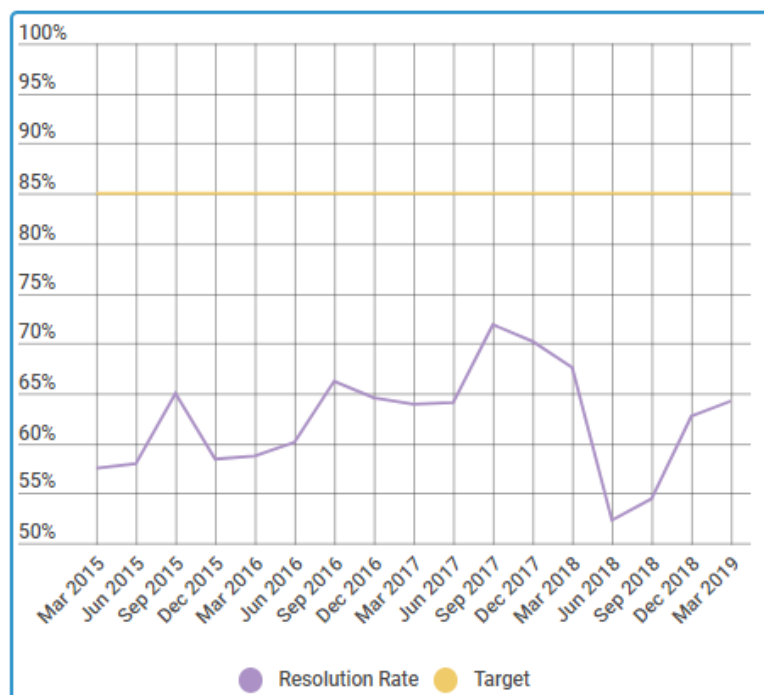
Customer Request Resolution Rate

Percentage of Customer Requests Resolved on Time

Quarter 3 target not met, however a 12% improvement seen compared to June 2018.

RESULTS

Customer Request Resolution Rate

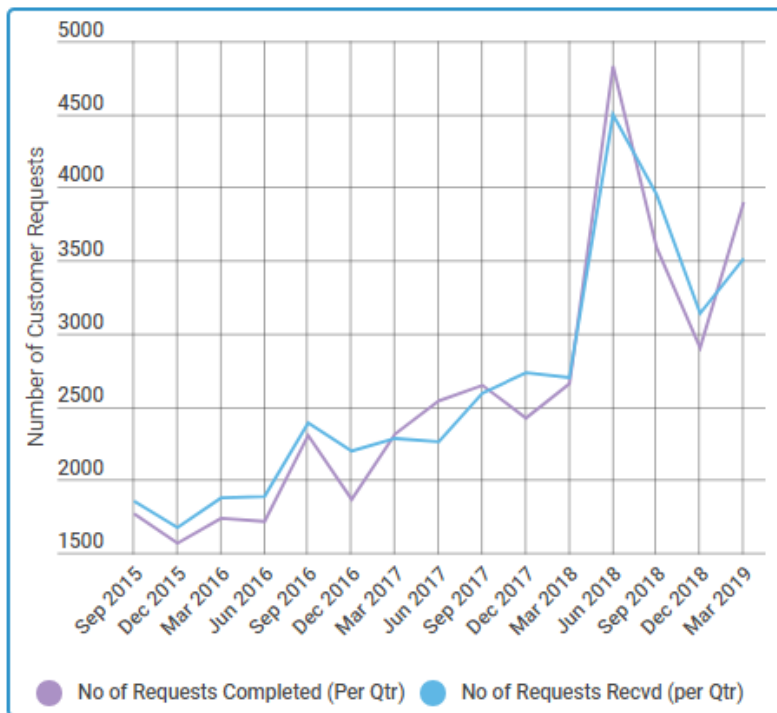


INTERPRETATION

The targeted resolution rate was not met for the second quarter, with only 64.21% of requests completed by the nominated due date. This result represents further improvement compared to June 2018, however is still less favorable than the same time last year due to the ongoing impact of the influx of waste related customer requests as a result of the rollout of the new Waste Management Contract.

As demonstrated in the chart below, the number of requests received during the third quarter continued to be exceptionally high (3,513 requests) compared to the same period in 2017/18 (2,701). A total of 324 requests during the third quarter related to waste management. The mass influx of waste management requests carried over from the previous quarters had a continuing impact on the resolution rate, with the standard response time continuing to be unachievable within existing resources and a total of 461 bin requests still active at the time of this report.

Customer Request Analysis - Received Vs Completed



Even accounting for the impact of the Waste Management Contract rollout, Council has continued to see a much higher number of requests received per quarter compared to previous years. This increase is a direct reflection of a change in Council's customer request processing methodology and use of supporting corporate systems, whereby the organisation is transitioning to all requests being managed end to end in Council's customer request management system rather than multiple systems. This has meant that whilst request numbers appear to have increased significantly, workload has not necessarily increased across some key request types, it is now just recorded and measured in a central location. Previously a significant portion of the organisation's work was unable to be measured or quantified. The impact of this change can be seen in increased activity associated with processing of Council rates and requests for changes to Council's name and address register.

RESPONSE

As identified in the previous measure, key strategic projects currently being implemented to address customer request close out issues, to identify system and administrative process improvements and the review of customer service methodologies more broadly, and the implementation of Pathway Smart Mobile applications will result in continued progress towards achieving the nominated target.



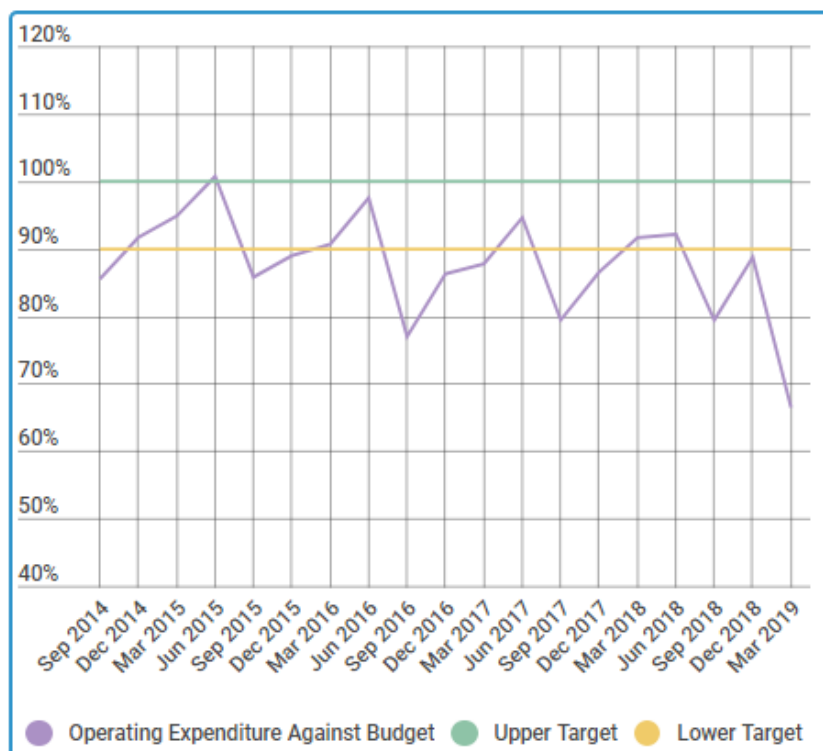
Operational Expenditure Against Budget

Actual Operating Expenditure as a % of Budgeted Operating Expenditure

Quarter 3 target range not met.

RESULTS

Operating Expenditure Against Budget



INTERPRETATION

As at 31 March 2019, 66.3% of the quarterly operational budget had been spent.

The current underspend is reflected across employee costs (due to vacancies, the effect of the ASU EBA and leave loading), contractors and consultants, energy costs, and Barossa Visitor Centre/Library modifications. In most cases the current underspend is due to timing of activity and the allocated budget is expected to be fully spent by 30 June 2019.

RESPONSE

Officers will continue to monitor operational budget and service performance during 2018/19.



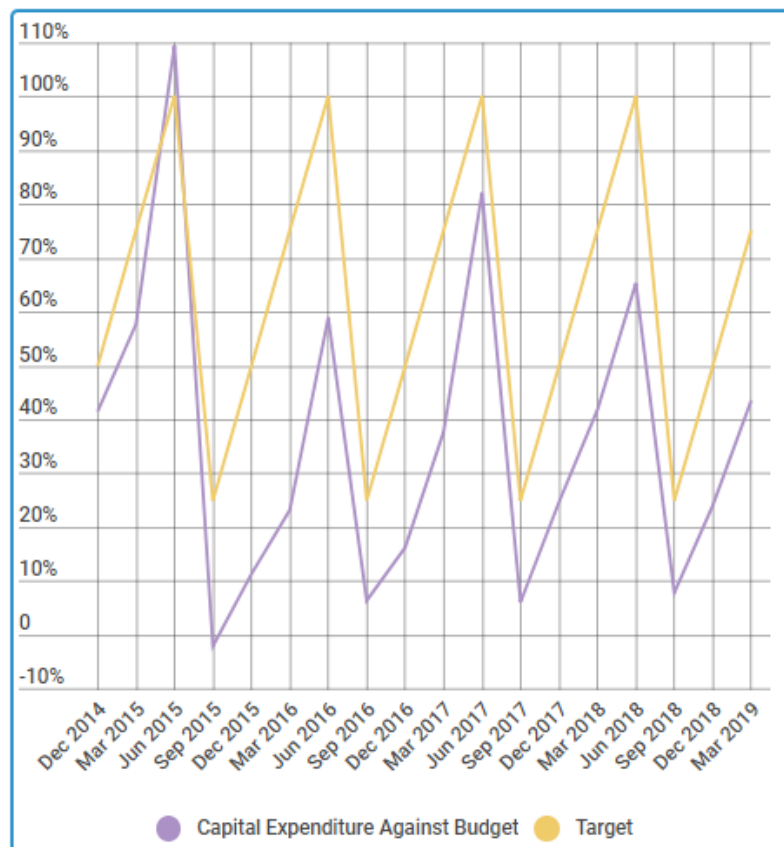
Capital Expenditure Against Budget

Actual Capital Expenditure as a percentage of Budgeted Capital Expenditure

Quarter 3 target not met.

RESULTS

Capital Expenditure Against Budget



INTERPRETATION

As at 31 March 2019, 43.54% of the \$20,597,701 adjusted capital budget had been spent.

As reported following Quarter 2, there is \$3.3M in the capital budget that was linked to a successful Regional Growth Fund application with the Federal Government which was unsuccessful, this was removed from the forward estimates in the Quarter 2 adjustments effectively reducing the capital budget to \$20.6m.

RESPONSE

Expenditure against the \$13.6m Works and Engineering budget is forecast to further improve during the final quarter as capital work fronts come to completion and commitments roll over to actuals.

Significant projects that were previously on hold pending external funding have now been progressed and are nearing completion such as the Williamstown QVJP bridge and Carrarra Hill and Stockwell Road intersection.

A number of other significant projects will also be completed during Quarter 4 such as the Newcastle Street drainage project (\$738k), Yettie Road Williamstown stage one drainage project (\$218k), William Street in Springton – the final accelerated road upgrade as part of the SLGIP programme (\$862k) and the region wide footpath programme.

During Quarter 4, Works and Engineering are forecasting approximately \$2m in commitments to be invoiced improving the spend position against budget to in excess of 80%, exceeding target.

Council continues to employ an additional resource to assist with the delivery of the significant works program



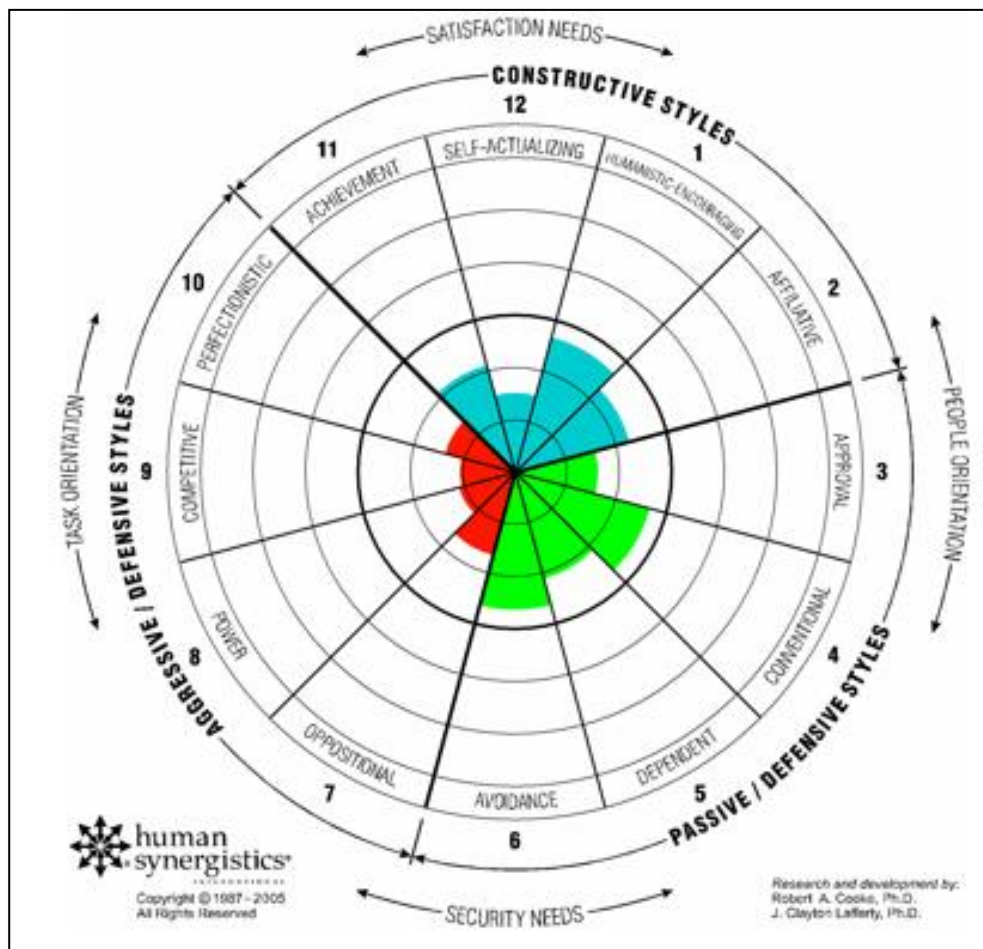
Organisational Culture Improvement

Culture survey results show the organisation progressively improving achievement and self-actualising styles of operation

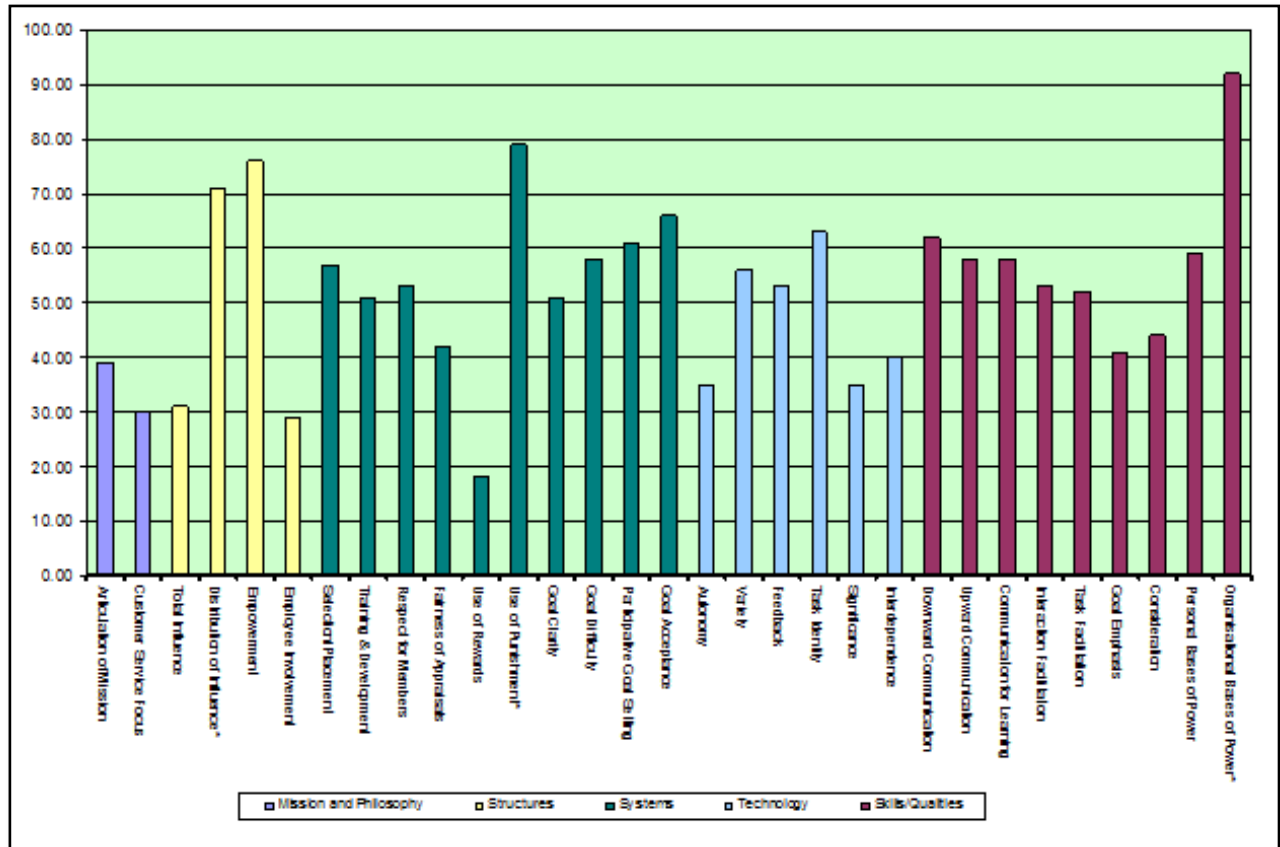
It is desirable for organisations to have constructive styles, causal factors and outcomes at or above the 49th percentile, and defensive styles in the circumplex at or below the 49th percentile.

