



# Delegation Register

## 2015



Adopted by Council 24 November 2015



## Delegations Manual INDEX

**Page No.**

### **Information Regarding Delegations**

Legislative requirement(s) relating to Delegations .....	5
Operating Procedures relating to Delegations.....	7

### **Appendix**

#### **No.**

#### **Instruments of Delegation**

1	Community Titles Act 1996 .....	11
2	Council By Laws .....	26
3	Delegations Under Policy .....	34
4	Development Act 1993 and Development (Development Plans) Amendment Act 2006 and Development Regulations 2008 .....	38
5	Dog and Cat Management Act 1995 .....	117
6	Fences Act 1975.....	124
7	Fire and Emergency Services Act 2005 and the Fire and Emergency Services Regulations 2005 (Metropolitan) .....	127
8	Freedom of Information Act 1991 and Freedom of Information (Fees and Charges) Regulations 2003 .....	140
9	Heavy Vehicle National Law South Australian Act 2013 .....	160
10	Land and Business (Sale and Conveyancing) Act 1994 .....	169
11	Liquor Licensing Act 1997 .....	171
12	Local Government Act 1934 .....	174
13	Local Government Act 1999 .....	177
14	Natural Resources Management Act 2004, the Natural Resources Management (General) Regulations 2005 and the Natural Resources Management (Transitional Provisions Levies) Regulations 2005 .....	256
15	Roads (Opening and Closing) Act 1991 .....	266
16	Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 1999 and the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999 .....	275
17	Road Traffic Act 1961 - Authorisations under the Road Traffic Act 1961 made in accordance with the Notice to Council dated 22 August 2013 from the Minister for Transport and Infrastructure .....	281

18	Road Traffic Act 1961 – Sub Delegations under the Road Traffic Act 1961 made in accordance with the Notice to Council dated 22 August 2013 from the Minister for Transport and Infrastructure – Clause G .....	284
19	Unclaimed goods Act 1987 .....	285
20	Work Safety and Welfare Act 2012 .....	290

### **Delegations to Eastern Health Authority**

A	Environment Protection Act 1993, and the Environment Protection (Waste to Resources) Policy 2010 .....	298
B	Expiation of Offences Act 1996 .....	303
C	Housing Improvement Act 1940 .....	309
D	South Australian Public Health Act 2011; and South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (Wastewater) Regulations 2013 .....	313
E	Supported Residential Facilities Act 1992 .....	331
F	Safe Drinking Water Act 2011 .....	341

## **LEGISLATIVE REQUIREMENT(S) RELATING TO DELEGATIONS**

1. Section 44 of the Local Government Act 1999 provides that the Council may delegate a power or function vested or conferred under this or another Act. Some other Acts also contain a specific power of delegation.
2. Delegations made by the Council under Section 44 of the Local Government Act 1999 can be made to a Council committee, a subsidiary of the Council, an employee of the Council, the employee of the Council for the time being occupying a particular office or position or, an authorised person. Other Acts may specify different delegates than the Local Government Act 1999.
3. A delegation made pursuant to Section 44 of the Local Government Act 1999 is revocable at will and does not prevent the Council from acting in a matter.
4. There are a number of powers and functions of the Local Government Act 1999 which the Council cannot delegate. These are set out in Section 44(3) of the Local Government Act 1999. If the Council purports to delegate any of these powers or functions, that delegation would be ineffective. Any action undertaken in reliance on that delegation would be unauthorised. This may cause legal and administrative problems for the Council.
5. Pursuant to Section 44(3) of the Local Government Act 1999 there are a number of matters which Councils cannot delegate. They include the following:
  - (a) power to make a by-law;
  - (b) power to declare rates or a charge with the character of a rate;
  - (c) power to borrow money or to obtain other forms of financial accommodation;
  - (d) power to adopt or revise a strategic management plan or budget of the council;
  - (e) power to approve expenditure of money on works, services or operations of the council not contained in a budget approved by the council;
  - (f) power to determine annual allowances under Chapter 5;
  - (g) power to approve payment or reimbursement of expenses that may be paid at the discretion of the council and for which the council has not adopted a formal policy or made specific financial provision;
  - (h) power to establish a subsidiary, or to participate in the establishment of a regional subsidiary;
  - (i) power to make an application or recommendation, or to report or to give a notice, to the Governor or the Minister, being an application, recommendation, report or notice for which provision is made by or under this or another Act;
  - (j) power to fix, vary or revoke a fee under section 188(1)(d) to (h);
  - (k) a power or function excluded from delegation by the regulations.

6. Section 44 of the Local Government Act 1999 sets out various other matters in relation to delegations. For example:
  - 6.1. Section 44(6) provides that the Council must cause a separate record to be kept of all delegations made under Section 44, and should at least once in every financial year review the delegations for the time being in force under Section 44;
  - 6.2. Section 44(7) provides that a person is entitled to inspect (without charge) the record of delegations under Section 44(6) at the principal office of the Council during ordinary office hours.
7. Section 101 of the Local Government Act 1999 provides that the Chief Executive Officer may delegate (or sub-delegate) a power or function vested or conferred in or on the Chief Executive Officer under the Local Government Act 1999. Section 101 sets out various other matters in relation to delegations (or sub-delegations) by the Chief Executive Officer.
8. A delegation by the Chief Executive Officer made under Section 101 of the Local Government Act 1999 may be made to an employee of the Council, or to the employee for the time being occupying a particular office or position, a committee comprising employees of the Council, or an authorised person.

## OPERATING PROCEDURES RELATING TO DELEGATIONS

The following operating procedures are not required to achieve statutory compliance in relation to delegations but are made on the basis of achieving a best practice approach in respect of council's practices and procedures in relation to the making of lawful delegations under the Local Government Act 1999.

### 1. DELEGATION MANUAL – ANNUAL REVIEW

The Delegation Manual will be reviewed annually by the Chief Executive Officer, in accordance with Section 44(6) of the Local Government Act 1999.

### 2. SUB DELEGATIONS – ANNUAL REVIEW

The Chief Executive Officer will undertake a review of the schedule of Sub delegations annually. Once the review has been completed, the Chief Executive Officer will prepare an "Instrument of Sub delegation". The Chief Executive Officer will then sign-off the sub delegations (it is in the act of signing off on the Sub delegations that the Chief Executive Officer actually makes the sub delegation).

A "Memorandum Applying to the Position" (refer above) will be prepared by the DCS outlining the sub delegations. (Instruments of sub delegation are to refer to position only, rather than name.)

Copies of the "Instrument of Sub delegation" and "Memorandum Applying to the Position" are to be forwarded to Manager Governance & Administration for recording.

#### **Legend for Sub Delegations**

**CEO** Chief Executive Officer  
**CEC** Community Events Coordinator  
**CSO** Community Safety Officer  
**Customer Service Officer** Customer Service Officer  
**DAO** Development Administration Officer and Cadet Planner  
**DBED** Director Business & Economic Development  
**DCS** Director Corporate Services  
**DCPC** Director Community, Planning & Communications  
**DIAE** Director Infrastructure Assets & Environment  
**DO(B)** Development Officer - Building  
**DO(P)** Development Officer – Planning  
**EA** Executive Assistant  
**EDO** Economic Development Officer  
**ETE** Environment & Transport Engineer  
**HRS** Human Resources Advisor  
**IAE** Infrastructure & Assets Engineer  
**IAO** Infrastructure & Assets Officer  
**IMO** Information Management Officer  
**IMA** Information Management Advisor  
**MAGE** Manager Arts Gallery & Events  
**MCD** Manager Community Development  
**MCMCS** Manager City Maintenance & Community Safety  
**MDSC** Manager Development Services & Communications  
**MFS** Manager Financial Services  
**MGA** Manager Governance & Administration  
**MIAE** Manager Infrastructure Assets & Environment

**MKI** Manager Knowledge & Information  
**MTSC** Manager Library Services  
**PFO** Payroll & Finance Officer  
**Pol.PI.** Policy Planner  
**RA** Rates Administrator  
**SDO** Senior Development Officer  
**TLCS** Team Leader Community Safety

#### **Legend for Delegations to Eastern Health Authority:**

**CoP CEO** City of Prospect Chief Executive Officer  
**CSO** Community Safety Officer  
**Customer Service Officer** Customer Service Officer  
**DCPC** Director Community Planning & Communications  
**EA DCPC** Executive Assistant to Director Community Planning & Communications  
**EHA** Eastern Health Authority  
**ETE** Environment & Transport Engineer  
**TLCS** Team Leader Community Safety

### **3. CONTROL OF DELEGATIONS/SUB DELEGATIONS**

The following staff members are authorised to:-

- Prepare Delegations (CEO, DCS, MGA);
- Prepare Sub delegations (CEO, Directors, MGA);
- Make alterations to the schedule of delegations in preparation for adoption by Council and Sub delegations for approval by the CEO (CEO/DCS/MGA); and
- Maintain all delegations and sub delegations in a central location, in the custody of a nominated officer (MGA)

The Manager Governance & Administration will maintain a central point of control which allows for a full and accurate record to be maintained and will develop a culture in which it becomes known and accepted that the Manager Governance & Administration is the “*first port of call*” in relation to ascertaining what delegations have been made and in seeking any alterations or additions.

#### **Summary of Delegations Documentation**

##### **3.1 Delegations ~~Manual~~ Register**

Council’s delegation to the CEO is ~~adopted-reviewed~~ annually ~~usually in the month of June.~~ (“~~Head Delegation~~”). The ~~CEO~~ Chief Executive Officer will undertake a review of the schedule of Sub delegations. These Sub delegations which will be incorporated into the Delegations Manual.

##### **3.2 Delegations Manual “Working Document”**

A Delegations Manual “Working Document” will be created after Council has adopted the Delegations Manual and after the ~~Chief Executive Officer~~ CEO has finalised the sub delegations.

This working document will be created to capture any changes to Legislation (updates/ amendments) and changes to sub delegations that are enacted by the ~~Chief Executive Officer~~CEO throughout the year. This document (containing tracked changes) will be available in a pdf format on the intranet and updated as required by the Manager Governance & Administration.

The tracked changes will then be included as part of the annual review (or quarterly review if necessary) by the ~~CEO. Chief Executive Officer in June, prior to preparing a revised 'Head Delegation' for adoption by Council.~~

### 3.3 Delegations “Register”

All instruments of delegation and sub delegation will be recorded in the Trim Electronic Records Management System.

## 4. SUB DELEGATIONS - “ACTING”

Team Leaders and Managers are responsible for nominating a staff member to “Act” in a position, either by virtue of another employee being on leave or whilst the position is vacant (i.e. no permanent incumbent). A memorandum (~~refer above~~) will need to be provided to the nominated “Acting” staff member, detailing all Sub delegations that they will be responsible for, which is to be signed by the ~~Chief Executive Officer~~CEO. A copy of this memorandum must be forwarded to the relevant staff and Manager Governance & Administration to ensure that it is recorded in the Trim Records Management System.

## 5. AUTHORISED OFFICERS

Manager Governance & Administration will keep a central record of all authorised officers appointed by the ~~Chief Executive Officer~~CEO.

## 6. STAFF TRAINING and AWARENESS

Relevant staff will be provided with appropriate training to ensure that they understand the rationale for having delegations and Sub delegations, the implications of action undertaken in the absence of an appropriate delegation and ~~that~~ they are aware of the Sub delegations that apply to them and the scope of those Sub delegations.

To promote awareness of delegations and improve record-keeping practices, employees are encouraged to record the source of delegated authority in relation to decisions made under delegated authority.

Staff who have been given delegated authority or appointed as authorised officers will be provided with an explanation in writing of the specific powers and duties which apply to them pursuant to the relevant sections of the relevant legislation. Related training will be provided if appropriate where required.

## 7. INDUCTION OF NEW EMPLOYEES

The topic of delegations and Sub delegations is included in the induction process for new staff – with a requirement that the new employee and the manager sign off on the completion of the induction process insofar as it applies to Sub delegations and appointments as an authorised officer.

## 8. ELECTED MEMBERS

The Administration will take such steps as are necessary to ensure ~~that~~ elected members receive appropriate information in relation to delegations (this may be a report or a workshop or some other forum). In particular, this information should inform the elected members that delegations are imperative to efficient decision-making and to the lawful conduct of Council business, and ~~that~~ in respect of any power or function which is not delegated, all decisions must come to ~~the~~ Council for its consideration and the ~~Chief Executive Officer~~ CEO will not be empowered to act in relation to such matters. It is worth noting that delegating a power does not transfer that power from ~~the~~ Council to the delegate, it merely replicates it.

## 9. AUDIT

The Administration will take the necessary steps to ensure ~~that~~ the ~~Chief Executive Officer~~ CEO and employees are not undertaking tasks which are “*ultra vires*” (–i.e. beyond their powers and which can only be carried out by the Council in the absence of a relevant delegation of power). This can be approached in one of several ways. It may involve a review or “audit” of the range of tasks normally undertaken by the ~~Chief Executive Officer~~ CEO and the relevant employees, which identifies the powers ~~that~~ the Council needs to delegate to empower them to carry out those tasks. Alternatively it may involve the Council delegating all the powers and functions which are vested or conferred on it by the various Acts to ensure ~~that~~ the ~~Chief Executive Officer~~ CEO and the employees have the delegated authority to perform the tasks required of them in the normal course of their duties.

## APPENDIX 1

### INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996

#### NOTES

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

#### POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

<b>1. Interpretation</b>	<b>Delegation</b>	<b>Sub Delegation</b>
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:	DAP CEO	DCPC MDSC
1.1.1 all the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the plan of community division have been granted; or		
1.1.2 no consent or approval is required under that Act in relation to the division of the land (or a change in the use of the land),		
to, as the relevant development authority, endorse a scheme description to the effect of either subsection 3(11)(b)(i) or (ii) of the Act.		
<b>2. Application</b>		
2.1 The power pursuant to Section 14(1) of the Act, where the Council is the registered proprietor of an estate in fee simple in:		
2.1.1 land comprising an allotment or allotments;		
2.1.2 land comprising a primary lot or a secondary lot,		
to apply to the Registrar-General for the division of the land by a plan of community division.	Not Delegated	Not Sub Delegated

**INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996**

<b>3. Application May Deal With Statutory Encumbrances</b>		
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.	CEO	Not Sub Delegated
<b>4. Consents to Application</b>		
4.1 The power pursuant to Section 16(1)(a) of the Act,		
4.1.1 where the Council is the holder of a registered encumbrance over the land to be divided; or		
4.1.2 where deposit of the plan in the Lands Titles Registration Office will affect the estate or interest of the Council in land outside the community parcel; or		
4.1.3 where deposit of the plan in the Lands Titles Registration Office will operate to vest an estate or interest in land (whether within or outside the community parcel) in the Council		
to consent to the application.	CEO	Not Sub Delegated
<b>5. Application to Amend Schedule of Lot Entitlements</b>		
5.1 The power pursuant to Section 21(4)(a) of the Act, where the Council is		
5.1.1 the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation authorising the proposed amendment because the Council was not a member of the corporation when the vote was taken; or		
5.1.2 a prospective owner at the relevant time of a community lot; or		
5.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot; or		
5.1.4 where the Council is a person referred to in Section 21(5) of the Act,		
to consent to the proposed amendment.	CEO	Not Sub Delegated
5.2 The power pursuant to Section 21(5) of the Act:		

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**INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996**


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5.2.1	where the corporation is a primary corporation and a primary lot is divided by a secondary plan, and where the Council is:		
5.2.1.1	a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amendment because the Council was not a member of the secondary corporation when the vote was taken; or		
5.2.1.2	a prospective owner at the relevant time of a secondary lot; or		
5.2.1.3	a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot; or		
5.2.2	where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan, and where the Council is:		
5.2.2.1	a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment because the Council was not a member of the tertiary corporation when the vote was taken; or		
5.2.2.2	a prospective owner at the relevant time of a tertiary lot; or		
5.2.2.3	a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot,		
	to grant consent.	CEO	Not Sub Delegated
<b>6.</b>	<b>Encroachments</b>		
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.	CEO	Not Sub delegated

## INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996

<b>7. Scheme Description</b>		
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:	DAP CEO	DCPC MDSC
7.1.1 add any information that is necessary or desirable; or		
7.1.2 clarify any part of the description; or		
7.1.3 remove any unnecessary detail.		
<b>8. Amendment of Scheme Description</b>		
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.	DAP CEO	DCPC MDSC
<b>9. Persons Whose Consents are Required</b>		
9.1 The power pursuant to Section 32(1) of the Act, where the Council is:		
9.1.1 a person who is the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation amending the scheme description because the Council was not then a member of the corporation; or		
9.1.2 the prospective owner at the relevant time of a community lot;		
9.1.3 the owner or prospective owner at the relevant time of a development lot;		
9.1.4 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a community lot or development lot; or		
9.1.5 the owner or prospective owner at the relevant time of a development lot in a secondary or tertiary scheme that comprises part of the community scheme to which the scheme description relates; or		
9.1.6 a person referred to Section 32(2) of the Act,  to grant consent.	CEO	Not Sub Delegated
9.2 The power pursuant to Section 32(2) of the Act:		
9.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and the Council is:		

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**INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996**


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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		
9.2.1.2	the prospective owner at the relevant time of a secondary lot; or		
9.2.1.3	a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a secondary lot or development lot; or		
9.2.2	where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan and the Council is:		
9.2.2.1	a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment to the scheme description because the Council was not then a member of the tertiary corporation; or		
9.2.2.2	the prospective owner at the relevant time of a tertiary lot; or		
9.2.2.3	a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a tertiary lot or development lot,		
	to grant consent.	CEO	Not Sub Delegated
<b>9A. By-laws</b>			
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.	CEO	Not Sub Delegated
9A.2	The power pursuant to Section 34(6)(g) of the Act to withdraw or otherwise discontinue the application for revocation.	CEO	Not Sub Delegated

## INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996

<b>9B. By-law as to the Exclusive Use of Part of the Common Property</b>		
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.	CEO	Not Sub Delegated
<b>9C. Enforcement of Development Contract</b>		
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:	CEO	Not Sub Delegated
9C.1.1 the developer; and		
9C.1.2 if the contract is for the development of a development lot or a community lot – the subsequent owner or owners (if any) of the lot,		
even though no obligations attach to the corporation, owner and occupier under the contract.		
9C.2 The power pursuant to Section 49(2a) of the Act to make application to the Magistrates Court to transfer the proceedings to the District Court.	CEO	Not Sub Delegated
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	CEO	Not Sub Delegated
9C.3.2 state a question of law for the opinion of the Supreme Court.	CEO	Not Sub Delegated
<b>10. Application for Amendment</b>		
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.	CEO	Not Sub Delegated
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,		

**INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996**

consent to the amendment.	CEO	Not Sub Delegated
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.	CEO	Not Sub Delegated
<b>11. Status of Application for Amendment of Plan</b>		
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.	CEO	Not Sub Delegated
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.	CEO	Not Sub Delegated
<b>12. Application May Deal With Statutory Encumbrances</b>		
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.	CEO	Not Sub Delegated
<b>13. Alteration of Boundaries of Primary Community Parcel</b>		
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.	CEO	Not Sub Delegated
<b>14. Amendment of Plan Pursuant to Development Contract</b>		
14.1 The power pursuant to Section 58(1) of the Act and in accordance with Sections 58(2), (3) and (4) of the Act, where the Council is the registered proprietor of an estate in fee simple in a development lot, to apply to the Registrar-General for the division of the development lot in pursuant of the development contract and for the consequential amendment of the community plan.	CEO	Not Sub Delegated
<b>15. Amendment by Order of ERD Court</b>		
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.	CEO	Not Sub Delegated

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**INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996**


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15.2	The power pursuant to Section 59(3a) of the Act to make submissions to the court in relation to the matter.	CEO	DCPC MDSC
<b>16. Persons Whose Consents are Required</b>			
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.	CEO	Not Sub Delegated
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 the Council is:		
16.2.1.1	a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amalgamation because the Council was not then a member of the secondary corporation; or		
16.2.1.2	the prospective owner at the relevant time of a secondary lot; or		
16.2.1.3	the owner or prospective owner at the relevant time of a development lot in the secondary scheme; or		
16.2.1.4	a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot or development lot; or		

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**INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996**


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16.2.2	where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the plans to be amalgamated are secondary plans a secondary lot is divided by a tertiary plan where the Council is:		
16.2.2.1	a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amalgamation because the Council was not then a member of the tertiary corporation; or		
16.2.2.2	the prospective owner at the relevant time of a tertiary lot; or		
16.2.2.3	the owner or prospective owner at the relevant time of a development lot in the tertiary scheme; or		
16.2.2.4	a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot or development lot,		
	to consent.	CEO	Not Sub Delegated
<b>17. Deposit of Amalgamated Plan</b>			
17.1	The power pursuant to Section 62(3) of the Act, where the Council is:		
17.1.1	the owner of the servient land; or		
17.1.2	a person who appears from the Register Book to hold a registered encumbrance over the servient land (other than an easement that will not be affected)		
	to endorse an application for amalgamation with the Council's consent.	CEO	Not Sub Delegated
<b>18. Persons Whose Consent is Required</b>			
18.1	The power pursuant to Section 66(1) of the Act, to, where the Council is:		
18.1.1	an owner at the relevant time of a community lot and a development lot (if any); or		
18.1.2	the prospective owner at the relevant time of a community lot or a development lot; or		

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**INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996**


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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.	CEO	Not Sub Delegated
<b>18A. Application to ERD Court</b>			
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.	CEO	Not Sub Delegated
18A.2	The power pursuant to Section 67(1a) of the Act to make submissions to the Court in relation to the matter.	CEO	Not Sub Delegated
<b>19. Cancellation</b>			
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).	CEO	Not Sub Delegated
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.	CEO	Not Sub Delegated
<b>20. Division of Primary Parcel Under Part 19AB</b>			
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.	CEO	Not Sub Delegated

## INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996

<b>21. Voting at General Meetings</b>		
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.	CEO	Not Sub Delegated
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.	CEO	Not Sub Delegated
<b>22. Administrator of Community Corporation's Affairs</b>		
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.	CEO	Not Sub Delegated
<b>23. Power to Enforce Duties of Maintenance and Repair etc</b>		
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 <i>the circumstances out of which the work was required are attributable to the act or default of another person,</i>		
to recover those costs from that other person as a debt.	CEO	Not Sub Delegated
<b>24. Right to Inspect Policies of Insurance</b>		
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.	CEO	Not Sub Delegated
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.	CEO	Not Sub Delegated
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.	CEO	Not Sub Delegated

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**INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996**


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<b>25. Information to be Provided by Corporation</b>		
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 such period, not exceeding two years, specified in the application; and		
25.1.2.2 the statement of accounts of the corporation last prepared by the corporation; and		
25.1.2.3 current policies of insurance taken out by the corporation; and		
25.1.3 make available for inspection such information as is required to establish the current financial position of the corporation including:		
25.1.3.1 a copy of the accounting records of the corporation; and		
25.1.3.2 the minute books of the corporation; and		
25.1.3.3 any other documentary material prescribed by regulation; and		

**INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996**

25.1.4	if the community corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract; and		
25.1.5	make available for inspection the register maintained under Section 135 of the Act.	CEO	Not Sub Delegated
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.	CEO	Not Sub Delegated
<b>26. Information as to Higher Tier of Community Scheme</b>			
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.	CEO	Not Sub Delegated
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.	CEO	Not Sub Delegated
<b>27. Persons Who May Apply for Relief</b>			
27.1	The power pursuant to Section 141(1) of the Act to apply for relief under Part 14 of the Act.	CEO	Not Sub Delegated
<b>28. Resolution of Disputes, etc</b>			
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.	CEO	Not Sub Delegated
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.	CEO	Not Sub Delegated
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.	CEO	Not Sub Delegated
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.	CEO	Not Sub Delegated
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	CEO	Not Sub Delegated
28.5.2	state a question of law for the opinion of the Supreme Court.	CEO	Not Sub Delegated

**INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996**

<b>29. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold</b>		
29.1 The power pursuant to Section 142A(3) of the Act, in the event of a contravention of Section 142A(1) of the Act, to, by notice in writing given at any time before the plan of community division is deposited in the Lands Titles Registration Office, avoid the contract of sale.		
29.2 The power pursuant to Section 142A(4) of the Act, if the plan of community division is not deposited in the Lands Titles Registration Office:		
29.2.1 within such period after the date of the contract as is specified in the contract in accordance with any requirements specified in the regulations; or		
29.2.2 if the contract does not specify a period in accordance with Section 142A(4)(a) of the Act, within 6 months after the date of the contract,		
to, by notice in writing to the vendor, avoid the contract of sale at any time before the plan is deposited.	CEO	Not Sub Delegated
<b>30. Entry onto Lot or Common Property</b>		
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.	CEO	DIAE
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.	CEO	DIAE
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.	CEO	DIAE

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**INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996****SCHEDULE OF CONDITIONS****CONDITIONS OR LIMITATIONS  
APPLICABLE TO DELEGATIONS  
CONTAINED IN THIS INSTRUMENT**

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

## APPENDIX 2

### INSTRUMENT OF DELEGATION UNDER COUNCIL BY-LAWS

#### NOTES

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

#### POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

<b>1. By-Law No: 1 – Permits and Penalties</b>	<b>Delegation</b>	<b>Sub Delegation</b>
1.1 The power pursuant to paragraph 3.2 of the by-law to attach such conditions to a grant of permission as thought fit, and to vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.	CEO	DIAE MCMCS TLCS
1.2 The power pursuant to paragraph 3.4 of the by-law to revoke a grant of permission at any time by notice in writing to the person granted permission.	CEO	DIAE MCMCS TLCS
<b>2. By-Law No: 2 – Moveable Signs</b>		
1.1 The power pursuant to paragraph 3.6 of the by-law to grant permission for a moveable sign to be fixed, tied or chained to, or leaned against or placed closer than 2 metres to any other structure, object (including another moveable sign), plant or tree	CEO	DIAE MCMCS TLCS
1.2 The power pursuant to paragraph 3.7 of the by-law to grant permission for a moveable sign to be placed within 10 metres of an intersection of a road.	CEO	DIAE MCMCS TLCS
<b>3. By-Law No: 3 – Local Government Land</b>		
1.1 The power pursuant to paragraph 2 of the by-law to give permission for the following activities to take place on Local Government Land:		
<b>1.1.1 Working on Vehicles</b> repair, wash, paint, panel beat or perform work of any nature on or to any vehicle, except for running repairs in the case of breakdown;	CEO	DIAE MIAE MCMCS TLCS

- 2 -

**INSTRUMENT OF DELEGATION UNDER COUNCIL BY LAWS**

<p><b>1.1.2 Busking</b> sing, busk or play a musical instrument for the purpose of, or so as to appear to be for the purpose of, entertaining others or receiving money.</p>	CEO	DIAE DCPC MCMCS TLCS MAGE <u>CEC</u>
<p><b>1.1.3 Horses, Cattle and Sheep</b> lead or drive any horse, cattle or sheep, except where the Council has set aside a track or other area for use by or in connection with the animal of that kind.</p>	CEO	DIAE MCMCS TLCS
<p><b>1.1.4 Donations</b> ask for or receive or indicate that he or she desires a donation or money or any other thing;</p>	CEO	DIAE DCPC MCMCS TLCS MCD MAGE
<p><b>1.1.5 Amplification</b> use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound.</p>	CEO	DIAE DCPC MCMCS TLCS MAGE <u>CEC</u>
<p><b>1.1.6 Distribution</b> give out or distribute to any bystander or passer by any handbill, book, notice or other printed matter, provided that this restriction does not apply to any electoral matter given out or distributed by or with the authority of a candidate during the course of a Federal, State or Local Government Election or Referendum.</p>	CEO	DIAE DCPC MCMCS TLCS MAGE MCD <u>CEC</u>
<p><b>1.1.7 Preaching</b> preach or harangue; provided that this restriction does not apply to a person legitimately canvassing public opinion during the course of a Local, State, Federal Government election or during a Referendum.</p>	CEO	DIAE MCMCS TLCS

- 3 -

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**INSTRUMENT OF DELEGATION UNDER COUNCIL BY LAWS**


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<p><b>1.1.8 Canvassing</b> convey any advertising, religious or other message to any bystander, passer by or person provided that this restriction does not apply to any electoral matter given out or distributed with the authority of a candidate during the course of a Federal, State or Local Government Election or Referendum;</p>	CEO	DIAE DPCP MCMCS TLCS MAGE MCD
<p><b>1.1.9 Advertising</b> display any sign for the purpose of commercial advertising;</p>	CEO	DIAE DPCP MCMCS TLCS MAGE MCD
<p><b>1.1.10 Fires</b> light or maintain any fire except (a) in a place provided by the Council for that purpose; or (b) in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material;</p>	CEO	DIAE MCMCS TLCS <b>CEC (PART B ONLY)</b>
<p><b>1.1.11 Fireworks</b> use, ignite, discharge or explode any fireworks;</p>	CEO	DIAE MCMCS TLCS
<p><b>1.1.12 Removing Soil</b> carry away or remove any soil, sand, timber, stones, pebbles, other organic or inorganic materials or any part of the land;</p>	CEO	DIAE MCMCS
<p><b>1.1.13 Picking Fruit</b> pick fruit, nuts or berries from any trees or bushes;</p>	CEO	DIAE DPCP MCMCS
<p><b>1.1.14 Digging Soil</b> dig the soil for, or disturb or remove grubs, insects, coins or artefacts or other thing;</p>	CEO	DIAE MCMCS
<p><b>1.1.15 Trees and Plants</b> (a) take, uproot or damage any tree, plant or flower; (b) remove, take or disturb any soil, stone, wood, timber or bark; (c) collect or take any dead wood or timber; or (d) run, stand or walk on any flower bed or garden plot;</p>	CEO	DIAE MCMCS

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- 4 -

**INSTRUMENT OF DELEGATION UNDER COUNCIL BY LAWS**

<p><b>1.1.16 Fauna</b></p> <p>(a) take, interfere with or disturb any animal or bird or the eggs or young of any animal or bird;</p> <p>(b) disturb, interfere with or damage any burrow, nest or habitat of any animal or bird; or</p> <p>(c) use, possess or have control of any device for the purpose of killing or capturing any animal or bird;</p>	CEO	DIAE MCMCS
<p><b>1.1.17 Games</b></p> <p>(a) to which this subparagraph applies, participate in any game, recreation or amusement which involves the use of a ball, missile or other object which the use of may cause injury or discomfort to any person being on or in the vicinity of that land; or</p> <p>(b) play any organised competition sport;</p>	CEO	DIAE DPCP MCMCS TLCS MAGE MCD <u>CEC</u>
<p><b>1.1.18 Swimming</b></p> <p>swim, bathe in any pond, stream or lake to which this subparagraph applies;</p>	CEO	DIAE MCMCS TLCS
<p><b>1.1.19 Fishing</b></p> <p>fish in any pond, stream or lake to which this subparagraph applies;</p>	CEO	DIAE MCMCS TLCS
<p><b>1.1.20 Liquor</b></p> <p>(a) consume, carry or be in possession or charge of any liquor on any local government land to which this subparagraph applies (provided the land constitutes a park or reserve);</p> <p>(b) excepting sealed containers, consume, carry, be in possession or charge of any liquor in an open container on any local government land to which this subparagraph applies (provided the land constitutes a park or reserve);</p>	CEO	DIAE DPCP MAGE MCD <u>CEC</u>
<p><b>1.1.21 Weddings</b></p> <p>conduct or participate in a marriage ceremony on any park or reserve;</p>	CEO	DIAE DCPC MAGE CEC

- 5 -

**INSTRUMENT OF DELEGATION UNDER COUNCIL BY LAWS**

<p><b>1.1.22 Closed lands</b> enter or remain on any part of local government land:</p> <p>(a) at any time during which the Council has declared that it is closed to the public and which is indicated by a sign to that effect;</p> <p>(b) where the land is enclosed with fences and/or walls, and gates, at any time when the gates have been closed and locked; or</p> <p>(c) where admission charges are payable, to enter without paying those charges;</p>	CEO	DIAE MCMCS TLCS
<p><b>1.1.23 Camping</b> camp or stay overnight;</p>	CEO	DIAE MCMCS TLCS
<p><b>1.1.24 Tents</b> erect any tent, booth, marquee or other structure of calico, canvas, plastic or similar material;</p>	CEO	DIAE DCPC MCMCS TLCS MAGE MCD <b>CEC</b>
<p><b>1.1.25 Posting of bills</b> post any bills, advertisements or other papers or items on a building, structure, pole or tree on local government land, or other public place provided that this paragraph does not apply to any electoral matter posted on a building or structure with the authority of a candidate during the course of a Federal, State or Local Government Election or Referendum.</p>	CEO	DIAE DCPC MCMCS TLCS MAGE MCD
<b>4. By-Law No: 4 – Roads</b>		
<p>1.1 The power pursuant to paragraph 2.1 of the by-law to grant permission to a person to repair, wash, paint, panel beat or perform other work on or to any vehicle on any road.</p>	CEO	DIAE MCMCS TLCS
<p>1.2 The power pursuant to paragraph 2.2 to grant permission to a person to use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or broadcasting announcements or advertisements.</p>	CEO	DIAE DCPC MCMCS TLCS
<p>1.3 The power pursuant to paragraph 2.3 to grant permission to a person to preach or harangue.</p>	CEO	DIAE MCMCS TLCS

- 6 -

**INSTRUMENT OF DELEGATION UNDER COUNCIL BY LAWS**

1.4	The power pursuant to paragraph 2.5 to grant permission to a person to erect or display any sign, or hoarding for the purpose of commercial advertising, other than a moveable sign which is displayed on a public street or road in accordance with any by-law of the Council concerning moveable signs.	CEO	DIAE DCPC MCMCS TLCS CSO
1.5	The power pursuant to paragraph 2.6 to grant permission to a person to ask for or receive or indicate a desire for a donation of money or any other thing.	CEO	DIAE DPCP MCMCS TLCS
1.6	The power pursuant to paragraph 2.7 to grant permission to a person to post any bills, advertisements or other papers or items on a building, structure, pole or tree on a road.	CEO	DIAE MCMCS TLCS
1.7	The power pursuant to paragraph 2.8 to grant permission to obstruct any footway or roadway.	CEO	DIAE TLCS MCMCS CSO
<b>5. BY-Law No: 5 - DOGS</b>			
1.1	The power pursuant to paragraph 2.1 (a) of the by-law to grant permission to a person to keep in a small dwelling (defined in the by-law), more than one dog.	CEO	DIAE MCMCS TLCS CSO
1.2	The power pursuant to paragraph 2.1 (b) of the by-law to grant permission to a person to keep in premises other than a small dwelling, more than two dogs.	CEO	DIAE MCMCS TLCS CSO
1.3	The power pursuant to paragraph 3 of the by-law to grant permission to a person to on local government land to which this paragraph applies (dog on leash areas) to cause, suffer or permit any dog under that person's control, charge or authority not to be restrained by a strong leash not exceeding two metres in length and either tethered securely to a fixed object or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.	CEO	DIAE MCMCS TLCS CSO
1.4	The power pursuant to paragraph 5 of the by-law to grant permission to a person to on local government land to which this paragraph applies (dog free area) cause, suffer or permit any dog under that person's control, charge or authority to be or remain on that local government land without the dog being restrained by a strong leash not exceeding two metres.	CEO	DIAE MCMCS TLCS CSO
<b>6. By-Law No: 6 – Waste Management</b>			