RESULTS

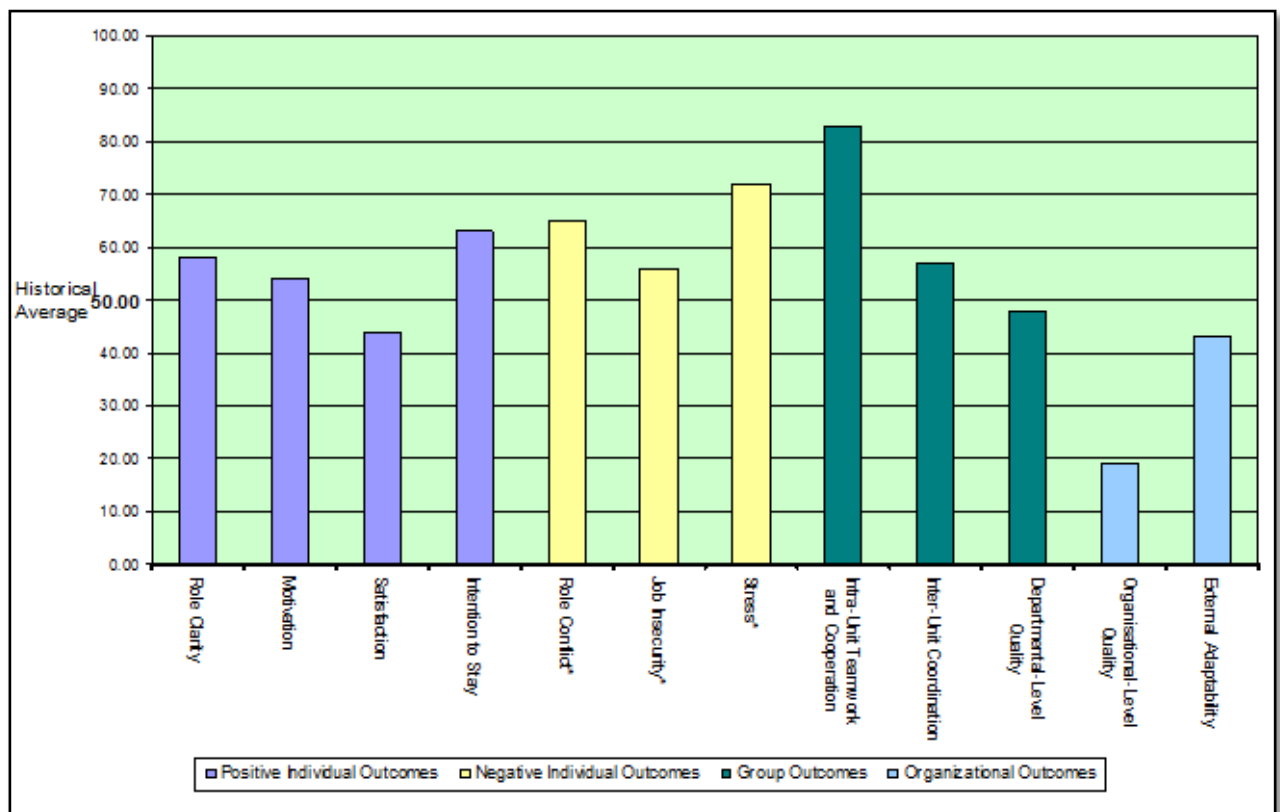
Organisational Culture Inventory



Organisational Effectiveness Inventory



Organisational Outcomes Bar Chart



INTERPRETATION

Biennial Measure - Results from the 2019 Organisational Culture Inventory survey show no defensive styles above the 50th percentile ring, and a slight (but non-significant) shift downward in the constructive styles. The response rate for the survey was 94%, which is a very high level of engagement. The results shown above are aggregated scores from all teams across the organisation. There is a reasonable amount of variation between the team scores, with some teams and directorates rating as either more defensive or more constructive in comparison with the organisational results depending on the team.

The results from the Organisational Effectiveness Inventory show 20 of the 31 causal factors at or above the 50th percentile, which is desirable. As with the Organisational Culture Inventory, the aggregated scores above do not display the variation across teams in the organisation.

The results from the Organisational Outcomes Bar Chart show 8 of the 12 outcomes above the historical average, which is desirable.

RESPONSE

Teams will formulate action plans to address any gaps between the preferred and existing culture of the organisation.

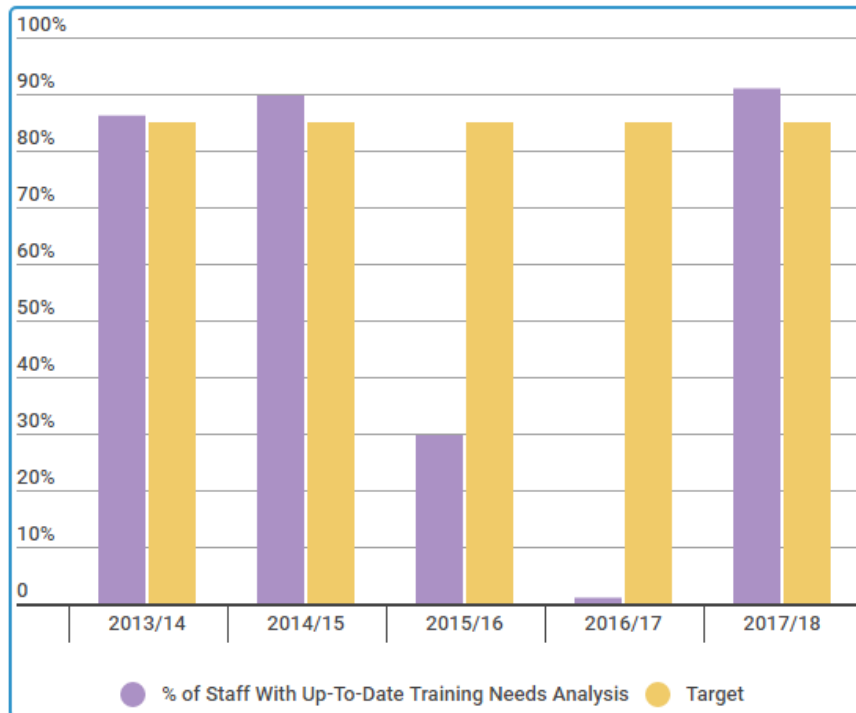
Staff Development - Training

Percentage of staff with an approved training needs analysis

Target met for 2017/18.

RESULTS

Staff Development - Training Needs Analysis



INTERPRETATION

Annual Measure - All employees have an individual training plan which is scheduled for review on a 12-month cycle.

During 2017/18 Council implemented an online system (Skytrust) for managing staff competencies, TNA's and training records. As a result, during the first quarter for 2017/18, 132 TNA's were completed and an additional 18 were completed during quarter 2, resulting in an improvement in the rate of staff with an approved Training Needs Analysis to 91% as at 30 June 2018.

RESPONSE

No response required.



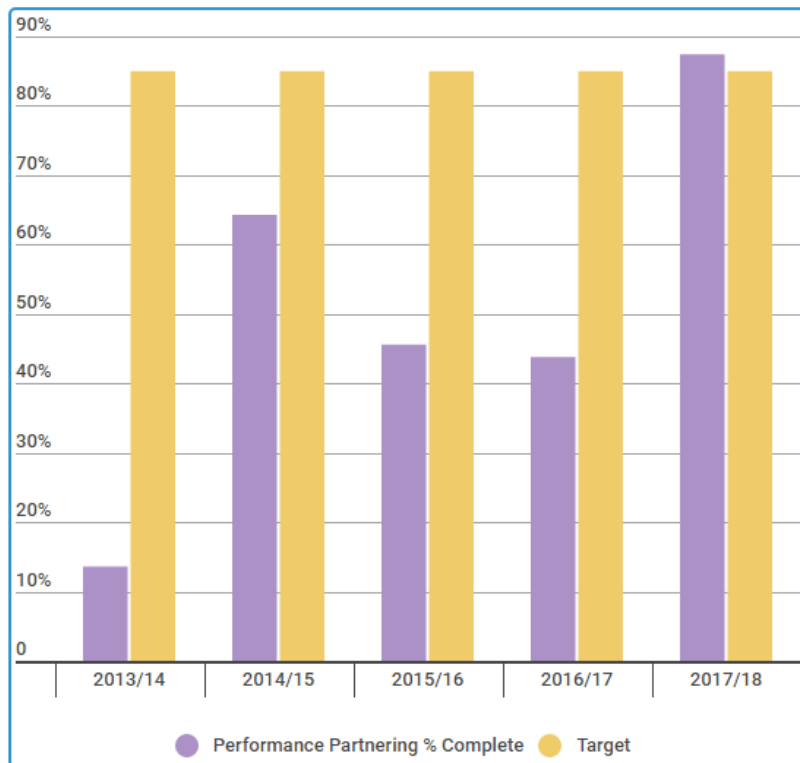
Staff Development – Performance Partnering

Percentage of staff who have completed performance partnering

Target met for 2017/18.

RESULTS

Staff Development - Performance Partnering



INTERPRETATION

Annual Measure – Council achieved a performance partnering completion rate of 87.4% for 2017/18. Performance partnering workbooks were due to be completed by the end of March 2018.

A new workbook was rolled out during the 2017/18 performance partnering review cycle and resulted in a slight improvement in the completion rate within the nominated due date, however there were still a significant percentage of outstanding workbooks which managers were working to address by 30 June 2018.

A significant improvement was recorded during 2017/18, with 118 of 135 eligible employees completing Performance Partnering. During 2017/18 there were 17.28% (28) employees that were not required to complete Performance Partnering as they were absent due to long term illness, were casual or still within their probation period.

RESPONSE

No response required.



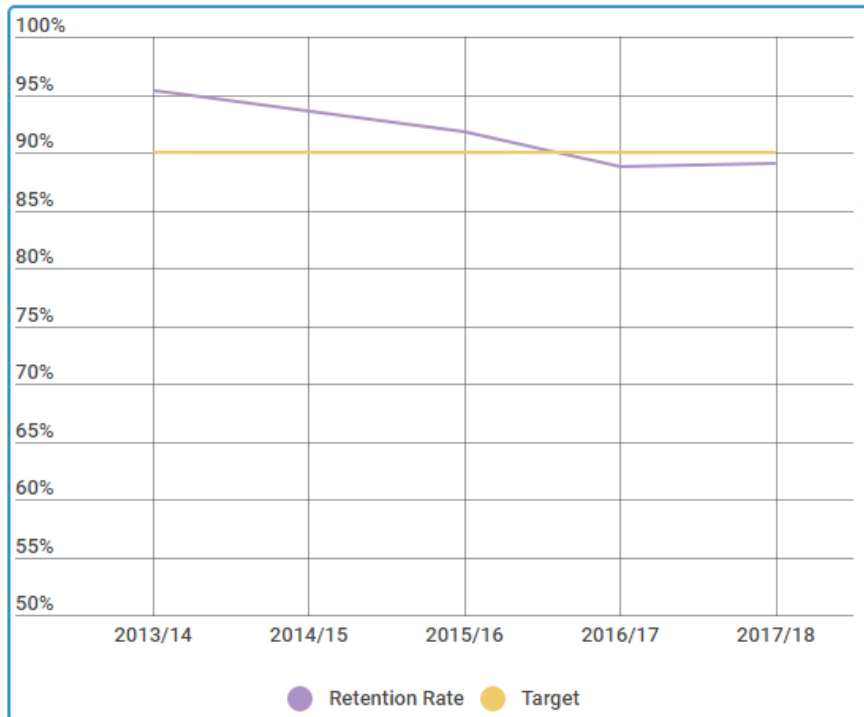
Staff Retention

Percentage of employees retained

Target not met, falling short by 1% with 89% of employees retained during 2017/18.

RESULTS

Employee Retention Rate



INTERPRETATION

Annual Measure – During 2017/18, Council recorded a retention rate of 89%, falling just short of the targeted 90% which equates to only 1 additional vacancy. This result is identical to the retention rate recorded in 2016/17.

Turnover in 2017/18 occurred due to natural attrition, retirements and cessation of fixed term contracts. We have also seen increasing competition for skilled workers in the planning and building fields, resulting in the movement of staff within the industry.

RESPONSE

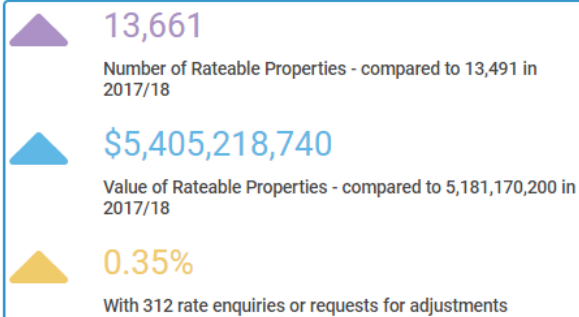
Council continues to support the retention of staff through the development and implementation of contemporary organisational development and human resource management practices.

Activity Snapshot

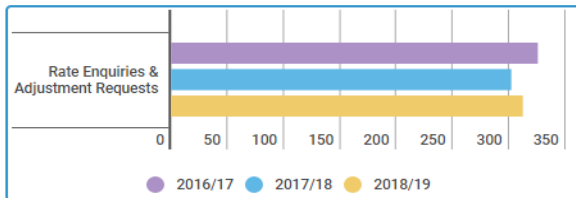


Rate Management

Rate Activity - Quarter 3

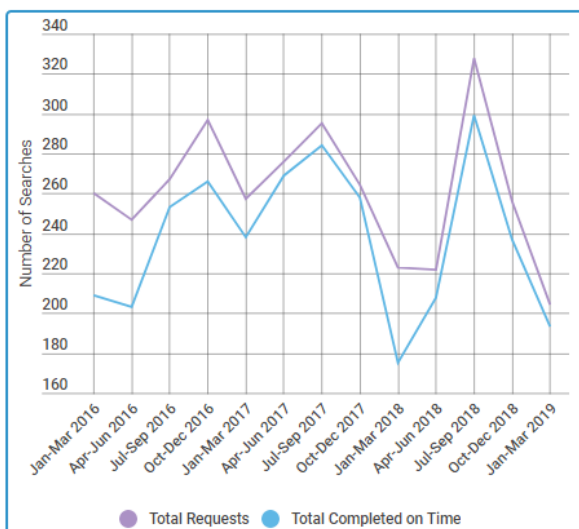


Rate Enquiries - Quarter 3

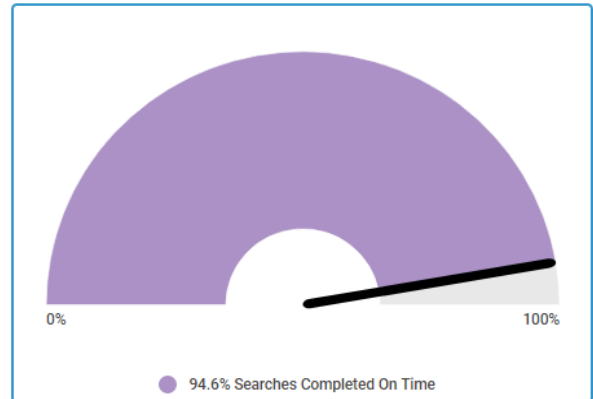


Local Government Records Searches

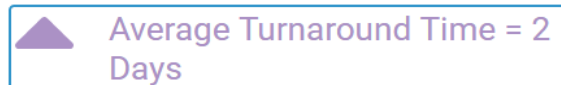
Local Government Search Requests Vs Completions



Searches Completed on Time



Search Process Turnaround Time



Council Decision Making

Council Decisions - Quarter 3

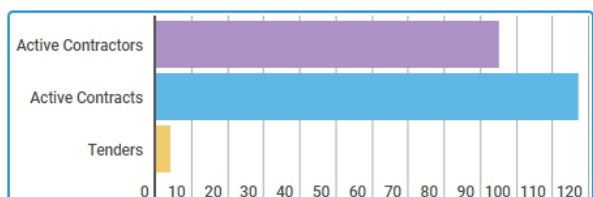


Elected Member Attendance - Quarter 3



Procurement

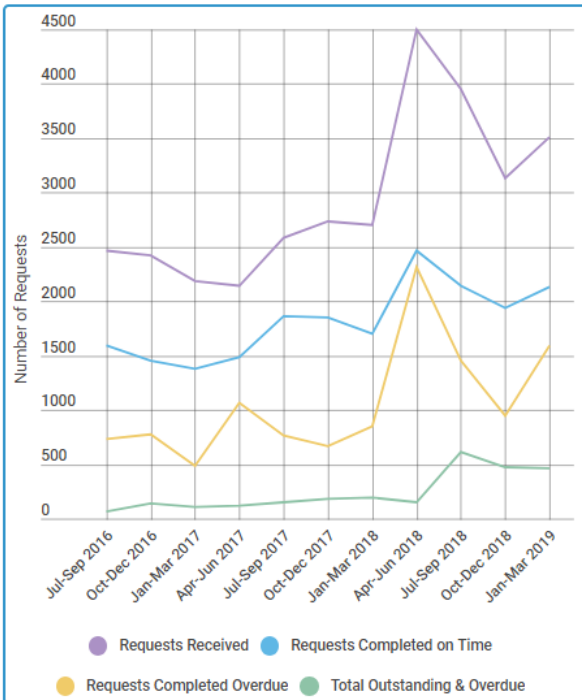
Procurement Activity as at 31 March 2019





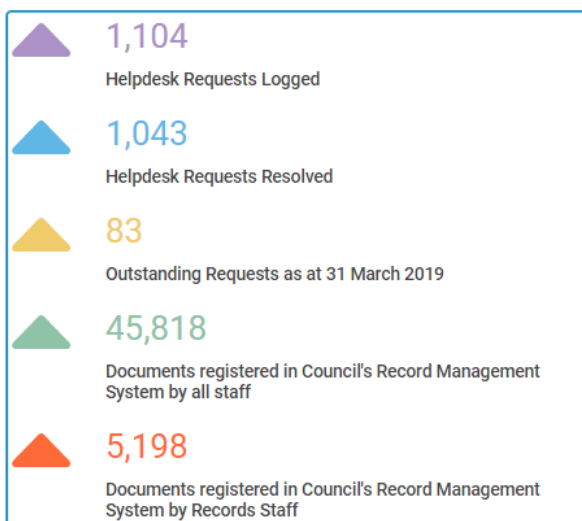
Customer Requests

Customer Request Activity



Knowledge & Technology Services

Knowledge & Technology - Quarter 3

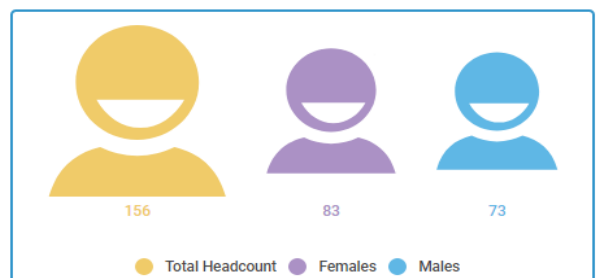


Help Desk Resolution Rate - Quarter 3

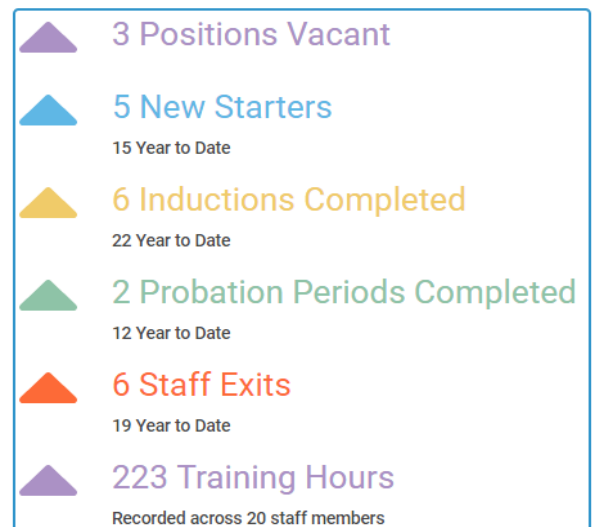


Human Resources & Payroll

Workforce Demographics



HR Activity - Quarter 3



Payroll Activity - Quarter 3





Communications & Engagement

Communications & Engagement Activity - Quarter 3



COUNCIL
EXECUTIVE SERVICES

FINANCE

21 MAY 2019

7.2.2 DEBATE AGENDA – FINANCE

7.2.2.1

MONTHLY FINANCE REPORT (AS AT 30 APRIL 2019)

B411

Author: Senior Accountant

PURPOSE

The Uniform Presentation of Finances report provides information as to the financial position of Council, including notes on material financial trends and transactions.

RECOMMENDATION

That the Monthly Finance Report as at 30 April 2019 be received and noted.

REPORT

Discussion

The Monthly Finance Report (as at 30 April 2019) is attached. The report has been prepared comparing actuals to the Original adopted budget 2018/19 and incorporating the adopted Revised Budgets for September and December.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Monthly Finance Report 30 April 2019

Policy

Budget & Business Plan and Review Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



How We Work – Good Governance

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.
- 6.4 Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.
- 6.9 Provide access to Council's plans, policies and processes and communicate with the community in plain English.
- 6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

Legislative Requirements

Local Government (Financial Management) Regulations 2011 - Reg 9(1)(b)

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

To enable Council to make effective and strategic financial decisions, a regular up to date high level financial report is provided.

COMMUNITY CONSULTATION

Community Consultation was part of the original budget adoption process in June 2018, as per legislation. This report is advising Council of the monthly finance position compared to that budget.

MONTHLY FINANCE REPORT

AS AT 30 APRIL 2019
FOR YEAR ENDING 30 JUNE 2019

	Notes	% Actual Expenditure to Original Budget	Original Budget (Full-Year) \$'000	Revised Budget (Q2) (Full-Year) \$'000	Actual Result (Year-to-Date) \$'000
Uniform Presentation of Finances					
OPERATING ACTIVITIES:					
			<i>Operating</i>		
Operating Income			37,188	37,760	36,294
Less Operating Expenses		75.70%	(37,106)	(37,582)	(28,088)
Operating Surplus / (Deficit)			82	178	8,206
CAPITAL ACTIVITIES:					
Net Outlays on Existing Assets					
			<i>Capital</i>		
Capital Expenditure on Renewal and Replacement of Existing Assets	1)	57.49%	(4,472)	(4,958)	(2,571)
Add back Depreciation, Amortisation & Impairment			7,362	7,362	6,133
Add back Proceeds from Sale of Replaced Assets			346	383	150
Subtotal			3,236	2,787	3,712
Net Outlays on New and Upgraded Assets					
Capital Expenditure on New and Upgraded Assets	1)	48.03%	(14,977)	(15,639)	(7,193)
Add back Amounts Received Specifically for New and Upgraded Assets			3,345	536	2,464
Add back Proceeds from Sale of Surplus Assets			389	494	47
Subtotal			(11,243)	(14,609)	(4,682)
Net Lending/(Borrowing) for the Financial Year					
			(7,925)	(11,644)	7,236
Total % Capital Budget Spent		50.20%			

Reconciliation for the movement in Net Lending / (Borrowing)	
Original 2018/19 Full Year Budget Net Lending / (Borrowing)	(7,925)
Carried Forward Budget Adjustments: Report on Financial Results. Funds were held for these projects in cash and investments at 30 June 2018.	(3,079)
September 2018 Budget Review: Funds required for these items will decrease Council's cash and investments. This amount includes amendments approved at the Council meetings held In July and November 2018.	(1,449)
December 2018 Budget Review: Funds required for these items will increase Council's cash and investments.	809
Full Year Revised Budget - Net Lending / (Borrowing)	(11,644)

NOTES

- 1) 2018/19 Capital Expenditure spent to end of April includes:
- Angaston Hall Chairs \$6k
 - Bridges \$2k
 - Budgeting Software \$3k
 - Curdnatta Recreation Park - Oval Irrigation Tank \$16k
 - CWMS \$70k
 - Depot Plant Shed \$39k, Truck \$99k, Sprayers \$17k, Roller \$27k
 - Drainage \$722k
 - Footpaths \$1,884k
 - Mt Pleasant Main Street \$167k
 - Nuriootpa Centennial Park Authority Electric Cart and Cleaners Van \$33k, Coulthard Reserve Bore \$1k
 - Nuriootpa Land Purchase \$714k
 - Nuriootpa Office Airconditioning \$16k
 - Nuriootpa Soldiers Memorial Hall Car Park Sealing \$95k
 - Playground Equipment \$14k
 - Road Resheeting \$818k
 - Sealed Roads \$3,252k
 - Talunga Recreation Park Internal Road \$17k
 - The Big Project - Angas Recreation Park \$39k
 - The Big Project - Angaston Railway Precinct \$175k
 - The Big Project - Barossa Culture Hub \$105k
 - The Big Project - Barossa Rugby Park \$28k
 - The Big Project - Buildings Implementation \$301k
 - The Big Project - Lyndoch Recreation Park \$4k
 - The Big Project - Nuriootpa Centennial Park \$46k
 - The Big Project - Talunga Recreation Park \$52k
 - The Big Project - Tanunda Recreation Park \$121k, Show Hall Upgrade \$11k
 - The Big Project - Williamstown QVJP \$30k
 - The Rex Pool Heaters \$15k
 - Williamstown Hall Airconditioning \$22k
 - Williamstown QVJP Bridge Entrance \$314k, Retaining Wall \$61k, Netball warmup area \$18k
 - Williamstown Skate Park \$13k

COUNCIL

EXECUTIVE SERVICES

FINANCE

21 MAY 2019

7.2.2 DEBATE AGENDA – FINANCE

7.2.2.2

CONSIDERATION AND ADOPTION OF AUDIT COMMITTEE RESOLUTIONS

B9085

PURPOSE

The Minutes of the Audit Committee meeting held 21 March 2019 are presented for the consideration and adoption of Council.

RECOMMENDATION

That Council, having reviewed the Minutes of the Audit Committee meeting held 21 March 2019, adopt the Resolutions contained therein.

REPORT

The consideration and adoption of recommendations of Council committees requires assessment by Council to ensure compliance with Council obligations under section 6(a) of the Local Government Act.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment: Minutes of the Audit Committee meeting held 21 March 2019

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



How We Work – Good Governance

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.9 Provide access to Council's plans, policies and processes and communicate with the community in plain English.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The consideration and adoption of recommendations of Council committees is a risk management tool.

COMMUNITY CONSULTATION

Not required under legislation or Council's Public Consultation Policy.

*The Barossa Council***MINUTES OF THE MEETING OF THE AUDIT COMMITTEE
OF THE BAROSSA COUNCIL**

held on Thursday 21 March 2019, commencing at 10.32am in the
Committee Room, 43-51 Tanunda Road, Nuriootpa

1. WELCOME

Mr Brass declared the meeting open at 10.32am and welcomed all in attendance, in particular, new Independent Member, Ms Ellen Ewing. Members and staff introduced themselves to Ms Ewing.

2. MEMBERS PRESENT

Mr Peter Brass, Mr Ian Swan, Ms Ellen Ewing, Cr John Angas, Cr Russell Johnstone (10.38am)

Invited Staff Members

Mr Martin McCarthy, Chief Executive Officer

Mr Mark Lague, Manager Financial Services

Mr Derek Jones, Risk Advisor

Ms Nicole Rudd, Coordinator Internal Control

Ms Annette Randall, Executive Assistant (Minute Secretary)

3. APOLOGIES

Nil

4. CONFLICT OF INTEREST DECLARATIONS

Nil

5. CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

MOVED Mr Swan that the Minutes of the Audit Committee Meeting held 8 January 2019 be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Angas

CARRIED 2018-19/24

6. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

7. CONSENSUS AGENDA**8. ADOPTION OF CONSENSUS AGENDA****8.1 ITEMS FOR EXCLUSION FROM THE CONSENSUS AGENDA**

Mr Brass requested that all items in the Consensus Agenda be withdrawn for discussion to provide context and comments, for the benefit of Ms Ewing.

Mr Lague spoke to the reports.

8.2 RECEIPT OF CONSENSUS AGENDA

MOVED Cr Johnstone that the Consensus Agenda reports be received.

Seconded M Swan

CARRIED 2018-19/25

Mr Brass requested the following actions:

- the Audit Committee Self-Assessment template be forwarded to Ms Ewing for information;
- the Local Government Association be contacted on behalf of Cr Johnstone and Ms Ewing, to ascertain why the Audit Committee training scheduled for 22 March 2019 (1 full day) had been postponed to 8 and 9 April (2 part days);
- the external auditors be requested to provide their work plan for the year - for tabling at the next meeting.

9. DEBATE AGENDA

9.1.1

INTERNAL FINANCIAL CONTROL REPORT

B7455

Ms Rudd spoke to the report and advised that the updated Rates Hardship Policy will be presented to the next meeting.

MOVED Mr Swan that the report from the Coordinator Internal Control on the status of Internal Financial Control work, be received and noted.

Seconded Cr Johnstone

CARRIED 2018-19/26

PURPOSE

To provide an update on the status of Internal Financial Control work.

REPORT

Refer to the Internal Financial Control Report attached.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment: Internal Financial Control Report for September 2018 to February 2019

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

Corporate Plan

How We Work – Good Governance

- 6.2 Ensure that Council's policies and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.4 Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.