- 7 -

**INSTRUMENT OF DELEGATION UNDER COUNCIL BY LAWS**

1.1 The power pursuant to paragraph 3.7 (b) of the by-law to approve the positioning of an approved container alternative to the positioning set out in paragraph 3.7 (a) of the by-law.	CEO	DIAE MCMCS TLCS CSO ETE
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**INSTRUMENT OF DELEGATION UNDER COUNCIL BY LAWS**

**SCHEDULE OF CONDITIONS**

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

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	<b>Nil.</b>
<u>1.1.6</u>	<u>CEC Delegation for Council Events only</u>
<u>1.1.20</u>	<u>CEC Delegation for Council Events only</u>

### APPENDIX 3

#### DELEGATIONS UNDER POLICY

##### NOTES

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

#### POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

General – Local government act	Delegation	Sub-Delegations
<p><b>Removal of Signs</b></p> <p>(1) The power to order the owner of a sign to remove the sign from the road if;-</p> <ol style="list-style-type: none"> <li>(a) the design or construction of a moveable sign that has been placed on a road does not comply with the requirement of Council's by-laws; or</li> <li>(b) the positioning of the sign does not comply with a requirement of the Council's by-laws; or</li> <li>(c) any other relevant requirement of the Council's by-laws is not complied with; or</li> <li>(d) the sign unreasonably: <ul style="list-style-type: none"> <li>• Restricts the use of the road; or</li> <li>• Endangers the safety of members of the public, pursuant to section 227(1).</li> </ul> </li> </ol> <p>(2) The power to remove and dispose of a moveable sign, if the owner cannot be found or the owner fails to comply immediately with an order to remove the sign pursuant to Section 227(2).</p>	CEO	DIAE MCMCS TLCS CSO
<p><b>1.2 Encroaching Plant Growth</b></p> <p>(1) The authority to make an order to remove plant growth overhanging or encroaching upon any street or road and in default by the landowner to carry out the requirements of the notice and recover expenses incurred (Section 254 Local Government Act).</p>	CEO	DIAE MCMCS TLCS
<p><b>1.3 Graffiti – Unsightly Land</b></p> <p>(1) Council's powers to issue orders with respect to removal or obliteration of unsightly graffiti on walls and fences of private property subject to Council Policy 4.7.9 (Section 254 Local Government Act).</p>	CEO	DIAE MCMCS TLCS

## DELEGATIONS UNDER POLICY

<b>1.4 Rubbish Containers in Streets</b> (1) The power to authorise the placing of rubbish containers on public streets or roads in the Council area subject to Council Policy 4.7.10 (Section 222 Local Government Act).	CEO	DIAE MIAE MCMCS TLCS
<b>1.5 Expiation Notices - Cancellation</b> (1) The power to cancel offence expiation notices issues by authorised officers.	CEO	DIAE MCMCS TLCS
<b>2 DELEGATIONS PURSUANT TO OTHER ACTS/POLICY</b>		
<b>2.1 Prospect Gallery</b> (1) The authority to determine scale of fees for any particular exhibition or event should such a fee be deemed necessary for exhibitions that fall outside the provisions of the Fees and Charges Register.	CEO	DCPC
<b>2.2 Arts Path</b> (1) The authority to approve Arts Path panels in footpaths as part of the Arts Path.	CEO	DCPC
<b>2.3 Fires on Non Domestic Premises</b> (1) The power to refuse applications for consent to burn matter by fire in the open on non-domestic premises (Environment Protection (Burning) Policy 1994).	CEO	DIAE TLCS CSO
<b>2.4 Residential Parking Permit Areas</b> (1) The power in respect to the establishment, variation on abolition of residential parking permit areas in public places – subject to Council Policy 4.7.3 (Section 17 Road Traffic Act).	CEO	DIAE MIAE MCMCS TLCS
<b>3. STREETS AND FOOTPATHS</b>		
<b>3.1 Crossing Places</b> (1) The power to authorise the repairing, extending, replacing, installing or closing crossing places to private property in accordance with Council specifications and to the recovery of costs in accordance with Council Policy No 2.2.4 (Section 213 Local Government Act).	CEO	DIAE MIAE
<b>3.2 Statutory Bodies - Reinstatements</b> (1) The power to authorise the reinstatement of streets and roads broken up by statutory authorities from time to time and to recover the cost of reinstatements from said statutory authorities (Section 213 Local Government Act).	CEO	DIAE MIAE
<b>3.3 Electrical Cables Under Streets</b> (1) The power to authorise the construction and installation of electrical crossovers in accordance with Council specifications (Section 221 Local Government Act).	CEO	DIAE MIAE

## DELEGATIONS UNDER POLICY

<b>3.4 Street &amp; Footpath Repairs</b> (1) The power to authorise the repair of roads and footpaths and to recover costs for such repairs where damage is caused by building construction or demolition (Section 213 Local Government Act).	CEO	DIAE MCMCS
<b>3.5 Plant Growth Affecting Roadworks</b> (1) The power to grant authorisation to cut back overhanging vegetation or growth from private property where it interferes with road or footpath construction (Section 212 (2) Local Government Act).	CEO	DIAE MIAE MCMCS
<b>3.6 Nature Strip Development</b> (1) The power to approve the development and construction of nature strips (Section 221 Local Government Act).	CEO	DIAE MIAE MCMCS
<b>3.7 Tree Removal</b> (1) The power to authorise the removal of any tree from any street or road or any land under the care, control or management of the Council (Section 232 Local Government Act) but subject to Council Policy 2.5.3.	CEO	DIAE MIAE MCMCS
<b>3.8 Stormwater Drains under Paths</b> (1) The power to authorise the construction of drains or approve the construction or installation of drains from private property under footpaths and nature strips to the kerb watertable and to recover any costs associated with the installation or construction of drains or the reinstatement of footpaths and/or nature strips (Section 221 Local Government Act) but subject to Council Policy 2.3.4.	CEO	DIAE MIAE MCMCS
<b>3.9 Household Waste Containers</b> (1) The power to approve or condemn household waste disposal containers which may be deemed suitable or unsuitable for waste collection purposes (By Law No 6).	CEO	DIAE MCMCS TLCS ETE
<b>4. GOVERNANCE</b>		
<b>4.1 Freedom of Information</b> (1) The power to appoint the Freedom of Information Officer and an officer authorised to act in this capacity in the absence of the Freedom of Information Officer.	CEO	Not sub-delegated
<b>4.2 Council Members - Leave of Absence</b> (1) The power to grant leave of absence to elected members for a period of up to thirty (30) days.	CEO	Not sub-delegated
<b>4.3 Release of Confidential Information</b> (1) The CEO be granted delegated authority, under the Provisions of Section 91 (9) (c) of the Local Government Act 1999, to review those Council decisions made under the Confidentiality Provisions of the Local Government Act that are more than ten years old to determine if they should be released from the determination that they remain confidential.	CEO	Not sub-delegated

## DELEGATIONS UNDER POLICY

<p><b>4.4 Power to Carry Out Surveys etc</b></p> <p>(1) The power to authorise an employee or contractor of the Council, insofar as may be reasonably necessary for carrying out a function or responsibility of the Council:-</p> <p>(a) to enter land at any reasonable time for the purpose of conducting surveys, inspections, examinations or tests, or carrying out work; and</p> <p>(b) to conduct surveys, inspections, examinations and tests and carry out work, pursuant to Section 295(1) and (2).</p>	CEO	DIAE MIAE <u>DCPC</u>
<del><b>5. DOG AND CAT MANAGEMENT</b></del>		
<p><del><b>5.1 Recovery of Costs re Orders</b></del></p> <p><del>(1) The power to recover costs incurred in giving effect to a Destruction or Control Order that is contravened (Section 55(3) Dog &amp; Cat Management Act).</del></p>	CEO	DIAE MCMCS TLGS
<p><del><b>5.2 Dogs – Keeping More than Two</b></del></p> <p><del>(1) The power with respect to the granting of consent to keep more than two dogs on an allotment.</del></p>	CEO	DIAE MCMCS TLGS
<p><del><b>5.3 Dogs – Nuisance/Attack Complaints</b></del></p> <p><del>(1) The power to determine complaints relating to Dog Barking Nuisance and Dog Attacks and that these matters not be reported to Council except where prosecution is recommended.</del></p>	CEO	DIAE MCMCS TLGS
<b>6. FINANCIAL MANAGEMENT</b>		
<p><b>6.1 Disposal of Surplus Plant/Material</b></p> <p>(1) The power to authorise the disposal of surplus plant and/or material by tender or quote in accordance with the Sale and Disposal of Land and Other Assets Policy.</p>	CEO	DIAE
<p><b>6.2 Waiving of Fines</b></p> <p>(1) The power to consider and determine applications received for the waiving of expiation fees issued by authorised officers with respect to alleged offences under various Acts relating to parking, dogs, litter, Local Government Act Orders and burning (Section 16 Expiation of Offences Act 1996).</p>	CEO	DIAE MCMCS TLCS
<b>7. PRIVATE PARKING AREAS</b>		
<p>7.1 That pursuant to section 44 of the Local Government Act 1999 Council delegate to the Chief Executive Officer for the City of Prospect its power pursuant to section 9 of the Private Parking Areas Act 1986 to make an agreement with the owner (within the meaning of the Private Parking Areas Act 1986) of a private parking area for the enforcement by the Council of the provisions of Part 3 of the Act in relation to that private parking area.</p>	CEO	DIAE

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## APPENDIX 4

### **INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006 AND DEVELOPMENT REGULATIONS 2008**

#### **NOTES**

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

#### **POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Concept of Change in the Use of Land</b>	<b>Delegation</b>	<b>Sub Delegation</b>
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:		
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	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
<b>2. Appointment of Authorised Officers</b>		
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.	CEO	DCPC
2.2 The power pursuant to Section 18(2) of the Act to impose conditions on the appointment of an authorised officer.	CEO	DCPC
2.3 The duty, pursuant to Section 18(3) of the Act to issue an authorised officer with an identity card.	CEO	DCPC
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.	CEO	DCPC

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

<b>3. Delegations</b>		
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.	CEO	DCPC MGA
<b>4. Council or Minister May Amend a Development Plan</b>		
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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
<b>5. Amendments by a Council</b>		
5.1 The power pursuant to Section 25(1) of the Act to prepare a 'Statement of Intent' in accordance with the Regulations.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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:	CEO	DCPC MDSC Pol.PI.
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;	CEO	DCPC MDSC Pol.PI.
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	CEO	DCPC MDSC Pol.PI.
5.3.2.2	accords with the Statement of Intent; and	CEO	DCPC MDSC Pol.PI.
5.3.2.3	accords with other parts of the Development Plan; and	CEO	DCPC MDSC Pol.PI.
5.3.2.4	complements the policies in the Development Plans for adjoining areas; and	CEO	DCPC MDSC Pol.PI.
5.3.2.5	satisfies the matters prescribed in the Regulations;	CEO	DCPC MDSC Pol.PI.
5.3.3	the DPA must include:		
5.3.3.1	an explanation of the intent of the proposed amendments, the relationship between that intent and the policy of the Statement of Intent, and a summary of the major policy changes (if any) that are proposed; and	CEO	DCPC MDSC Pol.PI.
5.3.3.2	a summary of the conclusions drawn from the investigations and assessments referred to above; and	CEO	DCPC MDSC Pol.PI.
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);	CEO	DCPC MDSC Pol.PI.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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;	CEO	DCPC MDSC Pol.PI.
5.3.5	the DPA must include any other matter prescribed by the Regulations.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

5.9	<u>Process A</u>		
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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
5.9.3	The power pursuant to Section 25(7)(c) of the Act to consult with the Minister.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
5.9.5	Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(7)(d) of the Act to release the DPA for public consultation in accordance with the Regulations), over a period of at least 8 weeks.	CEO	DCPC MDSC Pol.PI.
5.10	<u>Process B</u>		
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.	CEO	DCPC MDSC Pol.PI.
5.10.2	The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
5.11 <u>Process C</u>			
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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
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:	CEO	DCPC MDSC Pol.PI.
5.11.3.1	an owner or occupier of any land that is directly subject to the operation of the proposed amendment; and	CEO	DCPC MDSC Pol.PI.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	CEO	DCPC MDSC Pol.PI.
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:		
5.12.1 accords with the Planning Strategy; and	CEO	DCPC MDSC Pol.PI.
5.12.2 accords with the Statement of Intent; and	CEO	DCPC MDSC Pol.PI.
5.12.3 accords with other parts of the Development Plan; and	CEO	DCPC MDSC Pol.PI.
5.12.4 complements the policies in the Development Plans for adjoining areas; and	CEO	DCPC MDSC Pol.PI.
5.12.5 satisfies the matters prescribed in the Regulations.	CEO	DCPC MDSC Pol.PI.
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:		
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	CEO	DCPC MDSC Pol.PI.
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,	CEO	DCPC MDSC Pol.PI.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	Not Delegated	Not Delegated
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:		
5.14.1	informing the owner of the proposed amendment, and	CEO	DCPC MDSC Pol.PI.
5.14.2	inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.	CEO	DCPC MDSC Pol.PI.
5.15	If a proposed amendment declares a tree to be a significant tree or a stand of trees to be significant trees, the duty pursuant to Section 25(12a) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land where the tree or trees are located a written notice:		
5.15.1	informing the owner of the proposed amendment; and	CEO	DCPC MDSC Pol.PI.
5.15.2	inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
5.18	The duty to send to the Minister:		

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

5.18.1	a copy of a report under Section 25(13)(a); and	CEO	DCPC MDSC Pol.PI.
5.18.2	a certificate from the Chief Executive Officer;	CEO	DCPC MDSC Pol.PI.
	pursuant to and in accordance with Section 25(14) of the Act and the Regulations.		
5.19	The power pursuant to Sections 25(15)(d) and 25(15)(f) of the Act to consult with the Minister.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
5.21	The power pursuant to Section 25(23) of the Act to consult with the Minister.	CEO	DCPC MDSC Pol.PI.
<b>6.</b>	<b>Amendments by the Minister</b>		
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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
6.5	The power pursuant to, Section 26(12) of the Act to, by notice in writing, object to the Minister's proposed action.	CEO	DCPC MDSC Pol.PI.
<b>7.</b>	<b>Parliamentary Scrutiny</b>		
7.1	The power pursuant to Section 27(6) of the Act to consult with the Minister.	CEO	DCPC MDSC Pol.PI.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

<b>8. Strategic Directions Reports</b>		
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:		
8.1.1 addresses the strategic planning issues within the area of the Council, with particular reference to:	CEO	DCPC MDSC Pol.PI.
8.1.1.1 the Planning Strategy; and	CEO	DCPC MDSC Pol.PI.
8.1.1.2 any other policy or document prescribed by the regulations; and	CEO	DCPC MDSC Pol.PI.
8.1.2 addresses appropriate amendments to any Development Plan that applies within the area of the Council; and	CEO	DCPC MDSC Pol.PI.
8.1.3 sets out the Council's priorities for:		
8.1.3.1 achieving orderly and efficient development through the implementation of planning policies; and	CEO	DCPC MDSC Pol.PI.
8.1.3.2 the integration of transport and land-use planning within its area; and	CEO	DCPC MDSC Pol.PI.
8.1.3.3 implementing any relevant targets set out in the Planning Strategy; and	CEO	DCPC MDSC Pol.PI.
8.1.3.4 implementing affordable housing policies set out in the Planning Strategy within its area; and	CEO	DCPC MDSC Pol.PI.
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	CEO	DCPC MDSC Pol.PI.
8.1.3.6 other projects or initiatives considered to be relevant by the Council; and	CEO	DCPC MDSC Pol.PI.
8.1.4 contains such other material as may be:		

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

	8.1.4.1	prescribed by the regulations; or	CEO	DCPC MDSC Pol.PI.
	8.1.4.2	required by the Minister.	CEO	DCPC MDSC Pol.PI.
8.2	The duty pursuant to Section 30(2) of the Act to prepare and complete a report under Section 30 of the Act:		CEO	DCPC MDSC Pol.PI.
	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:		
	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	CEO	DCPC MDSC Pol.PI.
	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	CEO	DCPC MDSC Pol.PI.
	8.2.2	in any event, within 5 years after the completion of the last report under Section 30 of the Act.	CEO	DCPC MDSC Pol.PI.
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:			
	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	CEO	DCPC MDSC Pol.PI.
	8.3.2	consult with any prescribed authority or body in the manner specified by the regulations.	CEO	DCPC MDSC Pol.PI.
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.		CEO	DCPC MDSC Pol.PI.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	CEO	DCPC MDSC Pol.PI.
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	CEO	DCPC MDSC Pol.PI.
8.6.2	if relevant, prepare a DPA that is suitable for consideration under Section 25(3) of the Act.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
8.8	The duty pursuant to Section 30(8) of the Act to, then, in accordance with any reasonable request of the Minister, enter into an agreement with the Minister on the steps that the Council will take as a result of the matters contained in the report (and the report will not be taken to have been completed unless or until such an agreement is reached with the Minister).	CEO	DCPC MDSC Pol.PI.
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	CEO	DCPC MDSC Pol.PI.
8.9.2	from a particular requirement with respect to a report under Section 30 of the Act.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
<b>9.</b>	<b>Copies of Plans to be Made Available to the Public</b>		
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.	CEO	DCPC MDSC Pol.PI.
<b>10.</b>	<b>Matters Against Which Development Must be Assessed</b>		
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;	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
10.1.2	the provisions of the Building Rules;	CEO	DCPC MDSC DO(B)
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;	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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;	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <del>AO</del> <del>(D)DAO</del>
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	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <del>AO</del> <del>(D)DAO</del>
10.1.6	such other matters as may be prescribed.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <del>AO(D)DAO</del>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <del>AO(D)DAO</del>
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) <del>AO(D)DAO</del>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

<b>11. Determination of Relevant Authority</b>		
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.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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.	Not Delegated	Not Delegated
11.4 The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel	Not Delegated	Not Delegated
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.	CEO	DCPC MDSC
11.6 The duty pursuant to Section 34(27)(b) of the Act to ensure that a copy of the policy established by the Council under Section 34(27)(a) of the Act is available for inspection at the principal office of the council during ordinary office hours and for inspection on the internet.	CEO	DCPC MDSC
<b>12. Special Provisions Relating to Assessment Against Development Plans</b>		
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).	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
<b>13.</b>	<b>Special Provisions Relating to Assessment Against the Building Rules</b>		
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.	CEO	DCPC MDSC DO(B)
13.2	The power pursuant to and in accordance with Section 36(2) of the Act:		
13.2.1	to assess whether a development is at variance with the Building Rules;	CEO	DCPC MDSC DO(B)

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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;	CEO	DCPC MDSC DO(B)
13.2.3	to determine whether to grant building rules consent where the variance is with a part of the Building Rules other than the Building Code and to determine that it is appropriate to grant the consent despite the variance on the basis that the Delegate is satisfied that:		
13.2.3.1	the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building fails to conform with the Building Rules only in minor respects and the variance is justifiable having regard to the objects of the Development Plan or the performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than if the variance were not to be allowed; or	CEO	DCPC MDSC DO(B)
13.2.3.2	in circumstances where the development has already occurred the variance is justifiable in the circumstances of the particular case.	CEO	DCPC MDSC DO(B)
13.3	The duty pursuant to Section 36(3) of the Act to modify the application of the Building Rules to avoid an inconsistency between the Building Rules and the Development Plan in relation to a State heritage place or a local heritage place.	CEO	DCPC MDSC DO(B)
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.	CEO	DCPC MDSC DO(B)
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:		

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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	CEO	DCPC MDSC DO(B)
13.5.2	such compliance is certified by a private certifier.	CEO	DCPC MDSC DO(B)
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.	CEO	DCPC MDSC DO(B)
<b>14. Consultation With Other Authorities or Agencies</b>			
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	DAP CEO	DCPC MDSC Pol. PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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).	DAP CEO	DCPC MDSC Pol. PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	CEO	DCPC MDSC Pol.PI. SDO DO(P)
<b>15.</b>	<b>Preliminary Advice and Agreement</b>		
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<b>16.</b>	<b>Proposed Development Involving Creation of Fortifications</b>		
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').	DAP CEO	DCPC MDSC
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.	DAP CEO	DCPC MDSC
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	DAP CEO	DCPC MDSC
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.	DAP CEO	DCPC MDSC

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

16.4	The duty pursuant to Section 37A(6) of the Act, if the Delegate acting on the basis of a determination of the Commissioner under subsection 37A(2) refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 37A of the Act.	DAP CEO	DCPC MDSC
<b>17. Public Notice and Consultation</b>			
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.	Not Applicable	Not Applicable
17.2	Where a person applies for a consent in respect of the Development Plan for a Category 2A development, -		
17.2.1	the duty pursuant to Section 38(3a)(a) of the Act to:		
	17.2.1.1 subject to any exclusion or qualification prescribed by the Regulations – give an owner or occupier of each piece of adjoining land; and	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
	17.2.1.2 give any other person of a prescribed class,	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
	notice of the application; and		
17.2.2	the duty pursuant to Section 38(3a)(b) of the Act, to:		
	17.2.2.1 give consideration to any representations in writing made in accordance with the Regulations by a person who is entitled to be given notice under paragraph (a) of Section 38(3a) of the Act; and	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

<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>DAP CEO</p>	<p>DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a></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>	<p>DAP CEO</p>	<p>DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a></p>
<p>17.3 The duty pursuant to Section 38(4) of the Act to give notice of a proposal for a Category 2 development.</p>	<p>DAP CEO</p>	<p>DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a></p>
<p>17.4 The duty pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development.</p>	<p>DAP CEO</p>	<p>DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a></p>
<p>17.5 The duty pursuant to Section 38(8) of the Act to forward to an applicant a copy of any representation made regarding the proposed development, and to allow the applicant to respond in writing to those representations.</p>	<p>DAP CEO</p>	<p>DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a></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>DAP CEO</p>	<p>Not Sub-delegated</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>DAP CEO</p>	<p>Not Sub-delegated</p>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	DAP CEO	Not Sub-delegated
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
<b>18.</b>	<b>Application and Provision of Information</b>		
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;	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
18.1.2	remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

18.1.3	consult with an authority or body prescribed by the Regulations;	DAP CEO	DCPC MDSC Pol.Pl. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
18.1.4	(where required by the Regulations) prepare a statement of effect in relation to non-complying development; and	DAP CEO	DCPC MDSC Pol.Pl. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
18.1.5	comply with any other requirement prescribed by the Regulations.	DAP CEO	DCPC MDSC Pol.Pl. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
18.2	If:		
18.2.1	a development is of a kind that is complying development; and		
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		
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.	DAP CEO	DCPC MDSC Pol.Pl. SDO DO(P) <a href="#">AO(D)DAO</a>
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,		

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

	the power and duty pursuant to Section 39(2b)(c) of the Act, to;		
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	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
	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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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	DAP CEO	DCPC MDSC Pol. PI. SDO DO (P) DO (B) AO <a href="#">(D)DAO</a>
18.4.2	refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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).	CEO	DCPC MDSC
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P)
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	DAO CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	CEO	DCPC MDSC
<b>19. Determination of Application</b>		
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.)	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

<b>20. Time Within Which Decision Must be Made</b>		
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
20.2 If:		
20.2.1 the relevant authority does not decide an application that relates to development that is a complying development within the time prescribed under Section 41(1) of the Act; and		
20.2.2 the applicant gives the relevant authority a notice in accordance with the Regulations on the basis that the decision on the application has not been made,		
the duty pursuant to Section 41(5)(d) of the Act, subject to any exclusion or qualification prescribed by the Regulations, to refund the fee received by the relevant authority under Section 39(1)(d) in relation to the application.	CEO	DCPC MDSC
<b>21. Conditions</b>		
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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).	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC
<b>22.</b>	<b>Cancellation by a Relevant Authority</b>		
22.1	The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate.	DAP CEO	DCPC MDSC
<b>23.</b>	<b>Investigation of Development Assessment Performance</b>		
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.	DAP CEO	DCPC MDSC
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.	DAP CEO	DCPC MDSC
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.	DAP CEO	DCPC MDSC
<b>24.</b>	<b>Crown Development and Public Infrastructure</b>		
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.	DAP CEO	DCPC MDSC Pol.PI. <a href="#">SDO</a> DO(P) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

24.3	The power pursuant to Section 49(9) of the Act to withdraw opposition to a State agency proposed development.	DAP CEO	DCPC MDSC
<b>25.</b>	<b>Electricity Infrastructure Development</b>		
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.	DAP CEO	DCPC MDSC Pol. PI. SDO DO(P) <del>AO</del> <u>(D)DAO</u>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <u>AO(D)DAO</u>
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.	DAP CEO	DCPC MDSC
<b>26.</b>	<b>Open Space Contribution System</b>		
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	DAP CEO	DCPC MDSC
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	DAP CEO	DCPC MDSC
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.	DAP CEO	DCPC MDSC

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	DAP CEO	DCPC MDSC
26.3	The power pursuant to Section 50(3) and 50(2)(d) of the Act to enter into an agreement on behalf of the Council with the Development Assessment Commission and the applicant under which certain land described by the relevant plan of division will be vested in the Council.	DAP CEO	DCPC MDSC
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.	DAP CEO	DCPC MDSC
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.	DAP CEO	DCPC MDSC
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.	DAP CEO	DCPC MDSC
<b>27.</b>	<b>Carparking Fund</b>		
27.1	The power pursuant to Section 50A(1) of the Act to establish a car parking fund.	Not Delegated	Not Sub- delegated
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.	CEO	DCPC MDSC
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.	DAP CEO	Not Sub- delegated

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	DAP CEO	Not Sub-delegated
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.	DAP CEO	Not Sub-delegated
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.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC DCS MFS
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.	CEO	DCPC MDSC DCS MFS
<b>28. Urban Trees Fund</b>		<b>Not applicable</b>	<b>Not applicable</b>
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).	Not Delegated	Not Sub-delegated
28.2	The duty, pursuant to Section 50B(2) of the Act, to effect establishment of the fund by notice in the Gazette.	CEO	DCPC MDSC
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.	Not Delegated	Not Sub-delegated
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.	CEO	DCPC MDSC DCS MFS
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:		

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

28.5.1	maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act; or	CEO	DCPC DIAE
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.	CEO	DCPC DCS
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:	CEO	DCPC DCS MFS
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;	CEO	DCPC DCS MFS
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.	CEO	DCPC DCS MFS
<b>29.</b>	<b>Certificate in Respect of the Division of Land</b>		
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.	DAP CEO	DCPC MDSC Pol. Pl. SDO DO(P) AO <del>(D)DAO</del>
<b>30.</b>	<b>Saving Provisions</b>		
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.	DAP CEO	DCPC MDSC

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

<b>31. Avoidance of Duplication of Procedures Etc</b>		
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.	DAP CEO	DCPC MDSC
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.	DAP CEO	DCPC MDSC
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.	DAP CEO	DCPC MDSC
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.	DAP CEO	DCPC MDSC

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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:		
31.5.1	in circumstances where:		
31.5.1.1	the Commonwealth Minister has given his or her approval to the controlled action; and		
31.5.1.2	the applicant for the development authorisation or the Commonwealth Minister has informed the relevant authority of that fact;		
	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	DAP CEO	DCPC MDSC
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.	DAP CEO	DCPC MDSC
<b>32.</b>	<b>Requirement to Upgrade Building in Certain Cases</b>		
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.	CEO	DCPC MDSC DO(B)

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

32.2	Where an application is made for building rules consent for building work in the nature of an alteration of a class prescribed by the Regulations the power pursuant to Section 53A(2) and subject to Section 53A(3) of the Act, to form the opinion that the affected part of the building does not comply with the performance requirements of the Building Code in relation to access to buildings and facilities and services within buildings, for people with disabilities and therefore require as a condition of consent that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code.	CEO	DCPC MDSC DO(B)
<b>33. Urgent Building Work</b>			
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.	CEO	DCPC MDSC DO(B)
<b>34. Action if Development Not Substantially Completed</b>			
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.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
34.3	The power pursuant to Section 55(6) of the Act where an amount is recoverable from a person under Section 55(5) of the Act, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice within which the amount must be paid.	CEO	DCPC MDSC
<b>35. Completion of Work</b>			
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.	CEO	DCPC MDSC DO(B)

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	CEO	DCPC MDSC DO(B)
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.	CEO	DCPC MDSC
35.4	The power pursuant to Section 56(4) of the Act to, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice, within which the amount must be paid by the person where an amount is recoverable from the person under Section 56(3) of the Act.	CEO	DCPC MDSC
<b>36.</b>	<b>Council to Establish Development Assessment Panels</b>		
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.	Not Delegated	Not Sub-delegated
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.	Not Delegated	Not Sub-delegated
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.	Not Delegated	Not Sub-Delegated
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.	Not Delegated	Not Sub-delegated
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.	Not Delegated	Not Sub-delegated
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:	Not Delegated	Not Sub-delegated
36.6.1	breach of, or failure to comply with, the conditions of appointment; or	Not Delegated	Not Sub-delegated

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

36.6.2	misconduct; or	Not Delegated	Not Sub-delegated
36.6.3	neglect of duty; or	Not Delegated	Not Sub-delegated
36.6.4	incapacity to carry out satisfactorily the duty of his or her office; or	Not Delegated	Not Sub-delegated
36.6.5	failure to carry out satisfactorily the duty of his or her office; or	Not Delegated	Not Sub-delegated
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.	Not Delegated	Not Sub-delegated
36.7	The duty pursuant to and in accordance with Section 56A(5) of the Act to give notice of an appointment.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
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).	Not Delegated	Not Sub-delegated
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.	CEO	DCPC MDSC
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.	Not Delegated	Not Sub-delegated
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.	Not Delegated	Not Sub-delegated
<b>37.</b>	<b>Building Rules Assessment Audits</b>		
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.	CEO	DCPC MDSC

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
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).	CEO	DCPC MDSC
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).	CEO	DCPC MDSC
<b>37A. Development Plan Assessment Audits</b>			
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.	CEO DAP	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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.	CEO DAP	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
37A.3	The power pursuant to Section 56C(14) of the Act to make submissions in relation to the matter to the Minister.	CEO DAP	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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		
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.	CEO	DCPC MDSC

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

<b>38. Land Management Agreements</b>		
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.	Not Delegated	Not Sub-delegated
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).	CEO	DCPC MDSC
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
<b>39. Land Management Agreements - Development Applications</b>		
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.	DAP CEO	Not Sub-delegated
39.2 The duty pursuant to Section 57A(3) of the Act to have regard to:		

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

39.2.1	the provisions of the appropriate Development Plan.	DAP CEO	Not Sub-delegated
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.	DAP CEO	Not Sub-delegated
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.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
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).	CEO	DCPC MDSC
<b>40.</b>	<b>Notification During Building</b>		
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.	CEO	DCPC MDSC DO(B)

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

<b>41. Classification of Buildings</b>		
41.1 The power pursuant to Section 66(2) of the Act to assign to any building a classification that conforms with the Regulations and the duty pursuant to Section 66(4) of the Act to give notice in writing to the owner of the building to which the classification has been assigned.	CEO	DCPC MDSC DO(B)
<b>42. Certificates of Occupancy</b>		
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.	CEO	DCPC MDSC DO(B)
42.2 The power pursuant to Section 67(3)(a) of the Act to require information from an applicant for a certificate of occupancy.	CEO	DCPC MDSC DO(B)
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.	CEO	DCPC MDSC DO(B)
42.4 The power pursuant to Section 67(13) of the Act to revoke a certificate of occupancy in prescribed circumstances.	CEO	DCPC MDSC DO(B)
<b>43. Temporary Occupation</b>		
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.	CEO	DCPC MDSC DO(B)
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.	CEO	DCPC MDSC DO(B)
<b>44. Emergency Orders</b>		
44.1 Where an owner of land fails to comply with the requirements of an emergency order issued under Section 69(1) of the Act:		
44.1.1 the power pursuant to Section 69(4) of the Act to cause the required work to be carried out; and	CEO	DCPC MDSC DO(B)
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.	CEO	DCPC MDSC DO(B)

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

<b>44A Fire Safety</b>		
44A.1 The power pursuant to Sections 71(18) and (19) of the Act to establish and designate a body as an appropriate authority.	Not delegated	
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.	CEO	Not Sub-delegated
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)).	CEO	Not Sub-delegated
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.	CEO	Not Sub-delegated
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.	CEO	Not Sub-delegated
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.	CEO	Not Sub-delegated
44A.7 The power pursuant to section 71(19)(d) of the Act to appoint deputy members to the appropriate authority.	CEO	Not Sub-delegated
44A.8 The power pursuant to Section 71(19)(e) of the Act to determine the procedures of an appropriate authority.	CEO	DCPC MDSC
<b>45. Building Inspection Policies</b>		
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.	Not Delegated	Not Sub-delegated
<b>46. Advertisements</b>		
46.1 The power pursuant to and in accordance with Section 74(1) of the Act to:		
46.1.1 form the opinion that an advertisement or advertising hoarding disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality or is contrary to a character desired for a locality under the relevant Development Plan; and	CEO	DCPC MDSC
46.1.2 serve notice in writing requiring the removal or obliteration of the advertisement or the removal of the advertising hoarding (or both).	CEO	DCPC MDSC

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

46.2	The power pursuant to Section 74(3) of the Act where a person has failed to comply with a notice under Section 74(1) of the Act, to enter on land, carry out the terms of the notice and recover the costs of doing so as a debt from the person on whom the notice was served.	CEO	DCPC MDSC
<b>47. Enforcement Notices</b>			
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.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
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:		
47.3.1	the power pursuant to Section 84(6) of the Act to cause the necessary action to be undertaken; and	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
<b>48. Applications to Court</b>			
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.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
<b>49. General Right to Apply to Court</b>			
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.	CEO	DCPC MDSC

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

<b>50. Authority to be Advised of Certain Matters</b>		
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<b>51. Referrals</b>		
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.	CEO	DCPC MDSC DO(B)
<b>52. Professional Advice to be Obtained in Relation to Certain Matters</b>		
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	CEO	DCPC MDSC Pol. PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

<b><u>DELEGATIONS UNDER THE DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006</u></b>		
<b>53. Transitional Provisions</b>		
<p>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.</p>	CEO	DCPC MDSC Pol. Pl.
<p>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.</p>	CEO	DCPC MDSC Pol. Pl.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

<b><u>DELEGATIONS UNDER THE DEVELOPMENT REGULATIONS 2008</u></b>		
<b>54. Infrastructure Planning</b>		
54.1	The power pursuant to Regulation 9A(1) of the Development Regulations 2008 ('the Regulations') to, in preparing the DPA, to the extent (if any) required by the Statement of Intent, seek, in accordance with Regulation 9A(2), the advice of a Minister and any other government agency, specified by the Minister as part of the agreement on the Statement of Intent.	CEO  DCPC MDSC Pol. PI.
<b>55. Consultation with Government Departments or Agencies</b>		
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.	CEO  DCPC MDSC Pol. PI.
<b>56. Public Consultation – Section 25 &amp; 26</b>		
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	CEO  DCPC MDSC Pol. PI.
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	CEO  DCPC MDSC Pol. PI.
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	CEO  DCPC MDSC Pol. PI.

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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).	CEO	DCPC MDSC Pol. PI.
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).	CEO	DCPC MDSC Pol. PI.
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.	CEO	DCPC MDSC Pol. PI.
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.	CEO	DCPC MDSC Pol. PI.
<b>57. Public Meeting</b>			
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.	CEO	DCPC MDSC Pol.PI.
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.	CEO	DCPC MDSC Pol.PI.
<b>58. Application to Relevant Authority</b>			
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

<p>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.</p>	<p>CEO</p>	<p>DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a></p>
<p>58.3 The duty pursuant to and in accordance with Regulation 15(5) of the Regulations, when an application is lodged with the Council but the Development Assessment Commission is the relevant authority, to forward all but one copy of the application and the accompanying information, as well as a written acknowledgment that the appropriate fees have been paid, including details of each fee component paid, to the Development Assessment Commission.</p>	<p>CEO</p>	<p>DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a></p>
<p>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.</p>	<p>CEO</p>	<p>DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a></p>
<p>58.4A The power and duty pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application under Regulation 15(7a) of the Regulations, furnish to the private certifier:</p>	<p>CEO</p>	<p>DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a></p>
<p>58.4A.1 the Development Assessment number assigned to the development proposed under the application; and</p>		<p>DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a></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>		

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

58.4A.2.1	advice about any site contamination that is believed to exist at the site where the development would be undertaken; and	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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).	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
58.7	The power pursuant to Regulation 15(11) and subject to Regulation 115(12) of the Regulations, to , in an appropriate case, dispense with or modify the requirements of Schedule 5 in relation to a particular application.	CEO	DCPC MDSC SDO DO(P)
58.8	The duty pursuant to Regulation 15(12) of the Regulations to not modify the requirements of Schedule 5 in relation to an application if the application is in relation to <i>residential code</i> development.	CEO	DCPC MDSC SDO DO(P)
<b>59. Nature of Development</b>			
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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 <i>residential code</i> development of designated development, form the opinion that the development is <i>residential code</i> development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the application of that fact.	DAP CEO	DCPC MDSC SDO DO(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 <i>residential code</i> development or designated development, form the opinion that the development is not <i>residential code</i> development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the application of that fact and the reasons for the Delegate's opinion.	DAP CEO	DCPC MDSC SDO DO(P)
<b>60. Non-Complying Development</b>			
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	CEO	DCPC MDSC
60.1.2	resolve to proceed with an assessment of the application.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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.	CEO	DCPC MDSC
<b>61. Notification of Application for Tree-Damaging Activity to Owner of Land</b>			
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:		



**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	CEO	DCPC MDSC
<b>64. Contravening Development</b>			
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.	CEO	DCPC MDSC
<b>65. Referrals</b>			
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<b>66. Procedure Where Concurrence Required</b>			
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<b>67. Additional Information or Amended Plans</b>			
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<b>68. Special Provisions – Referrals</b>			
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:		

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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	CEO	DCPC MDSC DO(B)
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	CEO	DCPC MDSC DO(B)
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,	CEO	DCPC MDSC DO(B)
	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.	CEO	DCPC MDSC DO(B)
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.	CEO	DCPC MDSC DO(B)
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	CEO	DCPC MDSC DO(B)

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

68.3.6	not grant consent unless the Building Rules Assessment Commission concurs in the granting of consent.	CEO	DCPC MDSC DO(B)
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.	CEO	DCPC MDSC DO(B)
68.5	The duty pursuant to Regulation 28(7) of the Regulations, where building work comprises or includes the construction or installation of a private bushfire shelter, not to grant a building rules consent unless the Building Rules Assessment Commission concurs in the granting of the consent.	CEO	DCPC MDSC DO(B)
<b>69.</b>	<b>Land Division Applications</b>		
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
<b>70.</b>	<b>Underground Mains Area</b>		
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.	CEO	DCPC MDSC
70.2	The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.	CEO	DCPC MDSC

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	DAP CEO	DCPC MDSC
<b>71.</b>	<b>Preliminary Advice and Agreement - Section 37AA</b>		
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.	DAP CEO	DCPC MDSC Pol.PI. DO(B) <a href="#">AO(D)DAO</a>
71.2	The power pursuant to Regulation 31A(6) of the Regulations if:		
71.2.1	a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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:	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
71.2.3	to obtain a variation to the agreement under Section 37AA of the Act; or	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
71.2.4	to obtain a response from the prescribed body for the purposes of Section 37 of the Act.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
71.3	The power pursuant to Regulation 31A(7) of the Regulations if:		
71.3.1	an application is withdrawn by the Applicant; and		

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
71.4	The power pursuant to Regulation 31A(8) of the Regulations if:		
71.4.1	an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and		
71.4.2	the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application,		
	to notify the relevant prescribed body of the lapsing of an application.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
71.5	The power pursuant to Regulation 31A(9) of the Regulations if:		
71.5.1	an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and		
71.5.2	a notice of decision is issued by the relevant authority under Regulation 42 of the Regulations,		
	to send a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 42 of the Regulations.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<b>72.</b>	<b>Public Inspection of Certain Applications</b>		

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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).	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
72.4	The power pursuant to Regulation 34(4) of the Regulations to form the opinion that the present or future security of a building would be jeopardised if plans, drawings, specifications or other documents or information relating to the assessment of a proposed development against the Building Rules were to be made available for inspection.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<b>73.</b>	<b>Response by Applicant</b>		
73.1	The power pursuant to Regulation 36 of the Regulations to extend the time within which an applicant may respond to any representation	CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
<b>74.</b>	<b>Determination of Commission as Relevant Authority</b>		
74.1	Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:		

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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).	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
<b>75.</b>	<b>Assessment in Respect of Building Rules Referred to the Council</b>		
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.	CEO	DCPC MDSC DO(B)
<b>76.</b>	<b>Notification of Decision to Applicant (Including Conditions)</b>		
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).	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

<b>77. Notification of Decision to a Prescribed Body</b>		
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.	DAP CEO	DCPC MDSC Pol.Pl. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.Pl. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<b>78. Notification of Decision to Owner of Land</b>		
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.	DAP CEO	DCPC MDSC Pol.Pl. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<b>79. Scheme Description – Community Titles</b>		
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:		

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

<p>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.</p> <p style="text-align: center;">OR</p> <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: Dated:</p>		
<p>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.</p>	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<b>80. Special Provisions Relating to Staged Consents</b>		
<p>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.</p>	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<b>81. Endorsed Plans</b>		

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

81.1 The duty pursuant to Regulation 47 of the Regulations to return to a successful applicant, a copy of the plans, drawings, specifications and other documents and information lodged by the applicant duly endorsed with the building rules consent.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<b>81A. Minor Variation of Development Authorisation</b>		
81A.1 The power pursuant to Regulation 47A of the Regulations, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion that the variation is minor in nature and, if the delegate is satisfied that the variation is minor in nature, to approve the variation.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<b>82. Lapse of Consent or Approval</b>		
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<b>83. Width of Roads and Thoroughfares</b>		
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.	DAP CEO	DCPC MDSC
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.	DAP CEO	DCPC MDSC
<b>84. Road Widening</b>		
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.	DAP CEO	DCPC MDSC
<b>85. Requirement as to Forming of Roads</b>		

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

85.1	The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.	DAP CEO	DCPC MDSC
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.	DAP CEO	DCPC MDSC
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.	DAP CEO	DCPC MDSC
<b>86.</b>	<b>Construction of Roads, Bridges, Drains and Services</b>		
86.1	The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.	DAP CEO	DCPC MDSC
<b>87.</b>	<b>Supplementary Provisions</b>		
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.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
<b>88.</b>	<b>General Land Division</b>		
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.	CEO	DCPC MDSC

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	CEO	DCPC MDSC
<b>89.</b>	<b>Division of Land by Strata Title</b>		
89.1	The power pursuant to Regulation 59(1) of the Regulations to advise the Development Assessment Commission that an applicant has entered into a binding arrangement with the Council for the satisfaction of the requirements of Section 33(1)(d) of the Act and that the arrangement is supported by adequate security.	CEO	DCPC MDSC
<b>90.</b>	<b>General Provisions</b>		
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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 30(4) of the Regulations be furnished to the Council by sending a written copy to the Council.	CEO	DCPC MDSC Pol.PI. <a href="#">SDO</a> DO(P) <a href="#">AO(D)DAO</a>
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
<b>91.</b>	<b>Declaration by The Minister - Section 46</b>		
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.	CEO	DCPC MDSC

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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).	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
<b>92.</b>	<b>Referral of Assessment of Building Work</b>		
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.	CEO	DCPC MDSC
92.2	Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:		
92.2.1	provide the certification in the form set out in Schedule 12A; and		
92.2.2	to the extent that may be relevant and appropriate:		
92.2.2.1	issue a schedule of essential safety provisions under Division 4 of Part 12 of the Act; and		
92.2.2.2	assign a classification to the building under the Regulations; and		
92.2.2.3	ensure that the appropriate levy has been paid under the <i>Construction Industry Training Fund Act 1993</i> .	CEO	DCPC MDSC DO(B)

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	CEO	DCPC MDSC DO(B)
<b>93.</b>	<b>Notifications During Building Work</b>		
93.1	The power pursuant to Regulation 74(1)(b) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.	CEO	DCPC MDSC DO(B)
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.	CEO	DCPC MDSC DO(B)
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.	CEO	DCPC MDSC DO(B)
<b>94.</b>	<b>Essential Safety Provisions</b>		
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.	CEO	DCPC MDSC DO(B)
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.	CEO	DCPC MDSC DO(B)
<b>94A</b>	<b>Swimming Pool Safety</b>		
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.	Not Delegated	Not Sub-delegated

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

95. <b>Building Rules: Bushfire Prone Areas</b>	<b>Not applicable</b>	<b>Not applicable</b>
96. <b>Construction Industry Training Fund</b>		
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.	CEO	DCPC MDSC DO(B)
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.	CEO	DCPC MDSC DO(B)
96.3 The power pursuant to and in accordance with Regulation 79(5)(b) of the Regulations to determine that the application has lapsed.	CEO	DCPC MDSC DO(B)
97. <b>Classification of Buildings</b>		
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.	CEO	DCPC MDSC DO(B)
97.2 The duty pursuant to Regulation 82(4) of the Regulations to assign the appropriate classification under the Building Code to a building upon being satisfied that the building possesses the attributes appropriate to its present or intended use.	CEO	DCPC MDSC DO(B)

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

	<p><u>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 –</u></p> <p><u>97.3.1 the maximum number of persons who may occupy the building (or part of the building); and</u></p> <p><u>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.</u></p>	<u>CEO</u>	<u>DCPC</u> <u>MDSC</u> <u>DO(B)</u>
98.	<b>Certificates of Occupancy</b>		
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.	CEO	DCPC MDSC DO(B)
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.	CEO	DCPC MDSC DO(B)
98.3	The power pursuant to Regulation 83(3) of the Regulations to dispense with the requirement to provide a Statement of Compliance under Regulation 83(2)(a) if the Delegate is satisfied that a person required to complete 1 or both parts of the Statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification(s) and it appears to the Delegate that the relevant building is suitable for occupation.	CEO	DCPC MDSC DO(B)
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		

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	CEO	DCPC MDSC DO(B)
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.	CEO	DCPC MDSC DO(B)
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.	CEO	DCPC MDSC DO(B)
98.7	The power pursuant to Regulation 83(9) of the Regulations to revoke a certificate of occupancy.	CEO	DCPC MDSC DO(B)
<b>99.</b>	<b>Certificate of Independent Technical Expert in Certain Case</b>		
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.	CEO	DCPC MDSC DO(B)
<b>100.</b>	<b>Fees</b>		
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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.	CEO	DCPC MDSC
100.4	The duty pursuant to Regulation 95(5) of the Regulations, on a reassessment under Regulation 95(4) of the Regulations:		
100.4.1	if it appears that an overpayment has occurred, to refund any amount due in accordance with the reassessment; and	CEO	DCPC MDSC
100.4.2	if it appears that an underpayment has occurred, to charge any further amount payable in accordance with the reassessment.	CEO	DCPC MDSC
<b>101. Register Of Applications</b>			
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.	CEO	DCPC MDSC
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).	CEO	DCPC MDSC
<b>102. Registration of Land Management Agreements</b>			
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.	CEO	DCPC MDSC
102.2	The power pursuant to Regulation 99(3) of the Regulations to determine what other information may be contained in the Register.	CEO	DCPC MDSC
<b>103. Land Management Agreements - Development Applications</b>			
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.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

103.3	The duty pursuant to Regulation 100(5) of the Regulations to keep the register at the principal office of the Council.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
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.	CEO	DCPC MDSC
<b>104. Documents to be Preserved by a Council</b>			
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	CEO	DCPC MDSC Pol.PI. DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

<p>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.</p>	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<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>	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<p>104.5.1 for inspection under Regulation 101(4)(a) if to do so would:</p>		
<p>104.5.1.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or</p>	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<p>104.5.1.2 constitute a breach of any other law; or</p>	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<p>104.5.2 for copying under Regulation 101(4)(b) if to do so would:</p>		
<p>104.5.2.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or</p>	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

104.5.2.2 involve an infringement of copyright in matter contained in a document; or	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
104.5.2.3 constitute a breach of any other law.		
<b>104A Documents to be Provided by Private Certifier</b>		
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.	CEO	DCPC MDSC Pol.PI. SDO DO(P) DO(B) <a href="#">AO(D)DAO</a>
<b>105. Transfer of Development Potential</b>		
105.1 The duty pursuant to Regulation 104 of the Regulations, wherever the provisions of the Development Plan provide for the transfer of development potential, to maintain a register of development rights containing the information prescribed in Regulation 104(1) and to make the said register available for public inspection on payment of the appropriate fee.	CEO	DCPC MDSC
<b>106. System Indicators</b>		
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.	CEO	DCPC MDSC <a href="#">AO(D)DAO</a>
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.	CEO	DCPC MDSC <a href="#">AO(D)DAO</a>
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.	CEO	DCPC

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

<b>107. Schedule 1A – Demolition</b>		
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.	CEO DCPC MDSC Pol.PI.
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.	CEO DCPC MDSC Pol.PI.
<b>108. Schedule 4 – New Dwellings</b>		
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 <u>or in the vicinity of the land other than a previous use or activity for residential purposes.</u>	CEO DCPC MDSC Pol.PI. SDO DO(P) <u>AO(D)DAO</u>
<b>109. Schedule 6 - Fees</b>		
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.	CEO DCPC MDSC
<b>110. Schedule 8 – Development Near The Coast</b>		<b>Not Applicable</b>
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.	<b>Not Applicable</b>
<b>111. Schedule 8 - Development Adjacent To Main Roads</b>		
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:	

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

111.1.1 alter an existing access; or	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
111.1.2 change the nature of movement through an existing access; or	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
111.1.3 create a new access; or	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
111.1.4 encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972,	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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).	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
<b>112. Schedule 8 - State Heritage Places</b>		
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	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
<b>113. Schedule 8 – Mining – General</b>	<b>Not applicable</b>	

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

<b>114. Schedule 8 - Activity of Environmental Significance</b>		
114.1 The power pursuant to Item 10(b) of Clause 2 of Schedule 8 of the Regulations, where development involves, or is for the purposes of an activity specified in Schedule 21 of the Regulations (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level), other than development which comprises the alteration of, or addition to, an existing building, to form the opinion that the development does not change the use of the building, and is of a minor nature only, and does not have any adverse effect on the environment.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
<b>115. Schedule 8 – Aquaculture Development</b>	<b>Not Applicable</b>	
<b>116. Schedule 8 – Development Within the River Murray Floodplain Area</b>	<b>Not applicable</b>	
<b>117. Schedule 8 – Development Within the River Murray Tributaries Area</b>	<b>Not applicable</b>	
<b>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</b>		
118.1 The power pursuant to Clause 1 of Part 1 to Schedule 9 of the Regulations in circumstances where a development would be a complying development under the Regulations or the relevant Development Plan but for the fact that it fails to meet the conditions associated with the classification, to form the opinion that the failure to meet those conditions is of a minor nature only.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
118.3 The power pursuant to the following designated subparagraphs 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:		

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

118.3.1	the alteration of, or addition to, a building is of a minor nature only, pursuant to sub-paragraph (a);	DAP CEO	DCPC MDSC
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).	DAP CEO	DCPC MDSC
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	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
118.4.2	whether the division will change the nature or function of an existing road.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
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	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
118.7.2 whether the proposed division will change the nature or function of an existing road.	DAP CEO	DCPC MDSC Pol.PI. SDO DO(P) <a href="#">AO(D)DAO</a>
<del>119. <b>Schedule 10 – Decisions by Development Assessment Commission</b></del>		
<del>119.1 In circumstances where the Council is undertaking development within the meaning of that term under Section 4 of the Act and:</del>		
<del>119.1.1 the development involves the construction (but not alteration of or change in use to a hotel or tavern, or tourist accommodation, or an entertainment complex, or a cinema, or a hospital) but where the Council's interest is limited to the ownership of rights associated with an easement, road or reserve, the power pursuant to Clause 2(a) of Schedule 10 of the Regulations to form the opinion that the purpose of the easement, road or reserve will not be materially affected;</del>	CEO	DCPC MDSC

**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

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	<p><del>119.1.2 in circumstances where the development involves the construction of, or a change in use to, a shop or office or the construction of a building for the purposes of, or a change in use to, a form of industry and the interest of the Council is limited to the ownership of rights associated with an easement, road or reserve, the power pursuant to Clause 2(b) of Schedule 10 of the Regulations to form the opinion that the purpose of the easement, road or reserve will not be materially affected.</del></p>	<p>CEO</p>	<p>DCPC MDSC</p>
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**INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT  
(DEVELOPMENT PLANS) AMENDMENT ACT 2006  
AND DEVELOPMENT REGULATIONS 2008**

**SCHEDULE OF CONDITIONS**

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

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	<p>The Development Assessment Panel will only consider applications of a type as follows:-</p> <ul style="list-style-type: none"> <li>a) where an application contemplates a non-complying form of development</li> <li>b) where a Category 2 or 3 representor has indicated a desire to address the Panel in support of a representation</li> <li>c) where the Director Community Planning &amp; Communications determines that the application is of a nature and type that would be of particular interest to the Panel</li> </ul>

**APPENDIX 5**

**INSTRUMENT OF DELEGATION UNDER THE  
DOG AND CAT MANAGEMENT ACT 1995**

**NOTES**

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

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

1. Council Responsibility for Management of Dogs	Delegation	Sub Delegation
1.1 The duty pursuant to Section 26 of the Dog and Cat Management Act 1995 ("the Act") to administer and enforce the provisions of the Act relating to dogs within the Council area and for that purpose to –		
1.1.1 maintain a register of dogs containing information required by the Dog and Cat Management Board;	CEO	DIAE MCMCS TLCS
1.1.2 ensure that the register of dogs is readily available for public inspection;	CEO	DIAE MCMCS TLCS
1.1.3 provide the Board with information contained in the register of dogs as required by the Board from time to time;	CEO	DIAE MCMCS TLCS
1.1.4 appoint a suitable person to be Registrar;	CEO	Not Sub Delegated
1.1.5 make satisfactory arrangements for issuing and replacing certificates of registration and registration disks;	CEO	DIAE MCMCS TLCS
1.1.6 appoint at least one full time dog management officer or make other satisfactory arrangements for the exercise of the functions and powers of dog management officers;	CEO	DIAE
1.1.7 make satisfactory arrangements for the detention of dogs seized under the Act;	CEO	DIAE MCMCS TLCS
1.1.8 make satisfactory arrangements for fulfilling other obligations under the Act;	CEO	DIAE MCMCS TLCS

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**INSTRUMENT OF DELEGATION UNDER THE DOG AND CAT MANAGEMENT ACT 1995**


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1.1.9	establish and maintain a separate account of money received under this Act and of money expended in the administration and enforcement of the provisions of the Act relating to dogs;	CEO	DIAE MFS
1.1.10	pay into the Dog and Cat Management Fund the percentage fixed by Regulation of the dog registration fees received by the Council;	CEO	DIAE MFS MCMCS TLCS
1.1.11	charge a fee for the provision of an extract from a register under the Act;	CEO	DIAE MFS
1.1.12	charge a fee (which may be differential) with the approval of the Minister –		
1.1.12.1	for the registration of dogs or businesses under Part 5 of the Act; and	Not Delegated	
1.1.12.2	for the late payment of registration fees; and	Not Delegated	
1.1.12.3	for meeting any other requirement imposed on the Council under this Act.	Not Delegated	
1.1.13	provide for a percentage rebate of the fee that would otherwise be charged for the registration of a dog –		
1.1.13.1	if the dog is de-sexed;	Not Delegated	
1.1.13.2	if the dog has been implanted with a microchip for the purposes of identification so long as the information contained in the microchip is up to date;	Not Delegated	
1.1.13.3	if the dog has passed a specified training program accredited by the Board,	Not Delegated	
	and, if more than one rebate applies in respect of a particular dog, the rebates are to be aggregated and deducted from the registration fee that would otherwise be charged.	Not Delegated	
<b>2.</b>	<b>Plans of Management Relating to Dogs and Cats</b>		
2.1	The duty pursuant to Section 26A of the Act to –		
2.1.1	prepare a 5 year plan relating to the management of dogs and cats within the Council area in accordance with the requirements of Section 26A of the Act;	CEO	DIAE MCMCS TLCS
2.1.2	ensure the plan of management includes provision for parks where dogs may be exercised off-leash and for parks where dogs must be under effective control by means of physical restraint and provisions for parks where dogs are prohibited;	CEO	DIAE MCMCS TLCS

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**INSTRUMENT OF DELEGATION UNDER THE DOG AND CAT MANAGEMENT ACT 1995**


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2.1.3	present the plan of management to the Dog and Cat Management Board for its approval;	CEO	DIAE MCMCS TLCS
2.1.4	amend the plan of management at any time, with the Dog and Cat Management Board's approval.	CEO	DIAE MCMCS TLCS
<b>3.</b>	<b>Appointment of Dog Management Officers</b>		
3.1	The power pursuant to Section 27 of the Act to appoint suitable persons (other than members of Council) to be dog management officers subject to any condition that is specified in the instrument of appointment, and the power at any time to revoke the appointment or to vary or revoke a condition of the appointment or impose a further condition of appointment.	CEO	DIAE
<b>4.</b>	<b>Identification of Dog Management Officers</b>		
4.1	The duty pursuant to Section 28 of the Act to issue each dog management officer with an identity card containing a statement of any conditions upon the powers of that officer.	CEO	DIAE
<b>5.</b>	<b>Rectification of Register</b>		
5.1	The power pursuant to Section 39 of the Act upon application by any person aggrieved by an entry in the register, to rectify the register.	CEO	DIAE MCMCS TLCS
<b>6.</b>	<b>Destruction and Control Orders</b>		
6.1	The power pursuant to Sections 50 and 51 of the Act upon the Delegate's own initiative or on application, to –		
6.1.1	make a Destruction Order where a dog is unduly dangerous and has attacked, harassed or chased a person or an animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against the Act;	CEO	DIAE MCMCS TLCS
6.1.2	make a Control (Dangerous Dog) Order, Control (Menacing Dog) Order or a Control (Nuisance Dog) Order if satisfied that a dog is dangerous, menacing or a nuisance and has attacked, harassed or chased a person or an animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against the Act;	CEO	DIAE MCMCS TLCS CSO
6.1.3	make a Control (Barking Dog) Order in relation to a dog if satisfied that the dog is a nuisance and has created noise by barking or otherwise in circumstances that would constitute an offence against the Act.	CEO	DIAE MCMCS TLCS CSO
6.2	The duty pursuant to Section 52(1) of the Act before making an order under Section 51 of the Act, to take all reasonable steps –		

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**INSTRUMENT OF DELEGATION UNDER THE DOG AND CAT MANAGEMENT ACT 1995**


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6.2.1	to ascertain all persons who own or are responsible for the control of the dog; and	CEO	DIAE MCMCS TLCS CSO
6.2.2	to give each of the persons so ascertained at least seven days written notice –		
6.2.2.1	identifying the dog in relation to which it is proposed to make the order;	CEO	DIAE MCMCS TLCS CSO
6.2.2.2	setting out the terms of the proposed order; and	CEO	DIAE MCMCS TLCS CSO
6.2.2.3	inviting the owner or other person to make submissions within 7 days (or longer) with respect to the matter.	CEO	DIAE MCMCS TLCS CSO
6.3	The duty pursuant to Section 52(2) of the Act to ensure the order is –		
6.3.1	made in the manner and form required by the Dog and Cat Management Board;	CEO	DIAE MCMCS TLCS CSO
6.3.2	recorded in the register kept by the Council; and	CEO	DIAE MCMCS TLCS CSO
6.3.3	served on the person(s) against whom it is made.	CEO	DIAE MCMCS TLCS CSO
6.4	The power pursuant to Section 52(4) and (5) of the Act to revoke an order by written notice to the person against whom the order was made and the duty to record the revocation in the register kept by the Council under the Act.	CEO	DIAE MCMCS TLCS CSO
6.5	The power pursuant to Section 53 of the Act to issue, from time to time, written directions as to how an order under Division 3, Part 5 may be complied with by a person who owns or is responsible for the control of a dog subject to such an order.	CEO	DIAE MCMCS TLCS CSO
6.6	The duty pursuant to Section 58 of the Act, upon request by the person who owns or is responsible for the control of a dog, to give reasons in writing within 14 days of the making of a decision to make an order under Division 3, Part 5 of the Act or to refuse to revoke an order.	CEO	DIAE MCMCS TLCS CSO

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**INSTRUMENT OF DELEGATION UNDER THE DOG AND CAT MANAGEMENT ACT 1995**


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<b>7. Prohibition Orders</b>		
7.1 The power pursuant to Section 59A(3) of the Act upon the Delegate's own initiative or on application, to make a Prohibition Order against a person if satisfied that subject to the exceptions contained at Section 59A(4) of the Act –		
7.1.1 while the person owned or was responsible for the control of a dog, the dog attacked, harassed or chased a person or animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against this Act; and	CEO	DIAE MCMCS TLCS
7.1.2 –		
7.1.2.1 the dog was already subject to a Destruction Order or a Control (Dangerous Dog) Order; or	CEO	DIAE MCMCS TLCS
7.1.2.2 during the five years preceding the event referred to in 7.1.1, a Destruction Order or a Control (Dangerous Dog) Order was made in relation to some other dog on grounds that arose while the person owned or was responsible for the control of that other dog.	CEO	DIAE MCMCS TLCS
7.2 The duty pursuant to Section 59A(5) of the Act to ensure the Prohibition Order is –		
7.2.1 made in the manner and form required by the Dog and Cat Management Board;	CEO	DIAE MCMCS TLCS
7.2.2 recorded in a manner and form required by the Dog and Cat Management Board, and is publicly available; and	CEO	DIAE MCMCS TLCS
7.2.3 served on the person(s) against whom it is made.	CEO	DIAE MCMCS TLCS
7.3 The power pursuant to Section 59A(6) and (7) of the Act to revoke a Prohibition Order by written notice to the person against whom the Prohibition Order was made, and the duty to record the revocation in the record kept by the Council under Section 56A of the Act.	CEO	DIAE MCMCS TLCS
7.4 The power pursuant to Section 59C(2) of the Act upon request by the person affected by the decision to issue a Prohibition Order, to give reasons in writing within 14 days of the making of the decision.	CEO	DIAE MCMCS TLCS

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**INSTRUMENT OF DELEGATION UNDER THE DOG AND CAT MANAGEMENT ACT 1995**


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<b>8. Procedure following seizure of dog</b>		
8.1 The duty pursuant to Section 61(4)(a) of the Act, to as soon as practicable, proceed to consider making an order in relation to a dog that has been seized under this Division of the Act or applying to the Magistrates' Court for an order in relation to a dog seized under this Division of the Act.	CEO	DIAE MCMCS TLCS
<b>9. Cat Management Officers</b>		
9.1 The power pursuant to Section 68 of the Act to appoint suitable persons to be cat management officers subject to any condition that is specified in the instrument of appointment and the power at any time to revoke the appointment or to vary or revoke a condition of the appointment or impose a further condition of appointment.	CEO	DIAE
9.2 The duty pursuant to Section 69 of the Act to issue each cat management officer with an identity card containing a statement of any conditions that limit the powers of that officer.	CEO	DIAE MCMCS TLCS

**INSTRUMENT OF DELEGATION UNDER THE DOG AND CAT MANAGEMENT ACT 1995**

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**SCHEDULE OF CONDITIONS**

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

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

**APPENDIX 6**

**INSTRUMENT OF DELEGATION UNDER THE  
FENCES ACT 1975**

**NOTES**

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

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Notice of Intention to Perform Fencing Work</b>	<b>Delegation</b>	<b>Sub Delegation</b>
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.	CEO	DIAE MIAE MCMCS
1.2 The power pursuant to Section 5(3) of the Act to serve notice in accordance with Section 5(4) of the Act on an adjoining land owner of a proposal to perform any replacement, repair or maintenance work in relation to a fence dividing the Council's land (being land of less than one hectare) and the adjoining owner's land.	CEO	DIAE MIAE MCMCS
<b>2. Cross-notice</b>		
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.	CEO	DIAE MIAE MCMCS
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.	CEO	DIAE MIAE MCMCS

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**INSTRUMENT OF DELEGATION UNDER THE FENCES ACT 1975**


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<b>3. Agreement upon Basis of Proposals and Counter-proposals</b>		
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).	CEO	DIAE MIAE MCMCS
<b>4. Performance of Fencing Work</b>		
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.	CEO	DIAE MIAE MCMCS

**INSTRUMENT OF DELEGATION UNDER THE FENCES ACT 1975**

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**SCHEDULE OF CONDITIONS**

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

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

## APPENDIX 7

### INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005 AND THE FIRE AND EMERGENCY SERVICES REGULATIONS 2005

#### NOTES

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

#### POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Areas of Urban Bushfire Risk	Delegation	Sub Delegation
<p>1.1 The power pursuant to Section 4A(3) of the Fire and Emergency Services Act 2005 ('the Act'), to consult with and make submissions to the Commission before the Commission publishes a notice in the Gazette designating pursuant to Section 4A(1) of the Act an area within a fire district as an area of urban bushfire risk, varies an area designated under Section 4A(1) of the Act or revokes the designation of an area under Section 4A(1) of the Act.</p> <p><i>(Note: only applies to Councils with areas within a 'fire district')</i></p>	Not Applicable	Not Applicable
<b>2. Use of Facilities – State Bushfire Coordination Committee</b>		
<p>2.1 The power pursuant to Section 71C of the</p>	Not	Not

**INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER  
UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005 AND THE  
FIRE AND EMERGENCY SERVICES REGULATIONS 2005**

	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.	Applicable	Applicable
<b>3.</b>	<b>Use of Facilities – Bushfire Management Committees</b>		
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.	Not Applicable	Not Applicable
<b>4.</b>	<b>Bushfire Management Area Plans</b>		
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.  <i>(Note: only relevant where Council's area is wholly or partly within a 'bushfire management area')</i>	Not Applicable	Not Applicable
<b>5.</b>	<b>Fire Control Officers</b>		
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).	CEO	Not Sub Delegated

**INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER  
UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005 AND THE  
FIRE AND EMERGENCY SERVICES REGULATIONS 2005**

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.	CEO	Not Sub Delegated
<b>6. Giving of Expiation Notices</b>		
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.	CEO	DIAE TLCS CSO
<b>7. Appropriation of Penalties</b>		
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).	CEO	DIAE TLCS
<b>8. Interpretation</b>		
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.	CEO	Not Sub Delegated
<b>9. Fire Prevention Officers</b>		
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.	Not Applicable	Not Applicable

**INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER  
UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005 AND THE  
FIRE AND EMERGENCY SERVICES REGULATIONS 2005**

9.2 The duty pursuant to Section 105B(3) of the Act to -		
9.2.1 in determining the number of fire prevention officers to appoint under Section 105B(1) of the Act; and	Not Applicable	Not Applicable
9.2.2 in assessing the qualifications or experience of a person for the purposes of Section 105B(2) of the Act,	Not Applicable	Not Applicable
take into account any policy developed by SACFS for the purposes of Section 105B of the Act.		
<p>9.3 The power pursuant to Section 105B(3) of the Act to apply to the Chief Officer of the SACFS for an exemption for the Council from the requirement to appoint a fire prevention officer under Section 105B of the Act.</p> <p><i>(Note: paragraphs 9.1 – 9.3 only relevant to ‘rural councils’ or councils that have a ‘designated urban bushfire risk area’ within their area)</i></p>	Not Applicable	Not Applicable
<b>10. Reports</b>		
<p>10.1 The duty pursuant to Section 105E of the Act to, where required by written notice from the Commission, the State Bushfire Safety Coordination Committee or a bushfire management committee in whose bushfire management area the Council’s area is wholly or partly located, provide to the Commission, the State Bushfire Coordination Committee or the bushfire management committee (within a period stated in the notice or at stated intervals) any report, or reports relating to the performance, exercise or discharge of the functions, powers or responsibilities of the fire prevention officer or officers (if any) for the Council’s area, as the Commission, the State Bushfire Coordination Committee or the bushfire management committee (as the case may be) thinks fit.</p>	CEO	Not Sub Delegated

**INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER  
UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005 AND THE  
FIRE AND EMERGENCY SERVICES REGULATIONS 2005**

<b>11. Private Land</b>		
11.1 The duty pursuant to Section 105F(2) of the Act, in determining the standard required to comply with Section 105F(1) of the Act (but subject to Section 105F(4) of the Act), to take into account the following matters (insofar as may be relevant and without limiting any other relevant matter):		
11.1.1 the nature of the land;	CEO	DIAE TLCS CSO
11.1.2 whether the land is in a country, metropolitan, township or other setting;	CEO	DIAE TLCS CSO
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);	CEO	DIAE TLCS CSO
11.1.4 other statutory standards or requirements that apply to or in relation to the land.	CEO	DIAE TLCS CSO
11.2 The power pursuant to Section 105F(5) of the Act, if the Delegate believes on reasonable grounds -	CEO	DIAE TLCS CSO
11.2.1 that an owner of private land has failed to comply with Section 105F(1) of the Act; or		
11.2.2 that measures should be taken in respect of particular private land for the purpose of -	CEO	<b>Not Sub Delegate d</b>
11.2.2.1 preventing or inhibiting the outbreak of fire on the land; or	CEO	DIAE TLCS CSO
11.2.2.2 preventing or inhibiting the spread of fire through the land; or	CEO	DIAE TLCS CSO
11.2.2.3 protecting property on the	CEO	DIAE

**INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER  
UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005 AND THE  
FIRE AND EMERGENCY SERVICES REGULATIONS 2005**

land from fire,		TLCS CSO
to, by notice in writing that complies with any requirements set out in the regulations, require the owner of the private land to take specified action to remedy the default or to protect the land or property on the land, within such time as may be specified in the notice.	CEO	DIAE TLCS CSO
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 -		
11.3.1 to trim or remove vegetation on the land; or	CEO	DIAE TLCS CSO
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	CEO	DIAE TLCS CSO
11.3.3 to eliminate a potential ignition source; or	CEO	DIAE TLCS CSO
11.3.4 to create, establish or maintain fire breaks or fuel breaks.	CEO	DIAE TLCS CSO
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.	CEO	Not Sub Delegat ed
11.5 The power pursuant to Section 105F(9) of the Act to give a notice under Section 105(5) of the Act -	CEO	Not Sub Delegat ed

**INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER  
UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005 AND THE  
FIRE AND EMERGENCY SERVICES REGULATIONS 2005**

11.5.1 personally; or	CEO	DIAE TLCS CSO
11.5.2 by post; or	CEO	DIAE TLCS CSO
11.5.3 if the delegate cannot, after making reasonable inquiries, ascertain the name and address of the person to whom the notice is to be given -		
11.5.3.1 by publishing the notice in a newspaper circulating in the locality of the land; and	CEO	DIAE TLCS CSO
11.5.3.2 by leaving a copy of the notice in a conspicuous place on the land.	CEO	DIAE TLCS CSO
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.	CEO	DIAE TLCS CSO
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.	CEO	DIAE TLCS CSO
<b>12. Council Land</b>		
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.	CEO	DIAE TLCS
12.2 The duty pursuant to Section 105G(7) of the Act, to comply with a notice under Section 105G(6) of the Act.	CEO	DIAE TLCS

**INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER  
UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005 AND THE  
FIRE AND EMERGENCY SERVICES REGULATIONS 2005**

<b>13. Additional Provision in Relation to Powers of Authorised Officers</b>		
13.1 The power pursuant to Section 105J(1) of the Act, for a purpose related to the administration, operation or enforcement of Part 4A of the Act, to -		
13.1.1 at any reasonable time, after giving reasonable notice to the occupier of the land, enter the land; or	CEO	DIAE TLCS CSO
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.	CEO	DIAE TLCS CSO
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	CEO	DIAE TLCS CSO
13.2.2 in accordance with any procedures prescribed by the regulations.	CEO	DIAE TLCS CSO
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;	CEO	DIAE TLCS CSO
13.3.2 take photographs, films, audio, video or other recordings;	CEO	DIAE TLCS CSO
13.3.3 give any other directions reasonably required in connection with the exercise of the power.	CEO	DIAE TLCS CSO

**INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER  
UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005 AND THE  
FIRE AND EMERGENCY SERVICES REGULATIONS 2005**

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.		
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.	CEO	DIAE TLCS CSO
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.	CEO	DIAE TLCS CSO
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.	CEO	DIAE TLCS
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.	CEO	DIAE TLCS
<b>14. Power to Provide Sirens</b>		
The power pursuant to Section 129 of the Act to erect a siren in a suitable place for the purpose of giving warning of the outbreak or threat of a fire or the occurrence or threat of an emergency, and the power to test and use the siren.	CEO	Not Sub Delegated

**INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER  
UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005 AND THE  
FIRE AND EMERGENCY SERVICES REGULATIONS 2005**

<b><u>DELEGATIONS UNDER FIRE AND EMERGENCY SERVICES REGULATIONS 2005</u></b>	<b>Delegation</b>	<b>Sub Delegation</b>
<b>15. SACFS Group Committee</b>		
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.	CEO	Not Sub Delegated
<b>16. Fires Permitted under Section 79(2) of Act</b>		
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.	CEO	DIAE TLCS
<b>17. Special Provision relating to Gas and Electric Cooking Appliances</b>		
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	CEO	Not Sub Delegated
17.1.2 may be limited in its operation to particular times of the day, and to particular days of the year; and	CEO	Not Sub Delegated
17.1.3 will operate subject to the following	CEO	Not Sub

**INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER  
UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005 AND THE  
FIRE AND EMERGENCY SERVICES REGULATIONS 2005**

conditions:		Delegated
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;	CEO	Not Sub Delegated
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	CEO	Not Sub Delegated
17.1.3.3 that an appropriate agent adequate to extinguish a fire must be at hand;	CEO	Not Sub Delegated
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	CEO	Not Sub Delegated
17.1.5 may be varied or revoked by further notice in the Gazette.	CEO	Not Sub Delegated
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.	CEO	Not Sub Delegated
<b>18. Identity cards</b>		
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.	CEO	Not Sub Delegated
<b>19. Roadside Fire Protection</b>		
19.1 The power pursuant to Regulation 54(2) of the Regulations, where the Council has the care, control and management of a		

**INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER  
UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005 AND THE  
FIRE AND EMERGENCY SERVICES REGULATIONS 2005**

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	Not Applicable	Not Applicable
19.1.2 while the fire is burning, prohibit, direct or regulate the movement of persons, vehicles or animals along the road;	Not Applicable	Not Applicable
subject to Regulation 54(3) of the Regulations.		
19.2 The duty pursuant to Regulation 54(3) of the Regulations to obtain a permit to light and maintain a fire under Regulation 54 of the Regulations during the fire danger season.  <i>(Note: only relevant to Councils with roads in the 'country').</i>	Not Applicable	Not Applicable
<b>20. Special Fire Areas</b>		
20.1 The duty pursuant to Regulation 56(2) of the Regulations to consult with and make submissions to the Chief Officer of the SACFS regarding the inclusion of the area or part of the area of the Council within a special fire area.	Not Applicable	Not Applicable
20.2 The power pursuant to Regulation 56(4)(a) of the Regulations to nominate one or more representatives of the Council to a committee of management established under Regulation 56(3) of the Regulations.	Not Applicable	Not Applicable
<b>21. Coronial Inquests</b>		
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.	CEO	Not Sub Delegated

**INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER  
UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005 AND THE  
FIRE AND EMERGENCY SERVICES REGULATIONS 2005**

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**SCHEDULE OF CONDITIONS**

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

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

## APPENDIX 8

**INSTRUMENT OF DELEGATION UNDER THE  
FREEDOM OF INFORMATION ACT 1991 AND  
THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

**NOTES**

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

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

1. <b>Publication of Information Concerning Councils</b>	<b>Delegation</b>	<b>Sub Delegation</b>
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.	CEO	DCS MKI <del>SIMO</del> IMO <a href="#">IMA</a>
<b>2. Availability of Certain Documents</b>		
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.	CEO	DCS MKI <del>SIMO</del> IMO <a href="#">IMA</a>
2.2 The power pursuant to Section 10(2) of the Act to delete information from the copies of a policy document if its inclusion would result in the document being an exempt document otherwise then by virtue of Clause 9 or 10 of Schedule 1 to the Act.	CEO	DCS MKI <del>SIMO</del> IMO <a href="#">IMA</a>
2.3 The duty pursuant to Section 10(3) of the Act not to enforce a particular policy to the detriment of a person:		
2.3.1 if the relevant policy document should have been, but was not, made available for inspection and purchase in accordance with Section 10 at the time the person became liable to the detriment; and	CEO	DCS MKI <del>SIMO</del> IMO <a href="#">IMA</a>

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

2.3.2 the person could, by knowledge of the policy, have avoided liability to the detriment.	CEO	DCS MKI <del>SIMO</del> IMO <a href="#">IMA</a>
<b>3. Persons by Whom Applications to be Dealt With and Time Within Which Applications Must be Dealt With</b>		
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
<b>4. Incomplete and Wrongly Directed Applications</b>		
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
<b>5. Transfer of Application</b>		
5.1 The power pursuant to Section 16(1) of the Act to transfer an application for access to Council's documents to another agency if the document to which it relates:		
5.1.1 is not held by the Council but is, to the knowledge of the Council, held by the other agency; or	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
5.1.2 is held by the Council but is more closely related to the functions of the other agency.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
<b>6. Council May Require Advance Deposits</b>		
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
<b>7. Council May Refuse to Deal with Certain Applications</b>		
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

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.	CEO	<a href="#">SIMO</a> <a href="#">IMO</a> <a href="#">IMA</a>
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.	CEO	<a href="#">SIMO</a> <a href="#">IMO</a> <a href="#">IMA</a>
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	CEO	<a href="#">SIMO</a> <a href="#">IMO</a> <a href="#">IMA</a>
7.4.2 payment of the deposit has not been made within the period specified in the request.	CEO	<a href="#">SIMO</a> <a href="#">IMO</a> <a href="#">IMA</a>
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.	CEO	<a href="#">SIMO</a> <a href="#">IMO</a> <a href="#">IMA</a>
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.	CEO	<a href="#">SIMO</a> <a href="#">IMO</a> <a href="#">IMA</a>
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.	CEO	<a href="#">SIMO</a> <a href="#">IMO</a> <a href="#">IMA</a>
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.	CEO	<a href="#">SIMO</a> <a href="#">IMO</a> <a href="#">IMA</a>
<b>8. Determination of Applications</b>		

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

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	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
8.1.2	if access to the document is to be given, any charge payable in respect of the giving of access; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
8.1.3	any charge payable for dealing with the application.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
<b>9.</b>	<b>Refusal of Access</b>		
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;	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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;	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
9.1.3	if it is a document that is usually and currently available for purchase;	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
9.1.4	if it is a document that:		
9.1.4.1	was not created or collated by the Council itself; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
9.1.4.2	genuinely forms part of library material held by the Council; or	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

9.2	The duty pursuant to Section 20(4) not to refuse access to a document if:		
9.2.1	it is practicable to give access to a copy of a document from which the exempt matter has been deleted; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
	to that limited extent.		
<b>10.</b>	<b>Deferral of Access</b>		
10.1	The power pursuant to Section 21(1) of the Act to defer access to a document:	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
10.1.1	if it is a document that is required by law to be published but is yet to be published;	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
10.1.2	if it is a document that has been prepared for presentation to Parliament, but is yet to be presented; or	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
<b>11.</b>	<b>Forms of Access</b>		
11.1	The power pursuant to Section 22(1) of the Act to give a person access to a document by –		
(a)	giving the person a reasonable opportunity to inspect the document; or	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
(b)	giving the person a copy of the document; or	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

(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	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
(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	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
(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	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
(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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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:			
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	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
11.2.3	would involve an infringement of copyright in matter contained in a document,	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
	in which case access may be given in some other way.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
<b>12. Notices of Determination</b>		
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
<b>13. Documents Affecting Inter-Governmental or Local Governmental Relations</b>		

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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,	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
to forthwith give written notice to the Government or council concerned:	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
13.2.3 that the Council has determined that access to the document is to be given; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
13.2.4 of the rights of review and appeal conferred by the Act in relation to the determination; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
13.2.5 of the procedures to be followed for the purpose of exercising those rights; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
defer giving access to the document until after the expiration of the period within which an application for a review or appeal under the Act may be made or, if such an application is made, until after the application has been finally disposed of.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
<b>14. Documents Affecting Personal Affairs</b>		

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
14.2 The duty pursuant to Section 26(3) of the Act, if:		
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	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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,	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
to forthwith give written notice to the person concerned:	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
14.2.4 that the Delegate has determined that access to the document is to be given; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
14.2.5 of the rights of review and appeal conferred by the Act in relation to the determination; and	CEO	<del>SIMO</del> IMO
14.2.6 of the procedures to be followed for the purpose of exercising those rights; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
defer giving access to the document until after the expiration of the period within which an application for review or appeal under the Act may be made or, if such an application is made, until after the application has been finally disposed of.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
14.3 The power pursuant to Section 26(4) of the Act where:-		
14.3.1 an application is made to the Council for access to a document to which Section 26 of the Act applies; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

14.3.2 the document contains information of a medical or psychiatric nature concerning the applicant; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
14.3.4 the Delegate decides that access to the document is to be given,	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
to give access to the document to a registered medical practitioner nominated by the applicant.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
<b>15. Documents Affecting Business Affairs</b>		
15.1 The duty pursuant to Section 27(2) of the Act not to give access under the Act to a document which contains:		
15.1.1 information concerning the trade secrets of any person; or	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
15.1.2 information (other than trade secrets) that has a commercial value to any person; or	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
15.1.3 any other information concerning the business, professional, commercial or financial affairs of any person;	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
15.2 The duty pursuant to Section 27(3) of the Act, if:		
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	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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,	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
to forthwith give written notice to the person concerned:	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

15.2.3 that the Council has determined that access to the document is to be given; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
15.2.4 of the rights of review and appeal conferred by the Act in relation to the determination; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
15.2.5 of the procedures to be followed for the purpose of exercising those rights; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
defer giving access to the document until after the expiration of the period within which an application for a review or appeal under the Act may be made or, if such an application is made, until after the application has been finally disposed of.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
<b>16. Documents Affecting the Conduct of Research</b>		
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
16.2 The duty pursuant to Section 28(3) of the Act, if:		
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	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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,	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
to forthwith give written notice to the person concerned:	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
16.2.3 that the Council has determined that access to the document is to be given; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
16.2.4 of the rights of review and appeal conferred by the Act in relation to the determination; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

16.2.5 of the procedures to be followed for the purpose of exercising those rights; and	CEO	SIMO IMO <a href="#">IMA</a>
defer giving access to the document until after the expiration of the period within which an application for a review or appeal under the Act may be made or, if such an application is made, until after the application has been finally disposed of.	CEO	SIMO IMO <a href="#">IMA</a>
<b>17. Internal Review</b>		
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.	CEO	Not Sub-delegated
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.	CEO	Not Sub-delegated
<b>18. Persons by Whom Applications for Amendment of Records May be Dealt With and Time Within Which Applications Must be Dealt With</b>		
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.	CEO	SIMO IMO <a href="#">IMA</a>
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.	CEO	SIMO IMO <a href="#">IMA</a>
<b>19. Incomplete Applications for Amendment of Records</b>		
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.	CEO	SIMO IMO <a href="#">IMA</a>
<b>20. Determination of Applications</b>		
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.	CEO	SIMO IMO <a href="#">IMA</a>

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

<b>21. Refusal to Amend Records</b>		
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	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
(b) if the Delegate is satisfied that the application contains a matter that is incorrect or misleading in a material respect; or	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
(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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
<b>22. Notices of Determination</b>		
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.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
22.2.2 if the determination is to the effect that amendment of the Council's records is refused –	CEO	MKI <del>SIMO</del> IMO <a href="#">IMA</a>
(i) the name and designation of the officer by whom the determination was made; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
(ii) the reasons for that refusal; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
(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	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

(iv) the rights of review and appeal conferred by the Act in relation to the determination; and	CEO	MKI <del>SIMO</del> IMO <a href="#">IMA</a>
(v) the procedures to be followed for the purpose of exercising those rights.	CEO	MKI <del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	MKI <del>SIMO</del> IMO <a href="#">IMA</a>
<b>23. Notations to be Added to Records</b>		
23.1 The duty pursuant to Section 37(2) of the Act where the Delegate has refused to amend the Council's records and the applicant has, by notice in writing lodged at the Council offices, requiring the Council to add to those records a notation –		
23.1.1 specifying the respects in which the applicants claims the records to be incomplete, incorrect, out of date or misleading; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
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,	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
to cause written notice of the nature of the notation to be given to the applicant.	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
23.2 The duty pursuant to Section 37(3) of the Act, if the Council discloses to any person (including any other agency) any information contained in the part of its records to which a notice under Section 37 relates, to:		
23.2.1 ensure that, when the information is disclosed, a statement is given to that person:		
23.2.1.1 stating that the person to whom the information relates claims that the information is incomplete, incorrect, out of date or misleading; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>
23.2.1.2 setting out particulars of the notation added to its records under Section 37; and	CEO	<del>SIMO</del> IMO <a href="#">IMA</a>

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

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.	CEO	SIMO IMO <u>IMA</u>
<b>24. Internal Review</b>		
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.	CEO	<b>Not Sub-delegated</b>
<b>25. External Review</b>		
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.	CEO	<b>Not Sub-delegated</b>
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.	CEO	<b>Not Sub-delegated</b>
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	CEO	<b>Not Sub-delegated</b>
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.	CEO	<b>Not Sub-delegated</b>
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.	CEO	<b>Not Sub-delegated</b>
<b>26. Appeal to District Court</b>		
26.1 The power pursuant to Section 40(1) of the Act and with the permission of the District Court, to appeal against a determination made under Division 1 of Part 5 of the Act on a question of law.	Not Delegated	
<b>27. Consideration of Restricted Documents</b>		

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

27.1 The power pursuant to Section 41(1) of the Act to make application to the District Court to have the District Court receive evidence and hear argument in the absence of the public, the other party to the appeal and, the other party's representative.	Not Delegated	
<b>28. Deliberately left blank</b>		
28.1 Deliberately left blank		
<b>29. Fees &amp; Charges</b>		
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.	CEO	DCS MKI <del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	DCS MKI <del>SIMO</del> IMO <a href="#">IMA</a>
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.	CEO	DCS MKI <del>SIMO</del> IMO <a href="#">IMA</a>
<b>30. Provision of Information to Minister</b>		
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 –	CEO	DCS MKI <del>SIMO</del> IMO <a href="#">IMA</a>
30.1.1.1 for the purpose of monitoring compliance with the Act; and	CEO	DCS MKI <del>SIMO</del> IMO <a href="#">IMA</a>
30.1.1.2 for the purpose of preparing a report under Section 54 of the Act; and	CEO	DCS MKI <del>SIMO</del> IMO <a href="#">IMA</a>

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

<p>30.1.2 to comply with any requirements notified by the Minister in the Gazette concerning the furnishing of that information and the keeping of records for the purposes of Section 54AA of the Act.</p>	<p align="center">CEO</p>	<p align="center">DCS MKI <del>SIMO</del> IMO <a href="#">IMA</a></p>
<p><b>31. Documents Containing Confidential Material</b></p>		
<p>31.1 The power pursuant to clause 13(2)(b)(iii) of Schedule 1 of the Act to approve a term for inclusion in a contract that the disclosure of the matter in the contract would constitute a breach of the contract or found an action for breach of confidence.</p>	<p align="center">CEO</p>	<p align="center">DCS MKI <del>SIMO</del> IMO <a href="#">IMA</a></p>
<p>31.2 The duty pursuant to clause 13(6) of Schedule 1 of the Act to notify the Minister administering the Act, in writing, and as soon as practicable, if the Delegate approves a term of a contract in accordance with clause 13(2)(b)(iii) of Schedule 1 of the Act.</p>	<p align="center">CEO</p>	<p align="center">DCS MKI <del>SIMO</del> IMO <a href="#">IMA</a></p>

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

<b><u>DELEGATIONS UNDER THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003</u></b>	<b>Delegation</b>	<b>Sub Delegation</b>
32. <b>Fees &amp; Charges</b>		
<p>32.1 The duty pursuant to Regulation 5 of the Freedom of Information (Fees and Charges) Regulations 2003 to waive or remit the fee or charge where a person, liable to pay a fee or charge to the Council under the Act, satisfies the delegate that:</p> <p>(a) he or she is a concession cardholder; or</p> <p>(b) payment of the fee would cause financial hardship to the person.</p>	CEO	DCS MKI <del>SIMO</del> IMO <u>IMA</u>
<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>	CEO	DCS MKI <del>SIMO</del> IMO <u>IMA</u>

**INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991  
AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2003**

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**SCHEDULE OF CONDITIONS**

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

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

## APPENDIX 9

**INSTRUMENT OF DELEGATION UNDER THE**  
**HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA)**  
**ACT 2013**

**NOTES**

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

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

1. Deciding Request for Consent Generally	Delegation	Sub Delegation
1.1 The power pursuant to Section 156(1) of the <i>Heavy Vehicle National Law (South Australia) Act 2013 (the Act)</i> , to, subject to Sections 156(2), (3) (4) and (6) of the Act, if the Regulator asks for the Council's consent to the grant of a mass or dimension authority, decide to give or not to give the consent:	CEO	DIAE MIAE ETE
1.1.1 within:		
1.1.1.1 28 days after the request is made, unless Section 156(1)(a)(ii) of the Act applies; or	CEO	DIAE MIAE ETE IAE
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	CEO	DIAE MIAE ETE IAE
1.1.2 within a longer period, of not more than 6 months after the request is made, agreed to by the Regulator.	CEO	DIAE MIAE ETE IAE
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:		

**INSTRUMENT OF DELEGATION UNDER THE  
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013**

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	CEO	DIAE MIAE ETE IAE
1.2.2	the delegate considers a route assessment is necessary for deciding whether to give or not to give the consent; or	CEO	DIAE MIAE ETE IAE
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.	CEO	DIAE MIAE ETE IAE
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.	CEO	DIAE MIAE ETE IAE
1.4	The power pursuant to Section 156(3) of the Act to decide not to give the consent only if the delegate is satisfied:		
1.4.1	the mass or dimension authority will, or is likely to:		
1.4.1.1	cause damage to road infrastructure; or	CEO	DIAE MIAE ETE IAE
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	CEO	DIAE MIAE ETE IAE
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	CEO	DIAE MIAE ETE IAE

**INSTRUMENT OF DELEGATION UNDER THE  
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013**

1.4.2	it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise:		
1.4.2.1	the damage or likely damage; or	CEO	DIAE MIAE ETE IAE
1.4.2.2	the adverse effects or likely adverse effects; or	CEO	DIAE MIAE ETE IAE
1.4.2.3	the significant risks or likely significant risks.	CEO	DIAE MIAE ETE IAE
1.5	The power pursuant to Section 156(4) of the Act, in deciding whether or not to give the consent, to have regard to:		
1.5.1	for a mass or dimension exemption – the approved guidelines for granting mass or dimension exemptions; or	CEO	DIAE MIAE ETE IAE
1.5.2	for a class 2 heavy vehicle authorisation – the approved guidelines for granting class 2 heavy vehicle authorisations.	CEO	DIAE MIAE ETE IAE
1.6	The power pursuant to Section 156(6) of the Act, if the delegate decides not to give consent to the grant of the authority, to give the Regulator a written statement that explains the delegate's decision and complies with Section 172 of the Act.	CEO	DIAE MIAE ETE IAE
<b>2.</b>	<b>Action Pending Consultation with Third Party</b>		
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).	CEO	DIAE MIAE ETE IAE
2.2	The power pursuant to Section 158(4) of the Act, if:		

**INSTRUMENT OF DELEGATION UNDER THE  
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013**

2.2.1	the consultation with the other entity is completed and the other entity's approval is required; and	CEO	DIAE MIAE ETE IAE
2.2.2	the delegate has not yet decided to give or not to give the consent,	CEO	DIAE MIAE ETE IAE
To -			
2.2.3	decide not to give the consent, on the ground that the consent would be inoperative; or	CEO	DIAE MIAE ETE IAE
2.2.4	decide to give the consent.	CEO	DIAE MIAE ETE IAE
<b>3. Deciding Request for Consent if Route Assessment Required</b>			
3.1	The power pursuant to Section 159(1) and (2) of the Act to, form the opinion a route assessment is necessary for deciding whether to give or not to give the consent and notify the Regulator of the following:		
3.1.1	that a route assessment is required for deciding whether to give or not to give the consent;	CEO	DIAE MIAE ETE IAE
3.1.2	the fee payable (if any) for the route assessment under a law of the jurisdiction in which the road is situated.	CEO	DIAE MIAE ETE IAE
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.	CEO	DIAE MIAE ETE IAE
<b>4. Imposition of Road Conditions</b>			
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:		

**INSTRUMENT OF DELEGATION UNDER THE  
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013**

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	CEO	DIAE MIAE ETE IAE
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.	CEO	DIAE MIAE ETE IAE
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.	CEO	DIAE MIAE ETE IAE
<b>5. Imposition of Travel Conditions</b>			
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.	CEO	DIAE MIAE ETE IAE
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.	CEO	DIAE MIAE ETE IAE
<b>6. Imposition of Vehicle Conditions</b>			
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.	CEO	DIAE MIAE ETE IAE
<b>7. Expedited Procedure for Road Manager's Consent for Renewal of Mass or Dimension Authority</b>			
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:		

**INSTRUMENT OF DELEGATION UNDER THE  
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013**

7.1.1	14 days after the request for consent is made; or	CEO	DIAE MIAE ETE IAE
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.	CEO	DIAE MIAE ETE IAE
<b>8.</b>	<b>Granting Limited Consent for Trial Purposes</b>		
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.	CEO	DIAE MIAE ETE IAE
<b>9.</b>	<b>Renewal of Limited Consent for Trial Purposes</b>		
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.	CEO	DIAE MIAE ETE IAE
<b>10.</b>	<b>Amendment or Cancellation on Regulator's Initiative</b>		
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.	CEO	DIAE MIAE ETE IAE
<b>11.</b>	<b>Amendment or Cancellation on Request by Relevant Road Manager</b>		
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	CEO	DIAE MIAE ETE IAE
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	CEO	DIAE MIAE ETE IAE
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.	CEO	DIAE MIAE ETE IAE

**INSTRUMENT OF DELEGATION UNDER THE  
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013**

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:	CEO	DIAE MIAE ETE IAE
11.2.1.1	amending the areas or routes to which the authority applies; or	CEO	DIAE MIAE ETE IAE
11.2.1.2	amending the days or hours to which the authority applies; or	CEO	DIAE MIAE ETE IAE
11.2.1.3	imposing or amending road conditions or travel conditions; or	CEO	DIAE MIAE ETE IAE
11.2.2	cancel the authority.	CEO	DIAE MIAE ETE IAE
<b>12.</b>	<b>Amendment or Cancellation on Application by Permit Holder</b>		
12.1	The power pursuant to Section 176(4)(c) of the Act to consent to the amendment of a mass or dimension authority.	CEO	DIAE MIAE ETE IAE
<b>13.</b>	<b>Amendment or Cancellation on Request by Relevant Road Manager</b>		
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	CEO	DIAE MIAE ETE IAE

**INSTRUMENT OF DELEGATION UNDER THE  
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013**

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	CEO	DIAE MIAE ETE IAE
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.	CEO	DIAE MIAE ETE IAE
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:	CEO	DIAE MIAE ETE IAE
13.2.1.1	amending the areas or routes to which the authority applies; or	CEO	DIAE MIAE ETE IAE
13.2.1.2	amending the days or hours to which the authority applies; or	CEO	DIAE MIAE ETE IAE
13.2.1.3	imposing or amending road conditions or travel conditions on the authority; or	CEO	DIAE MIAE ETE IAE
13.2.2	cancel the authority.	CEO	DIAE MIAE ETE IAE

**INSTRUMENT OF DELEGATION UNDER THE  
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013**

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**SCHEDULE OF CONDITIONS**

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

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

**APPENDIX 10**

**INSTRUMENT OF DELEGATION UNDER THE  
LAND AND BUSINESS (SALE AND CONVEYANCING) ACT 1994**

**NOTES**

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

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

	<b>Delegation</b>	<b>Sub Delegation</b>
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 -	CEO	MFS DCPC MDSC SDO DO(P) Pol. Pl. <del>AO(D)DAO</del>
1.1 any charge or prescribed encumbrance over land within the Council's area of which the Council has the benefit; or		
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.		

**INSTRUMENT OF DELEGATION UNDER THE LAND AND  
BUSINESS (SALE AND CONVEYANCING) ACT 1994**

**SCHEDULE OF CONDITIONS**

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

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

## APPENDIX 11

**INSTRUMENT OF DELEGATION UNDER THE****LIQUOR LICENSING ACT 1997****NOTES**

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

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>0. Application for Review of Commissioner's Decision</b>	<b>Delegation</b>	<b>Sub Delegation</b>
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.	Not Delegated	Not Sub-delegated
<b>1. Extension of Trading Area</b>		
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.	CEO	DCPC MDSC SDO DO(P) Pol. PI.
<b>2. Rights of Intervention</b>		
2.1 The power pursuant to Section 76(2) of the Act where licensed premises exist or premises proposed 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.	CEO	DCPC MDSC SDO DO(P) Pol. PI.
<b>3. Noise</b>		
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).	CEO	DCPC MDSC SDO DO(P) Pol. PI.

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**INSTRUMENT OF DELEGATION UNDER THE LIQUOR LICENSING ACT 1997**


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3.2 The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner.	CEO	DCPC MDSC SDO DO(P) Pol. Pl.
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).	CEO	DCPC MDSC
<b>4. Disciplinary Action Before the Court</b>		
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.	CEO	DCPC MDSC
<b>5. Commissioner's Power to Suspend or Impose Conditions Pending Disciplinary Action</b>		
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.	Not Delegated	Not Sub-delegated

INSTRUMENT OF DELEGATION UNDER THE LIQUOR LICENSING ACT 1997

**SCHEDULE OF CONDITIONS**

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

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	<p>Council administration will intervene in applications in circumstances where the necessary development approvals are not in place.</p> <p>Notice of all applications for new licenses and permanent variations to existing licenses shall be forwarded to Elected Members prior to Administration determining whether or not to intervene.</p> <p>Note: Council's response to licensing applications will be undertaken in accordance with the Liquor Licensing Policy.</p>

## APPENDIX 12

**INSTRUMENT OF DELEGATION UNDER THE**  
**LOCAL GOVERNMENT ACT 1934**

**NOTES**

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

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

1. <b>Power of Council to Establish Cemetery, Crematorium and Mortuary</b>	<b>Delegation</b>	<b>Sub Delegation</b>
Deliberately left blank		
2. <b>Neglected Cemeteries</b>		
Deliberately left blank		
3. <b>Power To Take Over Cemeteries</b>		
Deliberately left blank	Not Delegated	
4. <b>Power to Set Apart Portion of Cemetery for Religious Denomination</b>		
Deliberately left blank.	Not Delegated	
5. <b>Power to Manage Cemetery</b>		
Deliberately left blank	Not Delegated	
6. <b>Recovery of Amount Due to Council</b>		
The power pursuant to Section 692(1) of the Act to recover from any person fees, charges, expenses or other amounts payable to the Council under the Act by action in a court of competent jurisdiction, in accordance with Section 692 of the Act.	CEO	Not sub delegated

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1934**

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<b>7. Representation of Council Before Courts</b>		
The power pursuant to Section 698 of the Act to appoint an officer of the Council for the purpose, to represent the Council in all proceedings before a court of summary jurisdiction or a local court in all respects as though the officer were the party concerned.	CEO	Not sub delegated

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1934**

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**SCHEDULE OF CONDITIONS**

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

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

## APPENDIX 13

**INSTRUMENT OF DELEGATION UNDER THE**  
**LOCAL GOVERNMENT ACT 1999**

**NOTES**

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

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Composition and Wards</b>	<b>Delegated</b>	<b>Sub Delegated</b>
1.1 The power pursuant to Section 12(1) of the Local Government Act 1999 ( <b>'the Act'</b> ) to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,		
1.1.1 alter the composition of the Council;	Not Delegated	
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.	Not Delegated	
1.2 The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to	Not Delegated	
1.2.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;	Not Delegated	
1.2.2 alter the name of:	Not Delegated	
1.2.2.1 the Council;	Not Delegated	
1.2.2.2 the area of the Council;	Not Delegated	
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).	Not Delegated	
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.	CEO	DCS

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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.	CEO	DCS
1.5	Deliberately left blank.		
1.6	Deliberately left blank.		
1.7	The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person who, in the opinion of the Delegate, is qualified to address the representation and governance issues that may arise with respect to the matters under review.	CEO	DCS
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.	CEO	DCS
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).	CEO	DCS
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	CEO	DCS
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	CEO	DCS

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<p>1.10.2.2 in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 26(1)(c) of the Act and the matters referred to in Section 33 of the Act (to the extent that may be relevant); and</p>	<p align="center">CEO</p>	<p align="center">DCS</p>
<p>1.10.3 sets out the reasons for the Council's or the Delegate's decision insofar as a decision of the Council or the Delegate is not to adopt any change under consideration as part of the representation options paper or the public consultation process.</p>	<p align="center">CEO</p>	<p align="center">DCS</p>
<p>1.11 The duty pursuant to Section 12(9) of the Act to make copies of the report available for public inspection at the principal office of the Council and to give public notice, by way of a notice in a newspaper circulating in its area, informing the public of its preparation of the report and its availability and inviting interested persons to make written submissions on the report to the Council or the Delegate within a period specified by the Council or the Delegate, being not less than three weeks.</p>	<p align="center">CEO</p>	<p align="center">DCS</p>
<p>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.</p>	<p align="center">CEO</p>	<p align="center">DCS</p>
<p>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.</p>	<p align="center">CEO</p>	<p align="center">DCS</p>
<p>1.14 With respect to a proposal within the ambit of Section 12(11a), the power pursuant to Section 12(11b) of the Act:</p>		
<p>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</p>	<p align="center">CEO</p>	<p align="center">DCS</p>
<p>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.</p>	<p align="center">CEO</p>	<p align="center">DCS</p>
<p>1.15 Where a poll is required under Section 12(11a) of the Act the duty pursuant to Section 12(11c)(b) of the Act to:</p>		
<p>1.15.1 prepare a summary of issues surrounding the proposal to assist persons who may vote at the poll; and</p>	<p align="center">CEO</p>	<p align="center">DCS</p>

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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	CEO	DCS
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.	CEO	DCS
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.	CEO	DCS
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.	CEO	DCS
1.18	The power pursuant to Section 12(15)(b) of the Act to provide by notice in the <i>Gazette</i> , for the operation of any proposal that is recommended in the report, where a certificate is given by the Electoral Commissioner.	CEO	DCS
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.	CEO	DCS
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.	CEO	DCS
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%.	CEO	DCS

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>2. Status of a Council or Change of Various Names</b>		
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:		
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;	CEO	DCS
2.1.2 alter the name of:		
2.1.2.1 the Council;	CEO	DCS
2.1.2.2 the area of the Council;	CEO	DCS
2.1.3 alter the name of a ward.	CEO	DCS
2.2 The duty, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements:		
2.2.1 to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks;	CEO	DCS
2.2.2 publish the notice in a newspaper circulating within the area; and	CEO	DCS
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.	CEO	DCS
<b>3. Staffing Arrangements</b>		
3.1 The power pursuant to Section 21(4)(b) of the Act to give the Boundary Adjustment Facilitation Panel ('the Panel') use of the Council's services, facilities or staff.	CEO	DCS
<b>4. Functions of Panel</b>		
4.1 The power pursuant to Section 22(b) of the Act to cooperate with the Panel in the formulation, development and implementation of proposals and submissions under Chapter 3 of the Act.	CEO	DCS
<b>5. Council Initiated Proposal</b>		
5.1 The power pursuant to Section 27(1) of the Act to submit to the Panel a proposal for the making of a proclamation under Chapter 3 of the Act.	CEO	DCS
5.2 The duty pursuant to Section 27(2) of the Act to ensure that any proposal submitted by the Council to the Panel includes:		

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

5.2.1	the nature of the proposal in general terms; and	CEO	DCS
5.2.2	an examination of the effect of the proposal to the extent required by the Panel for the purposes of Section 27 of the Act; and	CEO	DCS
5.2.3	submissions by all Councils affected by the proposal, where the proposal relates to more than the Council; and	CEO	DCS
5.2.4	compliance with requirements published by the Panel.	CEO	DCS
5.3	The power pursuant to section 27(7) of the Act, to, in relation to the proposal submitted by the Council or the Delegate, request or consent to the Panel:		
5.3.1	amending the proposal;	CEO	DCS
5.3.1	substituting an alternative proposal.	CEO	DCS
<b>6.</b>	<b>Public Initiated Submissions</b>		
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:	Not Delegated	
6.1.1	conduct a review in relation to the matter under Division 2 of Part 1 of the Act; or	Not Delegated	
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.	Not Delegated	
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).	CEO	DCS
<b>7.</b>	<b>General Powers and Capacities</b>		
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.	CEO	DCS DCPC DBED DIAE
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.	CEO	DCS DCPC DBED DIAE