Legislative Requirements

Local Government Act 1999 – Section 125, 126, 129 (1) (b)

Local Government (Financial Management) Regulations 2011, 14(e)

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

NOT CONFIRMED

The regular monitoring and review of Council's financial internal controls and risk assessments will significantly facilitate the on-going safeguarding of Council assets. The control and review of risks is a core officer function and responsibility.

COMMUNITY CONSULTATION

Not required under legislation or Council's Public Consultation Policy.

9.1.2**TREASURY MANAGEMENT REVIEW****B2237**

Mr Lague spoke to the report.

MOVED Mr Swan that the report on Council's 2018 Treasury Management activities be received and noted.

Seconded Cr Angas

CARRIED 2018-19/27

PURPOSE

Pursuant to Section 140 of the Local Government Act 1999, and in accordance with Council's Treasury Management Policy, Council must undertake an annual performance review of its Treasury Management activities.

REPORT

The key principles within Council's Treasury Management Policy are as follows:

Council will:

- Maintain target ranges for its Net Financial Liabilities ratio;
- Generally only borrow funds when it needs cash and not specifically for particular projects;
- Not retain and quarantine money for particular future purposes unless required by legislation or agreement with other parties;
- Apply any funds that are not immediately required to meet approved expenditure (including funds that are required to be expended for specific purposes but are not required to be kept in separate bank accounts) to reduce its level of borrowings or to defer and/or reduce the level of new borrowings that would otherwise be required.

Comments regarding the 2018 performance with regard to the above principles are outlined below:

Net Financial Liabilities Ratio

Council's policy regarding its net financial liabilities is that they shall not exceed 100% of total operating revenue (adopted February 2010).

As at 30 June 2018, Council's net financial liabilities represented 7% of total operating revenue, and it is projected to increase to 38% as at 30 June 2019 (as per Budget Review as at 30 September 2018). Accordingly, Council is currently operating within its policy threshold.

Loan Borrowings

Council's policy relative to loan borrowings states that the use of internal reserves be considered prior to consideration of external loan borrowings. The total variable borrowings for Nuriootpa Centennial Park Authority are currently \$1,160,000. A repayment of \$100,000 principal was made in July 2018. Two new fixed debenture loans were borrowed in 2018: \$80,000 (Debenture 113) - this is for a community group loan for the Barossa Valley Machinery Preservation Society Inc and will be repaid to Council in half yearly repayments and \$1,750,000 (Debenture 114) - this was for accelerated road sealing and footpath works through the State Local Government Infrastructure Partnership (SLGIP) grant funded program and was available at a reduced loan interest rate.

The use of internal cash reserves has continued to be used in funding Council's capital works programs and has subsequently minimised the net interest cost to Council.

A summary of the fixed interest rate borrowings are shown below:

Debenture Loan Summary				
No.	Loan Amount	Interest Rate	Final Payment Date	Principal Outstanding as at 31 December 2018
98	2,000,000	6.65%	15/01/19	102,949
100	1,954,200	6.45%	15/03/20	289,030
101	2,500,000	6.24%	15/03/21	591,203
102	5,000,000	6.62%	16/10/21	1,423,194
103	100,000	6.80%	15/11/21	28,704
104	2,900,000	6.90%	15/03/22	959,882
105	7,000,000	7.02%	16/11/24	4,974,492
106	2,000,000	6.85%	15/04/26	1,247,337
107	113,000	4.75%	16/07/22	51,637
108	515,000	6.20%	15/01/34	446,893
109	125,000	5.30%	15/09/29	100,586
112	180,000	4.25%	15/12/27	165,212
113	80,000	4.50%	15/02/28	76,789
114	1,750,000	3.60%	15/08/28	1,750,000
				12,207,908

A summary of the variable interest rate borrowings are shown below:

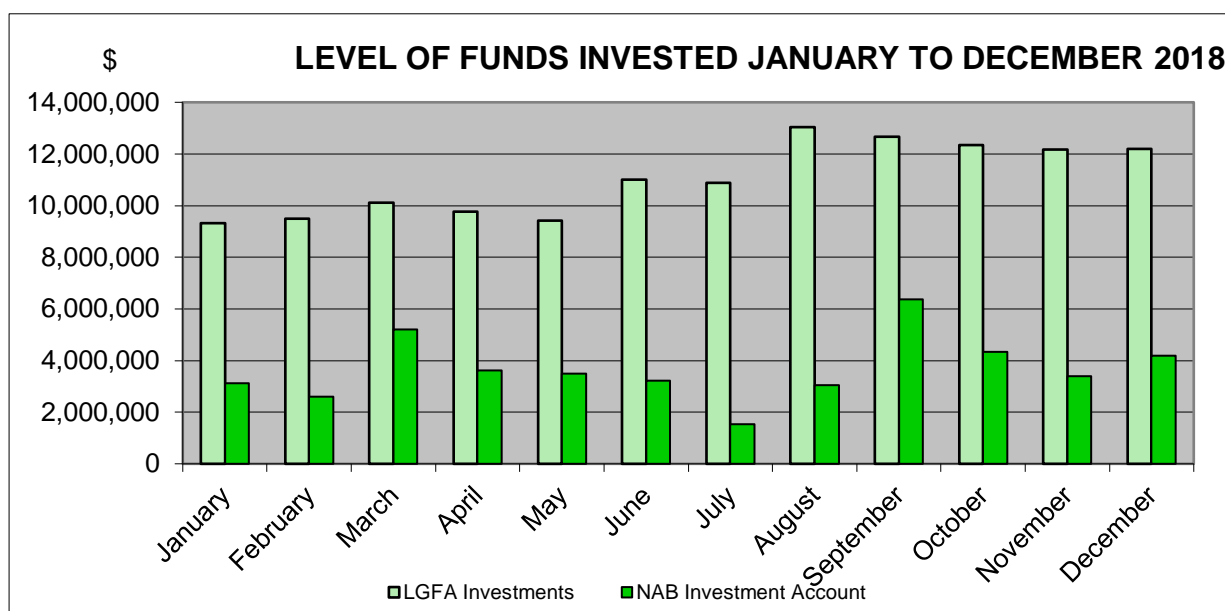
Cash Advance Loan Summary (Nuriootpa Centennial Park Authority)				
No.	Total Facility Loan Amount	Current Interest Rate	Facility End Date	Principal Outstanding as at 31 December 2018
CA110	1,000,000	3.75%	15/06/20	1,000,000
CA111	260,000	3.75%	15/03/21	160,000
				1,160,000

Investments

Council currently holds investments with National Australia Bank (NAB) and the Local Government Finance Authority (LGFA). Council's total investments as at 31 December 2018 were:

	Variable Interest Rate \$'000	≤ 1 year Fixed \$'000	> 1 year ≤ 5 years \$'000	> 5 years \$'000	TOTAL \$'000	Interest Rate Range 2018
LGFA	3,002	9,187	0	0	12,189	1.50% to 2.20%
NAB Investment A/c	4,190	0	0	0	4,190	2.00%
TOTAL	7,192	9,187	0	0	16,379	

The level of funds invested during the year is presented in the graph below. The graph excludes Council's separate operating bank account which was maintained at minimum working capital levels in accordance with the Policy.



ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Policy

Treasury Management Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

Corporate Plan

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.
- 6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

Legislative Requirements

Local Government Act 1999, Section 140

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

A review of investments and borrowings is required as per the Treasury Management Policy and Local Government Act

COMMUNITY CONSULTATION

No separate consultation is required under Council's Public Consultation Policy.

9.1.3

2019/20 AUDIT COMMITTEE BUDGET

B8923

Mr Lague spoke to the report.

MOVED Cr Johnstone that the Audit Committee 2019/20 Training budget of \$1,000 be endorsed for consideration by Council and that the Consultants budget is not required.

Seconded Mr Swan

CARRIED 2018-19/28

PURPOSE

To consider a draft 2019/20 budget for the Committee's operations.

REPORT

The budget for 2019/20 is being prepared by completing the base budget for activities that are externally and internally required by the Audit Committee.

In the Audit Committee budget, two items that require review are Consultant and Training/Seminar expenditure.

In the past, consultants have been used to undertake reviews and compliance checks for taxation and accounting, along with purchase and implementation of the internal control tracking tool. The training budget has previously been used by independent members to attend LGA programs.

A proposed 2019/20 budget to support the operations of the Audit Committee is outlined in the following table:

Audit Committee Financial Statement as at 19 February 2019:

	February YTD Actuals	Original Budget 2018/19 + Q2 Adj	Budget % YTD	Draft 2019/20 Budget
496 - Audit Committee				
Salaries & related costs (preparation of reports/agendas, attendance at meetings – CEO, Director C&CS, Manager Financial Services, Minute Secretary)	12,868	21,594	60%	21,924 *
Consultants (provision for sundry project work undertaken as part of Committee work plan or specifically requested by Council)	0	0	0%	0
Training / Seminar expenses	0	1,000	0%	1,000 ~
Sitting Fees (Independent Members)	2,780	5,745	48%	5,810 #
Advertising	652	700	93%	700 ~
Insurance & Other	270	270	100%	525
Total 496 - Audit Committee	16,570	29,309	57%	29,959

* Provides for expected increase for salary costs for Enterprise Agreement. Depending on cost centre allocations, this amount may change when the budget is finalised.

~ Training and advertising expenses provide for one independent member appointment if required.

Provides for Sitting Fees as follows: Chairperson \$575 and Independent Members x 2 - \$370 to attend 4 meetings each and the annual report attendance at Council meeting for the Chairperson; to be considered and adopted by Council – only provided for Audit Committee members' information. The Sitting fee will be considered and approved by Council as part of the 2019/20 budget process.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES**Policy**

Budget & Business Plan and Review Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**Corporate Plan**

How We Work – Good Governance

- 6.4 Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.
- 6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

Legislative Requirements

Local Government (Financial Management) Regulations 2011 - Reg 9(1)(b)

LGA Information paper no. 25 – Monitoring Council Budget Performance

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**Financial**

Funding to support the operations of the Audit Committee is required to ensure resources are adequate to undertake this vital role within Council and is included in the annual budget.

As part of the draft Budget 2019/20, Council has approved a zero based budget process where costs should be reviewed to actual \$ required for that ongoing service provision. Selected costs are increased by indexation where agreements, contracts, EBA, licensing, arranged service charges, etc provide for that option, along with costs outside of our control, can be increased where the service provider(s) initiate increases, ie fuel, postages.

The Independent Members - Sitting Fee is not subject to agreement or contract but should ensure Council can attract and retain qualified and experienced people and receive value for service provision. When compared to other Councils, The Barossa Council sitting fee is at the lower end of the scale. It is recommended that Council increase the fee by the CPI for Adelaide, last update December 2018 being 1.6%. In 2018/19, the sitting fee for the Chairperson is \$565 and Independent Members is \$365, adding 1.6% rounded to the nearest \$5. The proposed amount for 2019/20 financial year is \$575 and \$370 respectively. The Sitting Fee will be included in the draft 2019/20 budget to be considered and approved by Council.

COMMUNITY CONSULTATION

Public Consultation will be included as part of the draft 2019/20 Budget/Business Plan consultation and adoption process.

9.1.4**REVIEW DRAFT BUDGET 2019/20 AND ANNUAL REVIEW LONG TERM FINANCIAL PLAN INDEXATION AND ASSUMPTIONS****B7181**

Mr Lague spoke to the report.

MOVED Mr Swan that the Audit Committee notes the indexation and assumptions for the Annual Budget & Business Plan 2019/20 and Long Term Financial Plan 2019/20 to 2028/29.

Seconded Cr Angas

CARRIED 2018-19/29

PURPOSE

As per the 2019/20 Annual Budget/Business Plan timetable endorsed by Council in January 2019, the Audit Committee needs to receive and can provide comment on the indexation and assumptions for the Annual Budget & Business Plan (AB&BP) 2019/20 and Long Term Financial Plan (LTFP) 2019/20 to 2028/29.

REPORT***Overview***

The review of indexing and assumptions for the Annual Budget & Business Plan 2019/20 and Long Term Financial Plan (LTFP) 2019/20 to 2028/29 has been considered by Council at the information briefing Workshop on 22 January 2019. This process enables Council to take a long term view and 'set the big picture' before starting the annual budget process.

Key Assumptions and Enhancements

Each annual review process provides an opportunity to introduce new assumptions or enhance the information base as required, using the existing indexation and assumptions.

The main assumptions and indexation being considered during this early stage of budget preparation is the income and expenditure indexation. As included in the presentation paper, Council reviews the proposed rate increase and the indexation application to operational expenditure.

NOT CONFIRMED

The LGPI (Local Government Price Index) is used as a base for the plan(s) and considering local needs and requirements to meet service levels, including external influences such as service contracts where fuel prices and employment costs may vary the service cost. The Local Government Price Index (LGPI) increase for 12 months to 30 September 2018 was 2.9%; (noting the Adelaide CPI for the 31 December period was 1.6%).

As the cost indexation has been reducing from previous adopted Long Term Financial Plans, Council will reconsider the cost of delivering services and any changes to the level of service to ensure income or charges for the services are appropriate. The following indexation is sourced from the adopted LTFP.

Income

Rate increases to fund and ensure service level provision is maintained in line with revised sustainability requirements.

Both the residential and non-residential rate revenue (excluding growth) were budgeted to increase at 2.5% in 2019/20, and the years following at 2.5% per annum plus growth at 1%.

Due to the new contract for waste collection & disposal a review of the three services provided and cost recovery service charge is currently underway. The adopted Waste Service Rate Revenue indexation rate in the LTFP last year was budgeted to increase at:

2019/20 to 2022/23	2.5%
2023/24 to 2027/28	2.25%

The adopted Community Wastewater Management Systems Service Rate Revenue (excluding growth) indexation rates in the LTFP from last year was budgeted to increase at 2.5% for 2019/20 and then 2.5% and 2.75% alternate years for the life of the plan. An ongoing review of the service charge is underway for requirements from ESCOSA, including the cost of Capital and Risk, along with internal review of executive, administration and governance operating costs.

Other income indexation has a base increase of 2.0%.

Expenditure

Operating expenditure indexation will be assessed individually for internal and external factors as follows:

- employee costs at the enterprise bargaining agreements budgeted around 2.5%;
- contractors and materials will be reviewed to meet service requirements using a Zero Based Budget basis due for the 19/20 year (the current adopted plan is at 2.5%) where costs should be reviewed to actual \$ required for that ongoing service provision;
- selected costs are increased by indexation where agreements, contracts, licensing, arranged service charges, etc provide for that option, along with costs outside of our control; these will be considered where the service provider(s) initiate increases, ie fuel, postage;
- other operating costs have been isolated as increases to these are unique, eg. power – 2.5%, water – 2.5%, insurance – 4%, plus changes to service provision, ie. increased number of services provided (eg. no. of waste collection(s)) or usage (eg. water usage at parks and gardens). All indexation quoted is from the adopted LTFP, to be reviewed.

Long term plans for Capital expenditure will be reassessed, ensuring funding is allocated for renewal and replacement assets along with an allowance for new discretionary projects.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Policy

Budget & Business Plan and Review Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**Corporate Plan**

How We Work – Good Governance

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.
- 6.4 Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.
- 6.9 Provide access to Council's plans, policies and processes and communicate with the community in plain English.
- 6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

Legislative Requirements

Local Government Act 1999 Section 123

Local Government (Financial Management) Regulations 2011

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**Financial**

Long term financial planning is an ongoing regular process. As new information is included in the planning process, the plans are reviewed and updated.

Each annual review process provides an opportunity to introduce new assumptions or enhance the information base as required.

COMMUNITY CONSULTATION

Included as part of the draft 2019/20 Budget/Business Plan consultation and adoption process.

9.1.5**THE BAROSSA COUNCIL QUARTER 2 – 2018/19 PERFORMANCE & ACTIVITY REPORT****19/7295**

Mr McCarthy spoke to the report and answered questions from the Members.