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

7.3	The power pursuant to Section 36(2) of the Act to act outside the Council's area:		
7.3.1	to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions; or	CEO	DCS DCPC DBED DIAE
7.3.2	in order to provide services to an unincorporated area of the State.	CEO	DCS DCPC DBED DIAE
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.	CEO	DCS DCPC DBED DIAE
<b>8.</b>	<b>Provision Relating to Contract and Transactions</b>		
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.	CEO	DCS DCPC DBED DIAE
<b>9.</b>	<b>Committees</b>		
9.1	The power pursuant to Section 41(1) and (2) of the Act to establish committees.	Not Delegated	
9.2	The power pursuant to Section 41(3) of the Act to determine the membership of a committee.	Not Delegated	
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.	Not Delegated	
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.	Not Delegated	
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.	Not Delegated	
<b>10.</b>	<b>Delegations</b>		
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.	CEO	MGA

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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.	CEO	MGA
<b>11. Principal Office</b>			
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.	Not Delegated	
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.	CEO	DCS DCPC DBED DIAE
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.	CEO	DCS DCPC DBED DIAE
<b>12. Commercial Activities</b>			
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').	CEO	Not Sub Delegated
12.2	The power pursuant to Section 46 (2) of the Act, to, in connection with a commercial project:		
12.2.1	establish a business;	CEO	Not Sub Delegated
12.2.2	participate in a joint venture, trust, partnership or other similar body.	CEO	Not Sub Delegated
<b>13. Interests in Companies</b>			
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.	CEO	Not Sub Delegated
<b>14. Prudential Requirements for Certain Activities</b>			
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 -	CEO	DCS DCPC DBED DIAE

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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14.00.1	acts with due care, diligence and foresight; and	CEO	DCS DCPC DBED DIAE
14.00.2	identifies and manages risks associated with a project; and	CEO	DCS DCPC DBED DIAE
14.00.3	makes informed decisions; and	CEO	DCS DCPC DBED DIAE
14.00.4	is accountable for the use of Council and other public resources.	CEO	DCS DCPC DBED DIAE
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.	CEO	DCS DCPC DBED DIAE
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:	CEO	DCS DCPC DBED DIAE
14.1.1	Deliberately left blank.		
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) -	CEO	DCS DCPC DBED DIAE
14.1.2.1	where the expected expenditure 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	CEO	DCS DCPC DBED DIAE
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	CEO	DCS DCPC DBED DIAE

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

14.1.2.3	where the Council or Delegate considers that it is necessary or appropriate.	CEO	DCS DCPC DBED DIAE
14.2	Deliberately left blank.		
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).	CEO	DCS DCPC DBED DIAE
<b>15. Contracts and Tenders Policies</b>			
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:	CEO	<del>DCS</del> <del>MFS</del>
15.0.1	obtaining value in the expenditure of public money; and	CEO	DCS <del>DIAE</del> MFS
15.0.2	providing for ethical and fair treatment of participants; and	CEO	DCS <del>DIAE</del> MFS
15.0.3	ensuring probity, accountability and transparency in procurement operations.	CEO	DCS <del>DIAE</del> MFS
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:	CEO	DCS <del>DIAE</del> MFS
15.1.1	the contracting out of services; and	CEO	DCS <del>DIAE</del> MFS
15.1.2	competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and	CEO	DCS <del>DIAE</del> MFS
15.1.3	the use of local goods and services; and	CEO	DCS <del>DIAE</del> MFS
15.1.4	the sale or disposal of land or other assets.	CEO	DCS <del>DIAE</del> MFS

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

15.2	The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:	CEO	DCS <u>DIAE</u> MFS
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	CEO	DCS <u>DIAE</u> MFS
15.2.2	provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and	CEO	DCS <u>DIAE</u> MFS
15.2.3	provide for the recording of reasons for entering into contracts other than those resulting from the tender process; and	CEO	DCS <u>DIAE</u> MFS
15.2.4	are consistent with any requirement prescribed by the regulations.	CEO	DCS <u>DIAE</u> MFS
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).	CEO	DCS <u>DIAE</u> MFS
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.	CEO	DCS <u>DIAE</u> MFS
<b>16. Public Consultation Policies</b>			
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	CEO	<del>DBED</del> <u>DCPC</u>
16.1.2	in other cases involving Council decision making, if relevant.	CEO	<del>DBED</del> <u>DCPC</u>
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.	CEO	DBED <u>DCPC</u>
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:		

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

16.3.1	publication in a newspaper circulating within the area of the Council of a notice describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period stated, which is not less than 21 days; and	CEO	<del>DBED</del> <del>DCPC</del>
16.3.2	the consideration of any submissions made in response to that invitation.	CEO	<del>DBED</del> <del>DCPC</del>
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.	Not Delegated	
16.5	Before the Council or the Delegate adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to:		
16.5.1	prepare a document that sets out its proposal in relation to the matter; and	CEO	<del>DBED</del> <del>DCPC</del>
16.5.2	publish in a newspaper circulating generally throughout the State and 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;	CEO	<del>DBED</del> <del>DCPC</del>
16.5.3	consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.	CEO	<del>DBED</del> <del>DCPC</del>
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.	CEO	<del>DBED</del> <del>DCPC</del>
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.	CEO	<del>DBED</del> <del>DCPC</del>
<b>17.</b>	<b>Deliberately left blank</b>		
17.1	Deliberately left blank		
17.2	Deliberately left blank		
17.3	Deliberately left blank		
17.4	Deliberately left blank		
17.5	Deliberately left blank		
<b>18.</b>	<b>Inspection of Register</b>		

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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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.	CEO	DCS MGA
<b>19. Reimbursement of Expenses</b>			
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.	CEO	DCS MGA
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.	CEO	DCS MGA
<b>20. Register of Allowances and Benefits</b>			
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.	CEO	DCS MGA
<b>21. Insurance of members</b>			
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.	CEO	DCS MFS
<b>22. Training and Development</b>			
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.	CEO	DCS MGA
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.	CEO	DCS MGA
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.	CEO	DCS MGA

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

22.4 The duty pursuant to Section 80A(4) and (5) of the Act to make available the training and development policy for inspection (without charge) at the principal office of the Council during ordinary office hours and for purchase (on payment of a fee fixed by the Council).	CEO	DCS MGA
<b>23. Committee Meetings</b>		
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.	Not Delegated	
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	Not Delegated	
23.2.2 the nature and purpose of the committee.	Not Delegated	
<b>24. Meetings To Be Held in Public Except in Special Circumstances</b>		
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.	CEO	DCS DCPC DBED DIAE MGA
<b>25. Minutes and Release of Documents</b>		
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.	CEO	DCS DCPC DBED DIAE MGA
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.	CEO	DCS DCPC DBED DIAE MGA
25.3 Subject to Section 91(7) of the Act, the duty pursuant to Section 91(5) of the Act to make available for inspection, without payment of a fee, at the principal office of the Council:		

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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25.3.1	minutes of the Council and Council committee meetings; and	CEO	DCS DCPC DBED DIAE MGA
25.3.2	reports to the Council or to a Council committee received at a meeting of the Council or Council committee; and	CEO	DCS DCPC DBED DIAE EA
25.3.3	recommendations presented to the Council in writing and adopted by resolution of the Council; and	CEO	DCS DCPC DBED DIAE MGA
25.3.4	budgetary or other financial statements adopted by the Council.	CEO	DCS DCPC DBED DIAE MGA
<b>26. Access to Meetings and Documents – Code of Practice</b>			
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.	CEO	DCS MGA
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.	CEO	DCS MGA
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.	CEO	DCS MGA
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	CEO	DCS MGA
26.4.2	the relevant steps set out in the Council's Public Consultation Policy are followed.	CEO	DCS MGA

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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.	CEO	DCS MGA
<b>27. Meetings of Electors</b>			
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.	CEO	Not Sub Delegated
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.	CEO	DCS MGA
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).	CEO	Not Sub Delegated
<b>28. Obstructing of Meetings</b>			
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.	CEO	Not Sub Delegated
<b>29. Register of Remuneration Salaries and Benefits</b>			
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.	CEO	DCS <u>MFS</u> PFO
<b>30. Certain Periods Of Service To Be Regarded As Continuous</b>			
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.	CEO	DCS <u>MFS</u> PFO
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.	CEO	DCS <u>MFS</u> PFO
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.	CEO	DCS <u>MFS</u> PFO
<b>31. Deliberately left blank</b>			
31.1	Deliberately left blank		
31.2	Deliberately left blank		
31.3	Deliberately left blank		

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

31.4	Deliberately left blank		
31.5	Deliberately left blank		
31.6	Deliberately left blank		
<b>32.</b>	<b>Application of Division</b>		
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.	<u>Not delegated</u>	
<b>33.</b>	<b>Certain Aspects of Strategic Management Plans</b>		
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.	CEO	<u>DBED</u> <u>DCPC</u> DCS <u>DIAE</u> MGA <u>MFS</u>
33.2	The duty pursuant to Section 122(7) of the Act to ensure that copies of the Council's strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	CEO	DCS MGA
<b>34.</b>	<b>Annual Business Plans and Budgets</b>		
34.1	Before the Council adopts an annual business plan, the duty pursuant to Section 123(3) of the Act to, -		
34.1.1	prepare a draft annual business plan; and	CEO	DCS MFS
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.	CEO	DCS MFS
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 at least 21 days before the date of that meeting.	CEO	DCS MFS
34.3	The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for:		
34.3.1	a facility for asking and answering questions; and	CEO	DCS MFS

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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34.3.2	the receipt of submissions,	CEO	DCS MFS
	on the Council's website during the public consultation period.		
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:		
34.4.1	ensure:		
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	CEO	DCS MFS
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	CEO	DCS MFS
34.4.2	ensure:		
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	CEO	DCS MFS
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.	CEO	DCS MFS
<b>35. Accounting Records to be Kept</b>			
35.1	The duty pursuant to Section 124(1) of the Act to:		
35.1.1	keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;	CEO	DCS MFS
35.1.2	keep the Councils accounting records in such manner as will enable:	CEO	DCS MFS

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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35.1.2.1	the preparation and provision of statements that fairly present financial and other information; and	CEO	DCS MFS
35.1.2.2	the financial statements of the Council to be conveniently and properly audited.	CEO	DCS MFS
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.	CEO	DCS MFS
<b>36. Internal Control Policies</b>			
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.	CEO	DCS MFS MGA
<b>37. Audit Committee</b>			
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.	Not Delegated	
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.	Not Delegated	
<b>38. Financial Statements</b>			
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	CEO	DCS MFS
38.1.2	other statements and documentation referring to the financial affairs of the Council required by the Regulations.	CEO	DCS MFS
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:		
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	CEO	DCS MFS
38.2.2	comply with standards and principles prescribed by the Regulations; and	CEO	DCS MFS

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

38.2.3	include the information required by the Regulations.	CEO	DCS MFS
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.	CEO	DCS MFS
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.	CEO	DCS MFS
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.	CEO	DCS MFS
<b>39. The Auditor</b>			
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.	Not Delegated	
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.	CEO	DCS MFS
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:	CEO	DCS MFS
39.3.1.1	remuneration payable for the annual audit of the Council's financial statements; and	CEO	DCS MFS
39.3.1.2	other remuneration;	CEO	DCS MFS
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.	CEO	DCS MFS
<b>40. Conduct of Audit</b>			

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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.	CEO	DCS MFS
<b>41. Other Investigations</b>		
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.	CEO	Not Sub Delegated
41.2 Unless Section 130A(7) of the Act applies, the duty pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:		
41.2.1 unless Section 130A(6)(b) of the Act applies – at the next ordinary meeting of the Council in accordance with Section 130A(6)(a), of the Act;	CEO	Not Sub Delegated
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.	CEO	Not Sub Delegated
<b>42. Annual Report to be Prepared and Adopted</b>		
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.	CEO	DCS DCPC MGA

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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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.	CEO	DCS DCPC MGA
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.	CEO	DCS DCPC MGA
42.4	The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:		
42.4.1	the Presiding Member of both Houses of Parliament; and	CEO	DCS DCPC MGA
42.4.2	to the persons or body prescribed by the Regulations,	CEO	DCS DCPC MGA
	on or before the date determined under the Regulations.	CEO	DCS DCPC MGA
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.	CEO	DCS DCPC MGA
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.	CEO	DCS DCPC MGA
<b>43. Access to Documents</b>			
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	CEO	DCS MGA
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.	CEO	DCS MGA
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).	CEO	DCS MGA

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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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 the Internet within a reasonable time after they are available at the principal office of the Council:		
43.3.1	agendas for meetings of the Council or Council committees;	CEO	DCS MGA
43.3.2	minutes of meetings of the Council or Council committees;	CEO	DCS MGA
43.3.3	codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999;	CEO	DCS MGA
43.3.4	the Council's contract and tenders policies, public consultation policy and order-making policies;	CEO	DCS MGA MFS
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;	CEO	DCS MFS
43.3.6	the Council's budget (as adopted by the Council for a particular year);	CEO	DCS MFS
43.3.7	a list of fees and charges imposed by the Council under this Act;	CEO	DCS MFS
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;	CEO	DCS MGA
43.3.9	procedures for the review of decisions established by the Council under Part 2 of Chapter 13;	CEO	DCS MGA
43.3.10	the audited financial statements of the Council;	CEO	DCS MFS
43.3.11	the annual report of the Council;	CEO	DCS MGA
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.	CEO	DCS MKI
<b>44. Related Administrative Standards</b>			
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:		

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

44.1.2	to ensure compliance with any statutory requirements; and	CEO	DCS MGA
44.1.2	to achieve and maintain standards of good public administration.	CEO	DCS MGA
<b>45. Sources of Funds</b>			
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.	CEO	DCS DCPC DBED DIAE MFS
<b>46. Ability of a Council to Give Security</b>			
46.1	The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including:		
46.1.1	guarantees (including guarantees relating to the liability of a subsidiary of the Council);	Not Delegated	
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);	Not Delegated	
46.1.3	bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act.	Not Delegated	
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:	Not Delegated	
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	Not Delegated	
46.2.2	if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.	Not Delegated	
<b>47. Expenditure of Funds</b>			
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.	CEO	Per <a href="#">Contract &amp; Tender Policy</a> <a href="#">Accounting Policy &amp; Procedures</a> and Procurement Policy
<b>48. Investment Powers</b>			

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

48.1	The power pursuant to Section 139(1) of the Act to invest money under the Council's control.	CEO	DCS DCPC DBED DIAE MFS
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	CEO	DCS DCPC DBED DIAE MFS
48.2.2	avoid investments that are speculative or hazardous in nature.	CEO	DCS DCPC DBED DIAE MFS
48.3	The duty pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters:		
48.3.1	the purposes of the investment;	CEO	DCS DCPC DBED DIAE MFS
48.3.2	the desirability of diversifying Council investments;	CEO	DCS DCPC DBED DIAE MFS
48.3.3	the nature of and risk associated with existing Council investments;	CEO	DCS DCPC DBED DIAE MFS
48.3.4	the desirability of maintaining the real value of the capital and income of the investment;	CEO	DCS DCPC DBED DIAE MFS

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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48.3.5	the risk of capital or income loss or depreciation;	CEO	DCS DCPC DBED DIAE MFS
48.3.6	the potential for capital appreciation;	CEO	DCS DCPC DBED DIAE MFS
48.3.7	the likely income return and the timing of income return;	CEO	DCS DCPC DBED DIAE MFS
48.3.8	the length of the term of a proposed investment;	CEO	DCS DCPC DBED DIAE MFS
48.3.9	the period for which the investment is likely to be required;	CEO	DCS DCPC DBED DIAE MFS
48.3.10	the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment;	CEO	DCS DCPC DBED DIAE MFS
48.3.11	the aggregate value of the assets of the Council;	CEO	DCS DCPC DBED DIAE MFS
48.3.12	the likelihood of inflation affecting the value of a proposed investment;	CEO	DCS DCPC DBED DIAE MFS

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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48.3.13	the costs of making a proposed investment;	CEO	DCS DCPC DBED DIAE MFS
48.3.14	the results of any review of existing Council investments.	CEO	DCS DCPC DBED DIAE MFS
48.4	Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to:		
48.4.1	the anticipated community benefit from an investment; and	CEO	DCS DCPC DBED DIAE MFS
48.4.2	the desirability of attracting additional resources into the local community.	CEO	DCS DCPC DBED DIAE MFS
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.	CEO	DCS DCPC DBED DIAE MFS
<b>49.</b>	<b>Review of Investment</b>		
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.	CEO	DCS <del>DCPC</del> <del>DBED</del> <del>DIAE</del> MFS
<b>50.</b>	<b>Gifts to a Council</b>		
50.1	Within the confines of Section 44(3) of the Act:		
50.1.1	the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;	CEO	Not Sub Delegated

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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;	CEO	Not Sub Delegated
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;	CEO	Not Sub Delegated
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	CEO	Not Sub Delegated
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 <i>Gazette</i> , within 28 days after that order is made.	CEO	Not Sub Delegated
<b>51. Duty to Insure Against Liability</b>			
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.	CEO	DCS DCPC DBED DIAE MFS
<b>52. Writing off Bad Debts</b>			
52.1	The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council:		
52.1.1	if the Council has no reasonable prospect of recovering the debts; or	CEO	DCS DCPC DBED DIAE MFS
52.1.2	if the costs of recovery are likely to equal or exceed the amount to be recovered,	CEO	DCS DCPC DBED DIAE MFS
	up to and including an amount of \$5,000.00 in respect of any one debt.	CEO	DCS DCPC DBED DIAE MFS

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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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:		
52.2.1 reasonable attempts have been made to recover the debt; or	CEO	DCS DCPC DBED DIAE MFS
52.2.2 the costs of recovery are likely to equal or exceed the amount to be recovered.	CEO	DCS DCPC DBED DIAE MFS
<b>53. Recovery of Amounts due to Council</b>		
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.	CEO	DCS MFS RA
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.	CEO	DCS MFS RA
<b>54. Land Against Which Rates May be Assessed</b>		
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.	CEO	DCS MFS
<b>55. Basis of Rating</b>		
55.1 Before the Council:		
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		
55.1.2 changes the basis on which land is valued for the purposes of rating; or		

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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;		
	the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:		
55.1.4	prepare a report on the proposed change in accordance with Section 151(6) of the Act; and	CEO	DCS MFS
55.1.5	follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.	CEO	DCS MFS
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.	CEO	DCS MFS RA
<b>56. General Rates</b>			
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.	N/A	
<b>57. Service Rates and Service Charges</b>			
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.	CEO	DCS MFS
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.	CEO	DCS MFS
<b>58. Basis of Differential Rates</b>			
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.	CEO	DCS MFS RA

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<p>58.2 The power and duty pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to -</p>		
<p>58.2.1 prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and</p>	CEO	DCS MFS
<p>58.2.2 follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.</p>	CEO	DCS MFS
<p>58.3 The duty pursuant to Section 156(14e) of the Act to ensure that copies of the report required under Section 156(14a)(a) of the Act are available at the meeting held under Section 156(14d)(a)(i); and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.</p>	CEO	DCS MFS RA
<p><b>59. Notice of Differentiating Factors</b></p>		
<p>59.1 If the Council declares differential rates, the duty pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or combination of factors that governs the calculation of rates on the land to which the account relates.</p>	CEO	MFS RA
<p><b>60. Preliminary</b></p>		
<p>60.1 The power pursuant to Section 159(1) of the Act to determine the manner and form and such information as the Delegate may reasonably require, for a person or body to apply to the Council to determine if grounds exist for the person or body to receive a rebate of rates.</p>	CEO	DCS MFS RA
<p>60.2 The power pursuant to Section 159(3) to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or on the Delegate's own initiative).</p>	CEO	DCS MFS RA
<p>60.3 The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100%.</p>	Not Delegated	
<p>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.</p>	CEO	DCS MFS RA
<p><b>61. Rebate of Rates - Community Services</b></p>		

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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	Not Delegated	
61.1.27	provides community services without charge or for charge that is below the cost to the body of providing their services; and	Not Delegated	
61.1.3	does not restrict its services to persons who are members of the body.	Not Delegated	
<b>62. Rebate of Rates - Educational Purposes</b>			
62.1	The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land:		
62.1.1	occupied by a Government school under a lease or license and being used for educational purposes; or	Not Delegated	
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	Not Delegated	
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.	Not Delegated	
<b>63. Discretionary Rebates of Rates</b>			
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):		
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	Not Delegated	
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	Not Delegated	
63.1.3	the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;	Not Delegated	
63.1.4	any other matter considered relevant by the Council or the Delegate.	Not Delegated	

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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:		
63.2.1 where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;	Not Delegated	
63.2.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area;	Not Delegated	
63.2.3 where the rebate will be conducive to the preservation of buildings or places of historic significance;	Not Delegated	
63.2.4 where the land is being used for educational purposes;	Not Delegated	
63.2.5 where the land is being used for agricultural, horticultural or floricultural exhibitions;	Not Delegated	
63.2.6 where the land is being used for a hospital or health centre;	Not Delegated	
63.2.7 where the land is being used to provide facilities or services for children or young persons;	Not Delegated	
63.2.8 where the land is being used to provide accommodation for the aged or disabled;	Not Delegated	
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;	Not Delegated	
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;	Not Delegated	
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;	Not Delegated	
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:		

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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	Not Delegated	
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.	Not Delegated	
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	Not Delegated	
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	Not Delegated	
63.2.15 where the rebate is contemplated under another provision of the Act.	Not Delegated	
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:		
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	Not Delegated	
63.3.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area; or	Not Delegated	
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.	Not Delegated	
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.	Not Delegated	
<b>64. Valuation of Land for the Purposes of Rating</b>		

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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.	Not Delegated	
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	Not Delegated	
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;	Not Delegated	
	or a combination of both.		
64.3	The duty pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the <i>Gazette</i> , within 21 days after the date of the adoption.	CEO	DCS MFS RA
<b>65. Valuation of Land</b>			
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).	CEO	DCS <u>MFS</u> RA
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.	CEO	<u>MFS</u> RA
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.	CEO	<u>MFS</u> RA
<b>66. Objections to Valuations Made by Council</b>			
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	CEO	<u>MFS</u> RA
66.1.2	the objection is made in writing (setting out a full and detailed statement of the grounds on which the objection is based); and	CEO	<u>MFS</u> RA

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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).	CEO	<u>MFS</u> RA
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.	Not Delegated	
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.	Not Delegated	
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;	CEO	<u>MFS</u> RA
66.4.2	made within 21 days after the objector receives notice of the outcome of his or her initial objection; and	CEO	<u>MFS</u> RA
66.4.3	accompanied by the prescribed fee.	CEO	<u>MFS</u> RA
<a href="#">66.5</a>	<a href="#">The power pursuant to Section 169(15) of the Act to apply to SACAT for a review of the valuation in accordance with Section 169(15a) of the Act.</a>	<u>CEO</u>	<u>MFS</u> <u>RA</u>
<b>67.</b>	<b>Notice of Declaration of Rates</b>		
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 <i>Gazette</i> and in a newspaper circulating in the area within 21 days after the date of the declaration.	CEO	DCS MFS RA
<b>68.</b>	<b>Alterations to Assessment Record</b>		
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.	CEO	<u>DCS</u> <u>FSM</u> <u>RA</u>
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.	CEO	<u>DCS</u> <u>FSM</u> <u>RA</u>
<b>69.</b>	<b>Inspection of Assessment Record</b>		

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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.	CEO	MFS RA
<b>70. Liability for Rates</b>			
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	CEO	DCS MFS RA
70.1.2	any other person (not being a principal ratepayer) who is an owner or occupier of the land; or	CEO	DCS MFS RA
70.1.3	any other person who was at the time of the declaration of the rates an owner or occupier of the land.	CEO	DCS MFS RA
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.	CEO	DCS MFS RA
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.	CEO	DCS MFS RA
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.	CEO	DCS MFS RA
<b>71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year</b>			
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.	CEO	DCS MFS RA
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.	CEO	DCS MFS RA
<b>72. Service of Rate Notice</b>			

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

72.1 The duty pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after:		
72.1.1 the declaration of a rate; or	CEO	<u>MFS</u> RA
72.1.2 the imposition of a service charge; or	CEO	<u>MFS</u> RA
72.1.3 a change in the rates liability of land.	CEO	<u>MFS</u> RA
<b>73. Payment of Rates – General Principles</b>		
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.	Not Delegated	
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).	Not Delegated	
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.	CEO	<u>DCS</u> <u>MFS</u> RA
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:		
73.4.1 the amount of the instalment; and	CEO	<u>MFS</u> RA
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.	CEO	<u>MFS</u> RA
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.	CEO	<u>MFS</u> RA

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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.	CEO	<u>DCS &lt;\$100</u> <u>MFS &lt;\$2050</u> RA <\$20
73.7	The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage:		
73.7.1	the payment of instalments of rates in advance; or	Not Delegated	
73.7.2	prompt payment of rates.	Not Delegated	
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.	Not Delegated	
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.	Not Delegated	
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:		
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	Not Delegated	
73.10.2	the Delegate must give at least 30 days notice before an instalment falls due.	Not Delegated	
<b>74. Remission and Postponement of Payment</b>			
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:		
74.1.1	postpone payment in whole or in part for such period as the Delegate thinks fit; or	CEO	MFS RA
74.1.2	remit the rates in whole or in part.	Not Delegated	

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

74.2	The power pursuant to Section 182(2) of the Act on a postponement of rates:		
74.2.1	to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement at a rate fixed by the Delegate (but not exceeding the cash advance debenture rate);	CEO	DCS MFS RA
74.2.2	to grant the postponement on other conditions determined by the Delegate; and	CEO	DCS MFS RA
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).	CEO	DCS MFS RA
74.3	The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates:		
74.3.1	to assist or support a business in the Council's area; or	Not Delegated	
74.3.2	to alleviate the affects of anomalies that have occurred in valuations under the Act.	Not Delegated	
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).	Not Delegated	
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.	CEO	DCS MFS RA
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 effect an entitlement to remission in relation to rates declared before the revocation takes effect).	CEO	MFS RA
<b>75. Postponement of Rates - Seniors</b>			
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.	CEO	DCS MFS RA

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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	CEO	DCS MFS RA
75.2.2	impose conditions on the postponement of rates but only in accordance with the Regulations.	CEO	DCS MFS RA
<b>76. Application of money in respect of rates</b>			
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.	CEO	DCS MFS RA
<b>77. Sale of Land for Non-Payment of Rates</b>			
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.	Not Delegated	
77.2	The duty pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record:		
77.2.1	stating the period for which the rates have been in arrears; and	CEO	DCS MFS RA
77.2.2	stating the amount of the total liability for rates presently outstanding in relation to the land; and	CEO	DCS MFS RA
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.	CEO	DCS MFS RAO
77.3	The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act:		
77.3.1	to any owner of the land who is not the principal ratepayer; and	CEO	DCS MFS RA
77.3.2	to any registered mortgagee of the land; and	CEO	DCS MFS RA

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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.	CEO	DCS MFS RA
77.4	If:		
77.4.1	the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or	CEO	DCS MFS RA
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,	CEO	DCS MFS RA
	the power pursuant to Section 184(4) of the Act to effect service of the notice by:		
77.4.3	placing a copy of the notice in a newspaper circulating throughout the State; and	CEO	DCS MFS RA
77.4.4	leaving a copy of the notice in a conspicuous place on the land.	CEO	DCS MFS RA
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.	Not Delegated	
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.	CEO	DCS MFS RA
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.	CEO	DCS MFS RA
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.	CEO	DCS MFS RA

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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.	CEO	DCS MFS RA
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.	CEO	DCS MFS RA
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.	CEO	DCS MFS RA
<b>78. Objection, Review or Appeal</b>			
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	CEO	<u>MFS</u> RA
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.	CEO	<u>MFS</u> RA
<b>79. Certificate of Liabilities</b>			
79.1	The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:		
79.1.1	the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 of the Act (including rates and charges under this Part that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under this Part); and	CEO	<u>MFS</u> RA
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.	CEO	<u>MFS</u> RA

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>80. Investigation by Ombudsman</b>		
80.1 The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to:		
80.1.1 the Ombudsman; and	CEO	Not Sub Delegated
80.1.2 if relevant, the person who made the complaint.	CEO	Not Sub Delegated
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.	CEO	MFS
<b>81. Fees and Charges</b>		
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;	Not Delegated	
81.1.2 for services supplied to a person at his or her request;	Not Delegated	
81.1.3 for carrying out work at a person's request;	Not Delegated	
81.2 The power pursuant to Section 188(3) of the Act to provide for:		
81.2.1 specific fees and charges;	Not Delegated	
81.2.2 maximum fees and charges and minimum fees and charges;	Not Delegated	
81.2.3 annual fees and charges;	Not Delegated	
81.2.4 the imposition of fees or charges according to specified factors;	Not Delegated	
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	Not Delegated	

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

81.2.6	the reduction, waiver or refund, in whole or in part, of any fees and charges.	CEO	DCS DCPC DBED DIAE
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.	Not Delegated	
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.	CEO	DCS MFS
81.5	The duty pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, up-date the list referred to in Section 188(6) of the Act and take reasonable steps to bring the fee or charge, or variation of the fee or charge, to the notice of persons who may be affected.	CEO	DCS MFS
<b>82. Acquisition of Land by Agreement</b>			
82.1	The power pursuant to Section 190 of the Act to acquire land by agreement.	Not Delegated	
<b>83. Compulsory Acquisition of Land</b>			
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.	Not Delegated	
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.	Not Delegated	
<b>84. Assumption of Care, Control and Management of Land</b>			
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.	Not Delegated	
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 <i>Gazette</i> .	CEO	<u>DBED</u> <u>DCPC</u> DCS <u>DIAE</u> MFS
<b>85. Classification</b>			
85.1	The duty pursuant to Section 193(6) of the Act to give notice in the <i>Gazette</i> of a resolution:		

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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	85.1.1 to exclude land from classification as community land under Section 193(4) of the Act; or	CEO	<a href="#">DBED</a> <a href="#">DCPC</a> <a href="#">DCS</a> <a href="#">DIAE</a> <a href="#">MFS</a>
	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.	CEO	<a href="#">DBED</a> <a href="#">DCPC</a> <a href="#">DCS</a> <a href="#">DIAE</a> <a href="#">MFS</a>
<b>86. Revocation of Classification of Land as Community Land</b>			
	86.1 The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to:		
	86.1.1 prepare and make publicly available a report on the proposal containing:		
	86.1.1.1 a summary of reasons for the proposal; and	CEO	DCPC
	86.1.1.2 a statement of any dedication, reservation or trust to which the land is subject; and	CEO	DCPC
	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	CEO	DCPC
	86.1.1.4 an assessment of how implementation of the proposal would affect the area and the local community; and	CEO	DCPC
	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	CEO	DCPC
	86.1.2 follow the relevant steps set out in the Council's public consultation policy.	CEO	DCPC
	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.	CEO	DCPC

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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.	CEO	DCPC
<b>87. Effect of Revocation of Classification</b>			
87.1	If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the duty pursuant to Section 195(2) of the Act immediately after the revocation of the classification of the land as community land, to give notice of the revocation to the Registrar-General in the manner and form approved by the Registrar-General.	CEO	DCPC
<b>88. Management Plans</b>			
88.1	The power and duty pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare and adopt management plan or management plans for the Council's community land, for which a management plan must be prepared, that:		
88.1.1	identifies the land to which it applies; and	CEO	DCPC
88.1.2	states the purpose for which the land is held by the Council; and	CEO	DCPC
88.1.3	states the Council's objectives, policies (if any) and proposals for the management of the land; and	CEO	DCPC
88.1.4	states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.	CEO	DCPC
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:		
88.2.1	identify the owner of the land; and	CEO	DCPC
88.2.2	state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and	CEO	DCPC
88.2.3	contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.	CEO	DCPC
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.	CEO	DCPC

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>89. Public Consultation on Proposed Management Plan</b>		
89.1 Before the Council adopts a management plan for community land, the duty 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	CEO	DCPC
89.1.2 follow the relevant steps set out in Council's public consultation policy.	CEO	DCPC
89.2 The duty pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.	CEO	DCPC
<b>90. Amendment or Revocation of Management Plan</b>		
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.	CEO	DCPC
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.	CEO	DCPC
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.	CEO	DCPC
<b>91. Effect of Management Plan</b>		
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.	CEO	DCPC DIAE
<b>92. Use of Community Land for Business Purposes</b>		
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.	CEO	DCPC
<b>93. Sale or Disposal of Local Government Land</b>		
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	Not Delegated	
93.1.2 vested in the Council as lessee.	Not Delegated	
93.2 The power pursuant to Section 201(2) of the Act to:		

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

93.2.1	grant an easement (including a right of way) over community land; and	Not Delegated	
93.2.2	grant an easement (excluding a right of way) over a road or part of a road.	Not Delegated	
<b>94. Alienation of Community Land by Lease or Licence</b>			
94.1	The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), for:		
94.1.1	the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;	Not Delegated	
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);	Not Delegated	
94.1.3	any other matter relevant to the use or maintenance of the land.	Not Delegated	
94.2	The duty pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council's public consultation policy, unless:		
94.2.1	the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the proposed lease or licence is 5 years or less; or	Not Delegated	
94.2.2	the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.	Not Delegated	
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 21 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 21 years.	Not Delegated	
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.	CEO	DCPC
<b>95. Register</b>			
95.1	The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area.	CEO	DCPC

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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	CEO	DCPC
95.2.2	contains copies of current management plans.	CEO	DCPC
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.	CEO	DCPC
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.	CEO	DCPC
<b>96. Ownership of Public Roads</b>			
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 <i>Gazette</i> .	CEO	DIAE
<b>97. Ownership of Fixtures and Equipment Installed on Public Roads</b>			
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.	CEO	DIAE
<b>98. Conversion of Private Road to Public Road</b>			
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.	CEO	DIAE
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	CEO	DIAE
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	CEO	DIAE
98.2.3	give public notice of the proposed declaration.	CEO	DIAE

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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98.3	The duty pursuant to Section 210(5) to publish in the <i>Gazette</i> a declaration of the Council made in accordance with Section 210(1) of the Act.	CEO	DIAE
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.	CEO	DIAE
<b>99. Highways</b>			
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.	CEO	DIAE
<b>100. Power to Carry Out Roadwork</b>			
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.	CEO	DIAE
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	CEO	DIAE
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 affect on the users of that highway), consult with the Commissioner of Highways; and	CEO	DIAE
100.2.3	the roadwork in relation to a private road is only carried out if:		
100.2.3.1	the owner agrees; or	CEO	DIAE
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	CEO	DIAE
100.2.3.3	the identity or whereabouts of the owner is unknown; and	CEO	DIAE
100.2.4	the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).	CEO	DIAE

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>101. Recovery of Cost of Roadwork</b>		
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.	CEO	DIAE
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:		
101.2.1 the person who caused the damage; or	CEO	DIAE
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.	CEO	DIAE
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.	CEO	DIAE
<b>102. Contribution Between Councils where Road is on Boundary Between Council Areas</b>		
102.1 Where roadwork is a 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.	CEO	DIAE
<b>103. Special Provisions for Certain Kinds of Roadwork</b>		
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	CEO	DIAE
103.1.2 construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.	CEO	DIAE
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	CEO	DIAE

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

103.2.2	the road work does not significantly increase the risk of damage to adjoining property.	CEO	DIAE
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.	CEO	DIAE
<b>104. Power to Order Owner of Private Road to Carry out Specific Roadwork</b>			
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.	CEO	DIAE
104.2	The duty pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:		
104.2.1	any proposal to make an order; and	CEO	DIAE
104.2.2	if an order is made, any order,	CEO	DIAE
	under Section 216(1) of the Act.		
<b>105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.</b>			
105.1	The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner:		
105.1.1	to carry out specified work by way of maintenance or repair; or	CEO	DIAE TLCS
105.1.2	to move the structure or equipment in order to allow the Council to carry out roadwork.	CEO	DIAE TLCS
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.	CEO	TLCS
<b>106. Power to Require Owner of Adjoining Land to Carry Out Specific Work</b>			
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.	CEO	DCPC DIAE TLCS

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

106.2	The duty pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:		
106.2.1	any proposal to make an order; and	CEO	DCPC DIAE TLCS
106.2.2	if an order is made, any order	CEO	DCPC DIAE TLCS
	under Section 218(1) of the Act.		
<b>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</b>			
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.	Not Delegated	
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.	Not Delegated	
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	CEO	DIAE
107.3.2	consider any representations made by the adjoining council in response to that notice.	CEO	DIAE
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	CEO	DIAE RA
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.	CEO	DIAE RA
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.	CEO	DIAE RA
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.	Not Delegated	
107.7	The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.	Not Delegated	

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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107.8	The duty pursuant to Section 219(7) of the Act to give public notice of the adopting or altering of a policy under Section 219 of the Act.	CEO	DCS
<b>108. Numbering of Premises and Allotments</b>			
108.1	The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.	CEO	RA
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.	CEO	RA
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.	CEO	RA
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.	CEO	RA
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.	CEO	RA
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.	CEO	RA
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.	CEO	RA
<b>109. Alteration of Road</b>			
109.1	The power pursuant to Section to 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as:		
109.1.1	altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or	CEO	DIAE
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	CEO	DIAE

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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109.1.3	changing or interfering with the construction, arrangement or materials of the road; or	CEO	DIAE
109.1.4	changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or	CEO	DIAE
109.1.5	planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.	CEO	DIAE MCMCS
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	CEO	DIAE
109.2.2	unduly interfere with the construction of the road; or	CEO	DIAE
109.2.3	have an adverse effect on road safety.	CEO	DIAE
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	CEO	DIAE
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.	CEO	DIAE
<b>110. Permits for Business Purposes</b>			
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.	CEO	DBED DIAE EDO
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.	CEO	DBED DIAE EDO
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.	CEO	DBED DIAE TLCS EDO
<b>111. Public Consultation</b>			

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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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	CEO	DBED DIAE TLCS EDO
111.1.2	that would have the effect of restricting access to a road; or	CEO	DBED DIAE TLCS EDO
111.1.3	in relation to a use or activity for which public consultation is required under the Regulations.	CEO	DBED DIAE TLCS EDO
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.	CEO	DBED DIAE TLCS EDO
<b>112. Conditions of Authorisation or Permit</b>			
112.1	The power pursuant to Section 224 of the Act to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate.	CEO	DBED DIAE TLCS EDO
<b>113. Cancellation of Authorisation or Permit</b>			
113.1	The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit, to cancel the authorisation or permit for breach of a condition.	CEO	DBED DIAE TLCS EDO
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	CEO	DBED DIAE TLCS EDO

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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113.2.2 consider any representations made in response to the notice.	CEO	DBED DIAE TLCS EDO
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.	CEO	DBED DIAE TLCS EDO
<b>114. Register</b>		
114.1 The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which:		
114.1.1 includes the information required by regulation; and	CEO	DIAE
114.1.2 may consist (if the Delegate so decides) of a computer record of the relevant information.	CEO	DIAE
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.	CEO	DIAE
<b>115. Trees</b>		
The power pursuant to Section 232 of the Act to 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):		
115.1 giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account -		
115.1.1 environmental and aesthetic issues; and	CEO	DIAE MIAE MSMCS
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	CEO	DIAE MIAE MSMCS
115.1.3 road safety matters; and	CEO	DIAE MIAE MSMCS
115.1.4 other matters (if any) considered relevant by the Delegate; and	CEO	DIAE MIAE MSMCS

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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.	CEO	DIAE MIAE MSMCS
<b>116. Damage</b>			
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.	CEO	DIAE MIAE TLCS MSMCS
<b>117. Council's Power to Remove Objects etc from Roads</b>			
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	CEO	DIAE MSMCS TLCS
117.1.2	an authorisation or permit has been granted but has later expired or been cancelled.	CEO	DIAE TLCS
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.	CEO	DIAE TLCS
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.	CEO	DIAE MSMCS TLCS
<b>118. Deposit of Rubbish etc</b>			
118.1	The power pursuant to Section 235(1) of the Act to authorise or permit the following:		
118.1.1	the deposit of rubbish on a public road or public place; or	CEO	DIAE MSMCS TLCS
118.1.2	the deposit of goods, materials, earth, stone, gravel, or any other substance on a public road or public place.	CEO	DIAE MSMCS TLCS

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>119. Abandonment of Vehicles and Farm Implements</b>		
119.1 The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle or farm implement abandoned on a public road or public place.	CEO	DIAE TLCS CSO
<b>120. Removal of Vehicles</b>		
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 and the place to which it has been removed:		
120.1.1 by written notice in the prescribed form:	CEO	DIAE TLCS CSO
120.1.1.1 served on the owner personally; or	CEO	DIAE TLCS CSO
120.1.1.2 served on the owner by the use of person-to-person registered post,	CEO	DIAE TLCS CSO
as soon as practicable after the removal of the vehicle; or		
120.1.2 if the owner is unknown or cannot be found – by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.	CEO	DIAE TLCS CSO
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.	CEO	DIAE TLCS CSO
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:		
120.3.1 the vehicle is offered for sale but not sold; or	CEO	DIAE TLCS CSO

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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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.	CEO	DIAE TLCS CSO
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:		
120.4.1	firstly, in payment of the costs of and incidental to the sale;	CEO	DIAE TLCS CSO
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;	CEO	DIAE TLCS CSO
120.4.3	thirdly, in payment of the balance to the owner of the vehicle.	CEO	DIAE TLCS CSO
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.	CEO	DIAE TLCS CSO
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.	CEO	DIAE TLCS CSO
<b>121. Time Limits for Dealing with Certain Applications</b>			
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.	CEO	DIAE TLCS
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.	CEO	DIAE TLCS

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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<b>122. Registrar-General to Issue Certificate of Title</b>		
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.	CEO	RA
122.2 The duty pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows:		
122.2.1 in a manner and form approved by the Registrar-General; and	CEO	RA
122.2.2 accompanied by:	CEO	RA
122.2.2.1 unless otherwise required by the Registrar-General - the duplicate Certificate of Title for the land; and	CEO	RA
122.2.2.2 any surveys of the land and other materials that the Registrar-General may reasonably require; and	CEO	RA
122.2.2.3 a fee fixed by the Registrar-General.	CEO	RA
<b>123. Liability for Injury, Damage or Loss Caused by Certain Trees</b>		
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).	CEO	DIAE MIAE MSMCS
<b>124. Council May Require Bond or Other Security in Certain Circumstances</b>		
124.1 Subject to Section 245A of the Act, if,		
124.1.1 a person has approval to carry out development under the Development Act 1993; and		
124.1.2 the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development,		

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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<p>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>	CEO	DCPC MDSC DO(P) SDO
<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 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.</p>	CEO	DCPC MDSC DO(P) SDO
<b>125. Power to Make By-Laws</b>		
<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>	CEO	DIAE TLCS MGA
<b>126. Passing By-Laws</b>		
<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>	CEO	DIAE TLCS MGA
<p>126.1.2 by notice in a newspaper circulating in the area of the Council:</p>	CEO	DIAE TLCS MGA
<p>126.1.2.1 inform the public of the availability of the proposed by-law; and</p>	CEO	DIAE TLCS MGA
<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>	CEO	DIAE TLCS MGA

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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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:		
126.2.1	the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and	CEO	DIAE TLCS MGA
126.2.2	the by-law is not in conflict with the Act.	CEO	DIAE TLCS MGA
126.3	The duty pursuant to Section 249(5) of the Act to publish a by-law in the <i>Gazette</i> .	CEO	DIAE TLCS MGA
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.	CEO	DIAE TLCS MGA
<b>127. Model By-Laws</b>			
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 <i>Gazette</i> .	CEO	DIAE TLCS MGA
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.	CEO	DIAE TLCS MGA
<b>128. Register of By-Laws and Certified Copies</b>			
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.	CEO	DIAE TLCS MGA
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.	CEO	DIAE TLCS MGA
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.	CEO	DIAE TLCS MGA

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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<b>129. Power to Make Orders</b>		
129.1 The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table in Part 2 of Chapter 12, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.	CEO	DIAE TLCS
<b>130. Procedures to be Followed</b>		
130.1 The duty pursuant to Section 255(1) of the Act before taking action to make an order under Part 2 of Chapter 12 (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing:		
130.1.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and	CEO	DIAE TLCS
130.1.2 stating the reasons for the proposed action; and	CEO	DIAE TLCS
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).	CEO	DIAE TLCS
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.	CEO	DIAE TLCS
130.3 The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act:		
130.3.1 to make an order in accordance with the terms of the original proposal; or	CEO	DIAE TLCS
130.3.2 to make an order with modifications from the terms of the original proposal; or	CEO	DIAE TLCS
130.3.3 to determine not to proceed with an order.	CEO	DIAE TLCS
130.4 The power pursuant to Section 255(5) of the Act to:		
130.4.1 include two or more orders in the same instrument;	CEO	DIAE TLCS
130.4.2 direct two or more persons to do something specified in the order jointly.	CEO	DIAE TLCS

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

130.5	The duty pursuant to Section 255(6) of the Act to ensure that the order:		
130.5.1	subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and	CEO	DIAE TLCS
130.5.2	states the reasons for the order.	CEO	DIAE TLCS
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.	CEO	DIAE TLCS
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.	CEO	DIAE TLCS
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.	CEO	DIAE TLCS
130.9	If the Delegate, in the circumstances of a particular case, considers:		
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	CEO	DIAE TLCS
130.9.2	that an emergency situation otherwise exists,	CEO	DIAE TLCS
	the Delegate has the power pursuant to Section 255(12) of the Act to:	CEO	DIAE TLCS
130.9.3	Proceed immediately to make an order under this Section without giving notice under Section 255(1); and	CEO	DIAE TLCS
130.9.4	require immediate compliance with an order despite Section 255(6)(a).	CEO	DIAE TLCS
<b>131. Rights of Review</b>			
131.1	The duty pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to appeal against the order under the Act, and to include the information specified by the Regulations to the Act.	CEO	DIAE TLCS

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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<b>132. Action on Non-Compliance</b>		
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.	CEO DIAE MSMCS TLCS
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.	CEO DIAE MSMCS TLCS
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.	CEO DIAE MSMCS TLCS
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	CEO DIAE MSMCS TLCS
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.	CEO DIAE MSMCS TLCS
<b>133. Councils to Develop Policies</b>		
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.	CEO DIAE MIAE MSMCS TLCS
133.2	The power and duty pursuant to Section 259(2) of the Act to:	
132.2.1	prepare a draft of a Policy; and	CEO DIAE MIAE MSMCS TLCS

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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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).	CEO	DIAE MIAE MSMCS TLCS
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.	CEO	DIAE MIAE MSMCS TLCS
133.4 The power pursuant to Section 259(4) of the Act to amend a policy at any time.	CEO	DIAE MIAE MSMCS TLCS
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.	CEO	DIAE MIAE MSMCS TLCS
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.	CEO	DIAE MIAE MSMCS TLCS
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.	CEO	DIAE MIAE MSMCS TLCS
<b>134. Appointment of Authorised Persons</b>		
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.	CEO	Not Sub Delegated
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.	CEO	Not Sub Delegated
134.3 The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card:		

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

134.3.1 containing a photograph of the authorised person; and	CEO	Not Sub Delegated
134.3.2 identifying any conditions or limitations imposed under Section 260(2) of the Act.	CEO	Not Sub Delegated
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.	CEO	Not Sub Delegated
<b>135. Procedures for Review of Decisions and Requests for Services</b>		
135.00 The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with:		
135.00.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; or	CEO	DCS MGA
135.00.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.	CEO	DCS MGA
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:		
135.0.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and	CEO	DCS MGA
135.0.2 using information gained from the Council's community to improve its services and operations.	CEO	DCS MGA
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:		
135.1.1 the Council;	CEO	DCS MGA
135.1.2 employees of the Council;	CEO	DCS MGA
135.1.3 other persons acting on behalf of the Council,	CEO	DCS MGA

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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):		
135.2.1	the manner in which an application for review may be made;	CEO	DCS MGA
135.2.2	the assignment of a suitable person to reconsider a decision under review;	CEO	DCS MGA
135.2.3	the matters that must be referred to the Council itself for consideration or further consideration;	CEO	DCS MGA
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;	CEO	DCS MGA
135.2.4	the notification of the progress and outcome of an application for review;	CEO	DCS MGA
135.2.5	the timeframes within which notifications will be made and procedures on a review will be completed.	CEO	DCS MGA
135.3	The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if:		
135.3.1	the application was made by an employee of the Council and relates to an issue concerning his or her employment; or	CEO	Not Sub Delegated
135.3.2	it appears that the application is frivolous or vexatious; or	CEO	Not Sub Delegated
135.3.3	the applicant does not have a sufficient interest in the matter.	CEO	Not Sub Delegated
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.	CEO	DCS MGA
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.	CEO	Not Sub Delegated

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

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	CEO	DCS MGA
135.6.2	the kinds of matters to which the applications relate; and	CEO	DCS MGA
135.6.3	the outcome of applications under this Section; and	CEO	DCS MGA
135.6.4	such other matters as may be prescribed by the Regulations.	CEO	DCS MGA
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.	CEO	DCS MGA
<b>136. Mediation, Conciliation and Neutral Evaluation</b>			
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.	CEO	DCS DCPC DBED DIAE
136.2	The duty pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator, if a dispute is to be dealt with under a Scheme established under Section 271(1) of the Act.	CEO	DCS MGA
<b>136A. Provision of Information to Minister</b>			
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.	CEO	DCS MGA
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:	CEO	DCS MGA
136AA.2.1	the information was given to the Council in confidence; or	CEO	DCS MGA
136AA.2.2	is held on a confidential basis under Chapter 6 Part 4.	CEO	DCS MGA

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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<b>136B. Investigation of a Council</b>			
136B.1	The power pursuant to Section 272(3) of the Act, and, to, before the Minister refers a matter, explain the Council's actions and make submissions to the Minister.	CEO	DCS
136B.2	The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.	CEO	DCS
<b>136C. Action on a Report</b>			
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.	CEO	DCS
<b>136D. Deliberately left blank</b>			
136D.1	Deliberately left blank		
136D.2	Deliberately left blank		
<b>136E. Action on a Report</b>			
136E.1	The power pursuant to Section 275(2) of the Act to make submissions to the Minister.	CEO	DCS
<b>137. Special Jurisdiction</b>			
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;	CEO	Not Sub Delegated
137.1.2	proceedings to try the right of a person to be admitted or restored to an office;	CEO	Not Sub Delegated
137.1.3	proceedings to compel restoration or admission;	CEO	Not Sub Delegated
137.1.4	proceedings to compel the Council to proceed to an election, poll or appointment;	CEO	Not Sub Delegated
137.1.5	proceedings to try the validity of a rate or service charge;	CEO	Not Sub Delegated
137.1.6	proceedings to try the validity of a by-law;	CEO	Not Sub Delegated
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.	CEO	Not Sub Delegated

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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<b>138. Service of Documents by Councils etc</b>		
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.	CEO	DCS
<b>139. Service of Documents on Councils</b>		
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.	CEO	DCS
<b>140. Recovery of Amounts from Lessees or Licensees</b>		
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.	CEO	DCS DCPC
<b>141. Ability of Occupiers to Carry out Works</b>		
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.	CEO	DIAE
<b>142. Power to Enter and Occupy Land in Connection with an Activity</b>		
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.	CEO	DIAE
142.2 The duty pursuant to Section 294(3) of the Act:		
142.2.1 to pay to the owner or occupier of the land rent on a quarterly or half-yearly basis, at a rate to be determined by agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and	CEO	DIAE
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	CEO	DIAE
142.2.3 within 6 months of ceasing to occupy the land:		

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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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	CEO	DIAE
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;	CEO	DIAE
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.	CEO	DIAE
<b>143. Reclamation of Land</b>			
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.	CEO	DIAE
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.	CEO	DIAE
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.	CEO	DIAE
143.4	The duty pursuant to Section 296(5) of the Act to conduct an objection or appeal in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act.	CEO	DIAE
<b>144. Property in Rubbish</b>			
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.	CEO	DIAE
<b>145. Power of Council to Act in Emergency</b>			
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.	CEO	DIAE

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

<b>146. Vegetation Clearance</b>		
146.1 The power pursuant to Section 299(1) of the Act on application of the owner or occupier of the land (the 'relevant land'), to make an order under this Section requiring the owner or occupier of adjoining land to remove or cut back vegetation encroaching on the relevant land.	CEO	DIAE MSMCS TLCS CSO
146.2 If there is a proposal to make an order or an order is made, the power and duty to act in accordance with Divisions 2 and 3 of Part 2, Chapter 12, pursuant to Section 299(2) of the Act.	CEO	DIAE MSMCS TLCS CSO
<b>147. Costs of Advertisements</b>		
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.	CEO	DCS
<b>148. Whistleblowing</b>		
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.	CEO	Not Sub Delegated
<b>149. Preparation of Stormwater Management Plans by Councils</b>		
149.1 The duty pursuant to Clause 13(4) of Schedule 1A of the Act to ensure that a stormwater management plan prepared by the Council or group of councils:		
149.1.1 complies with the guidelines issued by the Authority; and	CEO	DIAE
149.1.2 is prepared in consultation with the relevant regional NRM board or boards; and	CEO	DIAE
149.1.3 is prepared in accordance with any other procedures or requirements prescribed by the regulations.	CEO	DIAE
<b>150. Authority May Require Preparation of Stormwater Management Plan</b>		
150.1 The duty pursuant to Clause 14 of Schedule 1A of the Act if the Authority, of its own motion or at the request of a regional NRM board, so requires by notice in the Gazette, to prepare a stormwater management plan.	CEO	DIAE

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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<b>151. Authority May Issue Order</b>		
151.1 The duty pursuant to Clause 16(4) of Schedule 1A of the Act to comply with an order served by the Authority on the Council under Clause 16(1) of Schedule 1A of the Act.	CEO	DIAE
151.2 The power pursuant to Clause 16(5) of Schedule 1A of the Act to make submissions to the Authority in relation to the matter.	CEO	DIAE
151.3 The power pursuant to Clause 16(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (at a rate agreed by the Authority and the Delegate).	CEO	DIAE DCS
<b>152. Special Powers in Relation to Land</b>		
152.1 The power, pursuant to Clause 21(1) of Schedule 1A of the Act and in accordance with Clause 21(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or required by an order under Clause 16 of Schedule 1A of the Act, to:		
152.1.1 enter and occupy any land; and	CEO	DIAE
152.1.2 construct, maintain or remove any infrastructure; and	CEO	DIAE
152.1.3 excavate any land; and	CEO	DIAE
152.1.4 inspect, examine or survey any land and for that purpose: (a) fix posts, stakes or other markers on the land; and (b) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and (c) remove samples for analysis; and	CEO	DIAE
152.1.5 alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and	CEO	DIAE
152.1.6 hold water in a watercourse or lake or by any other means; and	CEO	DIAE
152.1.7 divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and	CEO	DIAE

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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152.1.8	deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and	CEO	DIAE
152.1.9	undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and	CEO	DIAE
152.1.10	undertake any testing, monitoring or evaluation; and	CEO	DIAE
152.1.11	undertake any other activity of a prescribed kind.	CEO	DIAE
152.2	The duty pursuant to clause 21(2) of Schedule 1A of the Act not to exercise a power under sub-clause 21(1)(b), (c), (h) or (i) of Schedule 1A of the Act to private land with the intention that any infrastructure will be permanent unless:		
152.2.1	it is intended that the owner of the private land will undertake the care, control or management of any relevant infrastructure and the Delegate or the Authority (as the case may be) is acting with the agreement of the owner; and	CEO	DIAE
152.2.2	the Council or the Authority (as the case may be) has first acquired an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.	CEO	DIAE
<b>153. Entry and Occupation of Land Other Than Council Land</b>			
153.1	The duty pursuant to Clause 22(2) of Schedule 1A of the Act and in accordance with Clauses 22(1) and 22(3) of Schedule 1A of the Act to give reasonable notice of an intention to enter, or to enter and occupy land in accordance with Clause 21 to the occupier of the land.	CEO	DIAE
153.2	The duty pursuant to clause 22(3) of Schedule 1A of the Act to ensure that the period of the notice required by Clause 22(1) of Schedule 1A of the Act is at least 2 business days except:		
153.2.1	where the occupier has given his or her consent; or	CEO	DIAE
153.2.2	in an emergency in which case the Delegate must give such notice (if any) as the Delegate considers is reasonable in the circumstances.	CEO	DIAE
153.3	The duty pursuant to Clause 22(4) of Schedule 1A of the Act, if the Delegate enters or occupies land to which Clause 22 applies, to:		

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**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**


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153.3.1	cause as little harm and inconvenience as practicable; and	CEO	DIAE
153.3.2	not occupy the land for any longer than is reasonably necessary; and	CEO	DIAE
153.3.3	leave the land as nearly as possible in the condition in which the Delegate found the land; and	CEO	DIAE
153.3.4	cooperate as far as practicable with any owner or occupier of the land.	CEO	DIAE

**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999**

**SCHEDULE OF CONDITIONS**

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

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
<b>All</b>	<del>Pursuant to all clauses in The Local Government Act 1999 the CEO is given delegated authority to make all decisions relating to the Prospect Oval Redevelopment, without limitation.</del>

**APPENDIX 14**

**INSTRUMENT OF DELEGATION UNDER THE**  
**NATURAL RESOURCES MANAGEMENT ACT 2004**  
**THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2005**  
**AND THE NATURAL RESOURCES MANAGEMENT (TRANSITIONAL**  
**PROVISIONS LEVIES) REGULATIONS 2004**

**NOTES**

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

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

1. <b>Collaboration with NRM board</b>	<b>Delegation</b>	<b>Sub Delegation</b>
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.	CEO	DIAE
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	CEO	DIAE ETE
b) assisting in the administration of the Act; or	CEO	DIAE ETE
c) furthering the objects of the Act	CEO	DIAE ETE

**INSTRUMENT OF DELEGATION UNDER THE NATURAL RESOURCES MANAGEMENT ACT 2004  
THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2004  
AND THE NATURAL RESOURCES MANAGEMENT (TRANSITIONAL  
PROVISIONS LEVIES) REGULATIONS 2004**

<b>3. Special Vesting of Infrastructure</b>		
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.	Not Delegated	
<b>4. Approval of Delegation by NRM board to Council Officers</b>		
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.	Not Delegated	
<b>5. Use of Facilities</b>		
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.	Not Delegated	
<b>6. Boards Power to Provide Financial Assistance etc</b>		
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	CEO	DIAE
6.1.2 the purpose or purposes for which and the manner in which the assistance will be used; and	CEO	DIAE
6.1.3 the reasons why, in the Delegate's opinion, the granting of the assistance by the regional NRM board is justified.	CEO	DIAE
<b>7. Assignment of Responsibility for Infrastructure</b>		
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.	CEO	DIAE

**INSTRUMENT OF DELEGATION UNDER THE NATURAL RESOURCES MANAGEMENT ACT 2004  
THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2004  
AND THE NATURAL RESOURCES MANAGEMENT (TRANSITIONAL  
PROVISIONS LEVIES) REGULATIONS 2004**

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.	Not Delegated	
<b>8. Appointment of Body to act as a Board</b>		
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.	Not Delegated	
<b>9. Establishment of Areas</b>		
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.	Not Delegated	
9.2 The power pursuant to Section 46(5) of the Act to enter into an agreement pursuant to which the property, assets, rights or liabilities of the local NRM group will vest in the Council pursuant to a notice under Section 46(4) of the Act.	Not Delegated	
<b>10. Composition of NRM groups</b>		
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.	Not Delegated	
<b>11. Functions of Groups</b>		
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.	CEO	DIAE ETE
<b>12. Acting in Conjunction with NRM Group</b>		
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	CEO	DIAE ETE

**INSTRUMENT OF DELEGATION UNDER THE NATURAL RESOURCES MANAGEMENT ACT 2004  
THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2004  
AND THE NATURAL RESOURCES MANAGEMENT (TRANSITIONAL  
PROVISIONS LEVIES) REGULATIONS 2004**

b)	assisting in the administration of the Act or	CEO	DIAE ETE
c)	furthering the objects of the Act pursuant to Section 53(1) of the Act.	CEO	DIAE ETE
<b>13.</b>	<b>Power of Delegation</b>		
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.	Not Delegated	
<b>14.</b>	<b>Use of Facilities</b>		
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.	CEO	DIAE
<b>15.</b>	<b>Appointment of Body to Act as Group</b>		
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.	Not Delegated	
<b>16.</b>	<b>Regional Authorised Officers</b>		
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	Not Delegated	
<b>17.</b>	<b>State NRM Plan</b>		
17.1	The power pursuant to Section 74(8) of the Act to consult with the NRM Council in relation to any proposal to create or amend the State NRM Plan as defined in Section 74 of the Act, where the Local Government Association has nominated the Council pursuant to Section 74(14)(b) of the Act.	Not Delegated	

**INSTRUMENT OF DELEGATION UNDER THE NATURAL RESOURCES MANAGEMENT ACT 2004  
THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2004  
AND THE NATURAL RESOURCES MANAGEMENT (TRANSITIONAL  
PROVISIONS LEVIES) REGULATIONS 2004**

<b>18. Regional NRM Plans</b>		
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.	CEO	DIAE
<b>19. Deliberately left blank</b>		
19.1 Deliberately left blank		
<b>20. Preparation of Plans and Consultation</b>		
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.	CEO	DIAE
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.	CEO	DIAE
<b>21. Submission of Plan to Minister</b>		
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.	CEO	DIAE
<b>22. Review and Amendment of Plans</b>		
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.	CEO	DIAE
<b>23. Time for Implementation of Plans</b>		
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.	Not Delegated	

**INSTRUMENT OF DELEGATION UNDER THE NATURAL RESOURCES MANAGEMENT ACT 2004  
THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2004  
AND THE NATURAL RESOURCES MANAGEMENT (TRANSITIONAL  
PROVISIONS LEVIES) REGULATIONS 2004**

<b>24.</b>	<b>Contributions by Constituent Councils</b>		
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.	CEO	DCS
24.2	The power pursuant to Section 92(7) of the Act to receive notice from the Minister of the Minister's determination.	CEO	DCS
<b>25.</b>	<b>Payment of Contributions by Councils</b>		
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.	CEO	DCS MFS
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.	CEO	DCS MFS
<b>26.</b>	<b><i>Deliberately left blank</i></b>		
26.1	<i>Deliberately left blank</i>		
26.2	<i>Deliberately left blank</i>		
26.3	<i>Deliberately left blank</i>		
26.4	<i>Deliberately left blank</i>		
<b>27.</b>	<b>Cost of Councils</b>		
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.	CEO	DCS MFS

**INSTRUMENT OF DELEGATION UNDER THE NATURAL RESOURCES MANAGEMENT ACT 2004  
THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2004  
AND THE NATURAL RESOURCES MANAGEMENT (TRANSITIONAL  
PROVISIONS LEVIES) REGULATIONS 2004**

<b>28. Declaration of Prescribed Water Resources</b>		
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.	CEO	DIAE
<b>29. Requirement for notice of certain applications</b>		
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.	CEO	DIAE
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.	CEO	DIAE
29.3 The power pursuant to Section 136(11) of the Act to lodge an appeal with the ERD Court.	CEO	DIAE
<b>30. By-Laws</b>		
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.	CEO	DIAE MCMCS TLCS
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.	CEO	DIAE MCMCS TLCS
<b>31. Orders made by ERD Court</b>		
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.	CEO	DCPC DIAE MDSC
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.	CEO	DCPC DIAE MDSC
<b>32. Management Agreements</b>		
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.	CEO	DCS

**INSTRUMENT OF DELEGATION UNDER THE NATURAL RESOURCES MANAGEMENT ACT 2004  
THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2004  
AND THE NATURAL RESOURCES MANAGEMENT (TRANSITIONAL  
PROVISIONS LEVIES) REGULATIONS 2004**

<b>33. Service of notices or other documents</b>		
33.1 The duty pursuant to Section 208(1) of the Act, subject to Section 208(2) of the Act, where required or authorised by the Act to serve a notice or other document on a person, to effect service of the notice or other document by –		
33.1.1 giving the notice or document to the person or an agent of the person; or	CEO	DIAE
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	CEO	DIAE
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	CEO	DIAE
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	CEO	DIAE
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	CEO	DIAE
33.1.6 send the notice or document to the person by facsimile transmission; or	CEO	DIAE
33.1.7 serve or give the notice or document to a person in a manner prescribed by the Regulations.	CEO	DIAE
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.	CEO	DIAE
<b>34. Vesting of Property</b>		
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.	Not Delegated	

**INSTRUMENT OF DELEGATION UNDER THE NATURAL RESOURCES MANAGEMENT ACT 2004  
THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2004  
AND THE NATURAL RESOURCES MANAGEMENT (TRANSITIONAL  
PROVISIONS LEVIES) REGULATIONS 2004**

<b>35. Special Provisions relating to the repeal of the Water Resources Act 1997</b>		
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).	CEO	DCS DIAE MFS
35.2 <i>Deliberately left blank</i>		
<b>36. Special Provisions related to levies</b>		
36.1 <i>Deliberately left blank</i>		
36.2 <i>Deliberately left blank</i>		
36.3 <i>Deliberately left blank</i>		
<b><u>DELEGATIONS UNDER THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2005</u></b>	<b>Delegation</b>	<b>Sub Delegation</b>
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.	Not Delegated	
<b><u>DELEGATIONS UNDER THE NATURAL RESOURCES MANAGEMENT (TRANSITIONAL PROVISIONS LEVIES) REGULATIONS 2004</u></b>	<b>Delegation</b>	<b>Sub Delegation</b>
<b>38. Contributions by Councils</b>		
38.1 <i>Deliberately left blank</i>		

**INSTRUMENT OF DELEGATION UNDER THE NATURAL RESOURCES MANAGEMENT ACT 2004  
THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2004  
AND THE NATURAL RESOURCES MANAGEMENT (TRANSITIONAL  
PROVISIONS LEVIES) REGULATIONS 2004**

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**SCHEDULE OF CONDITIONS**

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

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

## APPENDIX 15

**INSTRUMENT OF DELEGATION UNDER THE  
ROADS (OPENING AND CLOSING) ACT 1991****NOTES**

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

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

1. <b>Commencement of Road Process</b>	Delegation	Sub Delegation
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.	Not delegated	
2. <b>Deposit of Preliminary Plan and Statement of Persons Affected</b>		
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	CEO	DIAE MIAE
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	CEO	DIAE MIAE
2.1.2.2 such information in relation to the land subject to the proposed road process as is required by the Surveyor-General.	CEO	DIAE MIAE
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.	CEO	DIAE MIAE
3. <b>Notification of Proposed Road Process</b>		
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 –		

**INSTRUMENT OF DELEGATION UNDER THE ROADS (OPENING AND CLOSING) ACT 1991**

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	CEO	DIAE MIAE
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.	CEO	DIAE MIAE
3.2	The duty to 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.	CEO	DIAE MIAE
<b>4.</b>	<b>Dealings in Land after Commencement of Road Process</b>		
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.	CEO	DIAE MIAE
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.	CEO	DIAE MIAE
<b>5.</b>	<b>Power to make Preliminary Agreements</b>		
5.1	The power pursuant to Section 12(1) of the Act and in accordance with the provisions of Section 12 to make agreements for exchange or transfer in relation to land subject to a proposed road closure with the owner of land adjoining that land.	Not delegated	
5.2	The duty to pursuant to Section 12(3) of the Act where the Delegate seeks to make an agreement for transfer in relation to land subject to a proposed road closure pursuant to Section 12 of the Act –		
5.2.1	where adjoining land is owned by a person who owns land subject to a proposed road opening, first endeavour to secure an agreement for exchange with that person;	CEO	DIAE MIAE
5.2.2	in any case, first invite offers from the owners of land adjoining the land subject to the proposed road closure.	CEO	DIAE MIAE
<b>6.</b>	<b>Meeting to Consider Objection or Application</b>		

**INSTRUMENT OF DELEGATION UNDER THE ROADS (OPENING AND CLOSING) ACT 1991**

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.	CEO	DIAE
<b>7.</b>	<b>Making of Road Process Order</b>		
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 -	Not delegated	Not Applicable
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	Not delegated	Not Applicable
7.1.2	determine that no road process order is to be made.	Not delegated	Not Applicable
7.2	The duty to pursuant to Section 15(3) of the Act where the Delegate (as the relevant authority) determines that no road process order is to be made, to as soon as practicable give notice in writing of that decision;		
7.2.1	to the Surveyor General; and	Not delegated	Not Applicable
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	Not delegated	Not Applicable
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.	Not delegated	Not Applicable
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 –		
7.3.1	any objections made by any person pursuant to the Act; and	Not delegated	Not Applicable
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	Not delegated	Not Applicable

**INSTRUMENT OF DELEGATION UNDER THE ROADS (OPENING AND CLOSING) ACT 1991**

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	Not delegated	Not Applicable
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	Not delegated	Not Applicable
7.3.5	any other matter that the Delegate considers relevant.	Not delegated	Not Applicable
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:		
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;	Not delegated	Not Applicable
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;	Not delegated	Not Applicable
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;	Not delegated	Not Applicable
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;	Not delegated	Not Applicable
7.4.5	an order that land subject to the road closure -		
7.4.5.1	be added to adjoining land that is dedicated under the Crown Lands Act 1929; or	Not delegated	Not Applicable
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	Not delegated	Not Applicable
7.4.5.3	be vested in the Crown.	Not delegated	Not Applicable

**INSTRUMENT OF DELEGATION UNDER THE ROADS (OPENING AND CLOSING) ACT 1991**

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.	Not delegated	Not Applicable
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.	Not delegated	Not Applicable
7.7	The duty to pursuant to Section 19 of the Act when acting as the relevant authority to as soon as is practicable after a road process order is made;		
7.7.1	give notice in writing of the order to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and	CEO	DIAE MIAE
7.7.2	In addition, in the case of an order for a road opening –		
7.7.2.1	give notice in writing of the order to any person who has an interest in land over which a road is proposed by the order to be opened; and	CEO	DIAE MIAE
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	CEO	DIAE MIAE
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.	CEO	DIAE MIAE
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 –		
7.8.1	2 copies of the order; and	CEO	DIAE MIAE