MOVED Mr Swan that the Audit Committee receives and notes The Barossa Council Quarter 2 – 2018/19 Performance and Activity Report.

Seconded Cr Angas**CARRIED 2018-19/30****PURPOSE**

To provide Council's Quarter 2 – 2018/19 Performance and Activity Report on measures adopted within The Barossa Council Corporate Plan 2016/17 to 2019/20.

REPORT**Background**

Since November 2016, Council and the Audit Committee has been presented with Quarterly Performance Reports on measures adopted within the Corporate Plan.

Introduction

The Barossa Council Quarter 2 – 2018/19 Performance and Activity Report (*attached*) provides performance results against Corporate Plan measures as at 31 December 2018. The report also includes a suite of activity measures, providing a snapshot of activity undertaken over the Quarter in the delivery of key internal and external Council services under each Community Plan Theme.

Discussion

With the ongoing implementation of Council's holistic enterprise level strategic planning and reporting software (Magiq), officers are continuing to refine counting rules and formulas for the

extraction and analysis of data, which may result in the revision of previously reported results where the data has been refined or cleansed. Where this is the case, the report will include a disclaimer regarding the nature of any changes implemented and its impact on the data.

Additionally, where justification exists, performance targets may be amended to reflect a more realistic figure. As above, where this is the case, the report will include an explanation of the nature of and justification for any changes implemented and its impact on the data.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment: The Barossa Council Quarter 2 – 2018/19 Performance and Activity Report.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

Corporate Plan

A6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Current resources are sufficient to provide ongoing quarterly reporting.

COMMUNITY CONSULTATION

Community consultation is not required under the Act or Council's Public Consultation Policy.

9.1.6

UPDATE – RISK MANAGEMENT PROGRAMS AND PROJECTS

B7531

Mr Jones and Mr McCarthy spoke to the report and answered questions from the Members.

PURPOSE

To present a Quarterly report on the progress of Risk Management programs and projects.

MOVED Mr Swan that the Audit Committee receives and notes this report, incorporating the Quarter 2 Risk Management Report and the Risk Evaluation Summary Report, noting Management's position on the Risk Evaluation Summary Report.

Seconded Cr Johnstone

CARRIED 2018-19/31

REPORT

Risk Management

A body of work to develop "Control Track / Risk Manager" in readiness for inputting strategic and organisational risks has commenced; the intention to utilise this as the Risk Register with the ability to review all risks in one location, filter based on risk type, risk rating and organisational department, and adjust risk type and rating based on the effectiveness of the identified controls.

A scoping meeting is booked with Local Government Risk Services in late April to assist with final development, implementation and training of the Risk Framework. The Risk Policy is due for review by 17 November 2019; the Process Framework is currently noted as Draft.

Strategic Risk Management

The Chief Executive Officer will update the Committee with the status of the Strategic and Organisational Risk Register and the future management strategy.

NOT CONFIRMED**Risk Management Action Plan**

The final version of the report from the Risk Evaluation conducted by the Local Government Association in October 2018 was received 27 February 2019, delaying the development of the 2019 Risk Management Action Plan. The Plan is in draft to be presented to the Corporate Management Team (CMT) by the end of April 2019

KPI Action Plan for 2019

The final version of the report from the Work Health Safety and Injury Management Evaluation conducted by the Local Government Association in October 2018 was received 27 February 2019, delaying the development of the 2019 KPI Action Plan. The Plan is in draft to be presented to CMT by the end of April.

Risk Management Quarterly Report

Council's Risk Management Quarterly Report for Quarter 2 - 2018/19, was endorsed by CMT 13 March 2019. The Report is provided in Attachment 1 for the Audit Committee to review.

Risk Team

The Executive Services Administration Review Project is in the process of reviewing administrative needs across the Executive Services Directorate, including the Risk Administrator vacancy; this position has been Vacant since the start of 2019.

Risk Evaluation Summary Report

The Risk Evaluation reviewed the Risk, Work Health Safety, and Injury Management systems and evidence of implementation.

Risk - against an industry developed sector baseline	Total # of sector baselines evaluated	Sector Baseline Met	Sector Baseline Not Yet Met
Risk Management Systems	6	0	6
Roads and Footpaths	8	3	5
Planning and Development Administration	3	3	0

Work Health & Safety - against the performance standard for self-insurers	Total sub elements evaluated	Conformance	Observation	Non-conformance
Standard 1- Commitment and Policy	1	0	0	1
Standard 3 - Implementation	8	1	4	3
Standard 4 - Measurement & Evaluation	1	0	1	0
Standard 5 - Management systems review and improvement	1	0	0	1

Injury Management - against the performance standard for self-insurers	Total no of sub elements	Conformance	Observation	Non-conformance
Standard 1.2 Resources	5	5	0	0
Standard 1.6 Information provided to employees	2	2	0	0
Standard 2.8 Early intervention, recovery and RTW	2	2	0	0

Standard 4- Measurement, monitoring review	2	2	0	0
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Please refer to Attachment 2 for more details.

Hazard Management Procedural Validation

An internal audit regime for all councils and prescribed bodies is a condition of the five year self-insured licence agreement with Return To Work SA. To assist councils who do not have an endorsed internal audit program to achieve this requirement, the Local Government Association has implemented a two yearly "Procedural Validation" program.

In March 2019, Bob Raymond from the Procedural Validation Team was provided with approximately 100 documents to review as evidence of implementation of a management system. On 13 and 14 March 2019, Bob attended on-site to interview various workers, supervisors and managers, as well as observe workers to assess them against the relevant Safe Work Instruction or Safe Operating Procedure.

The report is expected to be complete by 19 April 2019.

Local Government Association Mutual Liability Scheme

The Quarter 2 Risk Report gives an overview of insurance claims in graph format, with comparisons to similar sized councils.

New Claims:

1. Claim for vines affected by Spray Drift from January 2018:
 - Loss of production for 5 years
 - Cost to remove and replant
 - Tonnage lost was 1 tonne of young vine shiraz and ½ tonne of old vine shiraz
2. Member of public who fell adjacent the Nuriootpa Skate Park. The individual was walking in skates across a dirt area when the incident occurred. The claimant is suggesting there was an inadequate level of seating available creating a need to walk across the dirt. Photographs taken at the time show adequate seating was installed and a designated path was in place. This claim is unlikely to be accepted.
3. A road user who damaged tyres and rims when the car came off of a road shoulder.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Quarterly Risk Management Report – Quarter 2 – 2018/2019
Attachment 2: 2018 Risk Evaluation Summary Report

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



How We Work – Good Governance

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.

Legislative Requirements

Local Government Act 1999
Work Health Safety Act 2012

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Addressed within the Report.

COMMUNITY CONSULTATION

Not required under legislation or Council's Public Consultation Policy.

NOT CONFIRMED**9.1.7****INTERNAL MANAGEMENT OF THE RISK REGISTER**

Mr McCarthy provided a verbal report advising that the Strategic Risk Register had been endorsed by Council on 19 February 2019. Presentations by Executive staff will commence once the strategic and organisational risks have been entered into "Control Track/Risk Manager". A report (similar to the Internal Financial Control Report) will be presented to the next meeting.

MOVED Cr Johnstone that the Audit Committee receives the verbal update regarding the Strategic Risk Register.

Seconded Cr Angas

CARRIED 2018-19/32

10. PRESENTATION

The presentation by the Director Development and Environmental Services has been deferred until a future meeting – refer Agenda item 9.1.7.

11. OTHER BUSINESS

Mr Lague informed the Members of two reporting requirements now being provided to the Australian Taxation Office: TPAR (Taxable Payments Annual Report) annually in August 2018 for the 2017/18 reporting period and Single Touch Payroll - a fortnightly upload of payroll information from March 2019.

Mr McCarthy briefly discussed the upcoming Federal Election and Budget matters affecting South Australian councils.

12. NEXT MEETING

Late May/early June 2019 – date to be advised

13. CLOSURE OF MEETING

There being no further business, Mr Brass closed the meeting at 12.49pm.

Confirmed:

Chairman:

Date:

COUNCIL

CORPORATE AND COMMUNITY SERVICES

DIRECTOR'S REPORT

21 MAY 2019

7.3.1 DEBATE AGENDA – DIRECTOR CORPORATE AND COMMUNITY SERVICES

7.3.1.1

THE BIG PROJECT (GENERATIONAL COMMUNITY INFRASTRUCTURE PROJECT) – QUARTERLY UPDATE REPORT – QUARTER 10 – FEBRUARY 2019 TO APRIL 2019 B5601

PURPOSE

To provide a progress update to Council following completion of Quarter 10 (February 2019 to April 2019) of the implementation of "The Big Project" – Generational Community Infrastructure Project (the Project).

RECOMMENDATION

That Council receive and note the Quarter 10 Report: February 2019 to April 2019 inclusive, in respect of progress on "The Big Project" – Generational Community Infrastructure Project and incorporating summary of work completed Ref: 19/26904.

REPORT

Background

At its Meeting on the 19 February 2019, Council resolved that:

MOVED Cr Boothby that Council receive and note the Quarter 9 Report: November 2018 to January 2019 inclusive, in respect of progress on "The Big Project" – Generational Community Infrastructure Project and incorporating summary of work completed Ref: 19/7163.

Seconded Cr Angas

CARRIED 2018-22/116

Introduction

As part of the governance arrangements for The Big Project (as referenced in item 2.4 of the February 2017 Council resolution), a quarterly update to report on progress to Council is required.

Discussion

A report on the progress items actioned during the Quarter 10 report period is provided as Attachment 1.

Summary and Conclusion

The focus of direct project activity has been around:

Angaston Railway Station

Conclusion of contract arrangements arising from the tender process for Stage 1 works (railway station and platform renovations). Site set up and commencement of works. Conclusion of remediation requirements for the remaining contaminated elements of the station platform, with approval for material to be excavated and incorporated into the fill for the remodelled/constructed platform and capped. Time lapse site camera installed on goods shed to document progress, provide a historic record of works and allow community to see progress. On track with revised

program; however, the next phase of works to jack the station building itself and remediate foundations is difficult to assess in terms of timescale. It is evident from excavation works to date that much of the original foundation has either eroded or was not fully installed as per original drawings in the first place. The building is in essence resting on the ground. Some additional engineering assessment around the external waiting room area and inclusion of additional retaining features in this location are currently being assessed, with contingency available for these works.

Stage 2 works (Playground and Open Space areas) have progressed to 50% design documentation and were the subject of a report to Council and additional budget allocation at the 16 April 2019 Council Meeting - refer Minutes 2018-22/162. Conclusion of design work is anticipated by the end of June 2019 and then procurement of works packages. Communication of anticipated program extension is currently underway with the Department of Planning, Transport and Infrastructure in relation to the Open Space Grant funding associated with this project. An update was provided to the Disability Access and Inclusion Advisory Group meeting on the 1 May 2019 and Council's commitment to an inclusive regional facility continues to be a feature of design work.

An update meeting with the Project Reference Group was held during the report period.

Tanunda Recreation Park Acceleration

Still at planning and documentation stage. Service and Structural Engineering consultants appointed for all project elements and reports awaited to inform tender specifications. Tender processes anticipated during June and July 2019.

Regular updates to stakeholders via email and Facebook posts. Signage installed at entrances to Park to confirm upcoming works.

Project and Grant Funding

Grassroots Office Recreation and Sport; SANFL; SACA and Netball SA:

2 applications submitted during report period:

- Nuriootpa Centennial Park – mixed use change rooms - \$890k application (\$350k grant, 540k Council and stakeholder contributions)
- Tanunda Recreation Park – Oval Lighting Upgrade - \$412,500k application (\$206,250 grant, \$206,250 Council contribution)

Outcome of applications anticipated during May/June 2019.

Open Space Funding Application (PIRSA)

Application on behalf of partner Councils and Stakeholders for the Strategic Planning of the Adelaide Wine Capital Cycle Trail (the Regional Cycle Trail) submitted in February.

Feedback Building Better Regions Fund Round 3 – Culture Hub:

The Chief Executive Officer and Director Corporate and Community Services received feedback on the application via phone hook up with Assessment Manager from AusIndustry Support for Business Department on 30 April. The Overall assessments was:

- Strong Application – especially strength of business plan, cost benefits and feasibility report
- Had all the relevant constituent ingredients required of a submission
- Recommended as a strong project from the assessment phase but then decisions beyond that determined by government (the assessors have no input or knowledge of the selection process beyond the assessment stage)

- Evidence of strong community engagement
- Highly competitive
- Not assessed as being as “shovel ready” as some other similar scale / quantum projects
- Good basis for future project funding opportunities and Council should continue to refine
- Not as much emphasis put on community benefits and economic return – opportunity to strengthen this for future applications

Project Prioritisation:

Subject of two Workshop sessions during the report period and a meeting of The Big Project Working Group to develop and refine Prioritisation Methodology and Matrix. Work to continue during next report period and to be the subject of future agenda report to Council.

Masterplanning Activities:

Stockwell Recreation Park Draft Master Plan adopted by Council during report period on 19 March 2019. Cost estimate to be obtained.

Lyndoch Recreation Park (part of Southern Barossa Hub) scheduled for master planning to recommence in early May 2019 following unsuccessful land acquisition process.

Adelaide Wine Capital Cycling Trail

Briefing session held for partner Council Mayors and CEOs 2 May 2019.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: The Big Project – Quarterly Update Report – Q10 (February 2019 to April 2019) Ref: 19/26904.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment



How We Work – Good Governance

Corporate Plan

3.3 Ensure Council's sporting, recreational and leisure grounds and playing arena and associated programs meet the current need of the community to an agreed level of service.

3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

No financial impacts; all expenditure is within allocated budget.

Prioritisation of projects for future funding by Elected Members will continue during the May to July 2019 report period. Previous prioritisation of projects to date has been based on specific funding application criteria.

Resource

The Director Community Projects returned to the substantive role of Director, Corporate and Community Services (DCCS) effective 1 July 2018. Big Project work is now being resourced jointly between DCCS (0.4 FTE) and Manager, Community Projects (0.5 FTE).

Risk Management

Ongoing risk assessments continue to be reviewed as Officers work as necessary through phases of The Big Project development and project specific implementation.

COMMUNITY CONSULTATION

A Communication plan and Community Consultation plan for the Project have been documented and are reviewed periodically with Communication and Marketing Officers, the Chief Executive Officer and periodically with The Big Project Working Party.

A Consultation plan for each individual component project is also developed and reviewed for approval as part of the separate Agenda reporting processes to Council.

Regular updates are provided to the community via press releases, d'Vine adverts and newsletters, radio interviews, website and social media content.

No direct project consultation during the report period.

Communication regarding the Tanunda Recreation Park acceleration works has commenced.

Jo Thomas –Director Corporate & Community Services – DCCS (allocated @ 0.4 FTE)

Rebecca Tappert – Manager Community Projects – MCP (allocated @ 0.5FTE)

Project	February 2019	March 2019	April 2019
Recreation Parks			
Southern Barossa Sporting Hub	-	-	Scheduled meeting for 8 May 2019
Tanunda Rugby Precinct	-	-	-
Talunga Park / Old Talunga Park Master Plan Update	-	-	-
Nuriootpa Centennial Park and Coulthard Reserve Master Plan	<ul style="list-style-type: none"> • Meeting Chris Smith – President Barossa United Junior Soccer Club • Progress Office Rec Sport; SANFL;SACA; Netball SA Grassroots funding application – mixed use changerooms • Submit Grassroots grant application • Wax design meeting • Meeting Nuriootpa Rovers Football Club President (CEO / DCCS) • Working Group Detailed Design Meeting with Architects 	-	<ul style="list-style-type: none"> • Site Meeting Ausco / Nuriootpa Rovers Football Club – modular Change room design option • Working Group Detailed Design Meeting • Updated Soccer facilities design – Wax Design • Approach to Football Federation SA (soccer) re project support
Tanunda Recreation Park Master Plan	<ul style="list-style-type: none"> • Progress Office Rec Sport; SANFL;SACA; Netball SA Grassroots funding application – Oval Lighting • Submit Grassroots grant applc. • Wax design meeting 	<ul style="list-style-type: none"> • Update to Tanunda Rec Park Committee meeting re acceleration works • Appointment Project Management Support (Jim Allen & Associates - JAA) • Implementation planning and progress meeting – JAA 	<ul style="list-style-type: none"> • Meeting President Tanunda Netball Club (Mayor and Cr Haebig) • Meeting Bestec – Services coordination – electrical capacity upgrade • Review kitchen supply requirements
Stockwell Recreation Park Master Plan	<ul style="list-style-type: none"> • Community drop-in session at Stockwell Hall on 4 February as part of community consultation 	<ul style="list-style-type: none"> • Masterplan endorsed by Council at 19 March 2019 meeting 	-

	<ul style="list-style-type: none"> Attendance on Sunday 24 February 2019 at the Angaston Show as part of community consultation 		
Angas Recreation Park Master Plan	<ul style="list-style-type: none"> Wax design meeting Working Group Detailed Design Meeting with Architects 	-	<ul style="list-style-type: none"> Working Group Detailed Design Meeting Update Junior Oval design detail – Wax Architects
Murray Recreation Park Master Plan	-	-	-
SACA / SANFL / CA MOU	<ul style="list-style-type: none"> Meeting SACA & SANFL re Grassroot funding applications (Nuri and Tanunda) SACA Infrastructure Plan Reference Group Meeting 	-	<ul style="list-style-type: none"> SACA South Australian Cricket Infrastructure Strategy – Reference Group Meeting #5 (DCCS)
Arts Culture Heritage Tourism			
Barossa Culture Hub	<ul style="list-style-type: none"> Meeting Tanunda Kindy and Department of Education re lease arrangement Briefing Culture Hub status – Barossa Arts Council 	<ul style="list-style-type: none"> South Australian Arts Plan stakeholder input – Regional Gallery 	<ul style="list-style-type: none"> Feedback from AusIndustry Support for Business on Building Better Region Fund Round 3 Application – Culture Hub (CEO / DCCS)
Angaston Railway Precinct	<ul style="list-style-type: none"> Value Management process with key project stakeholders and RLB. Community Drop-in session at the Angaston Town Hall with draft concept plans Visit to Angaston Primary School who were involved in the Masterplan development to show them the plans and collate feedback Kick-off meeting with G-Force for Station building conservation works. Discussion with local business regarding availability of local granite Management of soil contamination and platform preparation works 	<ul style="list-style-type: none"> Meeting with Barossa Valley Machinery Preservation Society for in-kind support of carious project elements. Meeting with Theo Marks Meeting with G-Force and Greencap regarding soil contamination of platform and ongoing management Commencement of platform works and building restoration works on site 	<ul style="list-style-type: none"> Approval at 16 April 2019 Council meeting for additional funds to deliver Regional level playspace. Continued management of Station building restoration
Heritage Tourism Trails	-	-	-

Cycle / Leisure Tourism			
Warren Reservoir	<ul style="list-style-type: none"> Operational 	<ul style="list-style-type: none"> Operational Meeting with SA Water – resourcing review and other reservoir options (Mayor / DWES / DCCS) 	<ul style="list-style-type: none"> Operational
Skate Park Strategy	-	-	-
WQVJP Outdoor Activity Centre	-	-	-
Regional Cycle Paths – Adelaide Wine Capital Cycle Trail	<ul style="list-style-type: none"> Open Space Grant Application for completion of phase 2 strategic planning works Meeting City of Onkaparinga Council re inclusion in the project group 	-	<ul style="list-style-type: none"> May Workshop Agenda item – update Briefing Informal Briefings re Adelaide Wine Capital Cycling Trail – LGA OGM Adelaide (Mayor / Acting CEO) Planning session for Mayor / CEO trail briefing on 2 May Meeting City Onkaparinga re inclusion in cycle trail project
Events	-	-	-
Equestrian and Walking Trails Network	-	-	-
Aquatic Strategy			
Strategy Development	-	-	<ul style="list-style-type: none"> Review and continuation of draft Aquatic Strategy document Meeting Barossa Village – re implementation of their Hydrotherapy Pool project (Nuriootpa)
Nuriootpa Pool	Refer Budget New Initiative process	Refer Budget New Initiative process	<ul style="list-style-type: none"> Incorporated in Aquatic Strategy
WQVJP Pool	-	-	<ul style="list-style-type: none"> Incorporated in Aquatic Strategy
The Rex	-	-	<ul style="list-style-type: none"> Incorporated in Aquatic Strategy
Other			
Workshops / Council reports general / progress meetings - internal	<ul style="list-style-type: none"> Update Disability Action Inclusion Advisory Group re Big Project development Council Workshop Agenda Item – Big Project prioritisation methodology 	<ul style="list-style-type: none"> Council Workshop Agenda Item – Big Project prioritisation methodology (cont'd) 	<ul style="list-style-type: none"> Council Agenda Report – Budget consideration Stage 2 Angaston Station Precinct design Council Workshop – update briefing Adelaide Wine Capital Cycling Trail (Regional Cycling Trail)

	<ul style="list-style-type: none"> Budget update discussion – officers 		
RDA Barossa / other stakeholders	-	-	<ul style="list-style-type: none"> Meeting Barossa Valley Basketball Association – additional facilities at the Rex (July Council Workshop Agenda item) Meeting SAGE Automation – Mayor Meeting SMART cities Technology options (Mayor, CEO DCCS)
Promotion	<ul style="list-style-type: none"> Development of Big Project draft branding 	<ul style="list-style-type: none"> Completion of Big Project draft branding / style guide Quarterly planning session – Big Project promotion Comms Officers 	<ul style="list-style-type: none"> Tanunda Rec Park Signage drafting Tanunda Rec Park Signage implementation Herald Interview – Big Project update
CEO governance / briefing	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Ongoing catch up with DCCS 	<ul style="list-style-type: none"> Ongoing catch up with DCCS
Funding / Lobbying	<ul style="list-style-type: none"> Meeting Office of Rec and Sport – Grassroots Funding Application (Nuri and Tanunda) Smart City consultant – scoping meeting 	<ul style="list-style-type: none"> Progress meeting – Section 51 Consultants 	<ul style="list-style-type: none"> Lobbying Strategy Working Group fortnightly meetings (Mayor, CEO, DCCS, CMOs) Informal Briefings re Adelaide Wine Capital Cycling Trail – LGA OGM Adelaide (Mayor / Acting CEO) Meeting Nick Champion EM (Mayor / DCCS) Feedback from AusIndustry Support for Business on Building Better Region Fund Round 3 Application – Culture Hub (CEO / DCCS)
The Big Project Working Group & Council Governance / Meetings	-	-	<ul style="list-style-type: none"> Working Group Meeting – Big Project Prioritisation Methodology continued
Feasibility Report Development	<ul style="list-style-type: none"> Update DDCS and Comms Officer Completion Tanunda and Nuriootpa Centennial Park to include with Grassroots funding applications 	-	<ul style="list-style-type: none"> Update review scheduled for May

COUNCIL

CORPORATE AND COMMUNITY SERVICES

MANAGER'S REPORTS

21 MAY 2019

7.3.2 DEBATE AGENDA – MANAGER COMMUNITY PROJECTS

7.3.2.1

CONSIDERATION AND ADOPTION OF COMMITTEE RESOLUTIONS

B3342

PURPOSE

The Minutes of the Community Assistance Scheme Committee meeting held 1 May 2019 are presented for the consideration and adoption of Council.

RECOMMENDATION

That Council, having reviewed the Minutes of the Community Assistance Scheme Committee meeting held 1 May 2019 adopt the Resolutions contained therein.

REPORT

The consideration and adoption of recommendations of Council committees requires assessment by Council to ensure compliance with Council obligations under section 6(a) of the Local Government Act.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment: Minutes of the Community Assistance Scheme Committee meeting held 1 May 2019

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Corporate Plan



How We Work – Good Governance

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.9 Provide access to Council's plans, policies and processes and communicate with the community in plain English.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY CONSULTATION

Not required under legislation or Council's Public Consultation Policy.

**MINUTES OF THE MEETING
OF THE BAROSSA COUNCIL COMMUNITY ASSISTANCE SCHEME COMMITTEE
held in the Committee Room at The Barossa Council, 43-51 Tanunda Road, Nuriootpa
on Wednesday 1 May 2019 commencing at 5.30pm**

WELCOME

Cr Angas declared the meeting open at 5.30pm and welcomed all in attendance.

1. PRESENT

Cr John Angas, Mayor Bim Lange, Cr Kathryn Schilling, Cr Carla Wiese-Smith, Cr Don Barrett, Rebecca Tappert (CASC Executive Officer), Annette Randall (CASC Administration Officer).

2. APOLOGIES

Cr Cathy Troup

3. CONFIRMATION OF PREVIOUS MINUTES

MOVED Cr Schilling that the Minutes of the Community Assistance Scheme Committee meeting held on 6 March 2019 as circulated, be confirmed as a true and correct record of the proceedings of that meeting, subject to correction of Cr Barrett's name on Page 1 from Cr Ron Barrett to Cr Don Barrett.

Seconded Mayor Lange

CARRIED

4. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

5. CONSENSUS AGENDA**5.1 ITEMS FOR EXCLUSION FROM THE CONSENSUS AGENDA**

Nil

5.2 RECEIPT OF CONSENSUS AGENDA

MOVED Cr Schilling that Reports for Information items 5.1.1 to 5.1.5 be received.

Seconded Mayor Lange

CARRIED

MOVED Cr Wiese-Smith that Correspondence items 5.2.1 and 5.2.2 be received and noted.

Seconded Mayor Lange

CARRIED

6. DEBATE AGENDA**6.1 COMMUNITY GRANTS****6.1.1 DEBATE AGENDA – COMMUNITY GRANT APPLICATIONS****6.1.1.1****ANGASTON & PENRICE HISTORICAL SOCIETY INC – CREATION OF 'ANGASTON HERITAGE' BRAND AND CULTURAL HERITAGE EXPERIENCES**

B3342

MOVED Cr Schilling that the Community Assistance Scheme Committee approves a Community Grant of \$3,000 (excl GST) to the Angaston & Penrice Historical Society Inc

NOT CONFIRMED

towards its "Creation of 'Angaston Heritage' Brand and Cultural Heritage Experiences" project.

Seconded Cr Barrett

CARRIED

PURPOSE

To consider a Community Grant Application from the Angaston & Penrice Historical Society Inc, seeking \$3,000 towards its project: "Creation of 'Angaston Heritage' Brand and Cultural Heritage Experiences".

REPORTBackground

The Angaston & Penrice Historical Society Inc (APHS) was formed in 1997 with the objective of promoting interest in the history and heritage of the Barossa's Angaston and Penrice area.

Introduction

APHS owns and manages the Angaston Blacksmith Shop and Museum and will soon be opening the Angaston History Centre, located next door to the Blacksmith. This is to be operated as a family history centre and exhibition space with public access and be a home for the Society. (Angaston Heritage Business Plan 22/3/2019)

Discussion

The APHS has developed a Business Plan for this project (refer Attachment 3). Goal 1 in its Business Plan is to 'Create a suite of cultural heritage experiences' and Goal 2 is to 'Create an 'Angaston Heritage' brand to use for all collateral and promotion. The APHS aims to promote the history of the region by utilising a coordinated and consistent marketing strategy under the unified banner of 'Angaston History'.

Total expenditure for the project was estimated at \$10,727 which includes \$5,000 for development of an App which highlights local historical experiences (similar to Port Adelaide Historical Society).

Since lodgement of the Application, the APHS has advised that the App requires more research and planning than has been done to date and realistically, may not be completed within the next 12 months. They have subsequently submitted an amended budget page, deleting \$5,000 from the estimated expenditure and also estimated income ("Group Funds").

7. BUDGET AND FUNDING**PROJECT INCOME**

(Group's Contribution to Project)

Group Funds	\$	7,727.00 NB
Fundraising Activities	\$	2,727.00
Donations	\$	
In Kind (provide details)	\$	
Other (provide details)	\$	
Total Group's Contribution	\$	7,727.00 2,727.00 NB
Council Assistance Requested	\$	3,000.00
TOTAL PROJECT INCOME	\$	10,727.00 5,727.00 NB

PROJECT EXPENDITURE (Please provide an itemised list of expenses for the project)

BRAND IDENTITY	\$	650.00
BANNERS (x3)	\$	327.00
A-FRAME SIGNS (x2)	\$	350.00
PRINTING ALLOWANCE (POSTCARDS, BROCHURES ETC)	\$	1000.00
EXTERNAL SIGNAGE FOR BUILDINGS	\$	1400.00
VIDEO+ IMAGES ALLOWANCE	\$	2000.00
DEVELOPMENT OF APP	\$	5000.00
TOTAL PROJECT EXPENDITURE	\$	10,727.00 5,727.00 NB

APHS states that grant funding is required to enable the establishment of the project. No other funding sources have been investigated.

The Community Grant Application and supporting documentation has been reviewed by Officers and comments are provided in the Application Summary Sheet - [Attachment 1](#).

A copy of the Community Grant Application is provided in [Attachment 2](#) and supporting documentation in [Attachment 3](#).

Summary and Conclusion

Officers support the project. Noted that a letter of support has been received from the Angaston Community and Business Alliance.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Community Grant Application Summary Sheet

Attachment 2: Community Grant Application

Attachment 3: Supporting documentation

Policy

Community Assistance Scheme Policy

Community Grant Guidelines

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



Health and Wellbeing

Corporate Plan

2.4 Foster volunteering opportunities that are responsive to the needs of the Community.

2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.

2.2 Collect, maintain and make accessible our Aboriginal heritage, and the history and heritage of our community.

5.4 Participate in initiatives, or advocate for, investment in creative industries and cultural tourism.

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

The adopted Budget for the Community Grants and Youth Grants for 2018/19 is \$25,500 (excl GST).

TOTAL CURRENT FUNDS AVAILABLE		\$14,325
March 2019: Requested Community Grants	2 Applications	\$ 6,000
FUNDS REMAINING IF APPLICATION GRANTED		\$ 8,325

COMMUNITY CONSULTATION

Community Consultation is not required under legislation or Council Policy. The APhS has consulted with the Angaston Community and Business Alliance and other local organisations, who support and commend the initiative (refer letters of support in [Attachment 3](#)).

6.1.1.2

SOUTHERN BAROSSA ALLIANCE INC – DEVELOPMENT OF SUSTAINABLE WILDLIFE RESCUE SERVICE IN BAROSSA VALLEY**B3342**

Members appreciate the valuable service provided by Rose Brooks and her passion for wildlife rescue and rehabilitation. However, in regards to the proposed project, further information is sought relating to the proposed management structure, succession, governance and sustainability of the suggested not-for-profit charity group that will run the operations in the future.

MOVED Mayor Lange that the Community Assistance Scheme Committee (CASC) defers its decision on the Community Grant Application submitted by Southern Barossa Alliance Inc for funding towards its "*Development of Sustainable Wildlife Rescue Service in Barossa Valley*", until the next CASC meeting and pending clarification of the project in regard to management structure, succession and governance information.

Seconded Cr Wiese-Smith**CARRIED****PURPOSE**

To advise of a Community Grant Application from Southern Barossa Alliance Inc (SBA), seeking \$3,000 towards its project: "*Development of Sustainable Wildlife Rescue Service in Barossa Valley*".

REPORTIntroduction

SBA is an official body representing business and community within the Southern Barossa Region. The aims and objectives of the organisation are to promote business and community development and community spirit enhancement in the Southern Barossa and surrounding regions.

SBA are proposing to facilitate the continuation of a sustainable wildlife rescue service in the Barossa.