**INSTRUMENT OF DELEGATION UNDER THE ROADS (OPENING AND CLOSING) ACT 1991**

7.8.2	survey plans as required by the Registrar-General for the purposes of this Section; and	CEO	DIAE MIAE
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	CEO	DIAE MIAE
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	CEO	DIAE MIAE
7.8.5	any other document required by the Surveyor-General; and	CEO	DIAE MIAE
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.	CEO	DIAE MIAE
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 –		
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	CEO	DIAE MIAE
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.	CEO	DIAE MIAE
<b>8.</b>	<b>Review and Confirmation of Road Process Order</b>		
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.	CEO	DIAE MIAE
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 -		

**INSTRUMENT OF DELEGATION UNDER THE ROADS (OPENING AND CLOSING) ACT 1991**

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	CEO	DIAE MIAE
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.	CEO	DIAE MIAE
<b>9. Compensation</b>			
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 -		
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	CEO	DIAE MIAE
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.	CEO	DIAE MIAE
<b>10. Acquisition of Additional Land under Land Acquisition Act</b>			
10.1	The power pursuant to Section 33(1) of the Act in circumstances where a Council proposes to open a road over any land pursuant to the Act, to -		
10.1.1	consider that the acquisition of additional land adjoining or near to the land to which the road opening relates is appropriate; and	Not delegated	Not Applicable
10.1.2	proceed to acquire the land, whether or not the land is required in connection with the proposed road.	Not delegated	Not Applicable
10.2	The power pursuant to Section 33(4) of the Act, where additional land is acquired by the Council pursuant to Section 33 of the Act, to sell or otherwise deal with that land in such manner as the Delegate considers appropriate, and to use the proceeds from the sale of any such land toward defraying expenses incurred by the Council in connection with the road opening.	Not delegated	Not Applicable
<b>10A. Roads Associated with Adelaide Park Lands</b>			
10A.1	The power, pursuant to Section 34G(1) of the Act to prepare an application to be made by the Council to the Minister to make a road wider, narrower, longer or shorter pursuant to Section 6B of the Act.	Not applicable	
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 -	Not applicable	

**INSTRUMENT OF DELEGATION UNDER THE ROADS (OPENING AND CLOSING) ACT 1991**

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	Not applicable	
10A.2.2	such other information as may be required by the Regulations.	Not applicable	
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, -	Not applicable	
10A.3.1	give public notice, in accordance with the Regulations, of the proposal; and	Not applicable	
10A.3.2	give notice of the proposal to any State authority or council specified by the Minister; and	Not applicable	
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).	Not applicable	
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 -	Not applicable	
10A.4.1	any representation in relation to the proposal made to the Council within the relevant period; and	Not applicable	
10A.4.2	any response that the Council wishes to make in relation to those representations.	Not applicable	
10A.5	The power, pursuant to Section 34G(9) of the Act, if the Minister is willing to approve the application, to, after consultation with the Surveyor-General, cause survey plans and other documents to be prepared as required by the Registrar-General and submit them to the Minister.	Not applicable	
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.	Not applicable	
<b>11.</b>	<b>Duty to Fence</b>		
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.	CEO	DIAE MIAE MCMCS IAO

**INSTRUMENT OF DELEGATION UNDER THE ROADS (OPENING AND CLOSING) ACT 1991**

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**SCHEDULE OF CONDITIONS**

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

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

## APPENDIX 16

**INSTRUMENT OF DELEGATION UNDER THE  
ROAD TRAFFIC ACT 1961,  
THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014  
AND THE ROAD TRAFFIC (ROAD RULES – ANCILLARY  
AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014**

**NOTES**

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

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

1. <b>Direction as to installation etc of traffic control devices</b>	Delegation	Sub Delegation
1.1 The duty pursuant to Section 18(5) of the Road Traffic Act 1961 (“the Act”) to carry out a direction which the Minister directs the Council (as a road authority) to carry out pursuant to Section 18(6) of the Act in circumstances where another road authority has failed to comply with the direction.	CEO	DIAE MIAE
1.2 The power pursuant to Section 18(7) of the Act where the Minister has directed the Council to carry out a direction pursuant to Section 18(6) of the Act, to recover as a debt due from the defaulting road authority any expenses incurred in carrying out the direction under Section 18(6) of the Act, subject to Section 18(8) of the Act.	CEO	DIAE MIAE
2. <b>Action to deal with false devices or hazards to traffic</b>		
2.1 The power pursuant to Section 31(2) of the Act to remove from any road the care, control or management of which is vested in the Council and dispose of any false traffic control device or any device, structure or thing that the Delegate is satisfied might constitute a hazard to traffic.	CEO	DIAE MIAE

**INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961,  
THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014 AND  
THE ROAD TRAFFIC (ROAD RULES – ANCILLARY AND  
MISCELLANEOUS PROVISIONS) REGULATIONS 2014**

<b>3. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed</b>		
3.1 The duty pursuant to Section 40P(3) of the Act and subject to Section 40P(4) to offer a vehicle, which was removed by an officer of the Council under Section 40N of the Act and for which there had been notice given according to Section 40P(2) of the Act and the owner of the vehicle failed to take possession of the vehicle and pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice, within one month after service or publication of the notice in accordance with Section 40P(2) of the Act, for sale by public auction.	CEO	DIAE MCMCS TLCS
3.2 The power pursuant to Section 40P(4) of the Act, where a vehicle is offered for sale by public auction but is not sold at the auction or the relevant authority reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle, to dispose of the vehicle in such manner as the Delegate thinks fit.	CEO	DIAE MCMCS TLCS
3.3 The duty pursuant to Section 40P(5) of the Act to apply the proceeds of the sale of a vehicle as follows:		
3.3.1 firstly, in payment of the costs of and incidental to the sale;	CEO	DCS DIAE MCMCS TLCS
3.3.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under this section; and	CEO	DCS DIAE MCMCS TLCS
3.3.3 thirdly, in payment of the balance to the owner of the vehicle.	CEO	DCS DIAE MCMCS TLCS
3.4 The power pursuant to Section 40P(6) of the Act, if after reasonable inquiry following sale of the vehicle the owner of the vehicle cannot be found, to pay the balance of the proceeds of the sale to the Council.	CEO	DCS DIAE MCMCS TLCS
<b>4. Compensation Orders for Damage to Road Infrastructure</b>		
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.	Not Applicable	

**INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961,  
THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014 AND  
THE ROAD TRAFFIC (ROAD RULES – ANCILLARY AND  
MISCELLANEOUS PROVISIONS) REGULATIONS 2014**

<b>4A. Assessment of Compensation</b>		
4A.1 The power pursuant to Section 163ZD(2) of the Act and in accordance with Section 163ZE of the Act to use in proceedings for the court to take into account in assessing the amount of any compensation:	CEO	DIAE
4A.1.1 any evidence not adduced in connection with the prosecution of the offence but adduced in connection with the making of the proposed order; and	CEO	DIAE
4A.1.2 any certificate of the Council, as the road authority stating that the Council maintains the road concerned; and	CEO	DIAE
4A.1.3 any other certificate of the Council as the road authority, such as a certificate:	CEO	DIAE
4A.1.3.1 estimating the monetary value of all or any part of the road infrastructure or of the damage to it; or	CEO	DIAE
4A.1.3.2 estimating the cost of remedying the damage; or	CEO	DIAE
4A.1.3.3 estimating the extent of the offender's contribution to the damage.	CEO	DIAE
<b>4B. Service of Certificates</b>		
4B.1 The duty, pursuant to Section 163ZE(1) of the Act, if the Council, as the road authority, proposes to use a certificate referred to in Section 163ZD in proceedings, to serve a copy of the certificate on the defendant at least 28 working days before the day on which the matter is set down for hearing.	CEO	DIAE TLCS CSO
<b>5. Exemptions</b>		
5.1 The power pursuant to Section 174C(1) of the Act to exempt any person, or any persons of specified class, or any specified vehicle, or any vehicles of a specified class, from compliance with a prescribed provision of the Act, subject to the payment of such fee and to such other conditions (if any) as the Delegate thinks fit and specifies in the exemption.	CEO	DIAE MCMCS TLCS

**INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961,  
THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014 AND  
THE ROAD TRAFFIC (ROAD RULES – ANCILLARY AND  
MISCELLANEOUS PROVISIONS) REGULATIONS 2014**

<b><u>DELEGATIONS UNDER THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014</u></b>		<b>Delegation</b>	<b>Sub Delegation</b>
<b>6. Event Management Plan</b>			
6.1	The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with an applicant in the preparation of an event management plan for the purpose of a Section 33(1) of the Act.	CEO	DBED DIAE MCMCS MIAE TLCS
6.2	The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with the Commissioner of Police or the Commissioner of Highways in the preparation of an event management plan for the purpose Section 33(1) of the Act.	CEO	DBED DIAE MCMCS MIAE TLCS

<b><u>DELEGATIONS UNDER THE ROAD TRAFFIC (ROAD RULES – ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014</u></b>		<b>Delegation</b>	<b>Sub Delegation</b>
<b>7. Permit Zones</b>			
7.1	The power pursuant to Regulation 17(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to determine –		
7.1.1	the class of permits required for vehicles to stop in a permit zone established by the Council;	CEO	DIAE MCMCS TLCS
7.1.2	the persons entitled to such permits;	CEO	DIAE MCMCS TLCS
7.1.3	any fees to be paid for such permits;	CEO	DIAE MCMCS TLCS
7.1.4	the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles).	CEO	DIAE MSMCS TLCS
	and to vary any such determination.	CEO	DIAE MCMCS TLCS

**INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961,  
THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014 AND  
THE ROAD TRAFFIC (ROAD RULES – ANCILLARY AND  
MISCELLANEOUS PROVISIONS) REGULATIONS 2014**

7.2	The power pursuant to Regulation 17(3) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to issue permits in respect of permit zones to persons entitled to them, on payment of a fee (if any) and subject to the conditions, determined by the Delegate.	CEO	DIAE MCMCS TLCS
8.	<b>Parking and Parking Ticket-Vending Machines or Parking Meters</b>		
8.1	The power pursuant to Regulation 22(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 if the Council has installed 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 the length of road or area, and the power to vary such fees.	Not Applicable	

**INSTRUMENT OF DELEGATION UNDER THE ROAD TRAFFIC ACT 1961,  
THE ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014 AND  
THE ROAD TRAFFIC (ROAD RULES – ANCILLARY AND  
MISCELLANEOUS PROVISIONS) REGULATIONS 2014**

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**SCHEDULE OF CONDITIONS**

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

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

## APPENDIX 17

### 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 the 22 August 2013 the Minister for Transport issued a Notice to Council (the “**Notice**”) 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 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 Section 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 Instrument, subject to the conditions specified in the Instrument in relation to Clause A of the Instrument: Chief Executive Officer, Director Infrastructure Assets & Environment, Manager Infrastructure, Assets & Environment, Manager City Maintenance & Community Safety and Team Leader Community Safety.

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**AUTHORISATIONS UNDER THE ROAD TRAFFIC ACT 1961**

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**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 approved by the Chief Executive Officer of the Council.
- 3.3 Pursuant to 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 pursuant to Clause B of the Instrument, subject to the conditions specified in the Instrument in relation to Clause B of the Instrument: Chief Executive Officer, Director Infrastructure Assets & Environment, Manager Infrastructure, Assets & Environment, Manager City Maintenance & Community Safety and Team Leader Community Safety.

**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.
- 4.3 Pursuant to 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: Chief Executive Officer, Director Infrastructure Assets & Environment, Manager Infrastructure, Assets & Environment, Manager City Maintenance & Community Safety and Team Leader Community Safety.

**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

**AUTHORISATIONS UNDER THE ROAD TRAFFIC ACT 1961**

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 Pursuant to 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: Chief Executive Officer, Director Infrastructure Assets & Environment, Manager Infrastructure, Assets & Environment, Manager City Maintenance & Community Safety and Team Leader Community Safety.

**6. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY**

6.1 Pursuant to Clause F of the Instrument the Minister delegated to the Council the power conferred on the Minister pursuant to Section 17 of the Act to specifically approve the installation, maintenance, alteration, operation, or removal of a traffic control device in the municipality or district of the Council by a road authority, on, above, or near a road under the care control or management of the Council, subject to the conditions specified in the Instrument.

6.2 Pursuant to Clause F.1 of the Instrument, the Council may authorise any Officer to exercise, for and behalf of the Council, the powers conferred on the Council in Clause F of the Instrument, provided that such authorisation is made by instrument in writing and 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: Chief Executive Officer, Director Infrastructure Assets & Environment, Manager Infrastructure, Assets & Environment, Manager City Maintenance & Community Safety and Team Leader Community Safety.

.....  
Date

.....  
Signature of Chief Executive Officer

.....  
Name of Chief Executive Officer

**APPENDIX 18**

**SUBDELEGATION TO THE CHIEF EXECUTIVE OFFICER**  
**UNDER THE ROAD TRAFFIC ACT 1961**  
**MADE IN ACCORDANCE WITH THE**  
**INSTRUMENT OF GENERAL APPROVAL AND DELEGATION**  
**TO COUNCIL DATED 22 AUGUST 2013**  
**FROM THE MINISTER FOR TRANSPORT AND INFRASTRUCTURE**

**BACKGROUND**

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

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

**POWER TO CLOSE ROADS AND GRANT EXEMPTION FOR EVENTS**

2. The power pursuant to Section 33(1) of the Act to declare an event to be an event to which Section 33 of the Act applies and to make orders directing:
  - 2.1 that specified roads (being roads on which the event is to be held or roads that, in the opinion of the Delegate, should be closed for the purposes of the event) be closed to traffic for a specified period; and
  - 2.2 that persons taking part in the event be exempted, in relation to the specified roads, from the 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.

## APPENDIX 19

### INSTRUMENT OF DELEGATION UNDER THE UNCLAIMED GOODS ACT 1987

#### NOTES

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

#### POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Unclaimed Goods	Delegation	Sub Delegation
1.1 The power pursuant to Section 5(1)(b) of the Unclaimed Goods Act 1987 (the Act) where the Council is in possession of goods belonging to another (the bailor) in pursuance of an agreement or understanding under which the Council was to deliver the goods to the bailor, to make reasonable attempts to deliver the goods in accordance with the agreement or understanding.	CEO	DCS
1.2 The power pursuant to Section 5(1)(c) of the Act where the Council is in possession of goods belonging to the bailor and there is no agreement or understanding governing the collection or delivery of the goods, to request the bailor in accordance with Section 5(2) of the Act, to collect the goods.	CEO	DCS
1.3 The duty pursuant to Section 5(2) of the Act in making a request for the purposes of Section 5(1)(c) of the Act, to ensure the request -		
1.1.1 states the address at which the goods are available for collection; and	CEO	<u>DCS</u>
1.1.2 contains a brief description of the goods; and	CEO	DCS
1.1.3 states the times at which, or the hours between which, the goods will be available for collection at that address; and	CEO	DCS

**INSTRUMENT OF DELEGATION UNDER THE UNCLAIMED GOODS ACT 1987**

1.1.4	is made -		
1.1.4.1	by post addressed to the last known address of the bailor; or	CEO	DCS
1.1.4.2	if the identity or whereabouts of the bailor is unknown - by notice in the prescribed form published in a newspaper circulating generally throughout the State.	CEO	DCS
1.2	The duty pursuant to Section 5(3) of the Act to ensure a request made for the purposes of Section 5(1)(c) of the Act allows the bailor a reasonable opportunity to collect the goods to which it relates.	CEO	DCS
<b>2.</b>	<b>Sale or Disposal of Unclaimed Goods</b>		
2.1	The power pursuant to Section 6(1) of the Act and the power subject to Section 6 of the Act, where the Council is a bailee of unclaimed goods, to, after the expiration of three months from the relevant date -		
2.1.1	sell the goods; or	CEO	DCS
2.1.2	if the value of the goods would be insufficient to defray the costs of sale - otherwise dispose of the goods.	CEO	DCS
2.2	The power pursuant to Section 6(2) of the Act to apply to the Court for an authorisation to sell or dispose of goods under Section 6(1) of the Act and the duty pursuant to Section 6(2) of the Act, if the value of the goods lies within scale 3, to not sell or dispose of the goods without such an authorisation.	CEO	DCS
2.3	The duty pursuant to Section 6(3) of the Act where an application for an authorisation under Section 6(2) of the Act is made, to -		
2.3.1	give notice of the application to the Commissioner of Police; and	CEO	DCS
2.3.2	give such notice (if any) as the Court thinks appropriate to the bailor and any other person who, in the opinion of the Court, may have an interest in the goods.	CEO	DCS

**INSTRUMENT OF DELEGATION UNDER THE UNCLAIMED GOODS ACT 1987**

2.4	The power pursuant to Section 6(5) of the Act, if the value of unclaimed goods lies within scale 1 or 2, to sell or dispose of the goods under Section 6(1) of the Act without any authorisation by the Court and the duty pursuant to Section 6(5)(b) of the Act, if goods whose value lies within scale 2 are to be sold without such an authorisation, to		
2.4.1	sell the goods by public auction; and	CEO	DCS
2.4.2	give notice in the prescribed form of the time and place of the proposed sale at least one month before the date of the proposed sale -		
2.4.2.1	to the Commissioner of Police; and	CEO	DCS
2.4.2.2	to the bailor.	CEO	DCS
2.5	The power pursuant to Section 6(6) of the Act to give a notice under Section 6(5)(b) of the Act by post and, if the identity or whereabouts of the bailor is unknown, to give the notice to the bailor by advertisement in a newspaper circulating generally throughout the State.	CEO	DCS
<b>3.</b>	<b>Claim Made by Bailor After Commencement of Proceedings Under this Act</b>		
3.1	The duty pursuant to Section 7(1) of the Act and subject to Section 7(2) of the Act, where the Council has commenced proceedings for the sale or disposal of goods under the Act but before the goods are sold or disposed of the bailor claims the goods, to not proceed with the sale or disposal of the goods, and to hand them over to the bailor.	CEO	DCS
3.2	The power pursuant to Section 7(2) of the Act to, before handing over goods under Section 7(1) of the Act, require the bailor to pay -		
3.2.1	the reasonable costs incurred by the Council in proceeding under the Act;	CEO	DCS
3.2.2	the reasonable costs incurred by the Council in storing and maintaining the goods after the date on which the bailor should have collected or taken delivery of them;	CEO	DCS
3.2.3	the amount of any lien that the Council has over the goods.	CEO	DCS

**INSTRUMENT OF DELEGATION UNDER THE UNCLAIMED GOODS ACT 1987**

3.3	The power pursuant to Section 7(3) of the Act, if at the expiration of 42 days after the Council has rendered a written account of the amounts claimed under Section 7(2) of the Act the bailor has not paid those amounts, to, subject to Section 7(4) of the Act, proceed to sell or dispose of the goods.	CEO	DCS
4.	<b>Proceeds of Sale</b>		
4.1	The power pursuant to Section 8(1) of the Act in relation to the proceeds of the sale of goods under the Act to -		
4.1.1	retain from those proceeds -		
	4.1.1.1 the reasonable costs of the sale and of proceeding under the Act;	CEO	DCS
	4.1.1.2 the reasonable costs of storing and maintaining the goods prior to sale;	CEO	DCS
	4.1.1.3 the amount of any lien that the Council had over the goods; and	CEO	DCS
4.1.2	pay the balance to the Treasurer.	CEO	DCS

**INSTRUMENT OF DELEGATION UNDER THE UNCLAIMED GOODS ACT 1987**

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**SCHEDULE OF CONDITIONS**

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

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

**APPENDIX 20**

**INSTRUMENT OF DELEGATION UNDER THE  
WORK HEALTH AND SAFETY ACT 2012**

**NOTES**

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

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>51. Determination of work groups</b>	<b>Delegation</b>	<b>Sub Delegation</b>
(1) The power pursuant to Section 51(1) of the Work Health and Safety Act 2012 ( <b>the Act</b> ), to, if a request is made under Section 50 of the Act, facilitate the determination of one or more work groups of workers.	CEO	Not sub delegated
<b>52. Negotiations for agreement for work group</b>		
(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.	CEO	Not sub delegated
(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.	CEO	Not sub delegated
<b>54. Failure of negotiations</b>		
(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.	CEO	Not sub delegated

**INSTRUMENT OF DELEGATION UNDER THE  
WORK HEALTH AND SAFETY ACT 2012**

<b>55. Determination of work groups of multiple businesses</b>		
(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.	CEO	Not sub delegated
(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.	CEO	Not sub delegated
<b>56. Negotiation of agreement for work groups of multiple businesses</b>		
(3) The power pursuant to Section 56(3) of the Act to, if agreement cannot be reached on a matter relating to the determination of a work group (or a variation of an agreement) within a reasonable time after negotiations commence under Subdivision 3 of Division 3, Part 5 of the Act, ask the regulator to appoint an inspector to assist the negotiations in relation to that matter.	CEO	Not sub delegated
<b>58. Withdrawal from negotiations or agreement involving multiple businesses</b>		
(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.	CEO	Not sub delegated
(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.	CEO	Not sub delegated
<b>65. Disqualification of health and safety representatives</b>		
(1) The power pursuant to Section 65(1) of the Act, to make an application to the Senior Judge of the IRC for a review committee to disqualify a health and safety representative on the ground that the representative has:		
(a) exercised a power or performed a function as a health and safety representative for an improper purpose; or	CEO	Not sub delegated

**INSTRUMENT OF DELEGATION UNDER THE  
WORK HEALTH AND SAFETY ACT 2012**

(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,	CEO	Not sub delegated
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.	CEO	Not sub delegated
<b>70. General obligations of person conducting business or undertaking</b>		
(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	CEO	Not sub delegated
(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	CEO	Not sub delegated
(c) allow any health and safety representative for the work group to have access to information that the Council has relating to:		
(i) hazards (including associated risks) at the workplace affecting workers in the work group; and	CEO	Not sub delegated
(ii) the health and safety of the workers in the work group; and	CEO	Not sub delegated
(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:		
(i) an inspector; or	CEO	Not sub delegated
(ii) the Council or the Council's representative; and	CEO	Not sub delegated
(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:		

**INSTRUMENT OF DELEGATION UNDER THE  
WORK HEALTH AND SAFETY ACT 2012**

(i) an inspector; or	CEO	Not sub delegated
(ii) the Council or the Council's representative; and	CEO	Not sub delegated
(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.	CEO	Not sub delegated
(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	CEO	Not sub delegated
(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	CEO	Not sub delegated
(i) provide any other assistance to the health and safety representative for the work group that may be required by the regulations.	CEO	Not sub delegated
<b>71. Exceptions for obligations under Section 70(1)</b>		
(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.	CEO	Not sub delegated
<b>72. Obligation to train health and safety representatives</b>		
(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.	CEO	Not sub delegated
(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	CEO	Not sub delegated
(b) pay the course fees and any other reasonable costs associated with the health and safety representative's attendance at the course of training.	CEO	Not sub delegated

**INSTRUMENT OF DELEGATION UNDER THE  
WORK HEALTH AND SAFETY ACT 2012**

(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.	CEO	Not sub delegated
<b>73. Obligation to share costs if multiple businesses or undertakings</b>		
(1) The power pursuant to Section 73(1) of the Act to, if a health and safety representative, or deputy health and safety representative (if any), represents a work group of workers carrying out work for the Council and one or more other person conducting businesses or undertakings, agree that:		
(a) the costs of the representative exercising powers and performing functions under the Act; and	CEO	Not sub delegated
(b) the costs referred to in Section 72(3)(b) of the Act,	CEO	Not sub delegated
for which the Council or any of the other persons conducting those businesses or undertakings are liable, are to be apportioned between each of those persons otherwise than equally.		
(2) The power pursuant to Section 73(2) of the Act, to vary an agreement to apportion the costs in another way, at any time by negotiation and agreement between each of the persons conducting the businesses or undertakings.	CEO	Not sub delegated
<b>75. Health and safety committees</b>		
(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.	CEO	Not sub delegated
<b>76. Constitution of committee</b>		
(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.	CEO	Not sub delegated
(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.	CEO	Not sub delegated

**INSTRUMENT OF DELEGATION UNDER THE  
WORK HEALTH AND SAFETY ACT 2012**

<b>82. Referral of issue to regulator for resolution by inspector</b>		
(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.	CEO	Not sub delegated
<b>87. Alternative work</b>		
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.	CEO	Not sub delegated
<b>89. Request to regulator to appoint inspector to assist</b>		
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.	CEO	Not sub delegated
<b>100. Request for review of provisional improvement notice</b>		
(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.	CEO	Not sub delegated
<b>141. Application for assistance of inspector to resolve dispute</b>		
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.	CEO	Not sub delegated
<b>142. Authorising authority may deal with a dispute about a right of entry under this Act</b>		
(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.	CEO	Not sub delegated
<b>180. Return of seized things</b>		
(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.	CEO	Not sub delegated

**INSTRUMENT OF DELEGATION UNDER THE  
WORK HEALTH AND SAFETY ACT 2012**

<b>181. Access to seized things</b>		
(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.	CEO	Not sub delegated
<b>224. Application for internal review</b>		
(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:	CEO	Not sub delegated
(a) the prescribed time after the day on which the decision first came to the Council's notice; or	CEO	Not sub delegated
(b) such longer period as the regulator allows.	CEO	Not sub delegated
<b>229. Application for external review</b>		
(1) The power pursuant to Section 229(1) of the Act, to, where the Council is an eligible person, apply to the Senior Judge of the IRC for review (an external review), in accordance with Section 229(2) of the Act, of:	CEO	Not sub delegated
(a) a reviewable decision made by the regulator; or	CEO	Not sub delegated
(b) a decision made, or taken to have been made, on an internal review.	CEO	Not sub delegated

**INSTRUMENT OF DELEGATION UNDER THE  
WORK HEALTH AND SAFETY ACT 2012****SCHEDULE OF CONDITIONS****CONDITIONS OR LIMITATIONS  
APPLICABLE TO DELEGATIONS  
CONTAINED IN THIS INSTRUMENT**

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

## APPENDIX A

### INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993 AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010

#### NOTES

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

#### POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

	<b>Delegation</b>	<b>Sub Delegation</b>
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.	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	DIAE
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.	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	DIAE
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.	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	DIAE
4. <b>Site Contamination Assessment Orders</b>		
4.1 The power pursuant to Section 103H(4) of the Act, where a proposed site contamination assessment order or a proposed variation of such an order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural Resources Management Act 2004 to whom an application for a permit for the activity would otherwise have to be made, to make written submissions in relation to the proposal within a period specified in the notice from the Authority.	<ul style="list-style-type: none"> <li>• CoP CEO</li> </ul>	DIAE

**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993  
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

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<b>5. Site Remediation Orders</b>		
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.	• CoP CEO	DIAE
6. <i>Deliberately left blank</i>		

**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993  
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

<b><u>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE MANAGEMENT) POLICY 1994</u></b>		
6A. The duty pursuant to Clause 10(2) of the Environment Protection (Waste to Resources) Policy 2010 (“the Policy”), in order to facilitate the proper management of waste to be collected under Clause 10(1)(b) of the Policy, to provide a weekly kerbside waste collection service (other than for recyclable waste or vegetative matter) in respect of residential premises within its area.	• CoP CEO	DIAE ETE
7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:		
(a) if any other waste is mixed with medical waste, the other waste is to be dealt with under this clause in the same way as is required in relation to medical waste;	• CoP CEO • EHA	Not Sub delegated
(b) all medical waste must be stored in containers that are weatherproof, shatterproof and insect and vermin proof, and leak proof, or in the case of containers storing only medical sharps or any other sharp articles, leak resistant;	• CoP CEO • EHA	Not Sub delegated
(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;	• CoP CEO • EHA	Not Sub delegated
(d) all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;	• CoP CEO • EHA	Not Sub delegated
(e) all containers of medical waste must be stored in a secure location;	• CoP CEO • EHA	Not Sub delegated
(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;	• CoP CEO • EHA	Not Sub delegated
(g) discarded medical sharps or any other sharp articles must be contained for disposal in containers that comply with the requirements of the Standards, as amended from time to time, set out in Clause 17(2)(g)(i) of the Policy and the containers must not be subject to compaction by a compaction by a compacting device nor placed for storage or transport in a portable or mobile compactor;	• CoP CEO • EHA	Not Sub delegated
(h) medical waste must be disposed of as soon as reasonably practicable;	• CoP CEO • EHA	Not Sub delegated
(i) all medical waste must be disposed be:	• CoP CEO • EHA	Not Sub delegated

**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993  
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

(i) disposed of by incineration; or	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	Not Sub delegated
(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;	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	Not Sub delegated
(iii) collected for disposal by -	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	Not Sub delegated
(A) a licensed waste transporter authorised to collect and transport medical waste; or	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	Not Sub delegated
(B) a council;	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	Not Sub delegated
(j) before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards associated with the waste and any precautions that need to be taken during the collection, transport or disposal of the medical waste;	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	Not Sub delegated
(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.	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	Not Sub delegated

**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993  
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

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**SCHEDULE OF CONDITIONS**

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

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

## APPENDIX B

### INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

#### NOTES

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

#### POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. <b>Certain Offences may be Expiated</b>	<b>Delegation</b>	<b>Sub Delegation</b>
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.	<ul style="list-style-type: none"> <li>• CoP</li> <li>CEO</li> <li>• EHA</li> </ul>	DIAE MCMCS TLCS CSO
<b>2. Expiation Notices</b>		
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.	<ul style="list-style-type: none"> <li>• CoP</li> <li>CEO</li> <li>• EHA</li> </ul>	DIAE
<b>3. Review of Notices on Ground that Offence is Trifling</b>		
3.1 The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:		
3.1.1 to provide further information; and	<ul style="list-style-type: none"> <li>• CoP</li> <li>CEO</li> <li>• EHA</li> </ul>	DIAE MCMCS TLCS
3.1.2 to provide a statutory declaration verifying the information contained in, or supporting, an application for review.	<ul style="list-style-type: none"> <li>• CoP</li> <li>CEO</li> <li>• EHA</li> </ul>	DIAE MCMCS TLCS
3.2 The duty pursuant to Section 8A(4) of the Act to determine an application for review before issuing a certificate for an enforcement determination in respect of the offence to which the application relates.	<ul style="list-style-type: none"> <li>• CoP</li> <li>CEO</li> <li>• EHA</li> </ul>	DIAE MCMCS TLCS

**INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996**

<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>	<ul style="list-style-type: none"> <li>• CoP</li> <li>• CEO</li> <li>• EHA</li> </ul>	<p>DIAE MCMCS TLCS</p>
<p><b>3A. Arrangements as to Manner and Time of Payment</b></p>		
<p>3A.1 The power pursuant to Section 9(2) of the Act to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement Recovery Officer must give the Council notice of any arrangement entered into under Section 9 of the Act.</p>	<ul style="list-style-type: none"> <li>• CoP</li> <li>• CEO</li> <li>• EHA</li> </ul>	<p>DIAE MCMCS TLCS</p>
<p>3A.2 The power pursuant to Section 9(12) of the Act, if an arrangement terminates under Section (9), (10) or (11) of the Act, to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement and Recovery Officer must give the Council notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service so performed).</p>	<ul style="list-style-type: none"> <li>• CoP</li> <li>• CEO</li> <li>• EHA</li> </ul>	<p>DIAE MCMCS TLCS</p>
<p><b>4. Expiation Reminder Notices</b></p>		
<p>4.1 The duty pursuant to Section 11 of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement Under Section 9 of the Act and the Council or the Eastern Health Authority (“the Authority”) has not received a statutory declaration or other document sent to the Council or Eastern Health Authority by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act to enforce the expiation notice, to send an expiation reminder notice in the prescribed form to the alleged offender before any action is taken under the Act to enforce the expiation notice.</p>	<ul style="list-style-type: none"> <li>• CoP</li> <li>• CEO</li> <li>• EHA</li> </ul>	<p>DIAE MCMCS TLCS</p>
<p><b>5. Expiation Enforcement Warning Notices</b></p>		
<p>5.1 The duty pursuant to Section 11A of the Act where the Authority as the issuing authority has received a statutory declaration or other document sent to the Authority by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act to enforce the expiation notice, to send an expiation enforcement warning notice, in the prescribed form, to the alleged offender by post.</p>	<ul style="list-style-type: none"> <li>• CoP</li> <li>• CEO</li> <li>• EHA</li> </ul>	<p>DIAE MCMCS TLCS</p>

**INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996**

<b>6. Late Payment</b>		
6.1 The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 13 of the Act.	<ul style="list-style-type: none"> <li>• CoP</li> <li>• CEO</li> <li>• EHA</li> </ul>	DIAE MCMCS TLCS Customer Service Officer
<b>7. Enforcement Procedures</b>		
7.1 The power pursuant to Section 13(1) of the Act to enforce an expiation notice against an alleged offender by sending to the Fines Enforcement and Recovery Officer.		
7.1.1 a certificate that contains the particulars determined by the Fines Enforcement and Recovery Officer relating to:		
7.1.1.1 the alleged offender; and	<ul style="list-style-type: none"> <li>• CoP</li> <li>• CEO</li> <li>• EHA</li> </ul>	DIAE MCMCS TLCS
7.1.1.2 the offence or offences that remain unexpiated; and	<ul style="list-style-type: none"> <li>• CoP</li> <li>• CEO</li> <li>• EHA</li> </ul>	DIAE MCMCS TLCS
7.1.1.3 the amount due under the notice; and	<ul style="list-style-type: none"> <li>• CoP</li> <li>• CEO</li> <li>• EHA</li> </ul>	DIAE MCMCS TLCS
7.1.1.4 compliance by the Council as the Authority with the requirements of this Act and any other Act.	<ul style="list-style-type: none"> <li>• CoP</li> <li>• CEO</li> <li>• EHA</li> </ul>	DIAE MCMCS TLCS
7.1.2 the prescribed fee.	<ul style="list-style-type: none"> <li>• CoP</li> <li>• CEO</li> <li>• EHA</li> </ul>	DIAE MCMCS TLCS
7.2 The power pursuant to Section 13(4) of the Act to apply to the Fines Enforcement and Recovery Officer under and in accordance with Section 13 of the Act within 30 days of notice of an enforcement determination being given, sent or published in accordance with Section 13 of the Act for the enforcement determination to be revoked.	<ul style="list-style-type: none"> <li>• CoP</li> <li>• CEO</li> <li>• EHA</li> </ul>	DIAE MCMCS TLCS
<b>8. Withdrawal of Expiation Notices</b>		
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:		

**INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996**

8.1.1	in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;	<ul style="list-style-type: none"> <li>• CoP</li> <li>CEO</li> <li>• EHA</li> </ul>	DIAE MCMCS TLCS
8.1.2	the Authority as the issuing authority receives a statutory declaration or other document sent to the Authority by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or	<ul style="list-style-type: none"> <li>• CoP</li> <li>CEO</li> <li>• EHA</li> </ul>	DIAE MCMCS TLCS
8.1.3	the notice is defective; or	<ul style="list-style-type: none"> <li>• CoP</li> <li>CEO</li> <li>• EHA</li> </ul>	DIAE MCMCS TLCS
8.1.4	the Delegate decides that the alleged offender should be prosecuted for the offence or offences.	<ul style="list-style-type: none"> <li>• CoP</li> <li>CEO</li> <li>• EHA</li> </ul>	DIAE MCMCS TLCS
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.	<ul style="list-style-type: none"> <li>• CoP</li> <li>CEO</li> <li>• EHA</li> </ul>	DIAE TLCS
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 Authority as the issuing authority or failure of the postal system.	<ul style="list-style-type: none"> <li>• CoP</li> <li>CEO</li> <li>• EHA</li> </ul>	DIAE TLCS
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 Section 13 of the Act, to inform the Fines and Enforcement Recovery Officer of the withdrawal of the notice.	<ul style="list-style-type: none"> <li>• CoP</li> <li>CEO</li> <li>• EHA</li> </ul>	DIAE MCMCS TLCS
<b>9.</b>	<b>Giving of Certain Notices and Certificates</b>		
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:	<ul style="list-style-type: none"> <li>• CoP</li> <li>CEO</li> <li>• EHA</li> </ul>	DIAE MCMCS TLCS

**INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996**

9.1.1	the manner in which the Fines Enforcement and Recovery Officer is to provide information to the Council in relation to action taken by the Fines Enforcement and Recovery Officer under the Act in respect of an expiation notice issued by the Council; and	<ul style="list-style-type: none"><li>• CoP</li><li>• CEO</li><li>• EHA</li></ul>	DIAE MCMCS TLCS
9.1.2	the manner in which the Council is to provide information to the Fines Enforcement and Recovery Officer in relation to the issuing of an expiation notice by the Council or any other action taken by the Council in respect of an expiation notice so issued.	<ul style="list-style-type: none"><li>• CoP</li><li>• CEO</li><li>• EHA</li></ul>	DIAE MCMCS TLCS

**INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996**

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**SCHEDULE OF CONDITIONS**

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

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

## APPENDIX C

### INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

#### NOTES

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

#### POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Power to Declare Houses Unfit for Habitation	Delegation	Sub Delegation
1.1 The power pursuant to Section 23(1) of the Housing Improvement Act 1940 ("the Act"):		
1.1.1 to make due inquiries and obtain such reports as the Delegate deems necessary to be satisfied that any house is undesirable for human habitation or is unfit for human habitation;	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	No Sub Delegation
1.1.2 to declare that the house -		
1.1.2.1 is undesirable for human habitation; or	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	No Sub Delegation
1.1.2.2 is unfit for human habitation.	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	No Sub Delegation
1.2 The duty pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -		
1.2.1 to serve on the owner of the house a declaration together with a written statement setting out particulars of the deficiencies and directing the owner, within a specified time (being not less than one month after the service of the declaration) -	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	No Sub Delegation
1.2.1.1 to carry out such work in respect of the house (including, if so directed, partial demolition) as is directed in the notice; or	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	No Sub Delegation

**INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940**

	<p>1.2.1.2 if the Delegate is of the opinion that it is impracticable to make the house desirable or fit for human habitation, to demolish the house; and</p>	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	<p>No Sub Delegation</p>
	<p>1.2.2 to serve a copy of the declaration, statement and direction on any occupier of the house and on every registered mortgagee of the land on which the house is situated; and</p>	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	<p>No Sub Delegation</p>
<p>1.3</p>	<p>The power pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -</p>		
	<p>1.3.1 if the direction is to demolish, to serve on the occupier (if any) a written notice requiring the occupier to vacate the house within a specified period being not less than one month after service; and</p>	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	<p>No Sub Delegation</p>
	<p>1.3.2 where the direction requires any work to be carried out in respect of the house, to serve on any occupier (if any) a written notice to vacate the house within a specified period being not less than one month after service, unless the house is, to the satisfaction of the Delegate, made to comply with the directions given by the Delegate before the expiration of the specified period.</p>	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	<p>No Sub Delegation</p>
<p>1.4</p>	<p>The power pursuant to Section 23(3) of the Act to certify in writing that the house that has been declared undesirable for human habitation or unfit for human habitation complies with the direction given by the Delegate and in the time specified in the direction under Section 23(2)(c) or (d).</p>	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	<p>No Sub Delegation</p>
<p>1.5</p>	<p>The power pursuant to Section 23(5) of the Act where an owner fails to comply with any direction under Section 23 within the time specified in the direction –</p>		
	<p>1.5.1 to do anything that is necessary to make the house comply with the direction or demolish the house;</p>	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	<p>No Sub Delegation</p>
	<p>1.5.2 to recover any expenses incurred from the owner of the house;</p>	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	<p>No Sub Delegation</p>
	<p>1.5.3 to sell or dispose of any material taken from the house;</p>	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	<p>No Sub Delegation</p>

**INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940**

<p>1.6 The duty pursuant to Section 23(5)(d) of the Act to apply the proceeds of any sale for or towards the expenses incurred by the Eastern Health Authority (“the Authority”) and pay any surplus (if any) in discharge of the mortgage or encumbrance of any registered mortgagee of the land in accordance with their respective priorities and to pay any remaining balance to the owner.</p>	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	<p>No Sub Delegation</p>
<p><b>2. Power of Housing Authority</b></p>		
<p>2.1 The power pursuant to Section 25(1) of the Act to consult with the Housing Authority and the duty pursuant to Section 25(1) of the Act, if required by the Housing Authority by notice in writing, within the time specified in the notice, to make a declaration pursuant to Section 23 of the Act with respect to the house in the form required by the Housing Authority and to give any direction or notice or otherwise exercise any power under Section 23 in the manner required by the Housing Authority.</p>	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	<p>No Sub Delegation</p>
<p><b>3. Power to Declare Clearance Area</b></p>		
<p>3.1 The power pursuant to Section 33(3)(a)(i) of the Act to consult with the Housing Authority where the Housing Authority is intending to submit a recommendation to the Governor under Section 33 of the Act; and</p>	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	<p>No Sub Delegation</p>
<p>3.2 The power pursuant to Section 33(3)(b) to make any objections to the Housing Authority, in relation to such recommendation.</p>	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	<p>No Sub Delegation</p>
<p><b>4. Dispossession of occupiers failing to vacate premises when required to do so</b></p>		
<p>4.1 The power pursuant to Section 71 of the Act, where any person, after he has been required under the Act by the Authority to vacate a house or building, and the person refuses or neglects to vacate the same, to apply and to authorise a person to apply upon a complaint to be laid by him, in the form set out in Schedule 1 to the Act or to the like effect, to any justice, for the justice to issue a summons in the form set out in Schedule 2 to the Act or to the like effect calling upon the occupier of such house or building to appear at a time and place to be therein specified before a court of Summary Jurisdiction consisting of a special magistrate, sitting without any other justice or justices, which court may hear and determine the matter of the complaint in a summary way in the absence of the occupier or otherwise.</p>	<ul style="list-style-type: none"> <li>• CoP CEO</li> <li>• EHA</li> </ul>	<p>No Sub Delegation</p>

**INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940**

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**SCHEDULE OF CONDITIONS**

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

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

## APPENDIX D

### INSTRUMENT OF DELEGATION UNDER THE SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013

#### NOTES

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

#### POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

<b>1.</b>	<b>Power to Require Reports</b>
1.1	The power pursuant to Section 18(2) of the South Australian Public Health Act 2011 ( <b>the Act</b> ) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.
1.2	The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council to provide a combined report with 1 or more other councils.
1.3	The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.
<b>2.</b>	<b>Risk of Avoidable Mortality or Morbidity</b>
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.
2.2	The power pursuant to Section 22(3) of the Act to include in a response under Section 22(2) of the Act details about:
2.2.1	any steps already being taken by the Eastern Health Authority ( <b>EHA</b> ) and/or the Council that may be relevant in the circumstances; and
2.2.2	any plans that EHA and/or the Council may have that may be relevant in the circumstances; and

**INSTRUMENT OF DELEGATION UNDER THE SOUTH  
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH  
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND  
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

2.2.3	any steps that EHA and/or the Council are willing to take in the circumstances; and
2.2.4	any other matter relating to EHA or the Council that appears to be relevant.
<b>3. Cooperation Between Councils</b>	
3.1	The power pursuant to Section 39(1) of the Act to, in performing the Council's functions or exercising the Council's powers under the Act, act in conjunction or partnership with, or cooperate or coordinate the Council's activities with, 1 or more other councils.
3.2	The power pursuant to Section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other councils.
3.3	The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request.
<b>4. Power of Chief Public Health Officer to Act</b>	
4.1	The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer.
<b>5. Council Failing to Perform a Function Under Act</b>	
5.1	The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister's opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act.
5.2	The power pursuant to Section 41(6) of the Act to:
5.2.1	make written submissions to the Minister in relation to the matter within a period specified by the Minister; and
5.2.2	request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and
5.2.3	appoint a delegation representing the Council to discuss the matter with the Minister.
<b>6. Transfer of Function of Council at Request of Council</b>	
6.1	The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer.
6.2	The power pursuant to Section 42(10) of the Act to enter into an agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act.

**INSTRUMENT OF DELEGATION UNDER THE SOUTH  
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH  
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND  
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

6.3	The power pursuant to Section 42(11) of the Act to request that the Minister vary or revoke a notice under Section 42 of the Act.
6.4	The power pursuant to Section 42(11) of the Act to consult with the Minister in relation to the Minister varying or revoking a notice under Section 42 of the Act.
<b>7.</b>	<b>Local Authorised Officers</b>
7.1	The power pursuant to Section 44(1) of the Act, subject to Section 45 of the Act, to, by instrument in writing, appoint a suitably qualified person to be a local authorised officer.
7.2	The power pursuant to Section 44(2) of the Act to make an appointment under Section 44 subject to such conditions or limitations as the Delegate thinks fit.
7.3	The power pursuant to Section 44(4) of the Act to direct a local authorised officer.
7.4	The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.
7.5	The power pursuant to Section 44(7) of the Act to notify the Chief Public Health Officer in accordance with Section 44(8) of the Act, if the Council or the Delegate:
7.5.1	makes an appointment under Section 44 of the Act; or
7.5.2	revokes an appointment under Section 44 of the Act.
7.6	The power pursuant to Section 44(9) of the Act to determine the number of local authorised officers who should be appointed for the Council's area and in determining the number of local authorised officers who should be appointed for the Council's area, take into account any policy developed by the Chief Public Health Officer for the purposes of Section 44 of the Act.
<b>8.</b>	<b>Identity Cards</b>
8.1	The power pursuant to Section 46(1) of the Act to issue in accordance with Section 46(2) of the Act to an authorised officer appointed under the Act an identity card in a form approved by the Chief Public Health Officer:
8.1.1	containing the person's name and a photograph of the person; and
8.1.2	stating that the person is an authorised officer for the purposes of the Act; and
8.1.3	setting out the name or office of the issuing authority.

**INSTRUMENT OF DELEGATION UNDER THE SOUTH  
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH  
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND  
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

<b>9.</b>	<b>Specific Power to Require Information</b>
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.
<b>10.</b>	<b>Regional Public Health Plans</b>
10.1	The power pursuant to Section 51(1) of the Act to in accordance with Sections 51(2), (5), (6), (8), (9), (11), (12), (13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan).
10.2	The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time.
10.3	The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan:
10.3.1	prepare a draft of the proposal; and
10.3.2	when the draft plan is completed, subject to Section 51(12) of the Act:
10.3.2.1	give a copy of it to:
	(a) the Minister; and
	(b) any incorporated hospital established under the <i>Health Care Act 2008</i> that operates a facility within the region; and
	(c) any relevant public health partner authority under Section 51(23); and
	(d) any other body or group prescribed by the regulations; and
10.3.2.2	take steps to consult with the public.
10.4	The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or EHA releases a draft plan under Section 51(11).
10.5	The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation.

**INSTRUMENT OF DELEGATION UNDER THE SOUTH  
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH  
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND  
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

10.6	The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief Public Health Officer, SAPHC, and any other body within the ambit of a determination under Section 51(14) of the Act, at the conclusion of the consultation processes envisaged by Sections 51(13) and (14).
10.7	The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration.
10.8	<i>Deliberately left blank.</i>
10.9	The power pursuant to Section 51(18) of the Act to provide in a regional public health plan, by agreement with the public health partner authority, for a public health partner authority to take responsibility for undertaking any strategy, or for attaining any priority or goal, under the plan.
10.10	The power pursuant to Section 51(19) of the Act to review a regional public health plan at least once in every 5 years.
10.11	The power pursuant to Section 51(20) of the Act to, in preparing and reviewing the Council's regional public health plan insofar as is reasonably practicable, give due consideration to the plans of other councils insofar as this may be relevant to issues or activities under the Council's plan.
10.12	The power pursuant to Section 51(21) of the Act to, when performing functions or exercising powers under the Act or any other Act on behalf of the Council, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or EHA should implement changes to the manner in which, or the means by which, the Council or EHA performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change.
<b>11. Reporting on Regional Public Health Plans</b>	
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 the regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act.
<b>12. Action to Prevent Spread of Infection</b>	
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.

**INSTRUMENT OF DELEGATION UNDER THE SOUTH  
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH  
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND  
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

12.2	The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease constituting a notifiable condition, take such action as is reasonably open to EHA to assist in preventing the spread of the disease.
<b>13. Notices</b>	
13.1	The power pursuant to Section 92(1) of the Act and subject to Sections 92(2), (3), (4), (5) and (12) of the Act to issue a notice for the purpose of:
13.1.1	securing compliance with a requirement imposed by or under the Act (including the duty under Part 6 or a requirement imposed under a regulation or a code of practice under the Act); or
13.1.2	averting, eliminating or minimising a risk, or a perceived risk, to public health.
13.2	The power pursuant to Section 92(2) of the Act and subject to Section 92(12) of the Act, to, before issuing a notice to secure compliance with the general duty under Part 6 of the Act:
13.2.1	have regard to:
13.2.1.1	the number of people affected, or potentially affected, by the breach of the duty;
13.2.1.2	the degree of harm, or potential degree of harm, to public health on account of the breach of the duty;
13.2.1.3	any steps that a person in breach of the duty has taken, or proposed to take, to avoid or address the impact of the breach of the duty,
	and such other matters as the Delegate thinks fit; and
13.2.2	subject to Section 92 of the Act, give the person to whom it is proposed that the notice be given a preliminary notice in writing:
13.2.2.1	stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and
13.2.2.2	stating the reasons for the proposed action; and
13.2.2.3	inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to the Delegate or a person nominated to act on behalf of the Council).
13.3	The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.

**INSTRUMENT OF DELEGATION UNDER THE SOUTH  
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH  
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND  
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

13.4	The power pursuant to Section 92(3) of the Act to, in a case where Section 92(2)(b) of the Act applies, after considering representations made within the time specified under Section 92(2)(b) of the Act:
13.4.1	issue a notice in accordance with the terms of the original proposal; or
13.4.2	issue a notice with modifications from the terms of the original proposal; or
13.4.3	determine not to proceed further under Section 92.
13.5	The power pursuant to Section 92(4) of the Act to:
13.5.1	not give notice under Section 92(2)(b) of the Act if the Delegate considers that urgent or immediate action is required in the circumstances of the particular case; and
13.5.2	not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.
13.6	The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:
13.6.1	in the form of a written notice served on the person to whom it is issued; and
13.6.2	specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and
13.6.3	directing 2 or more persons to do something specified in the notice jointly; and
13.6.4	without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:
13.6.4.1	is the owner or occupier of the premises; or
13.6.4.2	has the management or control of the premises; or
13.6.4.3	is the trustee of a person referred to in Section 92(5)(i) or (ii) of the Act or is managing the affairs of such a person on some other basis; and
13.6.5	stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and
13.6.6	imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following:
13.6.6.1	a requirement that the person discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from a relevant authority;

**INSTRUMENT OF DELEGATION UNDER THE SOUTH  
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH  
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND  
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

	13.6.6.2	a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;
	13.6.6.3	a requirement that the person take specified action in a specified way, and within a specified period or at specified times or in specified circumstances;
	13.6.6.4	a requirement that the person take action to prevent, eliminate, minimise or control any specified risk to public health, or to control any specified activity;
	13.6.6.5	a requirement that the person comply with any specified code or standard prepared or published by a body or authority referred to in the notice;
	13.6.6.6	a requirement that the person undertake specified tests or monitoring;
	13.6.6.7	a requirement that the person furnish to a relevant authority specified results or reports;
	13.6.6.8	a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the relevant authority, a plan of action to secure compliance with a relevant requirement or to prevent, eliminate, minimise or control any specified risk to public health;
	13.6.6.9	a requirement prescribed under or for the purposes of the regulations; and
	13.6.7	stating that the person may, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.
13.7		The power pursuant to Section 92(9) of the Act by written notice served on a person to whom a notice under Section 92 of the Act has been issued by EHA or the Council, vary or revoke the notice.
13.8		The power pursuant to Section 92(15) of the Act to, not comply with any other procedure, or hear from any other person, except as provided by Section 92 of the Act before EHA issues a notice under Section 92 of the Act.
<b>14.</b>		<b>Action on Non-compliance with Notice</b>
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.

**INSTRUMENT OF DELEGATION UNDER THE SOUTH  
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH  
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND  
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

14.2	The power pursuant to Section 93(2) of the Act to authorise a person for the purpose of taking action on the Council's behalf under Section 93(1) of the Act.
14.3	The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by EHA or Council in taking action under Section 93 of the Act as a debt from the person who failed to comply with the requirements of the notice.
14.4	The power pursuant to Section 93(5) of the Act, if an amount is recoverable from a person by the Council under Section 93, to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.
<b>15. Action in Emergency Situations</b>	
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.
<b>16. Reviews – Notices Relating to General Duty</b>	
16.1	The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council.
16.2	The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:
16.2.1	dismiss or determine any proceedings that appear:
16.2.1.1	to be frivolous or vexatious; or
16.2.1.2	to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;
16.2.2	bring any proceedings to an end that appear:
16.2.2.1	to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or
16.2.2.2	to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or
16.2.3	bring any proceedings to an end for any other reasonable cause.
<b>17. Appeals</b>	
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.

**INSTRUMENT OF DELEGATION UNDER THE SOUTH  
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH  
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND  
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

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

<b>18. Duty to Register High Risk Manufactured Water System</b>	
18.1	The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 ( <b>the Legionella Regulations</b> ) to, on application made in a manner and form approved by the Council or EHA and payment of the registration fee specified in Schedule 1 to the Council or EHA, register the high risk manufactured water system to which the application relates.
18.2	The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or EHA and payment of the renewal fee specified in Schedule 1 to the Council or EHA, renew the registration of the high risk manufactured water system to which the application relates.
<b>19. Register of High Risk Manufactured Water Systems</b>	
19.1	The power pursuant to Regulation 6(2) of the Legionella Regulations and subject to Regulation 6(3) of the Legionella Regulations to determine the manner and form of a register of high risk manufactured water systems registered by EHA and/or Council.
19.2	The power pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register:
19.2.1	the type of water system; and
19.2.2	the address of the premises on which the water system is installed; and
19.2.3	the location of the water system on the premises; and
19.2.4	the full name and residential and business addresses of the owner of the premises; and
19.2.5	the full name, residential and business addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system,
	and such other information as EHA thinks fit.
19.3	The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with EHA and/or Council is installed, written notice:
19.3.1	requiring the owner, within the period specified in the notice:

**INSTRUMENT OF DELEGATION UNDER THE SOUTH  
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH  
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND  
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

19.3.1.1	to cause an inspection of the water system to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance of the system); and
19.3.1.2	to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:
(a)	of at least 1 sample of water taken from a cooling water system; and
(b)	of at least 2 samples of water taken from a warm water system,
	to determine the presence and number of colony forming units of Legionella in the water; and
19.4	requiring the owner to submit to the Council or EHA written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.
<b>20. Power of Council to Require Microbiological Testing in Other Circumstances</b>	
20.1	The power pursuant to Regulation 16(1) of the Legionella Regulations, if:
20.1.1	the Council or EHA is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk manufactured water system is installed; or
20.1.2	the Council or EHA has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations,
	to give the owner of the premises written notice:
20.1.3	requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and
20.1.4	requiring the owner to submit to EHA or Council a written report setting out the results of the microbiological testing within 24 hours of receiving the report.
<b>21. Fees</b>	
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 or EHA, to give the person written notice requiring the person to pay the fee within the period specified in the notice.

**INSTRUMENT OF DELEGATION UNDER THE SOUTH  
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH  
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND  
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

21.2	The power pursuant to Regulation 21(4) of the Legionella Regulations, to reduce or remit a fee payable to the Council or EHA under the Legionella Regulations if satisfied that it is appropriate to do so in a particular case.
21.3	The power pursuant to Regulation 21(5) of the Legionella Regulations, to recover a fee payable to the Council under the Legionella Regulations by action in a court of competent jurisdiction as a debt due to the Council.

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

<b>22.</b>	<b>Relevant Authority</b>	
22.1		The power pursuant to Regulation 6(1)(b) of the South Australian Public Health (Wastewater) Regulations 2013 ( <b>the Wastewater Regulations</b> ) 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.
<b>23.</b>	<b>Public Notification of Proposed Community Wastewater Management System</b>	
23.1		<i>Deliberately left blank.</i>
<b>24.</b>	<b>Connection to Community Wastewater Management System</b>	
24.1		<i>Deliberately left blank.</i>
24.1.1		<i>Deliberately left blank.</i>
24.1.2		<i>Deliberately left blank.</i>
24.1.2.1		<i>Deliberately left blank.</i>
24.1.2.2		<i>Deliberately left blank.</i>
24.2		<i>Deliberately left blank.</i>
24.3		<i>Deliberately left blank.</i>
24.4		<i>Deliberately left blank.</i>
24.5		<i>Deliberately left blank.</i>
<b>25.</b>	<b>Exemptions</b>	
25.1		The power pursuant to Regulation 10(3) of the Wastewater Regulations to give an exemption by written notice and subject to conditions determined by EHA and stated in the notice.

**INSTRUMENT OF DELEGATION UNDER THE SOUTH  
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH  
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND  
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

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.
<b>26. Exemptions From Prescribed Codes</b>	
26.1	The power pursuant to Regulation 15(3) of the Wastewater Regulations to give an exemption by written notice and is subject to conditions determined by EHA and stated in the notice.
26.2	The power pursuant to Regulation 15(5) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.
<b>27. Application</b>	
27.1	The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide the Council or EHA with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.
<b>28. Determination of Application</b>	
28.1	The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:
28.1.1	if the applicant fails to satisfy EHA of either or both of the following:
28.1.1.1	that the technical specifications for the wastewater works comply with the prescribed codes;
28.1.1.2	that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or
28.1.2	for any other sufficient reason.
28.2	The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made.
<b>29. Conditions of Approval</b>	
29.1	The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:
29.1.1	any 1 or more of the following prescribed expiable conditions:

**INSTRUMENT OF DELEGATION UNDER THE SOUTH  
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH  
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND  
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

29.1.1.1	a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify EHA and/or Council in a specified manner and stop the work pending an inspection carried out at the person's expense;
29.1.1.2	a condition that requires the display of specified notices on the premises on which the wastewater system is located;
29.1.1.3	a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person's expense) and to provide EHA and/or Council with specified information in a specified manner and at specified times;
29.1.1.4	a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;
29.1.1.5	a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;
29.1.1.6	a condition that requires records of a specified kind to be created, maintained, and provided to EHA and/or Council; or
29.1.2	any other conditions including any 1 or more of the following:
29.1.2.1	a condition that requires decommissioning of the wastewater system:
	(a) after a specified trial period; or
	(b) in specified circumstances; or
	(c) on written notice to the operator of the system;
29.1.2.2	a condition that requires a wastewater system to be connected to a community wastewater management system;
29.1.2.3	a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;

**INSTRUMENT OF DELEGATION UNDER THE SOUTH  
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH  
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND  
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

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 or EHA);
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 or EHA supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;
29.1.2.6	a condition that otherwise specifies requirements relating to:
	(a) the installation of the 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.
29.2	The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that:
29.2.1	provides that a matter or thing is to be determined according to the discretion of the Council, EHA, or some other specified person or body; and
29.2.2	operates by reference to the manuals referred to in a product approval for the wastewater system; and
29.2.3	operates by reference to a specified code as in force at a specified time or as in force from time to time.
29.3	The power pursuant to Regulation 25(6) of the Wastewater Regulations to, on application and payment of the fee fixed by Schedule 1, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.

**INSTRUMENT OF DELEGATION UNDER THE SOUTH  
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH  
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND  
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

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

**INSTRUMENT OF DELEGATION UNDER THE SOUTH  
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH  
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND  
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

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<b>33. Fees</b>
33.1 The power pursuant to Regulation 33(1) of the Wastewater Regulations, to refund, reduce or remit payment of a fee payable under the Wastewater Regulations if EHA considers that appropriate in the circumstances.
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.

**INSTRUMENT OF DELEGATION UNDER THE SOUTH  
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH  
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013 AND  
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**

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**SCHEDULE OF CONDITIONS**

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

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

## APPENDIX E

### INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992

#### NOTES

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

#### POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. <b>Appointment of Authorised Officers</b>	<b>Delegation</b>	<b>Sub Delegation</b>
1.1 The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 ("the Act") to appoint a person to be an authorised officer under the Act;	EHA	No Sub Delegation
1.2 The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and	EHA	No Sub Delegation
1.3 The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer.	EHA	No Sub Delegation
<b>2. Application for a Licence</b>		
2.1 The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information;	EHA	No Sub Delegation
2.2 The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration;	EHA	No Sub Delegation
2.3 The power pursuant to Section 24(9) of the Act subject to such conditions as the Delegate thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if any as the Delegate may have determined), to grant a licence; and	EHA	No Sub Delegation
2.4 Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any appeal rights that the applicant has under the Act.	EHA	No Sub Delegation

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**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992**


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2.5	The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as the Delegate thinks fit;	EHA	No Sub Delegation
2.6	The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as the Delegate thinks fit;	EHA	No Sub Delegation
2.7	The duty pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as the Delegate thinks fit;	EHA	No Sub Delegation
2.8	The duty pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be administered in accordance with the principles prescribed in Part 2 of the Act.	EHA	No Sub Delegation
<b>3.</b>	<b>Renewal of Licence</b>		
3.1	The power pursuant to Section 27(3) of the Act at the Delegate's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee;	EHA	No Sub Delegation
3.2	The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where the Delegate decides to refuse an application for renewal of a licence, the duty to state in the notice of refusal the reasons for the refusal and the appeal rights that the applicant may have under the Act.	EHA	No Sub Delegation
3.3	The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled.	EHA	No Sub Delegation

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**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992**


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<b>4. Licence Conditions</b>		
4.1 The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as the Delegate considers necessary or expedient for the purposes of the Act;	EHA	No Sub Delegation
4.2 Pursuant to Section 29(3) of the Act where conditions are imposed by the Delegate:	EHA	No Sub Delegation
4.2.1 if imposed at the time of grant or renewal of the licence – the duty to include them in the licence itself;	EHA	No Sub Delegation
4.2.2 if imposed during the currency of the licence – the duty to impose them by notice in writing served on the holder of the licence;	EHA	No Sub Delegation
4.2.3 the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;	EHA	No Sub Delegation
4.3 The duty pursuant to Section 29(4) of the Act in formulating or varying a condition, to take into account any relevant guideline published by the Advisory Committee.	EHA	No Sub Delegation
<b>5. Transfer of Licence</b>		
5.1 The duty pursuant to Section 30(4) of the Act, upon due application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied that the proposed transferee would be a suitable person to be granted a licence under the Act.	EHA	No Sub Delegation
<b>6. Cancellation of Licence</b>		
6.1 The power pursuant to Section 31(1) of the Act, to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in this Section are applicable;	EHA	No Sub Delegation
6.2 The duty pursuant to Section 31(2) of the Act before acting under this Section, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow the holder of the licence at least 28 days within which to make submissions in relation to the proposed action;	EHA	No Sub Delegation

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**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992**


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6.3	The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence under this Section, to impose conditions to protect the interests of the residents of the facility; and	EHA	No Sub Delegation
6.4	The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.	EHA	No Sub Delegation
<b>7.</b>	<b>Appeals</b>		
7.1	The power pursuant to Section 32(5) of the Act where the Delegate is satisfied that an applicant for renewal of a licence has instituted or intends to institute an appeal, to order that the licence remain in force until the determination of the appeal; and to impose such conditions as the Delegate thinks fit.	EHA	No Sub Delegation
7.2	The power pursuant to Section 32(7) of the Act if a person contravenes, or fails to comply with, a condition imposed under Section 32(5) of the Act to revoke any order to which the condition relates.	EHA	No Sub Delegation
7.3	The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.	EHA	No Sub Delegation
<b>8.</b>	<b>Appointment of Manager</b>		
8.1	The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of managing the facility under that person's personal supervision.	EHA	No Sub Delegation
8.2	The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.	EHA	No Sub Delegation

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**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992**


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<b>9. Death of Licensee</b>		
9.1 The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by the Delegate.	EHA	No Sub Delegation
<b>10. Rescission of Resident Contract by Proprietor</b>		
10.1 The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.	EHA	No Sub Delegation
<b>11. Disputes</b>		
11.1 The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, the Delegate, may as he/she thinks fit, take any action in accordance with Section 43(3) of the Act;	EHA	No Sub Delegation
11.2 The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as the Delegate thinks necessary, and to verify any information by statutory declaration;	EHA	No Sub Delegation
11.3 The duty pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application;	EHA	No Sub Delegation
11.4 The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter.	EHA	No Sub Delegation
11.5 The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act;	EHA	No Sub Delegation
11.6 The power, pursuant to Section 43(12) of the Act -		
11.6.1 to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by the Delegate;	EHA	No Sub Delegation
11.6.2 to decline to proceed with an application under this Section if the Delegate considers that it	EHA	No Sub

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**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992**


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would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or		Delegation
11.6.3 to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and	EHA	No Sub Delegation
11.7 The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances.	EHA	No Sub Delegation
<b>12. Attendance by Health Service Providers etc.</b>		
12.1 The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47.	EHA	No Sub Delegation
<b>13. Complaints</b>		
13.1 The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises.	EHA	No Sub Delegation
13.2 The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.	EHA	No Sub Delegation
13.3 The power pursuant to Section 49(3) of the Act to take such action as the Delegate thinks fit in view of the complaint.	EHA	No Sub Delegation
13.4 The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible.	EHA	No Sub Delegation

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**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992**


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14. Pursuant to sections 57(5) and (6) of the act where the proprietor of a facility who holds a licence under the act applies to the council for an exemption from a regulation that applies to the facility and the delegate is satisfied -	EHA	No Sub Delegation
14.1 that the Delegate can grant the exemption without seriously affecting the interests of a resident of the facility; and	EHA	No Sub Delegation
14.2 that it is appropriate for the Delegate to grant the exemption in the circumstances of the particular case,	EHA	No Sub Delegation
the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as the Delegate thinks fit.	EHA	No Sub Delegation

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**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992**


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<b>DELEGATIONS UNDER THE SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009</b>	<b>Delegation</b>	<b>Sub Delegation</b>
15. The duty pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 ("the Regulations") to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made.	EHA	No Sub Delegation
16. The duty pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, to take into account the extent to which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.	EHA	No Sub Delegation
17. The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus pursuant to Regulation 5(2)(b) of the Regulations.	EHA	No Sub Delegation
18. The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility.	EHA	No Sub Delegation
19. The power pursuant to Regulation 17(2) of the Regulations to approve an acting manager for the purpose of appointment to or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a manager is absent from the duties of office, or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services.	EHA	No Sub Delegation
20. The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility.	EHA	No Sub Delegation
21. The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.	EHA	No Sub Delegation
22. The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.	EHA	No Sub Delegation

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**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992**


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23. The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.	EHA	No Sub Delegation
24. The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.	EHA	No Sub Delegation
25. The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by the Council.	EHA	No Sub Delegation

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992**

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**SCHEDULE OF CONDITIONS**

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

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

## APPENDIX F

### INSTRUMENT OF DELEGATION UNDER THE SAFE DRINKING WATER ACT 2011

#### NOTES

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

#### POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

<b>5. Drinking water providers to be registered</b>
(2) The power pursuant to Section 5(2)(a) and (b) of the Safe Drinking Water Act 2011 ( <b>the Act</b> ) and in accordance with Section 5(3) of the Act to make an application for registration of the Council under the Act to the Minister and in a manner and form determined by the Minister.
<b>8. Conditions of registration</b>
(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.
<b>9. Suspension of registration</b>
(5) The power pursuant to Section 9(5) of the Act after the Council or the Eastern Health Authority (EHA) has received notice from the Minister, lodge with the Minister a written objection (setting out the grounds of objection).
(6) The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter.
(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.
<b>10. Appeals</b>
(1) The power pursuant to Section 10(1) of the Act and in accordance with Section 10(2) of the Act, to appeal to the District Court against:
(a) a condition imposed by the Minister in relation to a registration under Part 2

**INSTRUMENT OF DELEGATION UNDER THE  
SAFE DRINKING WATER ACT 2011**

of the Act;
(b) a variation of a condition of registration made by the Minister on the Minister's own initiative; or
(c) a decision of the Minister to refuse to grant an application to vary a condition of registration; or
(d) a decision of the Minister to suspend a registration under Part 2 of the Act.
<b>12. Drinking water providers to prepare, implement and review risk management plans</b>
(1) The power pursuant to Section 12(1) of the Act and in accordance with Section 13 of the Act, to:
(a) prepare a risk management plan in relation to the supply of drinking water to the public; and
(b) keep the plan under continuous review with a view to updating and improving it; and
(c) revise any aspect of the plan that is found, on review, to need revision.
(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.
<b>14. Related matters</b>
(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.
(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.
(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), to appeal to the District Court against the requirement.
<b>34. Appointment of authorised officers</b>
(1) <i>Deliberately left blank</i>
(2) <i>Deliberately left blank</i>

**INSTRUMENT OF DELEGATION UNDER THE  
SAFE DRINKING WATER ACT 2011**

<b>35. Certificates of authority</b>
(1) <i>Deliberately left blank</i>
(2) <i>Deliberately left blank</i>
<b>37. Seizure orders</b>
(3) (a) <i>Deliberately left blank</i>
(d) <i>Deliberately left blank</i>
<b>38. Notices</b>
(1) <i>Deliberately left blank</i>
(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.
<b>39. Action or non-compliance with a notice</b>
(1) The power pursuant to Section 39(1) of the Act, if the requirements of a notice under Division 3 of the Act by the Council are not complied with, to take any action required by the notice.
(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.
(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.
(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.
<b>40. Action in emergency situations</b>
(5) The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer of the Council in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction.
<b>41. Specific power to require information</b>
(1) <i>Deliberately left blank</i>
<b>42. Appeals</b>

**INSTRUMENT OF DELEGATION UNDER THE  
SAFE DRINKING WATER ACT 2011**

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| <p>(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.</p> |
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<p><b>52. Annual reports by enforcement agencies</b></p>
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| <p>(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.</p> |
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**INSTRUMENT OF DELEGATION UNDER THE  
SAFE DRINKING WATER ACT 2011**

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**SCHEDULE OF CONDITIONS**

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

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