The following clauses are contained in SBA's Mission Statement:

"3.2.4 We provide a forum for discussion, project development and advocacy for local Business and Community organisations and individuals for matters relating to:

.....e. Community Assistance.....j. Environment.....k. Grants and Funding Assistance
n. Matters of Community grievance, concern or opportunity within the Southern Barossa".

"3.2.15 We are an official body that is recognised for the preservation and promotion of natural, cultural and commercial resources of the Southern Barossa".

Discussion

Rose Brooks, the independent volunteer provider of the current "Barossa Wildlife Rescue" operation at her private residence in Lyndoch, is unable to fund the service into the future. Rose has funded the wildlife rescue operations and volunteer recruitment for over ten years. Information regarding her work is available on the "Barossa Wildlife Rescue" facebook page.

The SBA are seeking seed funding so that the wildlife rescue service can continue while they establish the service as a not-for-profit charity with external donation based funding. They state that the seed funding will assist the first six months of operations.

Project budget information was not completed in the Community Grant Application. However, their application states that "*seed funding will assist operations including registration, insurance, feed and transport plus marketing to establish a sustainable donation/sponsorship funding base*". Officers requested information to substantiate the costs for these expenses. Information was provided, but requires further clarification. At the time of writing this report, information has not yet been received. An update will be provided at the Community Assistance Scheme Committee meeting if available.

NOT CONFIRMED

A copy of the Community Grant Application, including supporting documentation, is provided in Attachment 1. The Community Grant Application Summary sheet with officers' review and comments, is on hold pending clarification of information (refer Attachment 2).

Compliance with Community Assistance Scheme Policy and Guidelines

Clause 4.1.2:

Accordingly, Council provides financial assistance through its Community Assistance Scheme to individuals, community groups and not-for-profit organisations to support the provision of projects, programs and services which respond to identified community needs, help develop strong local communities and which are in accordance with Council's Community Plan.

Clause 4.1.5

While Council has a role in supporting groups and individuals providing benefit to the community, groups and individuals should not seek to be maintained or substantially developed through Council funding.

Clause 3.9 (Guidelines)

Financial assistance will not be approved for ongoing administrative expenses or operational costs.

It is noted that the majority of SBA funds are held in trust for member Community organisations, as is required under its Constitution.

Summary and Conclusion

Officers agree that the project is a worthwhile cause but also have mixed opinions as to Council's funding priorities and core business. Officers consider that a Committee decision cannot be made regarding this application until all queries have been clarified. An update will be provided to members at the Committee meeting.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Community Grant Application and supporting documentation
Attachment 2: Request – clarification of information

Policy

Community Assistance Scheme Policy
Community Grant Guidelines

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage
1.2 Support native ecosystems through a planned management approach
(Council's role is Provider/Regulator; Advocate; Facilitator/Partner)



Community and Culture
2.4 Encourage and support volunteering in the community.
(Council's role is Provider/Regulator; Advocate)

Corporate Plan

Community and Culture

2.4 Foster volunteering opportunities that are responsive to the needs of the Community.

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

The adopted Budget for the Community Grants and Youth Grants for 2018/19 is \$25,500 (excl GST).

TOTAL CURRENT FUNDS AVAILABLE		\$14,325
March 2019: Requested Community Grants	2 Applications	\$ 6,000
FUNDS REMAINING IF APPLICATION GRANTED		\$ 8,325

COMMUNITY CONSULTATION

Community Consultation is not required under legislation or Council Policy.

6.1.2 DEBATE AGENDA – GRANT APPLICATIONS WITHDRAWN**6.1.2.1****LIONS CLUB OF ANGASTON – PARK-FIT EQUIPMENT AT ANGAS RECREATION PARK B3342**

MOVED Cr Barrett that the Community Assistance Scheme Committee notes the withdrawal of the Community Grant Application from the Lions Club of Angaston, for funding towards its *Park-Fit Equipment on the Walking Trail at Angas Recreation Park* project.

Seconded Cr Wiese-Smith

CARRIED

PURPOSE

To advise the Community Assistance Scheme Committee that the Lions Club of Angaston Inc has withdrawn its Community Grant Application.

REPORTIntroduction

As reported to the CASC at its 4 December 2018 and 6 March 2019 meetings, an incomplete Community Grant application was received at the end of August 2018 from the Lions Club of Angaston Inc (the Club), seeking \$3,000 funding for Park-Fit equipment at the Angas Recreation Park. Also reported to the 6 March 2019 meeting, and noted in the Minutes, the Club requested that progress on the Application be deferred until July 2019.

Discussion

Subsequent to the March CASC meeting, the Club forwarded letters from several user groups of the Angas Recreation Park, in support of its proposed project.

As stated in its Application, the Club finances and fund raising efforts will dictate the type of fitness equipment and the number of pieces that might be installed this year and in future years: *"Perhaps only one piece will [be] able to be installed this year, so an ongoing project for years ahead."* Officers contacted the Club to discuss its proposed project in light of the current Angaston Railway Station project (part of The Big Project), for which government funding has been received.

The Club decided to withdraw its Application for the Park-Fit equipment at Angas Recreation Park and considered that a contribution to the Railway Station project at this point in time would provide greater community benefit.

Summary and Conclusion

Members to note the withdrawal of the Community Grant Application from the Lions Club of Angaston.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Policy

Community Assistance Scheme Policy

Community Grant Guidelines

NOT CONFIRMED**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS****Community Plan**

Community and Culture



Health and Wellbeing

Corporate Plan

2.4 Foster volunteering opportunities that are responsive to the needs of the Community.

3.2 Ensure Council's parks, gardens and playgrounds are accessible, relevant, and safe and maintained to an agreed level of service.

6.4 Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

No financial, resource or risk considerations.

COMMUNITY CONSULTATION

Community Consultation is not required under legislation or Council Policy.

6.1.3 DEBATE AGENDA – GRANT ACQUITTALS**6.1.3.1****JF HERBIG MEMORIAL FAMILY INC – 50TH GOLDEN JUBILEE HERBIG REUNION****B3342**

MOVED Mayor Lange that the Community Assistance Scheme Committee receives and approves the Acquittal documentation in relation to the Community Grant of \$500 awarded to JF Herbig Memorial Family Inc towards a time capsule and celebration banner for its 50th Golden Jubilee Herbig Reunion event which was held in April 2018.

Seconded Cr Schiling**CARRIED****PURPOSE**To consider the acquittal documentation in relation to the Community Grant awarded to JF Herbig Memorial Family Inc towards its 50th Golden Jubilee Herbig Reunion event.**REPORT****Background**

The Community Assistance Scheme Committee (CASC), at its meeting held 5 December 2017, approved a Community Grant of \$500 to JF Herbig Memorial Family Inc specifically to be used for a time capsule and celebration banner for its 50th Golden Jubilee Herbig Reunion event which was held in April 2018.

Introduction

The Community Assistance Scheme Policy requires that “a written assessment of the project, including a financial statement (Acquittal Statement) is required from the Grant recipient on completion of the project”.

Discussion

A project report and a Grant Acquittal Statement and evidence of expenditure is provided in Attachment 1. A copy of the original budget is provided in Attachment 2 for comparison.

The event made a profit of \$1,507. This was not expected at the time of the group's Community Grant application, prior to the event. The Vice-President states that the association would not have

NOT CONFIRMED

had enough funds available to procure the Banner and Time Capsule prior to the event. The profits will be used to cover future association costs including Public Liability Insurance, Emergency Services Levy, general upkeep and maintenance of the Herbig Tree surroundings and association running costs.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES**Attachments**

Attachment 1: Project report, Grant Acquittal Statement and evidence of expenditure.
Attachment 2: Original event budget (stated in Community Grant application)

Policy

Community Assistance Scheme Policy
Community Grant Guidelines

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**Community Plan**

How We Work – Good Governance

Corporate Plan**How We Work – Good Governance**

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.4 Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Adherence to Council's Community Assistance Scheme Policy and Community Grant Guidelines is a risk management tool.

COMMUNITY CONSULTATION

Community Consultation is not required under legislation or Council Policy.

6.1.3.2**SIT DOWN SHUTUP AND WATCH – FILM AND NEW MEDIA FESTIVAL**

B3342

MOVED Cr Schilling that the Community Assistance Scheme Committee receives and approves the Acquittal documentation in relation to the Community Grant of \$3,000 awarded to the Sit Down Shutup and Watch group towards its Digital Workshops at the Sit Down Shutup and Watch Film and New Media Festival held at Angaston in October 2018.

Seconded Mayor Lange

CARRIED

PURPOSE

To consider the acquittal documentation in relation to the Community Grant awarded to Sit Down Shutup and Watch towards its Film and New Media Festival.

REPORT**Background**

The Community Assistance Scheme Committee, at its Special Meeting held 1 August 2018, approved a Community Grant of \$3,000 to the Sit Down Shutup and Watch (SDSW) group, specifically to be used for its Digital Workshops at the Sit Down Shutup and Watch Film and New Media Festival (the Festival) held at Angaston on 19-20 October 2018.

NOT CONFIRMEDIntroduction

The Community Assistance Scheme Policy requires that "a written assessment of the project, including a financial statement (Acquittal Statement) is required from the Grant recipient on completion of the project".

The Community Grant Guidelines states that ".....an acquittal statement must be completed, advising of all actual Expenditure and Revenue for the project. Copies of receipts/invoices etc and photos if relevant, are required for the specific expenditure on which the Grant was used."

Discussion

A report on the Festival is provided in Attachment 1. Acquittal documents are provided in Attachment 2.

The SDSW group has provided a breakdown of Expenditure and Revenue for the Digital Workshops only. However, the Guidelines require details for the entire 'project' in the Acquittal Statement. A copy of the estimated Expenditure and Revenue provided in the Grant Application (prior to the event) is provided in Attachment 3 for information.)

Officers took into consideration the size of the event and subsequently requested only a summary of the financials in order to ascertain whether the organisation made a profit or a loss on the 'project' for which funding was granted. The contact person for the SDSW group advised that "though really fabulous artistically, the Festival made an overall loss". She is happy to provide further details if required.

The auspice body, Tutti Arts Inc, has signed the Acquittal Statement, certifying that the funds provided by The Barossa Council under the Community Assistance Scheme have been applied to the purpose for which they were approved.

ATTACHMENTS OR OTHER SUPPORTING REFERENCESAttachments

- | | |
|---------------|--|
| Attachment 1: | Report on the Festival |
| Attachment 2: | Grant Acquittal Statement and evidence of expenditure |
| Attachment 3: | Copy of estimated Expenditure and Revenue for the Festival (pre-event) |

Policy

Community Assistance Scheme Policy
Community Grant Guidelines

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

How We Work – Good Governance

Corporate PlanHow We Work – Good Governance

- | | |
|-----|---|
| 6.2 | Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements. |
| 6.4 | Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans. |

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Adherence to Council's Community Assistance Scheme Policy and Community Grant Guidelines is a risk management tool.

COMMUNITY CONSULTATION

Community Consultation is not required under legislation or Council Policy.

7. OTHER BUSINESS

7.1

PROMOTION – COMMUNITY ASSISTANCE SCHEME

Ms Tappert sought Members' feedback regarding proposed use of portion of the remaining Community Grant and Youth Grant Budget 2018/19 for promotion of the Scheme and "selling the good stories" in relation to Council's contribution to community projects and assistance to youth. Communications Officers are assisting with a draft plan of activities to be conducted prior to 30 June 2019. The Members agreed in principle to the proposal.

Ms Randall sought Member's feedback regarding the invitation of Community Grant recipients to attend Council meetings to report on the success of their community projects as part of the acquittal process. The Members agreed in principle to the suggestion.

8. NEXT MEETING

Wednesday 7 August 2019 commencing at 5.45pm.

9. CLOSE

There being no further business, Cr Angas declared the meeting closed at 6.00pm.

Confirmed at Community Assistance Scheme Committee Meeting 7 August 2019

Date:.....

Chair:.....

COUNCIL

CORPORATE AND COMMUNITY SERVICES

MANAGER'S REPORTS

21 MAY 2019

7.3.2 DEBATE AGENDA – MANAGER COMMUNITY PROJECTS

7.3.2.2

REQUEST TO INSTALL BENCH SEAT AND MEMORIAL PLAQUE – BETHANY RESERVE, TANUNDA

B9147

PURPOSE

To consider a request for the installation of a bench seat and memorial plaque at Bethany Reserve, Tanunda.

RECOMMENDATION

That Council provides consent to Susan and Maurice Robinson for the installation of the requested bench seat and memorial plaque in the children's swing and play area at Bethany Reserve, Tanunda, subject to compliance with the *Memorials on Community Land Policy*.

REPORT

Introduction

The installation of commemorative memorial symbols within Community Land requires the approval of Council. Council's *Memorials on Community Land Policy* is proved at Attachment 1 for Member information.

Discussion

Barossa residents, Susan and Maurice Robinson, have written to Council requesting permission to install a bench seat with memorial plaque in the children's swing and play area at Bethany Reserve, Tanunda. (Refer Attachment 2) They wish to donate the bench seat to the community on behalf of their daughter, who passed away in 2017, a young mother who spent many hours with her children at the Reserve.

A copy of the Policy was provided to the Robinsons and advice as to the type of bench seat used elsewhere in Bethany Reserve, including approximate cost (refer Attachment 3). The Robinsons are agreeable to the proposed bench and cost and will organise the purchase and delivery to the Tanunda Works Depot for installation by Council staff.

They wish to include a small brass plaque on the bench, with the following words:

"Donated In Loving Memory of
Tania Christine Spehr (nee Robinson)
31/10/1976 - 26/9/2017"

Mr and Mrs Robinson feel that the seat will be appreciated by parents watching their children at play.

Council's Coordinator Operations has no objections to the proposal.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Memorials on Community Land Policy – HPE ref: 09/38782

Attachment 2: Request to install bench seat at Bethany Reserve – HPE ref: 16/67812

Attachment 3: Details of preferred bench seat

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Mr and Mrs Robinson will pay all costs associated with the purchase of the bench seat and plaque.

A risk assessment of the proposal will be carried out prior to installation of the bench. Risks will be mitigated as installation will be carried out by Council staff.

It is noted that the Memorials on Community Land Policy requires review. A report will be brought to a future Council Meeting prior to 31 July 2019.

COMMUNITY CONSULTATION

Community Consultation is not required under legislation or Council Policy.

THE BAROSSA COUNCIL

COUNCIL POLICY



Council is committed to achieving standards or requirements imposed by law, and endeavours to the best of its ability to achieve best practice wherever possible.

Policy Name:	Memorials on Community Land Policy		
Policy Owner:	Director, Corporate and Community Services		
Responsible Officer:	Director, Corporate and Community Services		
Date Approved:	20 OCTOBER 2009	Next Review Date:	Within 24 months of new Council in November 2010
		TRIM Reference:	09/38782 & 09/38783

1. Purpose

The purpose of this policy is to establish and confirm Council's position enabling it to respond to any community requests it may receive for the installation of memorials throughout the District, in a compassionate, consistent and accountable manner.

There is no legislative requirement for Council to have a policy in this area, however various sections of the Local Government Act 1999 require that any alterations (including additions) to Community Land and Roads under Council's care and control must be authorised by Council.

2. Principles

Council's policies are guided by principles of 'sustainability', good governance, advocacy, regulations and service provision. More guidance is provided in Council/Corporate/Procedural Policies, Council's Strategic Plan, Business Plan and other relevant documents.

3. Definitions

The Barossa Council: The organisation which consists of the staff members, Elected Members and the members of Council Committees and the agents operating on its behalf.

4. Policy Statement

4.1 Permanent Commemorative Symbols on Community Land

4.1.1 The installation of permanent commemorative symbols within Community Land (or at roadside locations – refer Roadside Memorials Policy) requires the approval of Council.

4.1.2 Markers or plaques or other indicators depicting personal circumstances are to be located at Cemetery sites only, unless approved by Council.

4.1.3 Landscaping memorials, including garden beds, trees, benches etc. will be considered upon application if they meet the following criteria:-

- (i) The materials are to be supplied by the applicant, based upon specifications provided by Council.
- (ii) Applicants are to meet all costs associated with the installation, and ongoing maintenance thereafter will be at a 'service level' determined by Council, as

resources permit. Council, at its discretion, may waive the maintenance requirements.

- (iii) Replacement or removal of the commemorative symbol due to loss/damage or asset depreciation will be at the discretion of Council. Council will not guarantee longevity of approved memorials, nor their replacement.
- (iv) Council reserves the right to remove or relocate memorials at its discretion. For example, as Community needs change, so may the preferred use of Council reserves/parks. Existing memorials gives families no guarantee that Council may not sell or redevelop the site at any time in the future. Council will notify affected family members wherever possible prior to removal or relocation.
- (v) Requests for placement of ashes of deceased persons or animals on reserves will NOT be approved.
- (vi) An application for a landscaping memorial will not be considered if the request is for placement in any designated memorial garden.

4.2 Acknowledgement of Outstanding Council Service by Volunteers

4.2.1 To commemorate and recognise outstanding service of volunteers to Committees of Council, Council will consider, on application from the relevant Committee, the erection of a plaque or memorial within a Council building or on Community Land.

4.2.2 The application will include a representation of the proposed plaque or memorial so Council may ensure that its form is in keeping with that of the Council building or section of Community Land.

4.2.3 If approved, all associated costs to be borne by the Committee.

4.3 Application Process

4.3.1 Applications for permanent commemorative symbols should be made in writing to The Barossa Council, 43-51 Tanunda Road, Nuriootpa, SA 5355.

4.3.2 Acknowledgement of receipt will be made within 7 working days and referred to the Director Corporate and Community Services (DCCS).

4.3.3 The application will be included in the DCCS debate report to the next Council meeting. The Council's decision will be reported to the applicant by the DCCS within 7 working days of the meeting.

5. Associated Documents

- Roadside Memorials Policy
- Memorials on Community Land Policy (Flowchart)

6. References and Relevant Legislation

Various sections of the Local Government Act 1999 require that any alterations (including additions) to Community Lands and Roads under Council's care and control must be authorised by Council

Attachment 2

M.A. & S.V. Robinson
PO Box 432
TANUNDA SA 5352
suerobinson46@hotmail.com
0413186217

Director, Corporate and Community Services
The Barossa Council
43-51 Tanunda Road
NURIOOTPA SA 5355

Dear Sir

Re: Request for the Approval for the Provision & Installation of Bench Seat at Bethany Reserve

It is our request to Council for approval to have a Bench Seat installed in the children's swing & play area at the Bethany Reserve to enable parents to have a seat whilst watching their children at play.

Our daughter Tania Spehr, who was a young mother and passed away in September 2017, spent many hours there and loved the opportunity to enjoy the natural environment there with her children.

It is our wishes to donate the Bench Seat to the Community in that area, on behalf of Tania and it is also our wish to seek permission to have a small brass plaque on the seat to commemorate this donation on her behalf.

As per Council Policy we understand and are willing to meet all costs associated with the procurement, establishment and maintenance of the Bench Seat and would seek and appreciate Council's advice on this matter.

Yours Sincerely

A handwritten signature in cursive script, appearing to read "Robinson".

for Susan & Maurice Robinson
24 Doering Street,
Tanunda SA



MA & S Robinson - Bench Seat at children's swings/play area

From: [Annette Randall](#)
To: [Annette Randall](#)
Subject: Request - Bench Seat at Bethany Reserve
Date: Friday, 10 May 2019 10:43:29 AM

From: Sue Robinson
Sent: Thursday, 9 May 2019 2:27 PM

Subject: Re: Request - Bench Seat at Bethany Reserve

Thank you so much Annette, the seat displayed is perfect.

We accept the price and delivery cost if approved by Council. What about installation cost? so that it can not be removed by any other person.

If allowable we would like to word the plaque as follows"

"Donated In Loving Memory of
Tania Christine Spehr (nee Robinson)
31/10/1976 - 26/9/2017

Thank you again for your attention to our request and we look forward to hearing from Council in the near future.

Kind Regards,

Susan and Maurice Robinson

Annette Randall
Executive Assistant, Corporate and Community Services
T: 08 8563 8453



The Barossa Council 43-51 Tanunda Road NURIOTPA SA 5355 PO Box 867
T: 08 8563 8444 | F: 08 8563 8461 | www.barossa.sa.gov.au | [Visit us on Facebook](#)

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From: [Annette Randall](#)
To: [Annette Randall](#)
Subject: Quote - Bench Seat
Date: Friday, 10 May 2019 10:48:59 AM
Attachments: [image001.png](#)

Bethany has a wooden table with matching seats so I have received a quote for similar seat only.

Concourse seats are \$1455.00 + delivery \$100 + GST



Annette Randall
Executive Assistant, Corporate and Community Services
T: 08 8563 8453



The Barossa Council 43-51 Tanunda Road NURIOOTPA SA 5355 PO Box 867
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COUNCIL
DEVELOPMENT AND ENVIRONMENTAL SERVICES
DEVELOPMENT SERVICES REPORT
21 MAY 2019

7.5.1. DEBATE AGENDA – DEVELOPMENT SERVICES REPORT

7.5.1.1

BAROSSA ASSESSMENT PANEL
B9056

Author: Manager, Development Services

PURPOSE

To seek Council resolution to continue membership of the Barossa Assessment Panel pursuant to the *Planning, Development and Infrastructure Act 2016* and *Planning, Development and Infrastructure (General) Regulations 2017* and implement the membership and accreditation requirements of this legislation as necessary.

RECOMMENDATION

That Council:

- (1) Appoint members of the current Barossa Assessment Panel for the period 1 July 2019 – 30 June 2020 as follows:
Presiding Member: Bruce Ballantyne
Independent Members: Deirdre Reiman, Grant Hewitt, Rob Veitch
Council Member: Cr Richard Miller
Council Deputy Member: Cr Russell Johnstone.
Subject to the 'designated day' being declared by the governor for the commencement of the Accreditation Scheme.
- (2) Set the remuneration fee for members of the Barossa Assessment Panel (excluding the Council Members) for the period 1 July 2019 – 30 June 2020 as follows :

Presiding Member	\$500 per meeting
Members	\$300 per meeting.
- (3) Authorise the Director, Development and Environmental Services to advertise an Expression of Interest for members for the Barossa Assessment Panel pursuant to the *Planning, Development and Infrastructure Act 2016* and *Planning, Development and Infrastructure (General) Regulations 2017* for the next term of the Barossa Assessment Panel commencing on 1 July 2020 having regard to the need for accreditation (or eligibility for accreditation within a specified period) pursuant to this legislation.

REPORT

Background

Council must appoint the members of the Barossa Assessment Panel in accordance with the provisions of the *Planning, Development and Infrastructure Act 2016* (the PDI Act) and the Regulations thereunder.

Recent State legislative changes have now also introduced a scheme that necessitates that all Independent members of council Assessment Panels must be Accredited Professionals. Regulations for this Accredited Professionals Scheme were proclaimed on 7 February 2019 and became operational on 1 April 2019.

Assessment Panel members will not need to become accredited until the 'designated day' is declared by the Governor.

Introduction

Several classes (Level 1 – 4) for the accreditation of planning professionals has been introduced and a transition period of up to two years exists for the first Planning Level 1 Accredited Professionals – being the level required for Assessment Managers – to become fully accredited in accordance with prescribed criteria.

Independent members of the Barossa Assessment Panel will be required to become Planning Level 2 Accredited Professionals. A date for accreditation compliance has not been released for this level (yet to be proclaimed) but is likely to be required to observe a similar transition period (as for Level 1) of two years.

Members of a council Assessment Panel who are also elected members of the council are not required to become Accredited Professionals.

While the deadline for Panel member accreditation has not yet been confirmed it has been intimated it would occur prior to the commencement of the new Planning and Design Code (designated date). Therefore, as the current Barossa Assessment Panel appointments conclude on 30 June 2019, it would be appropriate to extend these appointments until that time; and subsequently opportune to include potential accreditation requirements as part of any future membership appointments.

Discussion

According to current information the Accredited Professionals Scheme has the following general eligibility criteria for Planning Level 2 accreditation for Independent Assessment Panel members:

- provide evidence that they are sufficiently qualified to make key decisions within the accreditation class they seek
- hold all necessary insurance (potentially covered by the Mutual Liability Scheme)
- pay an evaluation fee.

As an ongoing condition of accreditation, practitioners will need to:

- undertake specified Continuing Professional Development (CPD) units
- comply with the Accredited Professionals Code of Conduct
- maintain an appropriate level of insurance
- participate in annual compliance checks
- continue paying an accreditation renewal fee on an annual basis
- notify the Chief Executive of Department of Planning, Transport and Infrastructure of any change in professional circumstances.

Details in respect to the above stated accreditation requirements for Independent members are contained within a document entitled "Accredited Professional qualifications, experience and technical skills required by the Accreditation Authority under Regulation 5 of the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*) which is available on the SA Planning Portal.

Planning Level 2 accreditation requires:

either

- a 'relevant planning qualification' and a minimum 2 years full time or equivalent experience considered appropriate by the Accreditation Authority

or

- qualification in a planning-related field (e.g. architecture, engineering, environmental management, law, construction management, land surveying or other relevant fields) and membership of an allied industry body to the satisfaction of the Accreditation Authority together with 2 years full time or equivalent experience considered appropriate by the Accreditation Authority.

There is a Code of Conduct for all Accredited Professionals (see links below).

Summary and Conclusion

As a result of ongoing changes and the imminent expiration of the current membership of Council's Assessment Panel it has been recommended that the current Panel membership be extended for a further twelve months to the end of June 2020. It has also been recommended that in the intervening period an Expressions of Interest for future membership should be sought for Panel members who are or are able to be accredited professionals pursuant to the Accredited Professionals Scheme.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Much of the information for this report has been sourced from the SA Planning Portal current as at 17 April 2019. As updates are occurring at the Portal on a regular basis more information can be found here:

https://www.saplanningportal.sa.gov.au/planning_reforms/new_planning_tools/accredited_professionals_scheme

https://www.saplanningportal.sa.gov.au/resources/guides_and_templates/Guide_to_the_Accredited_Professionals_Scheme.pdf

https://www.saplanningportal.sa.gov.au/resources/guides_and_templates/Accreditation_Authoritys_Qualifications,_Skills_and_Experience_Requirements_for_Accredited_Professionals.pdf

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Corporate Plan

- 1.11 Provide transparent, efficient and effective development assessment processes and regulatory activities.

Legislative Requirements

Planning, Development and Infrastructure Act 2016

Planning, Development and Infrastructure (General) Regulations 2017

Development Act 1993

Development Regulations 2008

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

Council is responsible for the staffing and support for Assessment Panels. In addition, it is responsible for all costs and other liabilities associated with the activities of the Barossa Assessment Panel.

The Assessment Panel will operate in accordance with the existing budget allocation, which may be reviewed as necessary dependent on vacancy and subsequent appointment requirements.

Risk Management

If Council does not resolve to appoint its own Assessment Panel the Minister for Planning can establish a Local Assessment Panel which will make decisions on the Council's behalf, at the Council's cost.

In addition, if the Minister has reason to believe that the Assessment Panel appointed by Council has consistently failed to comply with a requirement under the PDI Act, the Minister may request the State Planning Commission to conduct an inquiry under the PDI Act.

COMMUNITY CONSULTATION

Not required however, Expressions of Interest will be sought through public notification in local papers and media that are accessible on a community wide basis.

COUNCIL

DEVELOPMENT & ENVIRONMENTAL SERVICES

DEVELOPMENT SERVICES REPORT

21 MAY 2019

7.5.1 DEBATE AGENDA – DEVELOPMENT SERVICES REPORT

7.5.1.2

APPOINTMENT -BUILDING FIRE SAFETY COMMITTEE **B5795**

Author: Manager, Development Services

PURPOSE

To appoint one replacement member to The Barossa Council's Building Fire Safety Committee under the Development Act, 1993.

RECOMMENDATION

That Council:

- (1) Appoint the following person to The Barossa Council Building Fire Safety Committee pursuant to Section 71(19)(a) of the Development Act, 1993:
 - Mr Peter Xerri, Senior Assessment Officer - Building.

REPORT

Background

The *Development Act 1993* designates the Council as the *Appropriate Authority* for investigating whether commercial building owners are maintaining a proper level of building fire safety for the protection of all occupants of their buildings.

Introduction

Section 71(19), of the Development Act sets out the membership requirements for an *Appropriate Authority*. The *Appropriate Authority* for this area is The Barossa Council Building Fire Safety Committee. This Committee contains the required membership of persons with

prescribed qualifications, a member of the Metropolitan and Country Fire Service, and other persons with expertise in the area of fire safety.

Discussion

Due to the resignation of a former staff member (Tony Manuel) their position on the current Council Building Fire Safety Committee has become vacant. A replacement member from Council staff is therefore being recommended.

Consistent with previous appointments by Council, the replacement staff member being nominated is Peter Xerri who is Council's Senior Assessment Officer in Building and who holds prescribed qualifications.

All other previously appointed Committee representatives remain unchanged.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Community Plan



Infrastructure



Health and Wellbeing



How We Work – Good Governance

Corporate Plan

- 3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.
- 4.12 Enforce safe and healthy housing/commercial premises conditions that are within Council control or elevate to the State when required.
- 4.13 Ensure that Council services and facilities are fit for purpose including safety and access and these considerations are integrated into urban, asset and community planning.
- 6.5 Implement compliant and contemporary risk management initiatives.

Legislative Requirements

Section 71 of the Development Act, 1993

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The Building Fire Safety Committee operates within an ongoing allocated budget.

COMMUNITY CONSULTATION

The appointment of a replacement member does not require consultation under the Development Act or by Council's Public Consultation Policy.

COVER SHEET

CONFIDENTIAL REPORT

21 May 2019

Council Meeting

8.1 WORKS AND ENGINEERING SERVICES - CONFIDENTIAL

8.1.1

**INFRASTRUCTURE DEED – DEPARTMENT OF PLANNING TRANSPORT AND INFRASTRUCTURE
– THE BAROSSA COUNCIL – PERNOD RICARD WINEMAKERS PTY LTD – KROEMER
CROSSING PROJECT
B7854 19/27771**

The matter of the agenda item being Infrastructure Deed – Department of Planning Transport and Infrastructure – The Barossa Council - Pernod Ricard Winemakers Pty Ltd – Kroemer Crossing Project pursuant to Section 90(3)(j)(i) and (ii) of the Local Government Act 1999 ("the Act") being (i) information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council) and (ii) would, on balance, be contrary to the public interest.

There is strong public interest in enabling members of the public to observe Council's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate participation, assist public awareness and allow for the scrutiny of information. Attendance at a Council meeting is one means of satisfying this interest. The public will only be excluded from a Council meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that Council has been provided the agreement, by the State Government, in confidence and requested to keep in confidence. Disclosure at this time, on balance, could be detrimental to the public interest and success of the project.

On balance, the above reasons which support the need for confidentiality pursuant to Section 90(2) of the Act outweigh the factors in favour of the public interest of open decision making.

RECOMMENDATION

That Council:

- (1) Under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Community Projects, Director Development and Environmental Services, Director Works and Engineering Services, Acting Director Corporate and Community Services and the Minute Secretary, in order to consider in confidence a report relating to Section 90(3)(j)(i)(ii) of the Local Government Act 1999 being (i) information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council) and (ii) would, on balance, be contrary to the public interest; and
- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential as Council has been provided the agreement, by the State Government, in confidence and requested to keep in confidence and the disclosure at this time, on balance, could be detrimental to the public interest and success of the project.